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SEP 16 2019

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 09 2019

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 #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
74-16221-74-1571	Yes ☒	Yes ☐		Yes ☐	Yes ☐
74-1572	Yes ☐	Yes ☐		Yes ☐	Yes ☐
74-1573	Yes ☐	Yes ☐		Yes ☐	Yes ☐
74-1570	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: John E. Sells
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Brett Allen Bodenhamer & Tracy Kristine Bodenhamer
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 111 Fuller Road Chehalis WA 98532
Mailing address City State ZIP
360-789-5309 brett@osgdozing.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: 8/19/2019
6. 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. 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. Water rights with multiple owners must specify a designated lessor, using a completed [Lessor Designation](#) form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
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):
 - ☐ \$25 per *undivided* water right.
 - ☐ \$100 per *split* water right.
 - ☐ 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

FILE # 74-1570

8. Signature: [Signature] 8/19/19
Signature of new owner/claimant Title, if applicable Date
- Signature: [Signature] 8-19-19
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 9/9/2019 Receipt No. E045307 Receipt Amt. \$175.-

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 _____ Processed by [Signature] Date 9-18-19

Warranty Deed

For Value Received

Sharon Kay Hoskins, A Single Woman and Terry Wayne Bristol, A Married Man

the grantors, do hereby grant, bargain, sell and convey unto

Brett Allen Bodenhamer and Tracy Kristine Bodenhamer, husband and wife

Whose current address is:

**111 Fuller Road
Chehalis, WA 98532**

the grantee, the following described premises, to-wit:

See Attached Exhibit 'A'

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes, assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: August 14, 2019

Sharon Kay Hoskins
Sharon Kay Hoskins

Terry Wayne Bristol

STATE OF Idaho)
COUNTY OF Lemhi) ss

On this 14th day of August, 2019, before me, a notary public in and for said State, personally appeared Sharon Kay Hoskins known to me or proved to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that he/ she/ they executed the same.

Nan Lynch
Notary Public
Residing at: Salmon, ID
Comm. Expires: 2/25/35

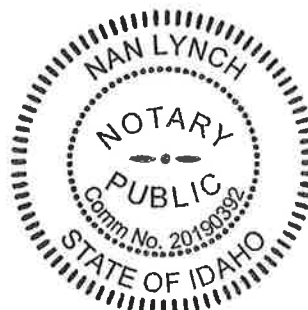


EXHIBIT "A"

RP19N24E253601A

PARCEL "A"

A parcel of land located in the SW1/4NW1/4 of Section 25, T. 19 N., R. 24 E., Boise Meridian, Lemhi County Idaho, more particularly described as follows;
Commencing at the NW Corner of said Section 25 from which the N1/4 Corner of Section 26 bears N 89°38'39"W a distance of 2630.68 ft. the Basis of Bearing of this description; run thence S 00°11'53"E along the westerly boundary of said Section 25 a distance of 1315.22 ft. to the northwest corner of said SW1/4NW1/4 and the POINT OF BEGINNING;
Thence N 89°44'16" E, along the northerly boundary of said SW1/4NW1/4 a distance of 1318.77 ft. to the NE Corner of said SW1/4NW1/4;
Thence S 00°17'24" E along the easterly boundary of said SW1/4NW1/4 a distance of 674.62 ft. to a point on the northerly right-of-way of Agency Creek Road;
Thence the following courses along said right-of-way;
S 77°31'48" W 12.73 ft. to the point of curvature of a non-tangent curve, concave to the North, having a radius of 290.00 ft., a central angle of 25°06'59", and a chord of 126.11 ft. and a bearing N 89°54'42" W, West along said curve 127.13 ft.;
N 77°21'12" W 66.29 ft.; 78.93 ft. along a curve to the left having a chord of N 83°48'50" W 78.76 ft., a delta of 12°55'15" and a radius of 350.00 ft.;
S 89°43'32" W, 158.65 ft.; N 86°06'40" W, 117.98 ft.; N 82°06'44" W, 147.89 ft.; N 87°36'58" W, 121.45 ft.; S 89°31'59" W, 141.69 ft.;
S 83°58'02" W, 70.35 ft.; S 80°29'07" W, 64.52 ft.; 219.95 ft. along a curve to the right having a chord of S 89°49'13" W 218.98 ft., a delta of 18°40'13" and a radius of 675.00 ft. to a point on the westerly boundary of said SW1/4NW1/4;
Thence N 00°11'53" W, along said boundary a distance of 635.45 ft. to the POINT OF BEGINNING;

