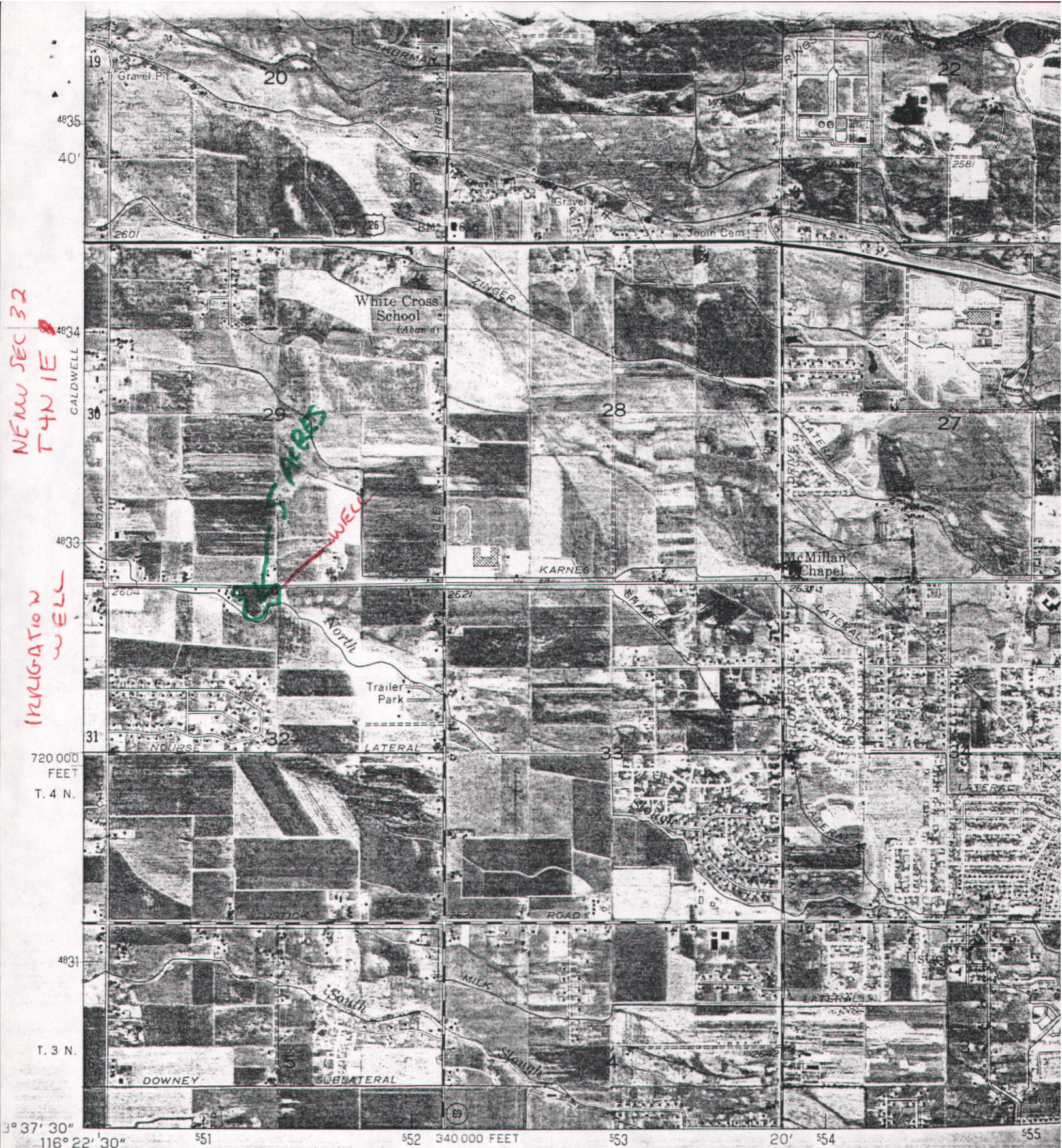




Produced by the Geological Survey

Orthophotograph prepared from 1:80,000-scale aerial photographs taken July 8, 1981

Projection and 10,000-foot grid ticks: Idaho coordinate system, west zone (Transverse Mercator)

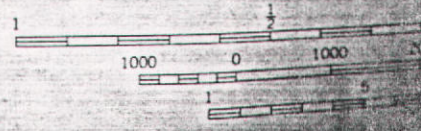
1000-meter Universal Transverse Mercator grid, zone 11 1927 North American Datum

To place on the predicted North American Datum 1983 move the projection lines 15 meters north and 77 meters east as shown by dashed corner ticks

Photoimagery rectified by optical scanning

Where double precision is required, use the 1:80,000-scale aerial photographs taken July 8, 1981

This map has been prepared by the Idaho Department of Water Resources



Copies Of These
MICROFILMED
At Bonneville B

AUG 25 1992
FOR SALE BY U.S. GEOLOGICAL SURVEY

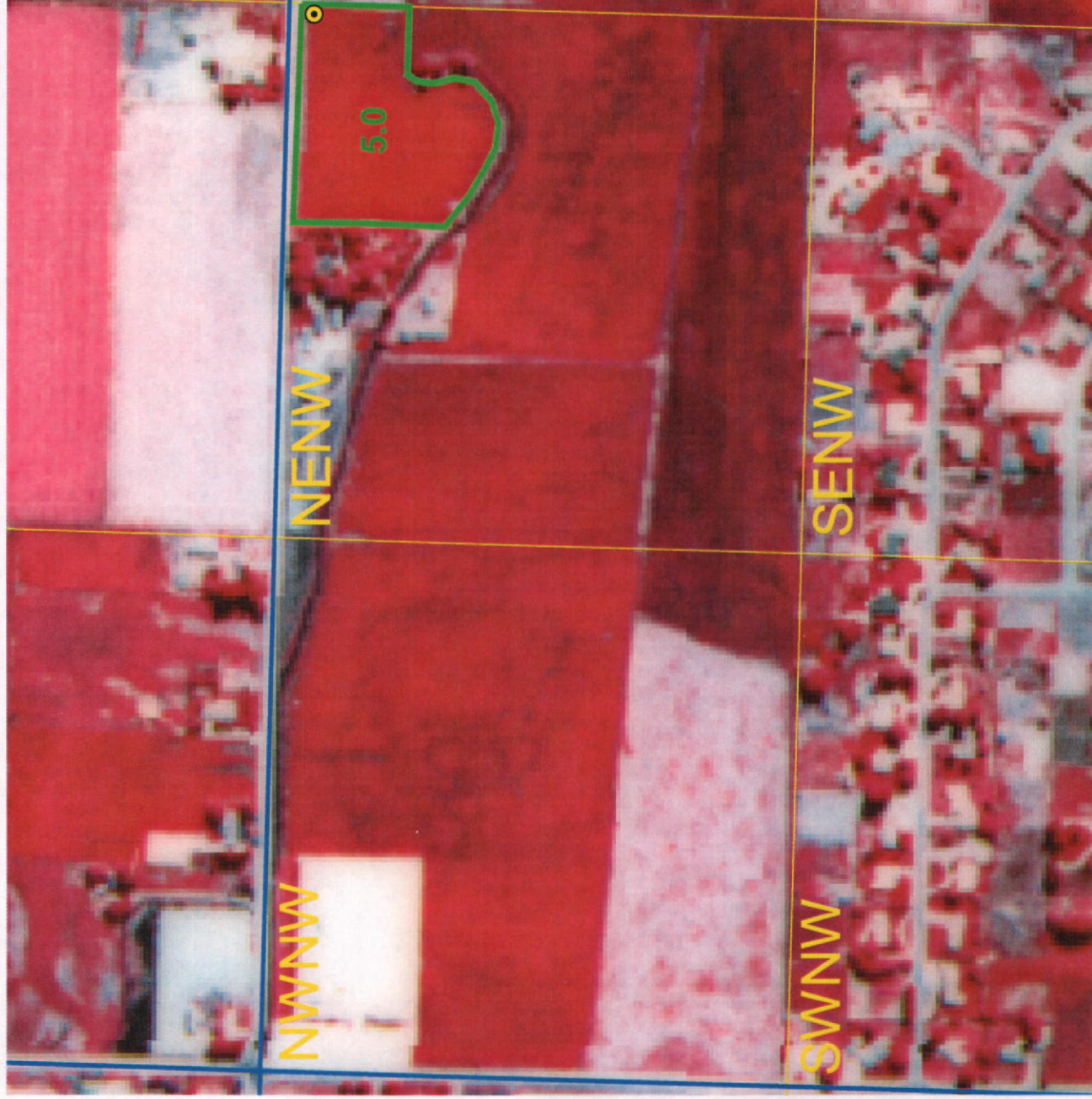
Idaho Department of Water Resources

**T04N, R01E,
S32**

Claim No: 63-15988

Prepared By: Kimberly Brown

Date: April 9, 2004



● Point of Diversion



Place of Use

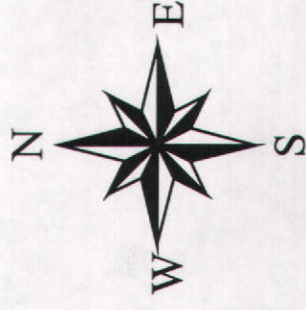


Section Lines



1/4 1/4

Acres Irrigated = 5.0



0 0.1 0.2 0.3 0.4 Miles

1987 NAPP

63-15988



63-15988



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 63-15988
Date Received: 6/28/1989
Receipt No: W003395
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 11 2003

WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

JEANNE D TOLK Phone: (208)888-2610
2205 E MCMILLAN RD
MERIDIAN ID USA 83642

JOHN TOLK Phone: (208)888-2610
2205 E MCMILLAN RD
MERIDIAN ID USA 83642

2. Date of Priority: 04/01/1957

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
04N	01E	32	NE	NW	ADA	

5. Description of diverting works:

90' DEEP, 10" CASING, PIPED INTO DITCH, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.15	

7. Total Quantity Appropriated is:

0.15 C.F.S.

8. Total consumptive use: *Irrigation*

9. Non-irrigation uses: *None*

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	32	NE	NW	IRRIGATION	5
Section Acres						5
Total Acres						5

11. Place of use in counties: ADA

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

13. Other Water Rights Used: *Settlers Irrigation Dist.*

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Individuals:

I/We do solemnly swear or affirm that the ~~statements~~ ^{*John Talk*} contained in the foregoing document are true and correct.

Signature of Claimant(s) *John Talk* Date: *10 Sept 2003*
10 September 2003 Date:

State of Idaho)
County of *ADA*) SS.

Subscribed and sworn (or affirmed) before me this

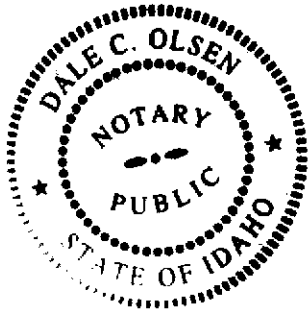
10th of *Sept* 20*03*

Dale C. Olsen

Notary Public

Residing at *BOISE, ID*

My commission Expires *04 MARCH 2008*



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: A63-15988
Date Received: 6/28/1989
Receipt No: W003395
Received By: Rdk

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN TOLK 208-888-2610
Address: 2205 E. MCMILLAN RD.
MERIDIAN, ID 83642

OR

Name: JEANNE D. TOLK 208-888-2610
Address: 2205 E. MCMILLAN RD.
MERIDIAN, ID 83642

2. Date of Priority: AUG 31, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01E	32	NE	NW			ADA

5. Description of diverting works:
90' DEEP, 10" CASING, PIPED INTO DITCH, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.150		

7. Total Quantity Appropriated is:
0.150 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	32	NE NW		IRR	5.0
Section Acres						5.0
Total Acres						5.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

John Tolk

Date: 6-28-89

Date: _____

State of Idaho)

County of ADA)

) SS.

Subscribed and sworn (or affirmed) before me this 28th day

of June 19 89

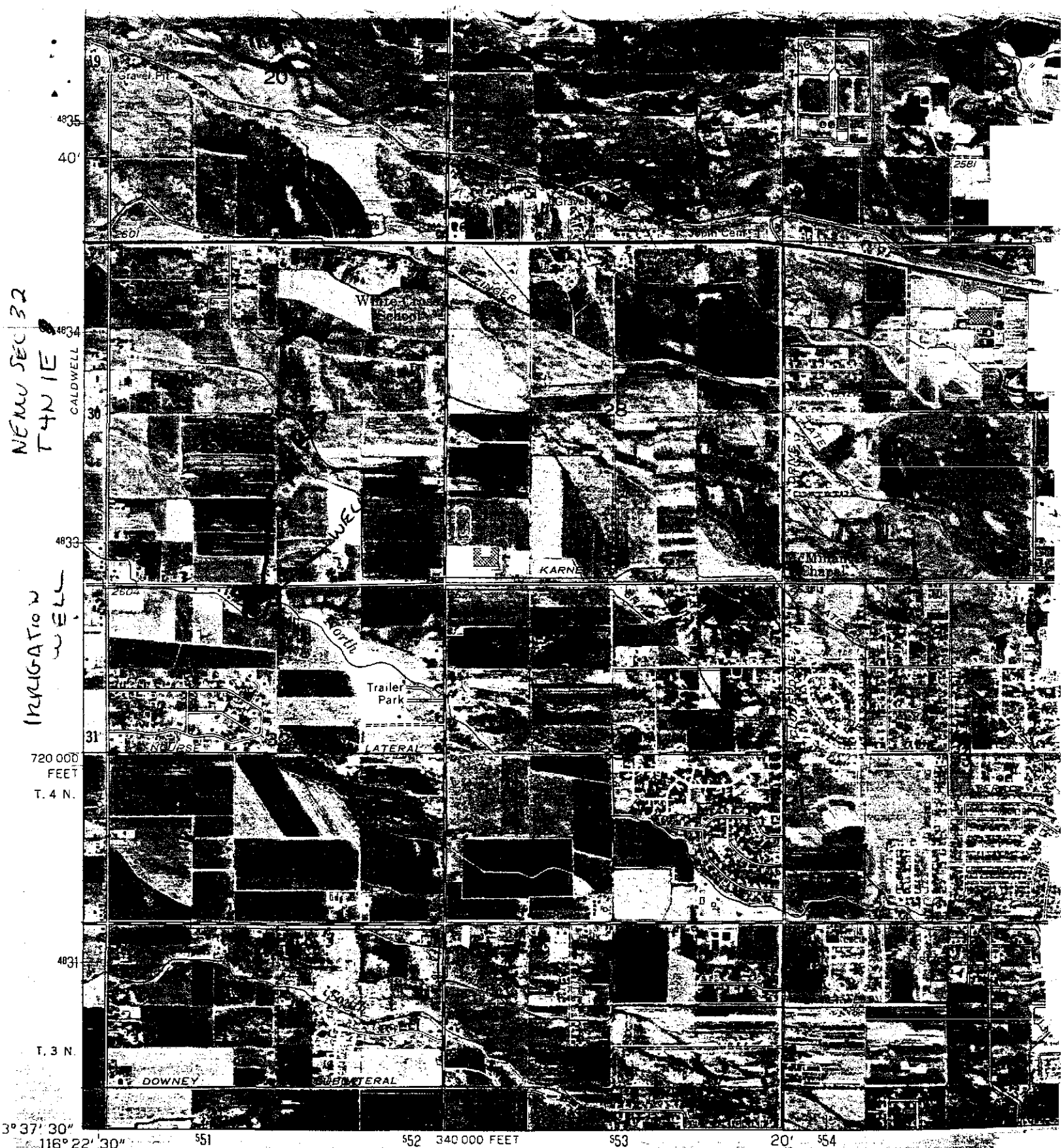
Ron Howerton
Notary Public

Seal

Residing at Ron Howerton

My Commission Expires Residing at Boise, Idaho

My Commission Expires December 2, 1991



Produced by the Geological Survey

Orthophotograph prepared from 1:80,000-scale aerial photographs taken July 8, 1981

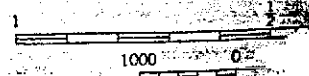
Projection and 10,000-foot grid ticks: Idaho coordinate system, west zone (Transverse Mercator)

1000-meter Universal Transverse Mercator grid, zone 11 1927 North American Datum

To place on the predicted North American Datum 1983 move the projection lines 15 meters north and 77 meters east as shown by dashed corner ticks

Photoimagery rectified by optical scanning

NORTH



Copies C
MICROFILM

ALL FOR

This map has been prepared by the Idaho Department of Geology

02/16/2006

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

RIGHT NUMBER: 63-15988

NAME AND ADDRESS: CAPITAL DEVELOPMENT INC
6200 N MEEKER PLACE
BOISE ID 83713

~~JOHN TOLK~~
~~JEANNE D TOLK~~
~~2205 E MC MILLAN RD~~
~~MERIDIAN ID 83642~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.150 CFS
22.500 AFY

PRIORITY DATE: 04/01/1957

POINT OF DIVERSION:

T04N R01E S32 NENW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.150 CFS 22.50 AFY

PLACE OF USE: IRRIGATION Within ADA County

T04N R01E S32 NENW 5.00

5 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

Use of this right is combined with water from Settlers Irrigation District.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Water Rights: 63-15988

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

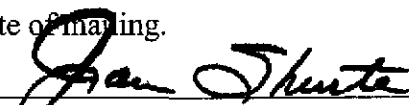
☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: February 17, 2006



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on February 17, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

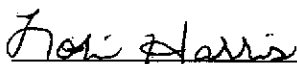
Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Capital Development Inc.	☐ overnight mail
6200 N. Meeker Place	☒ regular mail
Boise ID 83713	☐ hand-delivered
	☐ facsimile

John Tolk	☐ overnight mail
Jeanne Tolk	☒ regular mail
2205 E. McMillan Rd.	☐ hand-delivered
Meridian ID 83642	☐ facsimile



Signature of person mailing this document

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.

RECEIVED

NOV 08 2004

WATER RESOURCES
WESTERN REGION

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
63-15988 - AJ					

RECEIVED
 NOV - 9 2004
 DEPARTMENT OF
 WATER RESOURCES

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) John and Jeanne Talk
2205 E McMillan Rd., Meridian, ID 83642
4. New Owner/Claimant(s) Capital Development, Inc.
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 6200 N Meeker Place
 City, State and ZIP Code Boise ID 83713
 New Telephone Number (208) 377-3939
5. Date you acquired the property July 16, 2004

RECEIVED

MAR 22 2005

WATER RESOURCES
WESTERN 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) Dave Yergason
(include title if applicable) Vice President of Capital Development

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 LG Date 11/8/04 Fee 25.00
 Received by LG Date 11/8/04 Receipt No. W032376
 Processed by LG AJ Date 2-16-06 WR _____ Date _____



I CERTIFY THIS TO BE A TRUE &
CORRECT COPY OF THE ORIGINAL
Stewart Title
Theresa Gutierrez

WARRANTY DEED

For Value Received John Tolk and Jeanne D Tolk, as co-trustees of the John and Jeanne Tolk Trust, U/T/A dated January 7, 1993 and John Tolk and Jeanne Tolk, Husband and wife

the Grantor, hereby grants, bargains, sells, conveys and warrants unto

Capital Development, Inc., an Idaho Corporation

the grantee, whose current address is 6200 Meeker Place, Boise, ID 83713

the following described premises, to wit:

See "Exhibit A" attached hereto

Parcel Number: S0532212510

SUBJECT TO: Current General Taxes, a lien in the process of assessments, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

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 it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated this 16th day of July, 2004.

John Tolk and Jeanne D Tolk, as co-trustees of the John and Jeanne Tolk Trust, U/T/A dated January 7, 1993

John Tolk

John Tolk, Co-Trustee

John Tolk

John Tolk

Jeanne D Tolk

Jeanne D. Tolk, Co-Trustee

Jeanne D Tolk

Jeanne D. Tolk

STATE OF Idaho)
) ss.
COUNTY OF Ada)

On this 16th day of July, 2004, before me, the undersigned, a Notary Public, in and for said State, personally appeared

John Tolk and Jeanne D. Tolk

known to me, and/or identified to me on the basis of satisfactory evidence, to be the Trustee's of The John and Jeanne Tolk Trust, U/T/A dated January 7, 1993 the Trust that executed the within instrument and acknowledged to me that he/she/they executed the same on behalf of said Trust.

WITNESS MY HAND AND OFFICIAL SEAL.

Trina Nishitani

Notary Public: Trina Nishitani
Residing at: Caldwell, Idaho
My commission expires June 28, 2009

TRINA NISHITANI
NOTARY PUBLIC
STATE OF IDAHO

STATE OF Idaho)
) ss.
COUNTY OF Ada)

On this 16th day of July, 2004, before me, the undersigned a Notary Public, in and for said State, personally appeared John Tolk and Jeanne Tolk, known to me to be the persons that executed the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Trina Nishitani

Trina Nishitani, Notary Public
Residing at: Caldwell, Idaho
Comm. expires: 6/28/2009

TRINA NISHITANI
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT "A"Parcel A

N 1385783.94 E 2308505.54

A parcel of land located in the North half of the Northwest quarter of Section 32, Township 4 North, Range 1 East, Boise-Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 29, 30, 31 and 32 of said Township 4 North, Range 1 East; thence

South 89°12'09" East, 1447.17 feet on the section line common to said Sections 29 and 32

Said point also being the **Real Point of Beginning**; thence continuing

South 89°12'09" East, 239.83 feet on the section line common to said Sections 29 and 32;

Thence leaving said section line

South 00°47'51" West, 38.00 feet to a point of curve; thence 31.42 feet on the arc of a curve to

Left, said curve having a radius of 20.00 feet, a central angle of 90°00'00" and a chord

