

IRRIGATION WATER SOURCES

Data based on 1975 agricultural season



Private groundwater diversions



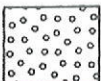
Combined small district and private Boise River diversions



Boise - Kuna Irrigation District (Boise River diversion)



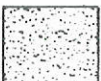
Eagle Island Water Users (Boise River diversion)



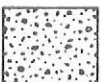
Farmers Union Ditch Co. (Boise River diversion)



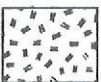
Little Pioneer Ditch Co. (Boise River diversion)



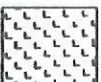
Nampa-Meridian Irrigation District (Boise River diversion)



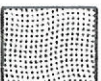
New York Irrigation District (Boise River diversion)



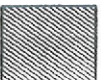
Pioneer Irrigation District (Boise River diversion)



Settlers Irrigation District (Boise River diversion)



Private Boise River tributary diversions



District surface water and supplemental private groundwater diversion

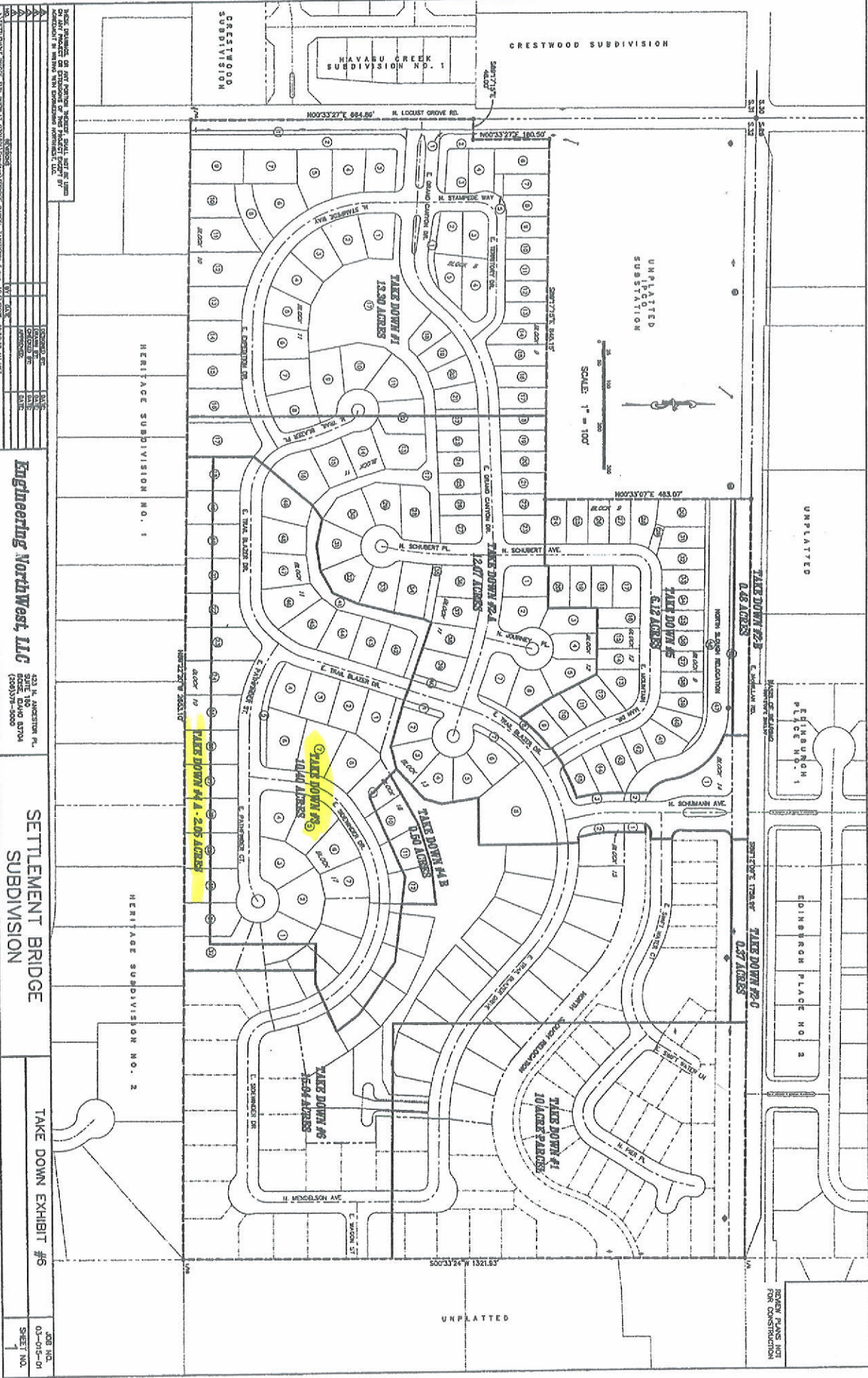
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EXHIBIT

B

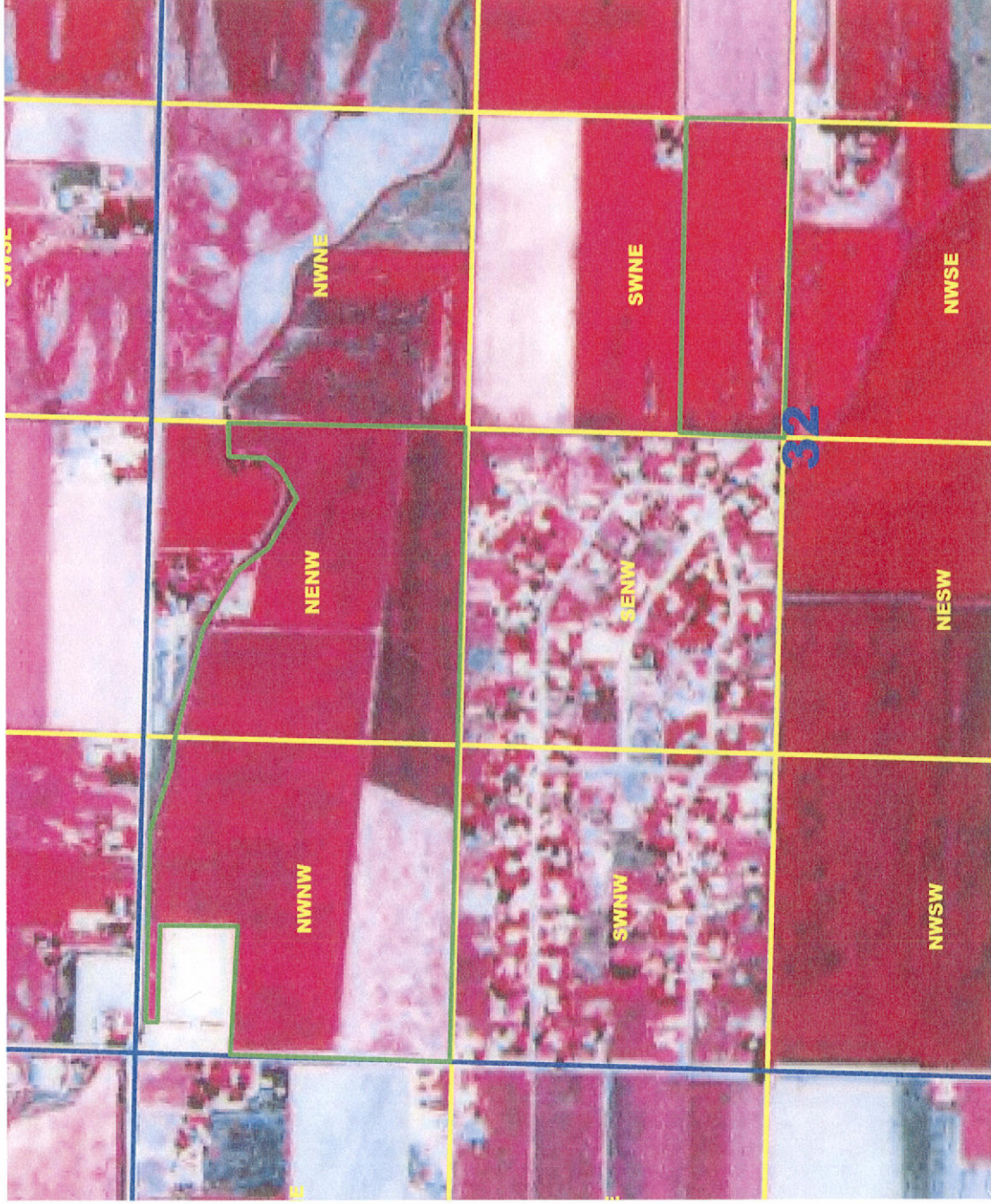
Blumberg No. 5119

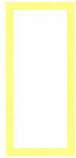


IDAHO DEPT OF WATER RESOURCES

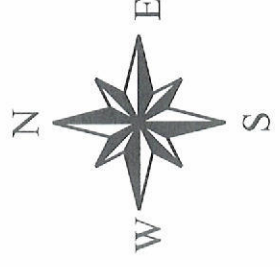
Claim No. 63-22226

Twp.4N, Rge. 1E
Sec. 32



-  Place of Use
-  1/41/4 Lines
-  Section Lines
-  Pt. of Diversion

Prepared by: Jan Shurt
10-24-2005



XXVIII.

That the defendants JOSEPH P. BROWN and RICHARD W. BROWN be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on the north bank of said river about four miles above Boise City, through what is known as the Boise valley water ditch, for use upon the town lots and lands lying under said ditch for irrigating and domestic purposes, in the following amount and from the following date;

63 0161 3500 inches, from May 1, 1880; and hereby designated as Right No. 1

654	873	990
634	890	991
61	906	1010
62	917	
63	918	1011
64	940	1007
65	976	1017
66	977	1035
67	979	1038
68	980	1074
69	989	

And that said defendants be awarded, for power purposes only, the use of said waters in the following amount from the following date, and it is hereby ordered that the quantity of water so awarded for power purposes shall be used for such purposes only, and after such use shall be returned to Boise River;

63 0162 10000 inches, from July 1, 1877; and hereby designated as Right No. 2. And be adjudged to pay \$875.00 costs in addition to the costs incurred by them.

XXX. XXIX.

That the defendant WILLIAM P. KENNEDY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW 1/4 of Sec. 17, T. 4 N. R. 1 E. B.M., for use upon the E. 1/2 of NE 1/4 and lot 1 of Sec. 15, and SE 1/4 of SE 1/4 of Sec. 13, T. 4 N. R. 2 E. B.M., in the following amount and from the following date;

63 0163 150 inches, from June 1, 1883; and hereby designated as Right No. 3. And be adjudged to pay \$0.10 costs in addition to the costs incurred by him.

XXX. XXX.

That the defendants FRANK E. LEONARD, DEMA E. LEONARD, W. S. D. MARVILLE and ESTATE OF ALBERT S. BROWN, be and they are hereby awarded the use of the waters of Boise River, diverted from a point on the south side of said river in Sec. 15, T. 3 N. R. 2 E. B.M., at a point a short distance east of the NW corner of said section; also at a point on Sec. 9, a short distance west of said section corner, and also a short distance below on said Section 9, all in T. 3 N. R. 2 E. B.M., for use upon an irregular shaped tract of land in lot C, and W. 1/2 of SE 1/4 of Sec. 9, T. 3 N. R. 2 E. B.M., and an irregular tract in the E. 1/2 and the SE 1/4 of Sec. 9, T. 3 N. R. 1 E. B.M., in the following amount and from the following date;

63 0164 175 inches, from June 1, 1866, and hereby designated as Right No. 4.

1879 relinquished
1906
1855

And be adjudged to pay \$12.25 costs in addition to the costs incurred by them.

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: A63-22226
Date Received: 9/08/1989
Receipt No: C011305
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN TOLK
Address: 2205 E. MC MILLAN
MERIDIAN, ID 83642
OR
Name: CHESNEY LITTLE
Address: 4055 NORTH EAGLE
MERIDIAN, ID 83642
2. Date of Priority: MAY 01, 1866
3. Source: BOISE RIVER Trib. to: SNAKE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	9	NW	NW			ADA
5. Description of diverting works:
REINFORCED CONCRETE DIVER. DAM IN RIVER TO EARTHEN LATERALS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.300		
7. Total Quantity Appropriated is:
0.300 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 326.6 Acre Feet Per Annum.
9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	32	SW	NE		IRR	13.3
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
						Section Acres	93.3
						Total Acres	93.3

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:
63-230, 63-231, 63-5262, 63-3618, 63-3614

14. Remarks:
THIS WATER CARRIED THRU SETTLERS CANAL.
P/D S19, T3N, R3E.
TRANS. 694.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

FARMERS CO-OP DITCH CO.
Decree Plaintiff

vs RIVERSIDE IRR. DIST.
Decree Defendant

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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:

Ident. Number

Date Received**Receipt Number**

63.22222³⁹⁵⁷⁶

9-08-82

2011305

694 / 63-0161

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) See Exhibit D Phone ()

Mailing Address Zip

2. Date of Priority (Only one (1) per claim) May 1, 1866

3. Source of water supply (a) Boise River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 3N Range 2E Section 9,
1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Ada

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Reinforced concrete diversion dam
in river to earthen canal, to earthen lateral ditch system.

