



A Pioneer Company

**PIONEER TITLE COMPANY
OF ADA COUNTY**

703 S. Americana, Suite 190 / Boise, Idaho 83702 / (208) 373-3744

RECEIVED

SEP 03 2004

WATER RESOURCES
WESTERN REGION

August 25, 2004

IDWR Western Region
2735 Airport Way
Boise, ID 83705

Re: Escrow No.: 247133
Seller: Imajean Hetherington, Trustee of The Austin Family Trust A under The Austin Family Trust
u/a/d/02/26/92
Buyer: Richard M. Philips
Property: 5381 N. Coffey Street
Boise, Idaho 83714

To Whom It May Concern:

Enclosed is our check in the amount of \$50.00 representing payment for water transfer fee for 63-17780 and 63-17783, the Notice of Change in Water Right Ownership and copies of recorded Warranty Deeds.

If you have any questions, or require any additional information, please do not hesitate to contact me.

Thank you.

Sincerely,

PIONEER TITLE COMPANY OF ADA COUNTY

Jan Griffin
Escrow Officer

Enclosures

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

RECEIVED

SEP 03 2004

WATER RESOURCES
WESTERN REGION

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
<u>63-17780</u>	_____	___	_____	_____	___
<u>63-17783</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) Imajean Hetherington, Trustee of the Austin Family Trust
P.O. Box 327, Boise, ID 83701
4. New Owner/Claimant(s) Richard M. Phillips
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 210 Murray Street
- City, State and ZIP Code Boise, ID 83714
- New Telephone Number (208) 376-4665
5. Date you acquired the property August 31, 2004

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) *Richard M. Kelly*
(include title if applicable) _____

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 <u>DB</u>	Date <u>9.3.04</u>	Fee <u>\$25 - EA.</u>	
Received by <u>DB</u>	Date <u>9-3-04</u>	Receipt No. <u>W032193</u>	
Processed by _____	AJ Date _____	WR _____	Date _____



Recording Requested By and
 When Recorded Return to:
 Richard M. Phillips
 210 Murray Street
 Boise, Idaho 83714

2471

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

TRUSTEE'S DEED

THIS TRUSTEE'S DEED is made this 25th day of August, 2004, by and between IMAJEAN HETHERINGTON, TRUSTEE OF THE AUSTIN FAMILY TRUST A UNDER THE AUSTIN FAMILY TRUST, U/A/D FEBRUARY 26, 1992, AS AMENDED, hereinafter referred to as "**Grantor**," and RICHARD M. PHILLIPS, an unmarried man, whose current address is 210 Murray Street, Boise, Idaho 83714, hereinafter referred to as "**Grantee**."

Grantor, Imajeon Hetherington, is the qualified Trustee of The Austin Family Trust A under the Austin Family Trust, U/A/D February 26, 1992, as amended. Pursuant to the powers vested in the Trustee under the Uniform Trustees' Powers Act, particularly Idaho Code § 68-106, Grantor, BY THESE PRESENTS, transfers and conveys unto the Grantee all right, title and interest of Grantor in and to the following described parcel of real property situated in the County of Ada, State of Idaho:

SEE EXHIBIT "A" ATTACHED HERETO AND
 INCORPORATED HEREIN BY THIS REFERENCE

TO HAVE AND TO HOLD all and singular the same unto the Grantee, and to Grantee's heirs, successors and assigns forever.

Grantor hereby covenants with Grantee that the above-described premises are free from all encumbrances made by it and that it will warrant and defend said premises against the lawful claims of all persons claiming by, through and under it; subject, however, to all easements, rights of way, liens, encumbrances, defects, restrictions and reservations of record or appearing from an accurate survey and inspection of the premises.

IN WITNESS WHEREOF, Grantor executed this instrument on the day and year herein first above written.

THE AUSTIN FAMILY TRUST A UNDER THE
 AUSTIN FAMILY TRUST, U/A/D FEBRUARY
 26, 1992, AS AMENDED

By: Imajeon Hetherington
 Imajeon Hetherington, Trustee

STATE OF IDAHO)
) ss.
County of Ada)

On this 25th day of August, 2004, before me, a Notary Public, personally appeared Imajean Hetherington, known or identified to me to be the person whose name is subscribed to the within instrument as the Trustee of The Austin Family Trust A under The Austin Family Trust, U/A/D February 26, 1992, as amended and acknowledged to me that she executed the same as such Trustee.

