

OCT 16 2017

IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 29 2018

Notice of Change in Water Right Ownership

DEPT OF WATER RESOURCES

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?
03-10195	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: William M. & Diane M. Weber & The Miller Living Trust
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Duane & Alice Kay Smith
New owner(s) as listed on the conveyance document

21165 Dulin Dr Bend OR 97701
Mailing address City State ZIP
541-480-6694 dksmith@bendbroadband.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: _____

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: Alice Kay Smith _____ 10/12/17
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 _____ Date 10-16-17 Receipt No. N032991 Receipt Amt. \$25.00

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 q Date 4-18-18

Instrument # 851626
NEZ PERCE COUNTY
8-29-2017 01:31:13 PM No. of Pages: 3
Recorded for : LAND TITLE
PATTY WEEKS
Ex-Officio Recorder Deputy *Cindy S. Deamgo*
Index to: ALL OTHER DEEDS

DEED

For Value Received, PAUL H. MILLER and LEAH A. MILLER, as Trustees of THE PAUL H. MILLER AND LEAH A. MILLER LIVING TRUST DATED FEBRUARY 23, 1993; and DIANE M. WEBER, as Trustee of THE WILLIAM AND DIANE WEBER REVOCABLE TRUST U/T/A JUNE 11, 2017, as Grantors, do hereby grant, bargain, sell and convey unto DUANE SMITH AND ALICE KAY SMITH, husband and wife, the Grantees, whose current address is 21165 Dulin Drive, Bend OR 97701, all of its interest in the following described premises situate in the County of Nez Perce, State of Idaho, to-wit:

That part of Government Lots 1 and 2 of Section 11 of Township 31 North, Range 5 West of the Boise Meridian, Nez Perce County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said Lot 1; thence South 0°01' East along the East line of said Lot 1 a distance of 90.90 feet to the True Place of Beginning; thence continue South 0°01' East a distance of 112.10 feet; thence North 89°00' West a distance of 2234.12 feet; thence South 54°00' West a distance of 111.52 feet more or less to a point on the ordinary high water line on the right bank of the Snake River; thence Northwesterly along said high water line a distance of 130 feet more or less; thence North 63°00' East a distance of 52.6 feet more or less; thence East a distance of 2338.13 feet to the True Place of Beginning.

SUBJECT TO:

1. Taxes and assessments for the year 2017 and thereafter, and such rights, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.
2. Any claim arising from the difference in the mean high water line of the Snake River and the meander line as shown by the Government Survey.
3. Lack of a right of access to and from the land.

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TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees, their heirs and assigns forever.

And the said Grantors do hereby covenant to and with the said Grantees:

- 1) That the Trusts referred to above are the present record owners of said premises;
- 2) That previous to the time of the execution of this deed, the Grantors have not conveyed the same estate, or any right, title or interest therein, to any person other than the Grantees; and
- 3) That the real property being conveyed is free from encumbrances done, made or suffered by the Grantors, or any person claiming under it, except taxes, levies and assessments for the year 2017 and thereafter.
- 4) That the Trustees have full power and authority to execute this present deed.

IN WITNESS WHEREOF, the said Grantors have hereunto set its hand and seal this 28 day of August, 2017.

GRANTORS:

THE PAUL H. MILLER AND LEAH A.
MILLER LIVING TRUST DATED
FEBRUARY 23, 1993

By: Paul H. Miller, Trustee
PAUL H. MILLER, Trustee

By: Leah A. Miller, Trustee
LEAH A. MILLER, Trustee

THE WILLIAM AND DIANE WEBER
REVOCABLE TRUST U/T/A JUNE 11, 2017

By: Diane M. Weber, Trustee
DIANE M. WEBER, Trustee



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER

Governor

April 18, 2018

GARY SPACKMAN

Director

DUANE SMITH
ALICE KAY SMITH
21165 DULIN DR
BEND OR 97701

Re: Change of Ownership for Water Right No: 03-10195

Dear Water Right Holders:

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water rights 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 Idaho Code §§ 42-222 and 42-223.

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. Change reporting forms are available from any office of the Department, or at www.idwr.idaho.gov.

Thank you for your patience. If you have any questions concerning the enclosed information, please feel free to contact me at (208) 287-4920.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures