

RECEIVED

Form 42-248/42-1409(6) Rev. 7/21

DEC 19 2022

DEPARTMENT OF
WATER RESOURCESPreviously submitted November of 2021, reattached for clarity
Attachment 1CSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
84-4052	Yes ☐	Yes ☐		Yes ☐	Yes ☐
84-4053	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: IFG-KAMP, LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Nez Perce Tribe
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- P.O. Box 365 Lapwai ID 83540
Mailing address City State Zip
208-843-2253 npotec@nezperce.org
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: 12-22-2017
6. Do you own the land identified as the water right place of use? Yes ☐ No ☐
o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
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.
PLEASE NOTE THAT CHECK WILL ARRIVE SEPARATELY
☐ 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: Ken Clark Digitally signed by Ken Clark
Date: 2021.11.09 13:17:04 -08'00' Director, Nez Perce Tribe Water Resources Division 11/9/21
Signature of new owner/claimant Title, if applicable Date
Ken Clark
Print name
- Signature: _____ **SUPPORT DATA**
IN FILE # 84-4052
Signature of new owner/claimant Title, if applicable Date

Print name

For IDWR Office Use Only:
Received by _____ Date 11-18-21 Receipt No. N037859 Receipt Amt. 50.00
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 [Signature] Date 2-9-23

SCANNED
-EB 09 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**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 Idaho Code §§ 42-248 and 42-1409(6). 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/forms/water-rights.html. 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 IDWR's website using the [Water Right and Adjudication Search](#).

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 IDWR's website at www.idwr.idaho.gov/forms/water-rights.html, 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 these provisions where necessary.
- Any action by IDWR updating the ownership of a water right in IDWR's records is not a determination of water right ownership. Water right ownership disputes arising from a notice of change in water right ownership must be resolved in a water rights adjudication or in an action to quiet title.

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 conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be assumed that the water rights are to be split proportionate to the amount of land acquired.

Instrument # 512021

IDAHO COUNTY, IDAHO,

12-26-2017 11:04:54 AM No. of Pages: 4

Recorded for : INLAND TITLE

KATHY M. ACKERMAN

Ex-Officio Recorder Deputy

Fee: 16.00

WARRANTY DEED

GRANTOR, IFG-KAMP, LLC, an Idaho limited liability company, of 687 Canfield Ave., Coeur d'Alene, ID 83815, for good and valuable consideration, and in consideration of the Grantor's participation in a Section 1031 Like-kind Tax Deferred Exchange pursuant to the terms of the Internal Revenue Code, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to THE NEZ PERCE TRIBE, of P.O. Box 365, Lapwai, ID 83540, and the Grantee's successors and assigns forever, all of the following described real estate located in the County of Idaho, State of Idaho, to wit:

See Exhibit A, attached hereto and incorporated herein by this reference.

TOGETHER WITH, all improvements, water, water rights, ditches, ditch rights, easements, hereditaments, and appurtenances thereto.

SUBJECT TO:

- 1) Taxes and Assessments imposed by the Nez Perce Tribe.
- 2) Lack of a right of access to and from said lands West of the Railroad Right of Way (Main Track). If access is by way of a crossing permit it is subject to the terms and conditions of said permit and any reversionary interest, possibility of reverter, power of termination, right of first refusal, or similar interest, of the United States of America, or any other person or entity in that portion of said land lying within the right-of-way granted to the railroad by the United States. (affects part Parcel 1)
- 3) Any claim arising from the difference in the mean high water line of the Clearwater River and the meander line as shown by the Original Government Survey, and also excepting any accretion or avulsion changes of the ordinary high water line. (affects part of Parcel 1)
- 4) All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by the recorded and subsequently vacated PLAT of Townsite, recorded February 10, 1905 in Book 1 of Plats at page 48, and the Record of SURVEYS listed below, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC §3604(c): Record of Surveys: recorded January 26, 1990 as Instrument Number 351720; (affects Parcel 1) recorded January 26, 1990 as Instrument Number 351721; (affects Parcel 1) recorded January

