



POOR ORIGINAL

MICROFILMED

OCT 23 1996

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: **A67-11304A**
Date Received: 12/13/1989
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: DOUGLAS M SCISM 208-253-6023
Address: PO BOX 44
COUNCIL ID 83612

2. Date of Priority: MAY 1, 1882

3. Source: FORT HALL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	10	NE	NW	SW	R	ADAMS
		23	NW	NW	SW		ADAMS

5. Description of diverting works:
FARMERS CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.064		

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

8. Total consumptive use is 152.4 Acre Feet Per Annum.

9. Non-irrigation uses:
250 HEAD CATTLE AND 10 HEAD HORSES WATER FORM DITCHES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	14	SW	SW		IRR	22.4

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	22.4
		23	NW	NW	IRR	21.4
			SW	NW	IRR	7.0
					Section Acres	28.4
					Total Acres	50.8

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

67-00373, A67-00375, LOST VALLEY RES.

14. Remarks:

THIS CLAIM IS BASED ON A COMBINATION OF WATER RIGHTS 67-00372 AND 67-00374. 67-00372 = 0.08 CFS AND 67-00374 = 0.12 CFS

THIS WATER RIGHT IS DECREED FROM FORT HALL CREEK, HOWEVER IT IS DELIVERED THROUGH THE FARMERS CANAL. FORT HALL CREEK WATER IS EXCHANGED FOR WEISER RIVER WATER.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR PORTIONS OF CLAIM NO. A67-11304, FEE PAID UNDER RECEIPT NO. C013473. KW 6/3/1996

ADDRESS CHANGED PER CLAIMANT LETTER. 11/17/98 LH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs

Decree Defendant

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: **A67-11304A**
Date Received: 12/13/1989
Receipt No: X777777
Received By: _____

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

1. Name: DOUGLAS M SCISM 208-253-6023
Address: PO BOX 99
FRUITVALE ID 83620

2. Date of Priority: MAY 1, 1882

3. Source: FORT HALL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	01W	10	NE	NW	SW	R	ADAMS
		23	NW	NW	SW		ADAMS

5. Description of diverting works:
FARMERS CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.064		

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

8. Total consumptive use is 152.4 Acre Feet Per Annum.

9. Non-irrigation uses:
250 HEAD CATTLE AND 10 HEAD HORSES WATER FORM DITCHES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
17N	01W	14	SW	SW		IRR	22.4

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	22.4
		23	NW	NW	IRR	21.4
			SW	NW	IRR	7.0
					Section Acres	28.4
					Total Acres	50.8

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

67-00373, A67-00375, LOST VALLEY RES.

14. Remarks:

THIS CLAIM IS BASED ON A COMBINATION OF WATER RIGHTS 67-00372 AND 67-00374. 67-00372 = 0.08 CFS AND 67-00374 = 0.12 CFS

THIS WATER RIGHT IS DECREED FROM FORT HALL CREEK, HOWEVER IT IS DELIVERED THROUGH THE FARMERS CANAL. FORT HALL CREEK WATER IS EXCHANGED FOR WEISER RIVER WATER.

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR PORTIONS OF CLAIM NO. A67-11304, FEE PAID UNDER RECEIPT NO. C013473. KW 6/3/1996

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs

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 _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 10/11/90

POOR ORIGINAL

LEGAL DESCRIPTION OF PROPERTY: Township 17N Range 1W
Section 15, 22 1/4 of 1/4 of 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

SEE ATTACHED EXHIBIT "A"

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s) A67-11304, A67-00083T, A67-00375,
Assigned by IDWR: A67-02053T, A67-00055

[] Name and Address of Former Owner/Claimant(s)(Seller): DOUG SCISM, ET AL
COUNCIL, IDAHO

[] New Owner/Claimant (Purchaser): FRUITVALE PROPERTIES, A LIMITED PARTNERSHIP

[] New Mailing Address: ALONZO V. CAPP, DONALD V. CAPP, GENERAL PARTNERS
29821 CIRCLE R CREEK LANE
ESCONDIDO, CA 92026

[] New Telephone Number: (619) 746-4041

[] Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

(WATER) ALLOCATED TO PROPERTY DESCRIBED
ON ATTACHED LEGAL DESCRIPTION

[] Attach proof of ownership, describe proof attached: REDEMPTION CERTIFICATES

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) FRUITVALE PROPERTIES BY: Donald V. Capp Date 7/31/91

[] Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data Entry

Date: 5/3/96 By: kw

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

RECEIVED

APR 28 1992

Department of Water Resources
Western Regional Office

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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OCT 23 1996

EXHIBIT "A"

POOR ORIGINAL

Lot 1

TOWNSHIP 17 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADAMS
COUNTY, IDAHO.

Section 15: SW1/4SE1/4.

Section 22: NW1/4NE1/4 .

Together with an Easement, for road and utility purposes of sufficient width to permit all vehicular traffic, the movement of farm machinery and equipment, and movement of livestock, over, under and across a strip of land, leading from a point on the present oiled county road, near the Northeast corner of the NE1/4SE1/4 Section 15, to the above described acreage, together with the right to grant easements to others. Or in case the route of said roadway is changed, all easement rights will follow the change to any relocation of said roadway.

Lot 4

Township 17 North, Range 1 West, Boise Meridian, Adams
County, Idaho.

Section 22: E1/2NE1/4.

Section 15: SE1/4SE1/4

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OCT 23 1996

State of Idaho
County of Adams

Filed for record at the request of
Westberg, McCabe & Collins

30 min. past 4 o'clock P.M.
11 day of October, 1990
ok 17M of Miscellaneous SPG 110-11

MICHAEL FISK, RECORDER

by Samuel J. Collins Deputy
Fee \$15.00

POOR ORIGINAL

WESTBERG, McCABE & COLLINS

CHARTERED

ATTORNEYS & COUNSELORS AT LAW

733 NORTH SEVENTH STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836

TELEPHONE: (208) 336-5200

ATTORNEYS FOR: Capps Defendants

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS

FARM CREDIT BANK OF SPOKANE,
a corporation, successor by
merger to The Federal Land Bank
of Spokane,

Plaintiff,

vs.

ALONZO V. CAPPS and NONA LEE
CAPPS, husband and wife; et al,

Defendants.

Case No. 2632

ASSIGNMENT OF
REDEMPTION RIGHT

COME NOW Donald V. Capps and Eva M. Capps, husband and wife,
and Alonzo V. Capps and Nona Lee Capps, husband and wife, and
Donald V. Capps as Personal Representative of the Estate of
Robert L. Capps, Deceased, hereby assign unto Fruitvale
Properties, a limited partnership, all of the right, title and
interest of the undersigned in and to the right of redemption
granted to the undersigned as judgment debtors in that certain
Decree of Foreclosure entered on August 28, 1989, in the District

ASSIGNMENT OF REDEMPTION RIGHT - 1
CappsAssign/PL11

MICROFILMED

OCT 23 1996

1 Court of the Third Judicial District of the State of Idaho in and
2 for the County of Adams, Case No. 2632 entitled Farm Credit Bank
3 of Spokane, a corporation, successor by merger to the Federal
4 Land Bank of Spokane, Plaintiff v. Alonzo V. Capps and Nona Lee
5 Capps, husband and wife, et al, Defendants. This assignment is
6 made pursuant to and in accordance with Section 11-401(1) and as
7 a supplement to that certain warranty deed, Exhibit "A" hereto,
8 which Exhibit "A" by this reference is made a part hereof as
9 though incorporated herein at this point in full, to establish
10 Fruitvale Properties, a limited partnership, as successor in
11 interest to the undersigned insofar as Lot 1 is concerned, which
12 Lot 1 is described as follows:

13 Lot 1

14 TOWNSHIP 17 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADAMS
15 COUNTY, IDAHO.

16 Section 15: SW1/4SE1/4.

17 Section 22: NW1/4NE1/4

18 Together with an Easement, for road and utility purposes
19 of sufficient width to permit all vehicular traffic, the
20 movement of farm machinery and equipment, and movement
21 of livestock, over, under and across a strip of land,
22 leading from a point on the present oiled county road,
23 near the Northeast corner of the NE1/4SE1/4 Section 15,
to the above described acreage, together with the right
to grant easements to others. Or in case the route of
said roadway is changed, all easement rights will follow
the change to any relocation of said roadway.

