

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 25 2022

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP Department of Water Resources
Eastern Region

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. DE ✓

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
29-12083 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-4012A OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
29-4012B OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Waterwheel LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Shoshone-Bannock Tribes
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- PO Box 306 Fort Hall ID 83203
Mailing address City State Zip
208-478-3781 mgray@sbtribes.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 07/21/2021
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.
☐ 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.

SUPPORT DATA

IN FILE # 29-4012A

8. Signature: [Signature] General Counsel 9-6-22
Signature of new owner/claimant Title, if applicable Date
Monte Gray, Shoshone-Bannock Tribes
Print name
- Signature: _____ Title, if applicable _____ Date _____
Signature of new owner/claimant
Print name

For IDWR Office Use Only:

Received by CTH Date 11/25/22 Receipt No. E048760 Receipt Amt. \$75.00
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 JB Processed by JB Date 11/29/2022

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 and water right permits, which are real property, applications for new water right permits, applications to transfer existing water rights, and other applications are considered the personal property of the applicants. Applicants must assign their interest in an application to the new applicant. Assignment forms are available on the IDWR's website at www.idwr.idaho.gov/forms/water-rights.html, or from any IDWR office. There is no charge for assignments of applications.
- 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.

5. Indicate the date the water rights and/or adjudication claims were conveyed to you. This may be the date of closing in the case of a real estate transaction, the date a contract was signed, or the date of a court order.
6. If you own the land identified as the water right place of use, mark the box "Yes". If you do not own the land identified as the water right place of use, mark the box "No". If you are filing a change in water right ownership and you do not own the land identified as the place of use for the water right, Idaho Code § 42-248(6) requires you to provide written notice of the change in water ownership to the landowner of record, as identified in the records of the county recorder. If you have provided the required written notice, attach evidence that you have done so. IDWR will return your Notice of Change in Water Right Ownership if you are required to provide written notice to the water right place of use landowner and no evidence is submitted.
7. **REQUIRED ITEMS:**

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

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

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

If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. If you are unsure about the status of your water right in the Water Supply Bank, go to the Water Supply Bank Lease Search, input your water right number, and click "Search.". Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Each of the owners must sign the Lessor Designation form. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s). If your water right is in the Water Supply Bank and you want to release it so you can use it, complete and submit the Request to Release form. Your water right may not be available for immediate release if rented by another water user.

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

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

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

IDWR State Office
322 E Front St, Ste 648
PO Box 83720
Boise, ID 83720-0098
(208) 287-4800

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

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

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

WARRANTY DEED

For Value Received, Waterwheel, LLC an Idaho limited liability company, ("Grantor"), hereby grants, bargains, sells and conveys unto Shoshone-Bannock Tribes, ("Grantee") the premises located in Power County, Idaho, and legally described below:

See Attached Exhibit A

Grantee's address is provided below:

P. O. Box 306
Fort Hall, ID 83203

Grantor conveys said premises, with their appurtenances, to Grantee and to its successors and assigns to have and to hold forever. Grantor does hereby covenant to and with Grantee that Grantor owns said premises in fee simple, that the premises are free from all encumbrances, except as otherwise provided below, and that Grantor will forever warrant the title to said premises.

Notwithstanding the foregoing, this conveyance is subject to the exceptions listed in Exhibit B and to the real property taxes for 2021 and subsequent years; and further subject to federal patents; building or use restrictions; building and zoning regulations and ordinances of any governmental unit; all rights of way and easements of record; encumbrances which are not shown by public records and which were created prior to Seller's ownership of the property; discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records; and unpatented mining claims.

GRANTOR:

Waterwheel, LLC

Date: 07-20-2021

By: Jerry Roger Kent, Manager
Jerry Roger Kent, Manager

STATE OF CALIFORNIA)
 : ss.
County of _____)

On this _____ day of July, 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry Roger Kent, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. I certify under PENALTY or PERJURY under the laws of the State of California that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.

(SEAL)

NOTARY PUBLIC FOR CALIFORNIA
Residing at: _____
Commission Expires: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside

On 07/20/2021 before me, David W. Doran, Notary Public
(insert name and title of the officer)

personally appeared Jerry Roger Kent
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature David W. Doran (Seal)

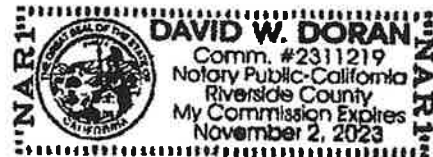


EXHIBIT "A"

552166

Parcel 1:

That portion of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, and Lots 1 and 2, Section 1, Township 6 South, Range 33 East, Boise Meridian, Power County, Idaho, described as follows:

BEGINNING at the center $\frac{1}{4}$ corner of said Section 1;

Thence North $0^{\circ}06'$ East along the meridional center line of said Section, 1019.3 feet;

Thence North $46^{\circ}50'$ East, 1370 feet, more or less to the Portneuf River;

Thence following the stream, in courses and distanced approximately as follows:

South $51^{\circ}18'$ East, 530 feet;

Thence North $83^{\circ}42'$ East, 540 feet;

Thence South $64^{\circ}35'$ East, 420 feet;

Thence South $65^{\circ}45'$ East, 370 feet, more or less to an intersection with the East line of said Section 1;

Thence South along the East line of said Section, 1360 feet, more or less, to the East $\frac{1}{4}$ corner of said Section;

Thence North $89^{\circ}22'$ West, along the latitudinal center line of said Section, 2659.5 feet, more or less to the POINT OF BEGINNING.