- 22, 2002 as Instrument Number 420695; (affects Parcel 1) recorded December 16, 2003 as Instrument Number 0433097. (affects Parcel 2)
- 5) EASEMENT to NORTHERN PACIFIC RAILWAY COMPANY for a spur track, recorded September 16, 1913 in Book 36 of Deeds at page 41. (affects Parcel 1)
 - 6) EASEMENTS for road in WARRANTY DEEDS recorded July 19, 1946 as Instrument Number 153048 and recorded June 21, 1948 as Instrument Number 159909. (affects Parcel 1)
 - 7) RIGHT OF WAY EASEMENT to THE WASHINGTON WATER POWER COMPANY recorded February 6, 1947 as Instrument Number 155089. (affects Parcel 2)
 - 8) RIGHT OF WAY EASEMENTS to THE WASHINGTON WATER POWER COMPANY recorded February 6, 1947 as Instrument Number 155093 and as Instrument Number 155096. (affects Parcel 1)
 - 9) RIGHT OF WAY EASEMENT for road in WARRANTY DEED recorded April 3, 1953 as Instrument Number 176268. (affects Parcel 1)
 - 10) EASEMENT to PACIFIC NORTHWEST BELL TELEPHONE COMPANY, recorded September 26, 1986 as Instrument Number 329812. (affects Parcel 1)
 - 11) EASEMENTS to US WEST COMMUNICATION, INC., recorded June 17, 1992 as Instrument Number 363813 and as Instrument Number 363814. (affects Parcel 1)
 - 12) Access by way of Woodland Road and Woodland Grade Road being located within the original boundaries of the Nez Perce Indian Reservation, and being subject to any laws, taxes, codes, or regulations, including those for limitation or duration, established by the Tribe and 25 C.F.R. §169, et seq.
 - 13) All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by the Record of Survey recorded October 12, 2011 as Instrument Number 481149, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC §3604(c).

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its successors and assigns, forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that it is free from all encumbrances, and that it will warrant and defend the same from all lawful claims whatsoever, EXCEPT General taxes, easements, reservations, restrictions, and rights of way of record or in use.

Except as otherwise expressly provided in this instrument, Grantor hereby declares, pursuant to Title 5, Chapter 2 of the Idaho Code, that in the event Grantor shall have permitted or suffered, at any time prior to the making of this instrument, any person

or entity to possess, use, or occupy the above-described premises, or any portion thereof, for any purpose, with or without the knowledge of Grantor, it was not the intent of Grantor, by permitting or suffering such possession, use, or occupation to thereby define property boundaries or ownership thereof.

In construing this Deed, and where the context so requires, the singular includes the plural and the masculine, the feminine, and the neuter.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal.

IFG-KAMP, LLC

By

Robert C Boeh

Idaho Forest Group, LLC

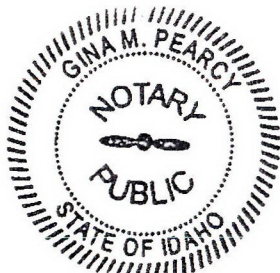
By BOB BOEH, Acting Chairman

STATE OF Idaho)

County of Kootenai)
ss

On this 21 day of December, 2017, before me, a Notary Public in and for said County and State, personally appeared BOB BOEH, Acting Chairman of Idaho Forest Group, LLC, on behalf of IFG-KAMP, LLC, known or identified to me to be the person whose name is subscribed to the within Instrument and acknowledged to me that he freely executed the same for and on behalf of said company.

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



Gina M. Pearcy
Notary Public for the State of Idaho
Residing at 601 W. Carfield Ave. therein.
My commission expires 11-14-23

EXHIBIT A

PARCEL 1: (MILLSITE)

Township 34 North, Range 3 East, Boise Meridian, Idaho County, Idaho

Section 35:

That portion of Government Lots 14 and 15, more particularly described as follows:

Commencing at a point on the East line of Section 35, which is 615 feet South of the quarter section corner common to Sections 35 and 36;

Thence West 730.5 feet to the West boundary of the Northern Pacific Railway Right of Way;

Thence following the West boundary as follows:

Northwesterly 300 feet on the arc of a 1°30' curve and N.17°42'W., 764.5 feet;

Thence West 268 feet to the high water line of the Middle Fork of the Clearwater River;

Thence Southerly and Easterly along said high water line 2905 feet, more or less, to the point of intersection of said high water line with the East line of said Section 35;

Thence North along said East line 1110 feet, more or less, to the POINT OF BEGINNING.

