

11/16/2005

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

RIGHT NUMBER: 67-375C

NAME AND ADDRESS: STEVEN R SHUMWAY
HWY 95 BOX 2405
COUNCIL ID 83612

ELSIE B SHUMWAY
HWY 95 BOX 2405
COUNCIL ID 83612

SOURCE: FORT HALL CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.104 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	0.104 CFS

PLACE OF USE:

<u>IRRIGATION Within ADAMS County</u>				
T17N R01W S22	NENE	7.8	T17N R01W S22	SENE 7.8

15.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 15.6 acres in a single irrigation season. Combined Right Nos.: 67-375C and 67-11304C.

This right is limited to the irrigation of 8.3 acres within the place of use described above in a single irrigation season.

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

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

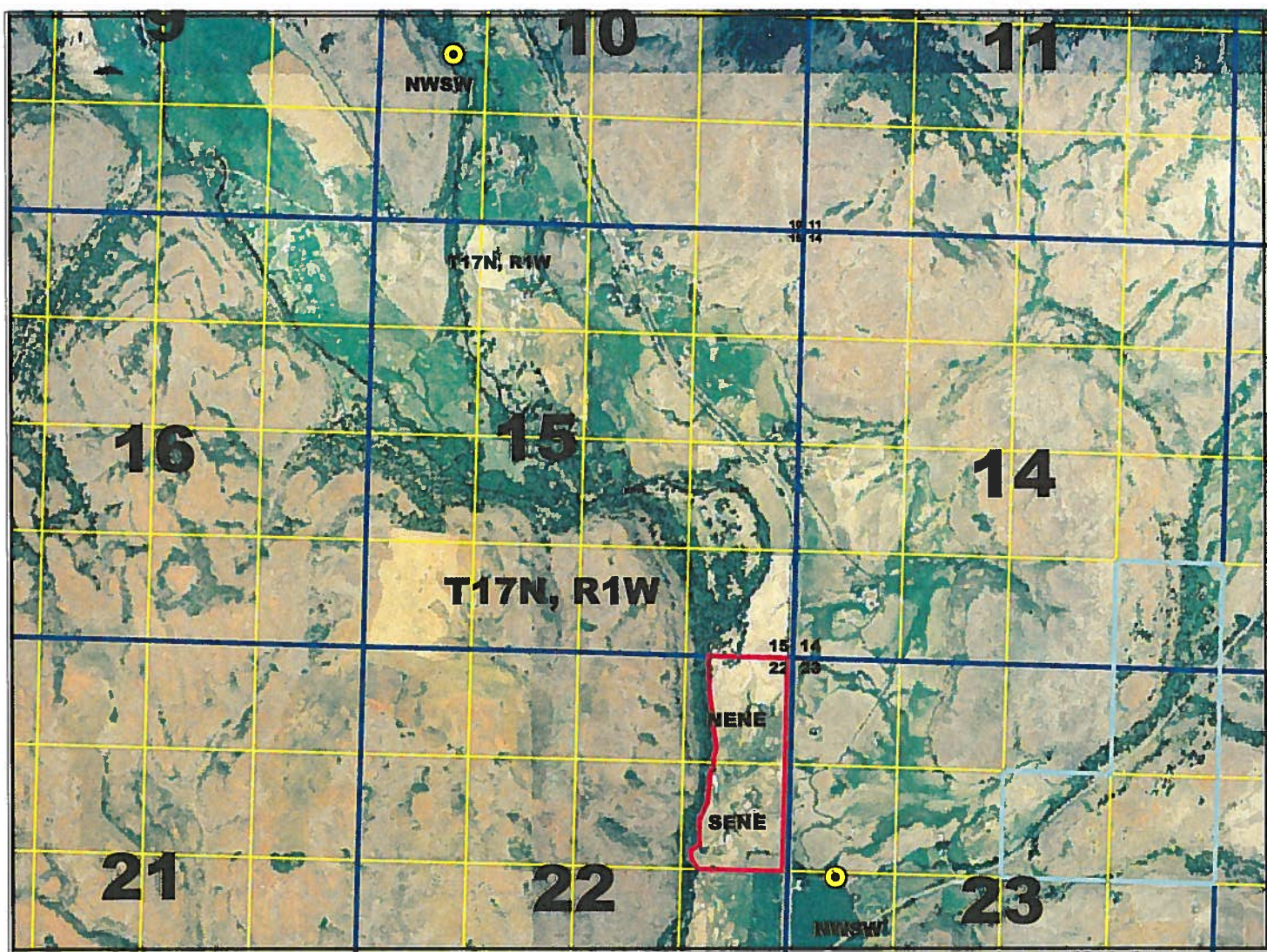
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



