

The Honorable Justin L. Quackenbush

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

PAUL GRONDAL, a Washington
resident and THE MILL BAY
MEMBERS ASSOCIATION, INC.,
a Washington Non-Profit
Corporation,

Plaintiffs,

v.

UNITED STATES OF AMERICA;
UNITED STATES DEPARTMENT
OF THE INTERIOR; THE
BUREAU OF INDIAN AFFAIRS; et
al.,

Defendants.

Case No. 2:09-cv-0018-JLQ

**DECLARATION OF JEFF WEBB
SUPPORTING WAPATO
HERITAGE, LLC'S RESPONSE
TO COURT'S ORDER DATED
JUNE 27, 2018 (ECF NO. 353)**

JEFF WEBB declares under penalty of perjury:

- 1. I am the manager of Wapato Heritage, LLC and am competent to testify and testify herein of my personal knowledge unless otherwise indicated.

- 1 2. Attached as Exhibit is a spreadsheet I prepared to show the rents received
2 from the Mill Bay Members following the 2004 settlement, which is
3 explained in the following paragraph. I have previously submitted the
4 supporting documentation to the Court. *See* ECF No. 346-2 to 346-11.
5
6 3. Column A: This represents each year the Mill Bay Members Association
7 agreed to pay rent per the September 9, 2004 settlement.
8
9 4. Column B: This reflects the annual rent the Mill Bay Members Association
10 paid each year to the Wapato Heritage, LLC per the 2004 Settlement.
11
12 5. Column C: This column shows the 7.5% of column B rents collected, that
13 Wapato Heritage, LLC was obligated to pay to the landowners/allottees under
14 the original Master Lease.
15
16 6. Column D: This reflects the rents paid by Wapato Heritage LLC either
17 directly to the landowners/allottees or to the BIA on their behalf.
18
19 7. Nothing was paid in 2004 as the rents for both 2004 and 2005 were collected
20 in December 2004. In 2005, 50% of the entire amount of rents collected in
21 December 2004 (\$23,478.69 net of various checks that the BIA never
22 forwarded to the various landowner/allottees) was paid to all
23 landowner/allottees *other than Wapato Heritage LLC* .
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8. This payment over and above what was required under the Master Lease, was offered as an incentive to enter into a new master lease allowing for residential development of a portion of the MA-8 land. The Mill Bay Members was always intended to remain on the land. All of these checks were mailed certified to the BIA (per the BIA instructions) and forwarded to the various landowners/allottees, who cashed them.

9. In 2006, Wapato paid 7.5% of the rent collected (\$1,875) plus an added \$3,351.07, reflecting the 50% balance of the 2004/2005 rents that some landowners/allottees demanded. The added amounts were mailed certified directly to those various landowners.

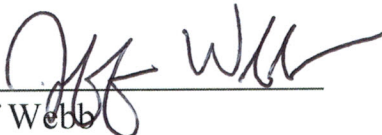
10. In February 2009, Wapato Heritage mailed rents to the BIA on behalf of the landowners, but the funds were returned with a letter from the BIA saying they would no longer accepted them.

11. Column E: This reflects the amount of rents paid in column D that Wapato Heritage shared in as a 23.81% allottee in MA-8 (23.81% of \$1,875 = \$446.44).

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EXECUTED this 18th day of July 2018 at Chelan, WA.



Jeff Webb
Manager, Wapato Heritage, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I caused the foregoing document, to be electronically filed with the Clerk of the above entitled Court using the CM/ECF system, which will send notification of such filing to the following:

- James M. Danielson: jimd@jdsalaw.com
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and hereby certify that I have caused to be mailed by United States Postal Service the document to the following non-CM/ECF participants:

- | | |
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DATED this 18th day of July 2018.

/s/ Dale M. Foreman
Dale M. Foreman

A	B	C	D	E
Year	R.V. Park Rent	7.50%	Paid to Landowners/BIA	Wapato Heritage LLC Share of Column D
2004	\$23,548.00	\$1,766.10	\$0.00	\$0.00
2005	\$25,000.00	\$1,875.00	\$23,478.69	\$0.00
2006	\$25,000.00	\$1,875.00	\$5,226.07	\$446.44
2007	\$25,000.00	\$1,875.00	\$1,875.00	\$446.44
2008	\$25,000.00	\$1,875.00	\$1,875.00	\$446.44
2009	\$30,000.00	\$2,250.00	\$0.00	\$0.00
2010	\$30,000.00	\$2,250.00	\$0.00	\$0.00
2011	\$30,000.00	\$2,250.00	\$0.00	\$0.00
2012	\$30,000.00	\$2,250.00	\$0.00	\$0.00
2013	\$30,000.00	\$2,250.00	\$0.00	\$0.00
2014	\$35,000.00	\$2,625.00	\$0.00	\$0.00
2015	\$35,000.00	\$2,625.00	\$0.00	\$0.00
2016	\$35,000.00	\$2,625.00	\$0.00	\$0.00
2017	\$35,000.00	\$2,625.00	\$0.00	\$0.00
2018	<u>\$35,000.00</u>	<u>\$2,625.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
Total	\$448,548.00	\$33,641.10	\$32,454.76	\$1,339.31