

RECEIVED
SEP 28 2015
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

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?
75-97	Yes ☒	<u>not a split</u> Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Austin Konecz + Pierce Konecz
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Janelle D. Phillips
New owner(s) as listed on the conveyance document

8 Rose Lane Salmon ID 83467
Mailing address City State ZIP
208-894-2224
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: July 1, 2014

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.

8. Signature: Christopher M. Phillips Owner 9-22-15
Signature of new owner/claimant Title, if applicable Date
Signature: Janelle D. Phillips owner 9-22-2015
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by J. Strange Date 9-28-15 Receipt No. C101043 Receipt Amt. 100.00
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 gmk Date 11-3-15



Idaho Association of REALTORS®
The Professionals in Real Estate

RE-13 COUNTER OFFER # 1 (1,2,3 etc.)
THIS COUNTER OFFER SUPERSEDES ALL PRIOR COUNTER OFFERS

THIS IS A LEGALLY BINDING CONTRACT, READ THE ENTIRE DOCUMENT, INCLUDING ANY ATTACHMENTS.
IF YOU HAVE ANY QUESTIONS, CONSULT YOUR ATTORNEY AND/OR ACCOUNTANT BEFORE SIGNING.



This is a COUNTER OFFER to the Purchase and Sale Agreement Dated: 3/14/2014
ADDRESS: 12 N. Iron Creek Rd, Salmon, ID, 83647 ID#: 03142014
BUYER: Austin and Pierce Koncz
SELLER: Janelle D. Phillips

The parties accept all of the terms and conditions in the above-designated Purchase and Sale Agreement with the following changes:
☒ This is a SELLER counter offer. The SELLER reserves the right to withdraw this offer or accept any other offers prior to the receipt of a true copy of signed acceptance of this Counter Offer within the time frame specified herein.
☐ This is a BUYER counter offer. The undersigned BUYER reserves the right to withdraw this offer at any time prior to the receipt of a true copy of signed acceptance of this Counter Offer within the time frame specified herein.

- 1) The legal description attached to the Purchase and Sale Agreement as Addendum #1 will be adjusted by deducting the 3 parcels being retained by the Seller. Surveys and legal descriptions of these 3 parcels will be provided to the Buyer prior to close of escrow. These parcels consist of 22+/- acres.
- 2) Seller will retain a proportionate share of water rights to service a 4 acre portion of one of the lots she is retaining.
- 3) All parties will share in the cost of maintenance of the bridge across Iron Creek and the access road at the lower entrance to the upper portion of the deeded acres.
- 4) An easement will be granted for the power poles necessary to deliver power to the parcel Seller is retaining at the west end of the lower deeded acres.
- 5) Seller does not agree to pay for a new survey.
- 6) Seller will retain the income from the cell tower contract.
- 7) Seller will transfer the income from the Compensation For Iron Creek Water Transaction Agreement to Buyers.
- 8) Seller agrees to vacate the main home on or before June 1, 2014.
- 9) Chris and Amber Phillips will vacate the secondary home on or before August 1, 2014, unless Buyers elect to employ Chris Phillips for a longer period of time.
- 10) 1966 Marlette 12 X 58 Mobile Home, ID K12360FKE51099, Title #D1477485, will be available to Buyers on or before May 15, 2014..

All other terms and conditions remain the same.

To the extent the terms of this Counter Offer modify or conflict with any provisions of the Purchase and Sale Agreement including all prior Addendums, the terms in this Counter Offer shall control. All other terms of the Purchase and Sale Agreement including all prior Addendums not modified by this Counter Offer shall remain the same. Buyer and Seller acknowledge the down payment and/or loan amount on Page 1 of Purchase & Sale Agreement may change if purchase price is changed as part of this Counter Offer. Upon its execution by both parties, this agreement is made an integral part of the aforementioned Agreement.

If a signed acceptance is not delivered on or before (date): 3/24/2014 at 4:00 ☐ A.M. ☒ P.M.
this Counter Offer shall be deemed to have expired.

DELIVERY: Delivery shall be to the agent/broker working with the maker of the Counter Offer in person, by mail, facsimile or electronic transmission of any signed original document, and retransmission of any signed original document. Retransmission of any signed facsimile or electronic transmission shall be deemed to be the same as delivery of an original.

SELLER Janelle D. Phillips Date 03-19-2014 Time 12:30 ☐ A.M. ☒ P.M.
SELLER Janelle D. Phillips Date _____ Time _____ ☐ A.M. ☐ P.M.
BUYER Austin Koncz Date _____ Time _____ ☐ A.M. ☐ P.M.
BUYER Pierce Koncz Date _____ Time _____ ☐ A.M. ☐ P.M.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 22, 2015

JANELLE D PHILLIPS
8 ROSE LN
SALMON ID 83467

RE: Notice of Change in Water Right Ownership No(s). 75-97

Dear Interested Party(s):

The Department of Water Resources received your request for a change of ownership of water right 75-97. The Department requires a conveyance document- a warranty deed, quitclaim deed, contract of sale, etc. to change the ownership of a water right. The conveyance document must include a legal description of the property or description of the water right if no land is conveyed.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your request unprocessed. You can send the documents to the address above, fax it to (208) 287-6700, attention Jean or email to jean.hersley@idwr.idaho.gov.

Please contact me at (208) 287-4942 if you have any questions regarding this matter.

Sincerely,

Jean Hersley
Technical Records Specialist II

HOPKINS RODEN CROCKETT
HANSEN & HOOPES, PLLC.
Lary S. Larson, ISBN 2600
428 Park Avenue
P.O. Box 51219
Idaho Falls, Idaho 83405
Telephone: 208-523-4445
Attorneys for Personal Representative

STATE OF IDAHO
COUNTY OF LEMHI
I, TERRI J. MORTON, CLERK OF THE DISTRICT COURT
OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF LEMHI DO HEREBY
CERTIFY THAT THE PROCEEDING IS A TRUE AND CORRECT
COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
IN WITNESS WHEREOF I HAVE HERE UNTO SET MY HAND
AND AFFIXED MY OFFICIAL SEAL THIS 29 DAY
OF Sept YEAR 2009
TERRI J. MORTON, CLERK
BY [Signature] DEPUTY

LEMHI COUNTY DISTRICT COURT
FILED 9:29:2009
TIME 4:30pm
LEMHI COUNTY CLERK
BY [Signature] DEPUTY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF

CLYDE LESLIE PHILLIPS,

Deceased.

Probate No CV2009-320
LETTERS OF ADMINISTRATION

1. Janelle D. Phillips was duly appointed and qualified as general personal representative of the estate of the above-named decedent, by the court.
2. Administration of the estate is unsupervised.
3. These Letters are issued to evidence the appointment, qualification, and authority of the said personal representative.

WITNESS, my signature and the Seal of this court this 29th day of
Sept, 2009.

[Signature]
Magistrate

STATE OF IDAHO

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

BUREAU OF VITAL RECORDS AND HEALTH STATISTICS

DATE FILED BY STATE REGISTRAR:
JUN 26 2009

State of Idaho
CERTIFICATE OF DEATH

STATE FILE NO. **2009-5062**

Local Reg. No. **24**

DECEASED TYPE OR PRINT IN PERMANENT BLACK INK DO NOT USE FELT TIP PEN FOR INSTRUCTIONS SEE HANDBOOKS PARENTS INFORMANT DISPOSITION PLACE OF DEATH DATE OF DEATH CAUSE OF DEATH CERTIFIER REGISTRAR	1. DECEDENT'S LEGAL NAME (Include AKA's if any) (First, Middle, Last, Suffix) Clyde L. Phillips		2. SEX Male	3. SOCIAL SECURITY NUMBER [REDACTED]
	4a. AGE Last Birthday 56 (Years)		5. DATE OF BIRTH (Mo/Day/Yr) Nov. 23, 1952	
	6. BIRTHPLACE (City and State, Territory, or Foreign Country) Shelley, Idaho			
	7a. RESIDENCE - STATE OR FOREIGN COUNTRY ID		7b. COUNTY Lemhi	
	7c. CITY OR TOWN Salmon			
	7d. STREET AND NUMBER 12 Hussey Way		7e. APT. NO. 83467	
	7f. ZIP CODE 83467		7g. INSIDE CITY LIMITS? ☐ Yes ☒ No	
	8. MARITAL STATUS AT TIME OF DEATH ☒ Married ☐ Married, but separated ☐ Widowed ☐ Divorced ☐ Never married ☐ Unknown			
	9. SURVIVING SPOUSE'S NAME (If wife, give maiden name) Janelle Pedersen			
	10. EVER IN U.S. ARMED FORCES? ☐ Yes ☒ No		11a. FATHER'S NAME (First, Middle, Last, Suffix) Mark Phillips	
11b. BIRTHPLACE (State, Territory, or Foreign Country) ID		12a. MOTHER'S MAIDEN NAME (First, Middle, Last, Suffix) Alta Hansen		
12b. BIRTHPLACE (State, Territory, or Foreign Country) ID				
13a. INFORMANT'S NAME (Type or print) Janelle Phillips		13b. RELATIONSHIP TO DECEDENT Wife		
13c. MAILING ADDRESS (Street and Number, City, State, Zip Code) 12 Hussey Way; Salmon ID 83467				
14. METHOD OF DISPOSITION ☒ Burial ☐ Cremation ☐ Donation ☐ Entombment ☐ Removal from Idaho ☐ Other (Specify)		15. PLACE OF DISPOSITION (Name and address of cemetery, crematory, other place) Salmon Cemetery 45 Cemetery Ln Salmon ID 83467		
16. NAME AND COMPLETE ADDRESS OF FUNERAL FACILITY Salmon River FC; POB 691; Salmon ID 83467				
17a. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH [Signature]		17b. LICENSE NUMBER (Of licensee) M-735		
18. WAS CORONER CONTACTED DUE TO CAUSE OF DEATH? ☒ Yes ☐ No				
19a. IF DEATH OCCURRED IN A HOSPITAL: * 19b. IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL: ☐ Inpatient ☐ Outpatient ☐ D.O.A. ☐ Hospice facility ☐ Nursing home/Long term care facility ☐ Decedent's home ☒ Other (Specify) Iron Creek Rd.				
20. FACILITY NAME (If not facility, give street and number) Iron Creek Rd. 1/4 Mi up Rd.		21. CITY, TOWN, OR LOCATION OF DEATH, AND ZIP CODE Salmon 83467		
22. COUNTY OF DEATH Lemhi				
23. DATE OF DEATH (Mo/Day/Yr) (Spell month) June 20, 2009		24. TIME OF DEATH 0900		
25. DATE FUNERAL OR DEAD BODY WAS RECEIVED (Mo/Day/Yr) (Spell month) June 20, 2009		26. TIME OF RECEIPT 0900		
27. CAUSE OF DEATH PART I. Enter the chain of events -- diseases, injuries, or complications -- that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the injury. DO NOT ABBREVIATE. Enter only one cause on a line. IMMEDIATE CAUSE (Final disease or condition resulting in death) → a. Massive Trauma from Motorcycle Accident to Head Immed. DUE TO (or as a consequence of): b. _____ DUE TO (or as a consequence of): c. _____ DUE TO (or as a consequence of): d. _____ PART II. Enter other significant conditions contributing to death, but not resulting in the underlying cause given in Part I. 28a. DID TOBACCO USE CONTRIBUTE TO DEATH? ☐ Yes ☐ Probably ☒ No ☐ Unknown 29. IF FEMALE (Aged 10-64): ☐ Not pregnant within past year ☐ Not pregnant, but pregnant 43 days to 1 year before death ☐ Pregnant at time of death ☐ Unknown if pregnant within the past year 30. MANNER OF DEATH ☒ Natural ☐ Homicide ☒ Accident ☐ Pending investigation ☐ Suicide ☐ Could not be determined 31. INJURY AT WORK? ☒ Yes ☐ No 32. DATE OF INJURY (Mo/Day/Yr) (Spell month) June 20, 2009 33. TIME OF INJURY 0900 34. PLACE OF INJURY (Decedent's home, farm, street, construction site, nursing home, restaurant, forest, etc.) 1/4 Mi up Iron Creek Rd from Residence 35. LOCATION OF INJURY: State <u>Idaho</u> City/Town or County <u>Salmon Lemhi</u> Zip Code <u>83467</u> Street and Number or Location <u>1/4 Mi./up Iron Creek Rd. from Residence</u> 36. DESCRIBE HOW INJURY OCCURRED. IF TRANSPORTATION INJURY, STATE THE TYPE(S) OF VEHICLE(S) INVOLVED (Automobile, pickup, motorcycle, ATV, bicycle, etc.) SPECIFY WHICH VEHICLE DECEDENT OCCUPIED, if applicable Motorcycle a deer ran into him knock victim motorcycle Head First. TRANSPORTATION INJURY ONLY: ☒ Pedestrian ☐ Other (Specify) _____ 37a. WAS DECEDENT: ☒ Driver/Operator ☐ Passenger ☐ Other (Specify) _____ 37b. WHAT SAFETY DEVICES DID DECEDENT USE/EMPLOY? ☐ Seat Belt ☐ Child safety seat ☐ Helmet ☐ Air bag ☒ None ☐ Unknown 38a. CERTIFIER (Check only one, based on official capacity for this certificate) ☐ PHYSICIAN ☐ PHYSICIAN ASSISTANT ☐ ADVANCED PRACTICE PROFESSIONAL NURSE ☒ CORONER - To the best of my knowledge, death occurred at the time, date, and place, and due to the natural cause(s)/manner stated. Signature and Title of Certifier: <u>Mike Mitchell</u> 38b. NAME, ADDRESS, AND ZIP CODE OF CERTIFIER (Type or print) Mike Mitchell, Lemhi Co. Coroner; POB 452; Salmon, ID 83467 39a. CORONER'S SUBSEQUENT SIGNATURE IF NECESSARY: The coroner's signature in this item supersedes that of the physician, physician assistant, or advanced practice professional nurse, and the coroner becomes the certifier of record. I have reviewed and if necessary amended the medical section. 40a. REGISTRAR'S SIGNATURE <u>Monica B. Mascher</u> 40b. DATE SIGNED MM / DD / YYYY <u>06 / 23 / 2009</u> 41a. DATE SIGNED MM / DD / YYYY <u>06 / 23 / 2009</u>				

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

DATE ISSUED: **JUN 29 2009**

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

JANE S. SMITH
STATE REGISTRAR



~~ Quitclaim Deed ~~

FOR VALUE RECEIVED,

JANELLE D. PHILLIPS,

Does hereby release, convey, remise and forever quit claim unto:

**JANELLE D. PHILLIPS, a single person and
CHRISTOPHER M. PHILLIPS, a single
person, to each an undivided one-half interest**

Who current address is: 8 Rose Lane, Salmon, ID 83467

The following described water right, to-wit:

Water right

Idaho Right/Claim Number 75-97

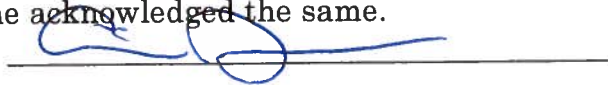
Dated: September 22, 2015


JANELLE D. PHILLIPS

STATE OF IDAHO

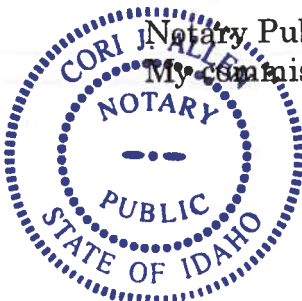
County of Lemhi--ss

On this 22nd day of September, 2015 before me, the undersigned a Notary Public in for said state, personally appeared JANELLE D. PHILLIPS known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she acknowledged the same.



Notary Public for Idaho, residing at Salmon.