DATED This 16th day of October, 1990.

POOR ORIGINAL

Donald V. Capps
Donald V. Capps

Eva M. Capps
Eva M. Capps

Alonzo V. Capps
Alonzo V. Capps

Nona Lee Capps
Nona Lee Capps

Donald V. Capps
Donald V. Capps, Personal
Representative of the Estate of
Robert L. Capps, Deceased

STATE OF CALIFORNIA :ss.
County of SAN DIEGO

On this 10th day of OCTOBER, 1990, before me, a Notary Public, personally appeared Donald V. Capps and Eva M. Capps, husband and wife, 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.

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



Carol M. Jex
Notary Public for CALIFORNIA
Residing at: ESCONDIDO
My Commission Expires: 12/14/90

STATE OF California :ss.
County of San Diego

On this 10th day of October, 1990, before me, a Notary Public, personally appeared Alonzo V. Capps and Nona Lee Capps, husband and wife, known or identified to me to be the persons
* proved to me on the basis of satisfactory evidence

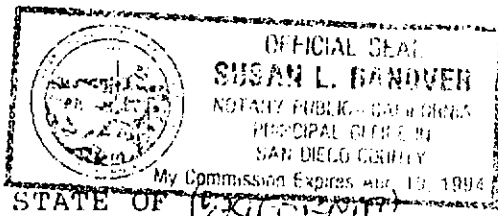
ASSIGNMENT OF REDEMPTION RIGHT - 3
CappsAssign/PL11

MICROFILMED
OCT 23 1996

POOR ORIGINAL

whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

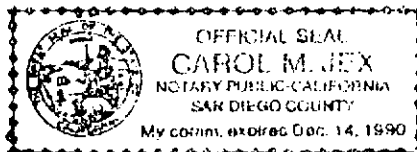


Susan L. Danover
Notary Public for San Diego County
Residing at: Escondido
My Commission Expires: 4-19-94

STATE OF CALIFORNIA :ss.
County of San Diego

On this 16th day of OCTOBER, 1990, before me, a Notary Public, personally appeared Donald V. Capps, known or identified to me to be the Personal Representative of the Estate of Robert L. Capps, Deceased, whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Carol M. Jex
Notary Public for CALIFORNIA
Residing at: ESCONDIDO
My Commission Expires: 12/14/90

POOR ORIGINAL

For value received, ALONZO V. CAPPS and NONA LEE CAPPS, and DONALD V. CAPPS and EVA M. CAPPS, husband and wife, and DONALD V. CAPPS as Personal Representative of the ESTATE of ROBERT L. CAPPS, the "Grantors", do hereby grant, bargain, sell and convey unto PRUITVALE PROPERTIES, A LIMITED PARTNERSHIP, the "Grantee", the following described real property in the County of Adams, State of Idaho, to wit:

In Township 17 North, Range 1 West, Boise Meridian:

SECTION 15: S½SE¼

SECTION 22: E½NE¼; NW¼NE¼

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said real property; that it is free from all encumbrances except easements and rights-of-way in view and of record and they will warrant and defend the same from all lawful claims whatsoever.

DATED this 2nd day of July, 1984.

Alonzo V. Capps
Alonzo V. Capps

Nona Lee Capps
Nona Lee Capps

Donald V. Capps
Donald V. Capps

Eva M. Capps
Eva M. Capps

Donald V. Capps
Donald V. Capps - Personal
Representative of the Estate
of Robert L. Capps

STATE OF IDAHO)
ss:
County of Washington

On this 2nd day of July, 1984, before me, a Notary Public in and for said State, personally appeared ALONZO V. CAPPS and NONA LEE CAPPS, husband and wife, DONALD V. CAPPS and EVA M. CAPPS, husband and wife, and Donald V. Capps as Personal Representative of the Estate of Robert L. Capps, known to me to be the persons whose names are subscribed to the foregoing 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.

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OCT 23 1996

Notary Public for Idaho
Residing at: Wilson, Idaho

2/10/85

79280

State of Idaho)
County of Adams)

Filed for record at the request of
Westberg, McCabe & Collins

31 min. past 4 o'clock P.M.
this 11 day of October, 1990
BK 17M cMiscellaneous PG. 112-1

MICHAEL FICK RECORDER

by Sarah J. Wilson Deputy
Fee \$ 12.00

POOR ORIGINAL

WESTBERG, McCABE & COLLINS
CHARTERED

ATTORNEYS & COUNSELORS AT LAW

733 NORTH SEVENTH STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836

TELEPHONE: (208) 336-5200

ATTORNEYS FOR: Capps Defendants

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS

FARM CREDIT BANK OF SPOKANE,)
a corporation, successor by)
merger to The Federal Land Bank)
of Spokane,)

Plaintiff,)

vs.)

ALONZO V. CAPPS and NONA LEE)
CAPPS, husband and wife; et al,)

Defendants.)

Case No. 2632

REDEMPTION NOTICE
TO SHERIFF

DUPLICATE

TO: RICH GREEN, SHERIFF, ADAMS COUNTY, STATE OF IDAHO

Please take notice that on the 11 day of October, 1990,
Fruitvale Properties, a limited partnership, did and does hereby
redeem from Doug Scism, of Adams County, Idaho, the property
described below from your sale thereof, to Doug Scism, of Adams
County, Idaho, on October 11, 1989, by virtue of an execution
issued out of the District Court of the Third Judicial District
of the State of Idaho, in and for the County of Adams, on a

POOR ORIGINAL

Decree of Foreclosure entered on August 28, 1989, in the case of
1 Farm Credit Bank of Spokane, a corporation, successor by merger
2 to the Federal Land Bank of Spokane, Plaintiff, v. Alonzo V.
3 Capps and Nona Lee Capps, husband and wife, et al, Adams County
4 Case No. 2632. The Certificate of Sale dated October 11, 1989,
5 showing a purchase price of \$8,000.00 by Doug Scism was recorded
6 in the office of the recorder, Adams County, State of Idaho, on
7 the _____ day of _____, 1989, as Instrument No. _____, in
8 book _____ of _____ at page _____.

