Form 42-238 (42-1409) Rev. 6/22

RECEIVED
DEC 27 2023
IDWR / NORTH

STATE 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?
85-10432	Yes ☐	Yes ☐		Yes ☐	Yes ☐
~~85-10433~~	Yes ☐	Yes ☐		Yes ☐	Yes ☐
~~85-10434~~	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Glen Gill
   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 (Mailing address) | Lapwai (City) | ID (State) | 83540 (Zip)

   208-843-2253 (Telephone) | kcannon@nezperce.org; kenc@nezperce.org (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: 05/25/2012.

6. Do you own the land identified as the water right place of use? Yes ■ No ☐
   - 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):
     - $25 per *undivided* water right.
     - $100 per *split* water right.
     - No fee is required for pending adjudication claims.
   - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
   - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Ken Clark (Digitally signed by Ken Clark Date: 2022.12.20 10:41:36 -08'00') | Director, Water Resources Division | 12/20/2022
   Signature of new owner/claimant | Title, if applicable | Date
   Ken Clark
   Print name

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

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For IDWR Office Use Only:

Receipted by NS Date 12/27/22 Receipt No. N042138 MAY 26 2023 Receipt Amt. _____

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 NS Date 5/26/23

484096

COPY

WARRANTY DEED

THIS INDENTURE, made on this 25 day of May, 2012, by and between DARREL G. GILL, also known as DARRELL GILL, joined by his wife, ALBERTA GILL, and BIG BUTTE LAND & CATTLE, LLC, an Idaho limited liability company, of 583 Thorn Springs Rd., Kamiah, ID 83536, all hereinafter referred to as the Grantors, and THE NEZ PERCE TRIBE, of P.O. Box 365, Lapwai, ID 83540, hereinafter referred to as the Grantee.

WITNESSETH:

That the said Grantors, for and in consideration of the sum of Ten Dollars ($10.00), lawful money of the United States of America, and for and in consideration of the Grantors' participation in a Section 1031 Exchange pursuant to the terms of the Internal Revenue Code, and other good and valuable considerations to them in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do grant, bargain, sell, convey, and confirm unto the said Grantee, its successors and assigns, forever all the following described real property situate in the County of Idaho, State of Idaho, to wit:

See Schedule C, attached hereto and hereby incorporated by this reference;
Reserving an Access Easement for access to U.S.G. Survey monument "WINONA" and to two memorial headstone monuments adjacent to the U.S.G.S. brass cap monument which bears South 59°04'27" West a distance of 1938.38 feet from the township corner (a brass cap monument) at the Southeast corner of the SE¼ of Section 36, Township 33 North, Range 2 East of the Boise Meridian; and,
The joint right to use that Access Easement, above-described, in common with others, with the Grantors reserving the right to use that road for themselves, and granting the nonexclusive right to this Grantee to use that road which is described in the Access Easement aforementioned.

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MAY 26 2023

Instrument # 484096
IDAHO COUNTY, IDAHO,
5-30-2012 01:57:17 No. of Pages: 6
Recorded for : IDAHO COUNTY TITLE
KATHY M. ACKERMAN Fee: 25.00
Ex-Officio Recorder Deputy Maigie Gutierrez

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues and profits thereof, and all estate, right, title, and interest in and to the said property as well in law as in equity of the said Grantors.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantee, its successors and assigns, forever.

And the said Grantors, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said Grantee, its successors and assigns, that at the time of the ensealing and delivery of these presents they were well seized of the premises above conveyed as of good, sure, perfect, absolute, and indefeasible estate of inheritance, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell, and convey the same in the manner and form aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever, *EXCEPT*:

1) General taxes for the year 2012, which are a lien, not yet due and payable.
2) Financing Statements, Seed and Farm Laborer's Liens against crops which may be filed in the Office of the Secretary of State.
3) Subject to right of way for Gill Road, Thorn Springs Road, and Winona Road as the same now exist.
4) Right of Way Deed for Wagon Road, including the terms and conditions thereof, by and between Mary Parsons and John Parsons, and County of Idaho, State of Idaho, a municipal corporation, recorded July 7, 1978 under Instrument No. 274304, records of Idaho County, Idaho (As to Parcel I).

TOGETHER WITH, all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues and profits thereof, and all estate, right, title, and interest in and to the said property as well in law as in equity of the said Grantors.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantee, its successors and assigns, forever.

