

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split         | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split         |
|----------------------|-----------------------------|---------------|----------------------|-----------------------------|---------------|
| <u>74-0403</u>       | <u>          </u>           | <u>X</u>      | <u>          </u>    | <u>          </u>           | <u>      </u> |
| <u>74-0402</u>       | <u>          </u>           | <u>X</u>      | <u>          </u>    | <u>          </u>           | <u>      </u> |
| <u>74-0401</u>       | <u>          </u>           | <u>X</u>      | <u>          </u>    | <u>          </u>           | <u>      </u> |
| <u>74-0236</u>       | <u>          </u>           | <u>X</u>      | <u>          </u>    | <u>          </u>           | <u>      </u> |
| <u>          </u>    | <u>          </u>           | <u>      </u> | <u>          </u>    | <u>          </u>           | <u>      </u> |

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

John Sells  
P.O. Box 34 Tendoy, Id. 83468

4. New Owner/Claimant(s)

LARRY & JILL GARDNER  
Name Connector (Check one: [ ] and, [ ] or, [ ] and/or

New Mailing Address

P.O. Box 52

City, State and ZIP Code

Tendoy, Id. 83468

New Telephone Number

(208) 756-2921

5. Date you acquired the property

6-18-2003

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>74-0403, 74-0402.</u>                                                   |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>74-0401, 74-0236</u>                                                    |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

