

RECEIVED

JUN 28 2021

Form 42-248/42-1409(6) Rev. 1/15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT OF WATER RESOURCES
SOUTHERN REGION

Notice of Change in Water Right Ownership

to Supercede previous submission

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. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see 2b of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
71-10032	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name:

Smiley Creek Bears LLC

Name of current water right holder (claimant)

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

Smiley Creek Sockeye LLC

New owner(s) as listed on the conveyance document

State connector ☐ and ☐ or ☐ and/or

HC 64 PO Box 9102

Ketchum

ID

83340

Mailing address

208-774-3547

City

State

Zip

Telephone

Email

gm@SmileyCreekLodge.com

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:

04-01-2021

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed **IRS Form W-9** for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed **Lessor Designation** form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

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):
☐ \$25 per undivided water right
☐ \$100 per split water right.
☐ No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature:

Signature of new owner/claimant

Title, if applicable

Date

Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by SQDate 5/3/2021Receipt No. 5038564Receipt Amt. \$50-Active in the Water Supply Bank? Yes ☐ No ☐

If yes, forward to the State Office for processing

W-9 received? Yes ☐ No ☐

Name on W-9

Approved by

Processed by JBDate 6-29-2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 03 2021

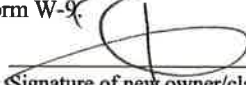
DEPT OF WATER RESOURCES
SOUTHERN REGION

Notice of Change in Water Right Ownership

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. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, [see #6](#) of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
71-4048	Yes ☐	Yes ☐		Yes ☐	Yes ☐
71-4049	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Smiley Creek Bears LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Smiley Creek Sockeye LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|----------------------|--------------------------------|-----------|--------------|
| <u>HC64 Box 9102</u> | <u>Ketchum</u> | <u>ID</u> | <u>83340</u> |
| Mailing address | City | State | ZIP |
| <u>208-774-3547</u> | <u>gm@smileycreeklodge.com</u> | | |
| Telephone | 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: 04-01-2021
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed [IRS Form W-9](#) for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed [Lessor Designation](#) form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
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):
 - ☐ \$25 per *undivided* water right.
 - ☐ \$100 per *split* water right.
 - ☐ No fee is required for pending adjudication claims.
 - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
 - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature:  MANAGER 4.20.2021
 Signature of new owner/claimant Title, if applicable Date

Signature: _____ _____ _____
 Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by SG Date 5/3/21 Receipt No. 5038564 Receipt Amt. \$150.00
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by _____ Processed by JB Date 6-28-21

RETURNED BOTH

SUPERSEDED

Filed at the Request of:

LUKINS & ANNIS, P.S.
717 W. Sprague Ave, Suite 1600
Spokane, WA 99201
Attention: Brady M. Peterson, Esq.

Tax Notices to be Sent to:

SMILEY CREEK SOCKEYE, LLC
PO BOX 6967
Ketchum, Idaho 83340

GRANTOR:	SMILEY CREEK BEARS, LLC, an Idaho limited liability company
GRANTEE:	SMILEY CREEK SOCKEYE, LLC, an Idaho limited liability company
APN(s):	RP07N14027829B; RP005350020040; RP005350020050; RP005350020060
ABBREVIATED LEGAL:	FR SENE TL 4060, SEC 27 7N 14E; SMILEY CREEK SUB #5 LOTS 4, 5, 6 BLK 2

WARRANTY DEED

FOR VALUE RECEIVED, SMILEY CREEK BEARS, LLC, an Idaho limited liability company ("Grantor") whose address is PO Box 827, Ogden, Utah 84402, does hereby grant, bargain, sell, convey and warrant unto SMILEY CREEK SOCKEYE, LLC, an Idaho limited liability company, ("Grantee"), whose address is PO Box 6967, Ketchum, Idaho 83340, that certain real property located in Blaine County, Idaho, together with all improvements thereon and appurtenances thereto, which is more particularly described at the attached Exhibit A.

SUBJECT ONLY TO the exceptions set forth on Exhibit B.

[signature and acknowledgement page follows]

Dated this 31 day of March, 2021.

GRANTOR:

SMILEY CREEK BEARS, LLC,
an Idaho limited liability company

By: [Signature]
Name: Amelia Jones
Its: Member

STATE OF Idaho)
County of Blaine) : ss

On this 30 day of March, in the year 2021, before me,
Kathy Seal, a notary public in and for the State of Idaho, personally
appeared Amelia Jones known or identified to me (or proved to me on the oath) to
be the Member of the entity that executed the instrument or the person who
executed the instrument on behalf of said entity, and acknowledged to me that such entity
executed the same.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first
above written.