STATE OF IDAHO

Department of Water Resources

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



1350 0 1350 2700 4050 5400 6750 Feet

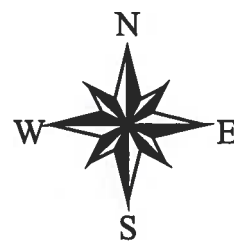


● Point(s) of Diversion

□ 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 67-375C V1

WATER RIGHT NUMBER: 67-375C V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LOUIS HARP
Current Owner	, ID STEVEN R SHUMWAY HWY 95 BOX 2405 COUNCIL, ID 83612 (208)253-4409
Original Owner	DOUGLAS M SCISM PO BOX 44 COUNCIL, ID 83612 (208)253-6023
Current Owner	ELSIE B SHUMWAY HWY 95 BOX 2405 COUNCIL, ID 83612 (208)253-4409

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	0.104 CFS	
	<u>Total Diversion:</u>	0.104 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				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N	01W	22	7.8			7.8													15.6

Total Acres: 15.6

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-375C V1

1. E56 The rights listed below are limited to the irrigation of a combined total of 15.6 acres in a single irrigation season. Combined Right Nos.: 67-375C and 67-11304C.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. 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.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. K06 This right is limited to the irrigation of 8.3 acres within the place of use described above in a single irrigation season.
6. 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.

Remarks:Comments:

1. segbert 8/5/2004 POU

Comment: Section 22 is not listed on the decree for this water right

2. csaxton 11/16/2005 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 11/16/2005 C05

Comment: The change is supported by the water master records showing delivery of this right through Farmers canal.

4. csaxton 11/16/2005 POU(1)

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.

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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-375C V1

Priority Date	8/5/2004 2:27:06 PM	segbert	Active
POD	8/5/2004 2:27:21 PM	segbert	Active
Source	8/5/2004 2:27:29 PM	segbert	Active
POU	8/5/2004 2:27:41 PM	segbert	Active
Use	8/5/2004 2:29:20 PM	segbert	Active
Season	8/5/2004 2:29:34 PM	segbert	Active
Quantity	8/5/2004 2:29:51 PM	segbert	Active
Contacts	11/16/2005 9:52:30 AM	csaxton	Active
Priority Date	11/16/2005 9:52:51 AM	csaxton	Active
POD	11/16/2005 9:53:24 AM	csaxton	Active
Source	11/16/2005 9:54:25 AM	csaxton	Active
POU	11/16/2005 9:56:19 AM	csaxton	Active
Use	11/16/2005 10:00:02 AM	csaxton	Active
Season	11/16/2005 10:00:14 AM	csaxton	Active
Quantity	11/16/2005 10:00:29 AM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/16/2005 9:52:31 AM	csaxton	(No) 1. Do you want to schedule an appointment?
General	11/16/2005 9:52:52 AM	csaxton	Comment for 1: Desktop Review (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	11/16/2005 9:54:02 AM	csaxton	Updated shape
Source	11/16/2005 9:54:26 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?