9 The property redeemed is described as being situated in
10 Adams County, State of Idaho, more particularly described as
11 follows:

12 Lot 1

13 TOWNSHIP 17 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADAMS
14 COUNTY, IDAHO.

15 Section 15: SW1/4SE1/4.

Section 22: NW1/4NE1/4

16 Together with an Easement, for road and utility purposes
17 of sufficient width to permit all vehicular traffic, the
18 movement of farm machinery and equipment, and movement
19 of livestock, over, under and across a strip of land,
20 leading from a point on the present oiled county road,
21 near the Northeast corner of the NE1/4SE1/4 Section 15,
to the above described acreage, together with the right
to grant easements to others. Or in case the route of
said roadway is changed, all easement rights will follow
the change to any relocation of said roadway.

22 The sum Fruitvale Properties paid for the redemption was
23 \$ 9507.51, this being the purchase price of \$8,000.00 plus

1 interest at the rate of twelve percent (12%) per annum from
2 October 11, 1989, to the date of redemption, together with water
3 assessments in the sum of \$500.00 for said real property paid by
4 Doug Scism together with interest at the rate of twelve percent
5 (12%) per annum from December 26, 1989, to the date of redemption
6 in the amount of \$ 47.51, which assessments the purchaser
7 paid thereon after the commencement of the action and are not
8 included in the judgment. Such water assessments also cover
9 other real property known as Lot 4 as described in said Decree of
Foreclosure.

10 That Fruitvale Properties is successor in interest to the
11 judgment debtors.

12 Said amount is hereby tendered and delivered to you, the
13 Sheriff, as the officer who made the sale, or his successor in
14 office, pursuant to Section 11-404, Idaho Code.

15 Pursuant to Section 11-405, the undersigned hereby produces
16 to you as the officer who made the sale, or his successor in
17 office, and serve herewith to you as Sheriff, pursuant to Section
18 11-405, the following:

19 1. A copy of the docket of the judgment under which the
20 undersigned claims the right to redeem, certified by the Clerk of
21 the Court, or Recorder of the county where the judgment is
22 docketed or filed.
23

POOR ORIGINAL

2. A copy of the Assignment of Redemption Right (with
warranty deed attached) necessary to establish the claim of the
undersigned, verified by the affidavit of Fruitvale Properties by
Donald V. Capps.

IN WITNESS WHEREOF, I have executed this notice on
the 10TH day of October, 1990.

FRUITVALE PROPERTIES

By Donald V. Capps
Donald V. Capps

STATE OF CALIFORNIA : ss.
County of SAN DIEGO

On this 10TH day of OCTOBER, 1990, before me a
Notary Public personally appeared Donald V. Capps, known to me to
be the partner in the limited partnership of Fruitvale Properties
and the partner or one of the partners who subscribed said
partnership name to the foregoing instrument, and acknowledged
to me that he executed the same in said partnership name.

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



Carol M. Jex
Notary Public for CALIFORNIA
Residing at: ESCONDIDO
Commission Expires: 12/14/90

POOR ORIGINAL

County of Idaho
County of Adams

Filed for record at the request of
Westberg, McCabe & Collins

32 notary 4 o'clock P.M.
on 11 day of October, 1990
at 17M of Miscellaneous PG. 114

MICHAEL FICK, RECORDER

by Sarah J. [Signature]
Deputy
Fee \$ 9.00

WESTBERG, McCABE & COLLINS

CHARTERED

ATTORNEYS & COUNSELORS AT LAW

733 NORTH SEVENTH STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836

TELEPHONE: (208) 336-5200

ATTORNEYS FOR: Capps Defendants

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS

FARM CREDIT BANK OF SPOKANE,
a corporation, successor by
merger to The Federal Land Bank
of Spokane,

Plaintiff,

vs.

ALONZO V. CAPPS and NONA LEE
CAPPS, husband and wife; et al,

Defendants.

Case No. 2632

REDEMPTION CERTIFICATE
BY SHERIFF

I, Rich Green, Sheriff of the County of Adams, State of
Idaho, hereby certify that on October 11, 1990, I received
from Fruitvale Properties, the sum of Nine thousand five hundred and 51/100
Dollars (\$ 9507.51) in full redemption of the real property
described below, from the sale thereof by me to Doug Scism of
Adams County, Idaho, on October 11, 1989, as described in my
Certificate of Sale dated October 11, 1989, recorded in the
official records of Adams County, State of Idaho, on October 11, 1989.

REDEMPTION CERTIFICATE BY SHERIFF - 1
CappsRC/PL11

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OCT 23 1996

1989, as Instrument No. _____ in book _____ of _____, at
page _____.

The real property redeemed is described as being situated in
Adams County, State of Idaho more particularly described as
follows:

Lot 1

TOWNSHIP 17 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADAMS
COUNTY, IDAHO.

Section 15: SW1/4SE1/4.

Section 22: NW1/4NE1/4

Together with an Easement, for road and utility purposes
of sufficient width to permit all vehicular traffic, the
movement of farm machinery and equipment, and movement
of livestock, over, under and across a strip of land,
leading from a point on the present oiled county road,
near the Northeast corner of the NE1/4SE1/4 Section 15,
to the above described acreage, together with the right
to grant easements to others. Or in case the route of
said roadway is changed, all easement rights will follow
the change to any relocation of said roadway.

In support and proof of the right to redeem of Fruitvale
Properties, Fruitvale Properties produced the following
documents:

1. A copy of the docket of the judgment under which
Fruitvale Properties claims the right to redeem, certified by the
Clerk of the Court, or recorder of the county where the judgment
is docketed or filed.

2. A copy of the Assignment of Redemption Right (with
warranty deed attached) necessary to establish the claim of

POOR ORIGINAL

Fruitvale Properties, verified by the Affidavit of Donald V. Capps, on behalf of Fruitvale Properties.

The redemption is based on Section 11-401, et seq., Idaho Code and said Decree of Foreclosure.

IN WITNESS WHEREOF, I have executed this certificate at Council, Adams County, State of Idaho, on October 11, 1990.

ADAMS COUNTY SHERIFF RICH GREEN

By

STATE OF IDAHO)
County of Adams) :ss.

On this 11 day of October, 1990, before me, a Notary Public, personally appeared Richard L. Green known or identified to me to be the Sheriff of Adams County whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

Jan Cheverton
Notary Public for Idaho
Residing at: Council Bluffs
My Commission Expires: 11-4-93



State of Idaho /
County of Adams

Filed for record at the request of
Westberg, McCabe & Collins

33 min past 4 o'clock P.M.

This 11 day of October 1990

Bk 17M of Miscellaneous 115-1

MICHAEL FISK, RECORDER

by Michael Fisk Clerk

Fee \$ 15.00

POOR ORIGINAL

WESTBERG, McCABE & COLLINS

CHARTERED

ATTORNEYS & COUNSELORS AT LAW

733 NORTH SEVENTH STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836

TELEPHONE: (208) 336-5200

ATTORNEYS FOR: Capps Defendants

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS

FARM CREDIT BANK OF SPOKANE,)
a corporation, successor by)
merger to The Federal Land Bank)
of Spokane,)

Plaintiff,)

vs.)

ALONZO V. CAPPS and NONA LEE)
CAPPS, husband and wife; et al,)

Defendants.)