[Signature]
Notary Public for the State of Id. (Signature)

KATHY SEAL
(Print Name)

My commission expires: 7.26.2023

Exhibit A
To
Deed

LEGAL DESCRIPTION OF REAL PROPERTY

PARCEL A:

A parcel of land situate in Section 27, Township 7 North, Range 14 East, B.M., Blaine County, Idaho, being more particularly described as follows:

Commencing at the south one-quarter corner (S1/4) of said Section 27, being marked by a GLO brass cap on a 1" pipe and proceeding N32°34'50"E, 3041.58 feet, to a ½" rebar, L.S. 4345 and the Point of Beginning;

Thence N57°38'09" W, 58.86 feet, to a ½" rebar, with an illegible cap;

Thence N4°12'37"E, 379.91 feet, to a ½" rebar, L.S. 4345;

Thence N26°41'39"W, 212.63 feet, to a ½" rebar, P.L.S. 9561;

Thence S59°05'03"E, 548.73 feet, to a ½" rebar, L.S. 4345, also being the beginning of a non-tangent curve, concave southwesterly;

Thence southeasterly along said curve, having a radius of 1366.70, an arc length of 177.50 feet, a central angle of 7°26'29" and a long chord which bears S55°26'33"E, 177.38 feet, to a ½" rebar, also being the beginning of a non-tangent curve, concave westerly;

Thence southerly and southwesterly along said curve, having a radius of 12.35 feet, an arc length of 24.85 feet, a central angle of 115°16'37" and a long chord which bears S7°03'03"W, 20.86 feet, to a ½" rebar;

Thence S63°55'37"W, 34.26 feet, to ½" rebar and the beginning of a non-tangent curve, concave southeasterly;

Thence southwesterly along said curve, having a radius of 2067.95 feet, an arc length of 157.57 feet, a central angle of 4°21'57", and a long chord which bears S61°22'50"W, 157.53 feet, to a ½" rebar, L.S. 4345;

Thence S59°16'40"W, 57.74 feet, to a ½" rebar;

Thence S74°30'48"W, 288.74 feet, to the Point of Beginning.

Assessor's Parcel Number: RP07N14027829B

PARCEL B:

**Lot 4, Block 2 of SMILEY CREEK SUBDIVISION NO. 5, BLAINE COUNTY, IDAHO,
according to the official plat thereof, on file in the office of the County Recorder, Blaine
County, Idaho.**

Assessor's Parcel Number: RP005350020040

PARCEL C & D:

**Lots 5 & 6, Block 2 of SMILEY CREEK SUBDIVISION NO. 5, BLAINE COUNTY,
IDAHO, according to the official plat thereof, on file in the office of the County Recorder,
Blaine County, Idaho.**

Assessor's Parcel Number(s): RP005350020050 & RP005350020060



Exhibit B
To
Deed

Exceptions

1.	General taxes for the year 2021 and subsequent years, which are a lien due not yet payable.
2.	Title to, and easements in, any portion of the land lying within any highways, roads, streets, or other ways.
3.	Levies and Assessments of Smiley Creek Water users association.
4.	Notes, Easements and Restrictions as shown on the official plat of said Smiley Creek Subdivision No. 5 recorded December 2, 1969 as Instrument No. 134292, records of Blaine County, Idaho.
5.	Facts evidenced by that certain Survey, recorded February 11, 2021, as Instrument No. 679202, records of Blaine County, Idaho.
6.	Matters as evidenced by that certain ALTA Survey by Benchmark Associates, dated November 5, 2020, Project No. 20224.



0003995472

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$100.00

*For Office Use Only***-FILED-**

File #: 0003995472

Date Filed: 9/3/2020 3:26:26 PM

Certificate of Organization Limited Liability Company

Select one: Standard, Expedited or Same Day Service (see descriptions below)

Expedited (+\$40; filing fee \$140)

1. Limited Liability Company Name

Type of Limited Liability Company

Limited Liability Company

Entity name

SMILEY CREEK SOCKEYE, LLC

2. The complete street address of the principal office is:

Principal Office Address

ZACHARY CRIST
106 SINGLE TREE LN
KETCHUM, ID 83340

3. The mailing address of the principal office is:

Mailing Address

ZACHARY CRIST
PO BOX 6967
KETCHUM, ID 83340-6967

4. Registered Agent Name and Address

Registered Agent

BRADY M PETERSON
Registered Agent

Physical Address

601 E FRONT AVE
STE 303
COEUR D ALENE, ID 83814

Mailing Address

601 E FRONT AVE
STE 303
C/O LUKINS & ANNIS, P.S.
COEUR D ALENE, ID 83814-5186

☒ I affirm that the registered agent appointed has consented to serve as registered agent for this entity.