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HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount .3 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .3 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 326.67 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1E	32			13.3		40	40											93.3

Total number of acres irrigated 93.3

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes _____ No X

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Water Right Nos. 63-0230, 63-0231, 63-05262, 63-03618, and 63-03614 or None ()

14. Remarks: A power of attorney (Exhibit A) provides written authorization

for the Chairman of Settlers Irrigation Eistrict to file this claim. This
water right is evidenced by transfer no. 694 (Exhibit C).

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Last Name Tolk, etc. Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

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15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree x

If applicable provide IDWR Water Right Number 63-0161

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Chairman _____

of Settlers Irrigation District _____, that I have signed the foregoing

document in the space below as _____ Chairman _____ of Settlers Irrigation District _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Don Spritzer

Title and Organization Chairman / President Date 9/5/89

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 5th day of Sept 19 89

SEAL

Notary Public Zoe Ann M. Biccardi

Residing at Meridian Id

My Commission Expires 8-1-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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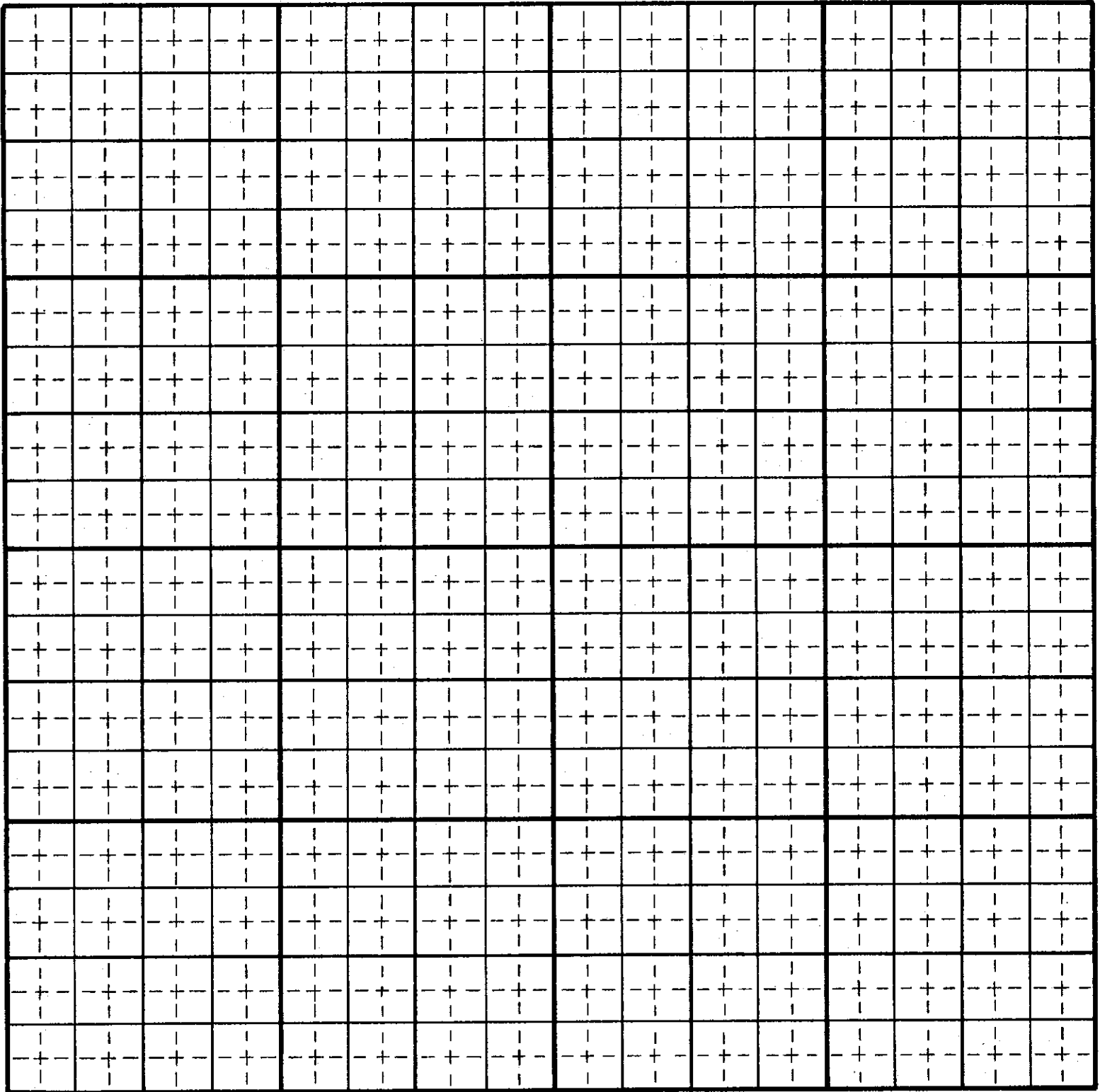
Last Name Tolk, etc. Ident. Number _____

Copies White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

See Exhibit B



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SEP 08 1992

Last Name Tolk, etc.

Ident No. _____

Copies: White-State, Yellow-Claimant

#694

LIMITED POWER OF ATTORNEY

I/We do hereby authorize and appoint Settlers Irrigation District and its duly elected and authorized officers and their agents to take all actions necessary or appropriate to prepare or cause to be prepared Notice of Water Right Claims and to execute and file the same on our behalf with the Idaho Department of Water Resources.

This authorization is limited to those Notice of Water Right Claims which describe and refer to water rights which allow the diversion and delivery of surface water from the Boise River through the Settlers Irrigation District water diversion and delivery system.

8-7-'89
Date

John Tolk
Signature

John Tolk
(Please print full name)

8-7-'89
Date

John Tolk
Signature

Seadore Tolk
(Please print full name)

MICROFILMED
SEP 08 1992
EXHIBIT A

#980

LIMITED POWER OF ATTORNEY

I/We do hereby authorize and appoint Settlers Irrigation District and its duly elected and authorized officers and their agents to take all actions necessary or appropriate to prepare or cause to be prepared Notice of Water Right Claims and to execute and file the same on our behalf with the Idaho Department of Water Resources.

This authorization is limited to those Notice of Water Right Claims which describe and refer to water rights which allow the diversion and delivery of surface water from the Boise River through the Settlers Irrigation District water diversion and delivery system.

8-5-89
Date

Chesney D Little
Signature
CHESNEY D LITTLE
(Please print full name)

8-5-89
Date

Louise R Little
Signature
Louise R LITTLE
(Please print full name)

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SEP 08 1992

EXHIBIT A

IRRIGATION WATER SOURCES

Data based on 1975 agricultural season



Private groundwater diversions



Combined small district and private Boise River diversions



Boise - Kuna Irrigation District (Boise River diversion)



Eagle Island Water Users (Boise River diversion)



Farmers Union Ditch Co. (Boise River diversion)



Little Pioneer Ditch Co. (Boise River diversion)



Nampa-Meridian Irrigation District (Boise River diversion)



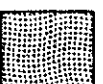
New York Irrigation District (Boise River diversion)



Pioneer Irrigation District (Boise River diversion)



Settlers Irrigation District (Boise River diversion)



Private Boise River tributary diversions



District surface water and supplemental private groundwater diversion

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Shelby No. 6110

EXHIBIT

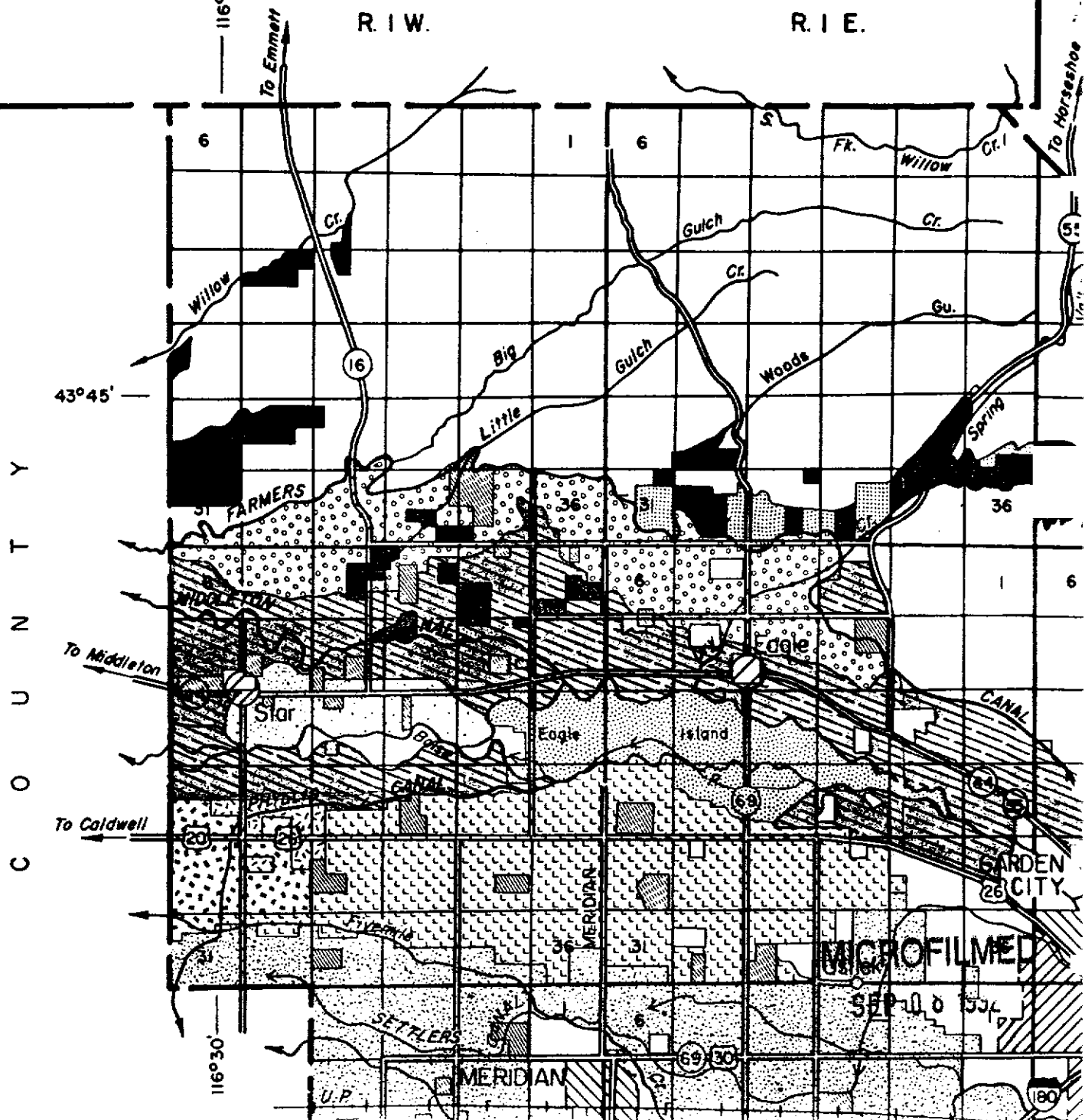
B



G E M C O U N T Y

R. I. W.

R. I. E.



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 694

THIS IS TO CERTIFY That CONSUMERS' WATER CORPORATION, through W. W. Howell, Vice-President, of Boise, Idaho, is the owner of and using a certain water right, bearing priority date of May 1, 1866, for 2500 inches, or 50 cubic feet per second, of the waters of Boise River, County of Ada, State of Idaho, decreed to Joseph Perrault and Henry Z. Johnson, by decree of Judge George H. Stewart, of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, bearing date of January 18, 1906, in the case of

FARMERS' COOPERATIVE DITCH COMPANY,

Plaintiffs,

vs.

RIVERSIDE IRRIGATING DISTRICT, ET AL.,

Defendants,

(Being Right No. 30 of the above decree), being appurtenant to the following described lands, situate, lying and being in Water District No. 12-A, County of Ada, and State of Idaho, to-wit:

City lots and agricultural lands lying under what is known as the Walling Ditch, or Boise Valley Water Ditch, or Consumers Canal, in Sections 11, 12, 13 and 14, Township 3 North, Range 2 East, B.M., and Sections 28, 29, 32, 33 and 34, Township 4 North, Range 2 East, B.M.

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, beginning at page 410 thereof.

That the said Consumers Water Corporation has become the owner of said water right through mesne conveyance.

And that now, upon the application of CONSUMERS' WATER CORPORATION, through W. W. Howell, Vice-President, of Boise, Idaho, for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of 34 inches (or 0.68 cubic foot per second) of the waters of Boise River from the lands above described is HEREBY ABANDONED, and the tracts of land to be irrigated, with their respective amounts of water rights, under such right, and to which the water right HEREBY CONFIRMED shall be made appurtenant by this certificate, for a more efficient and economical distribution and use of applicant's water right, are described as follows, to-wit:

EXHIBIT C

34 inches, or 0.68 cubic foot per second,
with date of priority of May 1, 1866.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the Settlers Canal, with point of diversion in Section 9, Township 3 North, Range 2 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 29th day of April, A. D. 1946.

