

7/7 1925
2342

IDAHO DEPARTMENT OF WATER RESOURCES 11/07/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: ROBERT REIFSNYDER
PO BOX 275
STOCKTON UT 84071

TERESA REIFSNYDER
PO BOX 275
STOCKTON UT 84071

SOURCE: BLACKROCK CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.09 CFS
PRIORITY DATE: 06/17/1902
POINT OF DIVERSION:

T07S R35E S23 SWNWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.090 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County
T07S R35E S23 SWNW 4.5

4.5 ACRES TOTAL

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

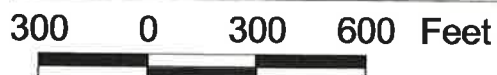
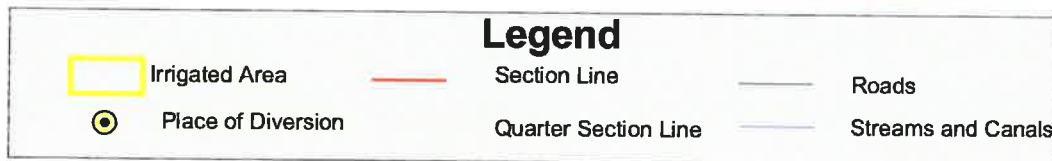
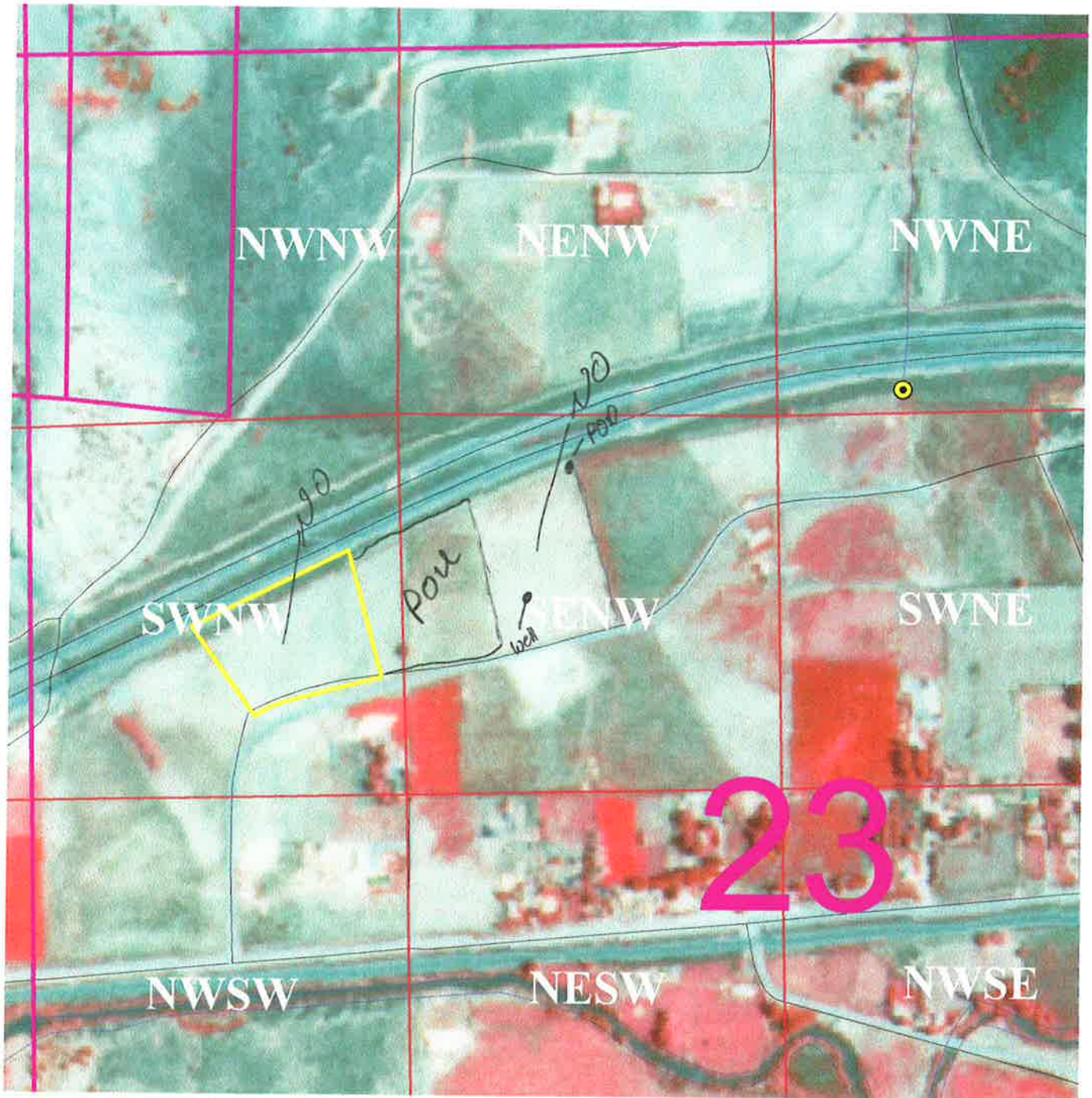
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
SOURCE ALSO KNOWN AS TERRELL CREEK

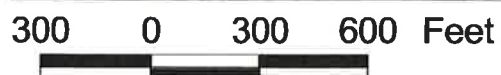
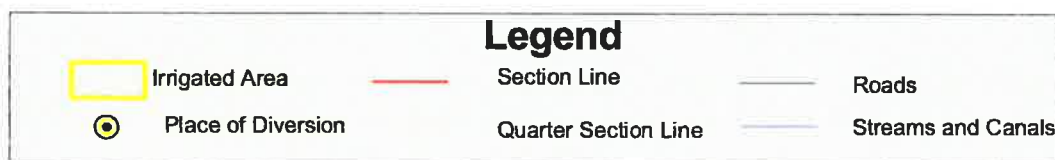
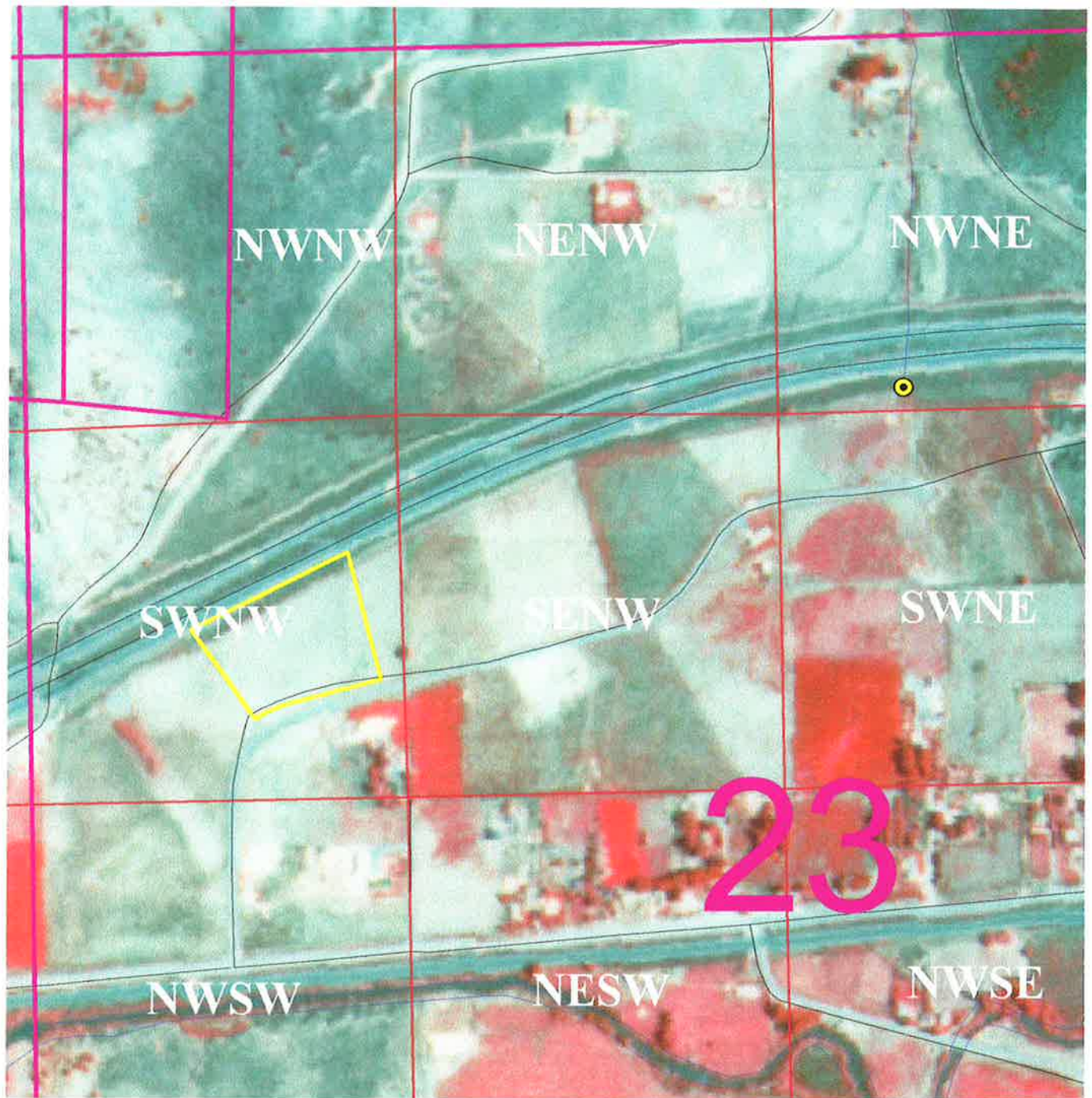
Water Right Claim Number A29-00494F
Township , 7S35E

