

04/28/2006

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

RIGHT NUMBER: 67-11304B

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: 0.041 CFS

PRIORITY DATE: 05/01/1882

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	0.041 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 3.2 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 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.

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

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

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

CIVIL CASE NUMBER: 39576

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

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

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

2. Date of Priority: MAY 1, 1882

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 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	0.042		

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

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

9. Non-irrigation uses:

10. Place of Use:

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

SCANNED
APR 12 2004

10. Place of Use: Continued

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

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
A67-00375

14. Remarks:

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

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

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

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

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"

POOR ORIGINAL

[] 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. CAPPIS, DONALD V. CAPPIS, GENERAL PARTNERS
29821 CIRCLE R CREEK LANE
ESCONDIDO, CA 92026

[] New Mailing Address:

[] 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
Date

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

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

FOR IDWR USE ONLY:

Initial Review and Data Entry

Date: 5/3/96 By: kw

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

RECEIVED

APR 28 1992

Department of Water Resources
Western Regional Office

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

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OCT 23 1996

EXHIBIT "A"

POOR ORIGINAL

Lot 1

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

Section 15: SW1/4SE1/4.

Section 22: NW1/4NE1/4 .

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

Lot 4

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

Section 22: E1/2NE1/4.

Section 15: SE1/4SE1/4

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OCT 23 1996

State of Idaho)
County of Adams) ss.

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

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

11 day of October, 19 90
OK 17M of Miscellaneous PG. 110-11

MICHAEL FISK, RECORDER

by Betty Wilson Deputy
Fee \$15.00

POOR ORIGINAL

WESTBERG, McCABE & COLLINS

CHARTERED

ATTORNEYS & COUNSELORS AT LAW

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

TELEPHONE: (208) 336-5200

ATTORNEYS FOR: Capps Defendants

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT

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

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

Plaintiff,)

vs.)

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

Defendants.)

Case No. 2632

ASSIGNMENT OF
REDEMPTION RIGHT

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

ASSIGNMENT OF REDEMPTION RIGHT - 1
CappsAssign/PL11

MICROFILMED

OCT 23 1996

POOR ORIGINAL

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

13 Lot 1

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

16 Section 15: SW1/4SE1/4.

17 Section 22: NW1/4NE1/4

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

DATED This 16th day of October, 1990.

POOR ORIGINAL

Donald V. Capps
Donald V. Capps

Eva M. Capps
Eva M. Capps

Alonzo V. Capps
Alonzo V. Capps

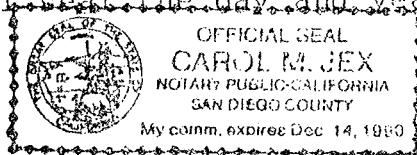
Nona Lee Capps
Nona Lee Capps

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

STATE OF CALIFORNIA
County of San Diego :ss.

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

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



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

STATE OF California
County of San Diego :ss.

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

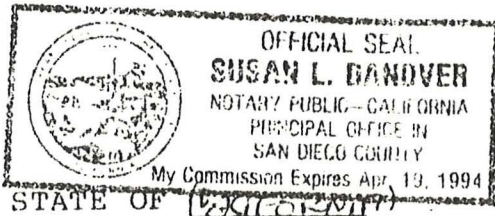
ASSIGNMENT OF REDEMPTION RIGHT - 3
CappsAssign/PL11

MICROFILMED
OCT 23 1996

POOR ORIGINAL

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

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



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

:SS.
County of San Diego

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

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



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

POOR ORIGINAL

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

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

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

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

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

DATED this 2nd day of July, 1984.

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

STATE OF IDAHO)
ss:
County of Washington

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

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

MICROFILMED

OCT 23 1986

Notary Public for Idaho
Residing at: Wilson, Idaho

2/10/85

State of Idaho
County of Adams

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

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

MICHAEL FICK RECORDER

by Sarah J. Wilson Deputy
Fee \$ 12.00

POOR ORIGINAL

WESTBERG, McCABE & COLLINS
CHARTERED

ATTORNEYS & COUNSELORS AT LAW

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

TELEPHONE: (208) 336-5200

ATTORNEYS FOR: Capps Defendants

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

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

Plaintiff,

vs.

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

Defendants.

Case No. 2632

REDEMPTION NOTICE
TO SHERIFF

DUPLICATE

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

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

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

The 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.

The sum Fruitvale Properties paid for the redemption was \$ 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.
23

POOR ORIGINAL

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

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

FRUITVALE PROPERTIES

By Donald V. Capps
Donald V. Capps

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

On this 16TH day of OCTOBER, 1990, before me a Notary Public personally appeared Donald V. Capps, known to me to be the partner in the limited partnership of Fruitvale Properties and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



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

POOR ORIGINAL

of Idaho / ISS.
County of Adams

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

32 not page 4 4:00 P.M.
Oct 11 day of October 1990
Gr 17M of Miscellaneous 114

MICHAEL L. GORDON
by Susan J. Collins Deputy
Fee \$ 9.00

WESTBERG, McCABE & COLLINS
CHARTERED

ATTORNEYS & COUNSELORS AT LAW

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

TELEPHONE: (208) 336-5200

ATTORNEYS FOR: Capps Defendants

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

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

Plaintiff,)

vs.)

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

Defendants.)

Case No. 2632

REDEMPTION CERTIFICATE
BY SHERIFF

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

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

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

Lot 1

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

Section 15: SW1/4SE1/4.
Section 22: NW1/4NE1/4

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

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

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

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

POOR ORIGINAL

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

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

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

ADAMS COUNTY SHERIFF RICH GREEN

Rich Green

By _____

STATE OF IDAHO)
County of Adams) :ss.

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

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



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

State of Idaho /
County of Adams / ss.

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

33 min. past 4 o'clock P.M.
this 11 day of October, 1990
Bk 17M of Miscellaneous PG. 115-1

MICHAEL FISK, RECORDER

by Shawn Wilson
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,)

Case No. 2632

vs.)

ASSIGNMENT OF
REDEMPTION RIGHT

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

Defendants.)

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

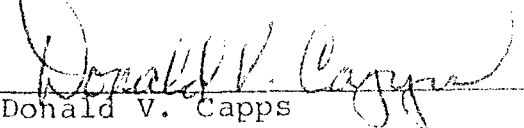
POOR ORIGINAL

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:

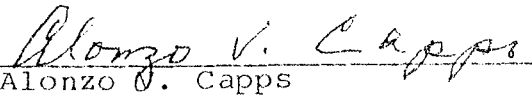
13 Lot 4
14 Township 17 North, Range 1 West, Boise Meridian, Adams
15 County, Idaho.

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

18 DATED This 10th day of October, 1990.

19 
20 Donald V. Capps

21 
22 Eva M. Capps

23 
Alonzo V. Capps

POOR ORIGINAL

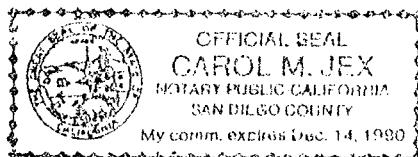
Nona Lee Capps
Nona Lee Capps

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

STATE OF CALIFORNIA
County of San Diego :ss.

On this 11th day of October, 1990, before me, a Notary Public, personally appeared Donald V. Capps and Eva M. Capps, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



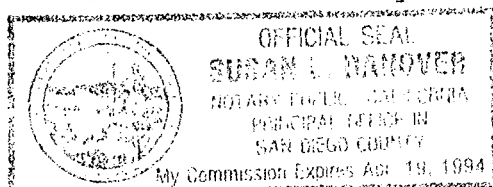
Carol M. Jex
Notary Public for CALIFORNIA
Residing at: ESCONDIDO
My Commission Expires: 12/14/90

STATE OF California
County of San Diego :ss.

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

*proved to me on the basis of satisfactory evidence.

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



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

STATE OF CALIFORNIA

POOR ORIGINAL

County of SAN DIEGO :ss.

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

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



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

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 PARTNER-SHIP, the "Grantee", the following described real property in the County of Adams, State of Idaho, to wit:

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

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

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

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

DATED this 2nd day of July, 1984.