Mark R Kulp
MARK R. KULP

State Reclamation Engineer

EXHIBIT D

The claimants to this Notice of Claim to a Water Right (Water Right No. 694/Water Right Transfer No. 63-0161) are:

Names and Addresses

1. John Tolk
2205 E. McMillan
Meridian, Idaho 83642
2. Chesney Little
4055 North Eagle Road
Meridian, Idaho 83642

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

RIGHT NUMBER: 63-22226

NAME AND ADDRESS: CHESNEY D LITTLE
4055 N EAGLE RD
MERIDIAN ID 83642

CAPITAL DEVELOPMENT INC
6200 N MEEKER PL
BOISE ID 83713

~~JOHN-TOLK~~
~~2205-E-MC-MILLAN~~
~~MERIDIAN ID 83642~~

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.300 CFS

PRIORITY DATE: 05/01/1866

POINT OF DIVERSION:

T03N R02E S9 SWNE Lot 7 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	0.300 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE: IRRIGATION Within ADA County

T04N R01E S32	SWNE	13.30	T04N R01E S32	NENW	30.00
T04N R01E S32	NWNW	35.00			

78.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 118.3 acres in a single irrigation season. Combined Right Nos.: 63-161BA & 63-22226.

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 - Decreed

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

This right is delivered via Settlers Irrigation District Canal.

This right is also designated as Right No. 30 in the Boise River Stewart Decree and Boise River Water Distribution Report.

This right is a split of Right No. 63-161C.

**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: 63-22226

**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: May 12, 2006

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 12, 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:

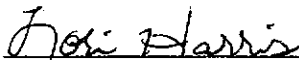
Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

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 Pl.	☒	regular mail
Boise ID 83713	☐	hand-delivered
	☐	facsimile

John Tolk	☐	overnight mail
2205 E Mc Millan	☒	regular mail
Meridian ID 83642	☐	hand-delivered
	☐	facsimile



Signature of person mailing this document



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

May 12, 2006

CAPITAL DEVELOPMENT INC
6200 N MEEKER PL
BOISE ID 83713

Re: Water Right No. 63-22226

Dear Sir or Madam:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:l
Enclosures

cc: John Tolk

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					
63-22226					

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 Mecker 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)
(include title if applicable)

Dave Yergason
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 214 AJ Date 2-16-06 WR _____ Date _____



**CAPITAL
DEVELOPMENT, Inc.**

April 12, 2006

Cynthia Clark-Bridge
Idaho Dept. of Water Resources
322 E. Front St.
Boise, ID 83720

Dear Ms. Clark-Bridge:

Enclosed are copies of all the deeds for the property purchased by Capital Development, Inc., from John and Jeanne Tolk and an overall plat of the take-down parcels.

It is our understanding that the water rights have not been transferred into Capital Development's name because the deeds previously submitted did not match the take-down areas of the property plat. We have confirmed with one of our engineers that all the land is covered in the descriptions of these enclosed plats.

Please call us at 377-3939 if you need any further information.

Sincerely,

Dave Yorgason
Vice President
Capital Development, Inc.

**CAPITAL
DEVELOPMENT, Inc.**

6200 N. Meeker Place, Boise, Idaho 83713

Phone: 208-377-3939

April 12, 2006

4:48 PM

Fax: 208-375-3271**Email:** capdev@cableone.net**Fax Cover Sheet**

Send to: Cynthia Clark	From: Teann Graybill
Office: Idaho Dept. of Water Resources	Office: Capital Development, Inc.
Fax number: 287-6700	Re:
cc:	

☐ Urgent☐ Reply ASAP☐ For Your Review☐ As Requested☐ FYI**Total Pages** (including cover): 2**Comments:**

Cynthia,
Hopefully, this is the correct change of ownership form you asked for. If not, please let us know!
Thanks,
Teann

If you do not receive all pages, please call as soon as possible. Thank you!

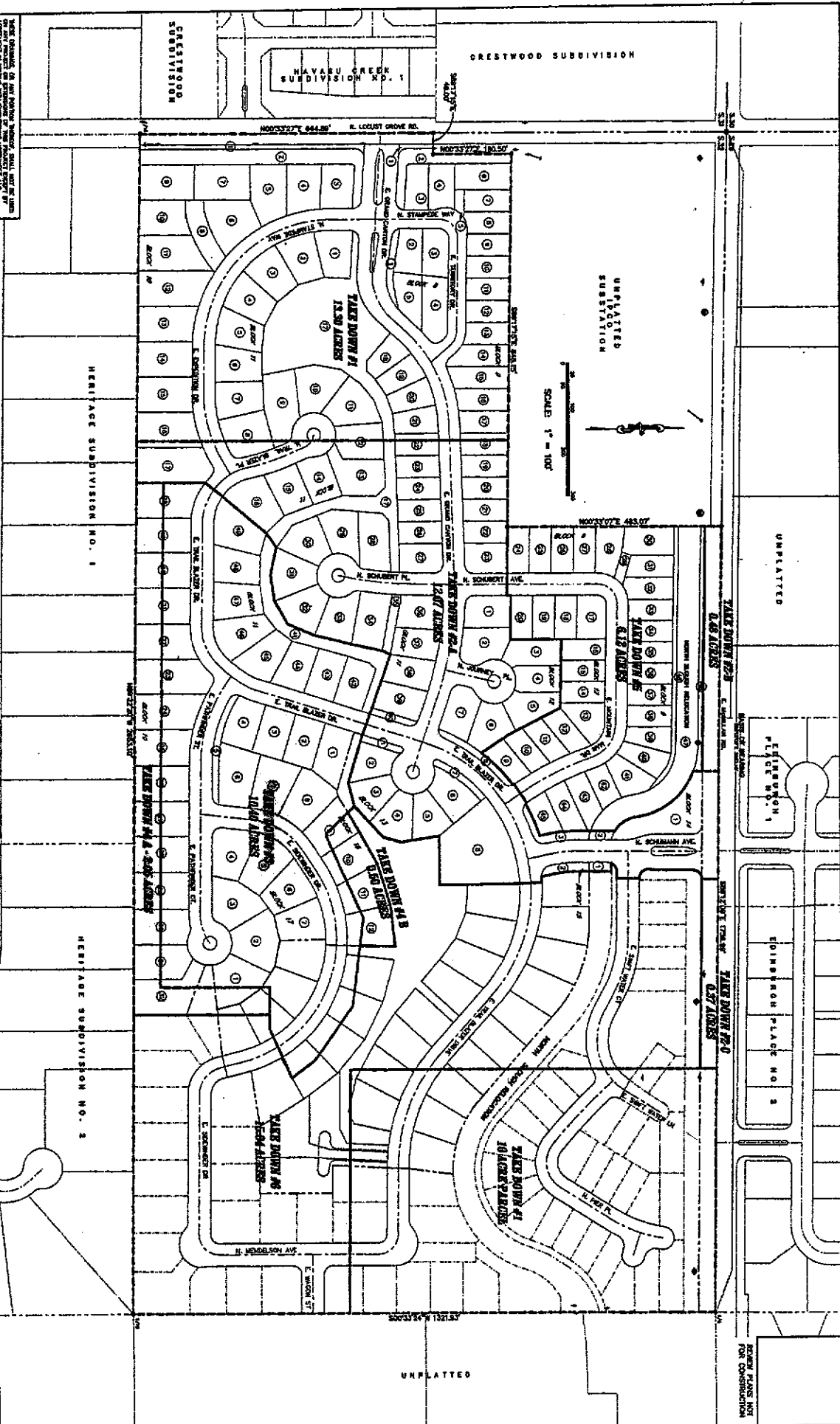
NOTICE OF PROTECT ON ANY POSITIVE SUBJECT SHALL NOT BE USED ON ANY PRODUCT OR EXPRESSION OF THIS PRODUCT EXCEPT BY LICENSEE OF THE UNITED STATES PATENT AND TRADE OFFICE, U.S. PATENT AND TRADE OFFICE, 3100 K STREET, N.W., WASHINGTON, D.C. 20540

423 N. ARRESTOR AVE
SUITE 160
BOISE, IDAHO 83704
(208)378-0000

SETTLEMENT BRIDGE
SUBDIVISION

TAKE DOWN EXHIBIT #6

JOB NO.
Q3-015-01
SHEET NO. 4



ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 06/29/05 04:40 PM
DEPUTY Patti Thompson
RECORDED-REQUEST OF
Stewart Title Company

AMOUNT 15.00
18.00



105086410

rerecord



title of nampa

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 06/15/05 04:46 PM
DEPUTY Bonnie Oberbillig
RECORDED-REQUEST OF
Stewart Title Company

AMOUNT 9.00

3

105078009

5032569 JW/TN

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 D. 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: S0532212525

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 13th day of June, 2005.

John and Jeanne Tolk Trust,

John Tolk - Co-Trustee
John Tolk, Co-Trustee

John Tolk
John Tolk

Jeanne D. Tolk - Co-Trustee
Jeanne D. Tolk, Co-Trustee

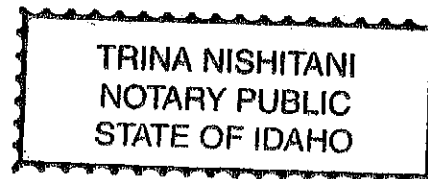
Jeanne D. Tolk
Jeanne D. Tolk

STATE OF Idaho)
) ss.
COUNTY OF Ada)

On this 15th day of June, 2005, 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, the Trust that executed the within instrument and acknowledged to me that he/she/they executed the same on behalf of said Trust. And further acknowledged that John Tolk and Jeanne D. Tolk executed same individually.

WITNESS MY HAND AND OFFICIAL SEAL.

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



* Re-recorded to correct legal description

**Legal Description
EXHIBIT "A"**

Order Number: 5037569

Parcel 1: Settlement Bridge Take-Down No. 4-A Description

A parcel of land located in the North half of the Northwest Quarter of Section 32, Township 4 North, Range 1 East, Boise Meridian, 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 00°33'27" West, 2659.09 feet on the section line common to said Sections 31 and 32 to The ¼ section corner common to said Sections 31 and 32; thence reversing direction
North 00°33'27" East, 1329.31 feet on said section line to the North 1/16th section corner common to Sections 31 and 32; thence leaving said section line
South 89°22'20" East, 790.00 feet on the southerly boundary line of said North Half of the Northwest Quarter of Section 32, to the southeast corner of Champion Park Subdivision No. 1, As same is shown on the Plat thereof recorded in Book 90 of Plats at Page 10510 of Ada County Records, said point being the **Real Point of Beginning**; thence leaving said southerly boundary
North 00°37'40" East, 61.89 feet on the easterly boundary line of said Subdivision No. 1; thence Leaving said easterly boundary line
South 89°22'20" East, 1136.40 feet; thence
North 00°37'40" East, 244.58 feet; thence
South 89°22'20" East, 61.60 feet; thence
South 00°37'40" West, 306.46 feet to a point on the southerly boundary line of said North Half Of the Northwest Quarter; thence
North 89°22'20" West, 1198.00 feet (formerly described ad North 89°56' West) on the southerly Boundary line of said North Half of the Northwest Quarter to the **Real Point of Beginning**.

Parcel 2: Settlement Bridge Take-Down No. 4-B Description

A parcel of land located in the North half of the Northwest Quarter of Section 32, Township 4 North, Range 1 East, Boise Meridian, 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 00°33'27" West, 2659.09 feet on the section line common to said Sections 31 and 32 to the ¼ section corner common to said Sections 31 and 32; thence reversing direction
North 00°33'27" East, 1329.31 feet on said section line to the North 1/16th section corner common to said Sections 31 and 32; thence leaving said section line
South 89°22'20" East, 790.00 feet on the southerly boundary line of the North Half of the Northwest Quarter of said Section 32, to the southeast corner of Champion Park Subdivision No. 1 as same is shown on Plat thereof recorded in Book 90 of Plats at Page 10510 of Ada County, Records; thence leaving said southerly boundary line, and on the easterly boundary line of said Champion Park Subdivision No. 1 for the following courses and distances: thence
North 00°37'40" East, 154.25 feet; thence
North 38°32'27" East, 50.04 feet; thence
North 40°37'22" East, 130.27 feet; thence
North 55°54'31" East, 39.46 feet; thence
South 78°33'15" East, 64.25 feet; thence
North 81°45'44" East, 58.92 feet; thence
North 61°24'59" East, 59.85 feet; thence
North 23°45'32" East, 66.06 feet; thence
North 13°56'19" East, 88.11 feet; thence
North 12°42'02" East, 72.07 feet; thence

North 24°52'05" East, 20.67 feet; thence
South 70°29'58" East, 141.66 feet; thence
South 69°25'17" East, 50.05 feet; thence
South 73°00'56" East, 113.41 feet; thence
North 75°04'03" East, 53.43 feet to an angle point on the easterly lot line of Lot 3, Block 13 of
Said Subdivision No. 1; thence leaving the easterly boundary line of said Settlement Bridge
Subdivision No. 1
South 42°59'24" East, 20.91 feet to the **Real Point of Beginning**; thence
North 58°51'18" East, 50.28 feet; thence
North 60°38'40" East, 82.50 feet; thence
North 72°39'23" East, 96.29 feet; thence
North 83°32'59" East, 93.55 feet; thence
South 01°20'26" West, 80.20 feet; thence
North 82°39'54" West, 63.57 feet; thence
South 65°13'45" West, 205.00 feet; thence
North 42°59'24" West, 71.49 feet to the **Real Point of Beginning**.