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POD	11/16/2005 9:53:25 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	11/16/2005 9:53:49 AM	csaxton	Updated shape
POU	11/16/2005 9:56:20 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. When the POD changed, different ground could be irrigated. Description for Question 13 - The change is supported by the water master records showing delivery of this right through Farmers canal.
Quantity	11/16/2005 10:00:30 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?
POU	11/16/2005 10:23:45 AM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

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Use	11/16/2005 10:00:03 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?
Season	11/16/2005 10:00:15 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?
Priority Date	8/5/2004 2:27:06 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 2:27:22 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 2:27:29 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 2:27:41 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?
POU	8/5/2004 2:28:02 PM	segbert	Created polygon from PLS
Use	8/5/2004 2:29:20 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?

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Adjudication Recommendation Report 67-375C V1

Season	8/5/2004 2:29:34 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 2:29:51 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? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file?

Water Supply Bank:

Contacts Data Entry Form**Claim Number: 67-375C**

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	LOUIS HARP			ID		
Current Owner	STEVEN R SHUMWAY	HWY 95 BOX 2405	COUNCIL	ID	83612	(208)253-4409
Original Owner	DOUGLAS M SCISM	PO BOX 44	COUNCIL	ID	83612	(208)253-6023
Current Owner	ELSIE B SHUMWAY	HWY 95 BOX 2405	COUNCIL	ID	83612	(208)253-4409

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:

Ownership information looks accurate. _____

Claim Number 67-375C

Claimed Basis: Decreed

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

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

[illegible]

Point of Diversion and Source Data Entry Form

Claim Number 67-375C

Claimed Point of Diversion and Source

T17N R01W S10 NENSW 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		NENSW	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 67-375C

Claimed Place Of Use

T17N R01W S22 NENE 37.0 T17N R01W S22 SENE 38.0

Total Acres 75

☐ 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	NENE		Adams		7.8	Irrigation
17N	1W	22	SENE		Adams		7.8	Irrigation

Total Acres 15.6

Document how the POU was verified:

The place of use recommended is a permissible place of use with 67-11304C. 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 8.3 acres within the POU described above.

Purpose of Use Data Entry Form

Claim Number 67-375C

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 67-375C

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.104	

Overall Diversion Rate 0.104 Overall Diversion Volume

X 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)	Acreage	Source	Water Use(s) Owner(s)	Source Table
67	375	C	Decreed	Active	6/1/1911	0.1	75	FORT HALL IRRIGATION SHUMWAY, ELSIE	wrAdjudicationClaim	
67	11304	C	Decreed	Active	1882-05-01	0.09	75	FORT HALL IRRIGATION SHUMWAY, ELSIE	wrAdjudicationClaim	
67	55		Decreed	Active	1884-06-01	0.9		WEISER RIV IRRIGATION GLENN, WILLIAM	wrWaterRight	

Claimed by Scism, but looks applicable to Shumway property. WM Records show delivered to Scism.
 67-55 was not claimed at all on this property which is the decreed POU
 67-11304 is a combination of 67-372 and 67-374

Recommendation Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acreage	Source	Water Use(s) Owner(s)	Source Table
67	375	C	Decreed	Active	6/1/1911	0.104	8.3	FORT HALL IRRIGATION SHUMWAY, ELSIE	wrAdjudicationClaim	
67	11304	C	Decreed	Active	1882-05-01	0.091	7.8	FORT HALL IRRIGATION SHUMWAY, ELSIE	wrAdjudicationClaim	
						0.195	15.6			

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

Water Master Records									
Page #	Parcel Number	Name	New Charge 2005	New Charge 2003	Water in Inches	File #	Original Owner	Priority Date	Ditch
12	P17N01W2700	SHUMWAY, STEVE	\$ 5.60	\$4.90	7	45	G GOULD	6/1/05	Farmers
13	P17N01W2348	SHUMWAY, STEVE	\$ 8.00	\$7.00	10	376	A FREEHAJER	7/19/93	Farmers
13	P17N01W2348	SHUMWAY, STEVE	\$ 30.40	\$38.58	55.11	72	248 AF STG	5/1/06	Farmers
25	P17N01W2348	SHUMWAY, STEVE	\$ 28.00	\$26.60	38	70	S GOSHERT	6/1/02	Robertson Sevey
26	P17N01W2348	SHUMWAY, STEVE	\$ 28.00	\$24.50	35	70	FREHAJER	6/1/02	Robertson Sevey

