

RECEIVED
AUG 23 2007
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 67-375A
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: South Ranch Ventures LLC

Address: P.O. Box 44

Council, Idaho 83612

Daytime Phone: 208-253-6023

Name & Address of Attorney, if any:

Michael P. Lawrence

GIVENS PURSLEY LLP

P.O. Box 2720

Boise, Idaho 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Douglas M. Scism

Address: P.O. Box 44

Council, Idaho 83612

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: No acre limit within place of use
10. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** This water right, in connection
with other water rights (listed in remark), should have a 172 acre place of use.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Michael P. Lawrence, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

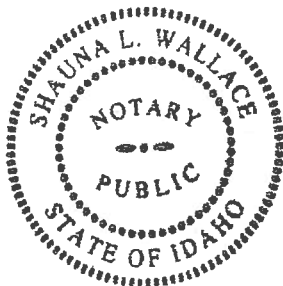
That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

21 August 2007



Notary Public for

Residing at:

My Commission Expires:

Shauna L. Wallace

Idaho

Boise, ID

14 Sept 2011

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on August 21, 2007, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original via Federal Express to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Douglas M. Scism
Address: P.O. Box 44
Council, ID 83612

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

June 21, 2007

DOUGLAS M SCISM
PO BOX 44
COUNCIL ID 83612

RE: Snake River Basin Adjudication (SRBA)
Clerical Errors on 67-375A and 67-11304A

Dear Doug,

As we were preparing this Notice of Completed Administrative Proceeding (NCAP) for your recent ownership changes, we discovered a clerical error in that the Source was blank on the two rights referenced above. We will correct this error and submit a future NCAP to the Court. You will, of course, receive a copy.

Please call me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:state

SCANNED

JUN 22 2007

12/13/2006

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

RIGHT NUMBER: 67-375A

NAME AND ADDRESS: DOUGLAS M SCISM
PO BOX 44
COUNCIL ID 83612

SOURCE: FORT HALL CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.070 CFS

PRIORITY DATE: 06/01/1911

POINT OF DIVERSION:

T17N R01W S10 NENWSW Rediversion Within ADAMS County

T17N R01W S23 NWNWSW Injection Within ADAMS County

Water diverted under this right is exchanged by injecting water diverted under this right into the Weiser River at the point of injection described above, and diverting an equal amount from the Weiser River at the point of rediversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.070 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T17N R01W S14	SWSW	20.00	T17N R01W S23	NWNW	24.00
T17N R01W S23	SWNW	7.10			

51.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 163.1 acres in a single irrigation season. Combined Right Nos.: 67-55, 67-65, 67-73B, 67-74B, 67-373B, 67-375A, and 67-11304A

This right is limited to the irrigation of 5.6 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 10.6 acres in a single irrigation season. Combined Right Nos.: 67-375A, and 67-11304A

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THOSE TIMES WHEN WATER FROM FORT HALL CREEK IS AVAILABLE FOR DIVERSION UNDER THE PRIORITY OF THIS RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

12/13/2006

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Use of this right is combined with water from Farmers Canal Water Users Association.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

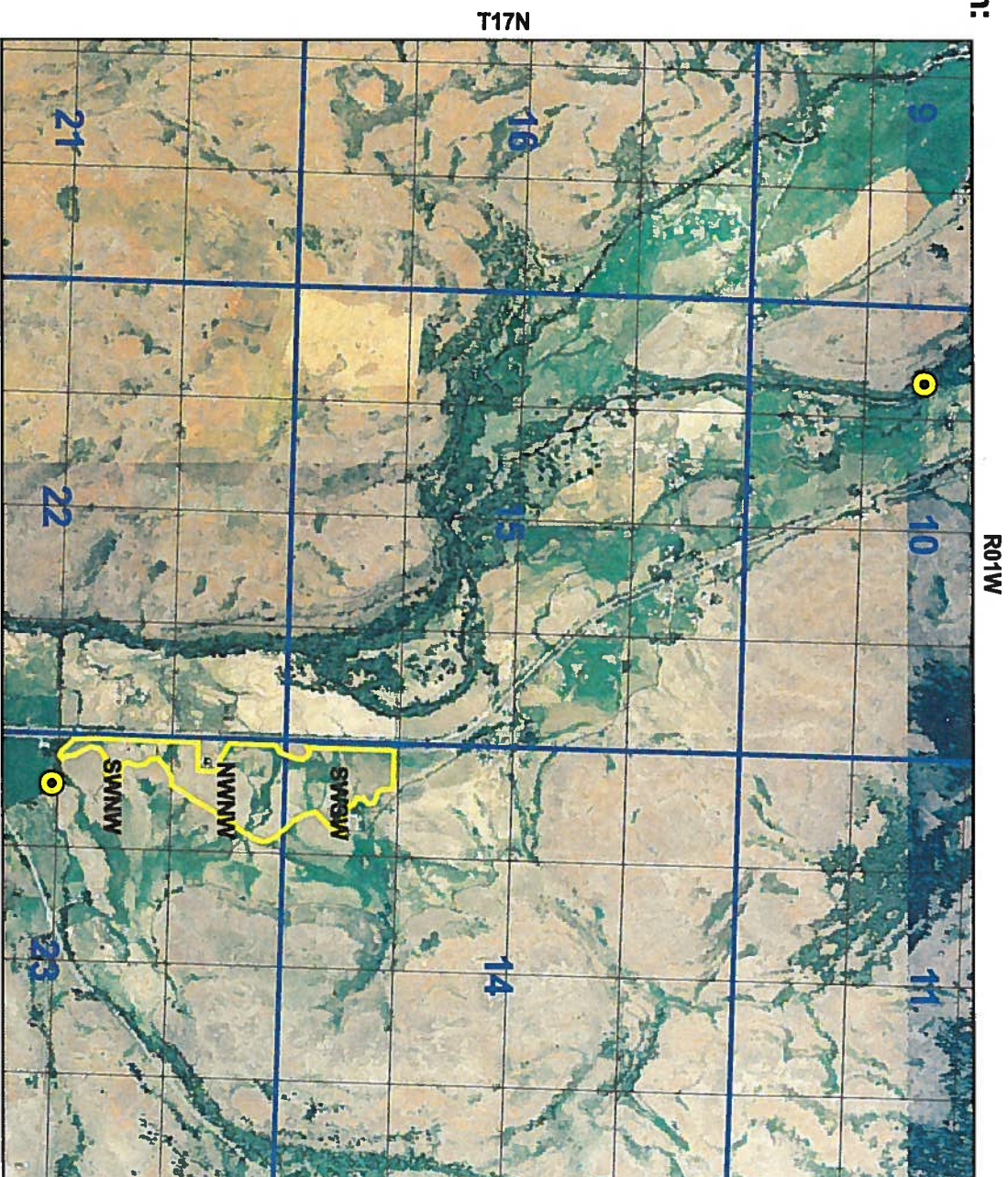
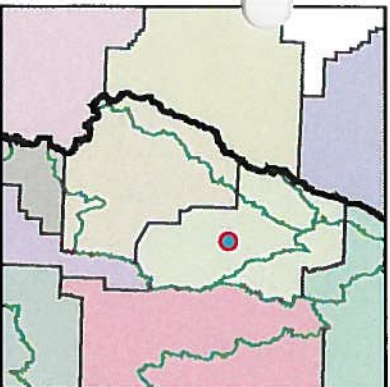


Idaho Department of Water Resources

SRBA Recommendation:
67-375A
(Irrigation)