Project No. 03-015-01

Date: June 28, 2005

**SETTLEMENT BRIDGE
TAKE-DOWN NO. 4-A DESCRIPTION**

A parcel of land located in the N 1/2 of the NW 1/4 of Section 32, T. 4 N., R. 1 E., B.M., Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 29, 30, 31 and 32 of said T. 4 N., R. 1 E.;

Thence South 00°33'27" West, 2659.09 feet on the section line common to said Sections 31 and 32 to the 1/4 section corner common to said Sections 31 and 32;

Thence reversing direction, North 00°33'27" East, 1329.31 feet on said section line to the North 1/16th section corner common to said Sections 31 and 32;

Thence leaving said section line South 89°22'20" East, 790.00 feet on the southerly boundary line of said N 1/2 of the NW 1/4 of Section 32, to the southeast corner of Settlement Bridge Subdivision No. 1, as same is shown on the Plat thereof recorded in Book 90 of Plats at Page 10510 of Ada County Records, said point being the **REAL POINT OF BEGINNING**;

Thence leaving said southerly boundary line, North 00°37'40" East, 61.89 feet on the easterly boundary line of said Subdivision No. 1;

Thence leaving said easterly boundary line, South 89°22'20" East, 1136.40 feet;

Thence North 00°37'40" East, 244.58 feet;

Thence South 89°22'20" East, 61.60 feet;

Thence South 00°37'40" West, 306.46 feet to a point on the southerly boundary line of said N 1/2 of the NW 1/4;

Thence North 89°22'20" West, 1198.00 feet (formerly described as North 89°56' West) on the southerly boundary line of said N 1/2 of the NW 1/4 to the real point of beginning. Said parcel contains ~~more or less~~ more or less.



PREPARED BY:
Engineering North West, LLC

James R. Washburn, PLS

Project No. 03-015-01

Date: June 28, 2005

**SETTLEMENT BRIDGE
TAKE-DOWN NO. 4-B DESCRIPTION**

A parcel of land located in the N 1/2 of the NW 1/4 of Section 32, T.4 N., R. 1 E., B.M., Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 29, 30, 31 and 32 of said T. 4N., R. 1E.;

Thence South 00°33'27" West, 2659.09 feet on the section line common to said Sections 31 and 32 to the 1/4 section corner common to said Sections 31 and 32;

Thence reversing direction, North 00°33'27" East, 1329.31 feet on said section line to the North 1/16th section corner common to said Sections 31 and 32;

Thence leaving said section line South 89°22'20" East, 790.00 feet on the southerly boundary line of the N 1/2 of the NW 1/4 of said Section 32, to the southeast corner of Settlement Bridge Subdivision No. 1, as same is shown on the Plat thereof recorded in Book 90 of Plats at Page 10510 of Ada County Records;

Thence leaving said southerly boundary line, and on the easterly boundary line of said Settlement Bridge Subdivision No. 1 for the following courses and distances:

Thence North 00°37'40" East, 154.25 feet;

Thence North 38°32'27" East, 50.04 feet;

Thence North 40°37'22" East, 130.27 feet;

Thence North 55°54'31" East, 39.46 feet;

Thence South 78°33'15" East, 64.25 feet;

Thence North 81°45'44" East, 58.92 feet;

Thence North 61°24'59" East, 59.85 feet;

Thence North 23°45'32" East, 66.06 feet;

Thence North 13°56'19" East, 88.11 feet;

Thence North 12°42'02" East, 72.07 feet;

Thence North 24°52'05" East, 20.67 feet;

Thence South 70°29'58" East, 141.66 feet;

Thence South 69°25'17" East, 50.05 feet;

Thence South 73°00'56" East, 113.41 feet;

Thence North 75°04'03" East, 53.43 feet to an angle point on the easterly lot line of Lot 3, Block 13 of said Subdivision No. 1;

Thence leaving the easterly boundary line of said Settlement Bridge Subdivision No. 1, South 42°59'24" East, 20.91 feet to the **REAL POINT OF BEGINNING**;

Thence North 58°51'18" East, 50.28 feet;

Thence North 60°38'40" East, 82.50 feet;

Thence North 72°39'23" East, 96.29 feet;

Thence North 83°32'59" East, 93.55 feet;

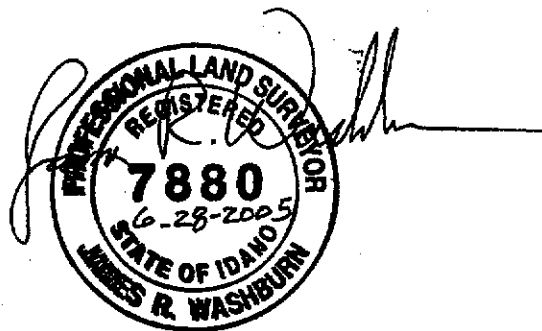
Thence South 01°20'26" West, 80.20 feet;

Thence North 82°39'54" West, 63.57 feet;

Thence South 65°13'45" West, 205.00 feet;

Thence North 42°59'24" West, 71.49 feet to the real point of beginning. Said parcel contains ~~6.53 acres~~ more or less.

PREPARED BY:
Engineering NorthWest, LLC



James R. Washburn, PLS



106005312

Re-record

*This document is being recorded
to correct legal description.*

stewart
title of nampa

105189863

ST: 5042073 SB/TN

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 D. 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:

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 13th day of June, 2005.

John and Jeanne Tolk Trust,

John Tolk Co-Trustee
John Tolk, Co-Trustee

John Tolk
John Tolk

Jeanne D. Tolk Co-Trustee
Jeanne D. Tolk, Co-Trustee

Jeanne D. Tolk
Jeanne D. Tolk

STATE OF Idaho

)

) ss.

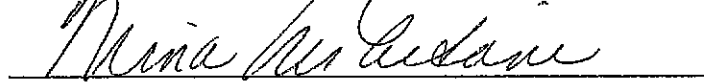
COUNTY OF Ada

)

On this 15th day of June, 2005, 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 this 15th day of June, 2005, 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, , the Trust that executed the within instrument and acknowledged to me that he/she/they executed the same on behalf of said Trust. And further acknowledged that John Tolk and Jeanne D. Tolk executed same individually.

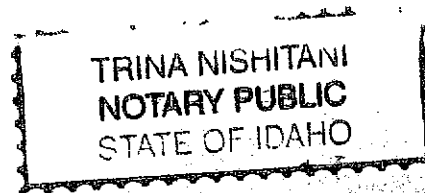
WITNESS MY HAND AND OFFICIAL SEAL.



Notary Public: Trina Nishitani

Residing at: Caldwell, Idaho

My commission expires June 28, 2009



SCHEDULE A

Order Number: 5042073

LEGAL DESCRIPTION

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;
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 the northeast most corner of Settlement Bridge Subdivision
No. 1, as same is shown on the Plat thereof recorded in Book 90 of Plats at Page 10510 of Ada
County Records, said point also being the **Real Point of Beginning**; thence
South 89°12'09" East, 426.84 feet on the southerly right-of-way line of East McMillan Road,
said line being 38.00 feet southerly of and parallel with the section line common to said Sections
29 and 32, to a point on the westerly boundary line of that parcel of land as shown on Record of
Survey Number 2567 of Ada County Records; thence leaving said right-of-way line
South 00°33'24" West, 794.53 feet (formerly described as South 00°00'02" West, 794.53 feet) to
the southwest corner of said Record-of-Survey Parcel; thence
South 89°12'09" East, 539.42 feet (formerly described as South 89°45'31" East, 539.42 feet) to
the southeast corner of said Record-of-Survey Parcel, said point being on the north-south section
line of said Section 32; thence
South 00°33'24" West, 489.40 feet (formerly described as South 00°00'02" West, 489.36 feet)
on said north-south mid-section line to the center-north 1/16th corner of said Section 32; thence
North 89°22'20" West, 665.10 feet on the east-west 1/16th section line of the Northwest Quarter
of said Section 32 to the southeast corner of that parcel of land as described as "Settlement
Bridge Take-Down No. 4-A Description" in Warranty Deed Instrument Number 105078009 of
Ada County Records; thence leaving said 1/16th section line
North 00°37'40" East, 306.46 feet on the easterly boundary line of said Take-Down No. 4-A
Parcel to the northeast corner of said Parcel, which point is on the exterior boundary line of that
parcel of land described in Special Warranty Deed Instrument Number 104161320 of Ada
County Records; thence on the exterior boundary line of that parcel of land described in said
Special Warranty Deed for the following courses and distances: thence
South 89°22'20" East, 31.20 feet; thence
North 66°30'47" East, 122.89 feet; thence
North 36°57'46" West, 65.29 feet; thence
North 54°00'44" West 150.00 feet; thence
North 82°39'54" West, 136.43 feet to the southeast corner of that parcel of land as described as
"Settlement Bridge Take-Down No. 4-B Description" in Warranty Deed Instrument Number

105078009 of Ada County Records; thence leaving the exterior boundary line of that parcel of land described in said Special Warranty Deed, and on the exterior boundary line of that parcel of land as described in said "Settlement Bridge Take-Down No. 4-B Description" for the following courses and distances: thence

North 01°20'26" East, 80.20 feet; thence

South 83°32'59" West, 93.55 feet; thence

South 72°39'23" West, 96.29 feet; thence

South 60°38'40" West, 82.50 feet; thence

South 58°51'18" West, 50.28 feet to the northwest corner of that parcel of land as described in said "Settlement Bridge Take-Down No. 4-B Description;" thence leaving the exterior boundary line of that parcel of land as described in said "Settlement Bridge Take-Down No. 4-B Description,"

North 42°59'24" West, 20.91 feet to an angle point on the southerly lot line of Lot 3, Block 13 of said Settlement Bridge Subdivision No. 1; thence on the exterior boundary line of said Settlement Bridge Subdivision No. 1 for the following courses and distances; thence

North 47°08'52" East, 94.89 feet; thence

North 16°18'30" East, 43.06 feet; thence

North 07°58'29" West, 88.53 feet; thence

South 90°00'00" East, 108.42 feet; thence

North 00°00'00" East, 184.37 feet; thence

North 02°36'25" West, 50.00 feet to a point of curve; thence 10.72 feet on the arc of a curve to the left, said curve having a radius of 375.00 feet, a central angle of 01°38'15" and a chord distance of 10.72 which bears

South 86°34'27" West to a point of reverse curve; thence 1.90 feet on the arc of a curve to the right, 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

South 87°56'01" West; thence

North 11°25'31" West, 27.95 feet to a point of curve; thence 54.40 feet on the arc of a curve to the right, 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

North 05°18'50" West; thence

North 00°47'51" East 75.98 feet; thence

North 89°33'49" West, 18.62 feet to a point of curve; thence 23.86 feet on the arc of a curve to the right, 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

North 56°24'35" East; thence

South 89°24'56" East, 15.40 feet; thence

North 00°35'04" East, 50.00 feet to a point of curve; thence 33.99 feet on the arc of a curve to the right, 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

North 40°43'24" West to a point of reverse curve; thence 12.52 feet on the arc of a curve to the left, said curve having a radius of 100.01 feet, a central angle of 7°10'17" And a chord distance of 12.51 feet which bears

North 04°23'00" East; thence

North $00^{\circ}47'51''$ East, 85.45 feet to a point of curve; thence 31.42 feet on the arc of a curve to the right, said curve having a radius of 20.00 feet, a central angle of $90^{\circ}00'00''$ and a chord distance of 28.28 feet which bears

North $45^{\circ}47'51''$ East to the REAL POINT OF BEGINNING

TAKEDOWN #6?

ADA COUNTY RECORDER J. DAVID NAVARRO AMOUNT 9.00 3
BOISE IDAHO 10/12/05 04:24 PM
DEPUTY Vicki Allen
RECORDED - REQUEST OF
Stewart Title Company 105152071

stewart
title of nampa

ADA COUNTY RECORDER J. DAVID NAVARRO AMOUNT 15.00 5
BOISE IDAHO 10/28/05 10:30 AM
DEPUTY Vicki Allen
RECORDED - REQUEST OF
Stewart Title Company 105162319

Re-record
CO41265 SFTN RE-RECORDING TO ATTACH CORRECT LEGAL
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 D. 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:

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 13th day of June, 2005.

John and Jeanne Tolk Trust,

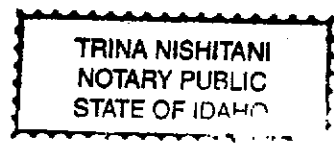
John Tolk - Co-Trustee
John Tolk, Co-Trustee
Jeanne D. Tolk - Co-Trustee
Jeanne D. Tolk, Co-Trustee

STATE OF Idaho)
) ss.
COUNTY OF Ada)

On this 15th day of June, 2005, 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, the Trust that executed the within instrument and acknowledged to me that he/she/they executed the same on behalf of said Trust. And further acknowledged that John Tolk and Jeanne D. Tolk executed same individually.

WITNESS MY HAND AND OFFICIAL SEAL.