Case No. 2632

ASSIGNMENT OF
REDEMPTION RIGHT

COME NOW Donald V. Capps and Eva M. Capps, husband and wife,
and Alonzo V. Capps and Nona Lee Capps, husband and wife, and
Donald V. Capps as Personal Representative of the Estate of
Robert L. Capps, Deceased, hereby assign unto Fruitvale
Properties, a limited partnership, all of the right, title and
interest of the undersigned in and to the right of redemption
granted to the undersigned as judgment debtors in that certain
Decree of Foreclosure entered on August 28, 1989, in the District

ASSIGNMENT OF REDEMPTION RIGHT - 1
CapsAssign3/PL11

MICROFILMED

OCT 23 1996

POOR ORIGINAL

1 Court of the Third Judicial District of the State of Idaho in and
2 for the County of Adams, Case No. 2632 entitled Farm Credit Bank
3 of Spokane, a corporation, successor by merger to the Federal
4 Land Bank of Spokane, Plaintiff v. Alonzo V. Capps and Nona Lee
5 Capps, husband and wife, et al, Defendants. This assignment is
6 made pursuant to and in accordance with Section 11-401(1) and as
7 a supplement to that certain warranty deed, Exhibit "A" hereto,
8 which Exhibit "A" by this reference is made a part hereof as
9 though incorporated herein at this point in full, to establish
10 Fruitvale Properties, a limited partnership, as successor in
11 interest to the undersigned insofar as Lot 1 is concerned, which
12 Lot 1 is described as follows:

13 Lot 4
Township 17 North, Range 1 West, Boise Meridian, Adams
County, Idaho.

14 Section 22: E1/2NE1/4.
15 Section 15: SE1/4SE1/4

16 DATED This 10th day of October, 1990.

17 Donald V. Capps
18 Donald V. Capps

19 Eva M. Capps
20 Eva M. Capps

21 Alonzo V. Capps
22 Alonzo V. Capps
23

POOR ORIGINAL

Nona Lee Capps
Nona Lee Capps

Donald V. Capps
Donald V. Capps, Personal
Representative of the Estate of
Robert L. Capps, Deceased

STATE OF CALIFORNIA
County of SAN DIEGO :SS.

On this 16th day of OCTOBER, 1990, before me, a Notary Public, personally appeared Donald V. Capps and Eva M. Capps, husband and wife, 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.

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



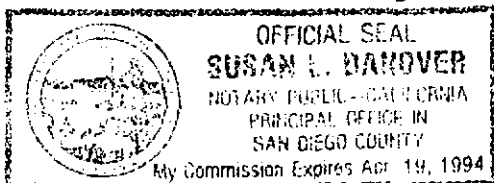
Carol M. Jex
Notary Public for CALIFORNIA
Residing at: ESCONDIDO
My Commission Expires: 12/14/90

STATE OF California
County of San Diego :SS.

On this 10th day of October, 1990, before me, a Notary Public, personally appeared Alonzo V. Capps and Nona Lee Capps, husband and wife, 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.

proved to me on the basis of Satisfactory evidence.

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



Susan L. Danover
Notary Public for San Diego County
Residing at: ESCONDIDO
My Commission Expires: 4-19-94

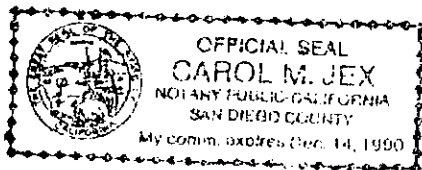
STATE OF CALIFORNIA

POOR ORIGINAL

County of SAN DIEGO : ss.

On this 11TH day of OCTOBER, 1990, before me, a Notary Public, personally appeared Donald V. Capps, known or identified to me to be the Personal Representative of the Estate of Robert L. Capps, Deceased, whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Carol M. Jex
Notary Public for CALIFORNIA
Residing at: ESCONDIDO
My Commission Expires: 12/14/90

WARRANTY DEED

For value received, ALONZO V. CAPPS and NONA LEE CAPPS, and DONALD V. CAPPS and EVA M. CAPPS, husband and wife, and DONALD V. CAPPS as Personal Representative of the ESTATE of ROBERT L. CAPPS, the "Grantors", do hereby grant, bargain, sell and convey unto FRUITVALE PROPERTIES, A LIMITED PARTNERSHIP, the "Grantee", the following described real property in the County of Adams, State of Idaho, to wit:

In Township 17 North, Range 1 West, Boise Meridian,

SECTION 15: S $\frac{1}{2}$ SE $\frac{1}{4}$

SECTION 22: E $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said real property; that it is free from all encumbrances except easements and rights-of-way in view and of record and they will warrant and defend the same from all lawful claims whatsoever.

DATED this 2nd day of July, 1984.

Alonzo V. Capps
Alonzo V. Capps
Nona Lee Capps
Nona Lee Capps
Donald V. Capps
Donald V. Capps
Eva M. Capps
Eva M. Capps
Donald V. Capps
Donald V. Capps - Personal
Representative of the Estate
of Robert L. Capps

STATE OF IDAHO)
ss:
County of Washington

On this 2nd day of July, 1984, before me, a Notary Public in and for said State, personally appeared ALONZO V. CAPPS and NONA LEE CAPPS, husband and wife, DONALD V. CAPPS and EVA M. CAPPS, husband and wife, and Donald V. Capps as Personal Representative of the Estate of Robert L. Capps, known to me to be the persons whose names are subscribed to the foregoing 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.

MICROFILMED

OCT 23 1996

Notary Public for Idaho
Residing at: William J. Kyrk
2/10/85

State of Idaho 79283
County of Adams

Filed for record at the request of
Westberg, McCabe & Collins

34 min past 4 o'clock P.M.

This 11 day of October, 1990

PG 17M of Miscellaneous PG 117-1

MICHAEL FISK, CLERK

by Seahy Wilson
Deputy Clerk

Fee \$ 12.00

POOR ORIGINAL

WESTBERG, McCABE & COLLINS

CHARTERED

ATTORNEYS & COUNSELORS AT LAW

733 NORTH SEVENTH STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836

TELEPHONE: (208) 336-5200

ATTORNEYS FOR: Capps Defendants

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS

FARM CREDIT BANK OF SPOKANE,)
a corporation, successor by)
merger to The Federal Land Bank)
of Spokane,)

Plaintiff,)

vs.)

ALONZO V. CAPPs and NONA LEE)
CAPPs, husband and wife; et al,)

Defendants.)

Case No. 2632

REDEMPTION NOTICE
TO SHERIFF

DUPLICATE

TO: RICH GREEN, SHERIFF, ADAMS COUNTY, STATE OF IDAHO

Please take notice that on the 11 day of October, 1990,
Fruitvale Properties, a limited partnership, did and does hereby
redeem from Doug Scism, of Adams County, Idaho, the property
described below from your sale thereof, to Doug Scism, of Adams
County, Idaho, on October 11, 1989, by virtue of an execution
issued out of the District Court of the Third Judicial District
of the State of Idaho, in and for the County of Adams, on a

REDEMPTION NOTICE TO SHERIFF - 1
CappsNot5/PL11

MICROFILMED

OCT 23 1996

1 Decree of Foreclosure entered on August 28, 1989, in the case of
2 Farm Credit Bank of Spokane, a corporation, successor by merger
3 to the Federal Land Bank of Spokane, Plaintiff, v. Alonzo V.
4 Capps and Nona Lee Capps, husband and wife, et al, Adams County
5 Case No. 2632. The Certificate of Sale dated October 11, 1989,
6 showing a purchase price of \$66,500.00 by Doug Scism was recorded
7 in the office of the recorder, Adams County, State of Idaho, on
8 the _____ day of _____, 1989, as Instrument No. _____, in
9 book _____ of _____ at page _____.

