

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

**RECEIVED****AUG 27 2004**

Department of Water Resources

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>75-97</u>          | _____                        | ___   | <u>75-4003</u>        | _____                        | ___   |
| <u>75-99</u>          | _____                        | ___   | <u>75-4403</u>        | _____                        | ___   |
| <u>75-101</u>         | _____                        | ___   | <u>75-4406</u>        | _____                        | ___   |
| <u>75-102</u>         | _____                        | ___   | <u>75-7031</u>        | _____                        | ___   |
| <u>75-2093</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)

EUGENE G. HUSSEY  
820 HUSSEY LANE SALMON ID. 83467

4. New Owner/Claimant(s)

CLYDE L. PHILLIPS  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

12 HUSSEY LANE

City, State and ZIP Code

SALMON, ID. 83467

New Telephone Number

208 894-2224

5. Date you acquired the property

03-26-03

Kerianne Brown  
(208) 327-7735  
1301 N. Orchard  
BOISE, ID 83706

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 _____                                                                      |                                                                            |                                                              |
| 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 _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| 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 _____                                                                      |                                                                            |                                                              |
| 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 _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

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

Clyde L. Phillips

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 \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING  
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

**Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.**

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter the number(s) at Item 1. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at Item 3.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original form to the IDWR office nearest you:

**IDWR Northern Region**  
1910 Northwest Blvd., Suite 210  
Coeur d'Alene, ID 83814-2615  
(208) 769-1450

**IDWR Eastern Region**  
900 N. Skyline Dr., Suite A  
Idaho Falls, ID 83402-1718  
(208) 525-7161

**IDWR Western Region**  
2735 Airport Way  
Boise, ID 83705-5082  
(208) 334-2190

**IDWR Southern Region**  
1341 Fillmore St., Suite 200  
Twin Falls, ID 83301-3380  
(208) 736-3033

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DEPARTMENT OF  
WATER RESOURCES

## Warranty Deed

For Value Received EUGENE G. HUSSEY aka EUGENE HUSSEY,  
a single person,

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

CLYDE L. PHILLIPS AND JANELLE D. PHILLIPS,  
husband and wife,

whose current address is 12 Hussey Lane, Salmon, ID 83467

the grantees, the following described premises, in Lemhi County Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO:

EXCEPTING THEREFROM the property described on Exhibit "B"  
and "C".

The above conveyance is made free and clear of all other encumbrances except:  
Rights of way and easements, reservation in Federal patents and state deeds, or  
other restrictions imposed by law, building and use restrictions of records,  
building and zoning regulations and ordinances of any governmental unit whether  
of sight or of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee & their  
heirs and assigns forever. And the said Grantor does 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: March 26 2003

*Eugene G. Hussey*  
EUGENE G. HUSSEY

## EXHIBIT 'A'

254078

Hussey—Phillips

Township 18 North, Range 21 E., B.M., Lemhi County, Id

Section 7: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$

---

EXCEPTING THEREFROM THE FOLLOWING THREE PARCELS:

PARCEL I: T3067 (Evarts property)

A parcel of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 7, T. 18 N., R. 21 E., B.M., Lemhi County, Idaho, more particularly described as follows, to wit:

Commencing at the West Quarter Corner of said Section 7, a distance of 2102.25 feet on a bearing of N. 0°09' E. along the West Section line to the REAL POINT OF BEGINNING.

From this REAL POINT OF BEGINNING a distance of 406.02 feet on a bearing of N. 89°43'12" E.;

Thence N. 0°09' E.; 530.57 feet;

Thence S. 89°59' W.; 406.01 feet to the Northwest Section Corner of Section 7;

Thence S. 0°09' W.; 532.43 feet to the REAL POINT OF BEGINNING.

PARCEL II: T3405 (Hurst property)

A parcel of land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 7, T. 18 N., R. 21 E., B.M., Lemhi County, Idaho, more particularly described as follows, to wit:

Commencing at the East Quarter Corner of said Section 7, a distance of 1017.41 feet on a bearing of N. 0°03'14" W. along the East Section Line to the REAL POINT OF BEGINNING.

From this REAL POINT OF BEGINNING, a distance of 301.75 feet continuing on a bearing of N. 0°03'14" W.;

Thence N. 89°59'30" W.; 892.70 feet;

Thence S. 12°22'12" E.; 172.70 feet;

Thence S. 33°03'42" E.; 158.79 feet;

Thence S. 89°59'30" E.; 769.35 feet to the REAL POINT OF BEGINNING.