Alonzo V. Capps
Alonzo V. Capps

Nona Lee Capps
Nona Lee Capps

Donald V. Capps
Donald V. Capps

Eva M. Capps
Eva M. Capps

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

STATE OF IDAHO)
ss:
County of Washington

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

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

MICROFILMED

OCT 23 1996

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

att. 2/10/85

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

POOR ORIGINAL

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

Michael Lee, Attorney
by Sarah J. Collins
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

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

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

13 Lot 4

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

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

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

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

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

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

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

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

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

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

POOR ORIGINAL

FRUITVALE PROPERTIES

BY Donald V. Capps
Donald V. Capps

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

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

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



Carol M. Jex
Notary Public for California
Residing at: San Diego
Commission Expires: 12/15/90

POOR ORIGINAL

79284
of Idaho
35
11 day of October, 199
Ex 17M of Miscellaneous PG 119
MICHAEL FISK RECORDED
by
Fee \$ 9.00

WESTBERG, McCABE & COLLINS
CHARTERED

ATTORNEYS & COUNSELORS AT LAW

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

TELEPHONE: (208) 336-5200

ATTORNEYS FOR: Capps Defendants

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT

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

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

Plaintiff,)

vs.)

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

Defendants.)

Case No. 2632

REDEMPTION CERTIFICATE
BY SHERIFF

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

REDEMPTION CERTIFICATE BY SHERIFF - 1
CappsRC/PL11

MICROFILMED
OCT 23 1996

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

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

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

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

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

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

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

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

IN WITNESS WHEREOF, I have executed this certificate at

POOR ORIGINAL

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.



Jan 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: A67-11304
Date Received: 8/22/1989
Receipt No: CD13473
Received By: CA 12-13-89

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: MAY 01, 1882

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

4. Point of Diversion:

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

5. Description of diverting works:
FARMERS CANAL

6. Water is used for the following purposes:

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

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

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

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

10. Place of Use:

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

A67-11304

Page 1

Date: 12/12/89

MICROFILMED
OCT 23 1996

10. Place of Use: Continued

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

11. Place of use in counties: ADAMS

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

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

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

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of Ada) SS.

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

Seal

Residing at _____

My Commission Expires _____

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

POOR VAL

MICROFILMED
OCT 23 1996

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: 67-11304B

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: 0.041 CFS

PRIORITY DATE: 05/01/1882

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	0.041 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 3.2 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 place of use pursuant to Section 42-1425, Idaho Code.

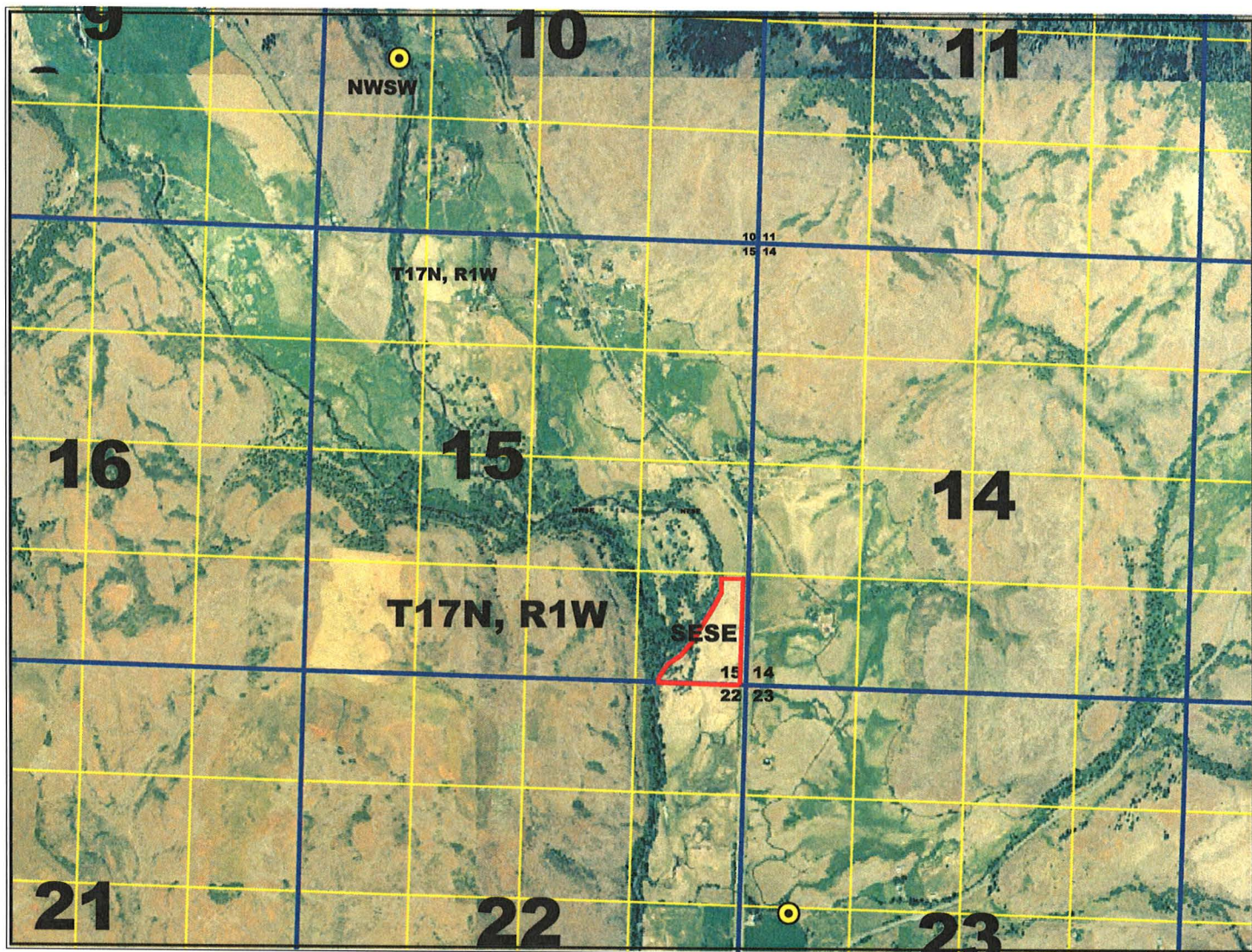
Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