08/25/2000



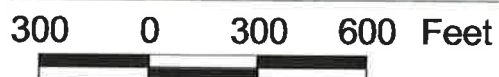
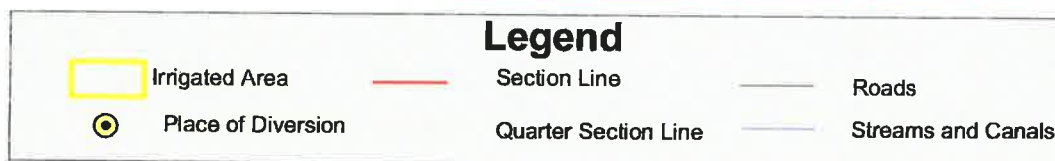
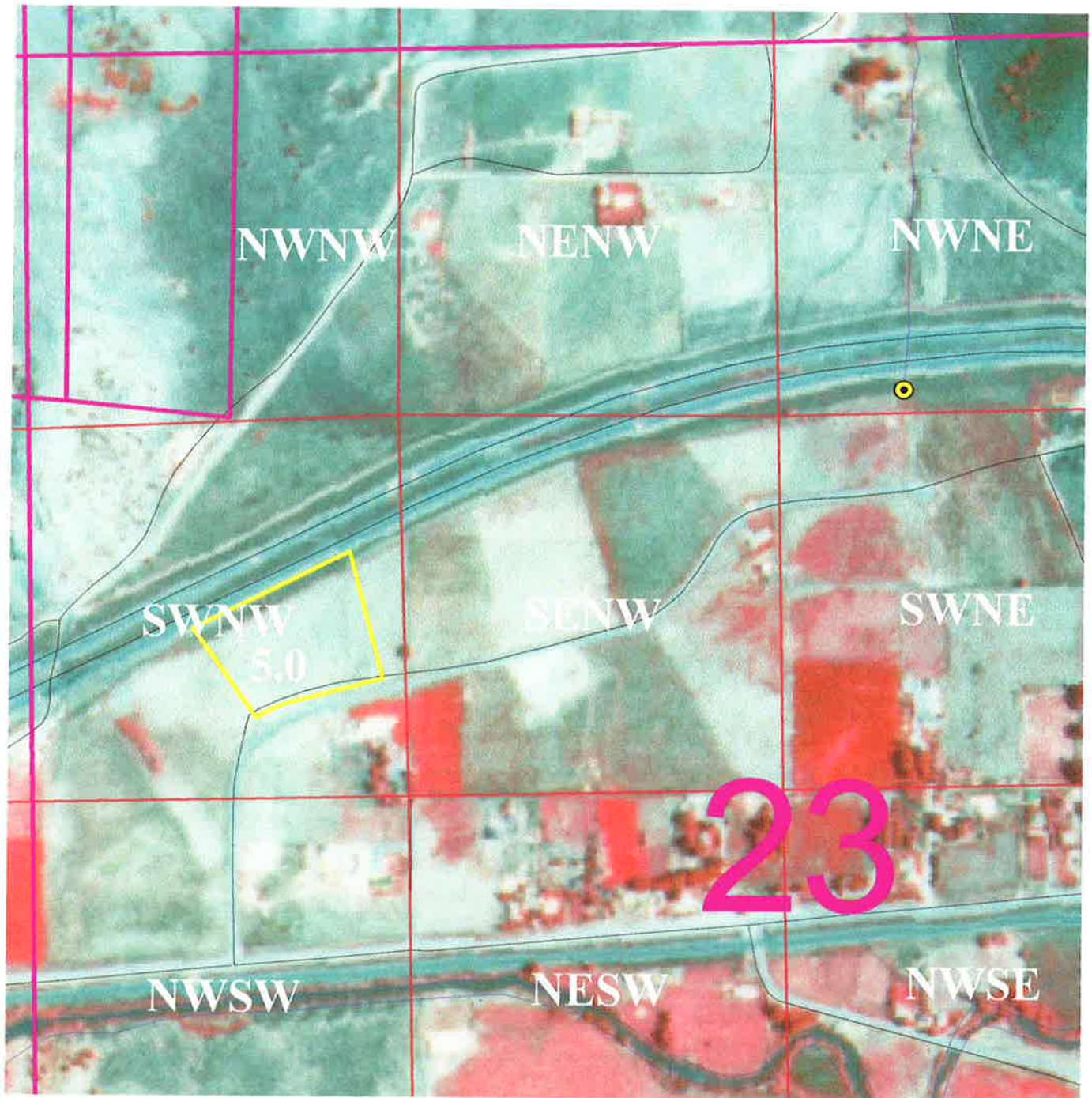
Water Right Claim Number A29-00494F
Township , 7S35E

08/25/2000



Water Right Claim Number A29-00494F
Township , 7S35E

08/25/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-494F V1

WATER RIGHT NUMBER: 29-494F V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LUCILLE RUTH HIGLEY 4597 W OLD HWY 91 INKOM, ID 83245 (208)775-3532
Current Owner	ROBERT REIFSNYDER PO BOX 275 STOCKTON, UT 84071 (435) 843-9121
Current Owner	TERESA REIFSNYDER PO BOX 275 STOCKTON, UT 84071 (435) 843-9121
Original Owner	ALFRED ERVIN HIGLEY 4597 W OLD HWY 91 INKOM, ID 83245 (208)775-3532

Priority Date: 06/17/1902

Basis: Decreed

Status: Active

Source

BLACKROCK CREEK

Tributary

PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.090 CFS	
	<u>Total Diversion:</u>	0.090 CFS	

Location of Point(s) of DiversionBLACKROCK CREEK
BANNOCK County

SW1/4NW1/4NE1/4

Sec. 23, Twp 07S, Rge 35E, B.M.