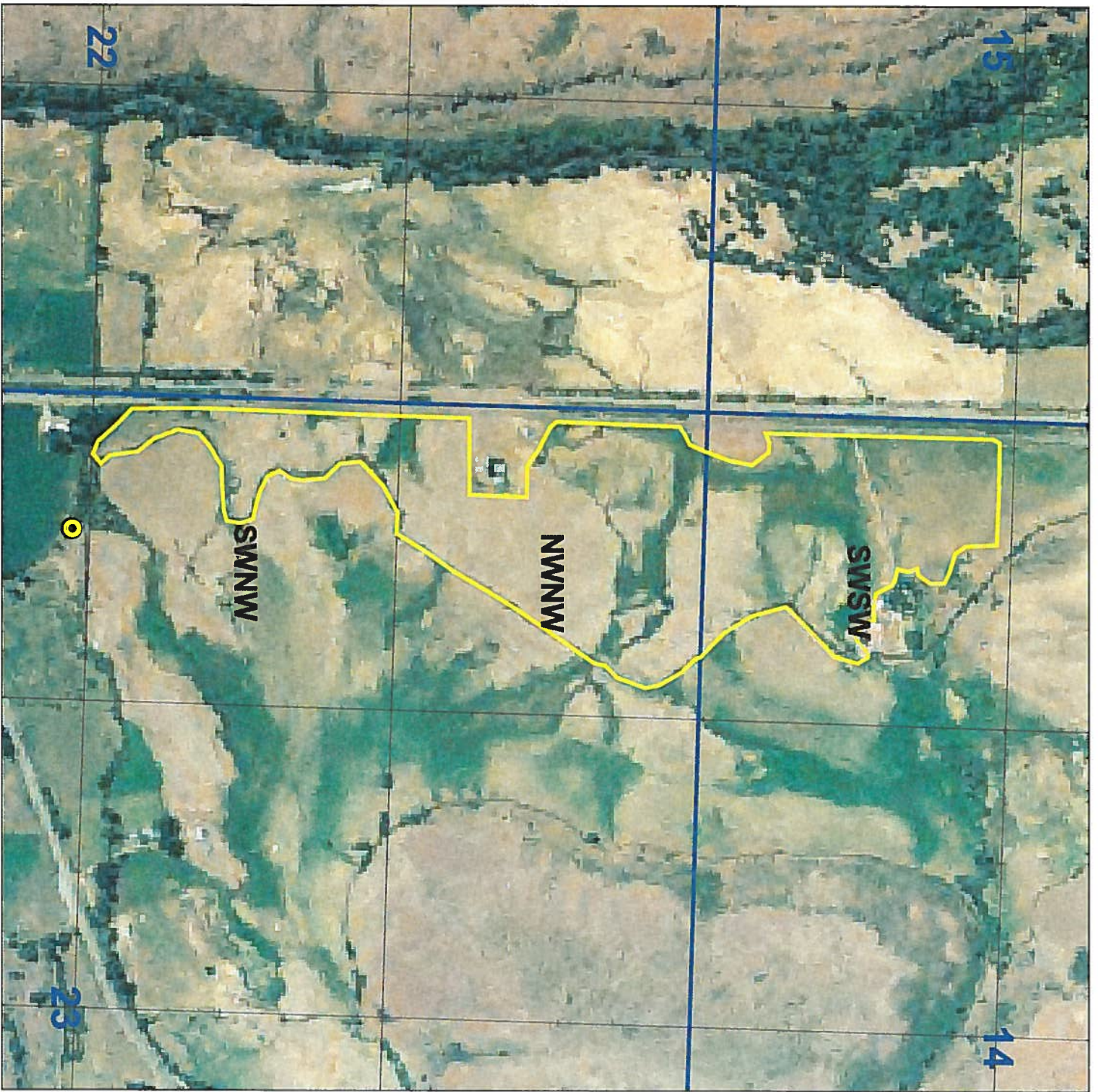
Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Prepared by IDWR State Office
On Wednesday, December 13, 2006
1987/88 Aerial Photography

67-375A



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-375A V1

WATER RIGHT NUMBER: 67-375A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DOUGLAS M SCISM PO BOX 44 COUNCIL, ID 83612 (208)253-6023
Original Owner	LOUIS HARP
Attorney	, ID MICHAEL P LAWRENCE GIVENS PURSLEY LLP 601 W BANNOCK ST PO BOX 2720 BOISE, ID 83701-2720 (208)388-1200

Priority Date: 06/01/1911

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FORT HALL CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.070 CFS	
	<u>Total Diversion:</u>	0.070 CFS	

Location of Point(s) of Diversion

FORT HALL CREEK	NW1/4NW1/4SW1/4	Sec. 23, Twp 17N, Rge 01W, B.M.
ADAMS County	(Injection)	
FORT HALL CREEK	NE1/4NW1/4SW1/4	Sec. 10, Twp 17N, Rge 01W, B.M.
ADAMS County	(Rediversion)	

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	01W	14											20.0						20.0
17N	01W	23						24.0	7.1										31.1

Total Acres: 51.1

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-375A V1

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THOSE TIMES WHEN WATER FROM FORT HALL CREEK IS AVAILABLE FOR DIVERSION UNDER THE PRIORITY OF THIS RIGHT.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. G03 Water diverted under this right is exchanged by injecting water diverted under this right into the Weiser River at the point of injection described above, and diverting an equal amount from the Weiser River at the point of rediversion described above.
5. W67 Use of this right is combined with water from Farmers Canal Water Users Association.
6. E56 The rights listed below are limited to the irrigation of a combined total of 163.1 acres in a single irrigation season. Combined Right Nos.: 67-55, 67-65, 67-73B, 67-74B, 67-373B, 67-375A, and 67-11304A
7. K06 This right is limited to the irrigation of 5.6 acres within the place of use described above in a single irrigation season.
8. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
9. The rights listed below are limited to the irrigation of a combined total of 10.6 acres in a single irrigation season. Combined Right Nos.: 67-375A, and 67-11304A

Remarks:Comments:

1. segbert 8/5/2004 POU
Comment: None of the QQs listed on the claim are on the decree
2. segbert 8/5/2004 Quantity
Comment: Cannot verify quantity
3. segbert 8/5/2004 POU
Comment: Updated Shape
4. csaxton 11/15/2005 Exchange
Comment: This is claimed as an exchange. Water decreed from Fort Hall Creek is injected into the Weiser River simply by not diverting from Fort Hall Creek, and is taken from the Weiser River through the Farmers canal as an exchange. This practice can only take place when there is sufficient water in Fort Hall Creek to fill the priority of this right.
5. csaxton 12/13/2006 NOE
Comment: Recommendation amended through the NOE process.
6. csaxton 12/13/2006 POU
Comment: Water co mingles with Robertson Sevey ditch water as well as Farmers canal water.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-375A V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 67
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	8/5/2004 1:59:09 PM	segbert			Active
POD	8/5/2004 1:59:26 PM	segbert			Active
Source	8/5/2004 1:59:51 PM	segbert			Active
POU	8/5/2004 2:00:46 PM	segbert			Active
Use	8/5/2004 2:01:27 PM	segbert			Active
Season	8/5/2004 2:01:48 PM	segbert			Active
Quantity	8/5/2004 2:02:05 PM	segbert			Active
Contacts	11/15/2005 3:23:43 PM	csaxton			Active
Priority Date	11/15/2005 3:24:01 PM	csaxton			Active
POD	11/15/2005 3:24:34 PM	csaxton			Active
Source	11/15/2005 3:36:13 PM	csaxton			Active
POU	11/15/2005 3:37:44 PM	csaxton			Active
Use	11/15/2005 3:39:04 PM	csaxton			Active
Season	11/15/2005 3:39:20 PM	csaxton			Active
Quantity	11/15/2005 3:39:34 PM	csaxton			Active
Summary			11/15/2005	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/15/2005 3:23:43 PM	csaxton	(No) 1. Do you want to schedule an appointment?
			Comment for 1: FE by Melanie Vining 6/14/05.
POD	11/15/2005 3:25:28 PM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-375A V1