And:

BEGINNING at the center $\frac{1}{4}$ corner of said Section 1;

Thence North $0^{\circ}06'$ East along the meridional center line of said Section, 1019.3 feet to the TRUE POINT OF BEGINNING;

Thence North $46^{\circ}50'$ East, 1370 feet, more or less, to the Portneuf River;

Thence following said river in a North and Northwesterly direction to a point on the North line of said Section, 70 feet, more or less, East of the North $\frac{1}{4}$ corner of said Section;

Thence West along the North line of said Section, 70 feet, more or less, to the North $\frac{1}{4}$ corner of said Section 1;

Thence South on the meridional center line of said Section, 1620.7 feet, more or less to the TRUE POINT OF BEGINNING.

Except therefrom that portion of said land described as follows:

BEGINNING at the Northeast corner of the Northwest $\frac{1}{4}$ of said Section 1;

Thence South 30 feet, more or less to an intersection with the South right of way line of County Road, the TRUE POINT OF BEGINNING;

Thence South 1566.6 feet;

Thence North $46^{\circ}48'$ East 685.5 feet;

Thence North $16^{\circ}03'$ West 924.42 feet, more or less, to the Westerly Bank of Portneuf River;

Thence North $45^{\circ}53'$ West, 301.6 feet, more or less, to the South right of way line of road;

Thence South $89^{\circ}53'$ West 28.6 feet, more or less, to the TRUE POINT OF BEGINNING.

Also except therefrom that portion of said land described as follows:

BEGINNING at a point 25 feet North of the Southeast corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section;

Thence due West, 174 feet;

Thence Northeasterly 430.70 feet, more or less, to a point on the East line of said Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, which point bears North 394 feet from the POINT OF BEGINNING;

Thence South 394 feet to the POINT OF BEGINNING.

Parcel 2:

That portion of Lot 5, Section 6, Township 6 South, Range 34 East, Boise Meridian, Power County, Idaho, described as follows:

BEGINNING at the Southwest corner of said Lot 5, Section 6;

Thence along the West line of said Section 6, North 894.75 feet to the TRUE POINT OF BEGINNING;

Thence South $79^{\circ}09'$ East, 567.71 feet;

Thence South $36^{\circ}41'$ East, 440.50 feet;

Thence South $25^{\circ}57'$ East, 415.00 feet;

Thence North $64^{\circ}23'$ East 86.50 feet, more or less, to the center line of the Portneuf River;

Thence in a Northwesterly direction along the meandering center line of the Portneuf River, 1799.50 feet, more or less, to the intersection with the West line of said Section 6;

Thence along said West line of said Section, South 443.76 feet, more or less, to the TRUE POINT OF BEGINNING



1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
2. Rights or claims of parties in possession not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
4. Easements, or claims of easements, not shown by the public records.
5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights or easements appurtenant to water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
7. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
8. Taxes, including any assessments collected therewith, for the year 2021 which are a lien not yet due and payable.
9. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: July 30, 1937
Book: 28, Page: 47
10. Rights of the State of Idaho in and to that portion of said premises, if any, lying in the bed or former bed of the Portneuf River, if it is navigable.
11. Any question of location, boundary or area related to the Portneuf River, including, but not limited to, any past or future changes in it.
12. Any prohibition or limitation on the use, occupancy, or improvements of the Land resulting from the rights of the public, appropriators, or riparian owners to use any waters, which may now cover the Land or to use any portion of the Land which is now or may formerly have been covered by water.
13. The right of use, control, or regulation by the United States of America in exercise of power over navigation.
14. Any difference in the mean high water line of the Portneuf River and the meander line as shown by government survey.
15. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document
Purpose: Resolution of the Power County, Idaho Commissioners Forming the Power County Mosquito Abatement District
Recorded: November 25, 2008
Instrument No.: 195168
16. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document
Purpose: Power County Resolution No. 2009-03
Recorded: March 16, 2009
Instrument No.: 195797

17. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document

Purpose: Power County Ordinance #2010-03

Recorded: November 24, 2009

Instrument No.: 197298

18. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document

Purpose: Power County Resolution #2010-04

Recorded: December 16, 2009

Instrument No.: 197413

19. This policy does not insure against loss or damage by reason of any claim or allegation that the estate or interest insured by this policy is not enforceable by reason of any claim of sovereign immunity

Any right or claim, whether or not of record, including but not limited to any right of possession or claim for damages relating to the land, which has or may be asserted, by or on behalf of any Indian or Indian tribe arising out of any treaty or other transfer of land based on the Indian Non-Intercourse Act of 1790, or any similar state or federal law.