Place of UseIRRIGATION Within BANNOCK County

T07S R35E S23 SWNW 4.5

Total Acres: 4.5

Conditions of Approval:

- ND 1. ~~C83~~ RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-494F V1

1. Explanatory SOURCE ALSO KNOWN AS TERRELL CREEK

Comments:

1. csaxton 11/7/2001 POD
 Comment: See 11/7/01 memo.

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: AND
 Water District Number:
 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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	11/7/2001 11:56:31 AM	csaxton			Active
POD	11/7/2001 11:57:13 AM	csaxton			Active
Source	11/7/2001 11:58:35 AM	csaxton			Active
POU	11/7/2001 11:59:45 AM	csaxton			Active
Use	11/7/2001 12:01:07 PM	csaxton			Active
Season	11/7/2001 12:02:02 PM	csaxton			Active
Quantity	11/7/2001 12:04:44 PM	csaxton			Active
Summary	11/7/2001 12:07:02 PM	csaxton	11/7/2001 12:07:02 PM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/7/2001 11:55:54 AM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: Field Exam 7/30/01.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-494F V1

Priority Date	11/7/2001 11:56:33 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?
POD	11/7/2001 11:57:14 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a POD? (No) 5. Can the claimed POD be verified using the water right file? (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) 8. 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 - See Memo in file
POD	11/7/2001 11:57:40 AM	csaxton	Edited point location
POD	11/7/2001 11:57:57 AM	csaxton	Edited PLS
Source	11/7/2001 11:58:36 AM	csaxton	(Yes) 1. Is the basis of claim decree or license? (Yes) 4. Does the parent right 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?
POU	11/7/2001 11:59:46 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the parent right have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	11/7/2001 12:00:15 PM	csaxton	Edited shape boundary
POU	11/7/2001 12:00:37 PM	csaxton	Edited PLS
Use	11/7/2001 12:01:06 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-494F V1

Season	11/7/2001 12:02:03 PM	csaxton	(Yes) 1. Is the basis of claim decree or license? (Yes) 4. Does the parent right have a Period of Use? (No) 5. Can the claimed Period of Use be verified using the water right file? (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?
Summary	11/7/2001 12:07:03 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
POD	11/7/2001 12:04:46 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the parent right have a diversion rate and/or volume? (No) 7. Is a flow measurement required? (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? Description for Question 7 - Decreed as 2/3rd all water. Recommend 1 inch per acre.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-494F

WATER RIGHT NUMBER: 29-494F

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ALFRED ERVIN HIGLEY 4597 W OLD HWY 91 INKOM, ID 83245 (208)775-3532
Original Owner	LUCILLE RUTH HIGLEY 4597 W OLD HWY 91 INKOM, ID 83245 (208)775-3532
Current Owner	ROBERT REIFSNYDER PO BOX 275 STOCKTON, UT 84071 (435) 843-9121
Current Owner	TERESA REIFSNYDER PO BOX 275 STOCKTON, UT 84071 (435) 843-9121

Priority Date: 06/17/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BLACKROCK CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.100 CFS	
<u>Total Diversion:</u>		0.100 CFS	

Location of Point(s) of Diversion

BLACKROCK CREEK	SW1/4NW1/4NE1/4	Sec. 23, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	23							5.0										5.0

Total Acres: 5

Conditions of Approval:Remarks:

- General BLACK ANGUS RANCH SUB. LOT 4, SOURCE ALSO KNOWN AS TERRELL CREEK
CHANGED OWNERSHIP PER REQUEST/JH/8-19-97

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-494F

Comments:

Dates and Other Information:

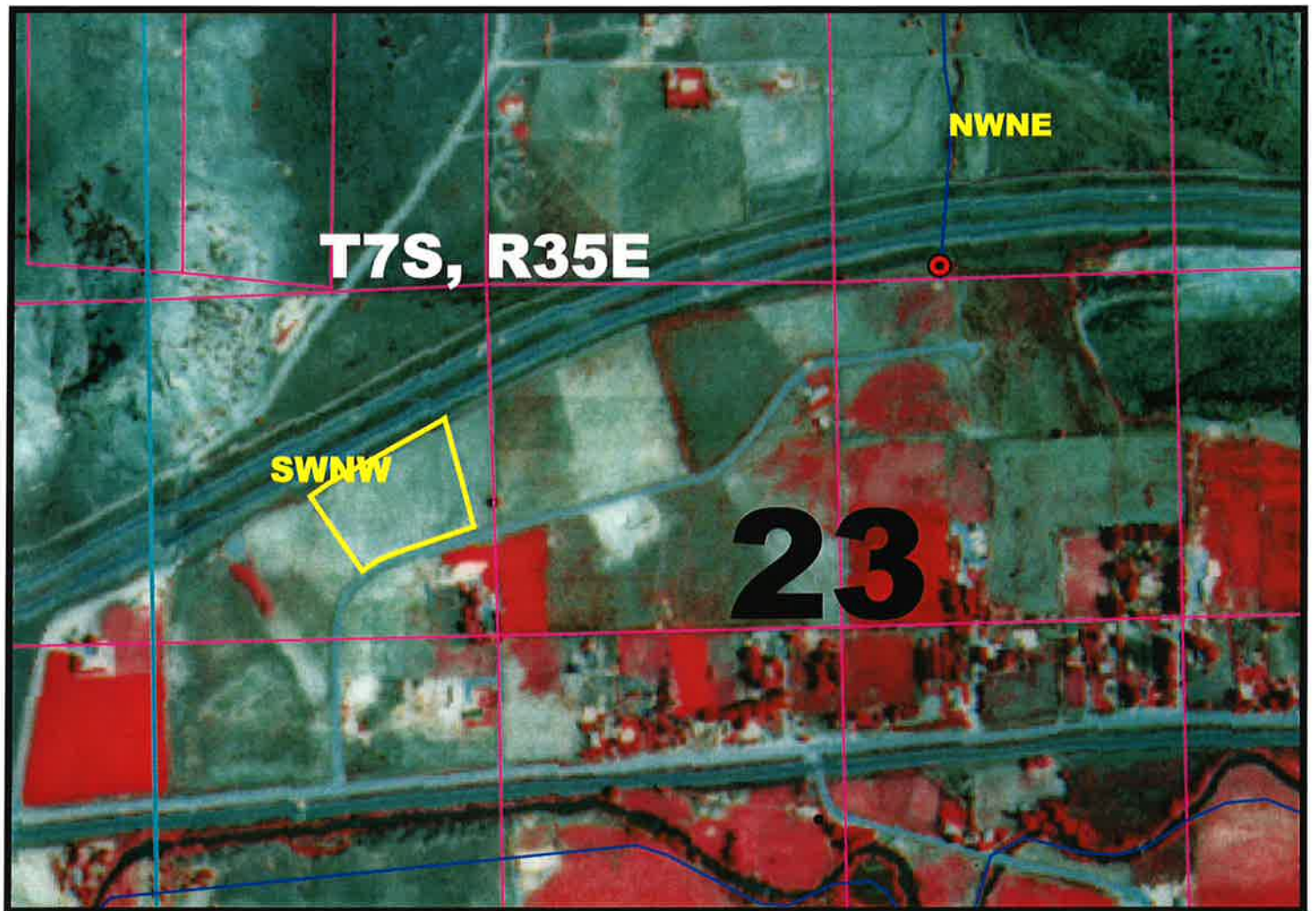
Claim Received Date: 4/23/90
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00494F