POD	11/15/2005 3:24:59 PM	csaxton	Updated shape
POU	11/15/2005 3:37:44 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - Water master Records show delivery of water from Weiser river through exchange. When this was done, the pou was changed. Description for Question 13 - POU limited to what the diversion rate can produce at 5/8 inches per acre.
Use	11/15/2005 3:39:05 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	11/15/2005 3:39:21 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	12/13/2006 8:37:50 AM	csaxton	Updated shape for Active POU
POU	12/13/2006 8:37:59 AM	csaxton	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-375A V1

Quantity	11/15/2005 3:39:35 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
General	11/15/2005 3:24:02 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	11/15/2005 3:24:34 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - This is claimed as an exchange. Water decreed from Fort Hall Creek is injected into the Weiser River simply by not diverting from Fort Hall Creek, and is taken from the Weiser River through the Farmers canal as an exchange. This practice can only take place when there is sufficient water in Fort Hall Creek to fill the priority of this right.
POU	11/15/2005 3:38:27 PM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-375A V1

Summary	11/15/2005 4:31:42 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Source	11/15/2005 3:36:14 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Priority Date	8/5/2004 1:59:09 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POD	8/5/2004 1:59:27 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD?
Source	8/5/2004 1:59:51 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	8/5/2004 2:00:47 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file?
Use	8/5/2004 2:01:28 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-375A V1

Season	8/5/2004 2:01:48 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?
Quantity	8/5/2004 2:02:06 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume?

Water Supply Bank:

Priority Date Data Entry Form

Claim Number 67-375A

Claimed Priority Date: 6/1/1911

Claimed Basis: Decreed

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date ____

Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

As Decreed

Point of Diversion and Source Data Entry Form

Claim Number 67-375A

Claimed Point of Diversion and Source

T17N R01W S10 NENWSW Rediversion Within ADAMS County Source: FORT HALL CREEK WEISER RIVER

T17N R01W S23 NWNWSW Within ADAMS County Source: FORT HALL CREEK WEISER RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
17n	1w	10		NENWSW	ADAMS	FORT HALL CREEK REDIVERSION
17n	1w	23		NWNWSW	ADAMS	FORT HALL CREEK INJECTION

Other rights from this POD? 67-373B AND 67-11304A

Document how the POD and Source were verified:

GPS BY BOSCO BOSLER ON 7-7-05, A0014007

Place Of Use Data Entry Form

Claim Number 67-375A

Claimed Place Of Use

T17N R01W S14 SWSW 22.4 T17N R01W S23 NWNW 21.4
 T17N R01W S23 SWNW 7.0

Total Acres 50.8

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
17N	1W	14	SWSW		Adams		5.5	Irr
		23	NWNW		"		5.5	Irr
			SWNW		"		5.5	Irr

Total Acres 16.5 ac

Document how the POU was verified:

Acres limited by diversion rate 5/8" per acre

This Right limited to 5.6 ac w/in POU above.

Purpose of Use Data Entry Form

Claim Number 67-375A

Claimed Purpose of Use

Water Use Number of Homes Number of Stock Acre Limit
IRRIGATION

☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use Number of Homes Number of Stock Acre Limit

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Period of Use and Quantity Data Entry Form

Claim Number 67-375A

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.07	

Overall Diversion Rate 0.07 Overall Diversion Volume

☒ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
-----------	-------	-----	------	--------

Overall Diversion Rate Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irr	3-15	11-15	0.07	

Overall Diversion Rate Overall Diversion Volume

Document how the Period of Use and/or Diversion Rate were verified:

Contacts Data Entry Form

Claim Number: 67-375A

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	DOUGLAS M SCISM	PO BOX 44	COUNCIL	ID	83612	(208)253-6023
Original Owner	LOUIS HARP			ID		

Date of Field Exam: 6/14/05 Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

FE By Melanic Uining

Contact Info Looks Good

MEMORANDUM

no flow measurement
needed (per watermaster)

To: File
From: Melanie Vining, contract field examiner, Basin 67
Date: June 14, 2005

Re: Water rights 67-14532, 67-14534, 67-14542

The Problem:

The water rights listed above originated with decreed water rights 67-50a, 67-55, and 67-11305 (combined from 67-61 and 67-62). These rights were all subject to the Muir vs. Allison decree; however, the place of use for each was different than is currently claimed. I met with Mr. Scism, the current owner, on 6/14/05.

Notes:

The decreed place of use for 67-14532 was originally to the northwest of the claimed POU, in T17N, R01W, Section 15 NESW, NWSW, NWSE, NESE, SWSE, and Section 14 SWNW. This ground lies upstream on the Weiser River.

The decreed place of use for 67-14534 was originally to the west of the claimed POU, in T17N, R01W, Section 15 SESE, Section 22 NENE and SENE, and Section 14 SWSW (this QQ is included in claimed POU).

The decreed place of use for 67-14542 was originally to the north of the claimed POU, in T17N, R01W, Section 14, NWSW.

Mr. Scism bought the property in question in 1979. He said that all of the water rights currently used came with the land and were in use when he purchased it. It does not appear that there are any competing claims on this water. He also stated that he was told that originally, there were several small ditches in the area and that at some point in time their waters were combined and added to the Robertson-Sevey ditch, from which all of these claims are delivered. This MAY explain the change in POU, but Mr. Scism was not aware of any further history.

I visited the claimed POU with Mr. Scism, and the lay of the land supports the delivery of water from the Robertson-Sevey ditch (see attached map and notes). Geography supports that this water could have been transferred from the decreed POUs to the claimed POU, as all of the lands in question lie downhill from the Robertson-Sevey ditch, and downstream from the POD (T17N R01W, Section 4, NENENE).

The west half of Section 23 NWNW in the claimed POU lies on the west side of Farmer's canal, which cuts through the claimed POU (see attached map). Mr. Scism said that in some years, this land could be irrigated with Farmer's canal water. However, the

