

RECEIVED

JAN 04 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IDWR / NORTH

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?
85-4020	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: L Roger Bitton
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): James M. Moreno
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/
23066 Cottonwood Creek Rd. Culdesac ID 83524
Mailing address City State ZIP
208 848 6221 jmoreno@rocketmail.com
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: 10-18-2018
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 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):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o 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 IRS Form W-9.

8. Signature: [Signature] Title, if applicable: _____ Date: 1-2-2019
Signature of new owner/claimant

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

For IDWR Office Use Only:

Receipt info

NS

1-4-19

processed by:

N033981

NS

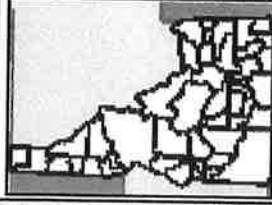
\$25⁰⁰

1-4-19

Legend

-  Water Right Place of Use
-  Recommendation Place of Use
-  Water Permit Place of Use
-  Irrigation Company

Search Type: Identify



State of Idaho
Department of Water
Resources
322 East Front Street
Boise, Idaho 83720-0091
Phone: (208) 28-4800
Fax: (208) 287-6700

 Scale: 1" = 670 feet

Search Results

Water Right Number	Process	Owner
85-4020	Water Right	L ROGER BITTON

Disclaimer: Shapes represent an approximation of the water right extent. Please review each water right of interest either on-line (choose the Details link) or by contacting IDWR (208-287-4800).

5. Indicate the date the water rights and/or adjudication claims were conveyed to you. This may be the date of closing in the case of real estate transaction, the date a contract was signed, or the date of a court order.
6. If you are unsure about the status of your water right in the Water Supply Bank, go to:
www.idwr.idaho.gov/apps/ExtSearch/WSBSearch/WSBSearch.aspx, input your water right number and click "Search." If you find your water right is in the Water Supply Bank and you want to release it so you can use it, you can download the Request to Release form from the forms portion of our website: www.idwr.idaho.gov. Your water right may not be available for immediate release if it is currently rented by another water user.

7. **ATTACHMENTS:**

IDWR cannot process this change without **documentation of ownership**. The documentation may be in the form of a deed, court decree or other conveyance document. If you are submitting a quitclaim deed and the grantor's name does not match the water right holder of record, you will need to provide a chain of title that goes back to the water right holder/claimant of record. You may obtain this information from the assessor's office in the county where the property is located. Items that are **not** conveyance documents are deeds of trust, mortgages, purchase and sales agreements, and property tax notices.

Submit a **plat map, survey map, or aerial photograph** of the place of use for each water right or claim listed in item #1 (necessary to clarify division of water rights or complex property descriptions). If your right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent aerial photograph with the irrigated acreage outlined and point(s) of diversion clearly marked. You also have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov. It is not necessary to obtain a new survey for purposes of this form before contacting IDWR.

The Idaho Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in general water right adjudication such as the Snake River Basin Adjudication or the Northern Idaho Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the **filing fee** is \$25 per water right, except for those water rights that will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right.

If the water right is leased to the Water Supply Bank and there is more than one owner, a Lessor Designation form must be completed to specify who the designated lessor will be. Each of the owners must sign the Lessor Designation form.

An IRS Form W-9 is required for all ownership changes pertaining to water rights leased to the Water Supply Bank. Refer to the instructions in section 6 above to determine if the water right undergoing an ownership change is leased to the Water Supply Bank. An IRS W9 form can be downloaded from the Department's website: www.idwr.idaho.gov.

8. One of the new owner(s) must sign the form in the space(s) provided. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include the title with the signature.

When you have completed the Notice of Change in Water Right Ownership, retain a copy and **file the original form, necessary attachments, and filing fee with the IDWR office nearest you. Ownership changes for water rights leased to the Water Supply Bank should be sent to the State Office.**

IDWR Northern Region
7600 N Mineral Dr, Ste 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858
(208) 736-3033

~ OR ~

IDWR State Office

INSTRUCTIONS FOR FILING A NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at www.idwr.idaho.gov. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the department's website using the Water Right and Adjudication Search link at www.idwr.idaho.gov.

Please note:

- Unlike licensed or decreed water rights, which are real property, water right permits, applications for new water rights, and applications to transfer existing water rights are considered the personal property of the permit holders/applicants. Permit holders and applicants must assign their interest in a permit and/or application to the new owner. Assignment forms are available on the department's website at www.idwr.idaho.gov, or from any IDWR office. The fee for an assignment of permit is \$25. There is no charge for an assignment of application for permit or application for transfer.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make their own provisions where necessary.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

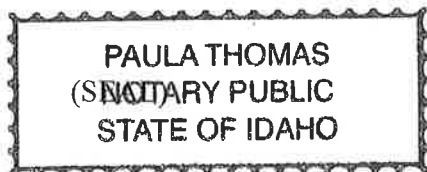
2. Fill in the name of the current water right holder/claimant.
3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.
4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the

By Marion Lucille Bitton, co-trustee
Marion Lucille Bitton, Co-Trustee

STATE OF Idaho)
County of Nez Perce) : ss.

On this 13th day of September, 2018, before me, the undersigned, a Notary Public in and for said state, personally appeared Louis Roger Bitton and Marion Lucille Bitton, known or identified to me to be the Co-Trustees of The Bitton Family Trust, whose names are subscribed to the within instrument and acknowledged to me that they executed the same on behalf of said Trust.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Paula Thomas
Notary Public in and for said State,
residing at or employed in Lewiston
My Commission Expires: 11/10/22

~~not limited to building and zoning ordinances, restricting or regulating or prohibiting the occupancy, use of enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or reduction in the dimensions or area of the land, or the effect of any violation of any such law, ordinance or regulation. Rights of eminent domain or rights of police power exercised by an Indian tribe or nation unless notice of the exercise of such rights appears in the public records at date of policy.~~

- All rights of way for public utilities and public roads as the same now exist over and across the herein described property.
- Taxes and assessments for the current year and thereafter.

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described.

The Party of the First Part covenants that prior to the execution of the Trustee's Deed, the Party of the First Part has not conveyed this real property to any other person, and at the time of execution, the real property is free from encumbrances done, made, or suffered by the Party of the First Part.

TO HAVE AND TO HOLD the premises, with their appurtenances, unto the Parties of the Second Part, their heirs and assigns forever, SUBJECT to taxes for the current year.

IN WITNESS WHEREOF, the Party of the First Part has hereunto set their hands and seals the day and year in this instrument first above written.

THE BITTON FAMILY TRUST

By 
Louis Roger Bitton, Co-Trustee

PARCEL 1:

That portion of the Southeast Quarter of Section 14, Township 36 North, Range 3 West, Boise Meridian, County of Nez Perce, State of Idaho, lying West of Cottonwood Creek Road.

PARCEL 2:

The Northeast Quarter of the Northeast Quarter (NE 1/4NE 1/4) of Section Twenty-Three (23), Township Thirty-Six (36) North, Range Three (3) West, Boise Meridian, County of Nez Perce, State of Idaho, according to the recorded plat thereof of record in the office of the County recorder of Nez Perce County, Idaho.

