

# IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE COEUR D'ALENE-SPOKANE RIVER  
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number 45-14608Date Received: 11/9/09Receipt No: 11-027757Received By: R

## NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) Bobby G. & Nancy L. Smith, Trustees Phone (208) 457-9966  
SMITH LIVING TRUST, DATED 9-18-2006

Mailing Address 16703 W. Riverview DR POST FALLS ID Zip 83854  
Street or Box City State

2. Date of Priority: (Only one per claim) JULY -15-2001  
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water (X) or Other ( ) (a) \_\_\_\_\_  
which is tributary to (b) \_\_\_\_\_

4. Location of Point of Diversion is: Township 50N Range 5E Section 8  
\_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, or Govt. Lot \_\_\_\_\_ BM. County of KOOTENAI  
Parcel (PIN) no. Parcel C, E 1/2, SE 1/4, NE 1/4. AKA TAX# 228979  
- 1840 SEE ATTACHMENT  
Additional points of diversion if any: \_\_\_\_\_

If available, GPS coordinates: \_\_\_\_\_

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, Etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

TYPICAL WATER WELL w/ SUBMERSABLE PUMP APPROX 160 FT deep

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Domestic purposes from 1-1 to 12-31 amount 0.04 cfs ( ) or AFY ( )

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_

7. Total Quantity claimed 0.04 cfs (X) or AFY ( )

8. Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) Domestic, 1 home

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Parcel E 1/2, SE 1/4, NE 1/4

9. Location of Place of Use is: Township 50N, Range 5W, Section 8

1/4 of 1/4, Govt. Lot \_\_\_\_\_ BM. Parcel (PIN) no. TAX ID 228979 See Attachment

If different than shown in Item 4

for (Check One) Domestic ☒ Stock ☐ Domestic and Stock ☐

Additional places of use, if any \_\_\_\_\_

10. In which county (ies) are lands listed above as place of use located? Kootenai

11. Do you own the property listed above as place of use? Yes ☒ No ☐

If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

\_\_\_\_\_ or None ☒

13. Remarks:

None

14. Basis of Claim (Check One) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff v. Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

☒ 15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do ☐ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Bobby Smith, Trustee Date: 11-7-2009

Nancy L Smith, Trustee Date: 11-7-2009

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

\_\_\_\_\_ of \_\_\_\_\_,  
Title Organization

that I have signed the foregoing document in the space below as

\_\_\_\_\_ of \_\_\_\_\_,  
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

Title and Organization \_\_\_\_\_

16. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_ Last Name Smith Identification No. \_\_\_\_\_

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EXHIBIT "A"  
LEGAL DESCRIPTION

A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 50 NORTH, RANGE 5 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 8;

THENCE SOUTH 00 DEGREES 01' 15" EAST ALONG THE EAST LINE OF SAID SECTION 8 A DISTANCE OF 1328.74 FEET TO AN IRON PIN ON THE NORTH 1/16;

THENCE CONTINUING SOUTH 00 DEGREES 01' 15" EAST, A DISTANCE OF 742.92 FEET TO AN IRON PIN ON THE NORTH RIGHT-OF-WAY OF THE COUNTY ROAD KNOWN AS RIVERVIEW DRIVE;

THENCE ALONG SAID RIGHT-OF-WAY, NORTH 71 DEGREES 23' 55" WEST, A DISTANCE OF 116.08 TO AN IRON PIN AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, NORTH 71 DEGREES 23' 55" WEST A DISTANCE OF 126.63 FEET TO AN IRON PIN;

THENCE LEAVING SAID RIGHT-OF-WAY, NORTH 00 DEGREES 01' 15" WEST A DISTANCE OF 263.15 FEET TO AN IRON PIN ON THE SOUTH LINE OF THE EASEMENT AS DESCRIBED IN INSTRUMENT NO. 960742;

THENCE ALONG SAID EASEMENT SOUTH LINE THE FOLLOWING COURSES, NORTH 82 DEGREES 20' 06" EAST A DISTANCE OF 14.10 FEET TO A POINT OF CURVE;

THENCE AROUND A CURVE LEFT THROUGH A CENTRAL ANGLE OF 27 DEGREES 08' 39" AN ARC DISTANCE OF 65.98 FEET A CHORD BEARING OF NORTH 68 DEGREES 45' 42" EAST A DISTANCE OF 65.36 FEET TO A POINT OF TANGENT;

THENCE NORTH 55 DEGREES 11' 17" EAST A DISTANCE OF 54.91 FEET TO AN IRON PIN;

THENCE LEAVING SAID EASEMENT SOUTH LINE SOUTH 00 DEGREES 01' 15" EAST A DISTANCE OF 360.45 FEET TO THE POINT OF BEGINNING.

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