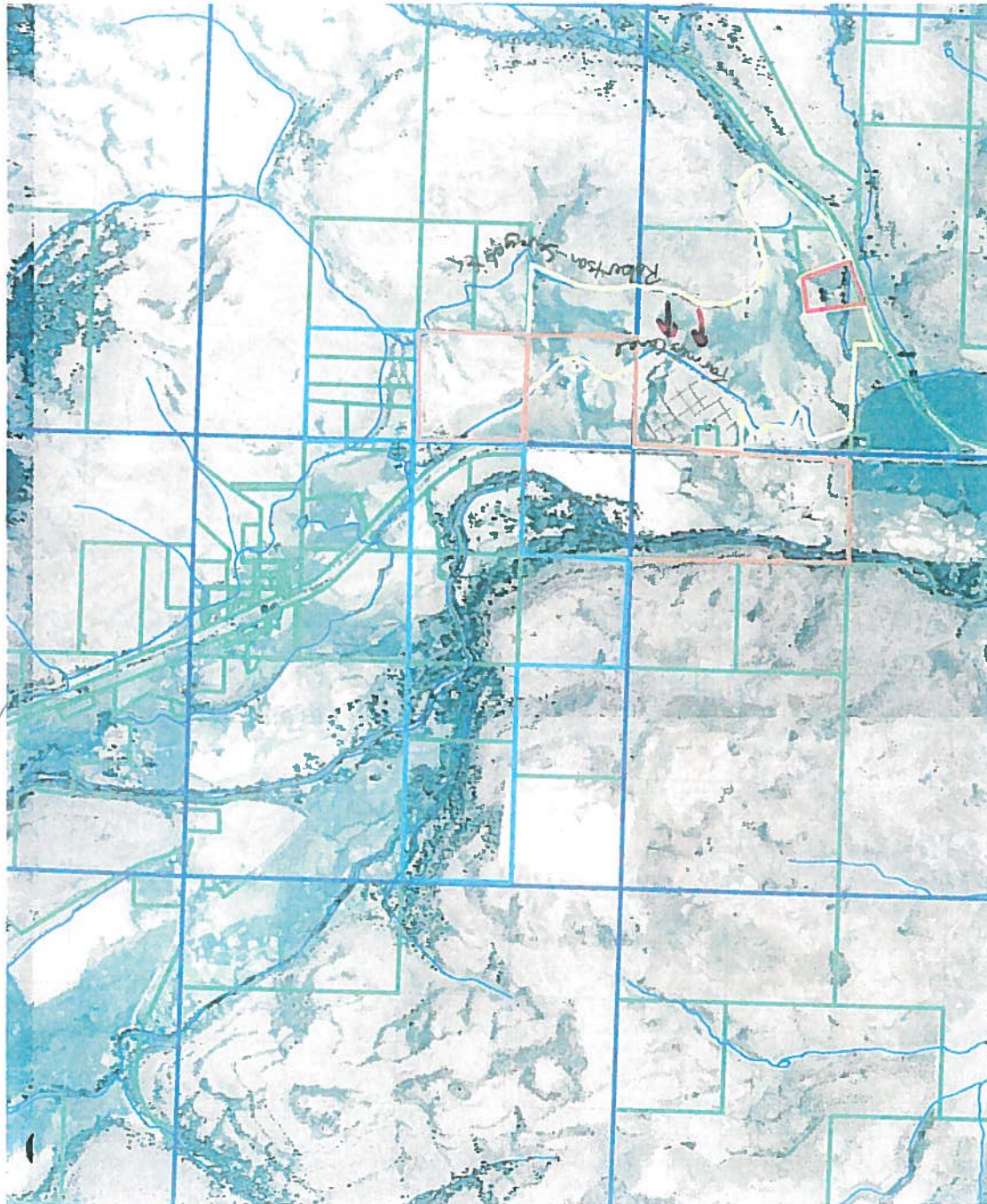
claimant explained that in order to irrigate this land from the Robertson-Sevey ditch, water was allowed to flow into Farmers Canal (see red arrows on map) and then immediately was pumped via a "big squirt" tractor-mounted pump onto the land in question.

NOTE: This memo may also be pertinent to 67-14533, 14531, and 14541, as they are the other parts of the splits off of the parent rights. These claims are all in the name of Karl and Judit Cole. See attached map for location of property.

POB 5/24/14
NCE ME

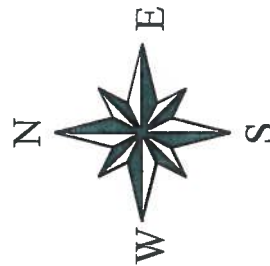
Parent rights: 67-50a, 67-55, 67-11305

Current rights: 67-14531, 14532, 67-14533, 14534, 67-14541, 14542



/// = area irrigated from
Parent - Survey data
Using (use of parent's
T.R. (see memo 5/24/14)

- 67-11305_parentto_14542_14541.shp
- 67-50a_parentto_14532_14531.shp
- 67-55_parentto_14533_14534.shp
- 67-14533_14531_14541.shp
- 67-14534_14532_14542.shp
- Streams.shp
- T_r_sections.shp
- Quarterquarters.shp
- Parcels.shp



Split history for Decreed Right 67-00375

WR History

Claim History

Claim History

67-375	Harp	67-375	Scism	67-375A	Scism	67-375B	Fruitvale	67-375C	Shumway	67-375A	Scism	67-375B	Fruitvale	67-375C	Shumway	Limited to 5.6 within X acres	Limited to 3.7 within X acres	Limited to 8.3 within X acres
0.22	cfs		0.22		0.07		0.046		0.104		0.07		0.046		0.104	0	0	0
17.6	ac		159.1		50.8		33.3		75		5.6		3.7		8.3			
0	af		0.001382778		0		0		0		0		0		0			
Acres calculated at 5/8 in per acre																		

Sum CFS =	0.22
Sum Acre =	159.1
Sum AF =	n/a

Un-accounted CFS =	0
Un-accounted Acre =	-158.88
Un-accounted AFA =	n/a

Sum CFS =	0.22
Sum Acre =	17.6
Sum AF =	n/a

Extra CFS =	0
Extra Acre =	0
Extra AFA =	n/a

*Last updated 11-1-05 (csaxton)

For digital copy of Excel spreadsheet file: See Craig L. Saxton

Page #	Parcel Number	Name	New Charge 2005	New Charge 2003	Water in Inches	File #	Original Owner	Priority Date	Source
13	17N01W146	SCISM, DOUG	\$ 8.80	\$7.70	11	375	L HARP	6/1/11	Farmers Canal

* No record of delivery to Shumway or Fruitvale Properties.

*There are no other rights claimed on the original decreed POU that would compete with this being an accomplished transfer

J F Lowe

L J Rhinehart

Loren Rhinehart

Anna Morrow

38 ✓

31 ✓

40 ✓

5 ✓

June 5, 1902 67 0344

June 5, 1902 67 0345

June 5, 1902 67 0346

June 5, 1902 67 0347

Mill Creek.

William Winkler, Lewis Winkler, Mrs F H Hayner,

John Kessler, Jim Kessler, Lewis Kessler, Bettie

Dickerson, Janie Hart, Ida Blanchard, William

Kessler, Elva Young and Rebecca Kessler, suc-

cessors of Alexander Kessler, deceased

25 ✓

Frederick N Watriss, Grantee of Geo M Winkler

16 2/3 ✓

12 1/2 ✓

33 1/3 ✓

20 3/4 ✓

P H Schaff and F B Galey, Grantees of Samuel Harp

37 1/2 ✓

29 ✓

Deseret Sheep Company sub for C A Martin, Grantee

of Margaret Krigbaum

41 2/3 ✓

Mill Creek (Con)

Council Valley Orchards, Grantee of J Marion

Young

10 3/4 ✓

29 ✓

37 1/2 ✓

21 1/2 ✓

27 1/2 ✓

J D Poyner and John Poyner

George T Ellis

P H Schaff and Thomas L Watt, Grantees of B F

Middleton

37 1/2 ✓

Charles Lappin and A R Felmsley, Grantees of C S

Gibbs

54 ✓

James A Huston Jr. and William Spahr, Grantees

of John and J D Poyner

16 ✓ Trans 284

18 ✓

18 ✓

8 1/2 ✓

100 ✓

B W Turnipseed

J V Morrison

C W Holmes

Council Valley Orchards

Unnamed Stream.

