

04/28/2006

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

RIGHT NUMBER: 67-375B

NAME AND ADDRESS: SERENA E MC ALVAIN
PO BOX 488
COUNCIL ID 83612

WILLIAM DOUGLAS MC ALVAIN
PO BOX 488
COUNCIL ID 83612

SOURCE:

QUANTITY: 0.046 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	0.046 CFS
PLACE OF USE:	<u>IRRIGATION Within ADAMS County</u>		
	T17N R01W S15 SESE	6.90	
	6.9 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 6.9 acres in a single irrigation season. Combined Right Nos.: 67-375C and 67-11304C.

This right is limited to the irrigation of 3.7 acres within the place of use described above in a single irrigation season.

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 28, 2006

DOUG AND SERENA MC ALVAIN
PO BOX 488
COUNCIL ID 83612

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #67-375B and 67-11304B

Dear Claimants:

We have processed your change in ownership of the Notices of Claim referenced above. Thank you for your patience.

Enclosed are copies of the Notices of Claim for your file. Please refer to these record numbers in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claims.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Technical Section

SS:region

Enclosures:

Copies of Notices of Claim Referenced Above

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APR 28 2006

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 67-11304B
Date Received: 12/13/1989
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SERENA E MC ALVAIN Phone: (208)253-4340

PO BOX 488
COUNCIL ID USA 83612

WILLIAM DOUGLAS MC ALVAIN Phone: (208)253-4340

PO BOX 488
COUNCIL ID USA 83612

2. Date of Priority: 05/01/1882

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
17N	01W	10	NE	NW	SW	ADAMS R	
17N	01W	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	3/15	11/15	0.042	

7. Total Quantity Appropriated is:
0.042 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

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

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

15. Basis of Claim: Decreed

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	67-375 B				
	67-11304 B				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *None*
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

4. New Owner/Claimant(s)

William Douglas McLaughlin or Seneca E. McLaughlin
 Name Connector (check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 428

City, State and ZIP Code

Council, Idaho 83612

New Telephone Number

208 253-4340

5. Date you acquired the property

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APR 13 2006

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

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

WFO: WFO: [Signature] M. [Signature] OF SERGIO E. MSAURIN
For Office Use Only
Received by CS Date 4-13-06 Fee N/A
Received by _____ Date _____ Receipt No. _____
Processed by AD AJ Date 4-28-06 WR _____ Date _____

ok to Change Both Rights in entirety.

CS [Signature] 4-14-06

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APR 28 2006

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APR 13 2006

KAREN HATFIELD
ADAMS COUNTY ASSESSOR
PO BOX 46
COUNCIL, ID 83612-0046

2005

THIS IS NOT A BILL.
DO NOT PAY.

ASSESSMENT NOTICE

& ESTIMATE OF TAX

PARCEL DESCRIPTION:

T17N R1W SEC 15
SE4SE4
36.70 AC

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 253-4271

PARCEL ADDRESS:

MCALVAIN WILLIAM DOUGLAS
& MCALVAIN SERENA E
PO BOX 488
COUNCIL ID 83612-0488

Appeals of your property value must be filed in writing, on a form provided by the County, by:

JUNE 27, 2005

Tax Code Area: 14-0000

Parcel Number: RP 17N01W159000 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
4 IRRIGTD PASTURE 19 WASTE	34.200 AC 2.500 AC	10,949	11,814
SUBTOTAL: LESS HOMEOWNERS EXEMPTION: NET TAXABLE PROPERTY VALUE:	36.700	10,949 10,949	11,814 11,814

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
STATE COUNTY SCHOOL 13 CEMETERY C COUNCIL FIRE FLOOD COUNCIL AMBULNC COUNCIL LIBRARY HOSPITAL			253-4561 253-4217 253-6963 253-4201 253-3538 253-4560 253-6004 253-3538	Not Required 08/29/2005 06/13/2005 07/18/2005 08/08/2005 07/25/2005 08/08/2005 08/08/2005 08/25/2005
SUBTOTAL: FEES: TOTAL PROPERTY TAXES & FEES:				

THIS IS NOT A BILL. DO NOT PAY.
See the back of this Notice for details.

FROM :

FAX NO. :

May. 27 2005 05:18AM P1

00

FAX MEMO FROM DOUG Mc ALVAIN

FAX: (208) 253-4344 PHONE (208) 253-4340

DATE: April 14, 2006

67- 375B
67- 11304B

**TO: Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau
Fax: (208) 287-6700**

RE: Snake River Basin Adjudication (SRBA) claim 67-375B and 67-11304B

YOU ARE BEING SENT THREE PAGES, INCLUDING THIS COVER SHEET.

