

Claim No. 13-7746

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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SEP 18 2009

Department of Water Resources
Eastern Region

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Shane Smith
(Name of Claimant)

Mailing Address: 3399 W 2000 North Dayton 83232

Telephone No: 208 747-3454 Email: sesmithid@gmail.com

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) July 12 1920
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Well 92 feet tributary to _____

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD)	(MM/DD)
Quantity <u>0.04</u>	Use <u>Domestic</u>	Period of Use From <u>7/12</u>	to <u>9/27/2004</u>
Quantity _____	Use _____	Period of Use From <u>1/1</u>	to <u>12/31</u>
Quantity _____	Use _____	Period of Use From _____	to _____
Quantity _____	Use _____	Period of Use From _____	to _____

4. 0.04 TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is _____ 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____
Sec. 12 Township 15S Range 38E B.M., Franklin County; additional points of diversion, if any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

Pump 1/2 hp

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	38E	12																	

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.

Supplies household water

NOTE: Include here the type and number of stock watered: 1 home

7. Remarks: _____

8. **Map** -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of Idaho)
 County of Franklin) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

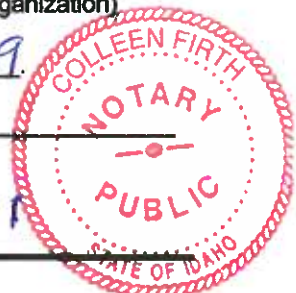
Gene SGT, Elizabeth Smith
 Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 18 day of September, 2009.

Colleen Firth
 Notary Public

Residing at: Preston, ID

My commission expires: 06/10/2011



FOR DEPARTMENT USE ONLY

Received by _____ Date _____
 Prelim. check by _____ Date _____
 Fee 100- Receipt # 2035350
 Receipt prepared by _____ Date 9/18/09

Published in _____
 Publication dates _____
 Publication checked by _____ Date _____
 Exceptions filed by _____



3399 W 2000 N, Dayton, ID 83232

SELLER OR BORROWER AFFIDAVIT

File No.: **233536A (mh)**

Date: **June 06, 2008**

STATE OF Idaho)
ss.
COUNTY OF Franklin)

Lot 2, Jess Elgan Partition No. 1, Franklin County, Idaho (1494.03)

Before me, the undersigned authority, on this day personally appeared:

C. Shane Smith and Elizabeth C. Smith

personally known to me to be the person whose name is subscribed hereto and upon his oath deposes and says that no proceedings in bankruptcy or receivership have been instituted by or against him/her and that the marital status of Affiant has not changed since the day of acquisition of said property and represents to the purchaser and/or lender in this transaction that there are:

1. No unpaid debts for plumbing fixtures, water heaters, floor furnaces, air conditioners, radio or television antennas, carpeting, rugs, lawn sprinkling systems, blinds, window shades, draperies, electric appliances, fences, street paving, or fixtures that are located on the subject property described above, and that no such items have been purchased on time payment contracts, and there are no security interests on such property secured by financing statement, security agreement or otherwise except the following:

Secured Party	Approximate Amount
<u>NA</u>	\$ <u> </u>

2. No loans or liens (**including Federal or State Liens, Judgment Liens, Child Support Liens or Medical Assistance Liens**) and no unpaid governmental or association taxes or assessments of any kind on such property except the following:

Creditor	Approximate Amount
<u>NA</u>	\$ <u> </u>

3. All labor and material used in the construction of improvements on the above described property have been paid for and there are now no unpaid labor or material claims against the improvements or the property upon which same are situated, and I hereby declare that all sums of money due for the construction of improvements have been fully paid and satisfied. In addition, all appropriate building permits have been obtained for the original structure and any additions or remodeling.

True ☒ False ☐

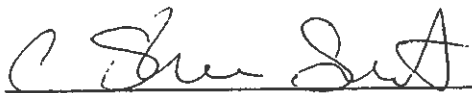
4. Are there parties in possession other than Affiant(s): Yes ☐ No ☒

If yes, Option to Purchase ☐ Lease ☐ Contract for Deed ☐

5. The Seller is not a non-resident alien, foreign corporation, foreign partnership, foreign estate, foreign trust or other foreign entity (as defined in the Internal Revenue Code and Income Tax Regulations).

True ☒ False ☐

This Affidavit may be disclosed to Internal Revenue Service and may be furnished to Buyer to satisfy an inquiry as to foreign status under Section 1446 of the Internal Revenue code.



C. Shane Smith



Elizabeth C. Smith

Sworn to and subscribed before me this _____ day of _____,
20____.

Notary Public for the State of Idaho
Residing at: Preston, Idaho
My Commission Expires: April 27, 2014