ALSO

RP19N24E253602A

PARCEL "B"

A parcel of land located in the SW1/4NW1/4, NW1/4SW1/4 of Section 25 and the S1/2NE1/4 of Section 26, T. 19 N., R. 24 E., Boise Meridian, Lemhi County Idaho, more particularly described as follows;

Commencing at the NW Corner of said Section 25 from which the N1/4 Corner of Section 26 bears N 89°38'39"W a distance of 2630.68 ft. the Basis of Bearing of this description; run thence S 00°11'53"E along the westerly boundary of said Section 25 a distance of 2630.44 ft. to the 1/4 corner common to said sections 25 & 26 and the POINT OF BEGINNING;

Thence N 89°56'25" W along the southerly boundary of said S1/2NE1/4 of Section 26 a distance of 46.27 ft. to a point on the centerline of Cow Creek Road;

Thence the following courses along said centerline;

N 06°08'11" W 32.18 ft.; 86.69 ft. along a curve to the left having a chord of N 13°13'56" W 86.47 ft., a delta of 14°11'30" and a radius of 350.00 ft.;

N 20°19'41" W 101.37 ft.; N 28°04'00" W 67.88 ft.; 142.08 ft. along a curve to the right having a chord of N 19°55'33" W 141.60 ft., a delta of 16°16'53" and a radius of 500.00 ft.;

N 11°47'07" W 102.04 ft.; N 06°00'53" W 60.33 ft.;

N 00°14'39" W 48.96 ft.; N 05°41'50" W 59.69 ft. to a point on the southerly right-of-way of Agency Creek Road;

Thence the following courses and distances along said right-of-way;

A point of curvature of a non-tangent curve, concave to the south, having a radius of 575.00 ft., a central angle of 00°09'55", and a chord of 1.66 ft. bearing S 78°26'24" E; thence East along said curve 1.66 ft.; S 78°21'27" E 179.02 ft.; 39.70 ft. along a curve to the left having a chord of S 79°55'34"E 39.69 ft., a delta of 03°08'14" and a radius of 725.00 ft.;

228.02 ft. along a curve to the left having a chord of N 89°29'43"E 227.08 ft., a delta of 18°01'12" and a radius of 725.00 ft.;

N 80°29'07" E 63.00 ft.; N 83°58'02" E 66.40 ft.;

N 89°31'59" E 138.02 ft.; S 87°36'58" E 117.80 ft.; S 82°06'44" E 147.24 ft.;

S 86°06'40" E 121.54 ft.; N 89°43'32" E 160.47 ft.; 67.65 ft. along a curve to the right having a chord of S 83°48'50" E 67.51 ft., a delta of 12°55'15" and a radius of 300.00 ft.;

S 77°21'12" E 66.29 ft.; 149.04 ft. along a curve to the left having a chord of S 89°54'42" E 147.85 ft., a delta of 25°06'59" and a radius of 340.00 ft.;

N 77°31'48" E 1.94 ft. to a point on the easterly boundary of said SW1/4NW1/4;

Thence S 00°17'24" E along said boundary a distance of 593.06 ft. to the SE Corner of said SW1/4NW1/4;

Thence continuing S 00°17'24"E along the easterly boundary of said NW1/4SW1/4 a distance of 1316.12 ft. to the SE Corner of said NW1/4SW1/4;

Thence S 89°56'01" W a distance of 1323.00 ft. to the SW Corner of said NW1/4SW1/4;

Thence N 00°11'53" W, along the westerly boundary of said NW1/4SW1/4 a distance of 1315.22 ft. to the POINT OF BEGINNING;

IDAHO Department of Water Resources



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WATER RIGHT REPORT

8/12/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 74-1571

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN E SELLS PO BOX 34 TENDON, ID 83468 2087562690
Original Owner	LOIS C HERPST
Original Owner	WILLIAM H HERPST PO BOX 51 TENDON, ID 83468

split

Priority Date: 04/01/1954

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>			
AGENCY CREEK	LEMHI RIVER			
<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.27 CFS	
Total Diversion			0.27 CFS	