COMMENTS:

As per your request I am faxing the Deed which shows the legal description and the date of purchase, which was May 6, 1993.

SCANNED

APR 28 2006

DEED

For Value Received, DIRECTIONAL RESOURCES, a California corporation

a corporation duly organized and existing under the laws of the State of California, grantor, does hereby Grant, Bargain, Sell and Convey unto WILLIAM DOUGLAS McALVAIN and SERENA E. McALVAIN, husband and wife,

grantees whose current address is 5559 W. Cowen Street, Boise, ID 83709

the following described real estate, to-wit:

SEE EXHIBIT "A" ATTACHED AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this day of , 1993.

DIRECTIONAL RESOURCES
By Donald V. Capps

PRESIDENT

Attest:

Eva M. Capps

SECRETARY

INSTRUMENT NO. 84015

State of Idaho)

County of Adams) ss.

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On this 6th day of May, 1993, before me, a Notary Public in and for the said State, personally appeared Donald V. Capps and

Eva M. Capps known to me to be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

Filed for record at the request of
Timberline Title & Escrow
37 min. past 1 o'clock P.M.
this 11 day of May, 1993

MICHAEL FISK, RECORDER
by Sarah Wilson
Deputy

Fee \$ 6.00



Notary Public

Residing At 335 E. Juniper St. #112, P.O. Box 119, Chgo. 60601

SCANNED

APR 28 2006

FROM :

FAX NO. :

May. 27 2005 05:19AM P3

84015

EXHIBIT "A"

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 15: S1/2SE1/4, EXCEPTING Pacific & Idaho Northern Railway. ALSO EXCEPTING
County Road

Section 22: NW1/4NE1/4

SUBJECT TO THE FOLLOWING:

A right of way deed, including terms and conditions thereof, from WILLIAM M. GLENN and MARTHA GLENN to ADAMS COUNTY IDAHO over and across a part of the SE1/4NE1/4 of Section 22; the SE1/4SE1/4 of Section 15, and other lands; recorded December 20, 1922 in Book 9 of Deeds page 339, records of Adams County.

A right of way quitclaim deed, including terms and conditions thereof, from WILLIAM M. GLENN and MARTHA L. GLENN to THE PACIFIC AND IDAHO NORTHERN RAILWAY COMPANY; recorded August 23, 1905 in Book D of Deeds page 179, records of Adams County.

ANY RIGHTS, INTERESTS OR EASEMENTS in favor of the public which exist or are claimed to exist over any part of said land covered by the Little Weiser River.

ANY ADVERSE CLAIM based on the assertion that the location of the Little Weiser River has moved.

THE TERMS AND CONDITIONS in an instrument recorded October 11, 1890 as Instrument No. 79281, records of Adams County.

AN EASEMENT DEED granted to Weiser River Flood Control District No. 3 of the State of Idaho as recorded the 27th day of August 1956 in Book 23 of Deeds at page 508, Instrument No. 37502, records of Adams County.

AN EASEMENT for ingress and egress granted to STEVEN R. SHUMWAY and ELSIE B. SHUMWAY, husband and wife dated July 1, 1991, recorded September 6, 1991 in Book 43M of Deeds at page 420, Instrument No. 80891 and Book 43M of Deeds at page 421, Instrument No. 80892

ANY PRESENT OR DEFERRED TAX LIEN on the herein described property arising under or by virtue of the Forest Products Yield Tax as provided by Idaho Code 63-1701 or 63-1706, as amended.

LACK OF RIGHT of access to and from said lands.

MORTGAGE dated the 30th day of August, 1991 between DIRECTIONAL RESOURCES, a California Corporation, party of the first party and BEULAH R. RUNGE - 1989 LIVING TRUST, party of the second part, to secure the amount of \$22,000.00 and any other obligations secured thereby; recorded September 6, 1991 in Book 29M of Mortgages at page 315, Instrument No. 80906, records of Adams County.

MORTGAGE dated the 30th day of August, 1991 between Directional Resources, a California Corporation, party of the first part and STEVEN R. SHUMWAY and ELSIE B. SHUMWAY, husband and wife, party of the second part, to secure the sum of \$18,200.00 and any other obligations secured thereby; recorded September 6, 1991 in Book 29M of Mortgages at page 313, Instrument No. 80992, records of Adams County.

MORTGAGE made the 30th day of August, 1991 by DIRECTIONAL RESOURCES, a California Corporation, party of the first part and JAMES L. MILNE and GAIL R. MILNE, parties of the second part for the principal sum of \$11,000.00 and any other obligations secured thereby; recorded September 6, 1991 in Book 29M of Mortgages at page 314, Instrument No. 80995, records of Adams County.