STATE OF IDAHO

Department of Water Resources

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



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 67-11304B V1

WATER RIGHT NUMBER: 67-11304B V1

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

Priority Date: 05/01/1882

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	0.041 CFS	
	<u>Total Diversion:</u>	0.041 CFS	

Location of Point(s) of Diversion

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

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	15																6.9	6.9

Total Acres: 6.9

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11304B V1

1. 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.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. 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.
5. K06 This right is limited to the irrigation of 3.2 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. csaxton 11/17/2005 POU

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.

2. csaxton 11/17/2005 Change in POU and POD

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

3. 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.

4. 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.

5. csaxton 11/17/2005 From Claim

Comment: 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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-11304B V1

Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/17/2005 10:25:52 AM	csaxton			Active
Contacts	11/17/2005 10:38:01 AM	csaxton			Active
Priority Date	11/17/2005 10:38:08 AM	csaxton			Active
POD	11/17/2005 10:38:56 AM	csaxton			Active
Source	11/17/2005 10:39:47 AM	csaxton			Active
POU	11/17/2005 10:40:47 AM	csaxton			Active
Use	11/17/2005 10:42:00 AM	csaxton			Active
Season	11/17/2005 10:42:14 AM	csaxton			Active
Quantity	11/17/2005 10:42:27 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>
Contacts	11/17/2005 10:25:59 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
POU	11/17/2005 10:41:53 AM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11304B V1

Summary	11/17/2005 10:48:39 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 10:38:09 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
POD	11/17/2005 10:39:24 AM	csaxton	Updated shape
POD	11/17/2005 10:39:34 AM	csaxton	Updated shape
Source	11/17/2005 10:39:55 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	11/17/2005 10:42:08 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?
General	11/17/2005 10:38:16 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11304B V1

POD	11/17/2005 10:39:05 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.
POU	11/17/2005 10:40:56 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 acreage was irrigated. This is supported by water master records. Description for Question 13 - Water Master Records.
Season	11/17/2005 10:42:23 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11304B V1

Quantity	11/17/2005 10:42:35 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?
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Water Supply Bank:

Contacts Data Entry Form

Claim Number: 67-11304B

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

Comment for 1: Desktop Review

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 67-11304B

Claimed Priority Date: 5/1/1882

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 67-11304B

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 67-11304B

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	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 3.2 acres within the POU described above.

