

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
DEC 27 2013
IDWR / NORTH

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
94-8936	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

John W. Powers & Rebecca Powers

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

Jeffrey Scott Smith and Mary B. Smith

New owner(s) as listed on the conveyance document

Name connector

☐ and

☐ or

☐ and/or

PO Box 461

Mailing address

Kelllogg

City

ID

State

83837

ZIP

(451) 212-8821

Telephone

maremare36@yahoo.com

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: _____

6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:

- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
- If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
- New lessor(s) of record will receive payment after the following rental season.

7. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - o \$25 per *undivided* water right.
 - o \$100 per *split* water right.
 - o No fee is required for pending adjudication claims.

8. Signature:

[Signature]

Signature of new owner/claimant

Title, if applicable

11-4-13
Date

Signature:

[Signature]

Signature of new owner/claimant

Title, if applicable

11-4-13
Date

For IDWR Office Use Only:

Received by

NA

Date

NA

Receipt No.

NA

Receipt Amt.

NA

Approved by

[Signature]

Processed by

[Signature]

Date

1-23-14

RECORDING REQUESTED BY

7

AND WHEN RECORDED MAIL TO:

First American Title Company
111 Main
Kellogg, ID 83837

475247

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **476379-WA (JS)**

Date: **August 20, 2013**

For Value Received, **John W. Powers and Rebecca L. Powers, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Jeffrey S. Smith and Mary B. Smith, husband and wife**, hereinafter called the Grantee, whose current address is **PO Box 461, Kellogg, ID 83839**, the following described premises, situated in **Shoshone County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

475247

Date: 08/20/2013

Warranty Deed
- continued

File No.: 476379-WA (JS)

John W. Powers

John W. Powers

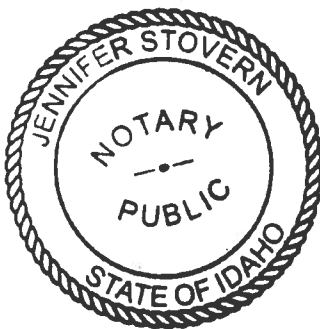
Rebecca L. Powers

Rebecca L. Powers

STATE OF Idaho)
SS.

COUNTY OF Shoshone)

On this 4th day November ~~Thirty-first day of October, 2013~~, before me, a Notary Public in and for said State, personally appeared **John W. Powers and Rebecca L. Powers**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Jennifer Stovern

Notary Public for the State of Idaho

Residing at: Pinehurst

My Commission Expires: May 23, 2017

Date: 08/20/2013

Warranty Deed
- continued

File No.: 476379-WA (JS)

EXHIBIT A

A tract of land situated in the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 8, Township 49 North, Range 2 East, B.M., Shoshone County, State of Idaho sometimes referred to as Tract 3, Powers Tracts as shown on survey recorded as Instrument No. 440148, records of Shoshone County, State of Idaho and more particularly described as follows:

Beginning at a 2" Aluminum Cap on a $\frac{3}{4}$ " x 30" rebar monument marked "Powers Tracts POB J.C. Phahl PLS 4458 2007" on the East line of Section 8 from which the South $\frac{1}{16}$ corner on the East line of Section 8 bears South $89^{\circ}12'16''$ East, a distance of 720.00 feet; thence

North $89^{\circ}12'16''$ West, along said centerline a distance of 176.65 feet to the TRUE POINT OF BEGINNING; thence

South $00^{\circ}12'13''$ West, 99.85 feet to a point; thence

North $89^{\circ}11'38''$ West, 422.00 feet to a point on the North-South Centerline of the Southeast $\frac{1}{4}$ of Section 8; thence

North $00^{\circ}11'23''$ East, 749.13 feet to a point; thence

South $66^{\circ}21'53''$ East, 134.31 feet to a point; thence

South $53^{\circ}01'37''$ East, 63.13 feet to a point; thence

South $34^{\circ}19'27''$ East, 315.65 feet to a point; thence

South $19^{\circ}45'01''$ East, 150.57 feet to a point; thence

South $06^{\circ}11'28''$ East, 161.95 feet to the TRUE POINT OF BEGINNING.

475247

Instrument # 475247

WALLACE, SHOSHONE COUNTY, IDAHO

11-5-2013 02:45:00 No. of Pages: 3

Recorded for : FIRST AMERICAN TITLE CO.

PEGGY DELANGE-WHITE, Fee: 16.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

2013 NOV 5 PM 2 45



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 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

December 27, 2013

GARY SPACKMAN
Director

FIRST AMERICAN TITLE COMPANY
111 MAIN ST
KELLOGG ID 83837

RE: Notice of Change in Water Right Ownership re Claim 94-8936

We are returning your check No. 14887 in the amount of \$25.00 for the Notice of Change in Water Right Ownership regarding this pending Adjudication Claim No.94-8936.

Item 7 on the form indicates that there is no fee required for pending adjudication claims.

The ownership will be changed and the new owners notified.

Sincerely,

A handwritten signature in cursive script that reads "Dianne Ball".

Dianne Ball
Administrative Assistant