And the said Grantors, for themselves, their heirs, executors, and administrators, do covenant, grant, bargain, and agree to and with the said Grantee, its successors and assigns, that at the time of the ensealing and delivery of these presents they were well seized of the premises above conveyed as of good, sure, perfect, absolute, and indefeasible estate of inheritance, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell, and convey the same in the manner and form aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever, *EXCEPT*:

1) General taxes for the year 2012, which are a lien, not yet due and payable.
2) Financing Statements, Seed and Farm Laborer's Liens against crops which may be filed in the Office of the Secretary of State.
3) Subject to right of way for Gill Road, Thorn Springs Road, and Winona Road as the same now exist.
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MAY 26 2023

And that the above bargained premises, in the quiet and peaceable possession of the said Grantee, its successors and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantors will and shall WARRANT AND FOREVER DEFEND.

That this Deed is given by Grantors to Grantee not on account of any default in any security agreements or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantee to Grantors.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

DARREL G. GILL
a/k/a DARREL GILL

ALBERTA GILL

BIG BUTTE LAND & CATTLE, LLC

By manager

DARREL GILL, Manager

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MAY 26 2023

STATE OF IDAHO)
ss
County of Idaho)

On this 25th day of May, 2012, before me, a Notary Public in and for said County and State, personally appeared DARREL G. GILL, a/k/a DARREL GILL, in his individual capacity and as Manager for BIG BUTTE LAND & CATTLE, LLC, known or identified to me to be the person whose name is subscribed to the within instrument and he acknowledged to me that he freely executed the same in the above-described capacities.

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

(NOTARY SEAL)

Notary Public for the State of Idaho,
Residing at Grangeville, therein.
My commission expires 6-24-2017.

STATE OF IDAHO)
ss
County of Idaho)

On this 25th day of May, 2012, before me, a Notary Public in and for said County and State, personally appeared ALBERTA GILL, known or identified to me to be the person whose name is subscribed to the within instrument and she acknowledged to me that she freely executed the same.

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

(NOTARY SEAL)

Notary Public for the State of Idaho,
Residing at Grangeville, therein.
My commission expires 6-24-2017.

STATE OF IDAHO)
ss
County of Idaho)

On this 25th day of May, 2012, before me, a Notary Public in and for said County and State, personally appeared DARREL G. GILL, a/k/a DARREL GILL, in his individual capacity and as Manager for BIG BUTTE LAND & CATTLE, LLC, known or identified to me to be the person whose name is subscribed to the within instrument and he acknowledged to me that he freely executed the same in the above-described capacities.

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

(NOTARY SEAL)

Notary Public for the State of Idaho,
Residing at Grangeville, therein.
My commission expires 6-24-2017.

STATE OF IDAHO)
ss
County of Idaho)

On this 25th day of May, 2012, before me, a Notary Public in and for said County and State, personally appeared ALBERTA GILL, known or identified to me to be the person whose name is subscribed to the within instrument and she acknowledged to me that she freely executed the same.

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

(NOTARY SEAL)

Notary Public for the State of Idaho,
Residing at Grangeville, therein.
My commission expires 6-24-2017.

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MAY 26 2023

File No.: 24100

SCHEDULE C

Parcel I:

Township 32 North, Range 2 East, Boise Meridian, Idaho County, Idaho
Section 1: Government Lots 1, 2, 3, 4, 12, 13, 14, 15, 16, and 17

ALSO:

A parcel of land located in Government Lot 5, more particularly described as follows:

Beginning at the Southeast corner of Government Lot 5 in said Section 1;
thence running North along the East border line of said Government Lot 5, 660 feet;
thence in a southwesterly direction in a direct line to the Southwest corner of said Government Lot 5;
thence along the South border line of said Government Lot 5 to the Point of Beginning.
Sometimes known as Assessor's Tax No. 24.

ALSO:

Township 32 North, Range 3 East, Boise Meridian, Idaho County, Idaho
Section 6: Government Lot 4

ALSO:

Township 33 North, Range 2 East, Boise Meridian, Idaho County, Idaho
Section 36: NE¼, SE¼, E½SW¼

ALSO:

Township 33 North, Range 3 East, Boise Meridian, Idaho County, Idaho
Section 29: W½SW¼ North of road

Section 30: Government Lots 3 and 4, E½SE¼ North of road

LESS:

A parcel of land beginning at a point 80 rods West of the Southeast corner of said Section 30 and extending North 1/2 mile;
thence East 59 feet;
thence South 1/2 mile;
thence West 59 feet to the Point of Beginning.
Sometimes known as Tax Assessor's No. 6.

Section 31: Government Lots 1, 2, 3, and 4, W½NE¼, E½NW¼, E½SW¼, W½SE¼

Parcel II:

Township 33 North, Range 3 East, Boise Meridian, Idaho County, Idaho
Section 29: W½SW¼ South of county road

Section 30: E½SE¼ South of county road;

LESS:

A parcel of land beginning at a point 80 rods west of the SE corner of said Section 30 and extending

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File No. 24100

SCHEDULE C
(Continued)

North 1/2 mile;
thence East 59 feet;
thence South 1/2 mile;
thence West 59 feet to the Point of Beginning.
Sometimes known as Tax Assessor's No. 6.