1320 0 1320 2640 Feet

Total Irrigated Acres: 4.5



Point(s) of Diversion



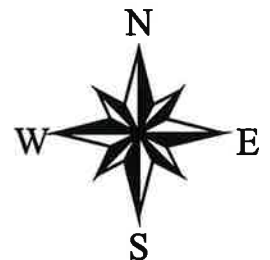
Place of Use



Quarter Quarter Lines



Section Lines



SCANNED

DEC 05 2005

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: November 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 10 2007

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

Department of Water Resources
Eastern Region

☐ Water Right Number(s): 29-494F

☐ Name(s): Jim Hallinan
Colleen Hallinan

☐ Old Mailing Address: P.O. Box 4621
Pocatello Idaho
83205

☐ New Mailing Address: 5752 SKYVIEW Dr.
Pocatello Idaho 83204

Telephone Number: (208) 775 - 3105 or (208) 403-2828 (cell)

☐ Signature(s) of Owner(s) Jim Hallinan

Colleen E. Hallinan
(Include your title if on behalf of company or organization)

Date: 4-7-07

Send to:

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

*Partially decide
Change
water
right.
No NCP.*

*DE Done
4-16-07*

Digital OrthoPhoto Quadrangle Image

The image you are viewing is 800 pixels wide by 600 pixels high. Each pixel represents 1 by 1 meters of earth. This image was extracted from a Color Infra-Red (CIR) digital orthophoto quadrangle provided by the USGS. To find out more information about this image, visit the USGS's [Digital Backyard](#)

The image was photographed on 15 Jul 1998 by the National Aerial Photography Program and digitized by the USGS DOQ Program on 13 Nov 2000. The image you are viewing can be [downloaded at no charge to your PC](#). DOQ's may be [purchased from selected USGS dealers](#). Alternatively, DOQ's may be obtained directly from the USGS.

The USGS DOQ below is projected in Universal Transverse Mercator (UTM) Zone 12 on the North American datum of 1983. The latitude and longitude in degrees, minutes, and seconds and the UTM coordinates in meters are shown for each image tile.



FRONTIER

SCANNED
DEC 05 2005

Memorandum

Date: 11/26/01

From: Craig L. Saxton

Subject: POD for Blackrock Creek Rights

Natural stream channel for Blackrock creek in question.

Creek flows south from the hills and reaches a point just North of I-15. At this point the creek can continue under I-15 and then flow west along the top of Blackrock Creek Subdivision, or flow to the East along the highway for about ¼ mile and then flow under the I-15 and down the East side of Bailey's property.

The USGS quad does not indicate either direction as the natural stream flow and just stops as if indicating the stream sinks when it reaches Steve Ferro's property just south of I-15.

At the point the natural flow reaches Steve Ferro's property there are signs of old diversion works that could send the water to the East, West, or South. To the west the water used to enter a pipe that ran through Bailey's property and then entered ditches that could take it to the Phillips. However since Bailey's bought the place in 1994 the pipe was removed and water was diverted North of I-15 through the path described above.

Recommend the POD for all rights south of I-15 at the junction point just South of I-15 where the USGS quad shows the end of the stream and historically that was how the water made it to the properties to the South East side of the subdivision.

PROXIED

SCANNED

DEC 05 2005

Memorandum

Date: August 24, 2001

From: Craig L. Saxton

Subject: Blackrock Creek

POD - USGS name for the stream is Blackrock. Also known as Terrell Creek. Natural stream channel is in question. Placing point of diversion for all rights south of I15 SWNWNE section 23. This is within what the USGS defines as the historical natural channel.

Note: All users of Blackrock creek water have not been able to use the water in the past couple years due to low flows.

SOU - Not defined in Decree. Set to IDWR Standard

Diversion rate - Decree defines diversion rate as $1/3^{\text{rd}}$ and $2/3^{\text{rd}}$ s. All rights from Black Rock have same priority so diversion rate recommended for rights is based on what is claimed and the acreage irrigated.

POU - Based on field exam and property size.

Diversion Volume - N/A

Priority - Defined in decree.

SCANNED
DEC 05 2005

FIRST DIVISION,

EDWARD J. TURNER, *Commissioner.*

COVE, IDAHO.

1903.

DECREED WATER RIGHTS

Terrel or Black Rock Creek, Bannock County

DECREE.

In the District Court of the Fifth Judicial District of the
State of Idaho, in and for Bannock County.

Thos. F. Terrell, Plaintiff,

vs.

*Andrew Cibulka, James Stranger, W. O. Priest and J. T.
Holcomb, Defendants.*

This cause came regularly on for trial on this the 22nd day of June, 1903, before the Court without a jury, a jury being expressly waived, D. W. Standrod and Thos. F. Terrell, Esqs., appearing for the plaintiff and Messrs Reeves & Boyd appearing as attorneys for the defendant Andrew Cibulka; and it appearing to the Court that the defendants James Stranger and W. O. Priest were regularly and duly served with summons in the above entitled cause, and having failed to appear, answer or demur within the time allowed by law or at all, and the time allowed by law for such appearance having expired, the default of said defendants, James Stranger and W. O. Priest was duly entered according to law; and it further appearing to the Court that the plaintiff, Thos. F. Terrell, and the defendant Andrew Cibulka, on the 16th day of June, 1903, made and entered into an agreement in writing compromising their rights and thereby settling all matters of dispute, and consenting to a decree in this

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DEC 05 2005

and neither shall have any preference or priority over the other.

That the plaintiff, Thos. F. Terrell, by virtue of said stipulation and agreement, is awarded and adjudged a right-of-way five feet in width upon each side of the center line of his ditch as now located and established, through the lands of said defendant, Andrew Cibulka, for the purpose of maintaining and repairing such ditch.

That the defendants James Stanger and W. O. Priest, and each of them and their agents and servants, be and they are each, perpetually enjoined and restrained from in any manner, whatsoever, molesting or interfering with the free flow of the waters of said stream, and from asserting any right or claim thereto; and the plaintiff, Thos. F. Terrell, and the defendant, Andrew Cibulka, and each of them, and their agents, servants and employees be and they are hereby each perpetually restrained and enjoined from in any manner whatsoever, molesting or interfering with the free and uninterrupted flow of the waters of said stream, except as herein decreed, fixed and adjudged to said respective parties by this decree.

That the plaintiff and the defendants, Andrew Cibulka pay and bear the costs of this suit in proportion to their respective rights in the waters of said stream.

Done in open District Court on this the 22nd day of June, 1903.

ALFRED BUDGE.

Judge of said District Court.

State of Idaho, County of Bannock, ss.

I, E. G. Gallet, Clerk of the District Court, Ex-Officio Auditor and Recorder of Bannock County, Idaho, do hereby certify that the within and foregoing is a full, true and correct copy of the original water decree as shown by the records of my office.

Witness my hand and official seal this 26th day of June, 1903.

(Seal.)

E. G. GALLET,

Clerk District Court, Ex-Officio Auditor and Recorder.

