

12/13/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14121

NAME AND ADDRESS: RICHARD A SELL
410 DIAMOND CREEK RD
SALMON ID 83467

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.920 CFS

Right Nos 75-14118 and 75-14121 are limited to a total combined diversion rate of .92 cfs and 46 aces of irrigation.

PRIORITY DATE: 04/01/1941

POINT OF DIVERSION:

T23N R22E S30 NWSE Lot 8 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.920 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S30 Lot 8 NWSE	7.00	T23N R22E S30 Lot 11 SESE	31.00
T23N R22E S31 Lot 2 NWNE	8.00		

46 ACRES TOTAL

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4036

08/03/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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410 DIAMOND CREEK RD
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POINT OF DIVERSION:

T23N R22E S30 NWSE Lot 8 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.900 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T23N R22E S30 Lot 11 SWSE	31.00	T23N R22E S31 Lot 2 NWNE	7.00
T23N R22E S31 Lot 8 NWSE	7.00		

45 ACRES TOTAL

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

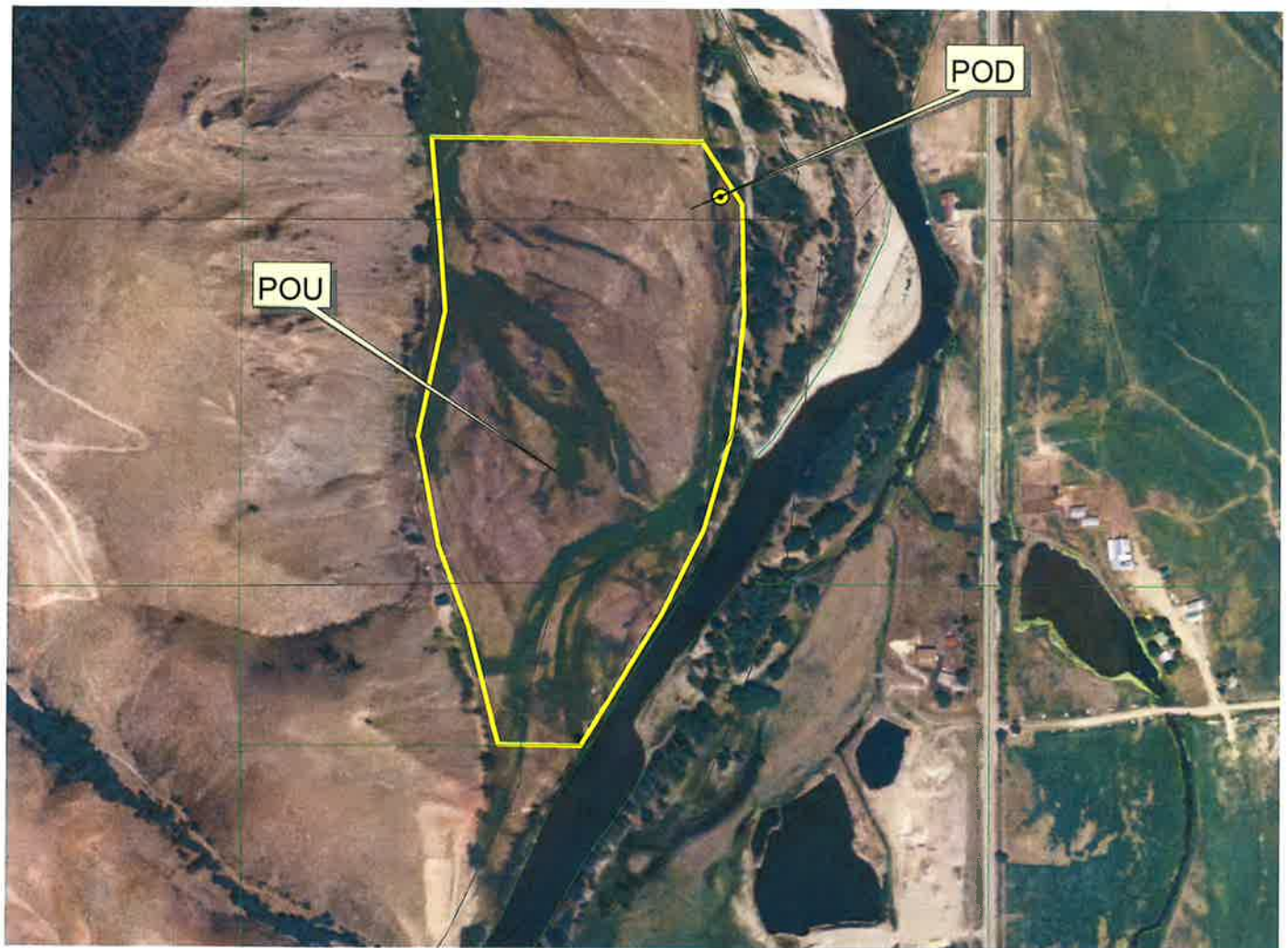
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

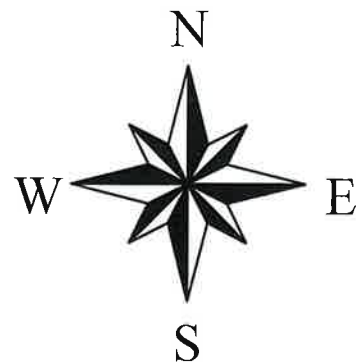
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4036

Void

75-14121



-  Lemhi taxlots
-  GCDB23N22E GCDB
-  Theme28.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 13, 2006

Richard A. Sell
410 Diamond Creek Rd.
Salmon, Idaho 83467

Re: Claim 75-14121

Dear Mr. Sell:

Enclosed is a new map and a preliminary recommendation reflecting the comments you made on the Notice of Error Reply. Please contact me if the changes are incorrect.

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/kf

11/20/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-14121

RICHARD A SELL
410 DIAMOND CREEK RD
SALMON ID 83467

HM/CELL 303-7509

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

** looks like typo - believe should be same as 75-14118.
.92 CFS / 46 ACRES -*

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-4-06 SIGNATURE: *Rich Sell*

Please print your name: *RICK SELL*

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

SCANNED
DEC 12 2006

11/20/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14121

NAME AND ADDRESS: RICHARD A SELL
410 DIAMOND CREEK RD
SALMON ID 83467

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.900 CFS .92 ~~0.900 CFS~~

Right Nos 75-14118 and 75-14121 are limited to a total combined diversion rate of .92 cfs and 46 acres of irrigation.

PRIORITY DATE: 04/01/1941

POINT OF DIVERSION: T23N R22E S30 NWSE Lot 8 Within LEMHI County

PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.900 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		0.92
	T23N R22E S30 Lot 11 SWSE	31.00	T23N R22E S31 Lot 2 NWNE 7.00
	T23N R22E S31 Lot 8 NWSE	7.00	8.
	30	46 ACRES TOTAL	46

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4036

SCANNED

DEC 12 2006

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)**

CLAIM NO(s). 75-14121

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☒ No Change ADDRESS
☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: A0017444

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

20 hp pump to mainline + sprinklers, pump not
in place at time of exam

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

this claim is used only when Diamond Creek is not
available and has not been used recently according to
claimant.

