

April 2, 2003

Kerry Requa
69 E. Rich Lane
Blackfoot, Id 83221

Dear Kerry:

Enclosed is a final survey plat of the Sells Ranch as it was subdivided over the years.

As the parcels were sold the Notice's Of Change Of Water Right Ownership were sent to the Idaho Falls office on the following dates:

1. Sells to Bill and Jamie Hager: 4/26/96
2. Sells to Jerel Hagen 6/02/97
3. Sells to George & Phyllis Garrison 1/14/98
4. Sells to Hager/Requa 04/98
5. Sells to Gardner 1/25/01
6. Sells to Dorony 8/20/02 (To Bob Foster at the Salmon office)

Notice on the Garrison filing the letter written to John Sells by Jennifer Hoagland of the Idaho Dept. of Water Resources. Back then I had talked with her on the phone a time or two and it was decided on future sales that perhaps the IDWR should figure the cfs for each split, since new numbers were being assigned to the new owners.

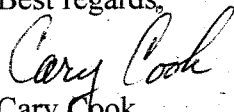
It was about then (98-99) that Rick Sager called me up to the Ag. Agents office here in Salmon. He was on the computer working on the CFS for the splits of these water rights up to that time and there were some slight differences in the way we had been figuring the CFS for the splits and what he was coming up with. I answered his questions and he said they would get it all figured out.

By the time we did the Gardner Sale we only put in what we thought should be the cfs per acre under each water right number.

Now that we have a final survey of all the parcels, and the names of the owners for each, hopefully the IDWR can recheck and refigure the cfs for each ownership.

I'll deliver a copy of these documents to Bob Foster in the Salmon office.

Best regards,


Cary Cook

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525 Main St. Salmon, Id 83467 (208) 756-2524 Fax: (208) 756-6281 email: cookrealty@aol.com

cookrealty@ida.net



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 4/26/96

LEGAL DESCRIPTION OF PROPERTY: Township 19 N Range 24 E
Section 20, S $\frac{1}{2}$ 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet. (attached)

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: 74-0401, 74-0402, 74-0403, 74-1601
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): John Sells
Box 7597
Incline Village NV 89452
- ☐ New Owner/Claimant (Purchaser): Bill Robert Hager and Jamie D. Hager
- ☐ New Mailing Address: 329 Falls Ave. W.
Twin Falls, Id
- ☐ New Telephone Number: (208) 734 - 6318
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? x yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
#74-0401= .01278CFS; #74-0402= .2556 CFS; #74-0403= .1917CFS;
for 15 acres under each IDWR ID#. And, all of #74-1601 (groundwater)

- ☐ Attach proof of ownership, describe proof attached: Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s) _____ Date _____
_____ Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) 74-1048; 74-0401; 74-0402; 74-0403
Adjudication Claim Number(s) _____
2. The following REQUIRED information must be submitted with this form.
A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) John Sells (MuleShoe Ranch)
P.O. Box 34 Tendoy, Idaho 83468
4. New Owner/Claimant(s) Jerel G. Hagen
Name connector (Check one): [] AND, [] OR, [] AND/OR
New Mailing Address P.O. Box 1021
City, State and ZIP Code Sundance, Wyoming 82729
New Telephone Number (307) 283 - 3434
5. Date you acquired the property June 2, 97
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. Purchased 39.7 acres of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29
T. 19 N., R. 24 E., B.M.
Number of acres actually irrigated 33.5 Number and type of stock horses/cattle
74-1048=.67cfs. 74-0401=.02cfs. 74-0402=.571cfs. 74-0403=.428cfs
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Jerel G. Hagen Date June 2, 97

Date _____
8. (Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Portions of:
Water Right Number(s) 74-0243B 74-0244 74-0245A 74-0236 74-0246A
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) John Sells DBA Mule Shoe Ranch
Box 7597 Incline Village, NV 89452
4. New Owner/Claimant(s) George and Phyllis Garrison
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 2407 Gum St.
City, State and ZIP Code Kennewick, Wa 99337
New Telephone Number (509) 582 - 3916
5. Date you acquired the property Jan. 9, 98
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. (** See attached pages)
- Number of acres actually irrigated 30.9 Number and type of stock _____
- Diversion rate in CFS(**) _____ Number of homes _____ Other uses _____
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) * George L Garrison Date 1-14-98
* Phyllis J Garrison Date 1-14-98
8. (Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

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NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP, cont.