Janet L. Bloock
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 3-17-2005

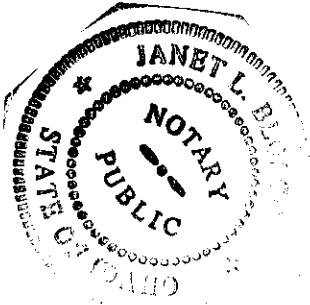


EXHIBIT "A"

LEGAL DESCRIPTION REAL PROPERTY

A portion of Section 25, Township 4 North, Range 1 East, Garden City, Ada County, Idaho more particularly described as follows:

Commencing at the West $\frac{1}{4}$ corner of Section 25, Township 4 North, Range 1 East, Boise Meridian thence

South 68 degrees 16'10" East 1833.04 feet to a point on the South line of Willowbrook Estates No. 1 Subdivision, thence along said line South 89 degrees 04'34" East 616.64 feet to the Point of Beginning thence leaving said line

South 01 degrees 16'04" East 150.11 feet; thence

South 89 degrees 04'34" East 303.53 feet; thence

North 00 degrees 16'46" East 150.11 feet, to a point on the South line of Willowbrook Estates No. 1 Subdivision, thence

North 89 degrees 04'34" West 303.53 feet to the True Point of Beginning.

Together with all water and water rights, ditch and ditch rights appurtenant thereto, including but not limited to State of Idaho Water Rights Numbers 63-17780 and 63-17783 and Water Stock Certificate No. 563 for one (1) share in the Thurman Mill Ditch Company, Ltd., and all tenements, hereditaments, and appurtenances thereunto belonging or in anyway appertaining.

RECORD OF SURVEY NO. 3815

A SURVEY OF PORTIONS OF LOTS 1, 41 AND 42 OF STRAWBERRY GLENN SUBDIVISION
LYING IN SECTION 25, T.4 N., R.1 E., BOISE MERIDIAN
GARDEN CITY, ADA COUNTY, IDAHO

- JOHNSON ENGINEERING 1997 -

LOT DESCRIPTION, PARCEL 1
A PORTION OF LOT 42, STRAWBERRY GLENN SUBDIVISION
LYING IN SECTION 25, T.4 N., R.1 E., BOISE MERIDIAN
MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE WEST 1/4 CORNER OF SECTION 25, T.4 N., R.1 E., B.M., THENCE
S 87°16'10" E 183.504 FEET TO A POINT ON THE SOUTH LINE OF WILLOWBROOK
ESTATES NO. 1 SUBDIVISION, THENCE ALONG SAID LINE
S 89°04'34" E 916.64 FEET, THENCE CONTINUING
S 87°16'10" E 307.58 FEET, THENCE
S 07°16'46" W 150.01 FEET, THENCE
N 01°16'04" W 150.11 FEET, THENCE
CONTAINS 1.032 ACRES

CERTIFICATE OF ENGINEER AND SURVEYOR

I, ROY B. JOHNSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL ENGINEER/LAND SURVEYOR,
LICENSED BY THE STATE OF IDAHO, AND THAT THIS RECORDING SURVEY, AS DESCRIBED BELOW, WAS
DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY PERSONAL SUPERVISION, AND ACCURATELY
RELATING TO PLATS AND SURVEYS.

ROY B. JOHNSON
PE/S 2824
JUNE 17, 1997
IDAHO SURVEYOR

CERTIFICATE OF OWNERS

WE, THE UNDERSIGNED OWNERS OF THIS PROPERTY AGREE WITH THIS SURVEY.

WILLOWBROOK DEVELOPMENT INC., AN IDAHO CORPORATION

Richard W. Phillips
PRESIDENT - RICHARD W. PHILLIPS

AUSTIN FAMILY TRUST

Helen Austin
HELEN AUSTIN - TRUSTEE

ACKNOWLEDGMENTS

STATE OF IDAHO } SS
COUNTY OF ADA }

ON THIS 7 DAY OF May 1997, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID STATE,
PERSONALLY APPEARED RICHARD W. PHILLIPS, KNOWN TO ME TO BE THE PRESIDENT OF WILLOWBROOK DEVELOPMENT
INC. WHOSE NAME AND ADDRESS ARE SET FORTH IN THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE
EXECUTED THE SAME FOR AND ON BEHALF OF SAID CORPORATION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRMED MY OFFICIAL SEAL THE DAY AND YEAR
FIRST ABOVE WRITTEN.

MY NOTARY COMMISSION EXPIRES 2-9-2001

NOTARY PUBLIC FOR THE STATE OF IDAHO

Nancy Stricker
NANCY STRICKER
RESIDING AT BOISE, IDAHO

ON THIS 7 DAY OF May 1997, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID STATE,
PERSONALLY APPEARED HELEN AUSTIN, KNOWN TO ME TO BE THE TRUSTEE OF THE AUSTIN FAMILY TRUST,
WHOSE NAME AND ADDRESS ARE SET FORTH IN THE WITHIN INSTRUMENT,
AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THIS INSTRUMENT FOR AND ON BEHALF OF SAID TRUST.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRMED MY OFFICIAL SEAL THE DAY AND YEAR
FIRST ABOVE WRITTEN.