Location of Point(s) of Diversion:

AGENCY CREEK	SWNW	Sec. 25	Township 19N	Range 24E	LEMHI County	<i>AC 7</i>
AGENCY CREEK	SENE	Sec. 25	Township 19N	Range 24E	LEMHI County	<i>AC 6</i>
AGENCY CREEK	SENE	Sec. 26	Township 19N	Range 24E	LEMHI County	<i>AC 9</i>

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
19N	24E	25		SWNW	5.8									
		26		SWNE	4.2		SENE	3.3						

IDAHO Department of Water Resources



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WATER RIGHT REPORT

8/12/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 74-1572

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOIS C HERPST
Current Owner	WILLIAM H HERPST PO BOX 51 TENDON, ID 83468

Priority Date: 04/01/1895

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	AGENCY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	12/31	0.02 CFS	
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

SPRINGS|SWNW|Sec. 25|Township 19N|Range 24E|LEMHI County

Place(s) of use:

Place of Use Legal Description: DOMESTIC LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
19N	24E	25		SWNW										

Dates:

Licensed Date:

Decreed Date: 12/30/1982

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

IDAHO Department of Water Resources



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WATER RIGHT REPORT

8/12/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 74-1573

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOIS C HERPST
Current Owner	WILLIAM H HERPST PO BOX 51 TENDON, ID 83468

Priority Date: 01/01/1971

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COW CREEK	AGENCY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	12/31	0.02 CFS	
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

COW CREEK|NWSW|Sec. 25|Township 19N|Range 24E|LEMHI County

Place(s) of use:

Place of Use Legal Description: DOMESTIC LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
19N	24E	25		NWSW										

Dates:

Licensed Date:

Decreed Date: 12/30/1982

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

IDAHO Department of Water Resources



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WATER RIGHT REPORT

8/12/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 74-1570

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN E SELLS PO BOX 34 TENDOY, ID 83468 2087562690
Original Owner	LOIS C HERPST
Original Owner	WILLIAM H HERPST PO BOX 51 TENDOY, ID 83468

Priority Date: 04/01/1954

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>			
COW CREEK	AGENCY CREEK			
<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.1 CFS	
Total Diversion			0.1 CFS	

Location of Point(s) of Diversion:

COW CREEK|NWSW|Sec. 25|Township 19N|Range 24E|LEMHI County

CCI

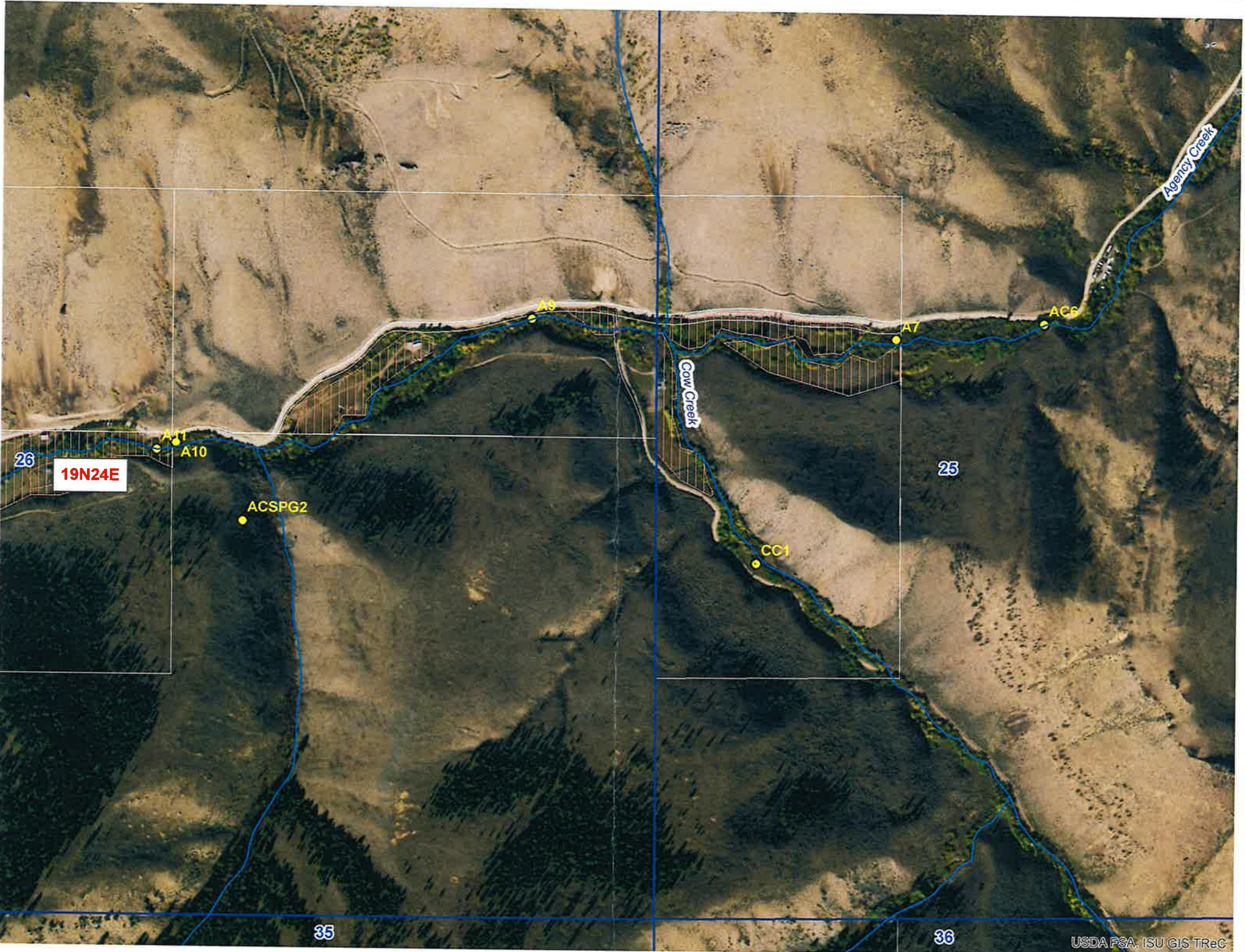
Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
19N	24E	25		SWNW	3									
				NWSW	1.6									

Total Acres: 4.6

Conditions of Approval:





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

September 19, 2019

BRETT ALLEN BODENHAMER
TRACY KRISTINE BODENHAMER
111 FULLER RD
CHEHALIS WA 98532-9108

Re: Change in Water Right Ownership: 74-1570, 74-1571 (Split into 74-1571 and **74-16221**), 74-1572, and 74-1573

Dear Water Right Holders:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water rights to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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) 287-4920.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c: John E Sells
Water District 74M

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SEP 09 2019

Department of Water Resources
Eastern Region

RECEIVED

SEP 16 2019

DEPARTMENT OF
WATER RESOURCES

Slavin Law Office, Chartered

Milton A. (Jock) Slavin & Milton Chace Slavin
Attorneys at Law

116 North Center Street, Salmon, Idaho 83467

Telephone: 208-756-2030 ~~~ Facsimile: 208-756-2031

August 30, 2019

Via U.S. Mail

IDWR Eastern Region
900 N Skyline Drive, Ste A
Idaho Falls, ID 83402-1718

Re: Water Right Nos. 74-1571, 74-1572, 74-1573 & 74-1570

Enclosed, please find a State of Idaho, Department of Water Resources - Notice of Change in Water Right Ownership form, with all requested attachments, which transfers the above-referenced water rights from John E. Sells to BRETT ALLEN BODENHAMER & TRACY KRISTINE BODENHAMER.

I am also enclosing Mr. Bodenhamer's check in the amount of \$175.00 to complete the change in ownership.

Should you require anything further, please feel free to contact my office or Mr. and Mrs. Bodenhamer at 360-740-0033, 111 Fuller Road, Chehalis, WA 98532-9108, at your earliest convenience. Also, please mail the completed water rights transfer to Mr. and Mrs. Bodenhamer at the above-referenced in Chehalis.

Very truly yours,



M. CHACE SLAVIN

MCS\ras

Enclosures: cited