John Sells to George and Phyllis Garrison

acquisition date: 1-9-98

Water Right Numbers: 74-0243B. 74-0244. 74-0245A. 74-0236.
and 74-0246A.

- 74-0243B. 0.366CFS for the 2.3 acres irrigated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
of sec. 21 and the 28.6 irrigated acres in the
NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28. T.19N., R.24E., B.M.
- 74-0244 0.04CFS for the same 30.9 acres mentioned above.
- 74-0245A 0.284CFS for the same 30.9 acres mentioned above.
- 74-0236 0.8CFS for the same 30.9 acres mentioned above.
- 74-0246A .000606 CFS for the 2.3 acres irrigated in the
SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 21.

Signature of New
Owner/Claimant(s)

* George W Garrison

* Phyllis J Garrison



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 • (208) 525-7161 • Fax (208) 525-7177

EASTERN REGION

April 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER

JOHN E SELLS
PO BOX 34
TENDON ID 83468

RE: CHANGE IN OWNERSHIP FOR A74-00236, A74-00243B, A74-00244, A74-00245A, A74-00246A

Dear Mr. Sells:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the rights were split as follows:

A74-00236A, 1.580 cfs on 60 acres, Sells
A74-00236B, 0.820 cfs on 31 acres, Garrison

A74-00243C, 0.530 cfs on 45 acres, Sells
A74-00243D, 0.370 cfs on 31 acres, Garrison

A74-00244A, 0.060 cfs on 45 acres, Sells
A74-00244B, 0.040 cfs on 31 acres, Garrison

A74-00245C, 0.410 cfs on 45 acres, Sells
A74-00245D, 0.290 cfs on 31 acres, Garrison

A74-00246C, 0.120 cfs on 45 acres, Sells
A74-00246D, 0.080 cfs on 31 acres, Garrison

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Hoagland

Jennifer Hoagland
Technical Records Specialist

Enclosures

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Portions of:
Water Right Number(s) 74-0401, 0402, and 0403. And, portions of 74-0243B, 0244, 0245A, 0236, and 0246A
Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) John Sells
c/o Muleshoe Ranch
P.O. Box 7597
Incline Village, NV 89452

4. New Owner/Claimant(s) Bill R. Hager and Jamie D. Hager, and Kerry E. Requa
Name connector (Check one): [] AND, [] OR, [] AND/OR and Janis T. Requa
New Mailing Address P.O. Box 26

City, State and ZIP Code Tendoy, Id 83468.

New Telephone Number (208) 756 - 6136

5. Date you acquired the property April 1998

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. SEE ATTACHED PAGE.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) _____ Date _____

Date _____

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Paragraph # 6, continued

Splitting of water rights

Water right number

Portion included with land sale

74-0401, 0402, and 0403.
(Lemhi River L.32)

All That water listed under Lot 7 in Sec. 21.
and A PROPORTIONATE share of that
listed under Lot 1 of Sec. 28, T.19N.,R.24E.

74-0244, 0243B, 0245A,
0236, and 0246A

(Agency Cr)

The water for all of the land in Lot 7 of Sec.
21 lying south of Agency Cr. Road, and, the
water for all the land lying north of Agency
Cr. in Lot 1 of Sec. 28, T.19N. R.24E.