SCANNED

DEC 05 2005

PROTECTED

cause in conformity to such agreement, which said agreement is filed herein, and has been adopted by the Court as a part of its findings of fact, and ordered to be made a part of the judgment roll; and the evidence of the plaintiff and said defendant Andrew Cibulka having been offered, submitted and considered; and the Court having made, signed and filed its written findings of fact and conclusions of law herein; and being fully advised in the premises;

29-0494 Now, Therefore, in virtue of the law and the findings of fact and conclusions of law as aforesaid, it is ordered, adjudged and decreed, that the plaintiff, Thos. F. Terrell have the use and benefit and the continuous and uninterrupted flow of two-thirds of all the waters of Terrell Creek or Black Rock Creek, for agricultural, domestic and stock purposes; and two-thirds of any and all water that may be stored therefrom by reservoiring the same; and two-thirds of any increase in the flow of said stream by the improvement of its channel or source of supply.

29-0495 That the defendant Andrew Cibulka have the use and benefit and the continuous and uninterrupted flow of one-third of all the waters of said stream for agricultural, domestic and stock purposes; and one-third of any and all water that may be stored therefrom by reservoiring the same; and one-third of any increase in the flow of said stream by the improvement of its channel or source of supply.

That the labor and costs of reservoiring and improving said stream shall be borne by said plaintiff and said defendant in the proportion of their respective rights in said water; before any work in that respect is done by either party, it must be upon reasonable notice to the other, and if either party fails to contribute his share of the labor and expense of such reservoiring and improvement, the party so making such reservoirs and improvements shall have the individual and exclusive use of such increase until the other party shall have made a fair contribution of his part of such labor and expense so made and incurred.

That the rights of the plaintiff, Thos. F. Terrell, and the defendant, Andrew Cibulka, shall be of equal dignity,

PROFILED

SCANNED
DEC 05 2005

MEMORANDUM

Date: July 24, 2001

From: Craig L. Saxton

Subject: C/O 29-11627

C/O requested for 29-00494F and 29-11627. Both rights were originally filed in Higley's name. However, Higley only sold the land pertaining to water right 29-00494F to Reifsnyder.

Land provided on deed for change of ownership shows property in Section 23, while claimed place of use for 29-11627 is in section 24.

I am changing the ownership of right 29-11627 back to Higley.

7/30/01 - Field Exam
7/31/01 /
POO is on neighbors property - E. side. Tarp Dam. Not
In Good Shape.

PROCESSED

SCANNED
DEC 05 2005

JUN 15 2001

R. E. Reifsnyder
P.O. Box 275
380 Walk
Stockton, Utah, 84071

June 4, 2001

State of Idaho
Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED

JUN 06 2001

Department of Water Resources
Eastern Region

Attention: Craig L. Saxton, Water Resource Agent

Subject: Water Claim #29-11627

Dear Mr. Saxton:

In response to your inquiry dated May 2, 2001, Evidence of Priority. I have read the pamphlet : Evidence of Priority" that you enclosed. I am not sure that I can provide you with the information that you requested. I purchased the five (5) acres at Black Angus Ranch Sub. Lot 4 approximately six (6) years ago. During these six years we have raised cattle for personal consumption; and horses on this property. ~~Currently there is no home built; or well drilled on the property.~~ My neighbor has his horses grazing on the property at this time. We have used the water from BlackRock Creek for irrigation to grow grass and trees and as stockwater.

I appreciate any guidance that you may offer to facilitate the completion of the Adjudication Claim Report. I have enclosed copies of all the applicable we have received from the Idaho Department of Water Resources .

Our home telephone number is (435)843-9121, my office telephone number is (435) 884-0155, and I can also be reached on my mobile (801) 558-3718. Our previous address was 1639 South Fairway Pocatello, Idaho 83201

Sincerely,


R. E. Reifsnyder

Attachments:

SCANNED

JUN 19 2001

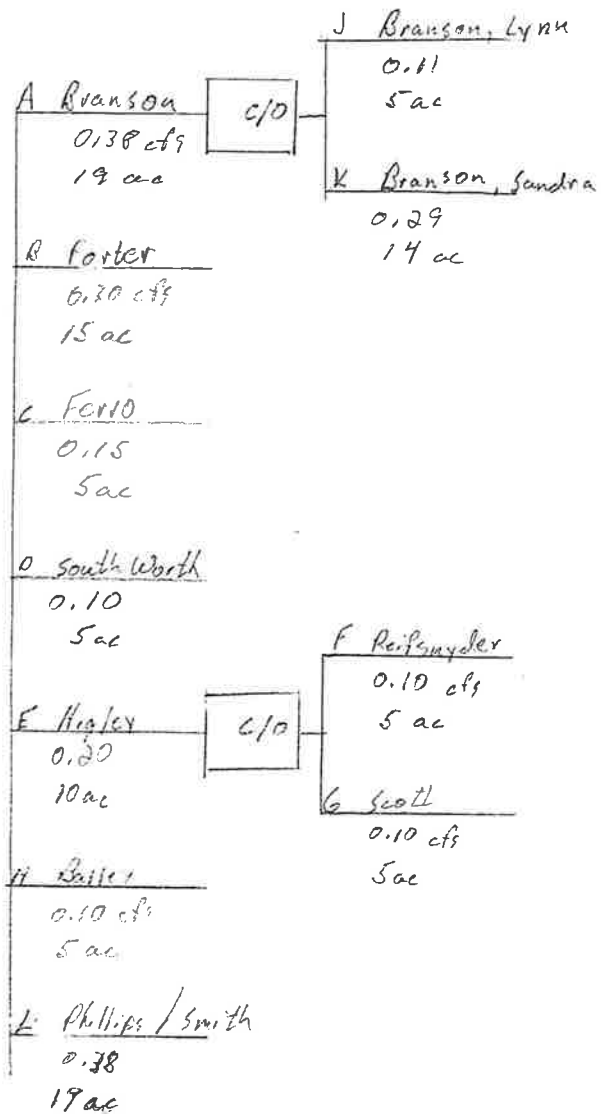
Log for claim A29-00494F

Spatial Dynamics LTD

8/25/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	SWNW	5	5	
Totals:			5	5	

29-00494



Towell
? cfs
~ 1.0 ac



AJ5809NP
No. A29-00494F

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 76

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT REIFSNYDER	06/17/1902	IRRIGATION	03-15 11-15	0.100 CFS	
C	TERESA REIFSNYDER					
	1639 S FAIRWAY					
	POCATELLO ID 83201					
	(208) 232-1724					
				TOTAL DIVERSION:	0.100 CFS	

Water Source: BLACKROCK CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

AJ5809NP
No. A29-00494F

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 77

Point(s) of Diversion: T07S R35E S23 SWNWNE BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE													
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM			
				-----				:	-----				:	-----				:	-----				:	-----				:	-----
07S 35E 23 :								:	05				:					:					:					:	5.0
								:					:					:					:	TOTAL ACRES				:	5.0

POU County: BANNOCK

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00494C A29-00494G A29-10094

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00494 A29-00494B A29-00494E A29-00494G A29-02342 A29-02342A A29-02342B A29-02342D

Remarks: GEN BLACK ANGUS RANCH SUB. LOT 4,
SOURCE ALSO KNOWN AS TERRELL CREEK
CHANGED OWNERSHIP PER REQUEST/JH/8-19-97

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 05/20/97 DCARLSON 08/19/97 JHOAGLAN



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 19, 1997

ROBERT & TERESA REIFSNYDER
1639 S FAIRWAY
POCATELLO ID 83201

RE: CHANGE IN OWNERSHIP FOR A29-00494F, A29-11627

Dear Mr. & Mrs. Reifsnyder:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure: Notice of Claim