LESS the Railroad Right of Way.

AND

The South 206 feet of the North 615 feet of said Government Lot 15 lying East of the Railroad Right of Way.

AND

The North 409 feet of said Government Lot 15 lying East of the Railroad Right of Way;

AND

That part of said Government Lot 14 lying East of the Railroad Right of Way.

AND

The North 920 feet of said Government Lot 14 lying West of the Railroad Right of Way.

LESS any part lying South of centerline of Sixth Street of the vacated plat of Townsite, Idaho County, Idaho.

Section 36: Part of the SW¼ described as follows:

Commencing at the section corner common to Sections 35 and 36, Township 34 North, Range 3 East, Boise Meridian, and Sections 1 and 2, Township 33 North, Range 3 East, Boise Meridian, said point being marked by a brass cap monument;

Thence North 911.80 feet along the West line of said Section 36 to the POINT OF BEGINNING;

Thence continue North 1513.52 feet along said line to a point of the South right of way line of road easement "A" to Allotment 182-1557-B;

Thence, S.72°00'E., 58.38 feet along said line;

Thence S.54°14'56"E., 215.76 feet;

Thence S.68°38'40"E., 301.62 feet along said line;

Thence S.57°28'50"E., 401.49 feet along said line;

Thence South 1476.33 feet;

Thence N.61°29'17"W., 572.14 feet;

Thence N.65°20'22"W., 382.21 feet to the POINT OF BEGINNING.

PARCEL 2:

Township 34 North, Range 3 East, Boise Meridian, Idaho County, Idaho

Section 36: That part of the S½NW¼ more particularly described as follows:

BEGINNING at the SW corner of the NW¼ of said Section 36 and running thence 35 and 5/9th rods North along the West line of said NW¼ to a point;

Thence East and parallel with the South line of said NW¼ a distance of 160 rods, more or less, to the East line of said NW¼;

Thence South along the East line of said NW¼, 35 and 5/9th rods, more or less, to the SE corner of said NW¼;

Thence West along the South line of said NW¼, 160 rods, more or less, to the PLACE OF BEGINNING.

LESS that portion of said property West of the Woodland County Road;

ALSO LESS the East 371.5 feet

(23932 6733.PFD/23932 6733/20)

Heard and Approved
By: ALC
By:

SCANNED

FEB 09 2023

WSB Mailing Checklist for Leases

Instructions: Staple to outside of lowest numbered water right file during processing.

Key: Who Completes What?

CLERICAL STAFF: MK

REVIEWER:

Received Date 12/19/2022

Desired Lease Duration ~~202-2026~~ 2022-2026

Lease / Rental Package Y N

If yes, Renter Name: _____

Application # 2530

Contract # _____

WR#s		# 84-4052
#		#
#		#
#		#
#		#
#		#
#		#
#		#

Applicant Authorized?	<u>Y</u> / N
Multiple owners. Attach 1A included?	Y / N <u>NA</u>
If portion is offered, Attach 2 included?	Y / N <u>NA</u>
Map of POU and POD?	Y / N <u>NA</u>
POD Consent (if required)?	Y / N <u>NA</u>
Application Complete?	<u>Y</u> / N
Minimum checklist in data base?	☒
Request for additional information letter sent:	Y NA
WSB Action Request for deficiencies	☐

Stacked Water Rights Need to be Leased? ☐

If checked, list water rights: _____

If the WR owner provided a different address on the application than what's in our database, update address in workflow.

Mailings (per lease application)

CC Original

Designated Applicant: Nez Perce Tribe

☐
☐

EMAIL: _____

Attorney:

☐
☐

EMAIL: _____

Consultants Name: Ken Clark - Nez Perce Tribe

☐

Comments: _____

Watermaster:

☐

Delivery Entity:

☐

Water District:

☐

Ground Water District:

☐

Region:

☐

Other:

☐
☐

Address: _____

Call up Date: _____

DO NOT SCAN



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 3, 2023

NEZ PERCE TRIBE
PO BOX 365
LAPWAI ID 83540

**RE: WITHDRAWAL OF APPLICATION(S) TO LEASE WATER RIGHT NOs. 84-4052 TO
THE WATER SUPPLY BANK**

Dear Applicant:

Per your request via phone conversation with Water Resource Agent Skyler Cheever on March 2, 2023, the Department of Water Resources (Department) acknowledges your intent to withdraw your Lease Application(s) for the right(s) listed above. Therefore, the Department is returning your application. A refund of your application fee has been requested and will be sent to you separately.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you wish to lease water in the future, please reapply using new forms from the Department's website at www.idwr.idaho.gov. If you have any questions regarding this matter, please contact me at (208) 287-4822.

Sincerely,

A handwritten signature in black ink, appearing to read "Mackenzie Kienholz", written over a horizontal line.

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosure: Lease Application #2530

SCANNED
Apr 19 2023

Kienholz, Mackenzie

From: Cheever, Skyler
Sent: Thursday, March 2, 2023 10:55 AM
To: Kienholz, Mackenzie
Subject: Call with Nez Perce Tribe

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mackenzie,

I spoke with a representative of the Nes Perce Tribe on Thursday March 2nd, 2023. The representative told me they would like to have their water supply bank lease application for water right 84-4052 sent back to them and issued a refund. They needed to get more information on water use when and if they resubmit.

Best,

Skyler

Skyler Cheever
Water Resource Agent, State Office
Email: skyler.cheever@idwr.idaho.gov
Phone: 208-287-4913



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

February 28, 2023

NEZ PERCE TRIBE
PO BOX 365
LAPWAI ID, 83540

**RE: APPLICATION(S) TO SELL LEASE A WATER RIGHT TO THE WATER SUPPLY
BANK FOR WATER RIGHT NO(S). 84-4052**

******TIME SENSITIVE RESPONSE REQUIRED******

Dear Lessor:

The Department of Water Resources received an application to Lease Water Right 84-4052 on December 19th, 2022. In Section 4F on the application it was stated the water right was acquired within the last five years. However, after acquisition water could not be provided to accomplish the beneficial use under 84-4052.

In Section 4G on the application, no was checked indicating the water right may have been used within the last five years. However, it cannot be confirmed through GIS or Google Imagery use has occurred since 2016. According to the IDAPA Water Supply Bank Rules 37.02.03.25.02c information demonstrating the water right has not been lost to abandonment or forfeiture as defined by Idaho Code § 42-222(2) must be provided for the application to be considered complete. Therefore, this application would be considered incomplete until further information is provided determining this water right has not been lost to forfeiture or a valid defense to forfeiture is provided.

Because the Department cannot process this application to lease water right 84-4052 without the information requested, we will hold any action on your application pending receipt of the necessary information. If we do not receive the necessary information within **30 days** this application will be returned to the applicant.

If you have any questions or no longer have an interest in the water right, please contact me at (208)-287-4913 or email skyler.cheever@idwr.idaho.gov.

Sincerely,

Skyler Cheever
Water Resource Agent

SCANNED
APR 19 2023

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Thursday, February 9, 2023 3:19 PM
To: 'Allison Lebeda'
Cc: 'Ken Clark'
Subject: RE: Information Needed - Water Supply Bank Lease Application for WR 84-4052

Hello Allison,

I discussed this situation with one of our State Office technical records specialists, and she was able to complete the ownership change this afternoon based off the copies of the ownership change form you included with the Water Supply Bank application. A letter will be mailed out to the Nez Perce Tribe at the address provided on the form tomorrow notifying that the change has been accomplished. I am so sorry that this has been such a drawn out and confusing process for you, but as of now there isn't any further action that needs to be taken. I will note that the Water Supply Bank application is now ready for a full review, and hopefully the next you will hear from us will be for signatures on a Water Supply Bank contract. Please feel free to reach out with any questions at any time.