Section 31: E½E½

Section 32: NW¼NW¼, Less road, SW¼NW¼, SW¼

Township 32 North, Range 3 East, Boise Meridian, Idaho County, Idaho
Section 5:

Beginning at the Northeast corner of Lot 3 of said Section 5;
thence South along the East line of Lot 3, 450 feet;
thence West 982 feet;
thence North and westerly to the Northwest corner of Lot 3;
thence East along the North line of Lot 3, 1320 feet to the Point of Beginning.
Sometimes known as Tax Assessor's No. 17.

(end schedule c)

File No. 24100

SCHEDULE C
(Continued)

North 1/2 mile;
thence East 59 feet;
thence South 1/2 mile;
thence West 59 feet to the Point of Beginning.
Sometimes known as Tax Assessor's No. 6.

Section 31: E½E½

Section 32: NW¼NW¼, Less road, SW¼NW¼, SW¼

Township 32 North, Range 3 East, Boise Meridian, Idaho County, Idaho
Section 5:

Beginning at the Northeast corner of Lot 3 of said Section 5;
thence South along the East line of Lot 3, 450 feet;
thence West 982 feet;
thence North and westerly to the Northwest corner of Lot 3;
thence East along the North line of Lot 3, 1320 feet to the Point of Beginning.
Sometimes known as Tax Assessor's No. 17.

(end schedule c)

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MAY 26 2023

Water Right Report : 85-10432(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	GILL, GLEN	RT 2 BOX 77	KAMIAH	ID	83536

Water Right Status

Priority Date : 12/31/1918
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	33N	02E	36	0	NW	NW	SE	IDAHO	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
STOCKWATER	1/01	12/31	0.03 CFS	
DOMESTIC	1/01	12/31	0.04 CFS	
TOTAL			0.07 CFS	

Places of Use

Place of Use Legal Description : DOMESTIC (IDAHO county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
32N	02E	36			NW	SE	

Place of Use Legal Description : STOCKWATER (IDAHO county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
33N	02E	36			NW	SE	

Conditions

Code	Condtions
C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
	PARCEL NO. RP32N02E367210 STOCKWATER, 100 HEAD

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MAY 26 2023

Dates

Licensed Date :
Decreed Date : 12/29/2000
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date
Enlargment Use Priority Date :
Enlargement Statute Priority Date :
Application Recevied Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : NWD
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plantiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

11/10/2022

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Dates

Licensed Date :
Decreed Date : 12/29/2000
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargment Use Priority Date :
Enlargement Statute Priority Date :
Application Recevied Date:
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : NWD
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plantiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

11/10/2022

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SCANNED
MAY 26 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87500

This is to certify that: NEZ PERCE TRIBE
PO BOX 365
LAPWAI, ID 83540-0365

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
85-10432	WR/DECREED	12/31/1918	0.070 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
85-10432	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
85-10432	85-10432	0.070 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**0.070 cfs**	**N/A**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 22nd day of May, 2023.

Michelle Richman

Michelle Richman, Northern Regional Manager

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MAY 26 2023

WATER RIGHT NO. 85-10432

As Modified by Transfer No. 87500

In accordance with the approval of Transfer No. 87500, Water Right No. 85-10432 is now described as follows:

Right Holder: NEZ PERCE TRIBE
PO BOX 365
LAPWAI, ID 83540-0365

Priority Date: 12/31/1918

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
DOMESTIC	1/01	to	12/31	0.040 cfs
STOCKWATER	1/01	to	12/31	0.030 cfs
				0.070 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNWSE Sec 36 Twp 33N Rge 02E IDAHO County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
33N	02E	36														X			

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
33N	02E	36														X			

CONDITIONS OF APPROVAL

1. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

3. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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MAY 26 2023

WATER RIGHT NO. 85-10432

As Modified by Transfer No. 87500

CONDITIONS OF APPROVAL

4. PARCEL NO. RP32N02E367210 STOCKWATER, 100 HEAD

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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MAY 26 2023

State of Idaho
Department of Water Resources

Attachment to Transfer # 87500

Right 85-10432

This map depicts the DOMESTIC & STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.035 0.07 0.14 Miles

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

N

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JAN 31 2023

IDWR/NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 87500

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Nez Perce Tribe

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes	N/A	
		* Means the item is always required and must be included with the application.
☒	*	Completed Application for Transfer of Water Right form, Part 1.
☒	*	Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
☒	*	Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
☐	☒	Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
☒	*	Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
☐	*	Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

☐	☒	#1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
☒	☐	#2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
☒	☐	#2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).** ** Additional fee(s) required for water right ownership changes; see fee schedule.
☒	☐	#3 Documentation of authority to make the change if the applicant is not the water right owner.
☐	☒	#4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
☐	☒	#5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
☐	☒	#6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
☒	*	#7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
☐	☒	#7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
☐	☒	#8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
☐	☒	#8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
☐	☒	#9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
☐	☒	#10 Other. Please describe: _____

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MAY 26 2023

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Nez Perce Tribe Phone (208) 843-2253

Mailing address P.O. Box 365 Lapwai, ID 83540 Email kenc@nezperce.org
kcannon@nezperce.org

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Ken Clark, Director of Water Resources Phone (208) 843-7368

Mailing address P.O. Box 365 Lapwai, ID 83540 Email kenc@nezperce.org

☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Ken Clark — Signature of Applicant or Authorized Representative

Ken Clark Director, Water Resources Division — Print Name and Title if applicable

1-23-23 — Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
   If yes, ☒ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

Water right 85-10432 has two declared uses, one for domestic use and one for stockwater. When these water rights were declared, the place of use for the domestic diversion was incorrectly assigned as 32N R2E S.36. The correct location should be the same as the diversion point is labeled, 33N R2E S36. This should be the same as the stockwater use is declared for this water right.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Nez Perce Tribe Phone (208) 843-2253

Mailing address P.O. Box 365 Lapwai, ID 83540 Email kenc@nezperce.org
kcannon@nezperce.org

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

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Ken Clark — Signature of Applicant or Authorized Representative

Ken Clark Director, Water Resources Division — Print Name and Title if applicable

1-23-23 — Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
   If yes, ☒ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

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Water right 85-10432 has two declared uses, one for domestic use and one for stockwater. When these water rights were declared, the place of use for the domestic diversion was incorrectly assigned as 32N R2E S.36. The correct location should be the same as the diversion point is labeled, 33N R2E S36. This should be the same as the stockwater use is declared for this water right.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. All	Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒	☐	85-10432	0.04 CFS	domestic	1-01 to 12-31	ground water
☒	☐	85-10432	0.03 CFS	stockwater	1/01 to 12/31	ground water
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 0.07 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.07 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
33N	02E	36														X			40
																D/S			

Total Acres (for irrigation use)

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The diversion system is a 300' ground water well. A water flow meter could be installed to measure the amount of water being used.

b. Who owns the property at the point(s) of diversion? Nez Perce Tribe

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

NO

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

There would be no change to the land because the water has been used on the proposed new location, as the current location was incorrectly decreed and the water was never used there.

f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

A stockwater use is part of this water right, which exists at the same diversion point and place of use as the proposed tranfer of the domestic place of use.

g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
- ☐ ☒ currently leased to the Water Supply Bank,
- ☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
- ☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The diversion system is a 300' ground water well. A water flow meter could be installed to measure the amount of water being used.

b. Who owns the property at the point(s) of diversion? Nez Perce Tribe

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NO

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

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Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
- ☐ ☒ currently leased to the Water Supply Bank,
- ☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
- ☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES N/A

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: ________________

1. amount __________________ (cfs/ac-ft) for ___________________________ purposes from ___________ to ___________
   amount __________________ (cfs/ac-ft) for ___________________________ purposes from ___________ to ___________
   amount __________________ (cfs/ac-ft) for ___________________________ purposes from ___________ to ___________
   amount __________________ (cfs/ac-ft) for ___________________________ purposes from ___________ to ___________
   amount __________________ (cfs/ac-ft) for ___________________________ purposes from ___________ to ___________
   amount __________________ (cfs/ac-ft) for ___________________________ purposes from ___________ to ___________
   amount __________________ (cfs/ac-ft) for ___________________________ purposes from ___________ to ___________
   amount __________________ (cfs/ac-ft) for ___________________________ purposes from ___________ to ___________
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) ______

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MAY 26 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

N/A ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid _____ Date _____ Receipted by _____ Receipt # _____

Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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B. CHANGES IN NATURE OF USE (Water Balance)

N/A ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

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N/A

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid $50 Date 1-31-23 Receipted by NS Receipt # N042409

Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

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MAY 26 2023

Form No. 42-1409 (2) b 1/88

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number A85-10432
Date Received July 15, 1988
Receipt Number N-517

JUL 8 1988
Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day. Filing fee $25

Please type or print clearly

1. Name of Claimant (s) GLEN GILL Phone (208) 983-1344
   Mailing Address RT 2 BOX 77 KAMIAH, ID Zip 83536
2. Date of Priority (Only one (1) per claim) 1918
3. Source of water supply (a) GROUNDWATER
   which is tributary to (b) _____
4. Location of point of diversion is: Township 33N Range 2E
   Section 36, NW 1/4 of NW 1/4 of SE 1/4, Govt. Lot _____, B.M.,
   County of IDAHO
   Additional points of diversion if any: NONE
5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. WELL - 300' DEEP
6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)
   (Both dates are inclusive) (cfs)
   For DOMESTIC purposes from 1/1 to 12/31 amount .04
   For STOCK purposes from 1/1 to 12/31 amount .03
7. Total quantity claimed .07 (cfs)
8. Total consumptive use claimed is *de minimus*
9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of livestock) DOMESTIC - 1 HOUSE STOCK 100 HEAD

MICROFILMED
APR 26 1993

Copies: White-State, Yellow-Claimant

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10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
33N	2E	36														D+S		

11. In which county (ies) are lands listed above as place of use located? IDAHO

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: _____

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ___ do not ___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [signature] Date 6 July 88

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____
Title
of _____ , that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

MICROFILMED
APR 26 1993

State of Idaho/or _____)
) SS.
County of Idaho)

Subscribed and sworn (or affirmed) before me this 6th. day of July 1988

SEAL

Notary Public [signature]

Residing at Cottonwood, Id.

My Commission Expires 7-1-92

Last Name GILL Ident No. A85-10432

Copies White-State, Yellow-Claimant

SCANNED

MAY 26 2023

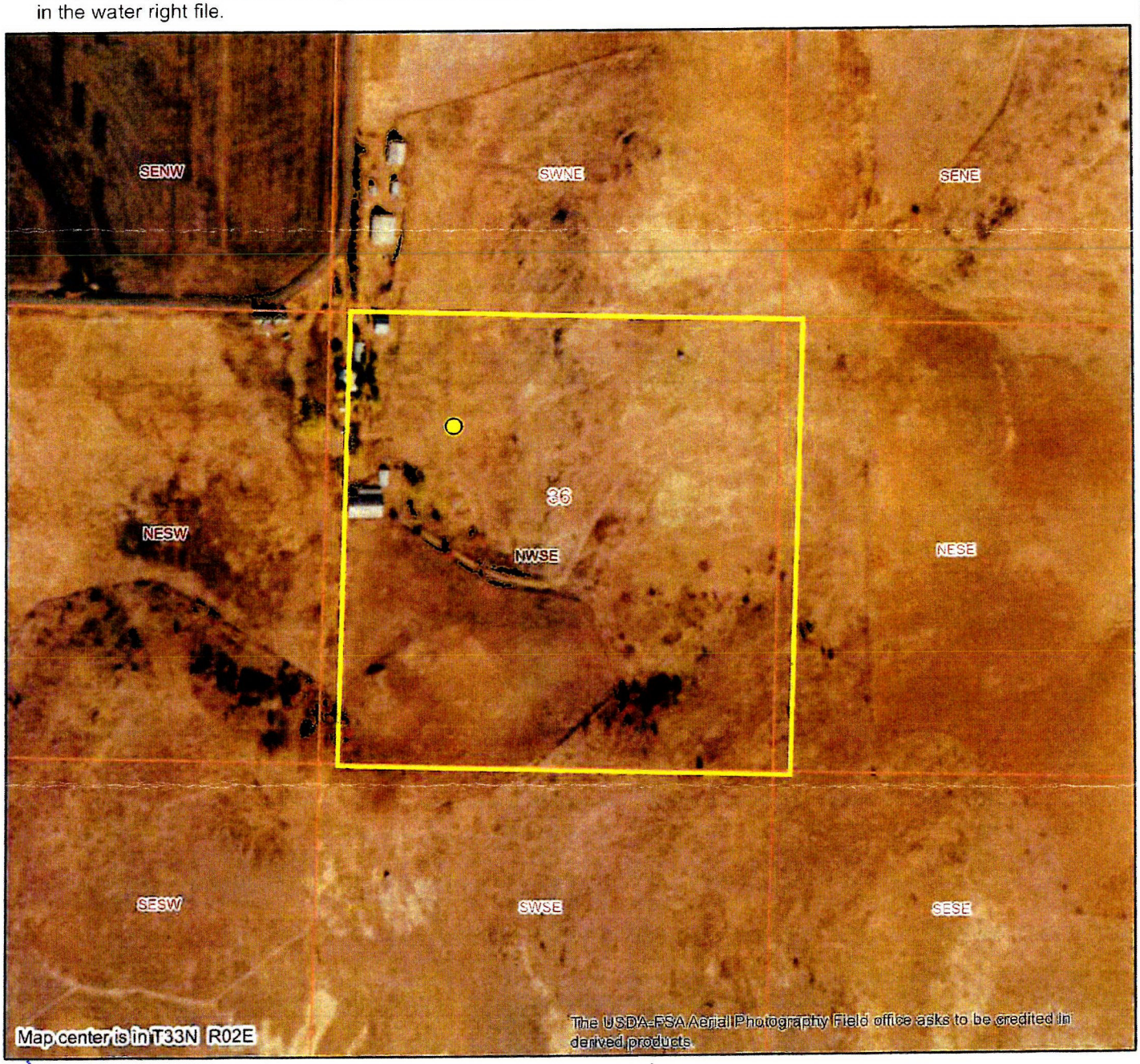
State of Idaho
Department of Water Resources

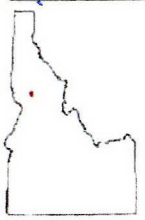
Water Right

85-10432

STOCKWATER

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.





0 0.03 0.06 0.12 0.18 0.24
Miles

Legend

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

N

Date created: 11/10/2022

SCANNED
MAY 26 2023

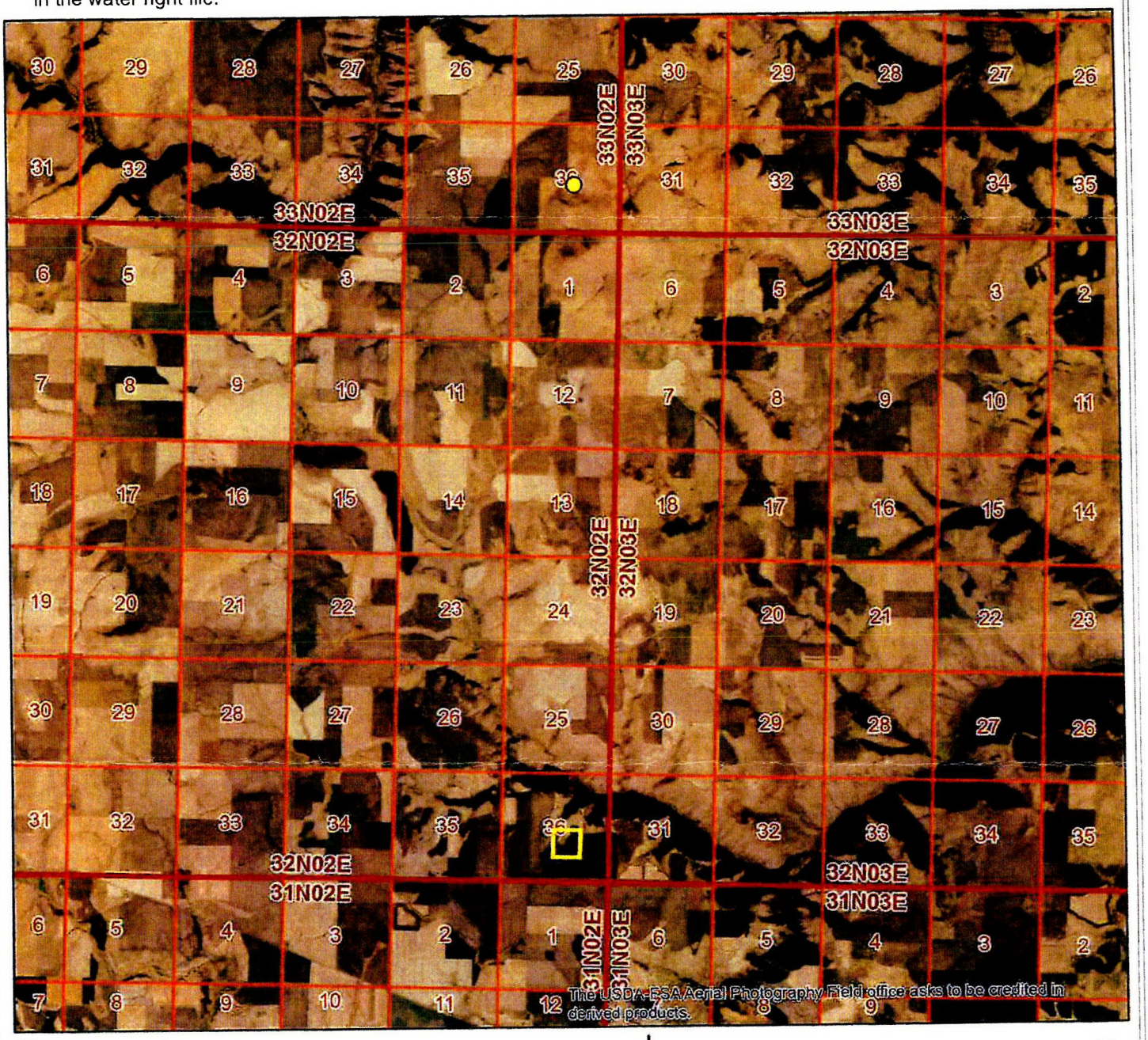
State of Idaho
Department of Water Resources

Water Right

85-10432

DOMESTIC

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.





0 0.5 1 2 3 4
Miles

Legend
- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections

N

Date created: 11/10/2022

SCANNED
MAY 26 2023

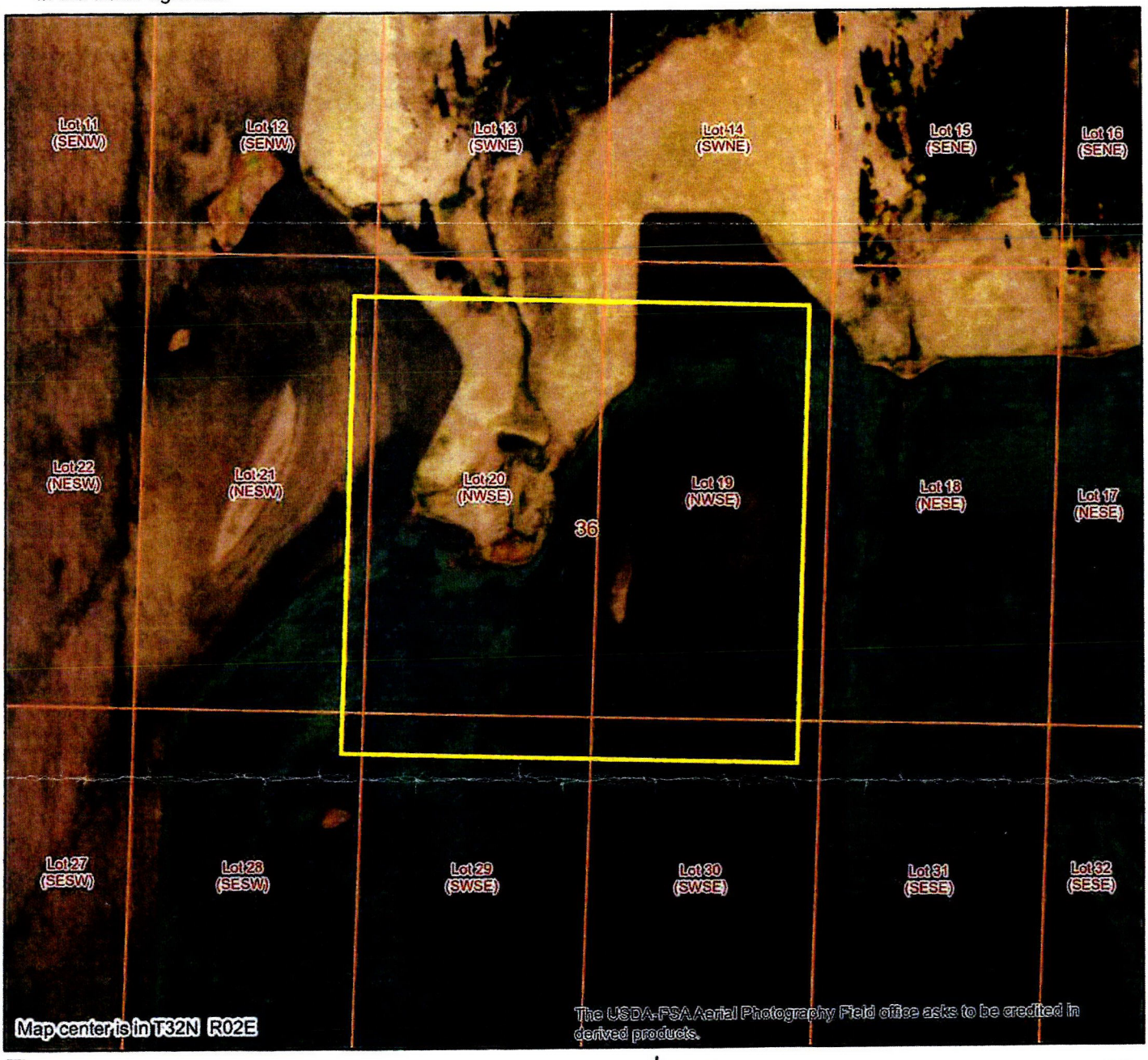
State of Idaho
Department of Water Resources

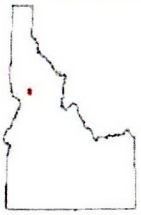
Water Right

85-10432

DOMESTIC

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0 0.03 0.06 0.12 0.18 0.24

Miles

Legend

- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

N

Date created: 11/10/2022

SCANNED

MAY 26 2023

Form 42-248/42-1409(6) Rev. 4-22

RECEIVED
DEC 27 2022
IDWR/NORTH

STATE 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?
Not Processed --> 85-10432	Yes ☐	Yes ☐		Yes ☐	Yes ☐
✓ 85-10433	Yes ☐	Yes ☐		Yes ☐	Yes ☐
✓ 85-10434	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Glen Gill
   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 (Mailing address) | Lapwai (City) | ID (State) | 83540 (Zip)

   208-843-2253 (Telephone) | kcannon@nezperce.org; kenc@nezperce.org (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: 05/25/2012.