DE LOG GT 8/4/97

RECEIVED

JUL 25 1997

Department of Water Resources
Eastern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) A
Adjudication Claim Number(s) A29-00494F A29-11627
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Alfred E Higley
4. New Owner/Claimant(s) ROBERT TERESA REIFSNYDER
 Name connector (Check one): ☐ AND, ☐ OR, ☒ AND/OR
 New Mailing Address 11039 South Fairway
 City, State and ZIP Code Pocatello, ID 83201
 New Telephone Number (208) 232-1724
5. Date you acquired the property March 8, 1994
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 5 Number and type of stock 3 horses 2 cattle

Diversion rate in CFS _____ Number of homes 1 Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) [Signature] Date 7/23/97
[Signature] Date 7-23-97
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

WARRANTY DEED

96003787

For Value Received **ALFRED E. HIGLEY and LUCILLE HIGLEY, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

ROBERT E. REIFSNYDER, A MARRIED MAN

TSK

whose address is: 1639 SO. FAIRWAY DRIVE - POCATELLO, ID 83201 (MAILING ADDRESS)

Hereinafter called the Grantee, the following described premises situated in BANNOCK County, Idaho, to-wit:

Lot 4, BLACK ANGUS RANCH SUBDIVISION, BANNOCK COUNTY, IDAHO, as the same appears on the official plat thereof, filed in the office of the County Recorder of said County.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: MARCH ^{8th} 1996

Alfred E. Higley
ALFRED E. HIGLEY
Lucille Higley

LUCILLE HIGLEY

STATE OF IDAHO

: ss

NOTARY SEAL

COUNTY OF BANNOCK

On This ^{8th} day of MARCH, in the year 1996, before me, a Notary Public in and for said State, personally appeared ALFRED E. HIGLEY and LUCILLE HIGLEY, known or identified to me to be the person(s) whose name(s) ARE subscribed to the within Instrument, and acknowledged to me that THEY executed the same.

NO 96003787

RECORDED AT REQUEST OF

FIRST AMERICAN TITLE

'96 MAR 8 PM 4:00

OFFICIAL RECORD BOOK NO. 100

BANNOCK COUNTY IDAHO

LARRY W. CHAN RECORDER

FEE \$3.00 DEPUTY *DO*

Notary Public of Idaho
Residing at POCATELLO
Commission Expires: 2-18-99

BLACK ANGUS RANCH SUBDIVISION

SEC. 23, T. 7 S., R. 35 E., B. M., BANNOCK COUNTY, IDAHO

ENGINEER'S CERTIFICATE

I, David S. Messinger, a licensed land surveyor of the State of Idaho, do hereby certify that a survey under my direction was made of the premises described below and that the plat upon which this certificate appears was made under my direction. The same known as Black Angus Ranch Subdivision, a subdivision in Bannock County, Idaho. That said plat correctly represents the lots, blocks, and streets as marked upon the ground, that the monumentation marking said lots, blocks, and streets conforms with that depicted on said plat and that the pertinent provisions of the statutes of the State of Idaho, together with all local ordinances pertaining thereto have been complied with.

BOUNDARY DESCRIPTION

A parcel of land lying in the NW 1/4, SW 1/4, NW 1/4, SE 1/4, NW 1/4, and SW 1/4, NE 1/4, Section 23, T. 7 S., R. 35 E., Boise Meridian, Bannock County, Idaho, more particularly described as follows: Beginning at the West 1/4 Corner of said section, Thence along the West line of said section, N 00° 00' 29" W, 254.43 feet, to the southerly right-of-way line of I-15. Thence along said line the following bearings and distances: N 55° 15' 03" E, 471.59 feet; Thence N 64° 26' 00" E, 989.56 feet; Thence 892.95 feet along a circular curve to the right, having a radius of 5619.58 feet and a central angle of 09° 06' 16"; Thence N 51° 14' 06" E, 407.76 feet; Thence 987.64 feet along a circular curve to the right, having a radius of 5579.58 feet and a central angle of 10° 05' 31"; Thence S 08° 19' 05" E, 316.88 feet; Thence East, 379.50 feet; more or less, to the E 1/16 line, Thence S 00° 12' 43" E, along the E 1/16 line, 188.19 feet; Thence S 89° 34' 18" W, 1299.99 feet; Thence S 00° 17' 17" E, 726.00 feet; to the center 1/4 corner of said section, Thence S 89° 34' 18" W, 1311.73 feet; Thence S 00° 08' 26" E, 472.29 feet, to the northerly right-of-way line of the Black Rock Road; Thence along said line, S 85° 58' 22" W, 1315.20 feet, to the West line of said section, Thence N 00° 05' 35" W, along said line, 554.84 feet, to the point of beginning.

NOTE "R"

Restricted Building Site - Contact Bannock County Landboard and District Health Department.

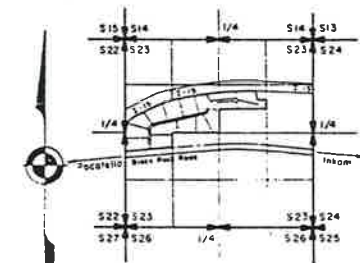
Ditch Bearing and Distance Chart

Ditch	Bearing	Distance
A	S 20° 26' 23" E	60.34'
B	S 45° 17' 51" E	439.31'
C	S 09° 47' 47" E	101.57'
D	S 32° 50' 12" W	46.16'
E	S 24° 55' 14" E	58.66'
F	S 14° 24' 01" E	192.63'
G	S 24° 04' 01" E	121.24'
H	S 27° 41' 31" E	115.82'
I	S 14° 24' 01" E	58.66'
J	S 14° 24' 01" E	61.71'
K	S 27° 41' 31" E	115.82'
L	S 27° 41' 31" E	115.82'

Pursuant to § 9-1308, Idaho Code, I certify that all county property taxes due on this subdivision have been paid in full as of 1980.

Bannock County Treasurer
Vision Creek

Date



VICINITY MAP

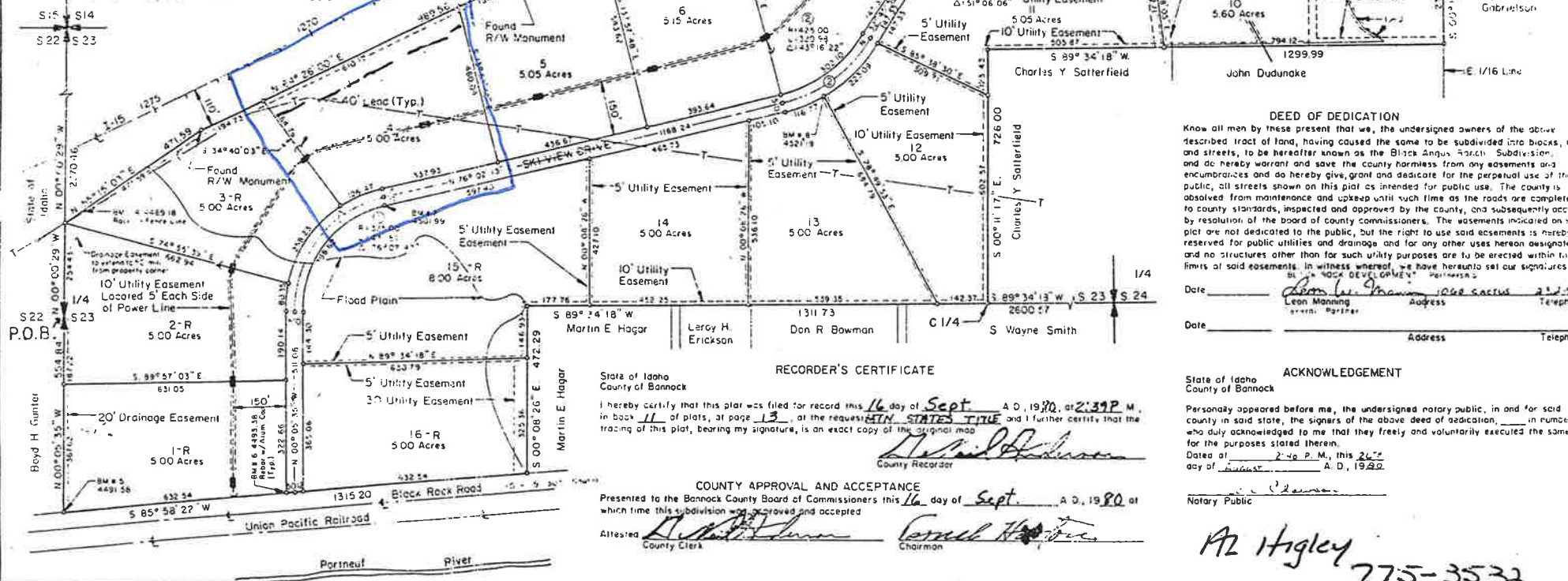
SCALE 1"=200'