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 6-25-06

FIELD EXAMINER: _____

Bob Foster

Print Name

Bob Foster

Signature

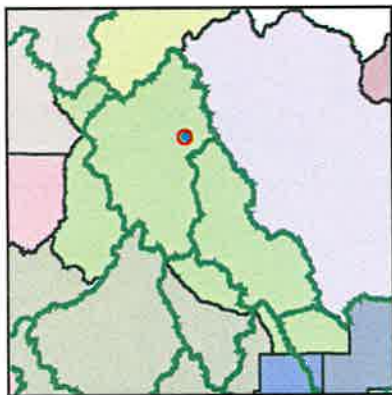


Idaho Department of Water Resources

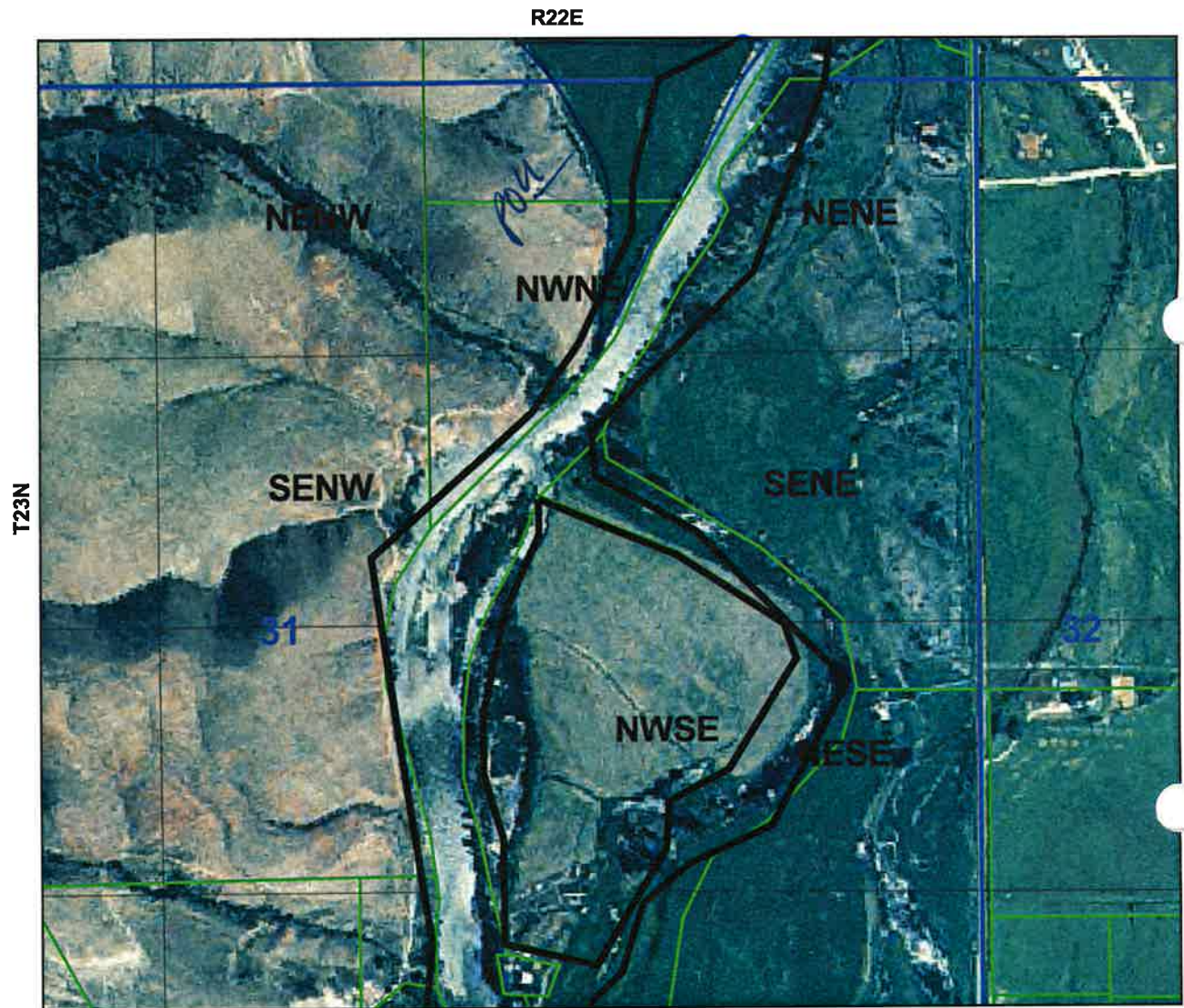
SRBA Claim:
75-14121

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



0 0.3 0.6 Miles



Prepared by R. Brown
On Friday, May 19, 2006
1987/88 Aerial Photography

4030

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
23N	22E	30		SWNE	5									
				NESE	7		NWSE	16		SWSE	26		SESE	8
		31		NWNE	9*									

Total Acres: 71

Dates:

Licensed Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

002

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
23N	22E	30	7	SWNE	4									
			8	NWSE	27	11	SWSE	31						
		31	2	NWNE	10									

Total Acres: 72

Dates:

Licensed Date: 10/16/1979

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 8, 2003

RICHARD SELL
DAVID & PAMELA LORING
410 DIAMOND CREEK RD
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR 75-4036 & 75-7002

Dear Claimants:

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 right was split as follows:

75-7002 split into:

75-14117: 0.04 cfs, 2 acres, Sell & Loring

75-14118: 0.92 cfs, 46 acres, Sell

75-14119: 0.48 cfs, 24 acres, Loring

75-4036 split into:

75-14120: 0.04 cfs, 2 acres, Sell & Loring

75-14121: 1.00 cfs, 46 acres, Sell

75-14122: 0.52 cfs, 24 acres, Loring

Enclosed for your records is a typed Notice(s) reflecting your portion of the right.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	75.7002	X			
	75.4036	X			

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)

Michael + Karen Sell
12891 University West Des Moines IA 50265

4. New Owner/Claimant(s)

Richard A. Sell for David + Pamela Leaning
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

410 Diamond Cr. RD.

City, State and ZIP Code

Salmon ID 83467

New Telephone Number

(208) ~~756~~ 303-7505

5. Date you acquired the property

3/20/2003

RECEIVED

AUG 26 2003

Department of Water Resources
 Eastern Region

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 (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (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)