X *Jimmy Henderson*

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

**For Office Use Only**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

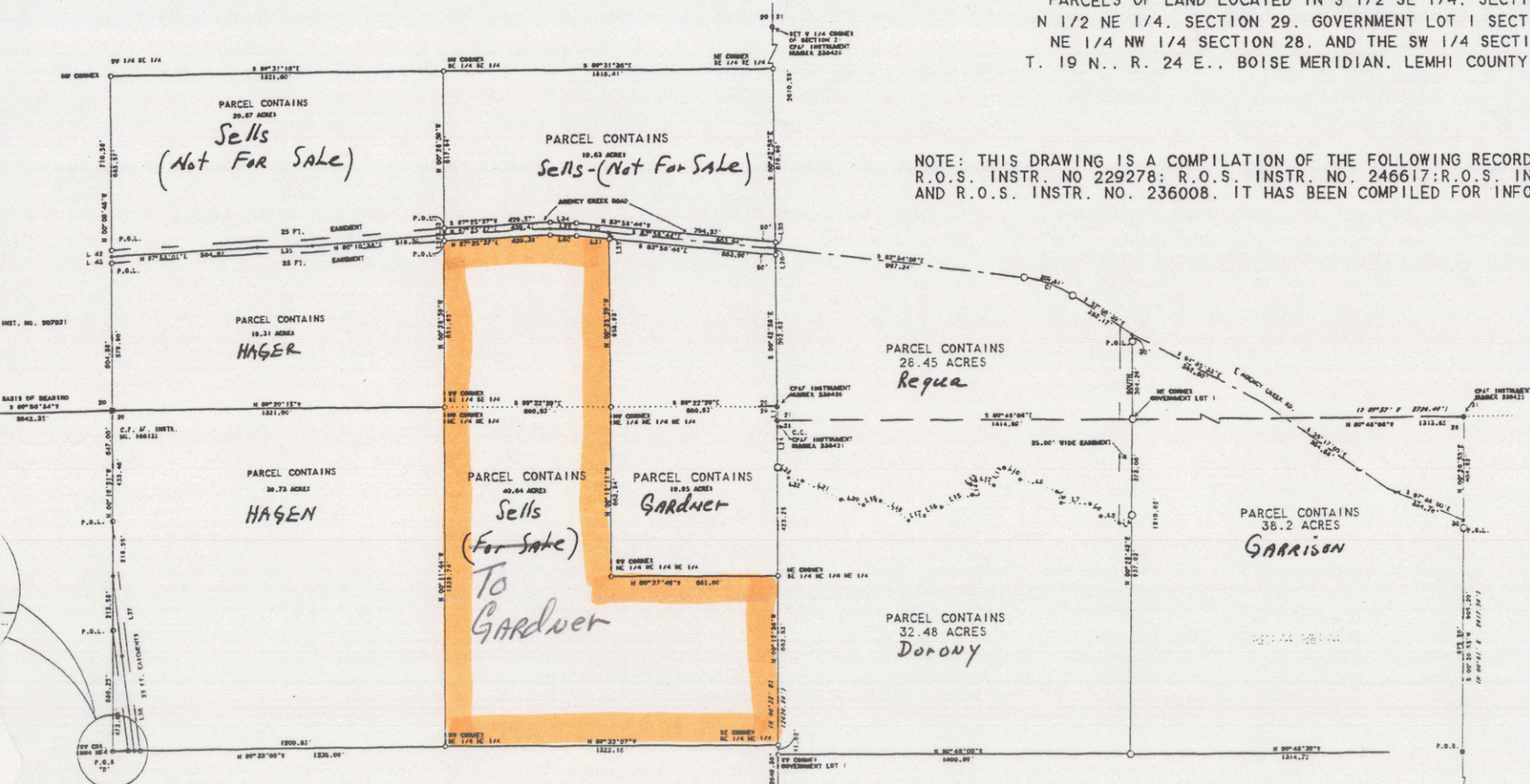
74-401 74-402  
74-236 74-403



# RECORD OF SURVEY

PARCELS OF LAND LOCATED IN S 1/2 SE 1/4, SECTION 20,  
N 1/2 NE 1/4, SECTION 29, GOVERNMENT LOT 1 SECTION 28,  
NE 1/4 NW 1/4 SECTION 28, AND THE SW 1/4 SECTION 21,  
T. 19 N., R. 24 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO.

NOTE: THIS DRAWING IS A COMPILATION OF THE FOLLOWING RECORD OF SURVEYS:  
R.O.S. INSTR. NO 229278; R.O.S. INSTR. NO. 246617; R.O.S. INSTR. NO. 236840;  
AND R.O.S. INSTR. NO. 236008. IT HAS BEEN COMPILED FOR INFORMATIONAL PURPOSES ONLY.



| LINE | BEARING      | DISTANCE |
|------|--------------|----------|
| L 1  | N 00°12'30"W | 54.95'   |
| L 4  | S 59°10'32"E | 58.37'   |
| L 5  | N 70°28'58"W | 81.16'   |
| L 6  | N 43°05'40"W | 63.18'   |
| L 7  | N 00°43'22"W | 114.18'  |
| L 8  | N 21°03'47"W | 47.12'   |
| L 9  | N 71°53'19"W | 154.82'  |
| L 10 | N 33°48'27"W | 79.27'   |
| L 11 | S 30°26'48"W | 76.14'   |
| L 12 | N 77°10'35"W | 21.99'   |
| L 13 | S 53°58'32"W | 42.44'   |
| L 14 | S 07°55'28"E | 130.12'  |
| L 15 | S 68°44'05"W | 76.47'   |
| L 16 | S 63°38'53"W | 67.06'   |
| L 17 | S 73°54'08"W | 137.05'  |
| L 18 | N 54°20'57"W | 99.07'   |
| L 19 | N 70°57'17"W | 91.01'   |
| L 20 | N 63°13'43"W | 168.79'  |
| L 21 | N 77°47'53"W | 61.14'   |
| L 22 | N 46°57'53"W | 183.05'  |
| L 24 | N 00°12'38"W | 25.04'   |
| L 25 | N 00°25'39"W | 25.05'   |
| L 26 | S 00°42'58"E | 25.05'   |
| L 27 | N 00°28'39"W | 101.23'  |
| L 28 | S 80°42'39"E | 130.06'  |
| L 29 | S 83°58'44"E | 101.05'  |
| L 30 | S 00°42'30"E | 120.77'  |
| L 31 | S 83°58'44"E | 25.05'   |
| L 32 | N 00°28'39"W | 25.05'   |
| L 33 | S 00°42'58"E | 100.90'  |
| L 34 | N 00°42'50"W | 219.07'  |
| L 35 | S 09°50'53"W | 375.83'  |
| L 36 | N 07°40'25"W | 316.92'  |
| L 37 | N 00°54'12"W | 61.82'   |
| L 38 | N 80°37'00"W | 87.09'   |
| L 39 | N 80°32'00"W | 25.26'   |
| L 40 | S 80°32'00"E | 25.02'   |
| L 41 | N 00°09'46"W | 25.01'   |
| L 42 | N 00°09'46"W |          |
| L 43 | N 00°09'46"W |          |

| CURVE | DELTA ANGLE | RADIUS  | ARC     | TANGENT | CHORD   | CHORD BEARING |
|-------|-------------|---------|---------|---------|---------|---------------|
| C 1   | 25°47'50"   | 466.08' | 200.81' | 106.71' | 208.04' | S 70°00'24"E  |

