

# 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 PALOUSE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 59576

Claim ID: 87-10498

Date Received: 5-15-2019

Receipt No: 1034411

Claim Fee: By:

RECEIVED

MAY 15 2019

IDWR/NORTH

## 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

Please type or print clearly

1. Name of claimant(s) Jack Leland Smith and/or Teresa Arlette Smith Phone (208) 875-9931Mailing address 1025 DEEP CREEK RD POTLATCH IDAHO Zip 83855  
Street or Box City StateEmail address (optional) SPADEBIT63@G-MAIL.COM2. Date of priority: (Only one per claim) 5-20-1972 (Explain priority date selected in Remarks)  
Month/Day/Year (YYYY)3. Source of water supply (Check one) Ground Water (☒ or Other ( ) (a) \_\_\_\_\_  
which is tributary to (b) \_\_\_\_\_4. Location of point of diversion is: Township 42 NORTH, Range 5 WEST, Section 22,  
NE 1/4 of SE 1/4, or Govt. Lot 227342A BM, County of LatahParcel no. RP 42 N05 W235703A

Additional points of diversion, if any: \_\_\_\_\_

If available, GPS coordinates: N 46° 57.907 W 116° 56.417

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.

Well- pipe to home, barn & stock tank.  
Stock tank in NWSW E of home just across road.

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 Stockwater purposes from 1-1 to 12-31 amount 0.027. Total quantity claimed 0.06 cfs ( ) or AFY ( )

8. Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)

D- 1 home w/ lawn, 5 hd stock

9. Location of place of use is: Township 42N, Range 5W, Section 22

NE 1/4 of SE 1/4, Govt. Lot \_\_\_\_\_ BM, Parcel no. \_\_\_\_\_  
If different than shown in Item 4

for (check one) Domestic ( ) Stock ( ) Domestic and Stock ( )

Additional places of use, if any Sec. 22 42N 5W NWSW 42N03W22 73421

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

11. Do you own the property listed above as place of use? Yes (X) 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.

2nd well (N. well) also serves cattle or None ( )

13. Remarks (include an explanation of the priority date selected):

14. Basis of claim (check one) Beneficial Use (X) 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 Palouse River Basin Water System Adjudication."

(b.) I/We do ( ) do not (X) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**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) Josh Leland Smith Date: MAY 15 2019

Deena Arlette Smith Date: MAY 15 2019

**For Organizations:** I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

\_\_\_\_\_ of \_\_\_\_\_  
Agent's title (Please print) Name of organization (Please print)

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

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

Printed Name of Authorized Agent \_\_\_\_\_

16. Notice of Appearance:

Notice is hereby given that I, (please print) \_\_\_\_\_, will be acting as attorney at law of behalf on 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 \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Name of claimant(s) \_\_\_\_\_ Claim ID \_\_\_\_\_

# Exterior-Only Inspection Residential Appraisal Report

USB-130415-AMNPB-1  
File # 0425131

The purpose of this summary appraisal report is to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property.

Property Address 1025 Deep Creek Rd City Potlatch State ID Zip Code 83855  
 Borrower Smith, Jack L and Teresa A Owner of Public Record Smith, Jack L and Teresa A County Latah  
 Legal Description 3.46 Acres NESE Tax #5180, Section 22, Township 42 North, Range 5 West  
 Assessor's Parcel # RP#42N05W227342A Tax Year 2012 R.E. Taxes \$ 2,120  
 Neighborhood Name Potlatch Map Reference Latah County Census Tract 0055.00  
 Occupant ☒ Owner ☐ Tenant ☐ Vacant Special Assessments \$ 0 ☐ PUD HOA \$ 0 ☐ per year ☐ per month  
 Property Rights Appraised ☒ Fee Simple ☐ Leasehold ☐ Other (describe) \_\_\_\_\_  
 Assignment Type ☐ Purchase Transaction ☒ Refinance Transaction ☐ Other (describe) \_\_\_\_\_  
 Lender/Client USB Lending Support Services, LLC Address 200 S. 6th Street, Minneapolis, MN 55402  
 Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal? ☐ Yes ☒ No  
 Report data source(s) used, offering price(s), and date(s).  
 Latah County MLS and County Records

I ☐ did ☐ did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed.

Contract Price \$ \_\_\_\_\_ Date of Contract \_\_\_\_\_ Is the property seller the owner of public record? ☐ Yes ☐ No Data Source(s) \_\_\_\_\_  
 Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower? ☐ Yes ☐ No  
 If Yes, report the total dollar amount and describe the items to be paid.

Note: Race and the racial composition of the neighborhood are not appraisal factors.

| Neighborhood Characteristics                                                                                             | One-Unit Housing Trends                                                                                                                | One-Unit Housing | Present Land Use % |
|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|
| Location <input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input checked="" type="checkbox"/> Rural      | Property Values <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining      | PRICE AGE        | One-Unit 45 %      |
| Built-Up <input type="checkbox"/> Over 75% <input checked="" type="checkbox"/> 25-75% <input type="checkbox"/> Under 25% | Demand/Supply <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Over Supply    | \$(000) (yrs)    | 2-4 Unit 0 %       |
| Growth <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow           | Marketing Time <input type="checkbox"/> Under 3 mths <input checked="" type="checkbox"/> 3-6 mths <input type="checkbox"/> Over 6 mths | 65 Low 0         | Multi-Family 0 %   |
| Neighborhood Boundaries                                                                                                  |                                                                                                                                        | 830 High 125     | Commercial 0 %     |
| Highway 6 - North, Washington/Idaho State Line - W, Highway 3 and 9 - East, and Genesee-Julietta Road - South.           |                                                                                                                                        | 225 Pred. 35     | Other 55 %         |
| OTHER: Large tracts of forest and agri lands.                                                                            |                                                                                                                                        |                  |                    |

Neighborhood Description  
 The subject is located 3 miles northeast of Potlatch and 3/4 mile off US Hwy 95 and 13 miles from Moscow the largest economic center in Latah County, home of the University of Idaho and the county seat. All levels of the public school system are within the city limits of Potlatch, and students in the subject area are bused to these schools. The economy is based on the agricultural and lumber industry, government offices, numerous services, and the university.  
 Market Conditions (including support for the above conclusions)  
 Conventional, VA, FHA, and private financing are available with no concessions or buydowns being typical at this time.

Dimensions See Plat Map and Legal Description Area 3.46 ac Shape Rectangular View N:Pstn;  
 Specific Zoning Classification A/R Zoning Description Agri/Residential  
 Zoning Compliance ☒ Legal ☐ Legal Nonconforming (Grandfathered Use) ☐ No Zoning ☐ Illegal (describe) \_\_\_\_\_  
 Is the highest and best use of subject property as improved (or as proposed per plans and specifications) the present use? ☒ Yes ☐ No If No, describe.

Utilities Public Other (describe) \_\_\_\_\_ Public Other (describe) \_\_\_\_\_ Off-site Improvements-Type Public Private  
 Electricity ☒ ☐ Water ☐ ☒ Private Well Street Gravel ☒ ☐  
 Gas ☐ ☐ None Sanitary Sewer ☒ Septic System Alley None ☐ ☐  
 FEMA Special Flood Hazard Area ☐ Yes ☒ No FEMA Flood Zone C FEMA Map # 1600860045B FEMA Map Date 08/15/1980  
 Are the utilities and off-site improvements typical for the market area? ☒ Yes ☐ No If No, describe.  
 Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)? ☐ Yes ☒ No If Yes, describe.  
 FEMA shows A to be a 100-year flood; base flood elevations and flood hazard factors not determined. No adverse easements or encroachments, and subject conforms to the local zoning. No apparent adverse or unfavorable easements or encroachments noted. Both wells and septic are typical in areas outside a municipalities. The subject's site is not sufficient acreage to be an income producing property.

Source(s) Used for Physical Characteristics of Property ☐ Appraisal Files ☐ MLS ☒ Assessment and Tax Records ☐ Prior Inspection ☐ Property Owner  
☒ Other (describe) Exterior Inspection Data Source for Gross Living Area County Records

| General Description                                                                                                  | General Description                                                                            | Heating / Cooling                                                     | Amenities                                                  | Car Storage                                                                    |
|----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|------------------------------------------------------------|--------------------------------------------------------------------------------|
| Units <input checked="" type="checkbox"/> One <input type="checkbox"/> One with Accessory Unit                       | <input type="checkbox"/> Concrete Slab <input type="checkbox"/> Crawl Space                    | <input checked="" type="checkbox"/> FWA <input type="checkbox"/> HWBB | <input type="checkbox"/> Fireplace(s) # <u>0</u>           | <input type="checkbox"/> None                                                  |
| # of Stories <u>1</u>                                                                                                | <input checked="" type="checkbox"/> Full Basement <input checked="" type="checkbox"/> Finished | <input type="checkbox"/> Radiant                                      | <input type="checkbox"/> Woodstove(s) # <u>0</u>           | <input checked="" type="checkbox"/> Driveway # of Cars <u>3</u>                |
| Type <input checked="" type="checkbox"/> Det. <input type="checkbox"/> Att. <input type="checkbox"/> S-Det./End Unit | <input type="checkbox"/> Partial Basement <input type="checkbox"/> Finished                    | <input type="checkbox"/> Other _____                                  | <input checked="" type="checkbox"/> Patio/Deck <u>Open</u> | <input type="checkbox"/> Driveway Surface <u>Gravel</u>                        |
| <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Under Const. | Exterior Walls <u>Wood Lap</u>                                                                 | Fuel <u>Electric</u>                                                  | <input checked="" type="checkbox"/> Porch <u>Covered</u>   | <input checked="" type="checkbox"/> Garage # of Cars <u>2</u>                  |
| Design (Style) <u>Ranch</u>                                                                                          | Roof Surface <u>Comp Shingles</u>                                                              | <input type="checkbox"/> Central Air Conditioning                     | <input type="checkbox"/> Pool <u>None</u>                  | <input type="checkbox"/> Carport # of Cars <u>0</u>                            |
| Year Built <u>1972</u>                                                                                               | Gutters & Downspouts <u>Metal</u>                                                              | <input type="checkbox"/> Individual                                   | <input checked="" type="checkbox"/> Fence <u>Wire</u>      | <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Detached |
| Effective Age (Yrs) <u>30</u>                                                                                        | Window Type <u>Double Panes</u>                                                                | <input checked="" type="checkbox"/> Other <u>None</u>                 | <input checked="" type="checkbox"/> Other <u>Outbuild</u>  | <input type="checkbox"/> Built-in                                              |

Appliances ☐ Refrigerator ☒ Range/Oven ☒ Dishwasher ☒ Disposal ☐ Microwave ☐ Washer/Dryer ☒ Other (describe) Fan/Hood  
 Finished area above grade contains: 6 Rooms 2 Bedrooms 1.1 Bath(s) 1.560 Square Feet of Gross Living Area Above Grade  
 Additional features (special energy efficient items, etc.)  
 Double paned windows, and open deck and patio.

Describe the condition of the property and data source(s) (including apparent needed repairs, deterioration, renovations, remodeling, etc.).  
 C4; County records made no mention of any recent updating or remodeling.

Are there any apparent physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property? ☐ Yes ☒ No  
 If Yes, describe

This appraiser is not an expert in structural engineering and no questionable or readily apparent structural defects were observed based on an exterior inspection of the subject property.

Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)? ☒ Yes ☐ No If No, describe  
 This age and style home is common in this market.