Competing company claim	Statutory Clai	Active	1891-06-01	11.43	WEISER RIV IRRIGATION FARMERS CANAL	wrAdjudicationClaim
67	4116					

Other claims not related to Scism.										
<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Source</u>	<u>Water Use(s) Owner(s)</u>	<u>Source Table</u>
67		45	Decreed	Active	6/1/1905	0.14		WEISER RIV IRRIGATION SHUMWAY, ELSIE		wrAdjudicationClaim
67		70	Decreed	Active	6/1/1902	0.7		WEISER RIV IRRIGATION SHUMWAY, ELSIE		wrAdjudicationClaim
67		72	Decreed	Active	5/1/1906	0.76		WEISER RIV IRRIGATION SHUMWAY, ELSIE		wrAdjudicationClaim
67		376	Decreed	Active	1893-07-19	0.2		FORT HALL IRRIGATION SHUMWAY, STEVE		wrAdjudicationClaim
67		2117	License	Active	5/9/1919	2		WEISER RIV IRRIGATION SHUMWAY, STEVE		wrAdjudicationClaim

Split history for Decreed Right 67-00375

WR History

Claim History

Claim History

67-375		67-375		67-375A	
0.22	Harp		Scism	0.07	Scism
17.6	ac	0.22		50.8	
0	af	159.1		0	
Acres calculated at 5/8 in per acre		0.001382778			

67-375B	Fruitvale
0.046	0.046
33.3	33.3
0	0

67-375C	Shumway
0.104	0.104
75	75
0	0

67-375A	Scism
0.07	0.07
5.6	5.6
0	0

Limited to 5.6 within X acres

67-375B	Fruitvale
0.046	0.046
3.7	3.7
0	0

Limited to 3.7 within X acres

67-375C	Shumway
0.104	0.104
8.3	8.3
0	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 AfA =	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	17N01W14E	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 Watrous, 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 884

18 ✓

15 ✓

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 Frechafer and Margaret B Pith

JUL 24 1996

67 0348
May 1, 1878 Trans 504-517-537-711 ✓
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 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

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 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.

DESIGNER BIRKP 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 POYNIE AND JOHN POYNIE: 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 FELLMAN: 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: **A67-00375C**
Date Received: 12/13/1989
Receipt No: X777777
Received By: _____

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

1. Name: STEVEN R SHUMWAY 208-253-4409
Address: PO BOX 2405 HWY 95
COUNCIL ID 83612

AND

Name: ELSIE B SHUMWAY 208-253-4409
Address: PO BOX 2405 HWY 95
COUNCIL ID 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	0.104		

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

8. Total consumptive use is 225.0 Acre Feet Per Annum.

9. Non-irrigation uses:

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OCT 22 1998
SCANNED
APR 02 2004

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	22	NE	NE		IRR	37.0
			SE	NE		IRR	38.0
Section Acres							75.0
Total Acres							75.0

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 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: _____

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OCT 22 1996

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)

RECEIVED
SEP 18 1991

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 17 N Range 1 West

Section 22, E $\frac{1}{2}$ 1/4 of NE 1/4 of 1/4 Govt. Lot _____

Lot _____, Block _____, Subdivision/Townsite _____

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

RECEIVED
SEP 19 1991

- ☐ 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) Assigned by IDWR: A67-11304, A67-00083J, A67-00375, A67-02053T, A67-00055
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Alonzo V. Capps, Donald V. Capps - General Partners
Fruitvale Properties, a Limited Partnership
- ☐ New Owner/Claimant (Purchaser): Stephen R. Shumway and Elsie B. Shumway, husband and wife
- ☐ New Mailing Address: P.O. Box 2405 Highway 95
Council, Idaho 83612
- ☐ New Telephone Number: (208) 253-4409
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Deed

(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): Stephen R. Shumway Date 5-sep-91
Elsie B. Shumway Date _____
- ☐ Signature of Former Owner/Claimant(s): Fruitvale Properties Inc Date 8/30/91
Donald V. Capps & Alonzo V. Capps Date _____

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

Donald V. Capps his attorney
in fact.

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:

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OCT 22 1996

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

RECEIVED
SEP 18 1992

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

WARRANTY DEED

For Value Received Fruitvale Properties, a limited partnership

the grantor , does hereby grant, bargain, sell and convey unto STEVEN R. SHUMWAY and ELSIE B. SHUMWAY, husband and wife

the grantee , whose current address is Highway 95, Box 2405, Council, Idaho 83612

the following described premises, in Adams County, Idaho, to-wit:

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

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

An easement for ingress and egress over and across the Easterly 30 feet of the SE1/4SE1/4 of Section 15, Township 17 North, Range 1 West, Boise Meridian, lying Westerly of the Westerly line of the existing railroad easement. Said easement shall be from the existing railroad crossing to the Northerly boundary of the E1/2NE1/4 T17N R1W Section 22.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s , heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees , that they the owner s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: July 1, 1991

Fruitvale Properties, a limited partnership

Alonzo V. Capps

Donald V. Capps, his attorney in fact

by Alonzo V. Capps

Donald V. Capps

by Donald V. Capps

STATE OF IDAHO

COUNTY OF

On this day of , in the year 19 , before me, a Notary Public, personally appeared

known or identified to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary Public

Residing at , Idaho.

STATE OF IDAHO, COUNTY OF ADAMS

I hereby certify that this instrument was filed for record at the request of

Timberline Title & Escrow

at 50 minutes past 1 o'clock P M., this 6 day of September , 19 91 , in my office, and duly recorded in Book 43M of Deeds at page 420

Michael Fisk

Ex-Officio Recorder

By

Sarah J. Wilson

Deputy

Fees \$ 3.00
Mail to:

INSTRUMENT No.

80891

Chicago Title Insurance
Company of Idaho





NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

AUG 05 1991

DATE OF CLOSING: 10/11/90

LEGAL DESCRIPTION OF PROPERTY: Township 17 N Range 1 W Department of Water Resources
Section 15, 22 1/4 of 1/4 of 1/4 Govt. Lot , BM.

Lot , Block , Subdivision/Townsite .

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

SEE ATTACHED EXHIBIT "A"

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

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

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

[] New Owner/Claimant (Purchaser): FRUITVALE PROPERTIES, A LIMITED PARTNERSHIP
ALONZO V. CAPPS, DONALD V. CAPPS, GENERAL PARTNERS

[] New Mailing Address: 29821 CIRCLE R CREEK LANE
ESCONDIDO, CA 92036

[] 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: 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

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

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After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

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

MICROFILMED

OCT 22 1996

State of Idaho }
County of Adams } ss.Filed for record at the request of
Westberg, McCabe & Collins30 min. past 4 o'clock P.M.
this 11 day of October, 19 90
Ex 17M of Miscellaneous PG. 110-11

MICHAEL FISK, RECORDER

by Baahj. Wilson 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/PL11MICROFILMED
OCT 22 1990

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.

Donald V. Capps
Donald V. Capps

Eva M. Capps
Eva M. Capps

Alonzo V. Capps
Alonzo V. Capps

Nona Lee Capps
Nona Lee Capps

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

STATE OF CALIFORNIA)
:ss.
County of SAN DIEGO)

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

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



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

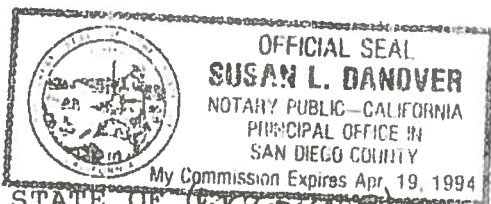
STATE OF California)
:ss.
County of San Diego)

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

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
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.

MICROFILMED

OCT 22 1998

79280
State of Idaho }
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 c Miscellaneous 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 // 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 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

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

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

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

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

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

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

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

FRUITVALE PROPERTIES

By Donald V. Capps
Donald V. Capps

STATE OF CALIFORNIA)
: SS.
County of SAN DIEGO

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

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



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

State of Idaho }
County of Adams } ss.

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

32 min. past 4 o'clock P.M.
This 11 day of October, 1990
BK17M of Miscellaneous PG.114

MICHAEL FISK, RECORDER

by Sarah J. Wilson 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 & 51/100
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 ,

MICROFILMED
OCT 22 1995

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

State of Idaho }
County of Adams } ss.

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

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

MICHAEL FISK, RECORDER

by *Sarah Wilson* 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

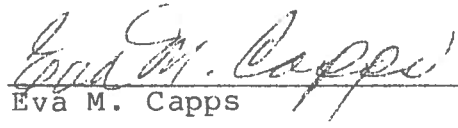
1 Court of the Third Judicial District of the State of Idaho in and
2 for the County of Adams, Case No. 2632 entitled Farm Credit Bank
3 of Spokane, a corporation, successor by merger to the Federal
4 Land Bank of Spokane, Plaintiff v. Alonzo V. Capps and Nona Lee
5 Capps, husband and wife, et al, Defendants.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

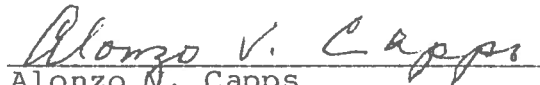
13 Lot 4
Township 17 North, Range 1 West, Boise Meridian, Adams
County, Idaho.

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

16 DATED This 10th day of October, 1990.

17 
18 Donald V. Capps

19 
20 Eva M. Capps

21 
22 Alonzo V. Capps
23

Nona Lee Capps
Nona Lee Capps

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

STATE OF CALIFORNIA
County of SAN DIEGO :SS.

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

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



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

STATE OF California
County of San Diego :SS.

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

**proved to me on the basis of satisfactory evidence*

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



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

STATE OF CALIFORNIA

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

EXHIBIT IT

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.

MICROFILMED
OCT 22 1988

STATEMENT NO. 79283
State of Idaho }
County of Adams } ss.

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

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

MICHAEL FISK, RECORDER

by Sarah 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
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.
22
23

By Donald V. Capps
Donald V. Capps

Carol M. Fox
Notary Public for California
Residing at: Escondido
Commission Expires: 12/14/90



REDEMPTION NOTICE TO SHERIFF - 4
CappsNot5/PL11

MICROFILMED

00122-11

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

35 min. past 4 o'clock P.

11 day of October, 199

Sk 17M of Miscellaneous PG.119

MICHAEL FISK, RECORDER

by Sarah J. Wilson 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 Seventy-four thousand, four hundred
& eighty \$ 00/100 Dollars (\$ 74,480.00) in full redemption of the real property
described below, from the sale thereof by me to Doug Scism of
Adams County, Idaho, on October 11, 1989, as described in my
Certificate of Sale dated October 11, 1989, recorded in the
official records of Adams County, State of Idaho, on October ____,

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

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

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

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

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

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

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

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

IN WITNESS WHEREOF, I have executed this certificate at

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

ADAMS COUNTY SHERIFF RICH GREEN

Rich 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.



Dan Cheverton
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: CD 13473
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 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
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

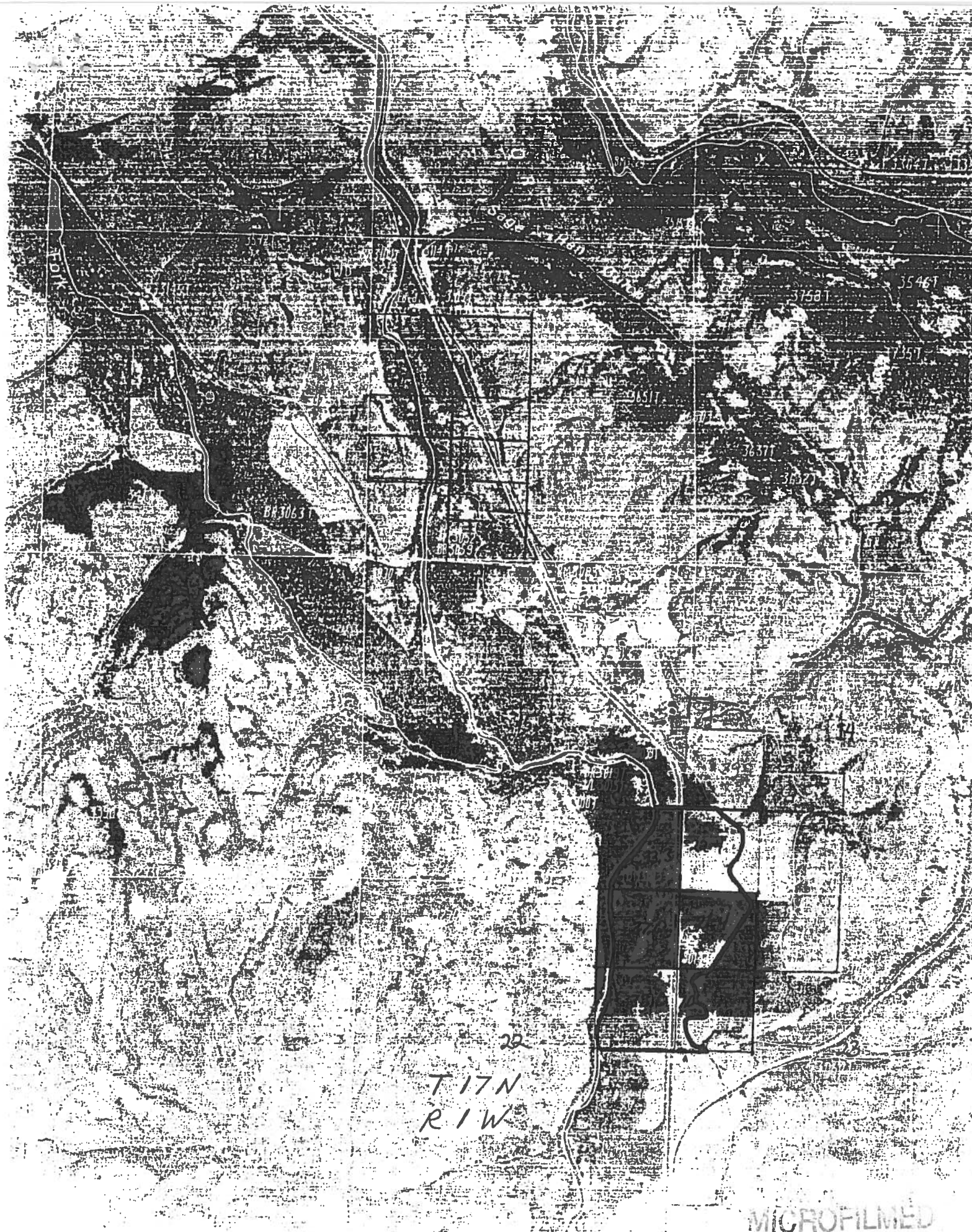
Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

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



T17N
R1W

MICROFILMED
OCT 22 1996

POOR ORIGINAL



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

Steven R. & Elsie B. Shumway
P.O. Box 2405 Hwy 95
Council, ID 83612

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