

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 86-11974

Priority: October 17, 2006

Maximum Diversion Rate: 0.04 CFS

This is to certify, that RAY E LOHMAN And/Or
STELLA LOHMAN
13414 LOHMAN RD
KENDRICK ID 83537

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE¼ SE¼ Sec. 25, Twp 38N, Rge 02W, B.M. NEZ PERCE County

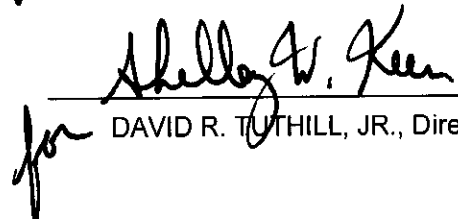
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
38N 02W 25				X									X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2008**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 30th day of April, 2007.


for DAVID R. TUTHILL, JR., Director

73259

Ident. No. 86-11974

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

OCT 17 2006

IDWR/North

1. Name of Applicant Ray E. and/or Stella Lohman Phone 1-208-289-5391

Mailing address 13414 Lohman Road, Kendrick, Idaho 83537

2. Source of water supply Domestic Groundwater which is a tributary of S Snake River Basin

3. Location of point of diversion is Township 38 N Range 2 W. Sec. 25, in the NE 1/4, SE 1/4, SE 1/4, Govt. Lot —, B.M., Nez Perce County;

additional points of diversion if any: —

4. Water will be used for the following purposes:

Amount .04 cfs for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)

(cfs or acre-feet per annum)

Amount — for — purposes from — to — (both dates inclusive)

(cfs or acre-feet per annum)

Amount — for — purposes from — to — (both dates inclusive)

(cfs or acre-feet per annum)

Amount — for — purposes from — to — (both dates inclusive)

(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.04 and/or (b) —

cubic feet per second

acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 1" pipe - Well has 1/2 H.P.
Submersible pump 154 feet 1 1/4" pipe

b. Height of storage dam — feet; active reservoir capacity — acre-feet; total reservoir capacity — acre-feet

c. Proposed well diameter is 6" inches; proposed depth of well is 154 feet

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when? 1949; Drilling firm Unknown

Well was drilled for (well owner) Well owner; Drilling Permit No. Unknown

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. —

b. Stockwatering; list number and kind of livestock. —

c. Municipal; show name of municipality. —

d. Domestic; show number of households. ONE

e. Other; describe fully. —

3. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
38N	2W	25				D									D				

Total number of acres to be irrigated - 0 -

10. Describe any other water rights used for the same purposes as described above. NONE

- Who owns the property at the point of diversion? Ray E + Stella Lohman - owners
- Who owns the land to be irrigated or place of use? Ray E. + Stella Lohman - owners
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ray E. Lohman
 Signature of Applicant (and title, if applicable) owner

Received by [Signature] Date 10/17/06 Time 1:45p Preliminary check by _____ Date 10/12/06
 Fee \$ 100.00 Received by [Signature] # N017940 Date 10/12/06
 Publication prepared by [Signature] Date 12/13/06 Published in Lewiston Trib Date 12/21/06
 Publication approved [Signature] Date 12/29/06

86-11974



0.05 0 0.05 0.1 Miles

-  Nez Perce taxlots
-  GCDB38N02W GCDB
-  GCDB38N01W GCDB
-  Foster.shp
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp



RECEIVED
NOV 27 2006
IDWR/North

SE $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 25

NE $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 25

Handwritten note in a box: *Handwritten note*

Handwritten note: *Open*

Handwritten note: *Disturb*

SE $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 25

NE $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 25

1



17297

MICROFILM NO. 508529

525305

WARRANTY DEED

RECEPTION
INDEXED
FILED
NOV 27 2006RECEIVED
NOV 27 2006
IDWR/North

THIS INDENTURE, made this 4th day of OCTOBER, 1988, by and between EDNA S. LOHMAN, a widow, party of the first part, hereinafter called the vendor, and RAY E. LOHMAN and STELLA F. LOHMAN, husband and wife, parties of the second part, whose address is Route #1, Box 1084, Kendrick, Idaho, 83537, hereinafter called the vendees,

W I T N E S S E T H:

That the said vendor, for and in consideration of the sum of TEN (\$10.00) DOLLARS in lawful money of the United States of America and other valuable considerations to her in hand paid by the vendees, the receipt of which is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the vendees, and to their heirs and assigns forever, her undivided one-half interest in and to the following described real estate, situate in the County of Nez Perce, State of Idaho, to-wit:

A parcel of land located in part of the N.E. 1/4 of the S.E. 1/4 of Section 25, Township 38 North, Range 2 West of the Boise Meridian described as follows:

Commencing at the Section corner common to Sections 25, 30, 31, and 36, Township 38 North, Range 2 West of the Boise Meridian, said corner being marked by a iron pin; thence N. 0° 05'17" E. along the East line of Section 25, 2432.93 feet to the Point of Beginning; thence S. 89° 29'26" W. 446.53 feet; thence S. 89° 30'52" W. 215.41 feet; thence S. 67° 39'56" W. 233.01 feet; thence N. 5° 32'06" W. 283.65 feet; thence N. 89° 29'26" E. along the fence line marking the North line of the S.E. 1/4 of said Section 25, 905.15 feet to a Point on the East line of said Section 25, thence S. 0° 05'17" W. along said line 196.03 feet to the Point of Beginning, containing 4.25 acres more or less.

TOGETHER WITH ALL AND SINGULAR the tenements, hereditaments, and appurtenances, thereunto belonging or in anywise
Warranty Deed

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

May 2, 2007

RAY E LOHMAN
STELLA LOHMAN
13414 LOHMAN RD
KENDRICK ID 83537

RE: Permit No. 86-11974

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

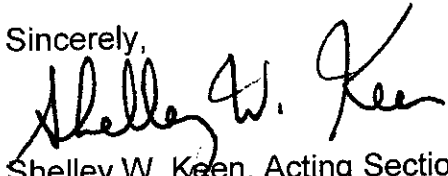
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent part.

Shelley W. Keen, Acting Section Manager
Water Right Permits Section

Enclosure(s)

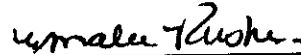
CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the persons listed below:

RE: WATER RIGHT NO.

86-11974

**RAY E LOHMAN
STELLA LOHMAN
13414 LOHMAN RD
KENDRICK ID 83537**



**Emalee Rushing
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: April 30, 2007
To: Water Right File 86-11974
From: eretelle
Re: permit review

No WD
No moratorium

No overlaps
No protest

Recommend approval as suggested by IDWR Northern

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING INVOICE

SOLD TO: ID DEPT. OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D'ALENE ID 83814

Date 12/28/2006 INVOICE NO. 447806
Account No. 964750
Description 447806 The following ap
Times 2 Lines 23
RECEIVED Tab. Lines _____
DEC 29 2006 \$ 68.77
DWR/North PO# 86-11974

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

The following application(s) have been filed to appropriate the pub-
lic waters of the State of Idaho: ⁴⁴⁷⁸⁰⁶
86-11974
RAY E LOHMAN
STELLA LOHMAN
13414 LOHMAN RD
KENDRICK ID 83537
Point(s) of Diversion NESE S25 T38N R02W NEZ PERCE County
Source GROUND WATER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 10/17/2006
Place Of Use: DOMESTIC
T38N R02W S25 SENE NESE
Remark: Domestic use is for 1 home.
Permits will be subject to all prior water rights. Protests may be sub-
mitted based on the criteria of Sec 42-203A, Idaho Code. Any protest
against the approval of this application must be filed with the Direc-
tor, Dept. of Water Resource, Northern Region, 7600 Mineral Drive,
Suite 100, Coeur D'Alene ID 83815 together with a protest fee of
\$25.00 for each application on or before 01/08/2007. The protestant
must also send a copy of the protest to the applicant.
KARL J DREHER, Director Published Dec. 21 & 28, 2006

Karen Lewis, being duly sworn, deposes and
says, I am the Legal Clerk of the Tribune
Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho
and under and by virtue of the laws of the State of Washington,
paper of general circulation published at Lewiston, Nez Perce
County, Idaho; That the said Lewiston Tribune is
an established newspaper and has been published regularly
and issued regularly at least once a day for more than 105
consecutive years next immediately preceding the first
publication of this notice, and has been so published
uninterrupted for said period; that the 447806 The follo
attached hereto and which is made a part of this affidavit
was published in the said Lewiston Tribune,
2 time(s). Publication being on
12/21, or once a WEEK
for 2 consecutive WEEK,
the first publication thereof being on the 12/21/2006,
and the last publication thereof being on the 12/28/2006,
and said 447806 The follo was so published in the
regular and entire issue of said newspaper and was not in a
supplement thereof and was so published in every issue and
number of the said paper, during the period and times of
publication as set forth above.

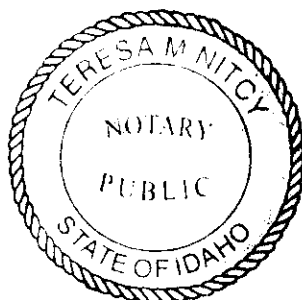
Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 28 day of Dec in the year
of 2006, before me, a Notary Public, personally
appeared Karen J Lewis, known or identified
to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledged to me that he executed the same.



Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 11/23/2009

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

86-11974

RAY E LOHMAN

STELLA LOHMAN

13414 LOHMAN RD

KENDRICK ID 83537

Point(s) of Diversion NESE S25 T38N R02W NEZ PERCE County

Source GROUND WATER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10/17/2006

Place Of Use: DOMESTIC

T38N R02W S25 SENE NESE

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KARL J DREHER, Director Published Dec. 21 & 28, 2006

DEPARTMENT OF WATER RESOURCES
7600 MINERAL DRIVE, SUITE 100
COEUR D'ALENE ID 83814
Phone 208-762-2800 - FAX - 208-762-2819

December 13, 2006

KAREN LEWIS
LEGAL NOTICE DEPARTMENT
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

e-mailed to Karen at klewis@lmtribune.com
and Faxed also to 208-746-7341

Please FAX proof copy before this goes to press, to 208 762-2819
Thanks, Dianne

RE: Application for Permit No. 86-11974 - LOHMAN

Dear Karen:

Below you will find a legal notice that we wish to have published in your newspaper on the dates indicated, December 21 and 28, 2006, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 01/08/2007. Your cooperation is, as always, greatly appreciated.

Thank you very much. It's always great working with you.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
86-11974

RAY E LOHMAN
STELLA LOHMAN
13414 LOHMAN RD
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KARL J DREHER, Director Published Dec. 21 & 28, 2006

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, December 13, 2006 10:20 AM
To: Legal Notices-Lewiston Morning Tribune (E-mail)
Subject: CoverLetter 12-13-06 LT e-mail + legal text 86-11974.doc

DEPARTMENT OF WATER RESOURCES
7600 MINERAL DRIVE, SUITE 100
COEUR D'ALENE ID 83814
Phone 208-762-2800 - FAX - 208-762-2819

December 13, 2006

KAREN LEWIS
LEGAL NOTICE DEPARTMENT
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

e-mailed to Karen at klewis@lmtribune.com
and Faxed also to 208-746-7341

Please FAX proof copy before this goes to press, to 208 762-2819
Thanks, Dianne

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Sincerely

Dianne

Dianne Ball
Administrative Assistant

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12/13/2006

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KARL J DREHER, Director

Published Dec. 21 & 28, 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 12, 2006

RAY E LOHMAN
STELLA LOHMAN
13414 LOHMAN RD
KENDRICK ID 83537

RE: Application for Permit No 86-11974

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Lewiston Morning Tribune on December 21 and 28, 2006. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Keith E. Franklin
Senior Water Resource Agent

Enclosure(s)

November 24, 2006

Department of Water Resources
Northern Region
7600 Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

RECEIVED
NOV 27 2006
IDWR/North

Dear Sir:

I am enclosing the outline of our house and lawn. The lawn and garden are mainly watered by an old cistern. I have indicated the location of the well also.

Also enclosed is a description of the barnyard in which the well is located. We no longer own nor have any cattle on this property.

Sincerely,

Stella Lohman
Ray and Stella Lohman
13414 Lohman Road
Kendrick, Idaho 83537
1-208-289-5391
Fax. 1-208-289-5391





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 20, 2006

Ray and Stella Lohman
13414 Lohman Rd.
Kendrick, Idaho 83537

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho.

Dear Mr. and Mrs. Lohman:

The Department of Water Resources (IDWR) is in receipt of your application however; before processing can begin additional information is needed regarding the location of your well and the area where the water will be used. Enclosed is an aerial photograph of your property. Would you please indicate the location of the well and an outline of your home & yard on the photograph and return it to me as soon as possible. A domestic water right allows for the irrigation of up to 1/2 acre of lawn and garden as well as in-house use and stock water as long as the daily use does not exceed 13,000 gallons per day.

If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Encl/kf