ADDENDUM

THIS ADDENDUM is to the Purchase and Sale Agreement dated March 31, 1998 by and between John Sells (seller) and Bill Hager and Kerry Requa, et al. (buyers) concerning the approximate 28 acres being a portion of the SW1/4SW1/4 of section 21 lying south of Agency Cr. Road, all in T. 19 N., R24E., B.M.

Additional matters of Agreement:

1. Buyer and Seller Agree the purchase price is \$3500 per acre and the exact acreage and price shall be determined and set upon completion of a survey to be performed at the expense of the seller. Said survey will be to the centerline of agency Cr. Road.
2. Buyers are aware of open range laws and the necessity to fence livestock out.
3. Buyers herein acknowledge receipt of a copy of a letter written to John Sells by Tom Curet of Idaho Fish & Game Dept. dated Dec. 18, 97.
4. It has been disclosed by a Lemhi irrigation water master that the co-mingling of Agency Cr. Water with Lemhi River water in ditch lateral # 32 and then pumping the Agency cr. Water back to the designated lands via an existing pump may not be an Idaho Dept. of Water Resources (IDWR) approved system. The buyers herein accept the irrigation system knowing full well the governing agencies could require adjustments, redirection of waters into separate ditches, or reversion back to original diversion points, and, assume liability for any such requirements. Otherwise the water appropriated to the land being purchased is included with the land.
5. Buyers are aware of the covenant to be set upon the lands owned by John Sells and one of the purposes of the covenant is for the various water users of Agency Creek Ranch to form a home and land owners association, if need be, to mitigate and resolve irrigation issues, system changes, diversion points, and any and all water problems as a resolution and alternative to requesting the previous owner to intervene and solve such issues for the landowners.
6. A 25 foot easement for utilities, ingress and egress, and irrigation pipelines or ditches shall be retained along the east side of the west property line and along the west side of the east property line for access to other lands within the Agency Cr. Ranch.
7. It shall be at the expense of the then current property owners to build their own roads along said easements to access their own lands.
8. The existing irrigation wheel line and the pump located in ditch lateral # 32 (at the point where the ditch flows beneath the agency cr. Road) shall be included with the property. Buyers herein acknowledge that other lands on the Agency Creek Ranch in Section 28 on the south side of Agency Cr. depend on the pump system for irrigation. Buyers will now be the owners of the pump and agree not to unreasonably deny water to be delivered to said lands. However, buyers shall be entitled to just compensation for power costs to operate the pump. Any misunderstandings or disagreements shall fall under jurisdiction of the home and land owners association.

X Kerry E. Requa John T. Requa
X Bill Hager Jamie Hager

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) Portions of 74-0403 74-0402 74-0401 74-0236
(to be split)
Adjudication Claim Number(s) _____
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former John E. Sells
Owner/Claimant(s)
P.O. Box 34 Tendoy, Id 83468
4. New Owner/Claimant(s) Larry and Jill Gardner
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 15245 W. Tyhee Rd.
City, State and ZIP Code Pocatello, Id. 83202
New Telephone Number (208) 237-6945
5. Date you acquired the property Jan. 25, 2001
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated Approximately 16.9 acres See attached Pages
Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Larry Gardner Date 1-25-01
Owner/Claimant(s) Jill Gardner Date 1-25-01
8. (Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Change of Water Right Ownership
John Sells to Larry and Jill Gardner

To Be Verified by Idaho Dept. Water Resources
Water right numbers to be split

74-0401	.0008525cfs per acre irrigated
74-0402	.0170502cfs per acre irrigated
74-0403	.0127877cfs per acre irrigated
74-0236	.02646cfs per acre irrigated

For water to irrigate the SE4SE4SE4 of Section 20 and the NE4NE4NE4 of Section 29.
T. 19 N. R. 24 E., B.M.

Sells to Dorony
Water rights and split.

Closed 8/20/02

This sale was by Robie Real Estate in Salmon.
That office filed the water right with Bob Foster
At the Idaho Dept. Water Resource Salmon office.