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POOR
POOR

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

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

1. Name: FRUITVALE PROPERTIES 619-746-4041
Address: C/O ALONZO V & DONALD V CAPPS
29821 CIRCLE R CREEK LANE
ESCONDIDO CA 92026

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	0.042		

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

8. Total consumptive use is 99.9 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	15	SE	SE		IRR	33.3

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	33.3
					Total Acres	33.3

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:
A67-00375

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

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)

RECEIVED

AUG 05 1991

DATE OF CLOSING: 10/11/90

LEGAL DESCRIPTION OF PROPERTY: Township 17 N Range 1 W Department of Water Resources
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): DAVE 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. Capps 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: 6/3/96 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
Ex 17M of Miscellaneous PG. 110-11

MICHAEL FISK, RECORDER

by Barbara L. Linton 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

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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 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
County of San Diego
:ss.

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
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
* prove d to me on the basis of satisfactory evidence

ASSIGNMENT OF REDEMPTION RIGHT - 3
CappsAssign/PL11

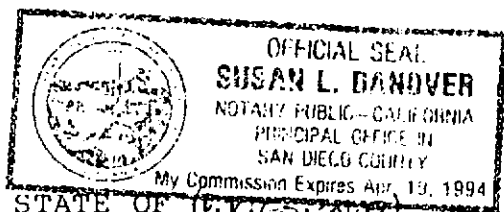
MICROFILMED

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.

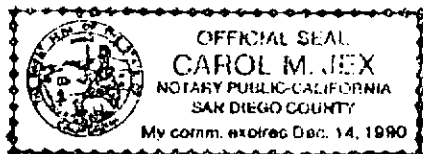


Susan L. Danover
Notary Public for San Diego County
Residing at: Escondido
My Commission Expires: 4-19-94

STATE OF CALIFORNIA : ss.
County of SAN DIEGO

On this 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

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 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: Wilson, Idaho

2/10/85

State of Idaho
County of Adams
Filed for record at the request of
Westberg, McCabe & Collins
31 minutes 4 o'clock P.M.
This 11 day of October, 1990
BK 17M cMiscellaneous PG. 112-1
MICHAEL FIS. 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

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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 \$8,000.00 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 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.

24 The sum Fruitvale Properties paid for the redemption was
25 \$ 9507.51, this being the purchase price of \$8,000.00 plus

POOR ORIGINAL

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.

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 16TH day of October, 1990.

FRUITVALE PROPERTIES

By Donald V. Capps
Donald V. Capps

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, 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

of Idaho
County of Adams

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

32 notary 41 Clerk P.M.
11 days October 1990
DL17M of Miscellaneous 114

MICHAEL TUCKER, CLERK
by Susan J. Collins 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, 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

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



State of Idaho)
County of Adams) ss.

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

33 min. past 4 o'clock P.M.
this 11 day of October 19 90
Bk 17M of Miscellaneous PG. 115-1

MICHAEL FISK, RECORDER

by Donna Wilson
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
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Decree of Foreclosure entered on August 28, 1989, in the District

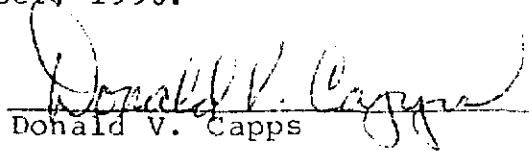
POOR ORIGINAL

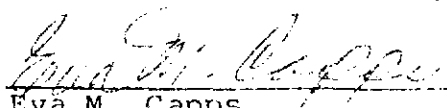
1 Court of the Third Judicial District of the State of Idaho in and
2 for the County of Adams, Case No. 2632 entitled Farm Credit Bank
3 of Spokane, a corporation, successor by merger to the Federal
4 Land Bank of Spokane, Plaintiff v. Alonzo V. Capps and Nona Lee
5 Capps, husband and wife, et al, Defendants. This assignment is
6 made pursuant to and in accordance with Section 11-401(1) and as
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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:

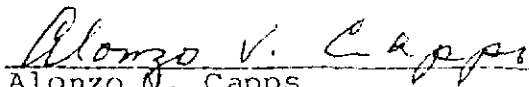
13 Lot 4
Township 17 North, Range 1 West, Boise Meridian, Adams
County, Idaho.

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

16 DATED This 10th day of October, 1990.

17 
18 Donald V. Capps

19 
20 Eva M. Capps

21 
22 Alonzo V. Capps
23

POOR ORIGINAL

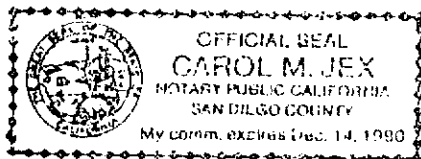
Nona Lee Capps
Nona Lee Capps

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 11th 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.



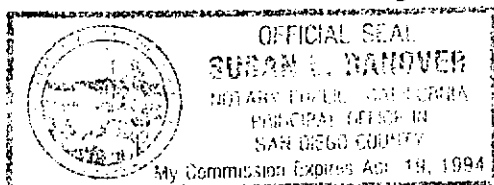
Carol M. Jex
Notary Public for CALIFORNIA
Residing at: ESCONDIDO
My Commission Expires: 12/14/90

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. Hanover
Notary Public for San Diego County
Residing at: Escondido
My Commission Expires: 4-18-94

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: Wilson Idaho

2/10/85

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

34 min post 4 o'clock P.M.
This 11 day of October, 1990
Pg 17M of Miscellaneous PG 117-1

MICHAEL FOR RECORD

by Scism, William
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.

POOR ORIGINAL

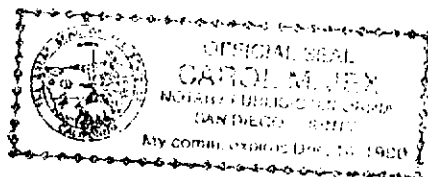
FRUITVALE PROPERTIES

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: 12/10/90

POOR ORIGINAL

Westberg, McCabe & Collins

35. ... 4. ... Pl.

11. ... October, 199

Sk. 17M. Miscellaneous PC 119

MICHAEL FISH RECORDER

by 3. ...
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 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 _____,

REDEMPTION CERTIFICATE BY SHERIFF - 1
CappsRC/PL11

MICROFILMED

OCT 23 1996

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: CD13473
Received By: CA 12-12-89

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 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	0.200		

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 of	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. Lewis 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

Seal

Residing at _____

My Commission Expires _____

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



22
T 17 N
R 1 W

POOR
POOR

POOR ORIGINAL

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

June 4, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: Original Notice of Claim to a Water Right No. A67-00375
Renumbered to Notice of Claim to a Water Right No. A67-00375B
and
Original Notice of Claim to a Water Right No. A67-11304
Renumbered to Notice of Claim to a Water Right No. A67-11304B

Fruitvale Properties
c/o Alonzo V. & Donald V. Capps
29821 Circle R Creek Lane
Escondido, CA 92026

Dear Claimants:

We have received and processed a Change of Ownership for a portion of the original claims to water rights as referenced above. This change of ownership required a split of the original claims resulting in renumbering the claims by adding alpha-suffixes to represent each split. The new notice of claims to water rights, for your portion, are referenced above and copies are enclosed.

Your portion of the claims have a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use or point of diversion under these rights, including adding a new point of diversion, then an Application for Transfer on your portion of these rights is required. Please contact this office for further information on the application for transfer form. If you do not plan on changing any items on your claims, then no further action is required at this time. You will be notified of any future action taken on these claims.

If you have any questions concerning this letter or the enclosed claims, please feel free to contact this office.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

MICROFILMED

OCT 23 1996