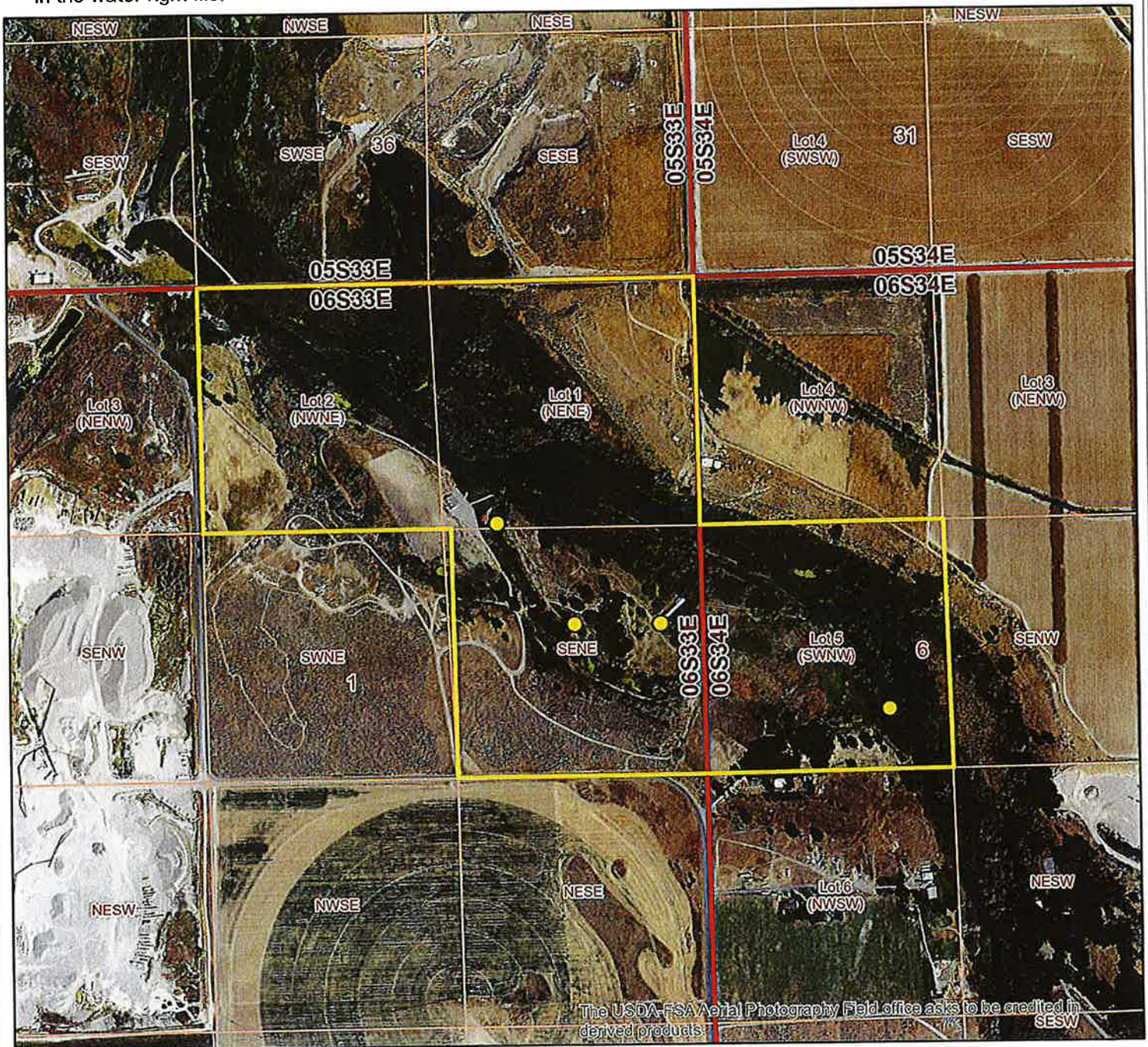
State of Idaho
Department of Water Resources

Water Right

29-4012A

FISH PROPAGATION

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.



Legend

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



Date created: 9/1/2022

State of Idaho
Department of Water Resources

Water Right

29-4012B

IRRIGATION

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.



Date created: 9/1/2022

Legend

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



State of Idaho
Department of Water Resources

Water Right

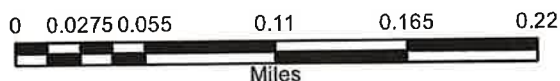
29-12083

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.



Date created: 9/6/2022



Legend

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





IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 29, 2022

SHOSHONE BANNOCK TRIBES
PO BOX 306
FORT HALL ID 83203-0306

Re: Change in Ownership for Water Right No(s): 29-4012A, 29-4012B, 29-12083

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) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: WATER DISTRICT 29D