Council Valley Orchards

100 ✓

Frank B Galey

20 ✓

C W Holmes

10 ✓

C B McDonald

High water 56

34 ✓

Fort Hall Creek

C T Hamill

4 ✓

4 ✓

6 ✓

11 ✓

Louis Harp

A L Freehafer and Margaret

May 1, 1878 67 0348

May 1, 1881 67 0349

May 1, 1884 67 0350

May 1, 1893 67 0351

May 1, 1894 67 0352

May 1, 1882 67 0353

May 1, 1891 67 0354

May 1, 1884 67 0355

May 1, 1885 67 0356

May 1, 1894 67 0357

May 1, 1889 67 0358

May 1, 1886 67 0359

May 1, 1893 67 0360

May 1, 1894 67 0361

May 1, 1896 67 0362

May 1, 1899 67 0363

May 1, 1903 67 0364

July 1, 1909 67 0365

May 1, 1909 67 0366

June 1, 1906 67 0367

July 3, 1911 67 0368

March 17, 1913 67 0369

May 16, 1912 67 0370

July 2, 1892 67 0371

May 1, 1882 67 0372

May 1, 1889 67 0373

May 1, 1882 67 0374

June 1, 1911 67 0375

JUL 24 1996

WILLIAM WINKLER, LEWIS WINKLER, MRS F H HAYNER, JOHN KESSLER, JIM KESSLER, LEWIS KESSLER, BETTIE DICKERSON, JANIE HART, IDA BLANCHARD, WILLIAM KESSLER, ELVA YOUNG AND REBECCA KESSLER, successors of Alexander Kessler, deceased: The Southwest Quarter of the Northeast Quarter, Section 10, the East half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 10 in Township 16 North, Range 1 West Boise Meridian.

FREDERICK N WATKINS: The South half of the Northwest Quarter and the North half of the Southwest Quarter, Section 35, Township 17 North Range 1 West Boise Meridian.

P H SCHAFF AND F B GALEY: The South half of the Northeast Quarter and the North half of the Southeast Quarter Section 35, Township 17 North, Range 1, West Boise Meridian.

DESERVET BIDEEP COMPANY: The Southeast Quarter of Section 34, Township 17 North, Range 1 West Boise Meridian.

COUNCIL VALLEY ORCHARDS: The South half of the Southeast Quarter, Section 35, Township 17 North, Range 1 West Boise Meridian and the North half of the Northeast Quarter, Section 2, Township 16 North, Range 1 West Boise Meridian.

J D POYNTER AND JOHN POYNTER: The North half of the Southwest Quarter and the West half of the Northwest Quarter of Section 36, Township 17 North, Range 1 West Boise Meridian.

GEORGE T WILLIS: The Southeast Quarter of the Southeast Quarter, Section 4, the Southwest Quarter of the Northwest Quarter, Section 3, and a tract bounded as follows, commencing at the Southwest corner of lot 1, said Section 4, thence north along the west side of said lot 20 rods, thence east 80 rods, thence south 20 rods, thence west 80 rods to the place of beginning, all in Township 16 North, Range 1 West Boise Meridian.

P H SCHAFF AND THOMAS L WATT: The North half of the Northwest Quarter Section 35, and 70 acres east of the right of way of the P & I N Ry. in the Southeast Quarter of the Southeast Quarter Section 27, and the Northeast Quarter of the Northeast Quarter Section 34, all in Township 17 North, Range 1 West Boise Meridian.

see checked
CHARLES LAPPIN AND A E FREMLEY: The West half of the Southwest Quarter of Section 25, and the east half of the southeast Quarter of Section 26, Township 17 North, Range 1, West Boise Meridian.

JAMES A HUSTON, JR. and WM H SPAHR: The West half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter, Section 36, Township 17 North Range 1 West Boise Meridian.

B W TURNIPSEED: Lot 4, the Southeast Quarter of the Southwest Quarter, and the South half of the Southeast Quarter Section 31, Township 17 North, Range 1 East Boise Meridian.

J V MORRISON: The Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 4, Township 16 North, Range 1 West Boise Meridian.

O W HOLMES: The Northwest Quarter of the Southwest Quarter Section 3, Township 16 North, Range 1 West Boise Meridian.

FRANK S GALEY: Northwest Quarter Southeast Quarter and Northeast Quarter Southeast Quarter Section 35, Township 17 North, Range 1 West Boise Meridian.

LOUIS HARP: The South half of the Northeast Quarter, and the Northeast Quarter of the Northeast Quarter, Section 23, and the Southeast Quarter of the Southeast Quarter Section 14, Township 17 North, Range 1 West Boise Meridian.

JUL 24 1996

SW NE 23
SE NE 23
NE NE 23
SE SE 14

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: A67-00375A
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
Address: PO BOX 44
COUNCIL ID

208-253-6023

83612

2. Date of Priority: JUN 1, 1911

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	0.070		

7. Total Quantity Appropriated is:
0.070 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 HORSES WATER FROM 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

SCANNED
APR 02 2004

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, A67-11304, LOST VALLEY RES.

14. Remarks:

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 CHANGE IN OWNERSHIP FOR PORTIONS OF CLAIM NO. A67-00375, 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: **A67-00375A**
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: JUN 1, 1911

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	0.070		

7. Total Quantity Appropriated is:
0.070 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 HORSES WATER FROM 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

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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, A67-11304, LOST VALLEY RES.

14. Remarks:

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 CHANGE IN OWNERSHIP FOR PORTIONS OF CLAIM NO. A67-00375, 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 _____

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OCT 22 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

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): DOUG SCISM, et al
COUNCIL, IDAHO

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

[] New Mailing Address: ALONZO V. CAPPS, DONALD V. CAPPS, 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 22 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 22 1995

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
Pg. 17M of Miscellaneous PG. 110-11

MICHAEL FISK, RECORDER

by Betty L. Linton Deputy
Fee \$15.00

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

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 22 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.

1 Donald V. Capps
Donald V. Capps

2 Eva M. Capps
Eva M. Capps

3
4 Alonzo V. Capps
Alonzo V. Capps

5
6 Nona Lee Capps
Nona Lee Capps

7
8 Donald V. Capps
9 Donald V. Capps, Personal
10 Representative of the Estate of
Robert L. Capps, Deceased

11 STATE OF California :ss.
12 County of San Diego

13 On this 16th day of October, 1990, before me, a Notary
14 Public, personally appeared Donald V. Capps and Eva M. Capps,
15 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.

16 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

20 STATE OF California :ss.
21 County of San Diego

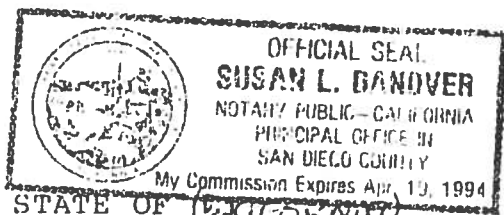
22 On this 10th day of October, 1990, before me, a Notary
23 Public, personally appeared Alonzo V. Capps and Nona Lee Capps,
husband and wife, known or identified to me to be the persons
* proved to me on the basis of satisfactory evidence

ASSIGNMENT OF REDEMPTION RIGHT - 3
CappsAssign/PL11

MICROFILMED
OCT 22 1990

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.

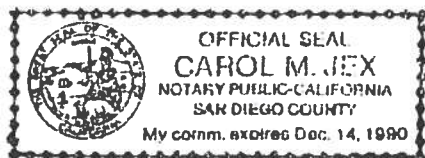


Susan L. Danover
Notary Public for San Diego County
Residing at: Escondido
My Commission Expires: 4-19-94

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

MICROFILMED
OCT 22 1996

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 22 1996

Robert J. Kyrk
Notary Public for Idaho
Residing at: Wilson, Idaho

44. 2/10/85

79280

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-

MICHAEL FISK RECORDER

by Sarah J. Wilson Deputy
Fee \$ 12.00

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 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
CappsNot3/PL11

MICROFILMED
OCT 22 1990

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.

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.

MICROFILMED
OCT 22 1996

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

MICROFILMED
OCT 22 1996

POOR ORIGINAL

of Idaho
of Adams

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

32 not. per 4 clock P.M.

This 11 day of October, 1990

5:17M of Miscellaneous #6.114

MICHAEL FOR. RECORDER

by Sheriff J. L. 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

REDEMPTION CERTIFICATE BY SHERIFF - 1
CappsRC/PL11

MICROFILMED
OCT 22 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

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

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

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

7 ADAMS COUNTY SHERIFF RICH GREEN

8 *Rich Green*

9 By _____

10 STATE OF IDAHO)
11 County of Adams) :ss.

12 On this 11 day of October, 1990, before me, a Notary
13 Public, personally appeared Richard L. Green known or
14 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.

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



17 *Jan Cheverton*
18 Notary Public for Idaho
19 Residing at: Council Bluffs
20 My Commission Expires: 11-4-93

79282

County of Idaho
County of Adams

POOR ORIGINAL

Filed for record of the request of
Westberg, McCabe & Collins
33 min. past 4 o'clock P.
this 11 day of October, 1996
Bk 17M of Miscellaneous PG. 115-
MICHAEL FISK, RECORDER
by Shawn Wilson
Fee \$ 15.00

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

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

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

17 DATED This 10th day of October, 1990.

18 Donald V. Capps
Donald V. Capps

19 Eva M. Capps
20 Eva M. Capps

21 Alonzo V. Capps
22 Alonzo V. Capps

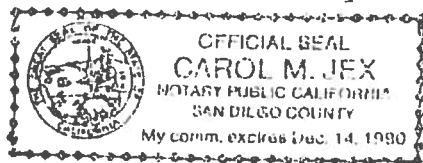
Nona Lee Capps
Nona Lee Capps

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

STATE OF CALIFORNIA
County of SAN DIEGO

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.



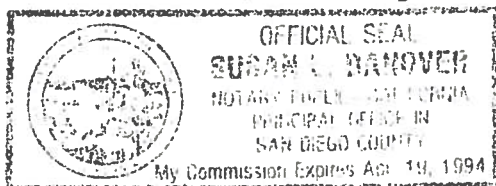
Carol M. Jex
Notary Public for CALIFORNIA
Residing at: ESCONDIDO
My Commission Expires: 12/14/90

STATE OF California
County of San Diego

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.

I 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: 4-19-94

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, 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 22 1990

Robert A. Kyte
Notary Public for Idaho
Residing at: Wilson, Idaho

att. 2/10/85

POOR ORIGINAL

County of Idaho 79283
County of Adams
Filed for record at the request of
Westberg, McCabe & Collins
34 min past 4 o'clock P.
the 11 day of October, 1990
Pg 17M of Miscellaneous PG 117-
MICHAEL F. BLOOM
by SA [Signature]
Fee \$ 12.00

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 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 22 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.

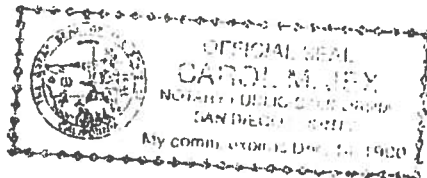
FRUITVALE PROPERTIES

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

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 ,

REDEMPTION CERTIFICATE BY SHERIFF - 1
CappsRC/PL11

MICROFILMED

OCT 22 1996

Westberg, McCabe & Collins
of Idaho
79284
Filed for record at the request of
Westberg, McCabe & Collins
35
11 day of October, 19
OK 17M of Miscellaneous PC 119
MICHAEL FISH RECORDER
by Michael Fish
Fee \$ 9.00

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

Council, Adams County, State of Idaho, on October _____, 1990.

ADAMS COUNTY SHERIFF RICH GREEN

Ruth Green

By _____

STATE OF IDAHO)
 :ss.
County of Adams)

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 person 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.

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



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: A67-00375
Date Received: 12/12/1989
Receipt No: CD13473
Received By: CA 12-13-89

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUN 01, 1911

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	0.220		

7. Total Quantity Appropriated is:
0.220 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 HORSES WATER FROM 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

A67-00375

Page 1

Date: 12/12/89

MICROFILMED

Jul 22 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, A67-11304, LOST VALLEY RES.

14. Remarks:

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. Lussier 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

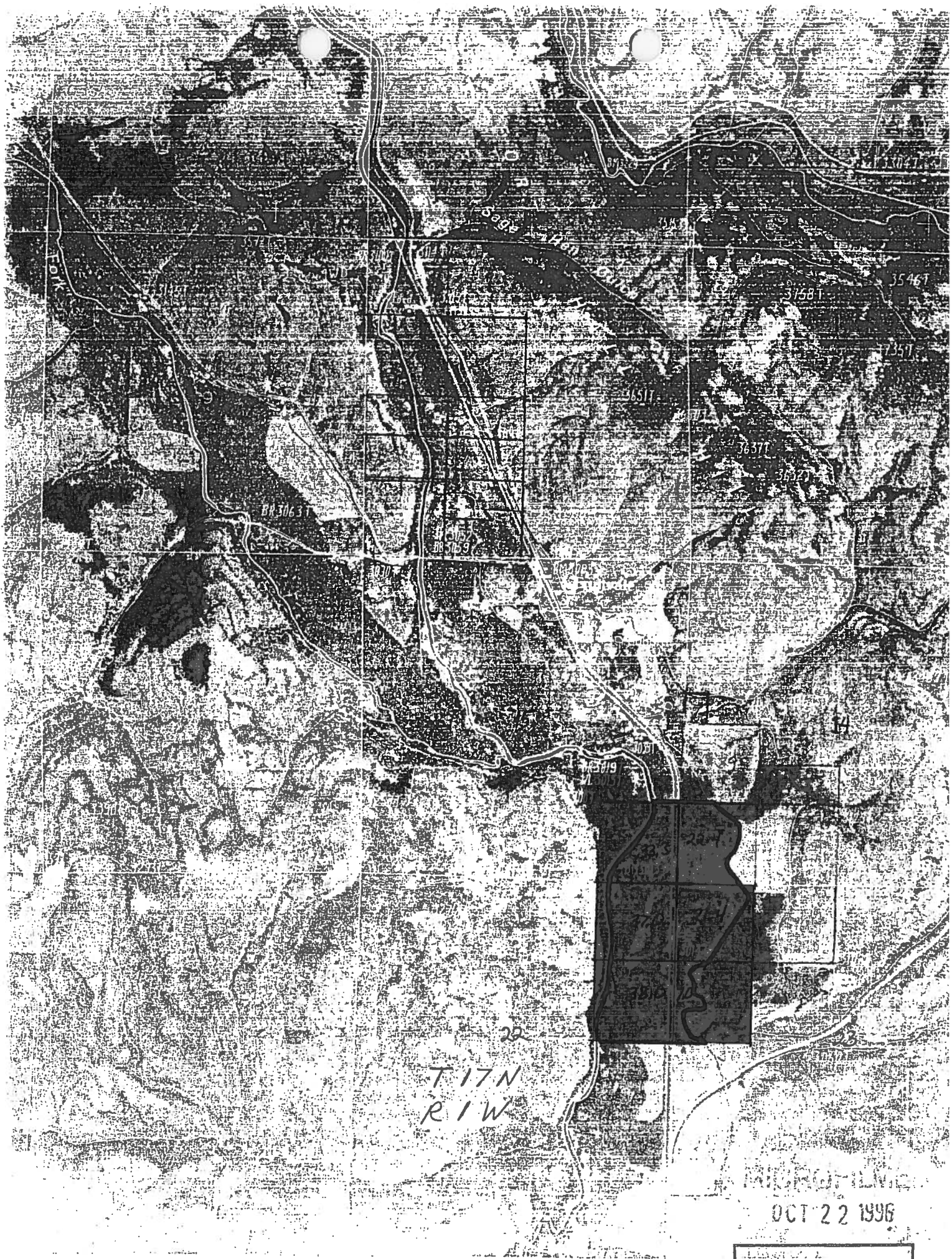
Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