~~74-236~~  
74-236, -401, -402, -403

FOR JOHN SELLS

FILE: COOK100.GCD  
DATE: 7/24/02

CHK BY:  
DRAWN BY: CW

WADE SURVEYING  
104 S WARPETH  
208-756-3070  
SALMON, IDAHO 83467

PROFESSIONAL LAND SURVEYOR  
STATE OF IDAHO  
J. WADE  
5089



SCALE 1" = 100.00'

## LEGEND

- FOUND 3 1/4" BLN ALUMINUM CAP
- 5/8" REBAR WITH 2 1/2" ALUM. CAP
- 1/2" REBAR WITH YELLOW PLASTIC CAP
- 1/2" REBAR WITH YELLOW PLASTIC CAP
- SET 5/8" X 30" REBAR WITH 2 1/2" ALUMINUM CAP
- MARKED "WADE SURVEYING PLS 5080" FOR 1/4 CORNER
- CALCULATED POINT (NOT SET)
- NORTHERLY BANK OF AGENCY CREEK
- CENTERLINE OF AGENCY CREEK
- P.O.L. POINT ON LINE
- (S 89°09' 07") BLN 1985 RECORD BEARING AND DISTANCE

**WADE SURVEYING**

P.O. Box 1175  
Salmon, Idaho 83467

Phone (208) 756-3070

April 17, 2003

**PARCEL "E"**

A fraction of the SE 1/4 SE 1/4, Section 20 and the NE 1/4 NE 1/4, Section 29, T. 19 N., R. 24 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the SE Corner of said Section 20, from which the E 1/4 Corner of Section 29 bears S 00°12'38" E, 2649.33 ft., the Basis Of Bearing of this description, run thence S 00°12'38" E along the easterly boundary of said NE 1/4 NE 1/4 a distance of 662.32 ft. to the NE Corner of the SE 1/4 NE 1/4 NE 1/4 of said Section 29 and the POINT OF BEGINNING;

Continue thence S 00°12'38" E along the easterly boundary of said SE 1/4 NE 1/4 NE 1/4 a distance of 662.33 to the SE Corner of said NE 1/4 NE 1/4 of Section 29;

Thence N 89°33'07" W along the southerly boundary of said NE 1/4 NE 1/4 a distance of 1322.16 ft. to the SW Corner of said NE 1/4 NE 1/4;

Thence N 00°11'44" W along the westerly boundary of said NE 1/4 NE 1/4 a distance of 1328.74 ft. to the NW Corner of the NE 1/4 NE 1/4 of Section 29 and the SW Corner of said SE 1/4 SE 1/4 of Section 20;

Thence N 00°28'59" W along the westerly boundary of said SE 1/4 SE 1/4 a distance of 676.90 ft. to a point on the centerline of Agency Creek Road;

Thence along said centerline the following courses and distances:

N 87°25'37" E, 429.47 ft.; S 86°42'59" E, 101.23 ft.;

S 83°58'44" E, 130.06 ft. to a point on the easterly boundary of the W 1/2 SE 1/4 SE 1/4 of Section 20;

Thence S 00°35'59" E along said easterly boundary a distance of 683.97 ft. to the SE Corner of said W 1/2 SE 1/4 SE 1/4 of Section 20 and the NE Corner of the NW 1/4 NE 1/4 NE 1/4 of said Section 29;

Thence S 00°12'11" E along the easterly boundary of said NW 1/4 NE 1/4 NE 1/4 a distance of 663.34 ft. to the SE corner of said NW 1/4 NE 1/4 NE 1/4;

Thence S 89°27'49" E along the northerly boundary of the SE 1/4 NE 1/4 NE 1/4 of Section 29 a distance of 661.00 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 40.64 ACRES

74-236, -401, -402, -403

Informational  
Copy  
/

# WARRANTY DEED

254906

Order No.: 307031705L-D

## FOR VALUE RECEIVED

The John E. Sells Family Trust, Dated June 14, 1990, John E. Sells, Trustee  
the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Larry Gardner and Jill Gardner, husband and wife  
whose current address is

P O Box 52 Tendoy, ID 83468

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

**A FRACTION OF THE SE1/4SE1/4, SECTION 20 AND THE NE1/4NE1/4, SECTION 29, T. 19 N., R. 24 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SE CORNER OF SAID SECTION 20 FROM WHICH THE E1/4 CORNER OF SECTION 29 BEARS S. 00° 12' 38" E., 2649.30 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE S. 00° 12' 38" E. ALONG THE EASTERLY BOUNDARY OF SAID NE1/4NE1/4 A DISTANCE OF 662.32 FT. TO THE NE CORNER OF THE SE1/4NE1/4NE1/4 OF SAID SECTION 29 AND THE POINT OF BEGINNING;**