SUBJECT TO:

- Terms and conditions as set out in Patent Deed, including any provisions and limitations thereof, in which The United States of America is Grantor and T. Ward Maynard is Grantee, recorded on June 8, 1920, in Book 127 of Deeds, Page 422, records of Nez Perce County, Idaho.
- Terms and conditions as set out in Right of Way Deed, including any provisions and limitations thereof, in which T. Ward Maynard and Ethel M. Maynard are Grantors, and Southside Highway District, a municipal corporation, is Grantee, recorded on April 6, 1929, in Book 148 of Deeds, Page 217, records of Nez Perce County, Idaho.
- Terms and conditions as set out in Right of Way Deed, including any provisions and limitations thereof, in which Ward Maynard and Ethel Maynard, husband and wife, and Grantors, and Nez Perce County Idaho. a municipal corporation, is Grantee, recorded on January 2, 1958, in Book 202 of Deeds, Page 583, records of Nez Perce County, Idaho.
- Telephone Line Right of Way Easement, including its terms, covenants and provisions, as disclosed by instrument granted to Nez Perce Telephone Company, recorded on January 14, 1966, as Instrument No. 314550, records of Nez Perce County, Idaho.
- Right of Way Easement, including its terms, covenants and provisions, as disclosed by instrument granted to Clearwater Power Company, a cooperative corporation, recorded on October 28, 2009, as Instrument No. 774860, records of Nez Perce County, Idaho.
- All matters disclosed by that certain survey, recorded November 20, 2012, as Instrument No: 806752, records of Nez Perce County, Idaho.
- ~~Liability for any future assessments levied by the Nez Perce Indian Tribe.~~
~~Any law, ordinance or regulation of an Indian tribe or nation, including but~~

29/81

RERECORD 862433

Instrument # 861230

NEZ PERCE COUNTY

9-17-2018 01:44:44 PM No. of Pages: 4

Recorded for : LAND TITLE

PATTY WEEKS

Ex-Officio Recorder Deputy

Index to: TRUSTEE DEED

Fee: 15.00

Cindy S. DeCamp

TRUSTEE'S DEED

THIS CONVEYANCE made this 13th day of September, 2018, by and between the Bitton
Jacquelyn
Family Trust, Party of the First Part, and James M. Moreno and ~~Jacque Lynn~~ R. Moreno, husband
and wife, whose address is 23066 Cottonwood Creek, Culdesac, ID 83524,
Parties of the Second Part,

WITNESSETH:

WHEREAS, Louis Roger Bitton and Marion Lucille Bitton are the Co-Trustees of The
Bitton Family Trust under trust agreement dated February 9, 2001, which Trust is still in full force
and effect;

WHEREAS, the Co-Trustees of the above-described Trust, as Party of the First Part, are
duly authorized and empowered to convey the Trust's interest in the real property hereinafter
described to the Parties of the Second Part under the statutes of the State of Idaho;

NOW, THEREFORE, premises considered,

The Party of the First Part does hereby grant, bargain, sell and convey to the Parties of the
Second Part, all of right, title and interest which the Party of the First Part may have in and to the
following real property commonly referred to as 23066 Cottonwood Creek Road, Culdesac,
County of Nez Perce, State of Idaho, to-wit:

* - Re-recorded to remove exception

TRUSTEE'S DEED -- 1

RERECORD

Creason, Moore, Dokken & Geidl, PLLC
1219 Idaho Street, P.O. Drawer 835
Lewiston ID 83501

Instrument # 862433

NEZ PERCE COUNTY

11-1-2018 02:41:25 PM No. of Pages: 4

Recorded for : LAND TITLE

PATTY WEEKS

Ex-Officio Recorder Deputy

Index to: TRUSTEE DEED

Fee: 15.00

JP. Ubermarc



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 4, 2019

JAMES M MORENO
JACQUELYN R MORENO
23066 COTTONWOOD CREEK RD
CULDESAC, ID 83524-6105

Re: Change of Ownership for Water Right/Permit No(s): 85-4020

Dear Water Right Holder(s):

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

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited 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 § 42-222 and §42-223, Idaho Code.

Also note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Water right forms are available from any office of the Department, or at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please feel free to contact me at (208) 762-2800.

Sincerely,

A handwritten signature in cursive script that reads "Natalie Steading". The signature is written in dark ink and is positioned above the printed name.

Natalie Steading
Technical Records Specialist I

Enclosure(s)