SCANNED

APR 28 2006

MEMORANDUM

Date: April 13, 2006

To: File 67-375B and 67-11304B

From: Craig L. Saxton

RE: Meeting with Doug McAlvain

I met with Mr. McAlvain in my office today regarding a letter I sent him on 3-16-06. The letter addressed two issues. Need for change of ownership, and I questioned if he had interest in the water.

Change of Ownership: Information submitted. Ready to go

Interest in Water: Mr. McAlvain made it clear that despite what I had heard, he did use the water and was interested in continuing use.

In addition, I explained that I was recommending far less water than what appeared to be irrigated. He said that he supplements that water with storage water.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 16, 2006

WILLIAM DOUGLAS MCALVAIN
PO BOX 488
COUNCIL ID 83612

Re: Snake River Basin Adjudication (SRBA) claim 67-375B and 67-11304B

Dear Mr. McAlvain,

As you probably know, the Idaho Department of Water Resource is currently reviewing SRBA claims in your area. During my review, I found two claims that appear to be applicable to land you own. According to our records, the property to which I am referring to was most recently owned by Fruitvale Properties. The legal description is as follows:

T17N R1W S15 SE1/4SE1/4

However, it was brought to my attention that there is not any live flow water applicable to that piece of land and these claims were filed in error.

If you wish to purse these water rights, I suggest you complete a **Change of Ownership** form so that future correspondence can be directed to the appropriate address.

If you agree that these claims were filed in error, please contact me in person or in writing for verification.

Please feel free to contact me if you have any questions.

Respectfully Submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

11/17/2005

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

RIGHT NUMBER: 67-375B

NAME AND ADDRESS: FRUITVALE PROPERTIES
C/O ALONZO V & DONALD V CAPPS
29821 CIRCLE R CREEK LN
ESCONDIDO CA 92026

SOURCE: FORT HALL CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.046 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

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.046 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S15 SESE 6.9

6.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 6.9 acres in a single irrigation season. Combined Right Nos.: 67-375C and 67-11304C.

This right is limited to the irrigation of 3.7 acres within the place of use described above in a single irrigation season.

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

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

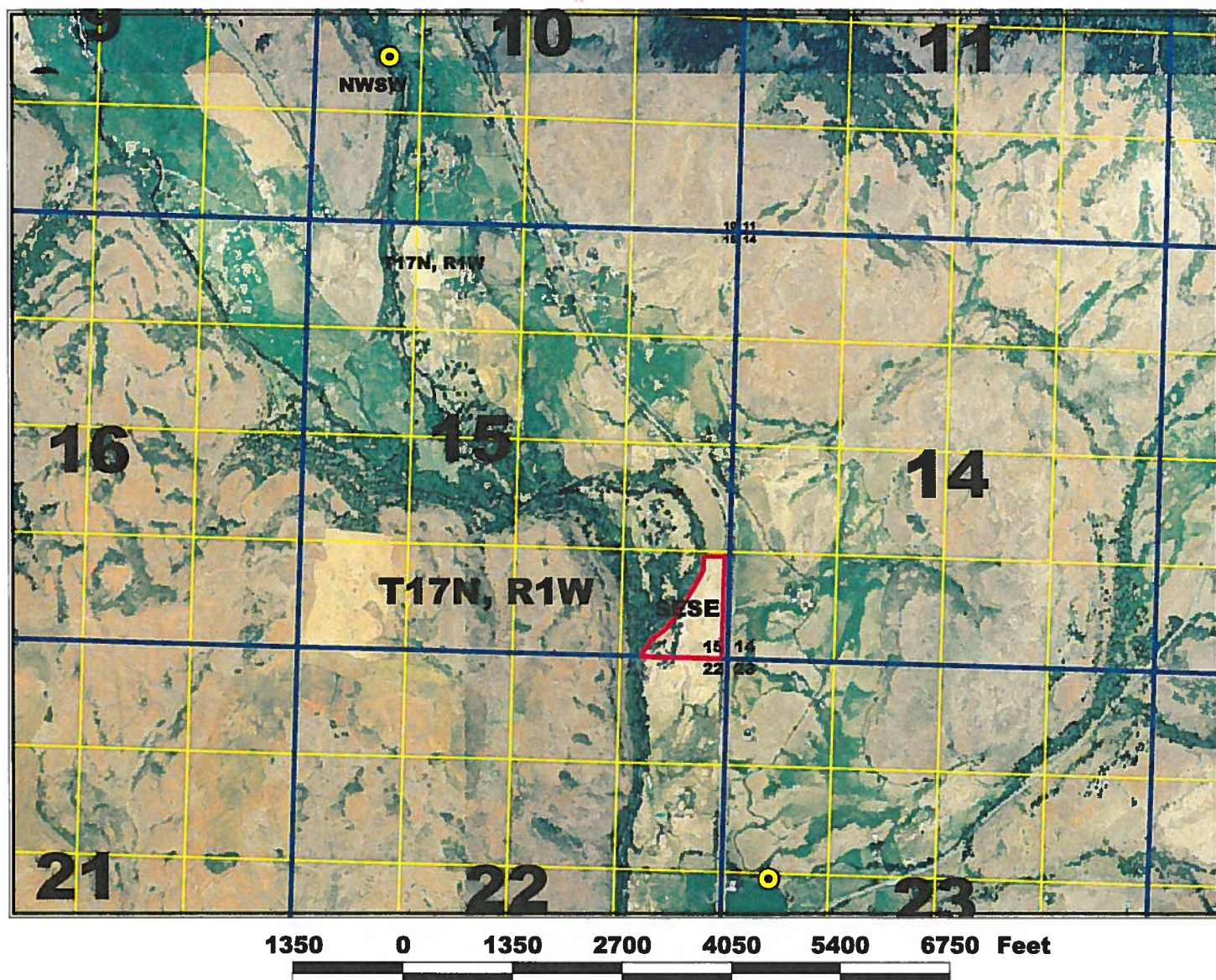
Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