All the best,
Mackenzie

From: Kienholz, Mackenzie
Sent: Thursday, February 9, 2023 2:20 PM
To: Allison Lebeda <AllisonL@nezperce.org>
Cc: Ken Clark <kenc@nezperce.org>
Subject: RE: Information Needed - Water Supply Bank Lease Application for WR 84-4052

Hello Allison,

Thank you for following up with me so quickly. I did see the receipt from November, 2021 and the copy of the change in ownership documents submitted with the application. Our office has been in touch with Natalie Steading as well trying to sort out what may have happened and why it was not processed (and thus there is no recorded documentation). I truly appreciate you sharing the information you had, and I will continue to work with the Northern office to get the water rights where they need to be! I will be sure to keep you updated along the way.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822

From: Allison Lebeda <AllisonL@nezperce.org>
Sent: Thursday, February 9, 2023 2:11 PM
To: Kienholz, Mackenzie <Mackenzie.Kienholz@idwr.idaho.gov>

SCANNED
APR 19 2023

Cc: Ken Clark <kenc@nezperce.org>

Subject: Information Needed - Water Supply Bank Lease Application for WR 84-4052

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hello Mackenzie,

Ken Clark passed your email on to me to follow up with you regarding the Change in Ownership form for WR 84-4052. I first filed for Change in Ownership in November 2021. I sent an electronic copy in to northerninfo@idwr.idaho.gov on November 9, 2021 and also sent a copy via snail mail to IDWR Northern Region at 7600 N Mineral Dr, Ste 100 in Coeur d'Alene, ID 83815-7763 around the same time. Per Northern IDWR staff guidance, there was a note on the form that the check would arrive separately. The Tribe sent a check into Northern IDWR Region on November 10, 2021. To my knowledge, this check was cashed by IDWR.

When my staff and I submitted the Water Supply Bank Lease Application for WR 84-4052, we included copies of the Change in Ownership form sent in November 2021. Numerous calls have been made to Northern Region IDWR staff since the initial filing of the Change in Ownership form, particularly to Natalie Steading, inquiring about the status of the Change in Ownership. Sounds like there was a paper shuffle and possible loss of the original paperwork. Per the Tribe's Water Resources Division's last communication with Northern Region IDWR at the end of January 2023, Natalie said she was getting close to finding the paperwork. Perhaps you could follow up with her?

Please let me know what you find out and how the Nez Perce Tribe's Water Resources Division staff can further assist you.

Thanks,
Allison

Kienholz, Mackenzie

From: Kienholz, Mackenzie
Sent: Thursday, February 9, 2023 10:35 AM
To: kenc@nezperce.org; waterresources@nezperce.org
Subject: Information Needed - Water Supply Bank Lease Application for WR 84-4052
Attachments: Blank Change in Ownership Form.pdf

Follow Up Flag: Follow up
Due By: Thursday, February 16, 2023 8:00 AM
Flag Status: Flagged

Hello Mr. Clark,

I received the application to lease water right 84-4052 to the Water Supply Bank in December. Currently IFG – Kamp, LLC is listed as the owner of the water right, and the latest documentation I can find regarding ownership was when they became the owners of the right in 2016. Do you know if a Change in Ownership was ever filed with the Department to update the records and the ownership to the Nez Perce Tribe? I have looked through all the backfile paperwork and can't find anything suggesting this was ever filed. If not, it should not be too late to get this changed, but we will need to do so before we can review the Water Supply Bank application. I am attaching the Change in Ownership form to this email, but please contact me with any questions or comments. As long as Water Supply Bank lease applications are approved, they can be backdated to cover the entire calendar year.

Thank you,

Mackenzie Kienholz
Water Supply Bank Specialist



Planning & Projects
Mackenzie.kienholz@idwr.idaho.gov
Phone: (208) 287-4822



IDAHO DEPARTMENT
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

February 09, 2023

NEZ PERCE TRIBE
PO BOX 365
LAPWAI ID 83540-0365

Re: Change in Ownership for Water Right No(s): 84-4052 & 84-4053

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) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

ECANNED

FEB 09 2023

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

DEC 19 2022

DEPARTMENT OF
WATER RESOURCES

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

Designated Applicant Nez Perce Tribe **Water Right No.** 84-4052
(Select one owner – see item 1A on the application) (One water right per application)

Is this application being submitted with a rental application as a lease/rental package? Yes ☐ No ☒

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- | | | | |
|----|-------------------------------------|-------------------------------------|--|
| 1A | ☒ | ☐ | Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application. |
| 1B | ☐ | ☒ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☐ | ☒ | <u>Notice of Change in Water Right Ownership</u> form (accessible from www.idwr.idaho.gov). |
| 1D | ☐ | ☒ | Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity. |
| 2 | ☒ | ☐ | Description of a water right portion offered to the Water Supply Bank. |
| 3 | ☐ | ☒ | A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov . |
| 4A | ☒ | ☐ | Written consent from irrigation district or water delivery company. |
| 4G | ☐ | ☒ | Evidence demonstrating the water right has not been forfeited pursuant to <u>Section 42-222(2), Idaho Code</u> . |

re-attached

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: <u>KM</u>	Date Received: <u>12.19.22</u>	Receipt # <u>0114911</u>
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: <u>Nez Perce Tribe</u>	

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Nez Perce Tribe

Mailing Address	<u>P.O. Box 365</u>	<u>Lapwai</u>	<u>ID</u>	<u>83540</u>
	Street	City	State	Zip Code
Email Address	<u>kenc@nezperce.org; kcannon@nezperce.org</u>		Phone Number	<u>208-843-2253</u>

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☐ No ☒
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☒ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative	<u>Ken Clark</u>	Organization	<u>Nez Perce Tribe</u>
Professional Title	<u>Director of Water Resources Division</u>	Email Address	<u>kenc@nezperce.org</u>
Mailing Address	<u>P.O. Box 365, Lapwai, ID 83540</u>		Phone Number <u>208-843-7368</u>

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☒ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☒ The full water right is being offered to the Bank.

OR

☐ A part of the water right is being offered to the Bank.
If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).
If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#).
- B. Please provide a description of the current water diversion and delivery system.
Two 6" river pumps, one 10" river pump and pipeline.
- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. No other water rights used for the same purpose are present at the same place of use as the water right being offered to the Bank.
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.
- E. Will the present place of use continue to receive water from any other source? Yes ☒ No ☐
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. Water right #84-4053 has an overlapping place of use that is for domestic water use. No enlargement will occur if this water right is leased because of the differences in beneficial uses and PODs.
- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. The Nez Perce Tribe recently (within the last 5 years) acquired this water right and cannot provide historical annual volumes and/or rates of water diverted by the previous owner to accomplish the beneficial use authorized by this water right.
- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. See Item F.
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. This water right had a Notice of Change in Water Right Ownership filed with Idaho Department of Water Resources in November of 2021.

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

- A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒?

If lease, specify the years when the use of water will be suspended: 2022 to 2027 (maximum lease period 5 calendar years).
(Year) (Year)

- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
"current rental rate" as established by the IWRB

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Signature of Designated Applicant

Ken Clark

Signature of Authorized Representative

Printed Name

Ken Clark, Water Resources Division

Printed Name

Date

12-14-2022

Date

Mail to:

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

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Apr 19 2023

**STATE OF IDAHO
WATER RESOURCE BOARD**

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

There are no other water right holders other than the designated applicant.
Water Right No(s). _____