MY NOTARY COMMISSION EXPIRES 2-9-2001

NOTARY PUBLIC FOR THE STATE OF IDAHO

Nancy Stricker
NANCY STRICKER
RESIDING AT BOISE, IDAHO

CERTIFICATE OF COUNTY RECORDER

STATE OF IDAHO } SS
COUNTY OF ADA }

4704-3266

THIS INSTRUMENT WAS FILED AT THE REQUEST OF Johnson Engineering

ON 11 O'CLOCK A.M. THIS 3rd DAY OF June, 1997, AND

RECORDED AS PAGE

OF SURVEY.

RECORDED AS PAGE

OF SURVEY.

RECORDED AS PAGE

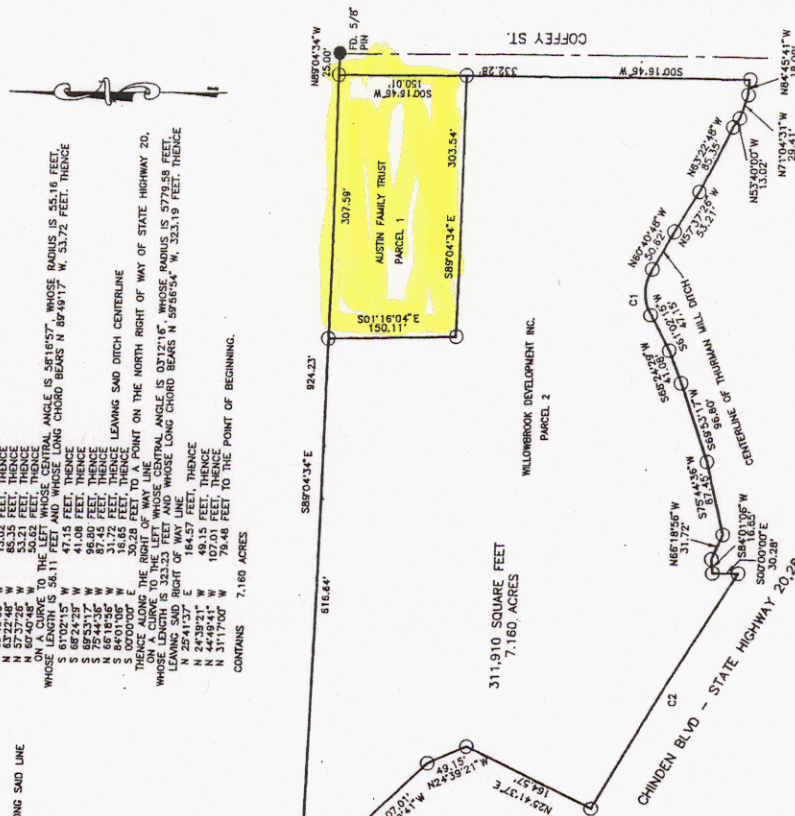
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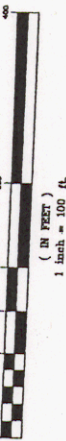
OF SURVEY.

RECORDED AS PAGE

OF SURVEY.



GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft



AUSTIN BUSINESS PARK
PORTIONS OF LOTS 1, 41 AND 42, STRAWBERRY GLENN SUBDIVISION

SURVEY NAME: AUSTIN SURVEY

JOHNSON ENGINEERING
DESIGNED BY: R.B.J.
9225 CHIMNEY BLVD. SUITE J
GARDEN CITY, IDAHO 83714
(208) 323-7583

SCALE: 1" = 100'
DATE: 04/15/97
SHEET: 1 OF 1
DWC NAME: AUSTIN

INDEX MAP: -6-245

N COFFEY

69.76

R9437170090

1

R9437170100

2

R9437170110

3

R9437170120

4

R9437170130

5

R9437170140

6

R9437170150

7

R9437170160

8

170170

R8191508957

450.07

RS 3895 - 303.54

150.17

R8191508953

WATERWAY

Idaho Department of Water Resources Receipt

Receipt ID W032193

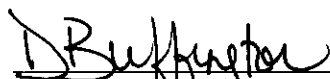
Payment Amount \$50.00 Date Received 9/3/2004 1:57:04 PM Region Western Status
Payment Type Check Check Number 2-3790

Payer PIONEER TITLE COMPANY OF ADA COUNTY

Comment CHANGE OF OWNERSHIP: 63-17780 & 63-17783

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	62140	1155



Signature Line (Dept. Representative)