

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 10 2018
Department of Water Resources
Eastern 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?
13-02123	Yes ☐	Yes ☐		Yes ☐	Yes ☐
13-04058	Yes ☐	Yes ☐		Yes ☐	Yes ☐
13-04299	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Ben Johnson Family Farm LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Bosen Land & Livestock LLC
New owner(s) as listed on the conveyance document
- 2545 West 2400 North
Mailing address
(208) 221-8690
Telephone
- Preston
City
- Name connector ☐ and ☐ or ☐ and/or
ID 83263
State ZIP
- 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: March 6, 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 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):
 - 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 an IRS Form W-9.

8. Signature: [Signature] Manager, Bosen Land & Livestock LLC
Signature of new owner/claimant Title, if applicable Date 4/30/2018

Signature: _____ Title, if applicable Date _____

For IDWR Office Use Only:

Received by [Signature] Date 5/10/18 Receipt No. 5043998 Receipt Amt. \$ 75 -

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 [Signature] Processed by [Signature] Date 5/16/2018

273293

AFTER RECORDING MAIL TO:

Northwestern Band of Shoshone Nation
c/o Mark Echo Hawk, Echo Hawk & Olsen, PO Box 6119
Pocatello, ID 83205-6119

Recorded at the request of
First American Title
Time 2:12 Amount \$ 15.00

JAN 26 2018

SHAUNA T. GEDDES, RECORDER
By C. Carter Deputy
Franklin County, Idaho

SPECIAL WARRANTY DEED

File No.: 666716-PR (cb)

Date: January 25, 2018

For Value Received, **Ben Johnson Family Farm, L.L.C.**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Northwestern Band of Shoshone Nation**, hereinafter called the Grantee, whose current address is **c/o Mark Echo Hawk, Echo Hawk & Olsen, PO Box 6119, Pocatello, ID 83205-6119**, the following described premises, situated in **Franklin County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee(s), their heirs and assigns forever. And the said Grantor(s) do hereby covenant to and with the said Grantee(s), that they are the owners in fee simple of said premises. The Grantor(s) warrants that said premises are free and clear of all encumbrances suffered or created by the Grantor(s), except such warranty does not apply to all taxes, assessments, and charges to be paid by the Grantee(s) and any lien or encumbrance revived or placed on said premises by, through or under the Grantee(s), his heirs and assigns.

273293

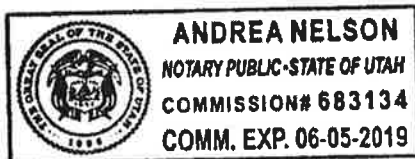
Date: 01/25/2018

Warranty Deed
- continued

File No.: 666716-PR (cb)

Ben Johnson Family Farm, L.L.C., an Idaho limited
liability companyBy: Ralph B Johnson
Name: Ralph B Johnson
Title: ManagerSTATE OF Utah)
COUNTY OF Salt Lake)
SS.

On this 25th day of January, 2018, before me, a Notary Public in and for said State, personally appeared **Ralph B. Johnson**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Ben Johnson Family Farm, L.L.C.**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.



Andrea Nelson
Notary Public of Utah
Residing at: Taylorsville
Commission Expires: 06 / 05 / 2019

Date: 01/25/2018

Warranty Deed
- continued

File No.: 666716-PR (cb)

EXHIBIT A**Township 15 South, Range 39 East of the Boise Meridian, Franklin County, Idaho****SECTION 8:**

Commencing at the Southwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, thence East 80 rods; thence North 193 rods, more or less, to the South side of Bear River; thence Westerly along the South Side of Bear River to a point directly North of the place of beginning; thence South to the Point of Beginning. (part 01679.00)

ALSO, Commencing at the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 8, and running thence South 170 rods, more or less, to the North bank of Bear River; thence following the North bank of said river in a Northeasterly direction to a point on the East line of said Section 8, which is 117 rods, more or less, South of the Northeast corner of the Northeast Quarter of Section 8; thence North 117 rods, more or less, to the Northeast corner of the Northeast Quarter of said Section 8, thence West 21 rods to the center of County road; thence Southwesterly along the center of County road to a point 44 rods South and 3 rods East of the place of beginning; thence North 44 rods; thence West 3 rods to the place of beginning. (part 01679.00)

ALSO, The SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, and that part of the East half of the SW $\frac{1}{4}$ of Section 8, lying East of the West bank of Bear River. (01679.00)

Beginning at the SE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, and running thence North 24.7 chains; thence South 54° 45' West 5.57 chains; thence South 12° West 6 chains; thence South 64° 20' West 5.75 chains; thence North 75° 35' West 9.22 chains; thence South 15.44 chains; thence East 20 chains to the Place of Beginning. (part 01679.00) EXCEPTING THEREFROM: (QCD 269852) All of that portion of the Southwest quarter of the Northeast quarter lying North of the Bear River, and all of that portion of the Northwest quarter of the Southeast quarter lying North of the Bear River.