Distance of 28.28 feet which bears

South 45°47'51" West; thence

South 00°47'51" West, 85.45 feet to a point of curve; thence 12.52 feet on the arc of a curve

To the right, said curve having a radius of 100.01 feet, a central angle of 7°10'17" a chord

Distance of 12.51 feet which bears

South 04°23'00" West to a point of reverse curve; thence 33.99 feet on the arc of a curve to the

Left, said curve having a radius of 20.00 feet, a central angle of 97°23'05" and a chord

Distance of 30.05 feet which bears

South 40°43'24" East; thence

South 00°35'04" West, 50.00 feet; thence

North 89°24'56" West, 15.40 feet to a point of curve; thence 23.86 feet on the arc of a curve to

The left, said curve having a radius of 20.00 feet, a central angle of 68°20'58" and a chord

Distance of 22.47 feet which bears

South 56°24'35" West; thence

South 89°33'49" East, 18.62 feet; thence

South 00°47'51" West, 75.98 feet to a point of curve; thence 54.40 feet on the arc of a curve to

The left, said curve having a radius of 255.00 feet, a central angle of 12°13'22" and a chord

Distance of 54.30 feet which bears

South 05°18'50" East; thence

South 11°25'31" East, 27.95 feet to a point of curve; thence 1.90 feet on the arc of a curve to the

Left, said curve having a radius of 25.00 feet, a central angle of 04°21'22" and a chord

Distance of 1.90 feet which bears

North 87°56'01" East to a point of reverse curve; thence 10.72 feet on the arc of a curve to the

Right, said curve having a radius of 375.00 feet, a central angle of 01°38'15" and a chord

Distance of 10.72 feet which bears

North 86°34'27" East; thence

South 02°36'25" East, 50.00 feet; thence

South 00°00'00" West, 184.37 feet; thence

North 90°00'00" West, 108.42 feet; thence

South 07°58'29" East, 88.53 feet; thence
South 16°18'30" West, 43.06 feet; thence
South 47°08'52" West, 94.89 feet; thence
South 75°04'03" West, 53.43 feet; thence
North 73°00'56" West, 113.41 feet; thence
North 69°25'17" West, 50.05 feet; thence
North 70°29'58" West, 141.66 feet; thence
South 24°52'05" West, 20.67 feet; thence
South 12°42'02" West, 72.07 feet; thence
South 13°56'19" West, 88.11 feet; thence
South 23°45'32" West, 66.06 feet; thence
South 61°24'59" West, 59.85 feet; thence
South 81°45'44" West, 58.92 feet; thence
North 78°33'15" West, 64.25 feet; thence
South 55°54'31" West, 39.46 feet; thence
South 40°37'22" West, 130.27 feet; thence
South 38°32'27" West, 50.04 feet; thence
South 00°37'40" West, 154.25 feet to the southerly boundary line of the Northwest quarter of
The Northwest quarter of said Section 32, said point also being on the northerly boundary
Line of Heritage Subdivision No. 1, as same is shown on the plat thereof recorded in Book
20 of Plats at Page 1306 of Ada County Records; thence
North 89°22'20" West, 94.02 feet on the southerly boundary line of said Northwest quarter
Of the Northwest quarter and the northerly boundary line of said Heritage Subdivision No. 1;
Thence
North 00°33'27" East, 844.36 feet to a point on the southerly boundary line of Parcel 2 of the
IPCO Locust Substation, as shown on Property Line Adjustment Record-of-Survey Number
5279 of Ada County Records; thence
South 89°17'15" East, 197.17 feet on said southerly boundary of Parcel 2 of said Property Line
Adjustment Record-of-Survey to the southeast corner of said Parcel 2; thence leaving the
Southerly boundary line of said Parcel 2
South 89°26'53" East, 155.00 feet; thence
North 00°33'07" East, 8.97 feet; thence
South 89°26'53" East, 100.00 feet; thence
North 00°33'07" East, 115.0 feet; thence
South 89°12'09" East, 155.14 feet; thence
South 26°34'27" East, 128.98 feet; thence
South 32°22'01" East, 76.96 feet to a point of curve; thence 103.32 feet on the arc of a curve to
The right, said curve having a radius of 390.00 feet, a central angle of 15°10'42" and a chord
Distance of 103.01 feet which bears
North 45°24'38" East to a point of reverse curve; thence 3.26 feet on the arc of a curve to the
Left, said curve having a radius of 20.00 feet a central angle of 09°20'42" and a chord
Distance of 3.26 which bears
North 28°36'48" West; thence
North 56°42'51" East, 50.00 feet to a point of curve; thence 3.26 feet on the arc of a curve the

Left, said curve having a radius of 20.00 feet, a central angle of $09^{\circ}20'42''$ and a chord Distance of 3.26 feet which bears
South $37^{\circ}57'30''$ East to a point of reverse curve; thence 78.66 feet on the arc of a curve to the
Right, said curve having a radius of 390.00 feet, a central angle of $11^{\circ}33'22''$ and a
Chord distance of 78.53 feet which bears
North $66^{\circ}12'24''$ East to a point of compound curve; thence 86.50 feet on the arc of a curve to
The right, said curve having a radius of 345.00 feet, a central angle of $14^{\circ}21'56''$ and a chord
Distance of 86.27 feet which bears
North $06^{\circ}23'07''$ West; thence
North $00^{\circ}47'51''$ East, 84.02 feet to a point of curve; thence 60.52 feet on the arc of a curve to
The right, said curve having a radius of 70.27 feet, a central angle of $49^{\circ}21'01''$ and a chord
Distance of 58.67 feet which bears
North $31^{\circ}59'31''$ West to a point of reverse curve; thence 170.31 feet on the arc of a curve to
The left, said curve having a radius of 158.00 feet, a central angle of $61^{\circ}45'37''$ and a chord
Distance of 162.19 feet which bears
North $38^{\circ}11'49''$ West; thence
North $00^{\circ}47'51''$ East, 57.65 feet to the **Real Point of Beginning**.

Parcel B

A parcel of land located in the North half of the Northwest quarter of Section 32, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 29, 30, 31 and 32 of Township 4 North Range 1 East; thence
South $89^{\circ}12'09''$ East, 893.11 feet on the section line common to said Sections 29 and 32 to
The northeast corner of Parcel 2 of the IPCO Locust Substation, as shown on Property
Line Adjustment Record-of-Survey Number 5279 of Ada County Records, said point also
Being the **Real Point of Beginning**; thence continuing
South $89^{\circ}12'09''$ East, 554.06 feet on the section line common to said Sections 29 and 32; thence
Leaving said section line
South $00^{\circ}47'51''$ West, 38.00 feet; thence
North $89^{\circ}12'09''$ West, 553.90 feet on a line which is 38.00 feet southerly of and parallel with
The section line common to said Sections 29 and 32 to a point on the easterly boundary line
Of Parcel 2 of said Record-of-Survey Number 5279; thence
North $00^{\circ}33'07''$ East, 38.00 feet on said easterly boundary line to the **Real Point of Beginning**.

Parcel C

A parcel of land located in the North half of the Northwest quarter of Section 32, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:
Commencing at the section corner common to Sections 29, 30, 31 and 32 of said Township 4 North Range 1 East; thence
South $89^{\circ}12'09''$ East, 1687.00 feet on the section line common to said Sections 29 and 32
Said point being the **Real Point of Beginning**; thence continuing
South $89^{\circ}12'09''$ East, 426.68 feet on the section line common to said Sections 29 and 32

To a point on the westerly boundary line of a parcel of land shown on Record-of-Survey Number 2567 of Ada County Records; thence leaving said section line South $00^{\circ}33'24''$ West, 38.00 feet (formerly described as South $0^{\circ}00'02''$ West) on said Westerly boundary line; thence leaving said westerly boundary line North $89^{\circ}12'09''$ West, 426.84 feet on a line which is 38.00 feet southerly of and parallel With the section line common to said Sections 29 and 32; thence North $00^{\circ}47'51''$ East, 38.00 feet to the **Real Point of Beginning**.

05/06/2004

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

RIGHT NUMBER: 63-15988

NAME AND ADDRESS: JEANNE D TOLK
2205 E MCMILLAN RD
MERIDIAN ID 83642

JOHN TOLK
2205 E MCMILLAN RD
MERIDIAN ID 83642

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.150 CFS
22.500 AFY

PRIORITY DATE: 04/01/1957

POINT OF DIVERSION:

T04N R01E S32 NENW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.150 CFS
22.50 AFY

PLACE OF USE: IRRIGATION Within ADA County

T04N R01E S32 NENW 5.0

5 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: Beneficial Use

Use of this right is combined with water from Settlers Irrigation District.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-15988 V1

WATER RIGHT NUMBER: 63-15988 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEANNE D TOLK 2205 E MCMILLAN RD MERIDIAN, ID 83642 (208)888-2610
Current Owner	JOHN TOLK 2205 E MCMILLAN RD MERIDIAN, ID 83642 (208)888-2610

Priority Date: 04/01/1957

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.150 CFS	22.50 AF
	<u>Total Diversion:</u>	0.150 CFS	22.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 32, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	32					5.0												5.0

Total Acres: 5

Conditions of Approval:

1. C18 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.
2. W54 Use of this right is combined with water from Settlers Irrigation District.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-15988 V1

Comments:

1. kbrown 5/6/2004 Parcel Number
Comment: PARCEL NO: S0532212410.

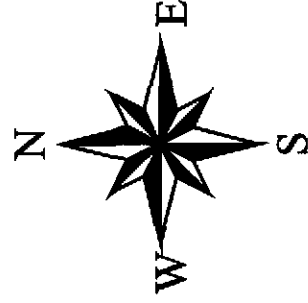
Idaho Department of Water Resources

**T04N, R01E,
S32**

Claim No: 63-15988
Prepared By: Kimberly Brown
Date: April 9, 2004

- Point of Diversion
- ☐ Place of Use
- ☐ Section Lines
- ☐ 1/4 1/4

Acres Irrigated = 5.0



1987 NAPP



0.4 Miles

0.3

0.2

0.1

0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-15988

WATER RIGHT NUMBER: 63-15988 ✓

Owner Type

Current Owner

Name and Address

JEANNE D TOLK ✓
 2205 E MCMILLAN RD
 MERIDIAN, ID 83642
 (208)888-2610

Current Owner

JOHN TOLK ✓
 2205 E MCMILLAN RD
 MERIDIAN, ID 83642
 (208)888-2610

Priority Date: ~~08/31/1948~~ 4/1/1957

Basis: Beneficial Use ✓

Status: Active

Source

GROUND WATER ✓

TributaryBeneficial Use

IRRIGATION ✓

From To
~~3/15~~ to 11/15
 3 1/2

Diversion Rate

0.150 CFS ✓

Annual Volume

22.5 AF

Total Diversion:

0.150 CFS ✓

22.5 AFA

Location of Point(s) of Diversion

GROUND WATER

NE1/4NW1/4 ✓

Sec. 32, Twp 04N, Rge 01E, B.M. ✓

ADA County ✓

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
✓ 04N	01E	32	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	5.0 ✓
							5.0												

Total Acres: 5 ✓

Conditions of Approval:

ADD W54 -

Use combined with Settlers
 Irrigation District water.