My commission expires: 6-2-2018



Water Right 75-97

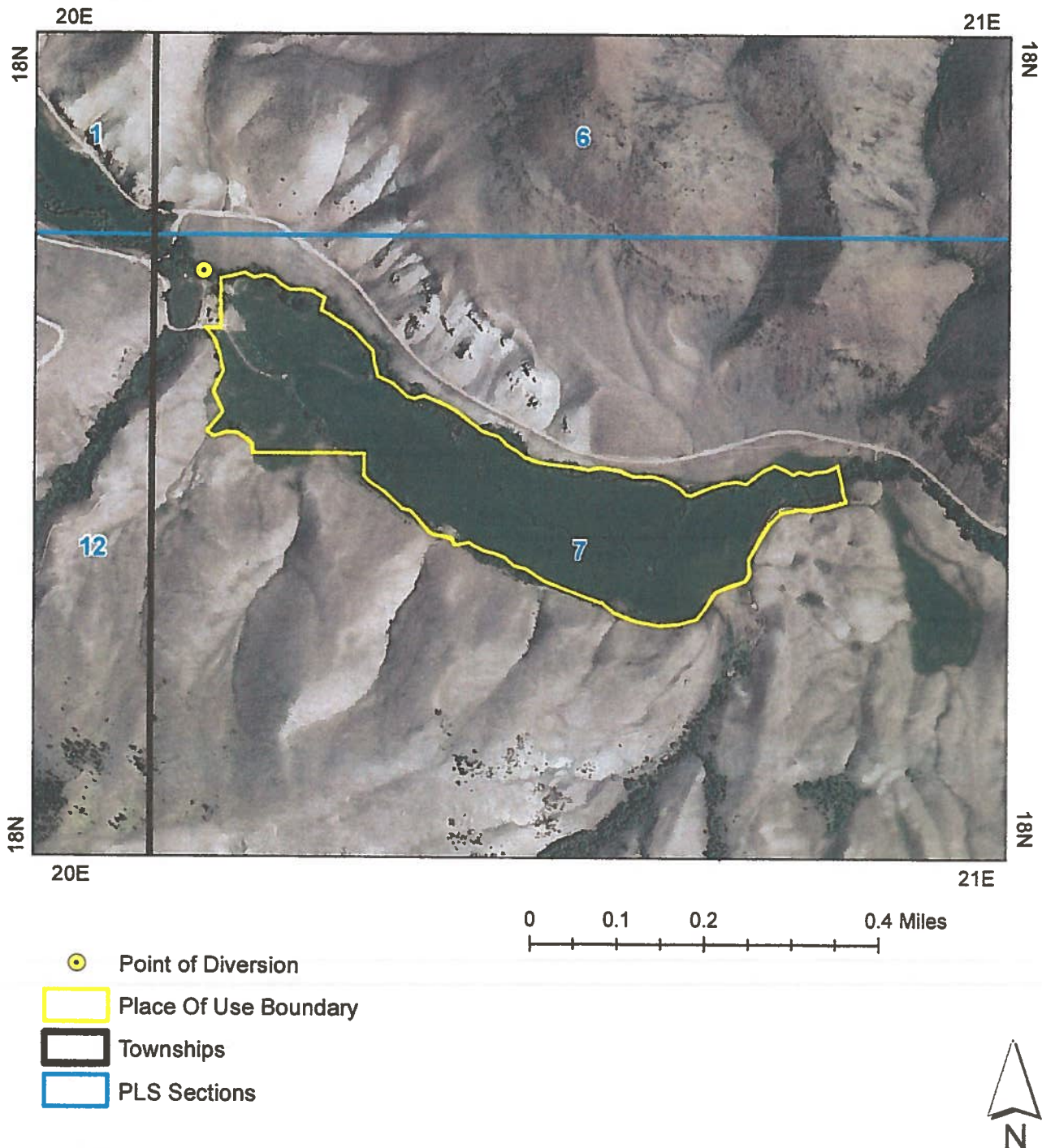


State of Idaho
Department of Water Resources

Water Right 75-97

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 3, 2015

JANELLE D PHILLIPS
CHRISTOPHER M PHILLIPS
8 ROSE LN
SALMON ID 83467

Re: Change of Ownership for Water Right/Permit No(s): 75-97

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records to reflect this change in ownership and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited 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 § 42-222 and §42-223, Idaho.

The fee that accompanied this request was to split the water right. Since the previous ownership change was done incorrectly, this request was not a split. A refund of \$75 has been requested and will be sent to you under separate cover from the State Controller's Office.

Also note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Change reporting forms are available from any office of the Department, or at www.idwr.idaho.gov.

Thank you for your patience. If you have any questions concerning the enclosed information, please feel free to contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

MEMORANDUM

TO: Sascha Marston
FROM: Jean Hersley 
DATE: November 3, 2015
RE: **Refund: Ownership change**

Please refund \$75. Ownership change of water right was not split.

NAME: JANELLE PHILLIPS
ADDRESS: 8 ROSE LN
SALMON ID 83467

RECEIPT #: C101043

Thank you.

Jean