(QCD 269753) ALSO, All that portion of the Southwest quarter of the Northeast quarter of Section 8 lying South of the Bear River, and all of the portion of the Northwest quarter of the Southeast quarter lying South of the Bear River. (part 01679.00)

(185493) Commencing at a point 330 feet South of the SW corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, and running East to the Bear River; thence along said Bear River to a point where said Bear River crosses the center section line of Section 8, which point is directly South of the Center of Section 8; thence North along said center line of Section 8, 100 rods, more or less, to County road; thence Southwesterly along said County Road to the NW corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 160 rods and 330 feet to The Place of Beginning. (01684.00) Also, the hot springs on the West side of Bear River in Section 8 is included.

EXCEPTING: Commencing at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8 and running thence South 49 rods to the North bank of West Cache Canal; thence Northeast to a point that is 40 rods South and 11 rods East of the point of beginning; thence North 44 rods; thence Southwesterly 11 rods 7 feet, more or less, to the Point of Beginning

Date: 01/25/2018

Warranty Deed
- continued

File No.: 666716-PR (cb)

ALSO EXCEPTING: Commencing at a point 12 rods North, more or less, and 14 rods 5 feet Southwesterly along South side of County Road from the Southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8; thence running Southwesterly 50 rods along South side of County Road; thence South 44 rods to the North bank of the West Cache Canal; thence Northeasterly along bank of said West Cache Canal to the Place of Beginning.

ALSO EXCEPTING that portion Deeded to West Cache Canal Irrigation Co. including Warranty Deeds to West Cache Canal Irrigation Co. recorded January 11, 1936 in Book 4 of Deeds, page 204, 205 and 213.

SECTION 9:

A portion of the W $\frac{1}{2}$ of said Section 9 and described as follows:

Commencing at a point 940 feet South of the NW corner of the SW $\frac{1}{4}$ of said Section 9, running thence North 940 feet; thence East 34 rods, more or less, to the West side of U.S. Highway No. 91; thence Southwesterly along said Highway to a point directly East of the place of beginning; thence West to the Place of Beginning. (01704.00)

ALSO, Commencing at the SW corner of the NW $\frac{1}{4}$ of said Section 9, running thence North 80 rods; thence East 90 rods, more or less, to the East bank of Bear River; thence Southwesterly along the East bank of said river to the SE corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 9; thence West 80 rods to the Place of Beginning. (part 01691.00 and 01691.01)

ALSO, Commencing at a point 40 $\frac{1}{2}$ rods South of the NW corner of said Section 9, and running thence South 39 $\frac{1}{2}$ rods; thence East 47 rods; thence Northeasterly to a point 54 rods East of the place of beginning; thence West 54 rods to the Place of Beginning. (part 01691.00)

Commencing at the Southwest corner of Section 9, and running thence North 104 rods, more or less; thence running East 22 rods, more or less, to the State Highway; thence following the West line of the State Highway in a Southwesterly direction to the South line of said Section 9; thence West 4 rods, more or less, to the Place of Beginning. (01704.00)

SECTION 16:

That portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16 lying West of the Idaho State Highway 91. (01796.00)

ALSO, Beginning at the West quarter corner of Section 16; thence Southerly along the West line of said Section 16 a distance of 1320.0 feet, more or less, to the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16; thence Easterly along the South line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 400.00 feet, more or less, to a point in a line parallel with and 100.00 feet Southwesterly from the centerline of the Yellowstone Park Highway Project No. W.P.M.H. 36-A Highway Survey, as shown on the plans thereof now on file in the office of the Idaho Transportation Dept. Division of Highways; thence North 05° 23' West along said parallel line 1326.0 feet, more or less, to a point in the North line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence Westerly along said North line 293.0 feet, more or less, to the Place of Beginning. (01802.01)