6. Do you own the land identified as the water right place of use? Yes ■ No ☐
   - 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):
     - $25 per *undivided* water right.
     - $100 per *split* water right.
     - No fee is required for pending adjudication claims.

   SUPPORT DATA
   IN FILE # 85-10433

   - ☐ 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: 2022.12.20 10:41:36 -08'00') | Director, Water Resources Division | 12/20/2022
   Signature of new owner/claimant | Title, if applicable | Date
   Ken Clark
   Print name

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

SCANNED JAN 06 2023

For IDWR Office Use Only:

Receipted by NS Date 12/27/22 Receipt No. N042138 Receipt Amt. $750.00

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 NS Date 1-6-23

2000 DEC 29 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
_____	)	Water Right 85-10432

NAME AND ADDRESS: GLEN GILL
RT 2 BOX 77
KAMIAH, ID 83536

SOURCE: GROUNDWATER

QUANTITY: 0.07 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/31/1918

POINT OF DIVERSION: T33N R02E S36 NWNWSE Within Idaho County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Stockwater	01-01 TO 12-31	0.03 CFS
Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE:

Stockwater Within Idaho County
T33N R02E S36 NWSE

Domestic Within Idaho County
T32N R02E S36 NWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 26, 2023

NEZ PERCE TRIBE
PO BOX 365
LAPWAI ID 83540-0365

Re: Change in Ownership for Water Right No(s): 85-10432

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) 762-2813.

Sincerely,

Natalie Steading

Natalie Steading
Tech Records Specialist 1

Enclosure(s)

SCANNED
MAY 26 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
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Governor Brad Little

Director Gary Spackman

May 26, 2023

NEZ PERCE TRIBE
PO BOX 365
LAPWAI ID 83540-0365

Re: Transfer No: 87500
Water Right No.: 85-10432
Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

SCANNED
MAY 26 2023

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact the Northern Region Office at (208) 762-2800.

Sincerely,

Michelle Richman

Michelle Richman
Northern Regional Manager

Enclosure

SCANNED
MAY 26 2023

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 87500
Water Right No.: 85-10432

NEZ PERCE TRIBE
PO BOX 365
LAPWAI ID 83540-0365

Tammy Alleman
Water Resource Agent

SCANNED
MAY 26 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

SCANNED
MAY 26 2023

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

SCANNED
MAY 26 2023

MEMORANDUM

Date: February 1, 2023

To: Transfer 87500

From: Luke Bates JB 2/1/2023

Re: Legal Notice Not Required

Transfer of 85-10432's Domestic B.U. Place of Use from Twp 32N, Rge 02E, Sec 36, NWSE to Twp **33**N, Rge 02E, Sec 36, NWSE does not harm or injure other existing water rights.

Nez Perce Tribe submitted a copy of the beneficial use claim filed during the SRBA process which illustrates at time of filing the domestic use legal description was applied for with Township 33N designated by the applicant at the time of submission. Similarly, the stockwater use decreed under same right has the correct POU.

This filing meets requirements for changes pursuant to Idaho Code § 42-221.O.8.

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

SCANNED

MAY 26 2023

MEMORANDUM

Date: February 1, 2023

To: Transfer 87500

From: Luke Bates LB 2/1/2023

Re: Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information
2/1/2023

Purpose of transfer is to correct Domestic POU legal descriptions for right 85-10432. When decreed the domestic B.U. POU was designated in Twp 32N, Rge 02E, Sec 36, NWSE which is inconsistent with historic use. to Changes will reflect Twp **33**N, Rge 02E, Sec 36, NWSE.

Authority to File:
The applicants are listed as the current owner of the property where the historic use of water has occurred for 85-10432. A Change in ownership form with supporting warrant deed was submitted congruently with this transfer application by the Nez Perce Tribe, transferring ownership from Glen Gill to Nez Perce Tribe.

Water Right Validity:
The water right is an active licensed right recorded with the department.

Injury to Other Water Rights:
Injury is not anticipated by the correction of the Domestic B.U. POU legal designation. The property owner with the erroneously decreed Domestic B.U. POU, Philip L Poxleitner, as shown by Arcmap aerial imagery doesn't have any domestic uses in place for the legally described location. Arcmap aerial imagery shows dry agriculture land only which de-conflicts any concerns for injury.

Enlargement of Use:
None.

Local Public interest:
No negative issues anticipated.

Beneficial Use/Conservation of Water Resources:
Right 85-10432 shall continue to be used as historically licensed; only the Domestic B.U legally described POU is being changed, specifically the Township designation, as a result of this process.

Effect on Economy the Local Area:
None anticipated.

Effect on Agricultural Base of the Local Area:
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED
MAY 26 2023