STATE OF IDAHO

Department of Water Resources

Water Right(s): 67-375B & 67-11304B

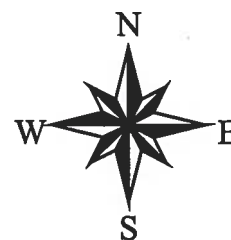


● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: November 2005

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

WATER RIGHT NUMBER: 67-375B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DOUGLAS M SCISM PO BOX 44 COUNCIL, ID 83612 (208)253-6023
Original Owner	LOUIS HARP , ID
Current Owner	FRUITVALE PROPERTIES C/O ALONZO V & DONALD V CAPPS 29821 CIRCLE R CREEK LN ESCONDIDO, CA 92026 (619)746-4041

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	0.046 CFS	
	<u>Total Diversion:</u>	0.046 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	15																	6.9

Total Acres: 6.9

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-375B V1

2. 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.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. E56 The rights listed below are limited to the irrigation of a combined total of 6.9 acres in a single irrigation season. Combined Right Nos.: 67-375C and 67-11304C.
5. K06 This right is limited to the irrigation of 3.7 acres within the place of use described above in a single irrigation season.
6. 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.

Remarks:Comments:

1. segbert 8/5/2004 POU

Comment: Section 15 is not listed in the decree for this water right

2. csaxton 11/17/2005 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.

3. csaxton 11/17/2005 Change of Ownership

Comment: Washington county tax lot records indicate that this claim should be in the name of William Mcalvain.

4. csaxton 11/17/2005 POU(2)

Comment: I cannot determine where the recommended acres fall within the POU boundary defined in SDE. My guidance is to recommend the acreage that can be irrigated by the diversion rate at 5/8 inches per acre in the claimed POU legal description. It appears that more acres are irrigated. The claimant may need to file another claim to better describe the irrigated POU.

5. csaxton 11/17/2005 PPU

Comment: The PPU acreage recommended under this right is limited to the maximum amount of acres that could be irrigated by water rights 67-375B, and 67-11304B at 5/8 inches per acre.

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:

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

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 2:18:32 PM	segbert			Active
POD	8/5/2004 2:18:55 PM	segbert			Active
Source	8/5/2004 2:19:42 PM	segbert			Active
POU	8/5/2004 2:19:55 PM	segbert			Active
Use	8/5/2004 2:23:12 PM	segbert			Active
Season	8/5/2004 2:23:31 PM	segbert			Active
Quantity	8/5/2004 2:23:52 PM	segbert			Active
Contacts	11/17/2005 10:01:33 AM	csaxton			Active
Priority Date	11/17/2005 10:02:03 AM	csaxton			Active
POD	11/17/2005 10:03:26 AM	csaxton			Active
Source	11/17/2005 10:04:25 AM	csaxton			Active
POU	11/17/2005 10:06:02 AM	csaxton			Active
Use	11/17/2005 10:08:00 AM	csaxton			Active
Season	11/17/2005 10:08:12 AM	csaxton			Active
Quantity	11/17/2005 10:08:27 AM	csaxton			Active
Summary			11/17/2005	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Use	11/17/2005 10:08:06 AM	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?
POD	11/17/2005 10:03:32 AM	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 - . 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.
POD	11/17/2005 10:03:54 AM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-375B V1

POU	11/17/2005 10:07:50 AM	csaxton	Updated shape for Active POU
Season	11/17/2005 10:08:18 AM	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?
Quantity	11/17/2005 10:08:33 AM	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?
POD	11/17/2005 10:04:08 AM	csaxton	Updated shape
POU	11/17/2005 10:06:08 AM	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 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 change in POD changed the POU that is irrigated under this right. This change is supported by water master delivery records. Description for Question 13 - Water Master Delivery records.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-375B V1

Summary	11/17/2005 10:14:04 AM	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?
Contacts	11/17/2005 10:01:38 AM	csaxton	(No) 1. Do you want to schedule an appointment?
General	11/17/2005 10:02:09 AM	csaxton	Comment for 1: Desktop (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?
Source	11/17/2005 10:04:31 AM	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?
Use	8/5/2004 2:23:12 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?
Season	8/5/2004 2:23:31 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-375B V1

Quantity	8/5/2004 2:23:52 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?
POU	8/5/2004 2:21:47 PM	segbert	Created polygon from PLS
Priority Date	8/5/2004 2:18:32 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 2:18:56 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file?
Source	8/5/2004 2:19:43 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 2:19:55 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?

Water Supply Bank:

Contacts Data Entry Form

Claim Number: 67-375B

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	DOUGLAS M SCISM	PO BOX 44	COUNCIL	ID	83612	(208)253-6023
Original Owner	LOUIS HARP			ID		
Current Owner	FRUITVALE PROPERTIES	C/O ALONZO V & DONALD V CAPPS 29821 CIRCLE R CREEK LN	ESCONDIDO	CA	92026	(619)746-4041

Date of Field Exam: Desktop Review Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

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

According to Adams County Tax lot data, this claim appears to need and change of ownership to:

WILLIAM DOUGLAS MCALVAIN
PO BOX 488
COUNCIL ID 83612

Priority Date Data Entry Form

Claim Number 67-375B

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:

Recommend as Decreed _____

Point of Diversion and Source Data Entry Form

Claim Number 67-375B

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

Fort Hall Creek

Weiser River

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? 67-11304C

Document how the POD and Source were verified:

Re-diversion = GPS'd By Bosco Bosler 7-7-04: A0014007

Injection digitized at point that Fort Hall Creek flows into the Weiser River

Place Of Use Data Entry Form

Claim Number 67-375B

Claimed Place Of Use

T17N R01W S15 SESE 33.3

Total Acres 33.3

☐ 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	22 15	SESE		Adams		6.9	Irrigation

Total Acres 6.9

Document how the POU was verified:

The place of use recommended is a permissible place of use with 67-11304B. The acreage recommended in that PPU is limited to

the amount of acres that can be irrigated from the recommended diversion rate at 5/8 inches per acre.

This right is limited to 3.7 acres within the POU described above.

Purpose of Use Data Entry Form

Claim Number 67-375B

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:

Recommend as decreed

Period of Use and Quantity Data Entry Form

Claim Number 67-375B

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.046	

Overall Diversion Rate 0.046 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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

Recommend as claimed _____

Diversion rate recommended was proportioned out among the splits based on the claimed irrigated acreage.

Claim

Basin Sequence	Suffix	Basis	Status	Priority	Date	Rate(cfs)	Acres	Source	Water Use Owner(s)	Source Table
67	375 B	Decreed	Active	6/1/1911		0.05	33.3	FORT HALL (IRRIGATIC FRUITVALE wrAdjudicationClaim		
67	11304 B	Decreed	Active	1882-05-01		0.04	33.3	FORT HALL (IRRIGATIC FRUITVALE wrAdjudicationClaim		

67-11304 is a combination of 67-372 and 67-374

67	55	Decreed	Active	1884-06-01		0.9		WEISER RIV IRRIGATIC GLENN, WILL wrWaterRight		
67	4116	Statutory Cla	Active	1891-06-01		11.43		WEISER RIV IRRIGATIC FARMERS C wrAdjudicationClaim		

Claimed by Scism, but looks applicable to McAlvain property. WM Records show delivered to Scism.
67-55 was not claimed at all on this property which is the decreed POU
Competing company claim

Recommendation	Basin Sequence	Suffix	Basis	Status	Priority	Date	Rate(cfs)	Acres	Source	Water Use Owner(s)	Source Table
	67	375 B	Decreed	Active	6/1/1911		0.046	3.7	FORT HALL (IRRIGATIC FRUITVALE Recommendation		
	67	11304 B	Decreed	Active	1882-05-01		0.041	3.2	FORT HALL (IRRIGATIC FRUITVALE Recommendation		
	Total =							0.087	6.9		

I don't see any other water on this property. No storage, no private live flow, yet it is irrigated???

Water Master Records	Page #	Parcel Number	Name	New Charge 2005	Char 2003	Water in Inches	File #	Original Owner	Priority Date	Notes
	27	RP17N01W143904	MCALVAIN	\$ 0.80	\$0.70	1	50	MCMAHA	5/31/84	Robertson Sevey
	27	RP17N01W145404	MCALVAIN	\$ 3.20	\$2.80	4	53	MCMAHA	6/1/84	Robertson Sevey
	25	RP17N01W151804	MCALVAIN	\$ 10.00	\$7.50	10	59	MCMAHA	4/1/01	Robertson Sevey
	27	RP17N01W143904	MCALVAIN, WM DOUG		\$0.78	1.11		5 STG		Robertson Not delivered to SESE 15
	27	RP17N01W145404	MCALVAIN, WM DOUG		\$2.64	3.78		17 STG		Robertson Not delivered to SESE 15
	28	RP17N01W145004	MCALVAIN, WM DOUG		\$1.56	2.22		10 STG		Robertson Not delivered to SESE 15

Storage water

Split history for Decreed Right 67-00375

WR History

Claim History

Claim History

67-375	Harp	67-375	Scism
0.22	cfs	0.22	
17.6	ac	159.1	
0	af	0.001382778	

Acres calculated at 5/8 in per acre

67-375A	Scism	67-375B	Fruitvale	67-375C	Shumway
0.07		0.046		0.104	
50.8		33.3		75	
0		0		0	

67-375A	Scism
0.07	
5.6	
0	

Limited to 5.6 within X acres

67-375B	Fruitvale
0.046	
3.7	
0	

Limited to 3.7 within X acres

67-375C	Shumway
0.104	
8.3	
0	

Limited to 8.3 within X acres

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

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

Un-accounted CFS =	0
Un-accounted Acre =	-158.88
Un-accounted Af-A =	n/a

Extra CFS =	0
Extra Acre =	0
Extra Af-A =	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 ✓

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 S 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
Middletown

37 1/2 ✓

Charles Lappin and A E Felmley, Grantees of C S
Gibbs

54 ✓

James A Huston Jr. and William Spahr, Grantees
of John and J D Poyner

16 ✓ Trans #84

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 S 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 Frechafer and Margaret P Pike

June 5, 1902 67 0344

June 5, 1902 67 0345

June 5, 1902 67 0346

June 5, 1902 67 0347

67 0348

May 1, 1878 Trans #504-517-539-711

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 Trans #84 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 WATRIBS: 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 S 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.

DESERT SHERP 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 sketch
CHARLES LAPPIN AND A E FELMLEY: 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

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 67-375B
Date Received: 12/13/1989
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

SERENA E MC ALVAIN Phone: (208)253-4340

PO BOX 488
COUNCIL ID USA 83612

WILLIAM DOUGLAS MC ALVAIN Phone: (208)253-4340

PO BOX 488
COUNCIL ID USA 83612

2. Date of Priority: 06/01/1911

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

4. Point of Diversion:

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

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	3/15	11/15	0.046	

7. Total Quantity Appropriated is:
0.046 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

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 A 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

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.

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: **A67-00375B**
Date Received: 12/13/1989
Receipt No: X777777
Received By: _____

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

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

2. Date of Priority: 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	0.046		

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

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

9. Non-irrigation uses:

10. Place of Use:

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

**SCANNED
APR 02 2004**

**MICROFILMED
OCT 22 1996**

10. Place of Use: Continued

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

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
A67-11304

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 A 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: _____

MICROFILMED
OCT 22 1996

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 22 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 10/11/90

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

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

SEE ATTACHED EXHIBIT "A"

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s) A67-11304, A67-00083T, A67-00375,
Assigned by IDWR: A67-02053T, A67-00055
- [] Name and Address of Former Owner/Claimant(s)(Seller): DAUG SCISM, et al
COUNCIL, IDAHO
- [] New Owner/Claimant (Purchaser): FRUITVALE PROPERTIES, A LIMITED PARTNERSHIP
ALONZO V. CAPP, DONALD V. CAPP, GENERAL PARTNERS
- [] New Mailing Address: 29821 CIRCLE R CREEK LANE
ESCONDIDO, CA 92026
- [] New Telephone Number: (619) 746-4041

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

(WATER) ALLOCATED TO PROPERTY DESCRIBED
ON ATTACHED LEGAL DESCRIPTION

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

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

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

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

FOR IDWR USE ONLY:

Initial Review and Data Entry

Date: 5/3/96 By: kw

Further Action Needed: _____

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any: _____

RECEIVED

APR 28 1992

Department of Water Resources
Western Regional Office

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

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OCT 22 1996

EXHIBIT "A"

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 1996

POOR ORIGINAL

WESTBERG, McCABE & COLLINS

CHARTERED

ATTORNEYS & COUNSELORS AT LAW

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

TELEPHONE: (208) 336-5200

ATTORNEYS FOR: Capps Defendants

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

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

Plaintiff,)

vs.)

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

Defendants.)

Case No. 2632

ASSIGNMENT OF
REDEMPTION RIGHT

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

ASSIGNMENT OF REDEMPTION RIGHT - 1
CappsAssign/PL11

State of Idaho)
County of Adams)

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

30 min. past 4 o'clock P.M.

11 day of October, 1990

OK 17M of Miscellaneous SPG. 110-11

MICHAEL FISK, RECORDER

by Barbara L. Collins Deputy
Fee \$15.00

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.

MICROFILMED
OCT 22 1996

POOR ORIGINAL

Donald V. Capps
Donald V. Capps

Eva M. Capps
Eva M. Capps

Alonzo V. Capps
Alonzo V. Capps

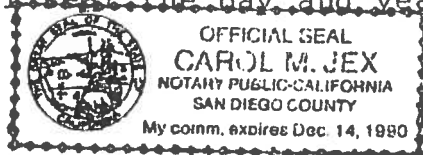
Nona Lee Capps
Nona Lee Capps

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

STATE OF CALIFORNIA
County of SAN DIEGO :ss.

On this 10th day of OCTOBER, 1990, before me, a Notary Public, personally appeared Donald V. Capps and Eva M. Capps, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



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

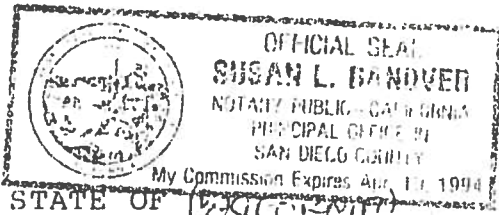
STATE OF CALIFORNIA
County of SAN DIEGO :ss.

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

POOR ORIGINAL

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

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



Susan L. Gardner
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 COVEMBER, 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 1986

Robert J. Kyte
Notary Public for Idaho
Residing at: William, Idaho
2/11/85

7.9280

POOR ORIGINAL

County of Adams)
) ss.
Filed for record at the request of
Westberg, McCabe & Collins
31 min. past 4 o'clock P.M.
this 11 day of October, 1990
Sk 17M cMiscellaneous PG. 112-1
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

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 \$8,000.00 by Doug Scism was recorded
7 in the office of the recorder, Adams County, State of Idaho, on
8 the _____ day of _____, 1989, as Instrument No. _____, in
9 book _____ of _____ at page _____.

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

13 Lot 1

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

16 Section 15: SW1/4SE1/4.

17 Section 22: NW1/4NE1/4

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

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

POOR ORIGINAL

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

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

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

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

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

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OCT 22 1996

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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)
) SS.
County of SAN DIEGO)

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

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



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

POOR ORIGINAL

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

32 min. page 4 o'clock P.M.
11 day of October, 1990
DA17M of Miscellaneous PG. 114

MICHAEL FICK, RECORDER

by Sarah J. McGowan 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,)

Case No. 2632

vs.)

REDEMPTION CERTIFICATE
BY SHERIFF

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

Defendants.)

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
and .51/100 Dollars (\$ 9507.51) in full redemption of the real property
described below, from the sale thereof by me to Doug Scism of
Adams County, Idaho, on October 11, 1989, as described in my
Certificate of Sale dated October 11, 1989, recorded in the
official records of Adams County, State of Idaho, on October 11,

POOR ORIGINAL

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

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

Lot 1

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

Section 15: SW1/4SE1/4.

Section 22: NW1/4NE1/4

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

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

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

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

POOR ORIGINAL

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

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

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

ADAMS COUNTY SHERIFF RICH GREEN

Rich Green

By _____

STATE OF IDAHO)
County of Adams) :ss.

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

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



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

79282

State of Idaho /
County of Adams /

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

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

MICHAEL FISK, RECORDER

by Michael Fisk
Fee \$ 15.00

POOR ORIGINAL

WESTBERG, McCABE & COLLINS
CHARTERED

ATTORNEYS & COUNSELORS AT LAW

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

TELEPHONE: (208) 336-5200

ATTORNEYS FOR: Capps Defendants

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

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

Case No. 2632

ASSIGNMENT OF
REDEMPTION RIGHT

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

POOR ORIGINAL

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

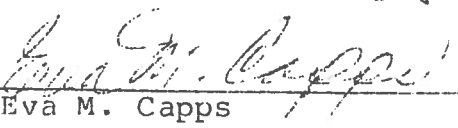
13 Township 17 North, Range ^{Lot 4} 1 West, Boise Meridian, Adams
14 County, Idaho.