**PARCEL III: T4356 (Matz property)**

A parcel of land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 7, T. 18 N., R. 21. E., BM., Lemhi County, Idaho, more particularly described as follows to wit:  
Commencing at the East Quarter Corner of said Section 7, a distance of 756.57 feet on a bearing of N. 0°03'14" W., along the East Section Line to the REAL POINT OF BEGINNING; From this Real Point of Beginning a distance of 260.84 feet continuing on a bearing of N. 0° 03'14" W;

Thence N. 89°59'30" W. 769.35 feet; Thence S. 33°03'42" E., 267.32 feet;

Thence S. 55°18'18"E., 64.68 feet; Thence S. 89°59'30" E., 570.59 feet to the REAL POINT OF BEGINNING,

**SECTION 8: SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ .**

**SECTION 9: Lots 2 and 3, SW $\frac{1}{4}$ SW $\frac{1}{4}$**

**SECTION 10: Lot 10**

**SECTION 15: Lots, 2, 3, 4 and 8, W $\frac{1}{2}$ NW $\frac{1}{4}$**

**ALSO INCLUDING: T3758**

A parcel of land located in Lot 9, Section 15, T. 18 N., R. 21 E., Boise Meridian Lemhi County, Idaho, more particularly described as follows: commencing at the SW corner of said Section 15 from which the NW corner of Section 15 bears N. 00°02'00" W. the Basis of Bearing of this description, run thence N. 00°02'00" W. along the Westerly boundary of said section a distance of 1316.81 feet to the NW corner of said Lot 9;

Thence N. 89°52'45" E. along the calculated G.L.O. northerly boundary of said Lot 9, a distance of 238.16 feet to the POINT OF BEGINNING;  
Thence continuing along said boundary a distance of 608.00 feet to a point on the westerly bank of the Salmon River;

Thence the following courses and distances along said bank; S 41°47'44"W. 321.56 feet; S. 33°57'26" W. 245.25 feet; Thence N. 30°09'15" W. a distance of 511.02 feet to the point of beginning.

EXHIBIT "B"

254078

EXCEPTING THEREFROM:

A parcel of land located in Government Lot 8, Section 15, T. 18 N., R. 21 E., B.M., Lemhi County, Idaho, more particularly described as follows, to wit:

Commencing at the North West Section Corner of said Section 15, a distance of 2,576.41 feet on a bearing of S.  $0^{\circ} 02'$  E.; thence S.  $38^{\circ} 02'$  E.; 299.98 feet; thence S.  $48^{\circ} 32'$  E.; 300.00 feet; thence S.  $47^{\circ} 37'$  E.; 707.55 feet to the REAL POINT OF BEGINNING.

From this REAL POINT OF BEGINNING, a distance of 60.65 feet on a bearing of S.  $1^{\circ} 43'$  W.;

Thence N.  $89^{\circ} 34' 59''$  W.; 30.22 feet;

Thence N.  $4^{\circ} 08' 30''$  E.; 61.39 feet;

Thence S.  $88^{\circ} 17'$  E.; 27.62 feet to the REAL POINT OF BEGINNING, said parcel containing 0.04 acres.

(Brandli)

## EXHIBIT "C"

ALSO  
EXCEPTING THEREFROM:

## DESCRIPTION OF PARCELS

## PARCEL "A"

A PARCEL OF LAND LOCATED IN THE SE1/4 NW1/4, SECTION 8,  
T. 18 N., R. 21 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE  
PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NW CORNER OF SAID SE1/4 NW1/4 RUN THENCE  
N 89°59'15" E, THE BASIS OF BEARING OF THIS DESCRIPTION, ALONG THE  
NORTHERLY BOUNDARY OF SAID SE1/4 NW1/4 A DISTANCE OF 1318.57 FT. TO  
THE NE CORNER OF SAID SE1/4 NW1/4:

THENCE S 00°05'01" W ALONG THE EASTERLY BOUNDARY OF SAID  
SE1/4 NW1/4 A DISTANCE OF 1198.32 FT. TO A POINT ON THE CENTERLINE  
OF IRON CREEK ROAD:

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID CENTERLINE:

803.24 FT. ALONG A CURVE TO THE LEFT HAVING A CHORD OF  
N 65°54'06" W 596.05 FT., A DELTA OF 30°43'06" AND A RADIUS  
OF 1125.17 FT.; N 81°15'39" W 121.92 FT.;

227.58 FT. ALONG A CURVE TO THE LEFT HAVING A CHORD OF  
S 89°46'41" W 226.65 FT., A DELTA OF 17°55'19" AND RADIUS OF  
727.55 FT.; S 80°49'02" W 157.06 FT.;

S 83°17'41" W 79.41 FT.; 191.23 FT. ALONG A CURVE TO THE  
RIGHT HAVING A CHORD OF S 89°51'08" W 190.81 FT., A DELTA OF  
13°06'54" AND A RADIUS OF 835.43 FT. TO A POINT ON THE  
WESTERLY BOUNDARY OF SAID SE1/4 NW1/4.

THENCE N 00°03'00" W ALONG SAID BOUNDARY A DISTANCE OF  
971.85 FT. TO THE POINT OF BEGINNING.

PARCEL CONTAINS 29.97 ACRES

29.0  
WHEEL  
NW

Warm Sprg Crk

4  
266

5  
209

9 | 10  
16 | 15

T225  
292A

F168  
T224  
A292

1A  
140

B2  
460

C  
23.7

Poison Crk

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DEPT. OF  
WATER



(Boundary Line shown  
Not Actual)

IRON