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



POOR ORIGINAL

Scism to Fruitvale Properties Limited Partnersh

A67-00055 No land in sections 15 or 22

A67-00083J	Sec. 14	47.5	Sec. 15	33.3
	Sec. 23	<u>116.7</u>	Sec. 22	<u>75.0</u>
		164.2		108.3

A67-00375	Sec. 14	22.4	Sec. 15	33.3
	Sec 23	<u>28.4</u>	Sec. 22	<u>75.0</u>
		50.8		108.3

A67-02053T	Sec. 14	47.5	Sec 15	33.3
	Sec 23	<u>116.7</u>	Sec 22	<u>75.0</u>
		164.2		108.3

A67-11304	Sec. 14	22.4	Sec. 15	33.3
	Sec. 23	<u>28.4</u>	Sec. 22	<u>75.0</u>
		50.8		108.3

A67-00055 Claimed in Robertson-Sevey Ditch Only
Fruitvale Prop. share

Farmers & Robertson-Sevey A67-00083J $\frac{108.3}{272.5} (43 \text{ AF}) = 17.1 \text{ AF}$ should check for no. of sh of stock acquired.

Farmers A67-00375 $\frac{108.3}{159.1} (0.22 \text{ cfs}) = 0.15 \text{ cfs}$

Farmers & Robertson-Sevey A67-02053T $\frac{108.3}{272.5} (90 \text{ AF}) = 35.8 \text{ AF}$ Check for shares of stock

Farmers A67-11304 $\frac{108.3}{159.1} (0.20 \text{ cfs}) = 0.136 \text{ cfs}$

DO NOT FILM



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

SCANNED
APR 02 2004



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 22 1996

DATE: 05/31/96
PAGE: 2

DIVERSION RATE

03-15 11-15

$$= \frac{3a^4}{25}$$

0.22 CFS

TOTAL DIVERSION:
CONSUMPTIVE USE:

Water Source: FORT HALL CREEK

Tributary to: WEISER RIVER

Stage: DECREED

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				
		NENE		NNWE		SENE		NNNW		SENW		NWSW		SESW		NWESE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	SUM
17N	01W	14																		22.4
17N	01W	15																		33.5
17N	01W	22																		75.0
17N	01W	23																		28.4
																			159.1	
TOTAL ACRES																				

POW County: ADAMS

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

Other Rights: 67-00373, A67-11304, LOST VALLEY RES.

Remarks: GEN 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.

Dates: _____ **Exam Made Date:** _____

Verified Date: 04/16/1985

Objection Filed Date:

Misc: Water District Number: 67

Field Inspection Flag: D
Presumption Flag: D

Summary C

75 a.c.

$$0.104 \text{ cfs} = 0.10 \checkmark$$

225.0 con ✓

Fruitvale B

g
m
n
n

$$0.046 \text{ cfs} = 0.05 \checkmark$$

99.9 con ✓

Scism

✓ 50.820

0.07 cfs ✓

152.4 con ✓

$$\frac{0.00138 \text{ cfs/ac}}{159.1 \text{ } \overline{10.22}}$$

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 OCT 22 1996

Sheriff → Scism

17N 1W

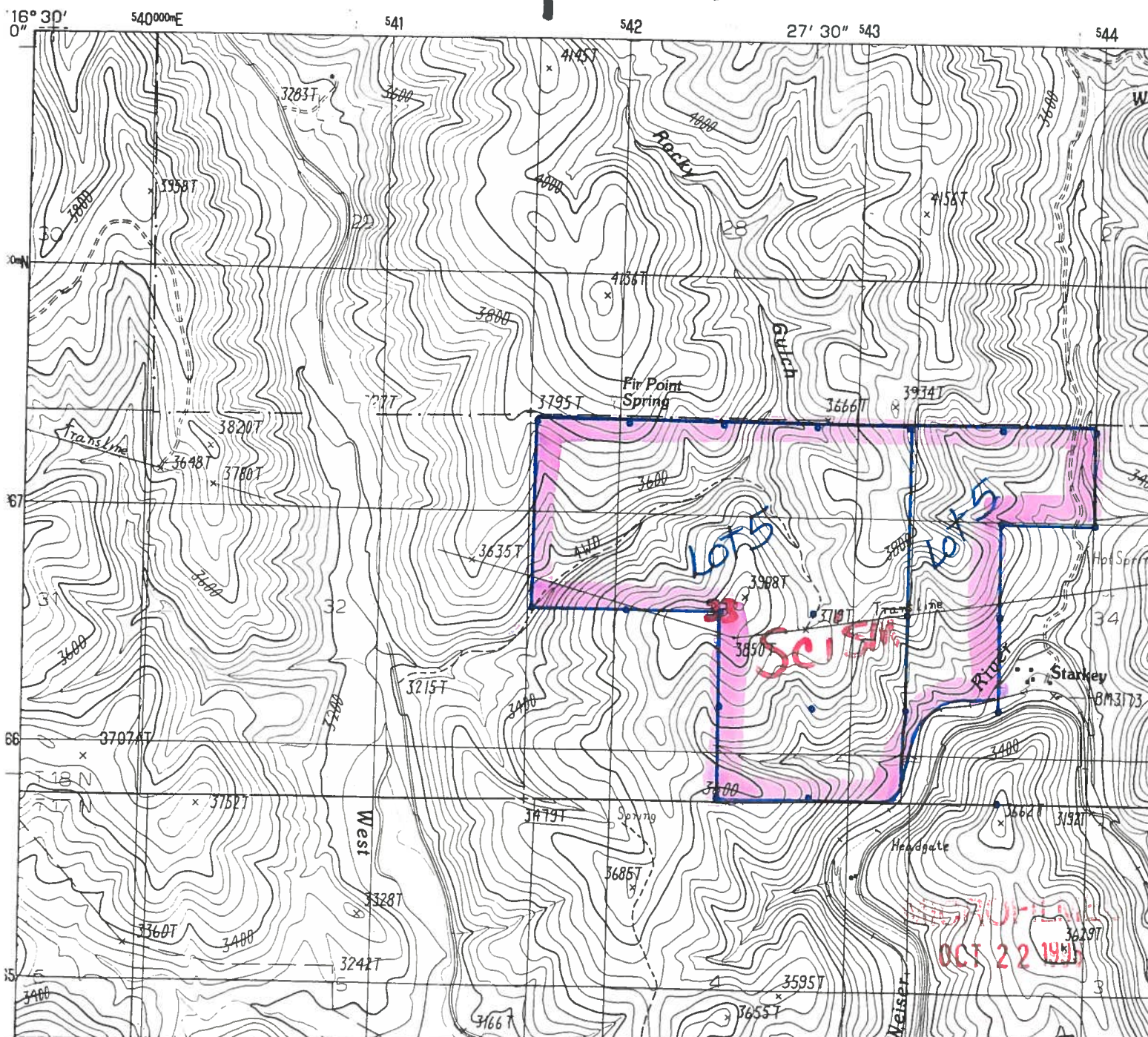


MICROFILMED
JUL 22 1996

EASI FILE CORR

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

18N 1W



RECEIVED

MAY 30 1996

WATER RESOURCES
WESTERN REGION

5-28-96

Kay -
for : Please find Deeds
17 N 1 W

Sec. - 14 79377

Sec. - 15 82443

Sec - 22 80892

Sec - 23 - 81635 - 79³⁷⁷644

I hope this helps in your
search for water rights ownership

Timberline Little

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

MICROFILMED

OCT 22 1996

17N
1W
Sec-23
All-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:

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OCT 22 1996

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

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.