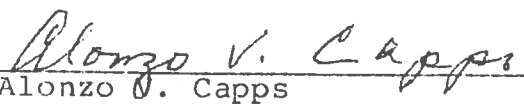
15 Section 22: E1/2NE1/4.

16 Section 15: SE1/4SE1/4

17 DATED This 10th day of October, 1990.

18 
Donald V. Capps

19 
Eva M. Capps

20 
Alonzo V. Capps

POOR ORIGINAL

Nona Lee Capps
Nona Lee Capps

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

STATE OF CALIFORNIA
:SS.
County of SAN DIEGO

On this 16TH day of OCTOBER, 1990, before me, a Notary Public, personally appeared Donald V. Capps and Eva M. Capps, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



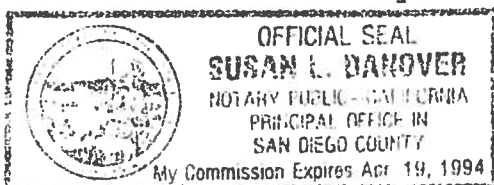
Carol M. Jex
Notary Public for CALIFORNIA
Residing at: ESCONDIDO
My Commission Expires: 12/14/90

STATE OF California
:SS.
County of San Diego

On this 10th day of October, 1990, before me, a Notary Public, personally appeared Alonzo V. Capps and Nona Lee Capps, husband and wife, known or identified to me to be the persons 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. Danover
Notary Public for San Diego County
Residing at: 4002 Camino
My Commission Expires: 4-19-94

STATE OF CALIFORNIA

MICROFILMED

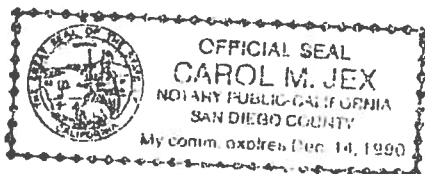
OCT 22 1996

POOR ORIGINAL

County of SAN DIEGO :SS.

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

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



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

POOR ORIGINAL

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 1996

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

POOR ORIGINAL

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

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

MICHAEL FISK, RECORDER

by Sarah J. Williams
Fee \$ 12.00 Deputy Clerk

WESTBERG, McCABE & COLLINS

CHARTERED

ATTORNEYS & COUNSELORS AT LAW

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

TELEPHONE: (208) 336-5200

ATTORNEYS FOR: Capps Defendants

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

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

Plaintiff,

vs.

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

Defendants.

Case No. 2632

REDEMPTION NOTICE
TO SHERIFF

DUPLICATE

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

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

POOR ORIGINAL

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

POOR ORIGINAL

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

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

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

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

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

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

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

POOR ORIGINAL

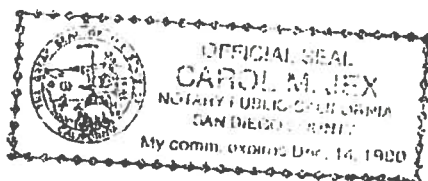
FRUITVALE PROPERTIES

By Donald V. Capps
Donald V. Capps

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

On this 18th day of October, 1990, before me a Notary Public personally appeared Donald V. Capps, known to me to be the partner in the limited partnership of Fruitvale Properties and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



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

POOR ORIGINAL

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

35 min past 4 o'clock P.

11 day of October, 1990

Sk 17M of Miscellaneous PC 119

MICHAEL FISK, RECORDER

by *[Signature]*

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,)

Case No. 2632

vs.)

REDEMPTION CERTIFICATE
BY SHERIFF

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

Defendants.)

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

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OCT 22 1996

POOR ORIGINAL

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

By _____

STATE OF IDAHO)
 : ss.
County of Ada *ms*)

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. / s/ [Signature] /

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



REDEMPTION CERTIFICATE BY SHERIFF - 3
CappsRC/PL11

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OCT 22 1996

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-00375
Date Received: 12/12/1989
Receipt No: CO13473
Received By: CA 12-13-89

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: 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	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	Lot	Use	Acres
17N	01W	14	SW	SW		IRR	22.4
Section Acres							22.4

A67-00375

Page 1

Date: 12/12/89

MICROFILMED
OCT 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. Lewis Date: 12-13-89

Date: _____

State of Idaho)
County of Ada) SS.

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

Seal

Residing at _____

My Commission Expires _____

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



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

June 4, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

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

Dear Claimants:

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

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

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

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

MICROFILMED
OCT 22 1996