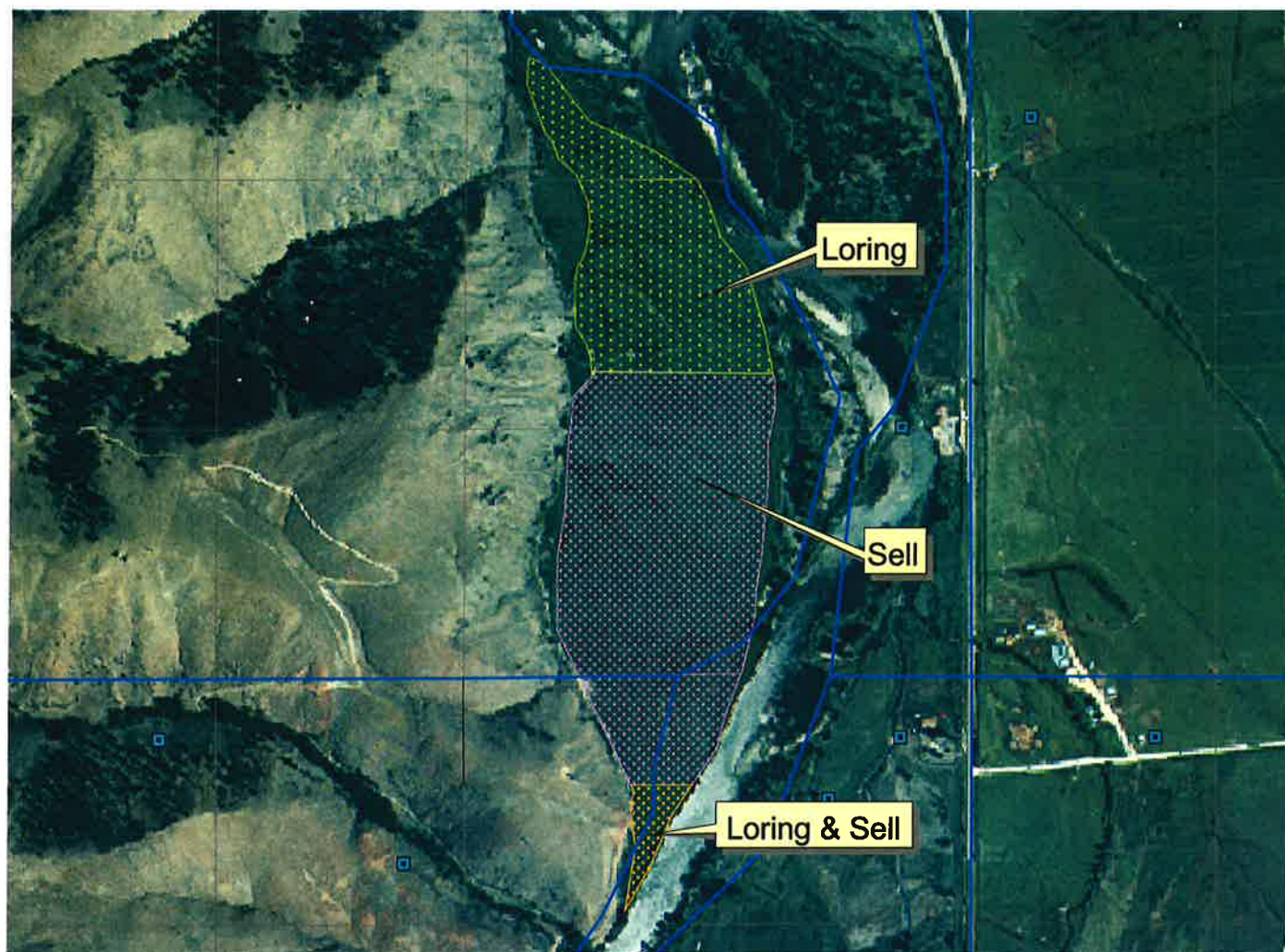
Mike Sell

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

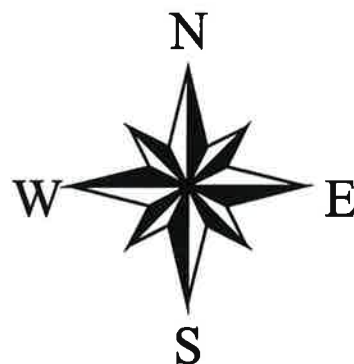
Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Splits of 75-4036 & 75-7002



0.2 0 0.2 0.4 Miles

-  Sections
-  Lemhi taxlots
-  GCDB23N21E GCDB
-  GCDB23N22E GCDB
-  Loring d.shp
-  Sell-a.shp
-  Sell-b-c.shp
-  QQ
-  POD-AJ ClaimClaim POD
-  Administrative BasinsAdminbas.shp