Remarks:Comments:Dates and Other Information:

Parcel No: 305322/2410.

Field Exam Date 4.9.04
(in office)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$ 55.00
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information None in 832
- ☒ Check POD & POU overlap, see below - include overlapping right for exam
- ☒ Evidence of Priority - if none, talk with claimant

CLAIMANT INFORMATION - verify contact information is complete

Claim No(s) 63-15988
Owner: Jeanne & John Tolle Phone No. (208) 888-2610
Current Address: 2205 E. Mc Millan Rd., Meridian

According to
2002 Ada Co.
Tax lot info

- ☐ No change NAME IS THE SAME
 - ☒ NEW OWNER Capital Development
 - ☐ No change Address
 - ☒ NEW ADDRESS 6200 N. Meeker Place
 - ☐ How long owned property?
- Property address is: 2251 E. Mc Millan

Accompanied by: N/A

PRIORITY DATE

- ☐ No change - Complete evidence submitted or not necessary
- ☒ Incomplete - Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 8/31/1948

(If priority date, based on your exam, seems questionable, explain below.)

Jeanne & John Tolle submitted an affidavit establishing a 1957 priority date. Therefore, I changed the priority date to 4/1/1957; based on affidavit.
* See Amended Notice of Claims sent in on Sept. 11, 2003
Source: Tributary to

- ☒ No Change - SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

90' deep, 10" casing, piped into ditch

OVERLAP REVIEW

Other water rights with the same point of diversion: 63-15989

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

No, for domestic use.

WATER USES

☐ No change

☐ Different Uses

Use Irrigation From 3/1 To 11/15 Amount CFS 22.5 AFA

Use From To Amount CFS AFA

Use From To Amount CFS AFA

5 AC x 4.5 af/acre = 22.5 af/annum (v) 0.15 cfs x 1.9835 x 260 days = 77.4 af/annum

TOTAL VOLUME - Groundwater only

☒ Incomplete on claim, the total is, Amount CFS 22.5 AFA

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

☒ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

If acre amount is 5 acres or less, the department will recommend 0.03 cfs/acre.

NON-IRRIGATION USES:

☒ No change (None)

☐ Changes Exam found: Domestic # of homes Stock #

Types Additional comments:

PLACE OF USE:

☒ No Change

☐ Changes shown below:

Use combined with Settlers Irrigation District water.

Parcel No: 80532212410.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU > Intrepid Engineering Services, Inc. (11/28/01)
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED:

4.9.04

(in office)

FIELD EXAMINER:

Kimberly Brown

ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
W003395	55.00	63	15988		Claim
W003395	25.00	63	15989		Claim

CONVERSATION MEMORANDUM

RE: Evidence of Priority for Snake River Basin Adjudication Water Right No. 63-15988

September 26, 2003

John Tolk called in response to the evidence of priority letter I recently sent him and his wife. Mr. Tolk began the conversation by stating, "There is no way I can prove who drilled the well and the neighbors are all dead." He believes that we are "trying to take his water right away."

Since Mr. Tolk signed the original *Notice of Claim* in 1989, I asked him how he came up with the claimed priority date. He believes that we, at the Western Region office, came up with the 1948 priority date. In response to further questions from me regarding the priority date, Mr. Tolk proceeded to tell me that he has been on the property for 47 years and that the well was there before that date. Based on this information, I suggested that Mr. Tolk could change the priority date to 1957 by writing an affidavit that addresses the fact that they have personal knowledge of the use of well since they bought the property. I also suggested that the County Courthouse may have some information, so Mr. Tolk said that he would go to the courthouse and see what he could find.

Kimberly L. Brown
Water Resource Agent
Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 5, 2003

JEANNE & JOHN TOLK
2205 E MCMILLAN RD
MERIDIAN, ID 83642

RE: Water Right No. A63-15988

Dear Mrs. and Mr. Tolk,

I received your Affidavit and have amended your claim to reflect the 1957 priority date. Please sign the enclosed Amended Notice of Claim to a Water Right in front of a Notary and return to:

Attn. Kimberly Brown
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

After I receive the signed and notarized amended claim, I will be able to recommend it.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly L. Brown".

Kimberly L. Brown
Water Resource Agent
Western Region

63-15988

4N 1E S32 NENW

RECEIVED

SEP 02 2003

WATER RESOURCES
WESTERN REGION

August 29, 2003

To: Idaho Department of Water Resources

From: John and Jeanne Tolk

On April 1, 1957 we took possession of the property at 2205 E. McMillan Road. The well in question was included in the transaction including pump and motor. It was drilled for irrigation purposes only, but we cannot come up with a date or name of the driller. We have resided at the above address for 46 years and the well was used for irrigation purposes.

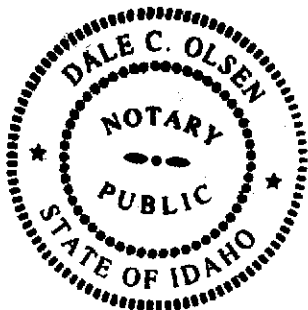
Sincerely,

John Tolk
owner

Jeanne Tolk
owner

John Tolk only
Subscribed and sworn to (or affirmed) before me
this 29th day of AUGUST, 2003
[Signature]
Notary Public

My Commission Expires on 04 MARCH 2008





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 4, 2003

JEANNE D. TOLK
JOHN TOLK
2205 E. MCMILLAN RD
MERIDIAN ID 83624

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-15988

Dear Claimant(s),

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out or re-file it. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement.

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future. Since it is our goal to decree the historical water rights within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area.

The required evidence supporting the priority date(s) requested needs to be submitted by September 4, 2003. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above. In addition, please contact me at the Western Region office as soon as possible to set up a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Respectfully Submitted,

Kimberly L. Brown

Kimberly L. Brown
Water Resource Agent
Adjudication Bureau

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-15988



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 63



RIGHT ID 63 15988
POD ID 164531
Quad Eagle 3
Claim Type Small
Easting 309175
Northing 285725
GPSID A0013295

Diversion Description

90' DEEP, 10" CASING, PIPED INTO DITCH, GRAVITY FLOW. Located at 2205 E. McMillian Rd.

Assumptions

Invoice #

2000-055-01

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

ja Photos\164531a.jpg

Photos

ja Photos\164531b.jpg

EPE (ft)

15

Date (M/D/Y)

11/28/01

Time

16.35

Flow Rate (CFS)

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth 0

☐ Rectangular Channel

Width 0

Depth 0

Flow Calculation

☐ Continuity

Velocity

0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description

Concrete lined .016
Smooth earth .025
Earth .033
Rough bed, weeds on sides .04
Smooth natural stream .033
Rough natural stream .1

Pumped System ☒

HP 0.75

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

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INTREPID
Engineering Services, Inc. (IES)
Enabling People and Solutions

RIGHT ID

63 15988

63-15988



Photo 164531a

63-15988

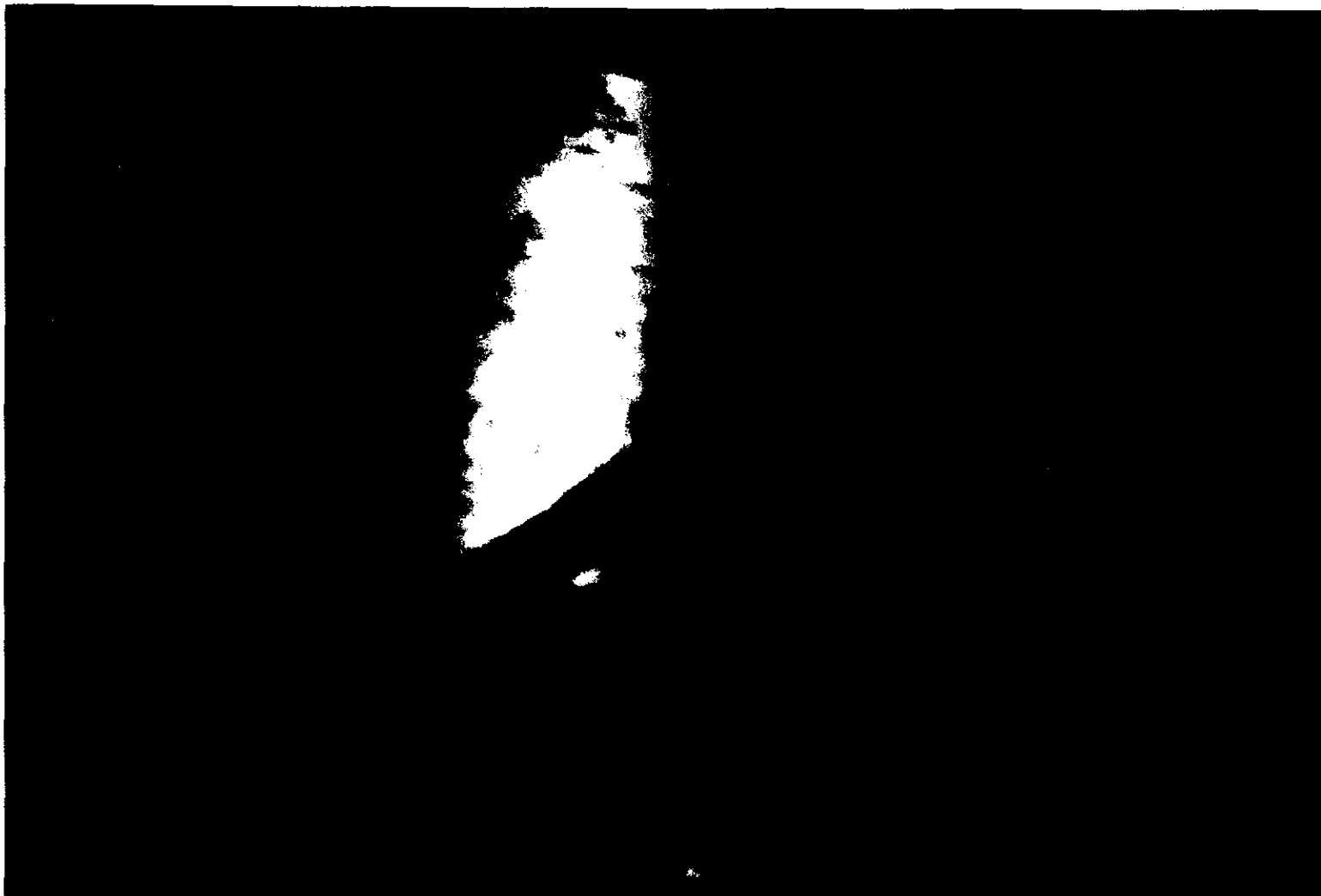


Photo 164531b