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



Project No. 05-013-00

Date: May 24, 2005

**SETTLEMENT BRIDGE SUBDIVISION NO. 3
FINAL PLAT DESCRIPTION**

A parcel of land located in the N 1/2 of the NW 1/4 of Section 32, T. 4 N., R. 1 E., B.M., Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 29, 30, 31 and 32 of said T. 4 N., R. 1 E.;

Thence South 89°12'09" East, 1447.17 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 on the southerly right-of-way line of East McMillan Road, said point also being the northwest most corner of Settlement Bridge Subdivision No. 1, as same is shown on the Plat thereof recorded in Book 10 of Plats at Page 10,510 of Ada County Records, and being the **REAL POINT OF BEGINNING**;

Thence on the exterior boundary line of said Settlement Bridge Subdivision No. 1 for the following courses and distances:

Thence South 00°47'51" West, 19.65 feet to a point of curve;

Thence 170.31 feet on the arc of a curve to the right, said curve having a radius of 158.00 feet, a central angle of 61°45'37" and a chord distance of 162.19 feet which bears South 38°11'49" East to a point of reverse curve;

Thence 60.52 feet on the arc of a curve to the left, said curve having a radius of 70.27 feet, a central angle of 49°21'01" and a chord distance of 58.67 feet which bears South 31°59'31" East;

Thence South 00°47'51" West, 84.02 feet to a point of curve;

Thence 86.50 feet on the arc of a curve to the left, said curve having a radius of 345.00 feet, a central angle of 14°21'56" and a chord distance of 86.27 feet which bears South 06°23'07" East to a point of curve;

Thence 78.66 feet on the arc of a curve to the left, said curve having a radius of 390.00 feet, a central angle of 11°33'22" and a chord distance of 78.53 feet which bears South 66°12'24" West to a point of curve;

Thence 3.26 feet on the arc of a curve to the right, 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 North $37^{\circ}57'30''$ West;

Thence South $56^{\circ}42'51''$ West, 50.00 feet to a point of 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 $09^{\circ}20'42''$ and a chord distance of 3.26 feet which bears South $28^{\circ}36'48''$ East to a point of curve;

Thence 103.32 feet on the arc of a curve to the left, said curve having a radius of 390.00 feet, a central angle of $15^{\circ}10'42''$ and a chord distance of 103.01 feet which bears South $45^{\circ}24'38''$ West;

Thence North $32^{\circ}22'01''$ West, 76.96 feet;

Thence North $26^{\circ}34'27''$ West, 128.98 feet;

Thence North $89^{\circ}12'09''$ West, 155.14 feet;

Thence South $00^{\circ}33'07''$ West, 115.00 feet;

Thence North $89^{\circ}26'53''$ West, 106.00 feet;

Thence South $00^{\circ}33'07''$ West, 8.97 feet;

Thence North $89^{\circ}26'53''$ West, 155.00 feet to the southeast corner of the IPCO Locust Substation Parcel 2, as shown on Property Line Adjustment Record-of-Survey Number 5279 of Ada County Records;

Thence leaving the exterior boundary line of said Settlement Bridge Subdivision No. 1, North $00^{\circ}33'07''$ East, 445.07 feet on the easterly boundary line of said IPCO Parcel 2 to a point on the southerly right-of-way line of East McMillan Road;

Thence leaving said easterly boundary line, South $89^{\circ}12'09''$ East, 553.90 feet on said southerly right-of-way line, said line being 38.00 feet southerly of and parallel with the section line common to said Sections 29 and 32 to the real point of beginning. Said parcel contains 6.12 acres more or less.



PREPARED BY:
Engineering NorthWest, LLC

James R. Washburn, PLS

Project No. 05-013-00

Date: October 25, 2005

**SETTLEMENT BRIDGE SUBDIVISION NO. 3
FINAL PLAT DESCRIPTION**

A parcel of land located in the N 1/2 of the NW 1/4 of Section 32, T. 4 N., R. 1 E., B.M., Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 29, 30, 31 and 32 of said T. 4 N., R. 1 E.;

Thence South 89°12'09" East, 1447.17 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 on the southerly right-of-way line of East McMillan Road, said point also being the northwest most corner of Settlement Bridge Subdivision No. 1, as same is shown on the Plat thereof recorded in Book 90 of Plats at Page 10510 of Ada County Records, and being the **REAL POINT OF BEGINNING**;

Thence on the exterior boundary line of said Settlement Bridge Subdivision No. 1 for the following courses and distances:

Thence South 00°47'51" West, 19.65 feet to a point of curve;

Thence 170.31 feet on the arc of a curve to the right, said curve having a radius of 158.00 feet, a central angle of 61°45'37" and a chord distance of 162.19 feet which bears South 38°11'49" East to a point of reverse curve;

Thence 60.52 feet on the arc of a curve to the left, said curve having a radius of 70.27 feet, a central angle of 49°21'01" and a chord distance of 58.67 feet which bears South 31°59'31" East;

Thence South 00°47'51" West, 84.02 feet to a point of curve;

Thence 86.50 feet on the arc of a curve to the left, said curve having a radius of 345.00 feet, a central angle of 14°21'56" and a chord distance of 86.27 feet which bears South 06°23'07" East to a point of curve;

Thence 78.66 feet on the arc of a curve to the left, said curve having a radius of 390.00 feet, a central angle of 11°33'22" and a chord distance of 78.53 feet which bears South 66°12'24" West to a point of curve;

Thence 3.26 feet on the arc of a curve to the right, 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 North $37^{\circ}57'30''$ West;

Thence South $56^{\circ}42'51''$ West, 50.00 feet to a point of curve;

Thence 3.26 feet on the arc of a curve to the right, 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 $28^{\circ}36'48''$ East to a point of curve;

Thence 103.32 feet on the arc of a curve to the left, said curve having a radius of 390.00 feet, a central angle of $15^{\circ}10'42''$ and a chord distance of 103.01 feet which bears South $45^{\circ}24'38''$ West;

Thence North $32^{\circ}22'01''$ West, 76.96 feet;

Thence North $26^{\circ}34'27''$ West, 128.98 feet;

Thence North $89^{\circ}12'09''$ West, 155.14 feet;

Thence South $00^{\circ}33'07''$ West, 115.00 feet;

Thence North $89^{\circ}26'53''$ West, 100.00 feet;

Thence South $00^{\circ}33'07''$ West, 8.97 feet;

Thence North $89^{\circ}26'53''$ West, 155.00 feet to the southeast corner of the IPCO Locust Substation Parcel 2, as shown on Property Line Adjustment Record-of-Survey Number 5279 of Ada County Records;

Thence leaving the exterior boundary line of said Settlement Bridge Subdivision No. 1, North $00^{\circ}33'07''$ East, 445.07 feet on the easterly boundary line of said IPCO Parcel 2 to a point on the southerly right-of-way line of East McMillan Road;

Thence leaving said easterly boundary line, South $89^{\circ}12'09''$ East, 553.90 feet on said southerly right-of-way line, said line being 38.00 feet southerly of and parallel with the section line common to said Sections 29 and 32 to the real point of beginning. Said parcel contains 6.12 acres more or less.



PREPARED BY:
Engineering NorthWest, LLC

James R. Washburn, PLS

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 12/21/04 10:08 AM
DEPUTY Neva Haney
RECORDED-REQUEST OF
Stewart Title Company

AMOUNT 12.00 4

104161320

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, THE JOHN & JEANNE TOLK TRUST, U/T/A dated January 7, 1993, amended and restated effective November 15, 2002 ("Grantor"), does hereby sell, transfer and convey unto CAPITAL DEVELOPMENT, INC., an Idaho corporation ("Grantee"), having a current address of 6200 North Meeker Place, Boise, Idaho 83713, the following described premises:

See Exhibit A attached hereto and incorporated herein by reference;

together with all rents, remainders and reversions, and all appurtenances and hereditaments, issues and profits, improvements and fixtures, easements, mineral rights, water rights, and all other permits, licenses and rights thereunto appertaining;

TO HAVE AND TO HOLD said premises with their appurtenances unto said Grantee, its successors and assigns forever. Grantor hereby covenants with the Grantee that the premises are free from all encumbrances made by it and that Grantor will warrant and defend the premises against the lawful claims of all persons claiming by, through or under it; subject, however, to all easements or other matters of record not granted or otherwise created by the Grantor, or that would appear from a survey or careful examination of the premises, including the rights of all persons in possession, if any, and furthermore subject to any lien, easement or other matter of record granted or created by Grantee.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed, delivered, and made effective as of June 20, 2003.

THE JOHN & JEANNE TOLK TRUST,
U/T/A dated January 7, 1993, amended and
restated effective November 15, 2002

DATE: June 20, 2003

By: John Tolk, Co-Trustee
John Tolk, Co-Trustee

DATE: June 20, 2003

By: Jeanne D. Tolk, Co-Trustee
Jeanne D. Tolk, Co-Trustee
Co-Trustee

John Tolk Jeanne D. Tolk John Tolk

SPECIAL WARRANTY DEED - 1
061903

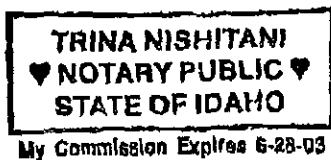
00MANGRPWISEBOI_DOM.MTDOCS.BOI_MT2:514733.1

Received Time Feb.16. 11:07AM

STATE OF IDAHO)
) ss.
County of Ada)

On this 20th day of June, 2003, before me Trina Nishitani, personally appeared JOHN TOLK and JEANNE D. TOLK, known or identified to me (or proved to me on the oath of _____), to be the persons whose names are subscribed to the within instrument as Co-Trustees of THE JOHN & JEANNE TOLK TRUST, U/T/A dated January 7, 1993, amended and restated effective November 15, 2002, and acknowledged to me that they executed the same as such Co-Trustees.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

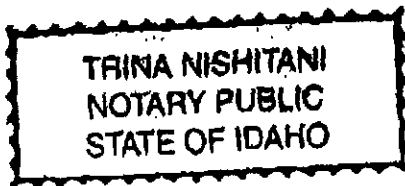


Trina Nishitani
NOTARY PUBLIC FOR IDAHO
Residing at Caldwell, Idaho
My Commission Expires 6/28/2003

STATE OF IDAHO)
) ss.
County of Ada)

On this 16th day of July, 2004, before me Trina Nishitani, the undersigned personally appeared John Tolk and Jeanne Tolk, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



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

EXHIBIT "A"

Settlement Bridge Take-Down No.3 Description

Parcel D

A parcel of land located in the N1/2 of the NW1/4 of Section 32, T4N, R1E, BM, Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 29, 30, 31, and 32 of said T4N, R1E;

Thence South 00°33'27" West, 2659.09 feet on the section line common to said Sections 31 and 32 to the 1/4 section corner common to said Sections 31 and 32;

Thence reversing direction, North 00°33'27" East, 1329.31 feet on said section line to the North 1/16th section corner common to said Section 31 and 32;

Thence leaving said section line South 89°22'20" East 790.00 feet on the southerly boundary line of said N 1/2 of the NW 1/4 of Section 32, to the southeast corner of Champion Park Subdivision No. 1, as same is shown on the Plat thereof recorded in Book 90 of Plats at Page 10510 of Ada County Records;

Thence leaving said southerly boundary line, North 00°37'40" East, 61.89 feet on the easterly boundary line of said Subdivision to the REAL POINT OF BEGINNING;

Thence on the easterly boundary line of said Champion Park Subdivision No. 1 for the following courses and distances:

Thence North 00°37'40" East, 92.37 feet;

Thence North 38°32'27" East, 50.04 feet;

Thence North 40°37'22" East, 130.27 feet;

Thence North 55°54'31" East, 39.46 feet;

Thence South 78°33'15" East, 64.25 feet;

Thence North 81°45'44" East, 58.92 feet;

Thence North 61°24'59" East, 59.85 feet;

Thence North 23°45'32" East, 66.06 feet;

Thence North 13°56'19" East, 88.11 feet;

Thence North 12°42'02" East, 72.07 feet;

STEWART TITLE

GUARANTY COMPANY Commitment - Schedule A

Page 2 Received Time Feb. 16. 11:07AM

Thence North 24°52'05" East, 20.67 feet;

Thence South 70°29'58" East, 141.66 feet;

Thence South 69°25'17" East, 50.05 feet;

Thence South 73°00'56" East, 113.41 feet;

Thence North 75°04'03" East, 53.43 feet;

Thence South 42°59'24" East, 92.40 feet;

Thence North 65°13'45" East, 205.00 feet;

Thence South 82°39'54" East, 200.00 feet;

Thence South 54°00'44" East, 150.00 feet;

Thence South 36°57'46" East, 65.29 feet;

Thence South 66°30'47" West, 122.89 feet;

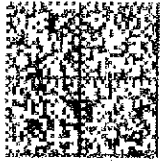
Thence North 89°22'20" West, 92.80 feet;

Thence South 00°37'40" West, 244.58 feet;

Thence North 89°22'20" West, 1,136.40 feet to the REAL POINT OF BEGINNING.