10 The property redeemed is described as being situated in
11 Adams County, State of Idaho, more particularly described as
12 follows:

13 Lot 4

14 Township 17 North, Range 1 West, Boise Meridian, Adams
15 County, Idaho.

16 Section 22: E1/2NE1/4.

17 Section 15: SE1/4SE1/4

18 The sum Fruitvale Properties paid for the redemption was
19 \$74,480.00, this being the purchase price of \$66,500.00 plus
20 interest at the rate of twelve percent (12%) per annum from
21 October 11, 1989, to the date of redemption. Water assessments
22 for said real property paid by Doug Scism in the sum of \$500.00
23 together with interest at the rate of twelve percent (12%) per
annum from December 26, 1989 to the date of redemption have been

1 paid by the undersigned in connection with redemption of Lot 1
2 described in said Decree of Foreclosure.

3 That Fruitvale Properties is successor in interest to the
4 judgment debtors.

5 Said amount is hereby tendered and delivered to you, the
6 Sheriff, as the officer who made the sale, or his successor in
7 office, pursuant to Section 11-404, Idaho Code.

8 Pursuant to Section 11-405, the undersigned hereby produces
9 to you as the officer who made the sale, or his successor in
10 office, and serve herewith to you as Sheriff, pursuant to Section
11 11-405, the following:

12 1. A copy of the docket of the judgment under which the
13 undersigned claims the right to redeem, certified by the Clerk of
14 the Court, or Recorder of the county where the judgment is
15 docketed or filed.

16 2. A copy of the Assignment of Redemption Right (with
17 warranty deed attached) necessary to establish the claim of the
18 undersigned, verified by the affidavit of Fruitvale Properties by
19 Donald V. Capps.

20 IN WITNESS WHEREOF, I have executed this notice on
21 the 16th day of October, 1990.
22
23

POOR ORIGINAL

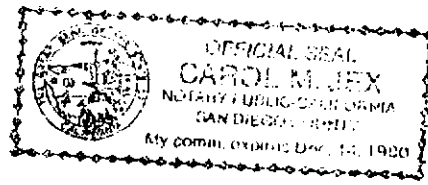
FRUITVALE PROPERTIES

By Donald V. Capps
Donald V. Capps

STATE OF California)
County of San Diego) :ss.

On this 10th day of October, 1990, before me a Notary Public personally appeared Donald V. Capps, known to me to be the partner in the limited partnership of Fruitvale Properties and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



Carol M. Jex
Notary Public for California
Residing at: San Diego
Commission Expires: 12/14/90

County of Idaho 79284
Filed for record at the request of
Westberg, McCabe & Collins
35 minutes 4 o'clock P.
on 11 day of October, 1990
Ex. 17M of Miscellaneous PG 119
MICHAEL FISK, RECORDER
by *[Signature]*
Fee \$ 9.00

POOR ORIGINAL

WESTBERG, McCABE & COLLINS
CHARTERED

ATTORNEYS & COUNSELORS AT LAW
733 NORTH SEVENTH STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836
TELEPHONE: (208) 336-5200

ATTORNEYS FOR: Capps Defendants

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS

FARM CREDIT BANK OF SPOKANE,)
a corporation, successor by)
merger to The Federal Land Bank)
of Spokane,)
Plaintiff,)
vs.)
ALONZO V. CAPPS and NONA LEE)
CAPPS, husband and wife; et al,)
Defendants.)

Case No. 2632

REDEMPTION CERTIFICATE
BY SHERIFF

I, Rich Green, Sheriff of the County of Adams, State of
Idaho, hereby certify that on October 11, 1990, I received
from Fruitvale Properties, the sum of *Seventy-four thousand, four hundred*
& eighty & 00/100
Dollars (\$ 74,480.00) in full redemption of the real property
described below, from the sale thereof by me to Doug Scism of
Adams County, Idaho, on October 11, 1989, as described in my
Certificate of Sale dated October 11, 1989, recorded in the
official records of Adams County, State of Idaho, on October ____,

1989, as Instrument No. _____ in book _____ of _____,
page _____.

The real property redeemed is described as being situated in
Adams County, State of Idaho more particularly described as
follows:

Lot 4
Township 17 North, Range 1 West, Boise Meridian, Adams
County, Idaho.

Section 22: E1/2NE1/4.
Section 15: SE1/4SE1/4

In support and proof of the right to redeem of Fruitvale
Properties, Fruitvale Properties produced the following
documents:

1. A copy of the docket of the judgment under which
Fruitvale Properties claims the right to redeem, certified by the
Clerk of the Court, or recorder of the county where the judgment
is docketed or filed.

2. A copy of the Assignment of Redemption Right (with
warranty deed attached) necessary to establish the claim of
Fruitvale Properties, verified by the Affidavit of Donald V.
Capps, on behalf of Fruitvale Properties.

The redemption is based on Section 11-401, Idaho Code and
said Decree of Foreclosure.

IN WITNESS WHEREOF, I have executed this certificate at

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: A67-11304
Date Received: 8/22/1989
Receipt No: CO13473
Received By: CA 12-13-89

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DOUGLAS M. SCISM 208-253-6023
Address: P.O. BOX 99
FRUITVALE, ID 83620

2. Date of Priority: MAY 01, 1882

3. Source: FORT HALL CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	10	NE	NW	SW	R	ADAMS
		23	NW	NW	SW		ADAMS

5. Description of diverting works:
FARMERS CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		

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

8. Total consumptive use is 477.3 Acre Feet Per Annum.

9. Non-irrigation uses:
250 HEAD CATTLE AND 10 HEAD HORSES WATER FORM DITCHES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	14	SW	SW		IRR	22.4
Section Acres							22.4

A67-11304

Page 1

Date: 12/12/89

MICROFILMED
OCT 23 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	15	SE	SE		IRR	33.3
						Section Acres	33.3
		22	NE	NE		IRR	37.0
			SE	NE		IRR	38.0
						Section Acres	75.0
		23	NW	NW		IRR	21.4
			SW	NW		IRR	7.0
						Section Acres	28.4
						Total Acres	159.1

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
67-00373, A67-00375, LOST VALLEY RES.

