

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

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WATER RESOURCES
WESTERN REGION

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-11296					

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WATER RESOURCES
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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) Kenneth L. Aschenbrenner
4990 N Meridian Rd., Meridian, ID 83642
4. New Owner/Claimant(s) Capital Development
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 6200 N Meeker Place
- City, State and ZIP Code Boise, ID 83713
- New Telephone Number (208) 377-3939
5. Date you acquired the property July 16, 2004

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)

David R. Yareason for
Capital Development, Inc. (Vice President.)

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
 Receipted by LG Date 11/8/04 Receipt No. W032377
 Processed by _____ AJ Date _____ WR _____ Date _____

September 30, 2004

David Yorgason
Capital Development, Inc.
6200 N Meeker Place
Boise, Idaho 83713

I, Kenneth L. Aschenbrenner, am the current owner of water right number 63-11296. This water right is for supplemental irrigation for an area that I have farmed in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 32, Twp 4N Rge 1E, B.M. (also referenced as the South East corner of Locust Grove and McMillan Road, Meridian, Idaho). It is agreed that this water right will remain and transfer with the property, which was owned by John and Jeanne Tolk located at 2205 E. McMillan Rd., Meridian, Idaho.

John and Jeanne Tolk have sold this property to Capital Development, Inc., 6200 N Meeker Place, Boise, Idaho therefore as previously agreed I hereby transfer my ownership to water right number 63-11296 to Capital Development, Inc., 6200 N. Meeker Place, Boise, Idaho.

Sincerely,


Kenneth L. Aschenbrenner


Date



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

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

John Tolk, Co-Trustee

John Tolk

John Tolk

Jeanne D. Tolk

Jeanne D. Tolk, Co-Trustee

Jeanne D. Tolk

Jeanne D. Tolk

STATE OF Idaho)

) ss.

COUNTY OF Ada)

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

John Tolk and Jeanne D. Tolk

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

WITNESS MY HAND AND OFFICIAL SEAL.

Trina Nishitani

Notary Public: Trina Nishitani

Residing at: Caldwell, Idaho

My commission expires June 28, 2009

TRINA NISHITANI
NOTARY PUBLIC
STATE OF IDAHO

STATE OF Idaho)

) ss.

COUNTY OF Ada)

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

WITNESS MY HAND AND OFFICIAL SEAL.

Trina Nishitani

Trina Nishitani, Notary Public

Residing at: Caldwell, Idaho

Comm. expires: 6/28/2009

TRINA NISHITANI
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT "A"Parcel A

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 Recorders; thence
North 89°22'20" West, 94.02 feet on the southerly boundary line of said Northwest quarter
Of the Northwest quarter and the northerly boundary line of said Heritage Subdivision No. 1;
Thence
North 00°33'27" East, 844.36 feet to a point on the southerly boundary line of Parcel 2 of the
IPCO Locust Substation, as shown on Property Line Adjustment Record-of-Survey Number
5279 of Ada County Records; thence
South 89°17'15" East, 197.17 feet on said southerly boundary of Parcel 2 of said Property Line
Adjustment Record-of-Survey to the southeast corner of said Parcel 2; thence leaving the
Southerly boundary line of said Parcel 2
South 89°26'53" East, 155.00 feet; thence
North 00°33'07" East, 8.97 feet; thence
South 89°26'53" East, 100.00 feet; thence
North 00°33'07" East, 115.0 feet; thence
South 89°12'09" East, 155.14 feet; thence
South 26°34'27" East, 128.98 feet; thence
South 32°22'01" East, 76.96 feet to a point of curve; thence 103.32 feet on the arc of a curve to
The right, said curve having a radius of 390.00 feet, a central angle of 15°10'42" and a chord
Distance of 103.01 feet which bears
North 45°24'38" East to a point of reverse curve; thence 3.26 feet on the arc of a curve to the
Left, said curve having a radius of 20.00 feet a central angle of 09°20'42" and a chord
Distance of 3.26 which bears
North 28°36'48" West; thence
North 56°42'51" East, 50.00 feet to a point of curve; thence 3.26 feet on the arc of a curve the

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

Parcel B

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

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

Parcel C

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

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