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



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0004310839 DEC 16 2005
MAILED FROM ZIP CODE 83702

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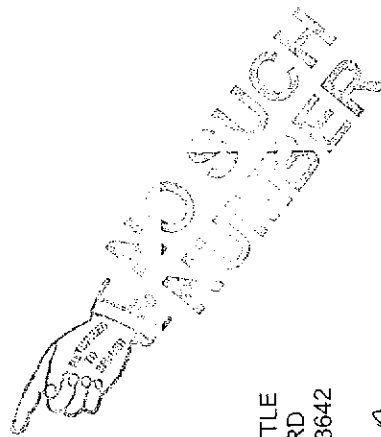
DEC 22 2005

DEPARTMENT OF
WATER RESOURCES

RECEIVED

DEC 23 2005

WATER RESOURCES
WESTERN REGION



CHESNEY D LITTLE
4055 N EAGLE RD
MERIDIAN ID 83642

63-161BA

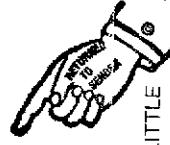
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STERN REGIONAL OFFICE
5 AIRPORT WAY
SE, IDAHO 83705

FIRST 5



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CHESNEY D LITTLE
4055 N EAGLE RD
MERIDIAN ID 83642

NO SUCH
NUMBER

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WATER RESOURCES
WESTERN REGION

63-161BA -
63-22226

Transactions by Amyx II LLP
4850 N Rosepoint Way Ste 103 - Boise 83705

ESS SERVICE
QUESTED



WARRANTY DEED

For Value Received John Tolk and Jeanne D Tolk, as co-trustees of the John and Jeanne Tolk Trust, U/T/A dtated 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

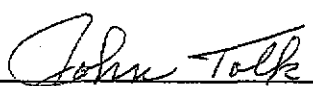
SUBJECT TO: Current General Taxes, a lien in the process of assessments, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

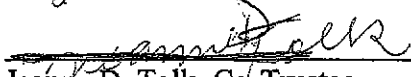
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that 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 dtated January 7, 1993


John Tolk, Co-Trustee


John Tolk


Jeanne D. Tolk, Co-Trustee


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

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°20'42" and a chord Distance of 3.26 feet which bears
 South 37°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°33'22" and a
 Chord distance of 78.53 feet which bears
 North 66°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°21'56" and a chord
 Distance of 86.27 feet which bears
 North 06°23'07" West; thence
 North 00°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°21'01" and a chord
 Distance of 58.67 feet which bears
 North 31°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°45'37" and a chord
 Distance of 162.19 feet which bears
 North 38°11'49" West; thence
 North 00°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°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°12'09" East, 554.06 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; thence
 North 89°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°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°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°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°33'24" West, 38.00 feet (formerly described as South 0 00'02" West) on said Westerly boundary line; thence leaving said westerly boundary line North 89°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°47'51" East, 38.00 feet to the **Real Point of Beginning**.

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 12/22/03 04:44 PM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Stewart Title Company
AMOUNT 9.00



SPECIAL WARRANTY DEED

Stw03027527ma/TN

FOR VALUE RECEIVED, THE JOHN & JEANNE TOLK TRUST, U/T/A dated January 7, 1993, amended and restated effective November 15, 2002 ("Grantor"), does hereby sell, transfer and convey unto CAPITAL DEVELOPMENT, INC., an Idaho corporation ("Grantee"), having a current address of 6200 North Meeker Place, Boise, Idaho 83713, the following described premises:

See Exhibit A attached hereto and incorporated herein by reference;

together with all rents, remainders and reversions, and all appurtenances and hereditaments, issues and profits, improvements and fixtures, easements, mineral rights, water rights, and all other permits, licenses and rights thereunto appertaining;

TO HAVE AND TO HOLD said premises with their appurtenances unto said Grantee, its successors and assigns forever. Grantor hereby covenants with the Grantee that the premises are free from all encumbrances made by it and that Grantor will warrant and defend the premises against the lawful claims of all persons claiming by, through or under it; subject, however, to all easements or other matters of record not granted or otherwise created by the Grantor, or that would appear from a survey or careful examination of the premises, including the rights of all persons in possession, if any, and furthermore subject to any lien, easement or other matter of record granted or created by Grantee.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed, delivered, and made effective as of June 20, 2003.

THE JOHN & JEANNE TOLK TRUST,
U/T/A dated January 7, 1993, amended and
restated effective November 15, 2002

DATE: June 20, 2003

By: John Tolk, Co-Trustee
John Tolk, Co-Trustee

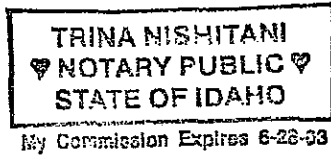
DATE: June 20, 2003

By: Jeanne D. Tolk, Co-Trustee
Jeanne D. Tolk, Co-Trustee
co-trustee

STATE OF IDAHO)
) ss.
County of Ada)

On this 20th day of June, 2003, before me Trina Nishitani, personally appeared JOHN TOLK and JEANNE D. TOLK, known or identified to me (or proved to me on the oath of _____), to be the persons whose names are subscribed to the within instrument as Co-Trustees of THE JOHN & JEANNE TOLK TRUST, U/T/A dated January 7, 1993, amended and restated effective November 15, 2002, and acknowledged to me that they executed the same as such Co-Trustees.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Trina Nishitani
NOTARY PUBLIC FOR IDAHO
Residing at Caldwell, Idaho
My Commission Expires 6/28/2003

LEGAL DESCRIPTION

Order Number: 03027527

PARCEL 1:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER 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, TOWNSHIP 4 NORTH, RANGE 1 EAST; THENCE
SOUTH 00°33'27" WEST, 2659.09 FEET ON THE SECTION LINE COMMON TO SAID SECTIONS 31 AND 32 TO THE QUARTER SECTION CORNER COMMON TO SAID SECTIONS 31 AND 32; THENCE REVERSING DIRECTION
NORTH 00°33'27" EAST, 1329.31 FEET ON SAID SECTION LINE TO THE NORTH 1/16TH SECTION CORNER COMMON TO SAID SECTIONS 31 AND 32, SAID POINT BEING THE REAL POINT OF BEGINNING; THENCE CONTINUING
NORTH 00°33'27" EAST, 664.89 FEET ON SAID SECTION LINE; THENCE LEAVING SAID SECTION LINE,
SOUTH 89°17'15" EAST, 48.00 FEET; THENCE
NORTH 00°33'27" EAST, 180.50 FEET; THENCE
SOUTH 89°17'15" EAST, 647.98 FEET; THENCE
SOUTH 00°33'27" WEST, 844.36 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32; THENCE
NORTH 89°22'20" WEST, 695.98 FEET ON THE SOUTHERLY BOUNDARY LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER TO THE REAL POINT OF BEGINNING.

EXCEPT DITCH AND ROAD RIGHTS OF WAY.



SPECIAL WARRANTY DEED

stw03027527 ma/TA

FOR VALUE RECEIVED, LYNNE SASSO TOLK, an unmarried woman ("Grantor"), does hereby sell, transfer and convey unto CAPITAL DEVELOPMENT, INC., an Idaho corporation ("Grantee"), having a current address of 6200 North Meeker Place, Boise, Idaho 83713, the following described premises:

See Exhibit A attached hereto and incorporated herein by reference;

together with all rents, remainders and reversions, and all appurtenances and hereditaments, issues and profits, improvements and fixtures, easements, mineral rights, water rights, and all other permits, licenses and rights thereunto appertaining;

RESERVING, however, for the benefit of Grantor and The John & Jeanne Tolk Trust, U/T/A dated January 7, 1993, amended and restated effective November 15, 2002 (the "Trust"), together with the tenant farmers of Grantor and the Trust, a nonexclusive easement in gross with respect to said premises, allowing access to the canal, all headgates, and all wells located thereon for the purpose of maintaining the irrigation system serving said premises and the adjoining property owned by the Trust for so long as any such property remains in agricultural use;

TO HAVE AND TO HOLD said premises with their appurtenances unto said Grantee, its successors and assigns forever. Grantor hereby covenants with the Grantee that the premises are free from all encumbrances made by her and that she will warrant and defend the premises against the lawful claims of all persons claiming by, through or under her; subject, however, to all easements or other matters of record not granted or otherwise created by the Grantor, or that would appear from a survey or careful examination of the premises, including the rights of all persons in possession, if any, and furthermore subject to any lien, easement or other matter of record granted or created by Grantee.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed, delivered, and made effective as of June 20, 2003.

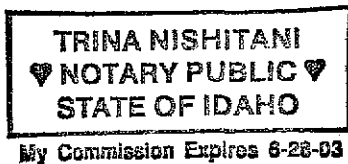
DATE: June 20, 2003


LYNNE SASSO TOLK

STATE OF IDAHO)
) ss.
County of Ada)

On this 20th day of June, 2003, before me Trina Nishitani,
personally appeared **LYNNE SASSO TOLK**, an unmarried woman, known or identified to me (or
proved to me on the oath of _____), to be the person whose name
is subscribed to the within instrument and acknowledged to me that she executed the same as
such.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.



Trina Nishitani
NOTARY PUBLIC FOR IDAHO
Residing at Caldwell, Idaho
My Commission Expires 6/28/2003

EXHIBIT A

(Legal Description of LST Property)

A PARCEL OF LAND SITUATED IN THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 32 WHICH IS THE REAL POINT OF BEGINNING, SAID QUARTER CORNER BEARS
SOUTH 89° 45' 31" EAST 2653.12 FEET FROM THE NORTHWEST CORNER OF SAID SECTION; THENCE ON THE CENTER OF SECTION LINE
SOUTH 00° 00' 02" WEST 832.53 FEET TO AN IRON PIN; THENCE
NORTH 89° 45' 31" WEST 539.42 FEET TO AN IRON PIN; THENCE
NORTH 00° 00' 02" EAST 832.53 FEET TO A POINT ON THE NORTH BOUNDARY OF SECTION 32; THENCE
SOUTH 89° 45' 31" EAST ALONG SAID NORTHER BOUNDARY OF SECTION 32, A DISTANCE OF 539.42 FEET TO THE REAL POINT OF BEGINNING.

EXCEPT DITCH AND ROAD RIGHTS OF WAY.

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, LYNNE SASSO TOLK, an unmarried woman ("Grantor"), does hereby sell, transfer and convey unto CAPITAL DEVELOPMENT, INC., an Idaho corporation ("Grantee"), having a current address of 6200 North Meeker Place, Boise, Idaho 83713, the following described premises:

See Exhibit A attached hereto and incorporated herein by reference;

together with all rents, remainders and reversions, and all appurtenances and hereditaments, issues and profits, improvements and fixtures, easements, mineral rights, water rights, and all other permits, licenses and rights thereunto appertaining;

RESERVING, however, for the benefit of Grantor and The John & Jeanne Tolk Trust, U/T/A dated January 7, 1993, amended and restated effective November 15, 2002 (the "Trust"), together with the tenant farmers of Grantor and the Trust, a nonexclusive easement in gross with respect to said premises, allowing access to the canal, all headgates, and all wells located thereon for the purpose of maintaining the irrigation system serving said premises and the adjoining property owned by the Trust for so long as any such property remains in agricultural use;

TO HAVE AND TO HOLD said premises with their appurtenances unto said Grantee, its successors and assigns forever. Grantor hereby covenants with the Grantee that the premises are free from all encumbrances made by her and that she will warrant and defend the premises against the lawful claims of all persons claiming by, through or under her; subject, however, to all easements or other matters of record not granted or otherwise created by the Grantor, or that would appear from a survey or careful examination of the premises, including the rights of all persons in possession, if any, and furthermore subject to any lien, easement or other matter of record granted or created by Grantee.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed, delivered, and made effective as of June 20, 2003.

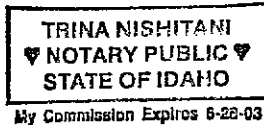
DATE: June 20, 2003


LYNNE SASSO TOLK

STATE OF IDAHO)
) ss.
County of Ada)

On this 20th day of June, 2003, before me Trina Nishitani,
personally appeared LYNNE SASSO TOLK, an unmarried woman, known or identified to me (or
proved to me on the oath of _____), to be the person whose name
is subscribed to the within instrument and acknowledged to me that she executed the same as
such.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.



Trina Nishitani
NOTARY PUBLIC FOR IDAHO
Residing at Caldwell, Idaho
My Commission Expires 6/28/2003

SPECIAL WARRANTY DEED - 2
061903

::ODMA\GRPWISE\BOL_DOM.MTDOCS.BOL_MT2:514733.1

EXHIBIT A

(Legal Description of LST Property)

A PARCEL OF LAND SITUATED IN THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 32 WHICH IS THE REAL POINT OF BEGINNING, SAID QUARTER CORNER BEARS SOUTH 89° 45' 31" EAST 2653.12 FEET FROM THE NORTHWEST CORNER OF SAID SECTION; THENCE ON THE CENTER OF SECTION LINE SOUTH 00° 00' 02" WEST 832.53 FEET TO AN IRON PIN; THENCE NORTH 89° 45' 31" WEST 539.42 FEET TO AN IRON PIN; THENCE NORTH 00° 00' 02" EAST 832.53 FEET TO A POINT ON THE NORTH BOUNDARY OF SECTION 32; THENCE SOUTH 89° 45' 31" EAST ALONG SAID NORTHER BOUNDARY OF SECTION 32, A DISTANCE OF 539.42 FEET TO THE REAL POINT OF BEGINNING.

EXCEPT DITCH AND ROAD RIGHTS OF WAY.

EXHIBIT A
061803

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SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, THE JOHN & JEANNE TOLK TRUST, U/T/A dated January 7, 1993, amended and restated effective November 15, 2002 ("Grantor"), does hereby sell, transfer and convey unto CAPITAL DEVELOPMENT, INC., an Idaho corporation ("Grantee"), having a current address of 6200 North Meeker Place, Boise, Idaho 83713, the following described premises:

See Exhibit A attached hereto and incorporated herein by reference;

together with all rents, remainders and reversions, and all appurtenances and hereditaments, issues and profits, improvements and fixtures, easements, mineral rights, water rights, and all other permits, licenses and rights thereunto appertaining;

TO HAVE AND TO HOLD said premises with their appurtenances unto said Grantee, its successors and assigns forever. Grantor hereby covenants with the Grantee that the premises are free from all encumbrances made by it and that Grantor will warrant and defend the premises against the lawful claims of all persons claiming by, through or under it; subject, however, to all easements or other matters of record not granted or otherwise created by the Grantor, or that would appear from a survey or careful examination of the premises, including the rights of all persons in possession, if any, and furthermore subject to any lien, easement or other matter of record granted or created by Grantee.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed, delivered, and made effective as of June 20, 2003.

THE JOHN & JEANNE TOLK TRUST,
U/T/A dated January 7, 1993, amended and
restated effective November 15, 2002

DATE: June 20, 2003

By: John Tolk, Co-Trustee
John Tolk, Co-Trustee

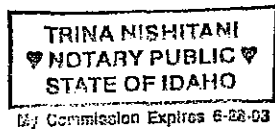
DATE: June 20, 2003

By: Jeanne D. Tolk, Co-Trustee
Jeanne D. Tolk, Co-Trustee
co-trustee

STATE OF IDAHO)
) ss.
County of Ada)

On this 20th day of June, 2003, before me Trina Nishitani, personally appeared JOHN TOLK and JEANNE D. TOLK, known or identified to me (or proved to me on the oath of _____), to be the persons whose names are subscribed to the within instrument as Co-Trustees of THE JOHN & JEANNE TOLK TRUST, U/T/A dated January 7, 1993, amended and restated effective November 15, 2002, and acknowledged to me that they executed the same as such Co-Trustees.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Trina Nishitani
NOTARY PUBLIC FOR IDAHO
Residing at Caldwell, Idaho
My Commission Expires 6/28/2003

LEGAL DESCRIPTION

Order Number: 03027527

PARCEL 1:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER 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, TOWNSHIP 4 NORTH, RANGE 1 EAST; THENCE
SOUTH 00°33'27" WEST, 2659.09 FEET ON THE SECTION LINE COMMON TO SAID SECTIONS 31 AND 32 TO THE QUARTER SECTION CORNER COMMON TO SAID SECTIONS 31 AND 32; THENCE REVERSING DIRECTION
NORTH 00°33'27" EAST, 1329.31 FEET ON SAID SECTION LINE TO THE NORTH 1/16TH SECTION CORNER COMMON TO SAID SECTIONS 31 AND 32, SAID POINT BEING THE REAL POINT OF BEGINNING; THENCE CONTINUING
NORTH 00°33'27" EAST, 664.89 FEET ON SAID SECTION LINE; THENCE LEAVING SAID SECTION LINE,
SOUTH 89°17'15" EAST, 48.00 FEET; THENCE
NORTH 00°33'27" EAST, 180.50 FEET; THENCE
SOUTH 89°17'15" EAST, 647.98 FEET; THENCE
SOUTH 00°33'27" WEST, 844.36 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32; THENCE
NORTH 89°22'20" WEST, 695.98 FEET ON THE SOUTHERLY BOUNDARY LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER TO THE REAL POINT OF BEGINNING.

EXCEPT DITCH AND ROAD RIGHTS OF WAY.

INSTRUMENT No.

1604000082

QUITCLAIM DEED

File No.: B93-22066

For Value Received



JOHN TOLK and JEANNE D. TOLK, as Co-Trustees of the John and Jeanne Tolk trust, U/T/A dated January 7th, 1993
do hereby convey, release, remise and forever quit claim

unto

Lynne Tolk Basso, an unmarried person

the following described premises, to-wit:

A parcel of land situated in the North 1/2 of the Northwest 1/4 of Section 32, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho; being more particularly described as follows:

Beginning at the North 1/4 corner of Section 32 which is the REAL POINT OF BEGINNING, said 1/4 corner bears
South 89°45'31" East, 2653.12 feet from the Northwest corner of said Section; thence on the center of Section line
South 00°00'02" West 832.53 feet to an iron pin; thence
North 89°45'31" West, 539.42 feet to an iron pin; thence
North 00°00'02" East, 832.53 feet to a point on the North boundary of Section 32; thence
South 89°45'31" East along said North boundary of Section 32, 539.42 feet to the REAL POINT OF BEGINNING.

EXCEPT DITCH AND ROAD RIGHTS OF WAY.

Grantee's address: 900 W. Meander Court
Boise, Idaho 83616

together with their appurtenances.

Dated: 09/15/93

John Tolk, Co-Trustee
John Tolk, Co-Trustee.

Jeanne D. Tolk, Co-Trustee
Jeanne D. Tolk, Co-Trustee

State of Idaho, County of Ada

On this 15th day of Sept,
before me, the undersigned, a Notary Public
for said State personally appeared

John Tolk and
Jeanne D. Tolk

know or identified to me to be the persons
whose names are subscribed to the within
instrument as the Co-Trustees of the
John & Jeanne Tolk Trust

and acknowledged to me that they
executed the same as such Co-Trustees

John M. Tolk
Notary Public for the State of

9376371

BOISE TITLE & ESCROW

ADA COUNTY, ID. FOR

J. DAVID KILPATRICK

RECORDER

BY J. Roper
303

'93 SEP 15 PM 3 57

By _____

Deputy

Fees \$

Mail to:

3309141
(USE THIS FORM ONLY FOR PERSONAL RESIDENCE)
9309141

AFTER RECORDING RETURN TO:

John & Jeanne D. Tolk
2205 E. McMillan Road
Meridian, ID 83642

ADA COUNTY, ID. FOR
J. DAVID HARRIS
RECORDER BY *K. Larson*
9.20

'93 FEB 4 PM 4 01
1508001551

SPECIAL WARRANTY DEED

GRANTOR:

JOHN TOLK and JEANNE D. TOLK, husband and wife.

GRANTEE:

JOHN TOLK AND JEANNE D. TOLK, AS CO-TRUSTEES OF THE JOHN & JEANNE TOLK TRUST UNDER TRUST AGREEMENT DATED JANUARY 7, 1993 AND THEIR SUBSTITUTES AND SUCCESSORS AS TRUSTEE THEREUNDER.

GRANTEE'S ADDRESS FOR TAX PURPOSES:

2205 E. McMillan Road, Meridian, ID 83642.

DESCRIPTION OF REAL PROPERTY CONVEYED BY THIS DEED:

Situated in the County of ADA, State of Idaho:

The real estate more particularly described upon Exhibit "A" attached hereto and by this reference incorporated herein and made a part hereof.

RESERVING, HOWEVER, to Grantors, and to the survivor after the death of either Grantor, a LIFE ESTATE to use and occupy the improvements situated upon the above described property as and for Grantors' personal residence. Such life estate shall continue so long as either of the Grantors shall be living, unless earlier terminated upon the terms and conditions set forth in the Trust Agreement of the above named Trust.

FOR GOOD AND SUFFICIENT CONSIDERATION, the above-named Grantor does hereby GRANT and CONVEY unto the above-named Grantee, the real property above described, together with the appurtenances. This deed is given for estate planning purposes, without valuable consideration in cash or property, to vest title to the property in a living trust established by Grantor parties.

1508001552

Grantor WARRANTS that Grantor has good right and authority to execute and deliver this deed to the Grantee, and that Grantor is the owner in fee simple of said premises, subject only to those encumbrances of record, if any, which were made, suffered, or assumed by the Grantor.

The singular terms "Grantor" and "Grantee" as used in this instrument shall be construed to include the plural.

DATED: Feb 4 1993.

John Tolk
JOHN TOLK

Jeanne D. Tolk
JEANNE D. TOLK

STATE OF Idaho
COUNTY OF Canyon)ss.

On this 4th day of Feb 1993,
before me, a Notary Public in and for said State, personally appeared JOHN TOLK and JEANNE D. TOLK, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

John Sargent
Notary Public for: IDaho
Residing at: Middleton, Idaho.
Comm. Expires: October 11, 1994



1508001553

EXHIBIT "A" TO
SPECIAL WARRANTY DEED

LEGAL DESCRIPTION OF PROPERTY

The North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of
Section Thirty-two (32), Township Four (4) North, Range One
(1) East, Boise Meridian, in Ada County, State of Idaho;

Together with all water, water rights, ditches and
rights of way for ditches used in connection therewith;

Subject to State and County taxes and assessments
from and after April 1, 1957; and subject further, to
irrigation district assessments for the year 1957 and each
and every year thereafter;

EXHIBIT "A" TO SPECIAL WARRANTY DEED

10/31/2005

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

RIGHT NUMBER: 63-22226
NAME AND ADDRESS: JOHN TOLK
2205 E MC MILLAN
MERIDIAN ID 83642

CHESNEY D LITTLE
4055 N EAGLE RD
MERIDIAN ID 83642

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.300 CFS

PRIORITY DATE: 05/01/1866

POINT OF DIVERSION:
T03N R02E S9 SWNE Lot 7 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	0.300 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE: IRRIGATION Within ADA County

T04N R01E S32	SWNE	13.3	T04N R01E S32	NENW	30.0
T04N R01E S32	NWNW	35.0			

78.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 118.3 acres in a single irrigation season. Combined Right Nos.: 63-161BA & 63-22226.

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 - Decreed

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

This right is delivered via Settlers Irrigation District Canal.

This right is also designated as Right No. 30 in the Boise River Stewart Decree and Boise River Water Distribution Report.

This right is a split of Right No. 63-161C.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 63-22226 V1

WATER RIGHT NUMBER: 63-22226 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOSEPH PERRAULT
	BOISE, ID
Original Owner	RICHARD Z JOHNSON
	BOISE, ID
Current Owner	JOHN TOLK 2205 E MC MILLAN MERIDIAN, ID 83642
Original Owner	CONSUMERS WATER CORP
	BOISE, ID
Current Owner	CHESNEY D LITTLE 4055 N EAGLE RD MERIDIAN, ID 83642 (208)939-2403

Priority Date: 05/01/1866

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L7 (SW1/4NE1/4)	Sec. 9,	Twp 03N,	Rge 02E, B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T04N R01E S32	SWNE	13.3	T04N R01E S32	NENW	30.0
T04N R01E S32	NWNW	35.0			
Total Acres: 78.3					

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-22226 V1

1. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
2. W54 Use of this right is combined with water from Settlers Irrigation District.
3. E56 The rights listed below are limited to the irrigation of a combined total of 118.3 acres in a single irrigation season. Combined Right Nos.: 63-161BA & 63-22226.
4. This right is delivered via Settlers Irrigation District Canal.
5. This right is also designated as Right No. 30 in the Boise River Stewart Decree and Boise River Water Distribution Report.
6. This right is a split of Right No. 63-161C.
7. 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.

Remarks:Comments:

1. jshurte 10/24/2005 Reduction of Acres - Overlaps

Comment: Reduced acreage in the NWNW and NENW to that below ditch. Other GW rights are 63-15988 for 5 acres above ditch in the NENW and 63-11296 (1990 priority-no claim) for 34 acres in the NWNW and 35 in the NENW under the new owners Capital Development Inc.

2. jshurte 10/24/2005 Overlap

Comment: The 118.3 acres listed as the limiter between this right and 63-161BA include 40 acres in the SWNE, 13.3 acres in the SENE, 30 acres in the NENW and 35 acres in the NWNW. There are 13.3 acres overlapping on 63-161BA in the SWNE.

3. jshurte 10/31/2005 Acreage change

Comment: See comments in 63-22225 concerning the acreage recommended for 63-22225 & 63-22227.

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			03/02/2005	lharris	Active
Contacts	10/24/2005 10:40:18 AM	jshurte			Active
Priority Date	10/24/2005 10:40:52 AM	jshurte			Active
POD	10/24/2005 10:41:11 AM	jshurte			Active
POU	10/24/2005 10:44:29 AM	jshurte			Active
Use	10/24/2005 10:44:58 AM	jshurte			Active
Season	10/24/2005 10:45:59 AM	jshurte			Active
Quantity	10/24/2005 10:47:33 AM	jshurte			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-22226 V1

Summary	10/24/2005	jshurte	Active
Source	10/24/2005 10:51:15 AM	jshurte	Active
POU	10/24/2005 4:26:24 PM	jshurte	Active

Water Supply Bank:

IDAHO DEPT OF WATER RESOURCES

Claim No. 63-22226

Twp. 4N, Rge. 1E
Sec. 32



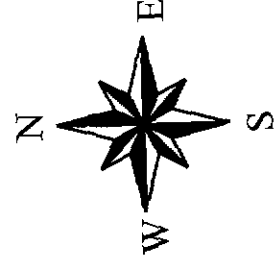
☐ Place of Use

1/41/4 Lines

☐ Section Lines

☐ Pt. of Diversio

Prepared by: Jan Shurt
10-24-2005



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 63-2226

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS _____
☐ NEW ADDRESS: _____

2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION

☒ Point of diversion is different than the claim and/or new P/D's: SETTLER'S CANAL

Township 3N Range 2E Section 9 1/4 _____ 1/4 SW 1/4 NE POD
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____ LOT 7

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☐ No Change - TOTAL VOLUME

W/A

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

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

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☐ No Change — PLACE OF USE: (If changed, list below.)

Acres change

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

Acres in the NWNW is 35 acres - took out 2000 block. - see layout. Also, 30 acres in the NENE - took out acres above ditch covered by 63-15988 + 63-11296 (1990) 60 acres

☐ SYSTEM DIAGRAM INCLUDED ☐ NA
☐ Shown on GIS Layout *(SACRED) NENE.*

→ NO CLAIM

☒ CHECK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: *10-25-05*

FIELD EXAMINER: *JAN SHURTE*

REVIEWED BY: *JAN SHURTE*

Print Name

Signature

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-11296

WATER RIGHT NUMBER: 63-11296

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	KENNETH L ASCHENBRENNER 6995 S RIDGEWOOD RD NAMPA, ID 83687-9018 (208)888-3580
Current Owner	CAPITAL DEVELOPMENT INC 6200 N MEEKER PLACE BOISE, ID 83713 (208)377-3939

Priority Date: 04/24/1990

Basis: License

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	3/15 to 11/15	1.380 CFS	310.50 AF
	<u>Total Diversion:</u>	1.380 CFS	310.50 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					35.0	34.0											69.0

Total Acres: 69

Conditions of Approval:

1. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
2. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
3. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-11296

Comments:

Water Supply Bank:

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.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-22226

10/24/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-161BA	Claim	04N	01E	32	SW	NE		IRRIGATION	40/60	CHESNEY D LITTLE
63-22225	Claim	04N	01E	32	SW	NE		IRRIGATION	13.3/26.6	FRANK WALTERS
63-22226	Claim	04N	01E	32	SW	NE		IRRIGATION	13.3/93.3	JOHN TOLK
63-161BA	Water Right	04N	01E	32	SW	NE		IRRIGATION		CONSUMERS WATER CORP
63-161C	Water Right	04N	01E	32	SW	NE		IRRIGATION		CONSUMERS WATER CORP
63-3614B	Claim	04N	01E	32	SW	NE		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
63-3618B	Claim	04N	01E	32	SW	NE		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
63-5262B	Claim	04N	01E	32	SW	NE		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
63-15988	Claim	04N	01E	32	NE	NW		IRRIGATION	5/5	JEANNE D TOLK
63-22226	Claim	04N	01E	32	NE	NW		IRRIGATION	40/93.3	JOHN TOLK
63-161C	Water Right	04N	01E	32	NE	NW		IRRIGATION		CONSUMERS WATER CORP
63-11296	Water Right	04N	01E	32	NE	NW		IRRIGATION	35/69	CAPITAL DEVELOPMENT INC
63-3614B	Claim	04N	01E	32	NE	NW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
63-3618B	Claim	04N	01E	32	NE	NW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
63-5262B	Claim	04N	01E	32	NE	NW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
63-22226	Claim	04N	01E	32	NW	NW		IRRIGATION	40/93.3	JOHN TOLK
63-161C	Water Right	04N	01E	32	NW	NW		IRRIGATION		CONSUMERS WATER CORP
63-11296	Water Right	04N	01E	32	NW	NW		IRRIGATION	34/69	CAPITAL DEVELOPMENT INC
63-3614B	Claim	04N	01E	32	NW	NW		IRRIGATION FROM STORAGE	20/10964.2	SETTLERS IRRIGATION DISTRICT
63-3618B	Claim	04N	01E	32	NW	NW		IRRIGATION FROM STORAGE	20/10964.2	SETTLERS IRRIGATION DISTRICT
63-5262B	Claim	04N	01E	32	NW	NW		IRRIGATION FROM STORAGE	20/10964.2	SETTLERS IRRIGATION DISTRICT

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-22226

WATER RIGHT NUMBER: 63-22226

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOSEPH PERRAULT
	BOISE, ID
Original Owner	RICHARD Z JOHNSON
	BOISE, ID
Current Owner	JOHN TOLK 2205 E MC MILLAN MERIDIAN, ID 83642
Original Owner	CONSUMERS WATER CORP
	BOISE, ID
Current Owner	CHESNEY D LITTLE 4055 N EAGLE RD MERIDIAN, ID 83642 (208)939-2403

Priority Date: 05/01/1866

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NW1/4NW1/4	Sec. 9, Twp 03N, Rge 02E, 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			13.3		40.0	40.0											93.3

Total Acres: 93.3

- General THIS WATER CARRIED THRU SETTLERS CANAL.
P/D S19, T3N, R3E.
TRANS. 694.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-161C

WATER RIGHT NUMBER: 63-161C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RICHARD Z JOHNSON
	BOISE, ID
Original Owner	CONSUMERS WATER CORP
	BOISE, ID
Original Owner	JOSEPH PERRAULT
	BOISE, ID

Priority Date: 05/01/1866

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.680 CFS	
	<u>Total Diversion:</u>	0.680 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NW1/4NW1/4	Sec. 9, Twp 03N, Rge 02E, 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	17							X	X									
04N	01E	26							X										
04N	01E	32			40.0	40.0	40.0	40.0											160.0

Total Acres: 160

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-161C

1. General THIS WATER CARRIED THRU SETTLERS CANAL.
 P/D S19, T3N, R3E.
 TRANS. 694.
 THIS RIGHT HAS BEEN SPLIT A63-22225 = 0.08 CFS FOR WALTERS, SEPT, CASE,
 STEVENSON, ORR AND JOESPHSON, B.A.S. 5/8/90 A63-22226 = 0.30 CFS FOR TOLK AND
 LITTLE, B.A.S. 5/8/90 A63-22227 = 0.05 CFS FOR WALTERS, SEPT, CASE, STEVENSON,
 ORR AND JOSEPHSON, B.A.S. 5/8/90

Comments:Dates and Other Information:

Claim Received Date: 9/8/1989
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 63
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-22226

03/02/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
61BA	Claim	04N	01E	32	SW	NE		IRRIGATION	40/60	CHESNEY D LITTLE
22225	Claim	04N	01E	32	SW	NE		IRRIGATION	13.3/26.6	FRANK WALTERS
22226	Claim	04N	01E	32	SW	NE		IRRIGATION	13.3/93.3	JOHN TOLK
61BA	Water Right	04N	01E	32	SW	NE		IRRIGATION		CONSUMERS WATER CORP
161C	Water Right	04N	01E	32	SW	NE		IRRIGATION		CONSUMERS WATER CORP
3614B	Claim	04N	01E	32	SW	NE		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
3618B	Claim	04N	01E	32	SW	NE		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
3262B	Claim	04N	01E	32	SW	NE		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
15988	Claim	04N	01E	32	NE	NW		IRRIGATION	5/5	JEANNE D TOLK
22226	Claim	04N	01E	32	NE	NW		IRRIGATION	40/93.3	JOHN TOLK
161C	Water Right	04N	01E	32	NE	NW		IRRIGATION		CONSUMERS WATER CORP
11296	Water Right	04N	01E	32	NE	NW		IRRIGATION	35/69	CAPITAL DEVELOPMENT INC
3614B	Claim	04N	01E	32	NE	NW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
3618B	Claim	04N	01E	32	NE	NW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
3262B	Claim	04N	01E	32	NE	NW		IRRIGATION FROM STORAGE	40/10964.2	SETTLERS IRRIGATION DISTRICT
15989	Water Right	04N	01E	32	NE	NW		DOMESTIC		JEANNE D TOLK
22226	Claim	04N	01E	32	NW	NW		IRRIGATION	40/93.3	JOHN TOLK
161C	Water Right	04N	01E	32	NW	NW		IRRIGATION		CONSUMERS WATER CORP
11296	Water Right	04N	01E	32	NW	NW		IRRIGATION	34/69	CAPITAL DEVELOPMENT INC
3614B	Claim	04N	01E	32	NW	NW		IRRIGATION FROM STORAGE	20/10964.2	SETTLERS IRRIGATION DISTRICT
3618B	Claim	04N	01E	32	NW	NW		IRRIGATION FROM STORAGE	20/10964.2	SETTLERS IRRIGATION DISTRICT
3262B	Claim	04N	01E	32	NW	NW		IRRIGATION FROM STORAGE	20/10964.2	SETTLERS IRRIGATION DISTRICT

(15)
(15)
XLVIII.

That the defendants JOSEPH WHELAN and RICHARD M. JOHNSON be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on the north bank of said river about four miles above Boise City, through what is known as the Tilling, or Boise Valley Water Ditch, for use upon the town lots and fields lying under said ditch for irrigating and domestic purposes, in the following amount and from the following date;

63 0161 2500 inches, from May 1, 1886; and hereby designated as Right No. 1

654	873	990
694	890	991
701	906	1010
712	917	
712	918	1011
73	940	1022
730	976	1017
737	977	1035
79	979	1038
73	980	1024
74	989	
7		

And that said defendants be awarded, for power purposes only, the use of said waters in the following amount from the following date, and it is hereby ordered that the quantity of water so awarded for power purposes shall be used for such purposes only, and after such use shall be returned to Boise River;

63 0162 10000 inches, from July 1, 1877; and hereby designated as Right No. 2
And be adjudged to pay \$873.00 costs in addition to the costs incurred by them.

~~XXX~~. XXXX.

That the defendant WILLIAM P. EPHRAIM be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW 1/4 of Sec. 17, T. 4 N. R. 1 E. B.M., for use upon the E. 1/2 of NE 1/4 and lot 1 of Sec. 15, and SE 1/4 of SE 1/4 of Sec. 12, T. 4 N. R. 2 E. B.M., in the following amount and from the following date;

63 0163 130 inches, from June 1, 1886; and hereby designated as Right No. 3
And be adjudged to pay \$9.10 costs in addition to the costs incurred by him.

~~XXX~~. XXXX.

That the defendants FRANK E. LEONARD, FRANK M. LEONARD, ST. CL. B. MANVILLE and FRANK C. LEONARD be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on the south side of said river in Sec. 15, T. 3 N. R. 2 E. B.M., at a point a short distance east of the NW corner of said section; also at a point on Sec. 9, a short distance west of said section corner, and also a short distance below on said Section 9, all in T. 3 N. R. 2 E. B.M., for use upon an irregular shaped tract of land in lot C, and W. 1/2 of SE 1/4 of Sec. 9, T. 3 N. R. 2 E. B.M., and an irregular tract in the E. 1/2 and the SE 1/4 of Sec. 9, T. 3 N. R. 1 E. B.M., in the following amount and from the following date;

63 0164 175 inches, from June 1, 1866; and hereby designated as Right No. 4

1879 relinquished
1906
1865
And be adjudged to pay \$12.35 costs in addition to the costs incurred by them.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

63-161 BA

22226

found

3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

PRESORTED
FIRST CLASS



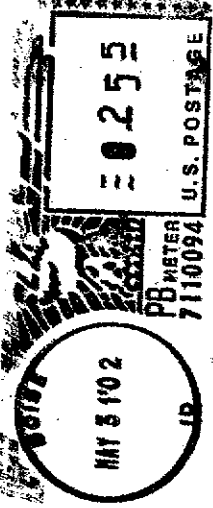
NOT DELIVERABLE
AS ADDRESSED;
UNABLE TO FORWARD

CHESNEY LITTLE
4055 NORTH EAGLE
MERIDIAN ID 83642

RECEIVED

JUN 06 2002

WATER RESOURCES
WESTERN REGION



83720-0098 83720

Boise, Idaho 83720-0098

MEMORANDUM

June 22, 1995

TO: SRBA Claims Submitted by Settler's Irrigation District

FROM: KAY WALKER *Kay*

RE: Correspondence prior to June 22, 1995

See File A63-00230F for all correspondence concerning
Settler's claims and claims they submitted for private individuals.

MICROFILMED
OCT 09 1996

Receipt Details for ID C011305

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
9/8/1989 10:08:08 AM	9/8/1989	State	\$12,715.00	Check
Payer		SETTLERS' IRRIGATION DIST		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
8265			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$12,715.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	230	F	\$10,675.00	Claim
63	161	G	\$50.00	Claim
63	161	N	\$50.00	Claim
63	22227		\$50.00	Claim
63	22226		\$70.00	Claim
63	22225		\$50.00	Claim
63	161	BG	\$50.00	Claim
63	161	V	\$100.00	Claim
63	161	AX	\$50.00	Claim

63	161	AV	\$50.00	Claim
63	161	Z	\$50.00	Claim
63	161	AJ	\$50.00	Claim
63	161	AL	\$70.00	Claim
63	161	AN	\$50.00	Claim
63	161	BA	\$50.00	Claim
63	161	A	\$50.00	Claim
63	161	T	\$50.00	Claim
63	231		\$50.00	Claim
63	230	C	\$50.00	Claim
63	124	F	\$50.00	Claim
63	124	H	\$50.00	Claim
63	214	A	\$50.00	Claim
63	199	A	\$130.00	Claim
63	124	K	\$50.00	Claim
63	198	A	\$64.00	Claim
63	257		\$90.00	Claim
63	161	AC	\$50.00	Claim
63	230	B	\$50.00	Claim
63	120	H	\$130.00	Claim
63	198	Y	\$70.00	Claim
63	170	A	\$50.00	Claim
63	169	A	\$50.00	Claim
63	161	J	\$50.00	Claim
63	161	Q	\$50.00	Claim
63	161	BW	\$50.00	Claim

[Print Report](#)