14. Remarks:
THIS CLAIM IS BASED ON A COMBINATION OF WATER RIGHTS 67-00372
AND 67-00374. 67-00372 = 0.08 CFS AND 67-00374 = 0.12 CFS
|
THIS WATER RIGHT IS DECREED FROM FORT HALL CREEK, HOWEVER IT IS
DELIVERED THROUGH THE FARMERS CANAL. FORT HALL CREEK WATER IS
EXCHANGED FOR WEISER RIVER WATER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

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: _____

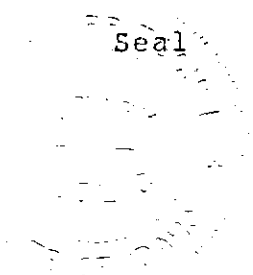
For Individuals:

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

Signature of Claimant(s): *Douglas M. Lassin* Date: 12-13-89
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of December 19 89 *Carter Fritschle*
Notary Public



Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994



POOR ORIGINAL

T 17 N
R 1 W

MICROFILMED
OCT 23 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

JUL 29 1998

Department of Water Resources

July 20, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR. & MRS. DOUGLAS SCISM
PO BOX 44
COUNCIL ID 83612

RE: Snake River Basin Adjudication (SRBA)
Notice of Claims A67-12316, A67-12317, A67-12318, A67-00050A, A67-00055, A67-00057A,
A67-00058B, A67-00065, A67-00073B, A67-00074B, A67-00083J, A67-00372, A67-00373,
~~A67-00375~~, A67-00375A, A67-00375B, A67-00375C, ~~A67-02053T~~, A67-2053S, A67-07472,
~~A67-11304~~, A67-11304A, A67-11304B, A67-11304C, A67-11305, A67-12319
Change of Address

Dear MR. & MRS. SCISM:

The Department has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water rights can be sent only to the address on your water rights or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter. Please return the letter by August 31, 1998. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Anita L. Warntjes
Administrative Assistant
Adjudication Bureau

ALW

cc:region

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 4, 1996

RE: Original Notice of Claims to a Water Right Nos. A67-00375 &
A67-11304
Renumbered to Notice of Claims to a Water Right Nos.
A67-00375A & A67-11304A

Douglas M. Scism
P.O. Box 99
Fruitvale, ID 83620

Dear Mr. Scism:

We have processed Changes of Ownership for portions (one portion to Fruitvale Properties and one portion to Shumway) of your original claims to water rights as referenced above. These changes of ownership resulted in splits of your claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by adding alpha-suffixes to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim numbers reflect your remaining portion of the original claims after the changes of ownership. Enclosed are copies of these new claims for your records. Please refer to your new claim numbers when corresponding with our office.

If you have any questions concerning the ownership changes, or the enclosed claim copies, please feel free to contact this office.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

MICROFILMED
OCT 23 1996

AJ5809NP
No. A67-11304

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/31/96
PAGE: 3

OWNER NAME & ADDRESS
CODE
P FRUITVALE PROPERTIES
C DOUGLAS M SCISM

PRIORITY DATE
05/01/1882 IRRIGATION

WATER USE
IRRIGATION

USE PERIOD FROM TO
03-15 11-15

DIVERSION RATE
0.20 CFS

DIVERSION VOLUME
0.20 CFS

TOTAL DIVERSION:
CONSUMPTIVE USE:

477.30 AFA = 3 af/ac

Water Source: FORT HALL CREEK Tributary to: WEISER RIVER

Point(s) of Diversion: T17N R01W S23
Point(s) of Re-diversion: T17N R01W S10

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE		SUM						
T	R S	NENE	NWNE	SWNE	SENE	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
17N	01W 14													22.4
17N	01W 15													55.3
17N	01W 22													75.0
17N	01W 23													28.4
														159.1

POU County: ADAMS

Non-Irrigation Uses: 250 HEAD CATTLE AND 10 HEAD HORSES WATER FORM DITCHES

Other Rights: 67-00373, A67-00375, LOST VALLEY RES.

Remarks: GEN THIS CLAIM IS BASED ON A COMBINATION OF WATER RIGHTS 67-00372 AND 67-00374. 67-00372 = 0.08 CFS AND 67-00374 = 0.12 CFS

THIS WATER RIGHT IS DECREEED FROM FORT HALL CREEK, HOWEVER IT IS DELIVERED THROUGH THE FARMERS CANAL. FORT HALL CREEK WATER IS EXCHANGED FOR WEISER RIVER WATER.

Objection Filed Date:

Verified Date:

Field Inspection Flag: D
Presumption Flag:

Dates: Exam Made Date:

Misc: Water District Number: 67

Scism A ✓

50.8 ac

(0.06385) → 0.064 cfs

152.4 con

Fruitvale B ✓

33.3 ac

(0.04186) → 0.042 cfs

99.9 con

Shumway C ✓

75.0 ac ✓

(0.09428) → 0.094 cfs ✓

225. con ✓

00/25 cfs/ac
159.1/0.20

MICROFILMED
OCT 23 1996

RECEIVED

MAY 30 1996

WATER RESOURCES
WESTERN REGION

5-28-96

Kay - Please find Deeds
for : 17 N 1 W

Sec. - 14 79377

Sec. - 15 82443

Sec - 22 80892

Sec - 23 : 81635 - ⁷⁹³⁷⁷79644

I hope this helps in your
search for water rights ownership.

Timberline Title

See appurtenant
deeds in files
A67-00375 A, B, C
& A67-11304 A, B, C.
KW
6/4/96

MICROFILMED

OCT 23 1996

17N
1W
Sec-23
NW-NE 1/2

79644

RECEIVED

MAY 30 1996

WATER RESOURCES
WESTERN REGION

ADAMS COUNTY SHERIFF'S DEED

THIS DEED Made and entered into this 11 day of October, 1990, between RICHARD GREEN, Sheriff of Adams County, Idaho, by virtue of his office, Party of the First Part, and DOUG SCISM, the Party of the Second Part;

WHEREAS, In and by the Decree of Foreclosure dated the 25th day of August, 1989, and filed and entered on August 28, 1989, in Case No. 2632 in and by the District Court of the Third Judicial District of the State of Idaho, in and for the County of Adams, in a suit then pending in said Court, whereas Farm Credit Bank of Spokane, a corporation, successor by merger to The Federal Land Bank of Spokane, was Plaintiff, and Alonzo V. Capps and Nona Lee Capps, husband and wife, among others, were Defendants, it was, among other things, ordered, adjudged and decreed that the premises under mortgage to The Federal Land Bank of Spokane described in the Complaint and in the Decree of Foreclosure filed in said action be sold at public auction by the Sheriff of Adams County, Idaho, in the manner directed by law, and a Writ of Execution (Order of Sale) containing the material part of said Decree of Foreclosure being duly issued and delivered to said Sheriff of Adams County, requiring him to make a sale of said premises as therein directed; and

WHEREAS, in obedience to said Decree of Foreclosure and Writ of Execution (Order of Sale), and after due public notice was given as required by law, the said Sheriff did, on the 11th day of October, 1989, at 2:00 o'clock p.m. of said day, sell at public auction the premises described as Lot 3 in said Decree of Foreclosure and Writ of Execution (Order of Sale) and hereinafter described to Doug Scism for the sum of Twenty-Seven Thousand Five Hundred Dollars (\$27,500.00), that being the highest and best bid and it being the highest and best bidder, which will more fully appear by reference to a Certificate of Sale of the Sheriff of Adams County given by the undersigned said Adams County Sheriff to Doug Scism, bearing the date of the 11th day of October, 1989, and duly recorded in the records of the Adams County Recorder on the 20th day of October, 1989, as Instrument No. 77700, by virtue of which purchase and Certificate the said Doug Scism became entitled to a deed for the said premises from the undersigned said Adams County Sheriff.

NOW, THEREFORE, I, Richard Green, Sheriff of Adams County, Idaho, by virtue of my office, for and in consideration of Twenty-Seven Thousand Five Hundred Dollars (\$27,500.00) paid to me by the said Doug Scism, have bargained and sold, and by these presents do bargain and sell unto the said Doug Scism, all the real property situate in the County of Adams State of Idaho, more particularly described as follows:

POOR ORIGINAL

LOT 3

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho.

Section 14: All that part of the SE1/4 lying North and West of U.S. Highway 95.

Section 23: All that part of the NE1/4 lying North and West of U.S. Highway 95.

TO HAVE AND TO HOLD The above-described premises with the appurtenances unto said grantee and assigns forever.

IN WITNESS WHEREOF, Said Grantor as Sheriff aforesaid, doth hereunto set his hand the day and year first above written.

RICHARD GREEN
Sheriff of Adams County, Idaho

By *Richard Green*
Richard Green

STATE OF IDAHO)
) ss.
County of Adams)

On this the 4 day of January, 1991, before me the undersigned, a Notary Public in and for said State, personally appeared RICHARD GREEN, Sheriff of Adams County, Idaho, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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



Doug Scism
Notary Public for said State
Residing at: *Council Bluffs*

11-4-93

Address: Doug Scism
P. O. Box 99
Fruitvale, ID 83620

POOR ORIGINAL

INSTRUMENT NO. 79614

State of Idaho
County of Adams

Filed for record at the request of
Charles Kroll

15 min. past 11 o'clock A.M.
this 14 day of January, 1991
Bk 43M of Deeds PG 148

MICHAEL FISK, RECORDER

by Michael Fisk
Deputy
Fee \$ 6.00

ADAMS COUNTY SHERIFF'S DEED
Adams County Sheriff
Richard Green

to

Doug Scism

MICROFILMED
OCT 23 1996

17N 1W
Sec-14
S42 SWX4
Sec 23 NW

79377

RECEIVED

MAY 30 1996

ADAMS COUNTY SHERIFF'S DEED

WATER RESOURCES
WESTERN REGION

THIS DEED Made and entered into this 30 day of October, 1990, between RICHARD GREEN, Sheriff of Adams County, Idaho, by virtue of his office, Party of the First Part, and DOUG SCISM, the Party of the Second Part;

P.O. Box 89
Fruitvale, Id 83620

WHEREAS, In and by the Decree of Foreclosure dated the 25th day of August, 1989, and filed and entered on August 28, 1989, in Case No. 2632 in and by the District Court of the Third Judicial District of the State of Idaho, in and for the County of Adams, in a suit then pending in said Court, whereas Farm Credit Bank of Spokane, a corporation, successor by merger to The Federal Land Bank of Spokane, was Plaintiff, and Alonzo V. Capps and Nona Lee Capps, husband and wife, among others, were Defendants, it was, among other things, ordered, adjudged and decreed that the premises under mortgage to The Federal Land Bank of Spokane described in the Complaint and in the Decree of Foreclosure filed in said action be sold at public auction by the Sheriff of Adams County, Idaho, in the manner directed by law, and a Writ of Execution (Order of Sale) containing the material part of said Decree of Foreclosure being duly issued and delivered to said Sheriff of Adams County, requiring him to make a sale of said premises as therein directed; and

WHEREAS, in obedience to said Decree of Foreclosure and Writ of Execution (Order of Sale), and after due public notice was given as required by law, the said Sheriff did, on the 11th day of October, 1989, at 2:00 o'clock p.m. of said day, sell at public auction the premises described as Lot 2 and Lot 5 in said Decree of Foreclosure and Writ of Execution (Order of Sale) and hereinafter described to Doug Scism for the sum of Three Hundred Thirty-One Thousand Dollars (\$331,000.00), that being the highest and best bid and it being the highest and best bidder, which will more fully appear by reference to a Certificate of Sale of the Sheriff of Adams County given by the undersigned said Adams County Sheriff to Doug Scism, bearing the date of the 11th day of October, 1989, and duly recorded in the records of the Adams County Recorder on the 20th day of October, 1989, as Instrument No. 77703, by virtue of which purchase and Certificate the said Doug Scism became entitled to a deed for the said premises from the undersigned said Adams County Sheriff.

NOW, THEREFORE, I, Richard Green, Sheriff of Adams County, Idaho, by virtue of my office, for and in consideration of Three Hundred Thirty-One Thousand Dollars (\$331,000.00) paid to me by the said Doug Scism, have bargained and sold, and by these presents do bargain and sell unto the said Doug Scism, all the real property situate in the County of Adams State of Idaho, more particularly described as follows:

MICROFILMED

OCT 23 1996

LOT 2

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho.

Section 15: SW1/4SW1/4
Section 21: E1/2NE1/4
Section 22: NW1/4

Together with an Easement, for road and utility purposes of sufficient width to permit all vehicular traffic, the movement of farm machinery and equipment, and movement of livestock, over, under and across a strip of land, leading from a point on the present oiled county road, near the Northeast corner of the NE1/4SE1/4 Section 15, to the above described acreage, together with the right to grant easements to others. Or in case the route of said roadway is changed, all easement rights will follow the change to any relocation of said roadway.

LOT 5

Township 17 North, Range 1 West, Boise Meridian

Section 23: S1/2NW1/4

Township 17 North, Range 1 West, Boise Meridian

Section 23: A tract of land in the NE1/4SW1/4 more particularly described as follows:

Commencing therefor at the NW corner of said NE1/4 SW1/4 of said section, township and range, and running thence East along the North line thereof, 700 feet to a point;

thence Southwesterly to a point on the West line of said NE1/4SW1/4 which is 320 feet South of the Northwest corner of the said NE1/4SW1/4;

thence North on and along the West line of said NE1/4 SW1/4, 320 feet to the POINT AND PLACE OF BEGINNING.

EXCEPTING FROM Section 23 (see Tract 1 and 2 above)

A tract of land more particularly described as follows: Commencing at the section corner common to Section 22, 23, 26 and 27, Township 17 North, Range 1 West, Boise Meridian;

thence North 36°35'46" East, 3018.31 feet to a point on the North boundary of U.S. Highway 95 which is the TRUE POINT OF BEGINNING;

thence North 8°32'49" West, 685.41 feet to a point;

thence North 79°42'43" East, 1025.87 feet to a point;

thence South 0°50'18" West, 502.98 feet to a point on the North right-of-way boundary of said highway;

thence on a curve to the right with a radius of 1096.00 feet, an arc distance of 176.99 feet along said north highway right-of-way to highway monument, station 33+18 PC;

thence continuing along said highway right-of-way, South 69°09'00" West, 792.44 feet to the TRUE POINT OF BEGINNING.

Township 17 North, Range 1 West, Boise Meridian

Section 14: S1/2SW1/4

Section 23: N1/2NW1/4, EXCEPTING A tract of land more particularly described as follows:

Commencing at the Southwest corner of the NW1/4NW1/4;
thence North 300 feet to the POINT OF BEGINNING;
thence North 250 feet;
thence East 280 feet;
thence South 250 feet;
thence West 280 feet to the POINT OF BEGINNING.

Township 18 North, Range 1 West, Boise Meridian

Section 33: N1/2, N1/2SE1/4, SW1/4SE1/4, SW1/4, and all of that part of the SE1/4SE1/4 lying Westerly and North-westerly of the Westerly line of the right-of-way of the Union Pacific Railroad.

EXCEPTING THEREFROM a tract of land which has been described in deeds as a certain cultivated area of alfalfa land lying immediately Westerly from the right-of-way of the Union Pacific Railroad, and now enclosed by fence, and the corners or angles of which such fence will be marked by iron pins driven in the ground at each corner or angle to a depth of at least 18 inches.

Said TRACT OF LAND is now described by a survey as follows:

A parcel of land situated within the SE1/4SE1/4 of said section more particularly described as follows:

Beginning at the Standard Witness Corner of Sections 33 and 34, Township 18 North, Range 1 West, Boise Meridian, which Witness Corner is 48.85 feet West of the true point for the section corner of Sections 33 and 34 (true point for section corner of Sections 33 and 34 falls in the Weiser River and was therefore never established); thence S. 89°55'00" W., 236.40 feet along the South line of Section 33 to the TRUE POINT OF BEGINNING, which point is on the Northwesternly right-of-way line of the Union Pacific Railroad; thence along the Northwesternly right-of-way line of the Union Pacific Railroad along a variable-radius curve left with a central angle of 39°59'24" and a long chord bearing N. 31°09'49" E., 458.52 feet to a point on tangent; thence N. 11°17'08" E., 156.13 feet along the Westerly right-of-way line of the Union Pacific Railroad, thence S. 72°38'32" W., 263.39 feet; thence N. 69°50'04" W., 76.44 feet; thence S. 32°07'52" W., 33.31 feet; thence S. 11°04'54" W., 90.09 feet; thence S. 26°43'28" W., 422.11 feet to the South line of Section 33; thence N. 89°55'00" E., 280.18 feet along the South line of Section 33 to the TRUE POINT OF BEGINNING.

Section 34:

- (1) NE1/4NW1/4
- (2) SW1/4NW1/4
- (3) NW1/4SW1/4 EXCEPTING from the NW1/4SW1/4 that portion thereof lying North of the railroad right-of-way and East of the Weiser River, and also EXCEPTING that part thereof lying South of the railroad right-of-way.
- (4) All that part of the SW1/4SW1/4 of said section lying Westerly and Northwesternly of both the Weiser River and the right-of-way of the Union Pacific Railroad.

TOGETHER WITH A 30-foot wide easement beginning at the county road and following an existing road going east across Section 32: NE1/4SE1/4 and all that portion of the NW1/4SE1/4 lying east of the county road and ending at the west section line of Section 33, Township 18 North, Range 1 West of the Boise Meridian, for ingress and egress from and to said county road to certain mortgaged property lying east thereof. This easement is declared to be appurtenant to the following described property:

Township 18 North, Range 1 West, Boise Meridian

Section 33: N1/2, N1/2SE1/4, SW1/4SE1/4, SW1/4, and all of that part of the SE1/4SE1/4 lying Westerly and North-

westerly of the Westerly line of the right-of-way of the Union Pacific Railroad.

EXCEPTING THEREFROM a tract of land which has been described in deeds as a certain cultivated area of alfalfa land lying immediately Westerly from the right-of-way of the Union Pacific Railroad, and now enclosed by fence, and the corners or angles of which such fence will be marked by iron pins driven in the ground at each corner or angle to a depth of at least 18 inches.

Said TRACT OF LAND is now described by a survey as follows:

A parcel of land situated within the SE1/4SE1/4 of said section more particularly described as follows:

Beginning at the Standard Witness Corner of Sections 33 and 34, Township 18 North, Range 1 West, Boise Meridian, which Witness Corner is 48.85 feet West of the true point for the section corner of Sections 33 and 34 (true point for section corner of Sections 33 and 34 falls in the Weiser River and was therefore never established); thence S. 89°55'00" W., 236.40 feet along the South line of Section 33 to the TRUE POINT OF BEGINNING, which point is on the Northwestern right-of-way line of the Union Pacific Railroad; thence along the Northwestern right-of-way line of the Union Pacific Railroad along a variable-radius curve left with a central angle of 39°59'24" and a long chord bearing N. 31°09'49" E., 458.52 feet to a point on tangent; thence N. 11°17'08" E., 156.13 feet along the Westerly right-of-way line of the Union Pacific Railroad, thence S. 72°38'32" W., 263.39 feet; thence N. 69°50'04" W., 76.44 feet; thence S. 32°07'52" W., 33.31 feet; thence S. 11°04'54" W., 90.09 feet; thence S. 26°43'28" W., 422.11 feet to the South line of Section 33; thence N. 89°55'00" E., 280.18 feet along the South line of Section 33 to the TRUE POINT OF BEGINNING.

Section 34:

- (1) NE1/4N/W1/4
- (2) SW1/4NW1/4

(3) NW1/4SW1/4 EXCEPTING from the NW1/4SW1/4 that portion thereof lying North of the railroad right-of-way and East of the Weiser River, and also EXCEPTING that part thereof lying South of the railroad right-of-way.

(4) All that part of the SW1/4SW1/4 of said section lying Westerly and Northwesternly of both the Weiser River and the right-of-way of the Union Pacific Railroad.

Grazing privileges for 94 AUMs under permit of the Bureau of Land Management.

Grazing permit in the Payette National Forest for 172 head from June 1 to October 31.

All water and water rights used upon or appurtenant to said property, however evidenced, particularly 133 shares of stock in Lost Valley Reservoir Company, evidenced by Certificate Nos. 79 and 59;

Together with any and all tenements, hereditaments and appurtenances thereunto belonging or used in connection therewith.

TO HAVE AND TO HOLD The above-described premises with the appurtenances unto said grantee and assigns forever.

IN WITNESS WHEREOF, Said Grantor as Sheriff aforesaid, doth hereunto set his hand the day and year first above written.

RICHARD GREEN
Sheriff of Adams County, Idaho

By

Richard Green
Richard Green

STATE OF IDAHO)
) ss.
County of Adams)

On this 30 day of October, 1990, before me Richard Green, Sheriff of Adams County, Idaho, personally appeared, known or identified to me to be the person whose name is subscribed to the within instrument as Sheriff of Adams County, Idaho and acknowledged to me that he executed the same as Sheriff of Adams County, Idaho.

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



Juan Cheverton
Notary Public for Idaho

Residing at: Council

My commission expires: 11-4-93

79377

INSTRUMENT NO. _____

State of Idaho)
County of Adams) ss.

Filed for record at the request of
Doug Scism

55 min. past 11 o'clock A.M.
this 31 day of October, 19 90
Bk 43M of Deeds PG. 071-072

MICHAEL FISK, RECORDER

by Sarah J. Wilson
Deputy

Fee \$ 18.00

ADAMS COUNTY SHERIFF'S DEED

Adams County Sheriff
by Rich Green

to

Doug Scism

MICROFILMED

OCT 23 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 2, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Ownership of Property in Adams County

Timberline Title and Escrow
P.O. Box 6
Council, ID 83612

Gentlemen:

I have received several Notice of Change of Water Right Ownership forms for property within your county. I need more information regarding the **current ownership** of this property in order to update our claim files. Could you please research your records and send me the deeds to complete the chain of title between Douglas Scism's ownership and the current ownership of each parcel listed below?

The property in question is located within the following legal descriptions:

Twp. 17N, Rge. 1W

Section 14	S $\frac{1}{2}$ SW $\frac{1}{4}$
Section 15	SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 22	E $\frac{1}{2}$ NE $\frac{1}{4}$
Section 23	W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$

Your assistance in this matter would be greatly appreciated. This property appears to have changed ownership several times since the claims to water rights were submitted in 1989 and I would like to make sure I take appropriate action in regard to the ownership changes.

If you have any questions in regard to this request, please do not hesitate to contact me.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k

MICROFILMED
OCT 23 1996