Warranty Deed

Full Value Received

MICHAEL A. SELL AND KAREN M. SELL, HUSBAND AND WIFE

the grantor S, do hereby grant, bargain, sell and convey unto

RICHARD A. SELL, A SINGLE PERSON

whose current address is

410 Diamond Creek Road
Salmon, ID 83467

the grantee, the following described premises, in Lemhi

County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

Michael A. Sell
Michael A. Sell

Karen M. Sell
Karen M. Sell

STATE OF Arkansas, County of Benton
On this 25th day of March 2013
before me, a notary public in and for said State, personally appeared
MICHAEL A. SELL & KAREN M. SELL

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that
they executed the same.

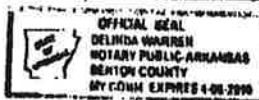
Belinda Warren

Notary Public

Residing at Benton County Arkansas
Comm. Expires 4-6-2010

State of Idaho) SS No. 253959
County of Lemhi

This instrument was filed for record at the request
of Alliance Title
and duly filed and indexed in the records of Lemhi
County
Terry J. Seaman
E-Office Recorder
Belinda Warren
Fee 9.00
Return to AT



253959

Taylor Mountain Surveying
903 Waller St.
Salmon, Idaho 83467
(208) 756-8321

PARCEL "B"

A portion of Government Lot 2, Section 31, T. 23 N., R. 22 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

BEGINNING at the N 1/4 Corner of said Section 31, from which the S 1/4 Corner of Section 31 bears S 00°30'55" E, 5195.80 ft., the Basis Of Bearing of this description, run thence N 85°15'59" E along the northerly boundary of said Section 31 a distance of 1142.97 ft. to a Meander Corner on the boundary of Sections 30 and 31;

Thence S 88°44'00" E along said northerly boundary a distance of 525.76 ft. to a point on the westerly bank of the Salmon River;

Thence along said westerly bank the following courses:

S 28°50'17" W, 42.76 ft.; S 32°34'32" W, 365.07 ft.;

S 30°36'47" W, 322.92 ft.; S 31°43'29" W, 39.75 ft.;

Thence West leaving said westerly bank a distance of 1257.02 ft. to a point on the north/south centerline of said Section 31;

Thence N 00°30'55" W along said centerline a distance of 574.15 ft. to the **POINT OF BEGINNING.**

PARCEL CONTAINS 21.14 ACRES

Taylor Mountain Surveying
903 Waller St.
Salmon, Idaho 83467
(208) 756-8321

PARCEL "C"

Government Lot 11 and a portion of Government Lot 8, Section 30, T. 23 N., R. 22 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

BEGINNING at the S 1/4 Corner of said Section 30, from which the S 1/4 Corner of Section 31 bears S 00°30'55" E, 5195.80 ft., the Basis Of Bearing of this description, run thence N 00°12'16" E along the centerline of said Section 30 a distance of 1636.57 ft.;

Thence S 88°57'28" E a distance of 2227.88 ft. to a point on the westerly bank of the Salmon River;

Thence along said bank the following courses:

S 25°28'32" E, 147.61 ft.; S 28°37'26" E, 88.64 ft.;

S 09°07'30" W, 115.84 ft.; S 24°14'43" W, 456.42 ft.;

S 33°45'33" W, 389.65 ft.; S 45°02'30" W, 93.85 ft.;

S 23°50'00" W, 243.01 ft.; S 28°50'17" W, 181.73 ft. to a point on the southerly boundary of said section 30;

Thence N 88°44'00" W along said boundary a distance of 525.76 ft. to a Meander Corner between Sections 30 and 31;

Thence S 85°15'59" W along said southerly boundary of Section 30 a distance of 1142.97 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 73.62 ACRES

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 75-14121
Date Received: 10/7/2003
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

A7514121



1. Name of Claimant(s)

RICHARD A SELL Phone: (208)303-7509
410 DIAMOND CREEK RD
SALMON ID USA 83467

2. Date of Priority: 04/01/1941

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	22E	30	SW NE SE	LEMHI	

5. Description of diverting works:

PUMP 20HP MOTOR, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/15	1	

7. Total Quantity Appropriated is:
1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
23N	22E	30	SW SE 11	IRRIGATION	31
Section Acres					31

23N	22E	31	NW	NE	2	IRRIGATION	8
			NW	SE	8	IRRIGATION	7
						Section Acres	15
						Total Acres	46

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4036

15. Basis of Claim: Beneficial Use