SECTION 17:

The East half of the Northeast quarter of Section 17, also that part of the West half of said Northeast quarter of Section 17, lying East of the West bank of Bear River. ((01809.00)

273293

Date: 01/25/2018

Warranty Deed
- continued

File No.: 666716-PR (cb)

TOGETHER WITH:
STATE OF IDAHO WATER RIGHTS:

13-4299

13-7990 AND 13-7991

~~13-2125~~~~13-7967~~ 13-7969 & 13-7970

13-937 AND 13-4058



1-4

273596

AFTER RECORDING MAIL TO:

Bosen Land & Livestock, L.L.C.
2545 W 2400 N
Preston, ID 83263

Recorded at the request of
First American Title
Time 3:44 Amount \$15.00

MAR 07 2018

SHAUNA T. GEDDES, RECORDER
By C. Carter Deputy
Franklin County, Idaho

SPECIAL WARRANTY DEED

File No.: 669212-PR (cb)

Date: March 06, 2018

For Value Received, **Northwestern Band of Shoshone Nation**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Bosen Land & Livestock, L.L.C., an Idaho limited liability company**, hereinafter called the Grantee, whose current address is **2545 W 2400 N, Preston, ID 83263**, the following described premises, situated in **Franklin County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee(s), their heirs and assigns forever. And the said Grantor(s) do hereby covenant to and with the said Grantee(s), that they are the owners in fee simple of said premises. The Grantor(s) warrants that said premises are free and clear of all encumbrances suffered or created by the Grantor(s), except such warranty does not apply to all taxes, assessments, and charges to be paid by the Grantee(s) and any lien or encumbrance revived or placed on said premises by, through or under the Grantee(s), his heirs and assigns.

273596

Date: 03/06/2018

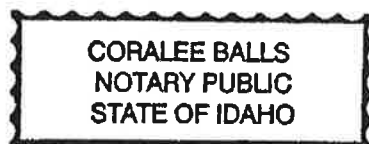
Warranty Deed
- continued

File No.: 669212-PR (cb)

Northwestern Band of Shoshone Nation

By: *Darren B. Parry*
Name: Darren B. Parry
Title: ChairmanSTATE OF Idaho)
COUNTY OF Franklin)
ss.

On this 7th day of March, 2018, before me, a Notary Public in and for said State, personally appeared **Darren B. Parry**, known or identified to me, to be the **Chairman** of the Northwestern Band of Shoshone Nation that executed the instrument or the person who executed the instrument on behalf of said Northwestern Band of Shoshone Nation, and acknowledged to me that such Northwestern Band of Shoshone Nation executed the same.



Coralee Balls
Notary Public of Idaho
Residing at: Dayton
Commission Expires: 12/23/2022

Date: 03/06/2018

Warranty Deed
- continued

File No.: 669212-PR (cb)

EXHIBIT A

Township 15 South, Range 39 East of the Boise Meridian, Franklin County, Idaho
SECTION 8:

Commencing at the Southwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, thence East 80 rods; thence North 193 rods, more or less, to the South side of Bear River; thence Westerly along the South Side of Bear River to a point directly North of the place of beginning; thence South to the Point of Beginning. (part 01679.00)

ALSO, The SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, and that part of the East half of the SW $\frac{1}{4}$ of Section 8, lying East of the West bank of Bear River. (01679.00)
Beginning at the SE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, and running thence North 24.7 chains; thence South 54° 45' West 5.57 chains; thence South 12° West 6 chains; thence South 64° 20' West 5.75 chains; thence North 75° 35' West 9.22 chains; thence South 15.44 chains; thence East 20 chains to the Place of Beginning. (part 01679.00)

EXCEPTING THEREFROM: (QCD 269852) All of that portion of the Southwest quarter of the Northeast quarter lying North of the Bear River, and all of that portion of the Northwest quarter of the Southeast quarter lying North of the Bear River.

(QCD 269753)

ALSO, All that portion of the Southwest quarter of the Northeast quarter of Section 8 lying South of the Bear River, and all of the portion of the Northwest quarter of the Southeast quarter lying South of the Bear River. (part 01679.00)

A portion of the W $\frac{1}{2}$ of said Section 9 and described as follows:
Commencing at a point 940 feet South of the NW corner of the SW $\frac{1}{4}$ of said Section 9, running thence North 940 feet; thence East 34 rods, more or less, to the West side of U.S. Highway No. 91; thence Southwesterly along said Highway to a point directly East of the place of beginning; thence West to the Place of Beginning. (01704.00)

Commencing at the Southwest corner of Section 9, and running thence North 104 rods, more or less; thence running East 22 rods, more or less, to the State Highway; thence following the West line of the State Highway in a Southwesterly direction to the South line of said Section 9; thence West 4 rods, more or less, to the Place of Beginning. (01704.00)

ALSO, Commencing at the SW corner of the NW $\frac{1}{4}$ of said Section 9, running thence North 80 rods; thence East 90 rods, more or less, to the East bank of Bear River; thence Southwesterly along the East bank of said river to the SE corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 9; thence West 80 rods to the Place of Beginning. (Part 01691.00 and 01691.01)

EXCEPTING THEREFROM: All that portion in the NW $\frac{1}{4}$ of Section 9 lying West of Idaho State Highway #91 and North of the Bear River.

SECTION 16:

That portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16 lying West of the Idaho State Highway 91. (01796.00)

273598

Date: 03/06/2018

Warranty Deed
- continued

File No.: 669212-PR (cb)

ALSO, Beginning at the West quarter corner of Section 16; thence Southerly along the West line of said Section 16 a distance of 1320.0 feet, more or less, to the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16; thence Easterly along the South line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 400.00 feet, more or less, to a point in a line parallel with and 100.00 feet Southwesterly from the centerline of the Yellowstone Park Highway Project No. W.P.M.H. 36-A Highway Survey, as shown on the plans thereof now on file in the office of the Idaho Transportation Dept. Division of Highways; thence North 05° 23' West along said parallel line 1326.0 feet, more or less, to a point in the North line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence Westerly along said North line 293.0 feet, more or less, to the Place of Beginning. (01802.01)

SECTION 17:

The East half of the Northeast quarter of Section 17, also that part of the West half of said Northeast quarter of Section 17, lying East of the West bank of Bear River. ((01809.00)

**Also, the following water rights which are appurtenant to the above described properties, identified as Water Right No. 13-2123, No. 13-4058, and No. 13-4299.
Also 70 Water Shares of West Cache Irrigation Company.**



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

May 16, 2018

BOSEN LAND & LIVESTOCK LLC
2545 W 2400 N
PRESTON ID 83263

Re: Change in Ownership for Water Right No(s): 13-2123, 13-4058, 13-4299

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.

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) 525-7161.

Sincerely,

Jonie Barg
Technical Records Spec I

Enclosure(s)

cc: Water District 11
Water District 13M

McKenzie & McKenzie, P.A.

Attorneys and Counselors At Law
Licensed in Idaho and Utah

May 7, 2018

RECEIVED

MAY 10 2018

Department of Water Resources
Eastern Region

State of Idaho Dep. of Water Resources
Eastern Region
900 North Skyline Dr., Ste. A
Idaho Falls, ID 83402

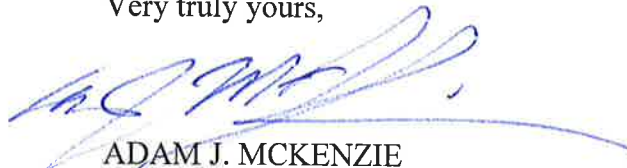
RE: Change in Water Right Ownership

To Whom It May Concern:

Please see enclosed a Notice of Change in Water Right Ownership, transferring Water Right/Claim Nos. 13-02123, 13-04058, and 13-04299, from the previous owner of record, Ben Johnson Family Farm L.L.C. to Bosen Land & Livestock, L.L.C. Included with this letter is the filing fee of \$75.00, \$25.00 for each water right. I have also included the Special Warranty Deeds, transferring the above water rights from the Ben Johnson Family Farm, L.L.C. to Northwestern Band of Shoshone Nation and the subsequent Deed from the Northwestern Band of Shoshone Nation, transferring the water rights to Bosen Land & Livestock, L.L.C..

Thank you for your attention in this matter. If you have any questions, do not hesitate to give me a call at 208-852-3500, write to 102 North State Street, Ste. 1, Preston, ID 83263 or contact me via e-mail at mckenzieandmckenzie@gmail.com.

Very truly yours,



ADAM J. MCKENZIE
Attorney at Law

AJM/em
Enclosures