5. Governors

Name	Address
ZACHARY CRIST	ZACHARY CRIST 106 SINGLE TREE LN KETCHUM, ID 83340
ROGER WAYNE CRIST	356 WARM SPRINGS RD KETCHUM, ID 83340
ROGER EDWIN CRIST	204 JADE ST KETCHUM, ID 83340

Signature of Organizer:

LAURA L BOLES

Sign Here

09/03/2020

Date

B0537-4230 09/03/2020 3:28 PM Received by ID Secretary of State Lawrence Denney

State of Idaho
Department of Water Resources

Water Right 71-10032
Irrigation Place of Use



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources

Water Right 71-10032 Commercial Place of Use



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.045 0.09 0.18 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 29, 2021

SMILEY CREEK SOCKEYE LLC
HC 64 BOX 9102
KETCHUM ID 83340-9709

Re: Change in Ownership for Water Right No(s): 71-10032

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

In accordance with your amended Notice of Change in Water Right Ownership form, we are not processing the ownership change on rights 71-4048 and 71-4049, and I will initiate a refund from the IDWR State office for the extra \$25.00 paid in fees.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 293-9909.

Sincerely,

Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)

Bitzenburg, James

From: Bitzenburg, James
Sent: Tuesday, June 29, 2021 9:18 AM
To: IdwrPayable
Subject: Request for Refund

IDWR Payable-

On May 3, 2021, our office received a *Notice of Change in Water Right Ownership* from Smiley Creek Sockeye, LLC. The Notice was accompanied by a \$50.00 fee, which was intended to pay for ownership changes on two rights. After communication with the water right holder, it was determined that a different right should be changed, and not the original two rights. As a result, \$25.00 extra was paid in fees. Could you issue a refund for the \$25.00 fee? The fee was paid by Tim and Robin Wolff. Their address is:

**TIM AND ROBIN WOLFF
HC 64 BOX 9102
KETCHUM ID 83340-9709**

They paid for the notice with check #1006, and the receipt number is S038564. Thank you, and let me know if you need any more information.

Jim

**Jim Bitzenburg
Senior Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.idaho.gov**



RECEIVED

JUN 28 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

To whom it may concern,

This letter is to correct a previously submitted document re: the changes in water rights ownership of Claim # 71-10032. The included form is to supersede all other submissions.

Thank you,

Tim Wolff

Manager

Smiley Creek Lodge Sockeye, llc

PO Box 9102
Ketchum ID 83340



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 12, 2021

SMILEY CREEK SOCKEYE LLC
HC 64 BOX 9102
KETCHUM ID 83340

RE: Change in Ownership for Water Right No(s): 71-4048 and 71-4049

Dear Interested Parties:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice).

Our review of your Notice indicates that additional information/fees are required before the Department can process the change. The information required is indicated below:

☒ Evidence of Water Right Ownership: copy of Deed or other legal document indicating your ownership of the property and/or water rights in question.

☒ Additional Fees

After reviewing the Notice and accompanying documentation, we cannot process the Notice without additional documentation and/or fees. The Notice listed rights 71-4048 and 71-4049 which are appurtenant to property several miles to the north of Smiley Creek, in Obsidian. At that location, a third right is also appurtenant to the property, right 71-4050. The conveyance documents included with the Notice did not convey the property that the three rights are appurtenant to.

The deed included with the Notice conveyed four parcels in the Smiley Creek area. Parcels B, C, and D are residential lots which are covered by water rights held by the Smiley Creek Water User's Association. Parcel A conveys the lot in which the Smiley Creek Lodge is located, and right 71-10032 is appurtenant to that parcel.

It is unclear what the intent of the Notice was. Do you wish to convey right 71-10032 or all four rights? If you wish to convey all four rights, we will need copies of conveyance documents for the property in Obsidian and an additional \$50.00 in fees. We will also need a written request to include rights 71-4050 and 71-10032 in the ownership change process.

Because the Department cannot process the Notice without proper documentation and fees, we will hold any action on your notice pending receipt of the necessary information and/or fees. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that right holders are required to report any change of 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. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

I have enclosed water right reports and maps for rights 71-4048, 71-4049, 71-4050 (Obsidian property) and 71-10032 (Smiley Creek Lodge property) for your information. If you have any questions regarding this matter, please contact me at (208) 293-9909.

Sincerely,



Jim Bitzenburg
Senior Water Resource Agent

Enclosure(s)