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. 79644

State of Idaho)
County of Adams) ss.

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 Sarah J. Williams
Deputy

Fee \$ 6.00

ADAMS COUNTY SHERIFF'S DEED
Adams County Sheriff
Richard Green

to

Doug Scism

MICROFILMED
OCT 22 1996

17N 1W
Sec-14
S 1/2 SW 1/4
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 22 1995

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;

Exclude
Cole + Krister
Property

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-

MICROFILMED

OCT 22 1966

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 northwesterly of both the Weiser River and the right-of-way of the Union Pacific Railroad.

WR's

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:

My commission expires:

Council Bluffs, IA
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 22 1990



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 22 1996

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

WR5809NP
No. 67-00375

OWNER	NAME & ADDRESS	PRIORITY	WATER USE	USE PERIOD	DIVERSION	DIVERSION
CODE		DATE		FROM TO	RATE	VOLUME
C	LOUIS HARP	06/01/1911	IRRIGATION	00-00 00-00	0.22 CFS	
					TOTAL DIVERSION:	0.22 CFS

Water Source: FORT HALL CREEK Tributary to: WEISER RIVER Stage: DECREED

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE		
T	R	S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
17N	01W	14	:							
17N	01W	23	:	I	I	I	I	I	I	SUM

Pou County: ADAMS

Other Water Rights Listing Overlapping Place(s) of use:
67-00374 67-07842

Dates:	App. Received:	Priority Date:
	Proof Due Date:	06/01/1911
	Exam Made Date:	
	Licensed Date:	

Misc:	Water District Number:	67	Field Exam Fee:
Audit:	02/11/86	05/01/88	CONVERT

MICROFILMED
OCT 22 1996

ROBERTSON-SEVEY DITCH SHAREHOLDERS

- | | |
|--|---------------------------|
| 1. AMY GLENN | 27. FRANK or SYLVIA HULIN |
| 2. DOUG SCISM | 28. SYL MENICHETTI |
| 3. KAY NEITZEL | 29. BARBARA LITTLE |
| 4. VINCENT J. FONTANA | 30. ROGER COMBS |
| 5. PAUL E. NICHOLS | 31. VERN LUDWIG |
| 6. HELEN GLIDDEN | 32. RICHARD RAFFETY |
| 7. PAUL & DAN KAMERDULA | 33. MIKE GETUSKY |
| 8. MELVIN RYALS | 34. ALAN MCDOWELL |
| 9. HENRY KAMERDULA | |
| 10. GARY RINGERING | |
| 11. GERALD O'DAY | |
| 12. JIM HUG | |
| 13. JOSEPH JORDAN | |
| 14. JIM JOSLIN | |
| 15. BOB GEORGE | |
| 16. CHESTER HERRICK | |
| 17. THELMA FRIEND | |
| 18. DELORES O. ELLIS | |
| 19. PETE O. FRIEND | |
| 20. ED LUDWIG | |
| 21. DOUGLAS MCALVAIN | |
| 22. GARY KALMBACK | |
| 23. DAVID GLEASON | |
| 24. JOHN CUNNINGHAM (may have been filed under the name BOB WOODWORTH) | |
| 25. KENNETH D. IVEY, SR. | |
| 26. STEVEN SHUMWAY | |

RECEIVED
OCT 19 1991

Department of Water Resources

MICROFILMED
OCT 22 1990

File No. and Original Owner	File Date	Present Owner	Land Description	Amount of Water	Actual Charge 198 6	Proposed Charge 198 7	Notes
67- 045 G. Gould	6-1-05	S. Shumway	17N01W270001	7"	.70	.70	
67- 044 G. Gould	6-1-91	C. Gould	17N01W276600	28"	2.80	2.80	
67- 044 G. Gould	6-1-91	"	17N01W340001	54"	7.50	7.50	
67- Storage 212 AF		"	17N01W340001	47.11"	4.70	4.70	
67- 039 M. Winkler	6-1-91	F. Hudeman	17N01W271200	60"	7.50	7.50	
67- 040 C. Winkler	6-1-91	"	17N01W271200	19"	1.90	1.90	
67- Storage 100 AF		"	17N01W271200	22.22"	2.20	2.20	
67- 041 E. Hinkle	6-1-91	Henderson Ranches	17N01W343600	50"	5.00	5.00	
67- 042 E. Hinkle	1-1-00	"	17N01W343600	32"	3.20	3.20	
67- Storage 250 AF		"	17N01W343600	55.56"	7.50	7.50	
67- 043 Hinkle/Moudy	6-1-91	C. Gould	17N01W340001	19"	1.90	1.90	
67- Storage 2 AF		G.L. Gould	17N01W235500	.45"	7.50	7.50	
67- 374 L. Harp	5-1-82	Donald Capps	17N01W146000	6"	.60	7.50	
67- 373 C.T. Hamill	5-1-89	→ Seism Donald Capps	17N 01W 23 17N01W146000	4"	.40	.40	

MICROFILMED
OCT 22 1996

AG7-11304

File No. and Original Owner	File Date	Present Owner	Land Description	Amount of Water	Actual Charge 1980	Proposed Charge 1987	Notes
67- 375 L. Harp	6-1-11	Donald Capps	17N01W146000	11"	1.10	1.10	
67- 372 C.T. Hamill	5-1-82	Alonzo Capps	17N01W230301	4"	.40	.40	
67- 376 A. Freehafer	7-19-93	S. Shumway	17N01W234800	10"	1.00	1.00	
67- Storage 248 AF		"	17N01W234800	55.11"	7.50	7.50	
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A67-00375

A67-11304

MICROFILMED
OCT 22 1988

File No. and Original Owner	File Date	Present Owner	Land Description	Amount of Water	Actual Charge 198 6	Proposed Charge 198 7	Notes
67- Storage 5 Shares		D. Burchfield	17N01W143700	1.11"	7.50	7.50	
67- 050 I. McMahan	5-31-84	"	17N01W143700	1"	.10	.10	
67- Storage 3 Shares		Wm. Brown	17N01W143800	.67"	7.50	7.50	
67- 050 I. McMahan	5-31-84	"	17N01W143800	1"	.10	.10	
67- Storage 8 Shares		G. Nicholson	17N01W144000	1.78"	7.50	7.50	
67- 050 I. McMahan	5-31-84	"	17N01W144000	1"	.10	.10	
67- Storage 5 Shares		R. Rafferty	17N01W143900	1.11"	.10	.10	
67- 050 I. McMahan	5-31-84	"	17N01W143900	1"	.10	.10	
67- 056 I. McMahan	5-31-84	G. Nicholson	17N01W152200	4"	.40	.40	
67- 053 R. McMahan	6-1-84	D. McAlvain	17N01W145400	4"	.40	.40	
67- Storage 17 Shares		"	17N01W145400	3.78"	7.50	7.50	
67- 055 W. Glenn 5/11/84 5/11/84	6-1-84 5/11/84 5/11/84	Donald Capps	17N01W146000	4.5"	4.50	4.50 ⁵	
67- 051 I. McMahan	5-1-01	Vernon Ludwig	17N01W152100	9"	7.50	7.50	
67- Storage							

MICROFILMED
OCT 22 1996

A67-00055