**CONTINUE THENCE S. 00° 12' 38" E. ALONG THE EASTERLY BOUNDARY OF SAID SE1/4NE1/4NE1/4 A DISTANCE OF 662.33 FT. TO THE SE CORNER OF SAID NE1/4NE1/4 OF SECTION 29;**

**THENCE N. 89° 33' 07" W. ALONG THE SOUTHERLY BOUNDARY OF SAID NE1/4NE1/4 A DISTANCE OF 1322.16 FT. TO THE SW CORNER OF SAID NE1/4NE1/4;**

**THENCE N. 00° 11' 44" W. ALONG THE WESTERLY BOUNDARY OF SAID NE1/4NE1/4 A DISTANCE OF 1328.74 FT. TO THE NW CORNER OF THE NE1/4NE1/4 OF SECTION 29 AND THE SW CORNER OF SAID SE1/4SE1/4 OF SECTION 20;**

**THENCE N. 00° 28' 59" W. ALONG THE WESTERLY BOUNDARY OF SAID SE1/4SE1/4 A DISTANCE OF 676.90 FT. TO A POINT ON THE CENTERLINE OF AGENCY CREEK ROAD;**

**THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES AND DISTANCES:**

**N. 87° 25' 37" E., 429.47 FT.; S. 86° 42' 59" E., 101.23 FT.;**

**S. 83° 58' 44" E., 130.06 FT. TO A POINT ON THE EASTERLY BOUNDARY OF THE W1/2SE1/4SE1/4 OF SECTION 20;**

**THENCE S. 00° 35' 59" E. ALONG SAID EASTERLY BOUNDARY A DISTANCE OF 683.97 FT. TO THE SE CORNER OF SAID W1/2SE1/4SE1/4 OF SECTION 20 AND THE NE CORNER OF THE NW1/4NE1/4NE1/4 OF SAID SECTION 29;**

**THENCE S. 00° 12' 11" E. ALONG THE EASTERLY BOUNDARY OF SAID NW1/4NE1/4NE1/4 A DISTANCE OF 663.34 FT. TO THE SE CORNER OF SAID NW1/4NE1/4NE1/4;**

**THENCE S. 89° 27' 49" E. ALONG THE NORTHERLY BOUNDARY OF THE SE1/4NE1/4NE1/4 OF SECTION 29 A DISTANCE OF 661.00 FT. TO THE POINT OF BEGINNING.**

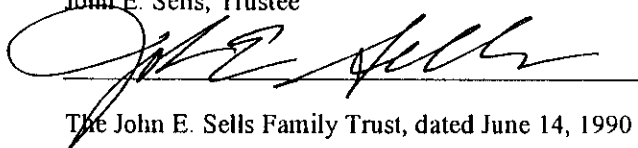
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 5/05/2003

74-236, -401, -402, -403

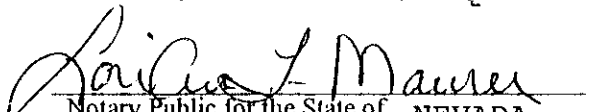
John E. Sells, Trustee

  
The John E. Sells Family Trust, dated June 14, 1990

State of NEVADA }  
County of WASHOE } ss.

On this 28 day of MAY, before me, a Notary Public in and for said state, personally appeared John E. Sells known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the John E. Sells Family Trust Dated June 14, 1990, and acknowledged to me that he executed the same as Trustee.

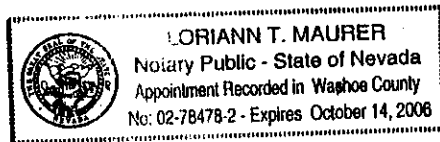
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

  
Notary Public for the State of NEVADA  
Residing at: WASHOE, NV  
Commission Expires: OCTOBER 14, 2006

State of Idaho ) SS No. 254906  
County of Lemhi )

This instrument was filed for record at the request  
of William Sells  
at 3:30 o'clock p.m. 6-18-2003  
and duly filmed and indexed in the records of Lemhi  
County

Terri J. Morton  
Ex-Officio Recorder  
By Brenda Gutierrez Deputy  
Fee 6.00  
Return to AT



74-236, -401, -402, -403