- LEGEND**
- Boundary Line
 - Property Line
 - Easement Line
 - Right of Way Line
 - Center Line
 - Curve Number
 - Lot Number
 - 5/8" Rear with 1 1/2" Aluminum Cap
 - Power Pole (Future)
 - Telephone Line

SANITARY RESTRICTIONS
Sanitary restrictions in force under Title 50, Chapter 13, Idaho Code.

COUNTY ENGINEER'S APPROVAL
I, _____, do hereby certify that I have reviewed the plat of the Black Angus Ranch Subdivision and find that the legal description on the plat conforms to the drawing of the property submitted.

Date 9-3-80
County Engineer



DEED OF DEDICATION
Know all men by these presents that we, the undersigned owners of the above described tract of land, having caused the same to be subdivided into blocks, lots and streets, to be hereafter known as the Black Angus Ranch Subdivision, and do hereby warrant and save the county harmless from any easements and encumbrances, and do hereby give, grant and dedicate for the perpetual use of the public, all streets shown on this plat as intended for public use. The county is absolved from maintenance and upkeep until such time as the roads are completed to county standards, inspected and approved by the county, and subsequently accepted by resolution of the board of county commissioners. The easements indicated on this plat are not dedicated to the public, but the right to use said easements is hereby reserved for public utilities and drainage and for any other uses hereon designated and no structures other than for such utility purposes are to be erected within the limits of said easements. In witness whereof, we have hereunto set our signatures at _____, Bannock County, Idaho, this _____ day of _____, A.D. 1980.

Date _____
Leon Manning
Notary Public

Date _____
Address _____
Telephone _____

RECORDER'S CERTIFICATE
State of Idaho
County of Bannock
I hereby certify that this plat was filed for record this 16 day of Sept, A.D. 1980, at 2:39 P.M. in book 11 of plats, at page 13, at the request of STAN STATES TRUST and I further certify that the tracing of this plat, bearing my signature, is an exact copy of the original map.

County Recorder

COUNTY APPROVAL AND ACCEPTANCE
Presented to the Bannock County Board of Commissioners this 16 day of Sept, A.D. 1980, at which time this subdivision was approved and accepted.

Attested: _____
County Clerk

Chairman

ACKNOWLEDGEMENT
State of Idaho
County of Bannock
Personally appeared before me, the undersigned notary public, in and for said county in said state, the signers of the above deed of dedication, _____ in number, who duly acknowledged to me that they freely and voluntarily executed the same for the purposes stated therein.

Dated at _____, this 24 day of August, A.D. 1980.

Notary Public

Al H. Higley
775-3532



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MAY 28, 1997

ROBERT B SCOTT
5700 SKI VIEW DR
POCATELLO ID 83204

RE: CHANGE IN OWNERSHIP FOR A29-00494E

Dear Mr. Scott:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with new Notice(s) being generated to reflect you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A29-00494G, Scott, 5 acres, 0.10 cfs
A29-00494G, Higley, 5 acres, 0.10 cfs

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,

Jo Thompson
Adjudications Secretary

Enclosure:

CC: Alfred Ervin Higley/COPY CLAIM/LETTER

DE. Log
Dane Carlson
5-20-97

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED
MAY 19 1997
Department of Water Resources
Eastern Region

1. Water Right Number(s) 29-00494
Adjudication Claim Number(s) A29-00494 E (E)
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) ALFRED ERVIN & LUCILLE RUTH HIGLEY
4597 W OLD HWY 91, INKOM ID 83245
4. New Owner/Claimant(s) Robert B. or Helen S. Scott
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 5700 SKI VIEW DR
City, State and ZIP Code Pocatello ID 83204
New Telephone Number (208) 775-4914
5. Date you acquired the property Aug 11, 1994
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. Lot 5 Black Angus Ranch Subdivision
Number of acres actually irrigated 5 Number and type of stock _____
Diversion rate in CFS 0.10 cfs Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) [Signature] Date 5-19-97
Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your

Return to:
WASHINGTON FEDERAL SAVINGS
1045 Yellowstone Avenue
PO Box 2677
Pocatello, Idaho 83206-2677
Attn: Adele L Davis

American Land Title Company Order #1-62386 [Space Above This Line For Recording Data] Loan Number 98-206-146565-7

DEED OF TRUST

THIS DEED OF TRUST ("Security Instrument") is made on August 11, 1994
The grantor is Robert B Scott and Helen S Scott, Husband and Wife

The trustee is American Land Title Co., Inc. ("Borrower").
("Trustee"). The beneficiary is WASHINGTON FEDERAL SAVINGS, which is organized and existing under
the laws of The United States of America, and whose address is 1001 West Idaho Street,
Boise, Idaho 83701

("Lender"). Borrower owes Lender the principal sum of One Hundred Twenty-Three Thousand
Nine Hundred Seventy-Five and No/100
Dollars (U.S. **\$123,975.00**). This debt is evidenced by Borrower's note dated the same date as
this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due
and payable on September 1st, 2024

This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and
all renewals, extensions, and modifications; (b) the payment of all other sums, with interest, advanced under
paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and
agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys
to Trustee, in trust, with power of sale, the following described property located in Bannock
County, Idaho:

Lot 5, Black Angus Ranch Subdivision, Bannock County, Idaho, as the
same appears on the official plat thereof, filed in the office of
the County Recorder, Bannock County, Idaho.

which has the address of 5700 Ski View Drive Pocatello
[Street] [City]
Idaho 83204 ("Property Address");
[Zip Code]

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, rights,
appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures now or
hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument.
All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to
grant and convey the property and that the Property is unencumbered, except for encumbrances of record. Borrower
warrants and will defend generally the title to the Property against all claims and demands, subject to any
encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with
limited variations by jurisdiction to constitute a uniform security instrument covering real property.

Borrower's Initials he
1994

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. **Payment of Principal and Interest; Prepayment and Late Charges.** Borrower shall promptly pay when due the principal of and interest on the debt evidenced by the Note and any prepayment and late charges due under the Note.