Purpose of Use Data Entry Form

Claim Number 67-11304B

Claimed Purpose of Use

Water Use Number of Homes Number of Stock Acre Limit
IRRIGATION

X 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 67-11304B

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.042	

Overall Diversion Rate 0.042 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
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Overall Diversion Rate Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.041	

Overall Diversion Rate 0.041 Overall Diversion Volume

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

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, WIL	wrWaterRight
67	4116	Statutory Cla	Active	1891-06-01	11.43	WEISER RIV IRRIGATIC FARMERS (	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	ew Char 2003	Water in Inches	File #	Original Owner	Priority Date	Notes
27	RP17N01W143900	MCALVAIN	\$ 0.80	\$0.70	1	50	MCMAHA	5/31/84	Robertson Sevey
27	RP17N01W145400	MCALVAIN	\$ 3.20	\$2.80	4	53	MCMAHA	6/1/84	Robertson Sevey
25	RP17N01W151800	MCALVAIN	\$ 10.00	\$7.50	10	59	MCMAHA	4/1/01	Robertson Sevey
27	RP17N01W143900	MCALVAIN, WM DOUG		\$0.78	1.11		5 STG		Robertson Not delivered to SESE 15
27	RP17N01W145400	MCALVAIN, WM DOUG		\$2.64	3.78		17 STG		Robertson Not delivered to SESE 15
28	RP17N01W145000	MCALVAIN, WM DOUG		\$1.56	2.22		10 STG		Robertson Not delivered to SESE 15

Storage water

Split history for Decreed Right 67-372 & 374

WR History

Claim History

Recommendation

67-372 Hamill
0.08 cfs
6.4 ac
0 af

* calculated at 5/8 inches per acre

67-372 See Remarks
0.08
?

67-372A Distler
0.006
6

67-372A Distler
0.006
6

67-372A Distler
0.006
0.5

67-11304 Scism
0.2
159.1
0.194
159.1
0.0012

67-11304A Scism
0.064
50.8

67-11304A Scism
0.062
5.0

0.01239

67-11304B Fruitvale
0.042
33.3

67-11304B Fruitvale
0.041
3.2

0.01269

67-11304C Shumway
0.094
75

67-11304C Shumway
0.091
7.3

0.01253

67-374 Harp
0.12 cfs
9.6 ac
0 af

* calculated at 5/8 inches per acre

67-373 See Remarks
0.12
?

Total CFS = 0.206
Total AC = 165.1
Total Vol = n/a

Total CFS = 0.2
Total AC = 16
Total Vol = n/a

Extra CFS = -0.006
Extra AC = n/a
Extra Vol = n/a

Extra CFS = 0
Extra AC = n/a
Extra Vol = n/a

*Last updated 11-16-05 (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	P17N01W2303	SCISM, D	\$ 3.20	\$2.80	4	372	CT HAMILL	5/1/82	Farmers Canal
12	P17N01W1460	SCISM, D	\$ 4.80	\$4.20	6	374	L HARP	5/1/82	Farmers Canal

J F Lowe

L J Rhinehart

Loren Rhinehart

Anna Morrow

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

Frederick N Watrous, Grantee of Geo M Winkler

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

Deseret Sheep Company sub for C A Martin, Grantee
of Margaret Krigbaum

Mill Creek (Con)

Council Valley Orchards, Grantee of J Marion
Young

J D Poyner and John Poyner

George T Ellis

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

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

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

B W Turnipseed

J V Morrison

C W Holmes

Council Valley Orchards

Unnamed Stream.

Council Valley Orchards

Frank B Galey

C W Holmes

C E McDonald

High water 56

Fort Hall Creek

C T Hamill

Louis Harp

A L Frechafer and Margaret M. Dill

38 ✓

31 ✓

40 ✓

5 ✓

25 ✓

16 2/3 ✓

12 1/2 ✓

33 1/3 ✓

20 3/4 ✓

37 1/2 ✓

29 ✓

41 2/3 ✓

10 3/4 ✓

29 ✓

37 1/2 ✓

21 1/2 ✓

27 1/2 ✓

37 1/2 ✓

54 ✓

16 Trans 284

18 ✓

15 ✓

8 ✓

100 ✓

100 ✓

20 ✓

10 ✓

34 ✓

4 ✓

4 ✓

6 ✓

11 ✓

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, 1911 67 0352

May 1, 1882 67 0353

May 1, 1891 67 0354

May 1, 1884 Trans 467 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

LESTER I McMAHAN: The Southeast Quarter of the Northeast Quarter of Section 15, Township 17 North, Range 1 West Boise Meridian.

GEORGE ROBERTSON: The East half of the Southwest Quarter, the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 10, Township 17 North, Range 1 West Boise Meridian.

LILLIAN G SPOFFORD: The North half of the Northwest Quarter of Section 23 and the Southeast Quarter of the Southwest Quarter of Section 14, Township 17 North, Range 1 West Boise Meridian.

FRUITVALE TOWNSITE COMPANY: The North half of the Northeast Quarter of Section 15, Township 17 North, Range 1 West Boise Meridian.

PHILIP WALSTON: The Southwest Quarter of the Southeast Quarter of Section 10, Township 17 North, Range 1 West Boise Meridian.

G E COX: A tract of four acres in the Northeast corner of the Fruitvale town-site, in Section 15, Township 17 North, Range 1 West Boise Meridian.

A L FREEHAVER and MARGARET R PIKE: The West half of the Southeast Quarter and a strip of land in the West half of the Southwest Quarter adjoining lands above described, all in Section 23, Township 17 North, Range 1 West Boise Meridian.

S D GOSHERT: The West half of the Southwest Quarter of Section 23, and the Northwest Quarter of the Northwest Quarter of Section 26, Township 17 North, Range 1 West.

G T HAMILL: The South half of the Northwest Quarter of Section 23, Township 17 North, Range 1 West Boise Meridian.

E R WINDES: The West half of the Northeast quarter, the East half of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter, the North half of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 26, Township 17 North, Range 1 West Boise Meridian.

FIRST BANK OF COUNCIL: The East half of the West half of the Southeast Quarter of the Southwest Quarter of Section 26, Township 17 North, Range 1 West Boise Meridian.

J J JONES: The East half of the Southwest Quarter of Section 22 and the Northeast Quarter of the Northeast Quarter of Section 27, Township 17 North, Range 1 West Boise Meridian.

T B BIGGERSTAFF: The Southwest Quarter of the Southwest Quarter, the Southeast Quarter of the Southwest Quarter of Section 1, the South half of the Southeast Quarter of Section 2, Township 17 North, Range 1 West Boise Meridian.

ORCHARDS WATER COMPANY: The East half of the Southwest Quarter of Section 14, the Northwest Quarter of the Northwest Quarter of Section (23) and 20 acres in the West half of the Southwest Quarter of the Northwest Quarter of Section (23; all Sec. 22; the South half the North half of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 15; the South half of the Southwest Quarter, and the Southwest Quarter of the Southeast Quarter of Section 10; the North half and the East half of the Northeast Quarter of the Southeast Quarter of Section 21, the South half the North half of the Northeast Quarter and the North half of the Northwest Quarter of Section 16, the Southwest Quarter, the South half and the West half of the Northwest Quarter of Section 9; the East half; the North half of the Southwest Quarter of Section 8; the east half of the Southwest Quarter, the South half of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter of Section 17; all of Section 20; the West half of the Southeast Quarter and the West half of the Northeast Quarter of Section 19; all in Township 17 North, Range 1 West Boise Meridian.

Dianna #1077

JUL 24 1996

J F Lowe

L J Rhinehart

Loren Rhinehart

Anna Morrow

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

Frederick N Watrous, Grantee of Geo M Winkler

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

Deseret Sheep Company sub for C A Martin, Grantee
of Margaret Krigbaum

Mill Creek (Con)

Council Valley Orchards, Grantee of J Marion
Young

J D Poyner and John Poyner

George T Ellis

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

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

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

B W Turnipseed

J V Morrison

C W Holmes

Council Valley Orchards

Unnamed Stream.

Council Valley Orchards

Frank B Galey

C W Holmes

C E McDonald High water 56

Fort Hall Creek

C T Hamill

Louis Harp

A L Frechafer and Margaret F Bille

38 ✓

31 ✓

40 ✓

5 ✓

25 ✓

16 2/3 ✓

12 1/2 ✓

33 1/3 ✓

20 3/4 ✓

37 1/2 ✓

29 ✓

41 2/3 ✓

10 3/4 ✓

29 ✓

37 1/2 ✓

21 1/2 ✓

27 1/2 ✓

37 1/2 ✓

54 ✓

16 Trans 284

18 ✓

18 ✓

8 1/2 ✓

100 ✓

100 ✓

20 ✓

10 ✓

34 ✓

4 ✓

4 ✓

6 ✓

11 ✓

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 584 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 WATRISS: 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 SCHAFY 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 SIDEW 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 WELLIS: 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 SCHAFY 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 chub

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

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

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

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

C 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



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

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

MICROFILMED

OCT 23 1996

1805-1005 ~