	Designated Applicant	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

COPY

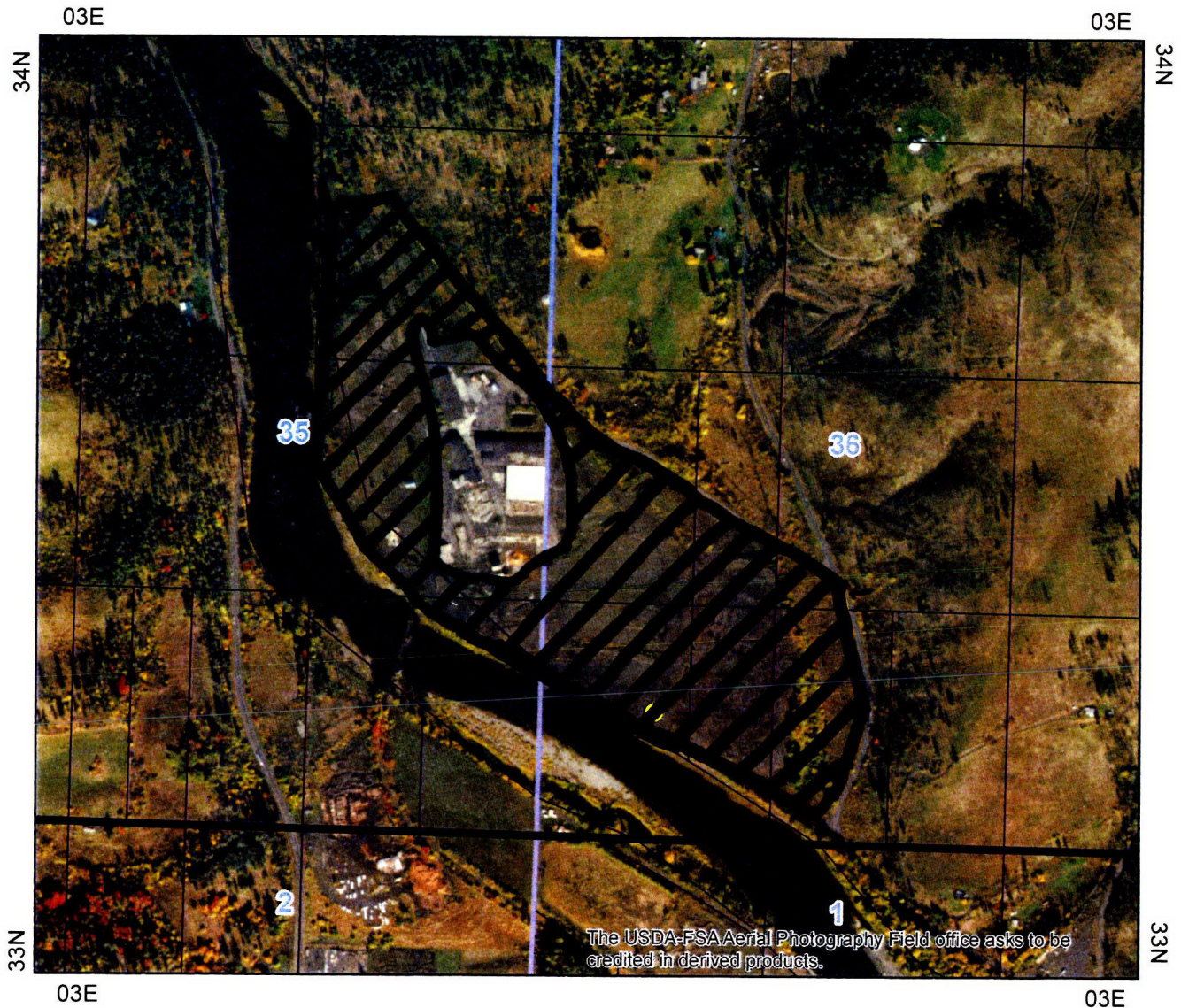
Attachment 1A

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Apr 19 2014

State of Idaho
Department of Water Resources**Water Right**
84-4052

INDUSTRIAL + Fire Protection

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- ▨ Idled

0 0.1 0.2 0.4 Miles

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Apr 15 2014
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