2. **Funds for Taxes and Insurance.** Subject to applicable law or to a written waiver by Lender, Borrower shall pay to Lender on the day monthly payments are due under the Note, until the Note is paid in full, a sum ("Funds") for: (a) yearly taxes and assessments which may attain priority over this Security Instrument as a lien on the Property; (b) yearly leasehold payments or ground rents on the Property, if any; (c) yearly hazard or property insurance premiums; (d) yearly flood insurance premiums, if any; (e) yearly mortgage insurance premiums, if any; and (f) any sums payable by Borrower to Lender, in accordance with the provisions of paragraph 8, in lieu of the payment of mortgage insurance premiums. These items are called "Escrow Items." Lender may, at any time, collect and hold Funds in an amount not to exceed the maximum amount a lender for a federally related mortgage loan may require for Borrower's escrow account under the federal Real Estate Settlement Procedures Act of 1974 as amended from time to time, 12 U.S.C. Section 2601 *et seq.* ("RESPA"), unless another law that applies to the Funds sets a lesser amount. If so, Lender may, at any time, collect and hold Funds in an amount not to exceed the lesser amount. Lender may estimate the amount of Funds due on the basis of current data and reasonable estimates of expenditures of future Escrow Items or otherwise in accordance with applicable law.

The Funds shall be held in an institution whose deposits are insured by a federal agency, instrumentality, or entity (including Lender, if Lender is such an institution) or in any Federal Home Loan Bank. Lender shall apply the Funds to pay the Escrow Items. Lender may not charge Borrower for holding and applying the Funds, annually analyzing the escrow account, or verifying the Escrow Items, unless Lender pays Borrower interest on the Funds and applicable law permits Lender to make such a charge. However, Lender may require Borrower to pay a one-time charge for an independent real estate tax reporting service used by Lender in connection with this loan, unless applicable law provides otherwise. Borrower and Lender may agree in writing, however, that interest shall be paid on the Funds. Unless an agreement is made or applicable law requires interest to be paid, Lender shall not be required to pay Borrower any interest or earnings on the Funds. Lender shall give to Borrower, without charge, an annual accounting of the Funds showing credits and debits to the Funds and the purpose for which each debit to the Funds was made. The Funds are pledged as additional security for all sums secured by this Security Instrument.

If the Funds held by Lender exceed the amounts permitted to be held by applicable law, Lender shall account to Borrower for the excess Funds in accordance with the requirements of applicable law. If the amount of the Funds held by Lender at any time is not sufficient to pay the Escrow Items when due, Lender may so notify Borrower in writing, and, in such case Borrower shall pay to Lender the amount necessary to make up the deficiency. Borrower shall make up the deficiency in no more than twelve monthly payments, at Lender's sole discretion.

Upon payment in full of all sums secured by this Security Instrument, Lender shall promptly refund to Borrower any Funds held by Lender. If under paragraph 21, Lender shall acquire or sell the Property, Lender, prior to the acquisition or sale of the Property, shall apply any Funds held by Lender at the time of acquisition or sale as a credit against the sums secured by this Security Instrument.

3. **Application of Payments.** Unless applicable law provides otherwise, all payments received by Lender under paragraphs 1 and 2 shall be applied: first, to any prepayment charges due under the Note; second, to amounts payable under paragraph 2; third, to interest due; fourth, to principal due; and last, to any late charges due under the Note.

4. **Charges; Liens.** Borrower shall pay all taxes, assessments, charges, fines and impositions attributable to the Property which may attain priority over this Security Instrument, and leasehold payments or ground rents, if any. Borrower shall pay these obligations in the manner provided in paragraph 2, or, if not paid in that manner, Borrower shall pay them on time directly to the person owed payment. Borrower shall promptly furnish to Lender all notices of amounts to be paid under this paragraph. If Borrower makes these payments directly, Borrower shall promptly furnish to Lender receipts evidencing the payments.

Borrower shall promptly discharge any lien which has priority over this Security Instrument unless Borrower: (a) agrees in writing to the payment of the obligation secured by the lien in a manner acceptable to Lender; (b) contests in good faith the lien by, or defends against enforcement of the lien in, legal proceedings which in the Lender's opinion operate to prevent the enforcement of the lien or forfeiture of any part of the Property; or (c) secures from the holder of the lien an agreement satisfactory to Lender subordinating the lien to this Security Instrument. If Lender determines that any part of the Property is subject to a lien which may attain priority over this Security Instrument, Lender may give Borrower a notice identifying the lien. Borrower shall satisfy the lien or take one or more of the actions set forth above within 10 days of the giving of notice.

5. **Hazard or Property Insurance.** Borrower shall keep the improvements now existing or hereafter erected on the Property insured against loss by fire, hazards included within the term "extended coverage" and any other hazards, including floods or flooding, for which Lender requires insurance. This insurance shall be maintained in the amounts and for the periods that Lender requires. The insurance carrier providing the insurance shall be chosen by Borrower subject to Lender's approval which shall not be unreasonably withheld. If Borrower fails to maintain coverage described above, Lender may, at Lender's option, obtain coverage to protect Lender's Rights in the Property in accordance with paragraph 7.

All insurance policies and renewals shall be acceptable to Lender and shall include a standard mortgage clause. Lender shall have the right to hold the policies and renewals. If Lender requires, Borrower shall promptly give to Lender all receipts of paid premiums and renewal notices. In the event of loss, Borrower shall give prompt notice to the insurance carrier and Lender. Lender may make proof of loss if not made promptly by Borrower.

Unless Lender and Borrower otherwise agree in writing, insurance proceeds shall be applied to restoration or repair of the Property damaged, if the restoration or repair is economically feasible and Lender's security is not lessened. If the restoration or repair is not economically feasible or Lender's security would be lessened, the insurance proceeds shall be applied to the sums secured by this Security Instrument, whether or not then due, with any excess paid to Borrower. If Borrower abandons the Property, or does not answer within 30 days a notice from Lender that the insurance carrier has offered to settle a claim, then Lender may collect the insurance proceeds. Lender may use the proceeds to repair or restore the Property or to pay sums secured by this Security Instrument, whether or not then due. The 30-day period will begin when the notice is given.

Unless Lender and Borrower otherwise agree in writing, any application of proceeds to principal shall not extend or postpone the due date of the monthly payments referred to in paragraphs 1 and 2 or change the amount of the payments. If under paragraph 21 the property is acquired by Lender, Borrower's right to any insurance policies and proceeds resulting from damage to the Property prior to the acquisition shall pass to Lender to the extent of the sums secured by this Security Instrument immediately prior to the acquisition.

4758

14

R 35E

4618

15 14

14 13

22 23

23 24

T 7 S

PLACE OF
USE
(LOTS, BLACK ANGUS
RANCH SUB.)

POINT OF
DIVERSION

4591

21
ac

24
ac

Well

23

Blackrock

PACIFIC

BM

4501

BM 4500

PORTNE

4528



JUN 19 2001

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.

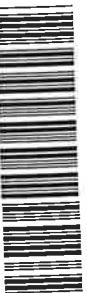
CIVIL CASE NUMBER: 39576

Ident. Number: **A29-00494F**
Date Received: 4/23/1990
Receipt No: X777777
Received By: _____

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

1. Name: ALFRED ERVIN HIGLEY 208-775-3532
Address: 4597 W OLD HWY 91
INKOM ID 83245
AND/OR
Name: LUCILLE RUTH HIGLEY 208-775-3532
Address: 4597 W OLD HWY 91
INKOM ID 83245

A2900494F



2. Date of Priority: JUN 17, 1902

3. Source: BLACKROCK CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	35E	23	SW	NW	NE		BANNOCK

5. Description of diverting works:
DITCHES, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	35E	23	SW	NW		IRR	5.0

10. Place of Use: Continued

Section Acres 5.0

Total Acres 5.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
 NONE

14. Remarks:
 BLACK ANGUS RANCH SUB. LOT 4,
 SOURCE ALSO KNOWN AS TERRELL CREEK

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 6/22/1903

TERRELL

Decree Plaintiff

CIBULKA

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

DATE: 08/19/97
PAGE: 1

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: