

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

RECEIVED

NOV 07 2007

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

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
PD 63-8608	63-8608	x			
PD 63-19220	63-19220				
Ag 63-170A	63-170A	x			

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**.

Name and Address of Former Owner/Claimant(s)	<u>Steven C. Smith</u>
	<u>8645 West Franklin Road, Boise, Idaho 83709</u>
New Owner/Claimant(s)	<u>Capital Development, Inc.</u>
	Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address	<u>6200 N. Meeker Pl.</u>
City, State and ZIP Code	<u>Boise, ID 83713</u>
New Telephone Number	<u>(208) 377-3939</u>
Date you acquired the property	<u>May 25, 2007</u>

BOI_MT2:661803.1

SUPPORT DATA

IN FILE # 63-170A

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 <u>63-170A</u>		
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	<u>0.024</u>	<u>8 acres</u>
Stock		
Domestic		
Other		
Total	<u>0.024</u>	

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 <u>63-8608</u>		
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	<u>0.042</u>	<u>8 acres</u>
Stock		
Domestic		
Other		
Total	<u>0.042</u>	

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

Ramon Yorgason
J. Ramon Yorgason, President, Capital Development, Inc.

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by	<u>DB</u>	Date	<u>11-7-07</u>
Received by	<u>DB</u>	Date	<u>11-7-07</u>
Processed by	<u>AJ</u>	Date	<u>11-7-07</u>
Fee	<u>\$225- total</u>		
Receipt No.	<u>W035965</u>		
WR			
Date			

Note - \$100- to be refunded for 63-170A. (Not decreed yet)

475
ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 05/29/07 04:35 PM
DEPUTY Patti Thompson
RECORDED - REQUEST OF
Stewart Title Company

AMOUNT 12.00

4



107076475

7053633 TN/JW

WARRANTY DEED

For Value Received, **STEVEN C. SMITH**, a married man as his sole and separate property, with an address of c/o Hawkins Companies LLC, 8645 W. Franklin Road, Boise, Idaho 83709, ("Grantor") hereby grants, bargains, sells and conveys unto **CAPITAL DEVELOPMENT, INC.**, an Idaho corporation, whose address is 6200 N. Meeker Place, Boise, Idaho 83713 ("Grantee") the following described premises situated in Ada County, Idaho, as described on Exhibit A attached hereto and incorporated herein by reference;

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current year taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

[End of Text; Signature to Follow]

Dated: 5/25/07

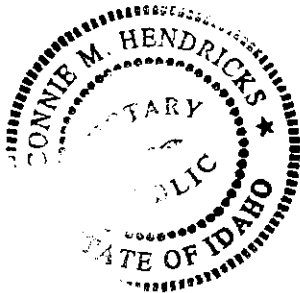
GRANTOR:

Steven C. Smith by Robert L. Phillips,
his attorney-in-fact
Steven C. Smith, by Robert L. Phillips,
his attorney-in-fact

STATE OF IDAHO)
) ss.
County of ADA)

On this 25th day of May, 2007, before me, the undersigned, personally appeared **Robert L. Phillips**, known to me to be the person whose name is subscribed to the within instrument, as the Attorney-in-Fact of **Steven C. Smith**, and acknowledged to me that he/she subscribed the name of **Steven C. Smith**, thereto as principal, and his own name as attorney-in-fact.

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



A handwritten signature of the notary public, Connie M. Hendricks, written in black ink.

NOTARY PUBLIC FOR IDAHO
Residing at: Boise
My Commission Expires: 8/22/08

Engineering North West, LLC

423 N. Ancestor Place, Suite 180

Boise, Idaho 83704

(208) 376-5000 • Fax (208) 376-5556

Project No. 06-050-01

Date: May 1, 2007

CASTLEBURY WEST BUSINESS PARK LLA PARCEL B DESCRIPTION

Parcel B as shown on Property Line Adjustment Record-of-Survey Number 7892 of Ada County Records, located in the SE 1/4 of the SE 1/4 of Section 24, T. 4 N., R. 1 W., B.M., Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 19 and 30 of T. 4 N., R. 1 E., B.M., and Sections 24 and 25 of said T. 4 N., R. 1 W.;

Thence North 89°37'39" West, 864.25 feet on the section line common to said Sections 24 and 25 to a point, (from which point the 1/4 section corner common to said Sections 24 and 25 bears North 89°37'39" West, 1805.08 feet distant);

Thence leaving said section line, North 00°22'21" East, 40.00 feet to a point on the northerly right-of-way line of West Chinden Boulevard (State Highway 20/26), said point being the **REAL POINT OF BEGINNING**;

Thence North 00°22'21" East, 392.54 feet;

Thence South 89°33'32" East, 200.75 feet;

Thence North 00°26'28" East, 60.00 feet;

Thence South 89°33'32" East, 50.00 feet;

Thence South 00°26'28" West, 15.00 feet to a point of curve;

Thence 31.42 feet on the arc of a curve to the 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 44°33'32" East;

Thence South 89°33'32" East, 95.79 feet to a point of curve;

Thence 12.56 feet on the arc of a curve to the left, said curve having a radius of 30.00 feet, a central angle of 23°58'45" and a chord distance of 12.46 feet which bears North 78°27'05" East to a point of reverse curve;

Thence 96.68 feet on the arc of a curve to the right, said curve having a radius of 115.50 feet, a central angle of 47°57'31" and a chord distance of 93.88 feet which bears South 89°33'32" East to a point of reverse curve;

Thence 12.56 feet on the arc of a curve to the left, said curve having a radius of 30.00 feet, a central angle of 23°58'45" and a chord distance of 12.46 feet which bears South 77°34'09" East;

Thence South 89°33'32" East, 158.83 feet to a point of curve;

Thence 18.60 feet on the arc of a curve to the left, said curve having a radius of 60.00 feet, a central angle of 17°45'32" and a chord distance of 18.52 feet which bears North 81°33'42" East;

Thence North 72°40'56" East, 25.51 feet to a point of curve;

Thence 18.60 feet on the arc of a curve to the right, said curve having a radius of 60.00 feet, a central angle of 17°45'32" and a chord distance of 18.52 feet which bears North 81°33'42" East;

Thence South 89°33'32" East, 103.24 feet to a point of curve;

Thence 31.42 feet on the arc of a curve to the 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 North 45°26'28" East to a point on the westerly right-of-way line South Meridian Road;

Thence South 00°26'28" West, 415.78 feet on the westerly right-of-way line of South Meridian Road, said line being 37.00 feet westerly of and parallel with the section line common to said Sections 19 and 24;

Thence South 45°23'11" West, 48.47 feet on the westerly right-of-way line of South Meridian Road to a point on the northerly right-of-way line of said West Chinden Boulevard;

Thence North 89°37'39" West, 793.06 feet on the northerly right-of-way line of said West Chinden Boulevard, said line being 40.00 feet northerly of and parallel with the section line common to said Sections 24 and 25 to the real point of beginning. Said parcel contains 7.91 acres more or less.

PREPARED BY:
Engineering NorthWest, LLC



James R. Washburn, PLS

63-170A, 63-8608, 63-19220



THIS MAP NOT INTENDED FOR NAVIGATIONAL USE

Change of Water Right Ownership for
Water Rights 170A, 63-8608 & 63-19220

Section 19, Township 4 North, Range 1 East
Ada County, Idaho