

IDAHO DEPARTMENT OF WATER RESOURCES 11/14/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: ROBERT B SCOTT
5700 SKI VIEW DR
POCATELLO ID 83204

HELEN S SCOTT
5700 SKI VIEW DR
POCATELLO ID 83204

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	1.4	T07S R35E S23	SENW	3.3
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4.7 ACRES TOTAL

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

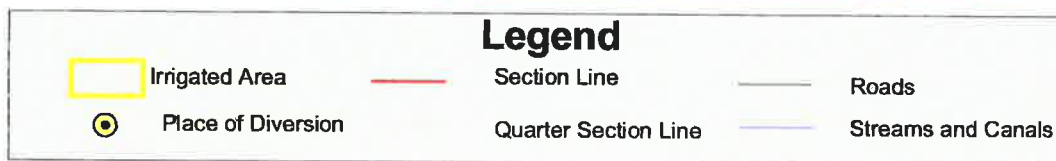
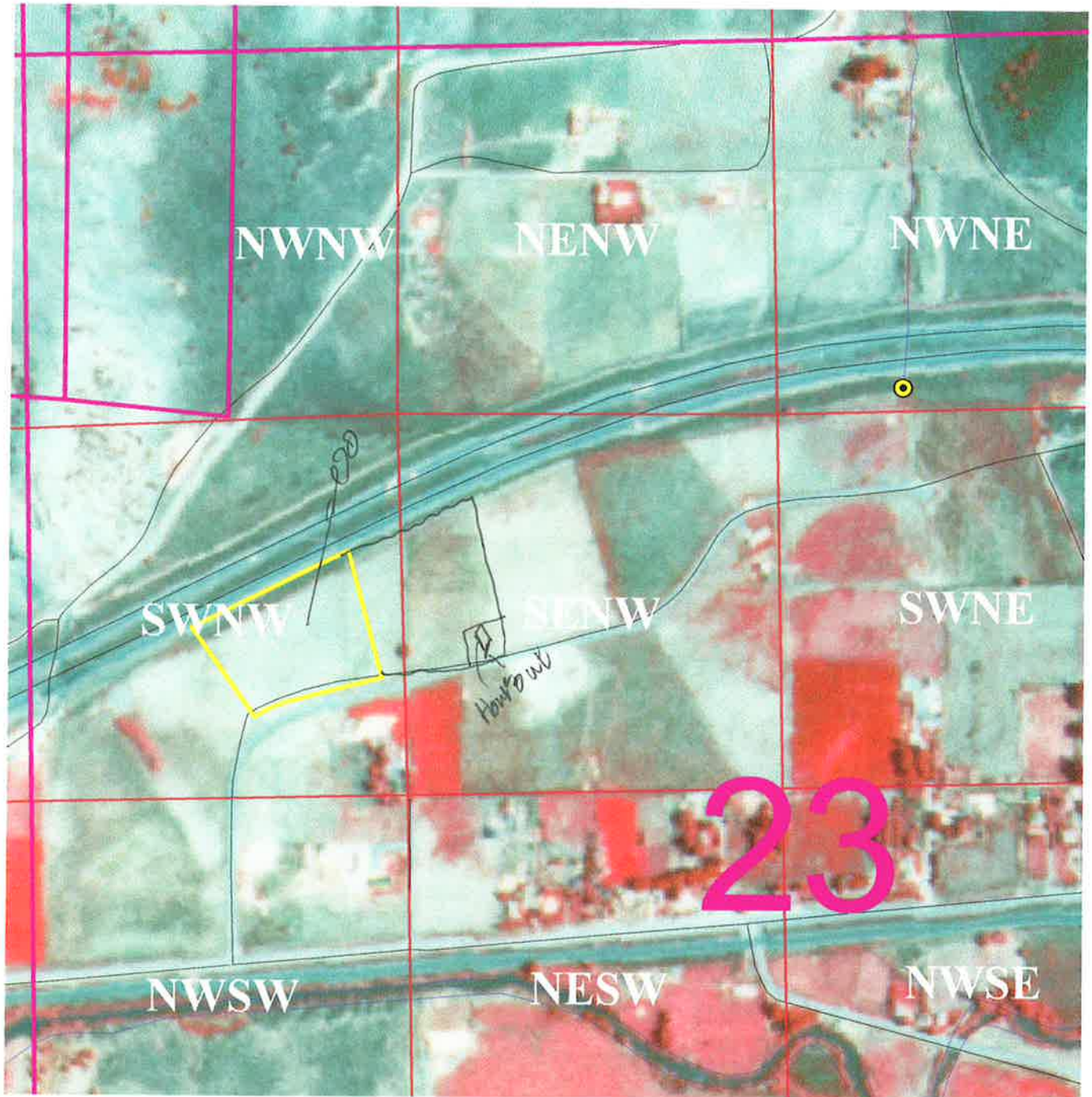
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

NO RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
SOURCE ALSO KNOWN AS TERRELL CREEK.

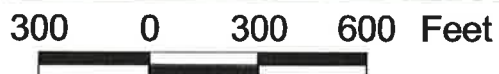
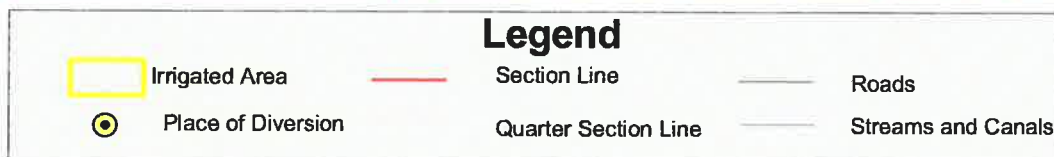
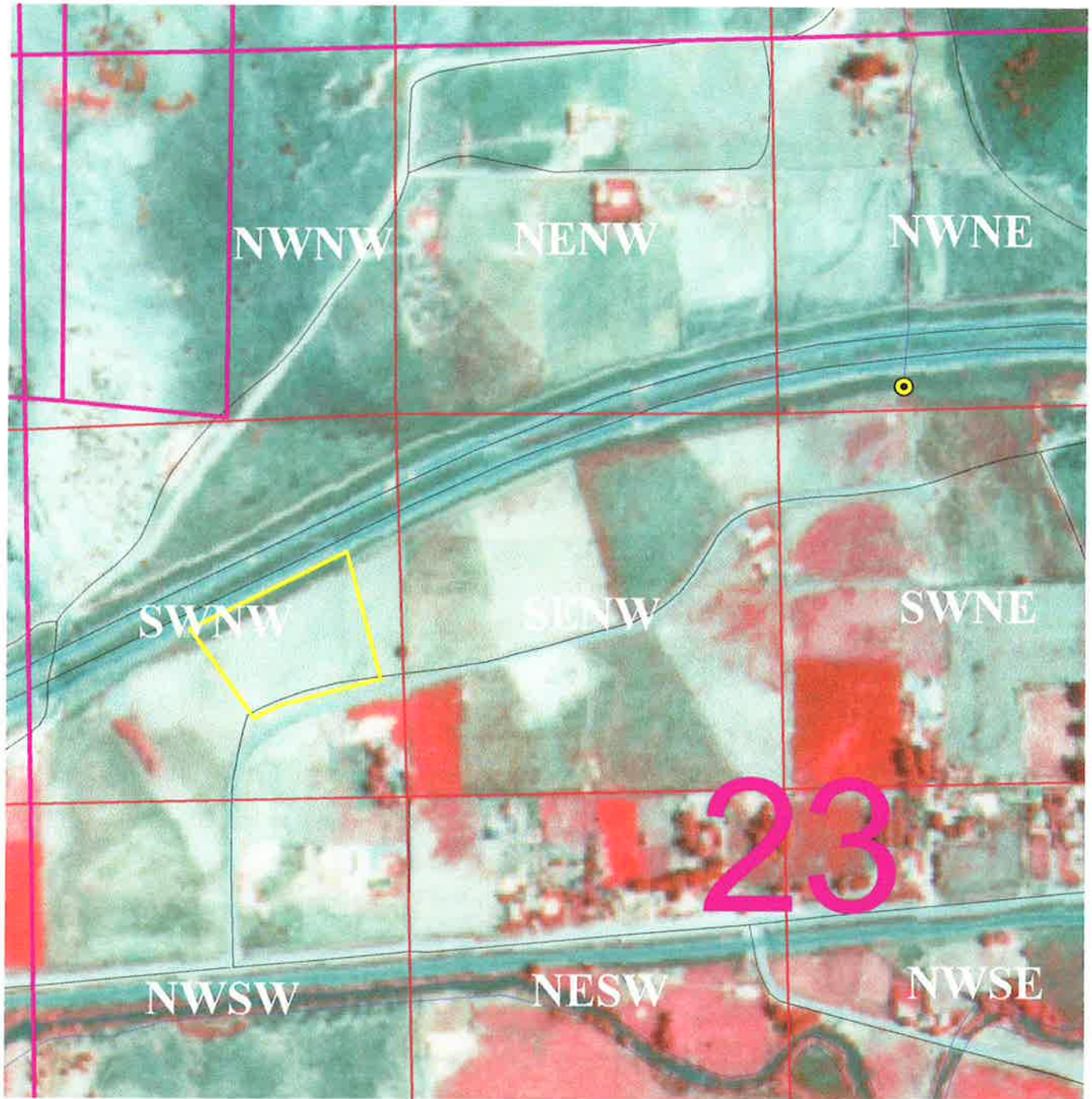
Water Right Claim Number A29-00494F
Township , 7S35E

08/25/2000



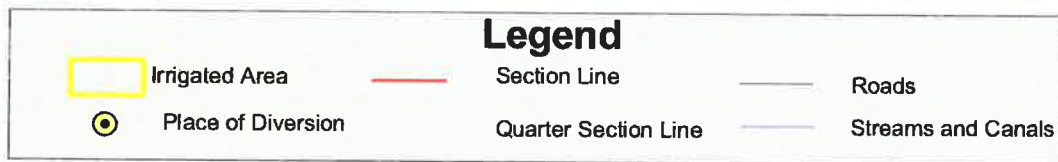
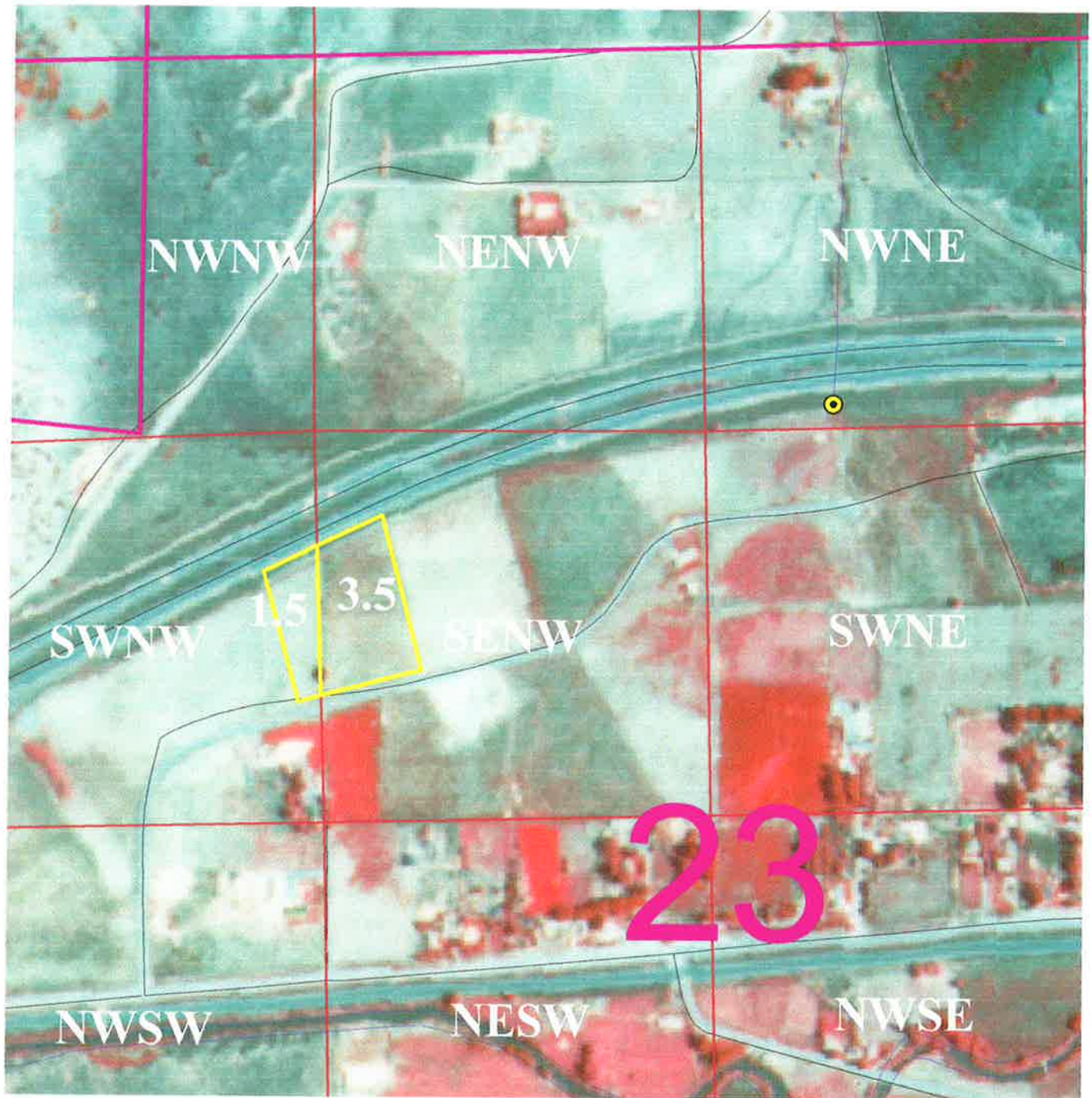
Water Right Claim Number A29-00494F
Township , 7S35E

08/25/2000



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

08/25/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-494G V1

WATER RIGHT NUMBER: 29-494G V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT B SCOTT 5700 SKI VIEW DR POCATELLO, ID 83204 (208)775-4914
Current Owner	HELEN S SCOTT 5700 SKI VIEW DR POCATELLO, ID 83204 (208)775-4914
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

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	04/01 to 10/31	0.090 CFS	
	<u>Total Diversion:</u>	0.090 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 UseIRRIGATION Within BANNOCK County

T07S R35E S23	SWNW	1.4	T07S R35E S23	SEnw	3.3
Total Acres: 4.69999980926514					

Conditions of Approval:

- ~~ND 4. C03~~ 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 29-494G V1

1. Explanatory SOURCE ALSO KNOWN AS TERRELL CREEK.

Comments:

1. csaxton 11/14/2001 Disallow

Comment: Two different NCO sent. Request for evidence of last time property was irrigated with Creek Water - no response. NAPP does not indicate irrigation - 1998 Terraserver does not indicate irrigation.

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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	11/14/2001 2:10:09 PM	csaxton			Active
POD	11/14/2001 2:44:10 PM	csaxton			Active
POD	11/14/2001 2:47:08 PM	csaxton			Active
Source	11/14/2001 2:47:22 PM	csaxton			Active
Use	11/14/2001 2:53:28 PM	csaxton			Active
Season	11/14/2001 2:54:40 PM	csaxton			Active
Quantity	11/14/2001 2:56:40 PM	csaxton			Active
Summary	11/14/2001 2:59:07 PM	csaxton	11/14/2001 2:59:07 PM	csaxton	Active
POU	11/14/2001 2:59:24 PM	csaxton	11/14/2001 2:59:07 PM	csaxton	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
Contacts	11/14/2001 1:52:42 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Field exam 7/31/01.
POD	11/14/2001 2:26:11 PM	csaxton	Edited point location
POD	11/14/2001 2:26:31 PM	csaxton	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-494G V1

Source	11/14/2001 2:47:22 PM	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	11/14/2001 2:52:33 PM	csaxton	Edited shape boundary
POU	11/14/2001 2:52:55 PM	csaxton	Edited PLS
Use	11/14/2001 2:53:28 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?
Priority Date	11/14/2001 2:10:09 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	11/14/2001 2:44:10 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the parent right 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) 8. Does the file contain all the necessary information to verify the POD? (Yes) 10. Is a POD remark and/or condition required?
POD	11/14/2001 2:47:08 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the parent right 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) 8. Does the file contain all the necessary information to verify the POD? (Yes) 10. Is a POD remark and/or condition required? Description for Question 6 - See memo in file.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-494G V1

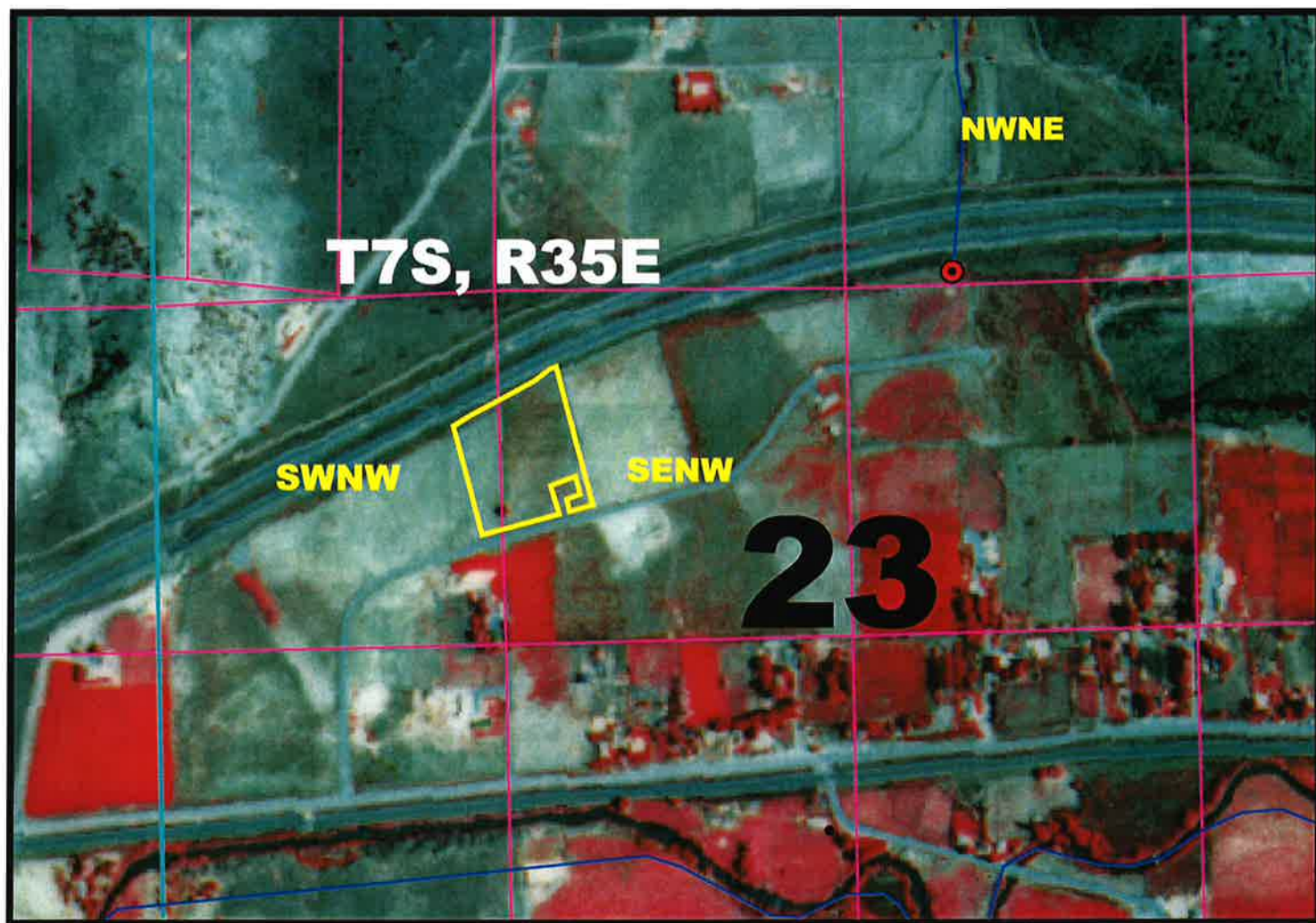
Season	11/14/2001 2:54:40 PM	csaxton	(Yes) 1. Is the basis of claim decree or license? (No) 4. Does the parent right have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of 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?
POD	11/14/2001 2:56:40 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 - Decree states 2/3 of all water. Recommend 1 in per acre. Per David Tuthill measurement not needed for claims of less than 0.20 cfs.
Summary	11/14/2001 2:59:07 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?
POU	11/14/2001 2:59:24 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License?



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00494G



1320 0 1320 2640 Feet

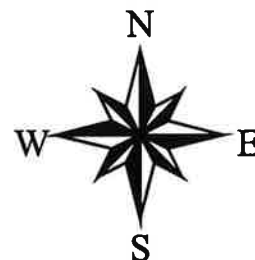
Total Irrigated Acres: 4.7

● 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

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.

SCANNED

DEC 05 2005

Memorandum

Date: November 14, 2001

From: Craig L. Saxton

Subject: 29-00494G

1987 NAPP photography doesn't show strong signs of irrigation.

1998 Terraserver photography doesn't show signs of irrigation.

Claimant is no longer the owner and the new owner hasn't filed a Change of Ownership despite two separate requests.

Claim filed 4/23/1990.

However, based on the fact that during the field exam I saw two different tarp Dams and a cement culvert in the ditch, I am going to recommend that the claim has probably been used at some time after 1985 or the tarps would have probably weathered by now. However, I don't have solid proof that the water was put to beneficial use on the property at least once since 4/23/1985.

PROTECT

SCANNED

DEC 05 2005

10-31-01: Napp Photography doesn't show Irrigation

- 1998 Terraserver Info doesn't clearly indicate Irrigation

- Field Exam shows Tarps still in place that might have been used as dams.

- Evidence of ^{recent} Irrigation Requested 10-31-01

11-7-01: Two different Notices

13-789 500 SHEETS FULLER
42-381 50 SHEETS FULLER
42-382 100 SHEETS FULLER
42-383 200 SHEETS FULLER
42-384 500 SHEETS FULLER
42-385 1000 SHEETS FULLER
42-386 2000 SHEETS FULLER
42-387 5000 SHEETS FULLER
42-388 10000 SHEETS FULLER
42-389 20000 SHEETS FULLER
42-390 50000 SHEETS FULLER
42-391 100000 SHEETS FULLER
42-392 200000 SHEETS FULLER
42-393 500000 SHEETS FULLER
42-394 1000000 SHEETS FULLER
42-395 2000000 SHEETS FULLER
42-396 5000000 SHEETS FULLER
42-397 10000000 SHEETS FULLER
42-398 20000000 SHEETS FULLER
42-399 50000000 SHEETS FULLER
42-400 100000000 SHEETS FULLER
Made in U.S.A.



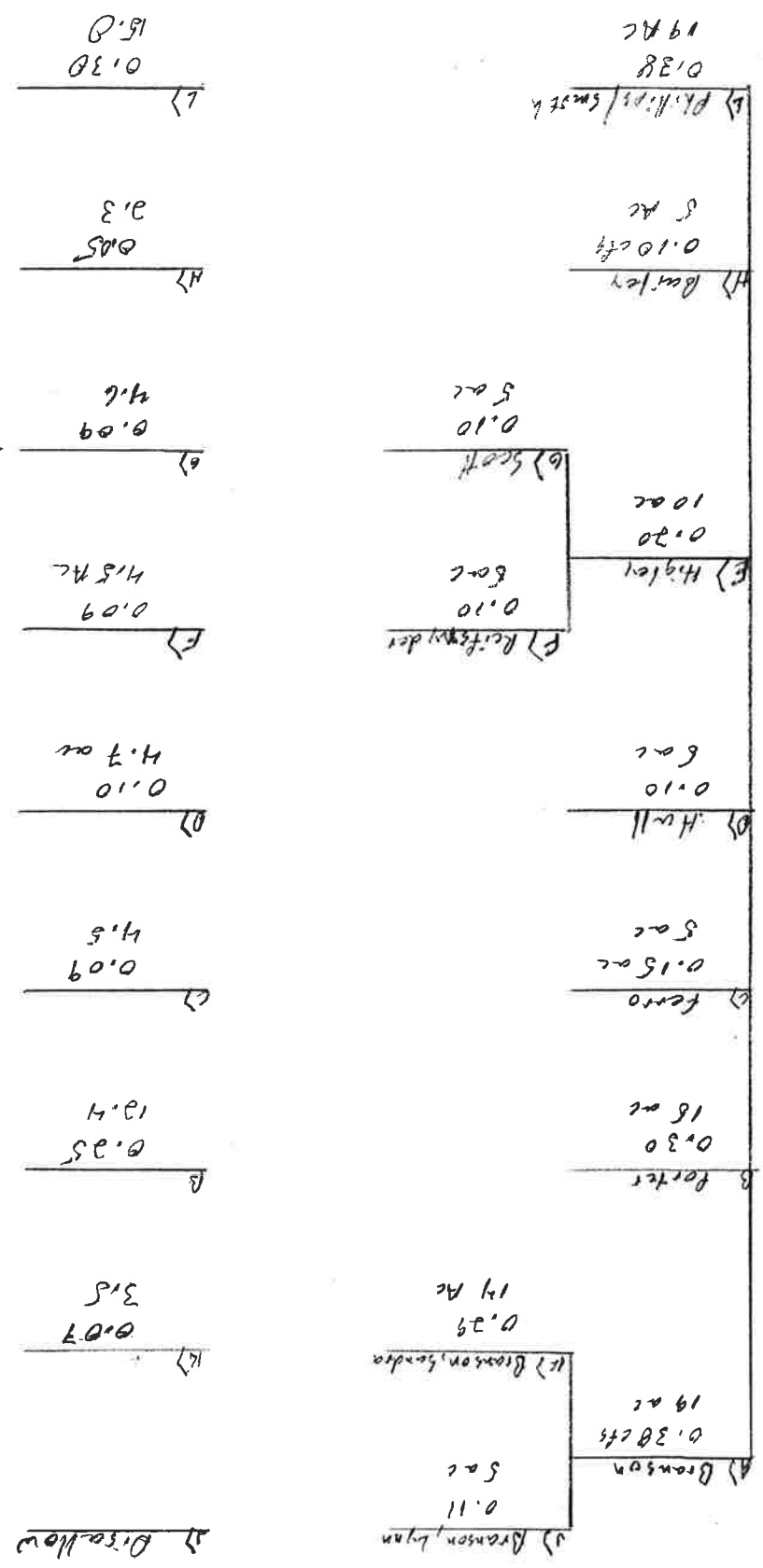
Claim

Split History of 89-00494

SCANNED
DEC 05 2005

Recommended

Claim





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 31, 2001

LINDA SIGEARS
AARON RUSSELL
5700 W SKI VIEW DR
POCATELLO ID 83204-7314

RE: Snake River Basin Adjudication Claim (SRBA) 29-00494G

Dear Linda and Russell,

I met with Linda on July 31, 2001 to discuss a SRBA claim 29-00494G for irrigation use of Blackrock Creek water originally filed by the previous property owners Robert and Helen Scott. At that time, I gave Linda a copy of a Notice of Change in water right ownership to be filled out and returned to the office, thus putting the SRBA claim in your names. At this time, our office has not received the completed form.

For your convenience, I am enclosing another Notice in Change of water right ownership form and copy of the original claim. Please return the form to this office with a copy of your warranty deed showing conveyance of the property from the Scott's to yourself.

In addition, my initial investigation does not indicate that the Blackrock creek water has been put to beneficial use for some time. Idaho Code 42-222 states that a water right not put to beneficial use for a period of 5 consecutive years is subject to forfeiture. In order for the department to make a favorable recommendation for SRBA claim 29-00494G, you need to provide evidence of the last time Blackrock creek water was put to beneficial use on your property.

Examples of evidence could be: a notarized statement from the previous owners, or neighbors that have first hand knowledge of the water use; receipts for pump or sprinkler equipment; or dated photographs showing irrigation of the property.

Please feel free to contact me at 525-7161 if you have any questions.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

SCANNED

DEC 05 2005

29-00494G

POD

Field Exam: 7/31/01



Looking SouthWest. Old concrete diversion (csaxton 10/31/01).

PROCESSED

SCANNED
DEC 05 2005

29-00494G

POD

Field Exam: 7/31/01



Looking East. Claimed POU background. Old tarp looks like it could have been used as a diversion point to push water to the SW (csaxton 10/31/01).

PROFILED

SCANNED
DEC 05 2005

29-00494G

POD

Field Exam: 7/31/01



Looking South. Claimant home in background. Old tarp in stream looks like it could have been used as a diversion point from the creek (csaxton 10/31/01).

FILED

SCANNED

DEC 05 2005

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.



FILED

SCANNED
DEC 05 2005

JUN 15 2001

Log for claim A29-00494G

Spatial Dynamics LTD

8/25/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	SWNW	2	1.5	
07s35e	23	SENW	3	3.5	
Totals:			5	5	

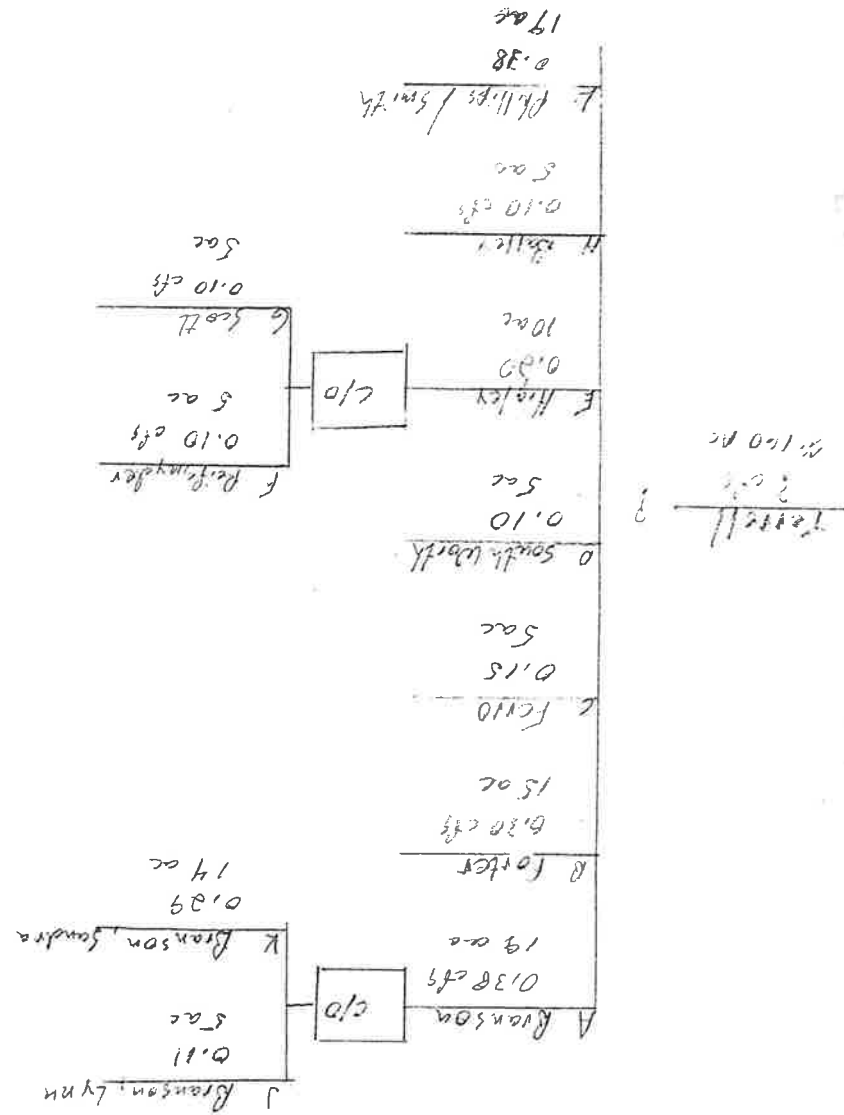
7/31/01

Linda Sigeary }
Aaron Russell } Gave L/O Form

- NO GW Irrigation
- New Owners - not familiar with Irrigation History
- looks like Tarp Dumb & Cement Culvert in Ditch. Recommend Terral Creek Irr.



22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



Totals = 78 ac

29-00194

DATE: 05/18/00
PAGE: 78

Audit: 05/20/97 DCARLSON



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.

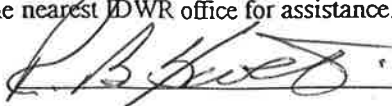
Respectfully submitted,

Jo Thompson
Adjudications Secretary

Enclosure:

CC: Alfred Ervin Higley/COPY CLAIM/LETTER

DE. Log
Dane Carlson
5-20-97STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.RECEIVED
MAY 19 1997Department of Water Resources
Eastern Region

1. Water Right Number(s) 29-00494
Adjudication Claim Number(s) A29-00494 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)  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 attorney.

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

[Space Above This Line For Recording Data]
American Land Title Company Order #1-62386 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
hss

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.

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 and blocks 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, SE 1/4, NW 1/4, and SW 1/4, NE 1/4, Section 23, T. 7 S., R. 35 E., 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' 20" W., 734.43 feet, to the southerly right of way line of L. 12, thence along said line the following bearings and distances: N. 55° 15' 05" E., 470.15 feet, thence N. 64° 26' 40" E., 989.36 feet, thence along a circular curve to the right, having a radius of 5379.58 feet and a central angle of 39° 08' 16", thence N. 61° 14' 06" E., 407.76 feet, thence 987.64 feet along a circular curve to the right, having a radius of 3579.58 feet and a central angle of 10° 08' 31", thence S. 61° 19' 19" E., 516.48 feet, thence S. 37° 26' 26" E., 1299.99 feet, thence S. 00° 12' 43" E., 726.00 feet, to the center line of said road, thence S. 89° 34' 18" W., 1299.99 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. 45° 58' 22" W., 1315.20 feet, to the West line of said section, thence N. 00° 00' 20" W., 734.43 feet, to the point of beginning.

NOTE "A"

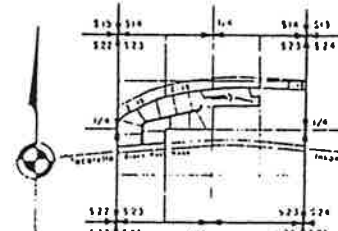
Marked Building Site. Contact Bannock County, Idaho, and the State Health Department.

Order of Lots and Distance Chart

Order	Distance	Order	Distance
1	734.43	11	1315.20
2	470.15	12	1299.99
3	989.36	13	726.00
4	407.76	14	516.48
5	987.64	15	472.29
6	5379.58	16	3908.16
7	6119.19	17	734.43

Parties to this 1308, Idaho Code, 1-1-19, that all utility property taxes due of this subdivision have been paid in full as of 19.

Date _____



VICINITY MAP

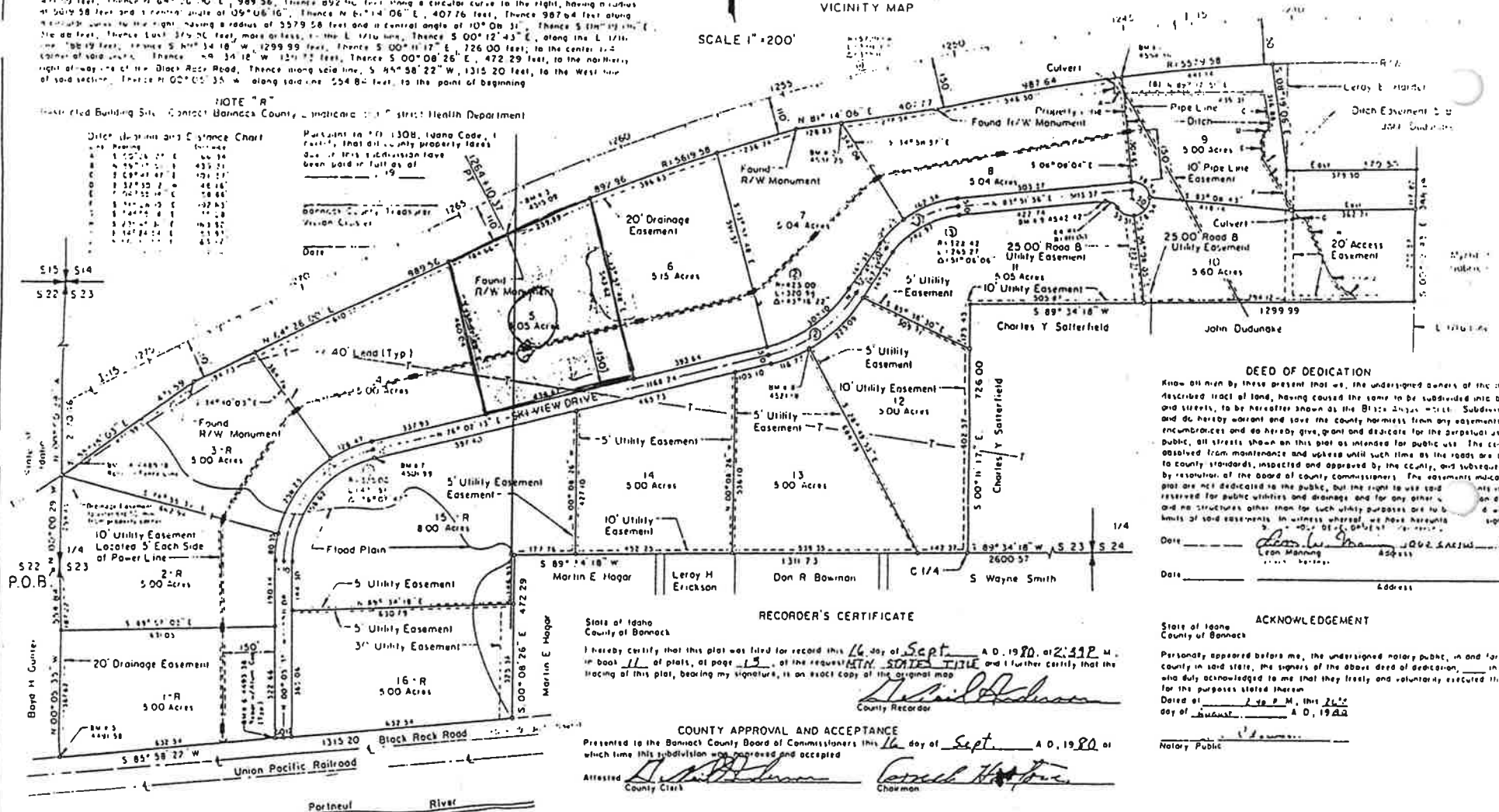
SCALE 1" = 200'

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

SANITARY RESTRICTIONS
Idaho Code

COUNTY ENGINEER

I, _____, County Engineer, do hereby certify that the plat of this map is correct and that the legal description of the property is correct.
Date 9.3.80



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 lots and streets, to be hereafter shown as the Black Angus Ranch Subdivision, and do hereby warrant and save the county harmless from any easements or encumbrances and do hereby give, grant and dedicate to the perpetual use of the public, all streets shown on this plat as intended for public use. The county, obligated from maintenance and upkeep until such time as the roads are turned over to county standards, inspected and approved by the county, and subsequently by resolution of the board of county commissioners. The statements indicate that the plat is not dedicated to the public, but the right to use said streets is reserved for public utilities and drainage and for any other use 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 signed our names and the seal of our office this 26th day of September, 1980.

Date _____
Notary Public

RECORDER'S CERTIFICATE

State of Idaho
County of Bannock
I hereby certify that this plat was filed for record this 26 day of Sept. A.D. 1980, at 2:41 P.M. in book 11 of plats, at page 13, at the request of _____ and I further certify that the tracing of this plat, bearing my signature, is an exact copy of the original map.

County Recorder

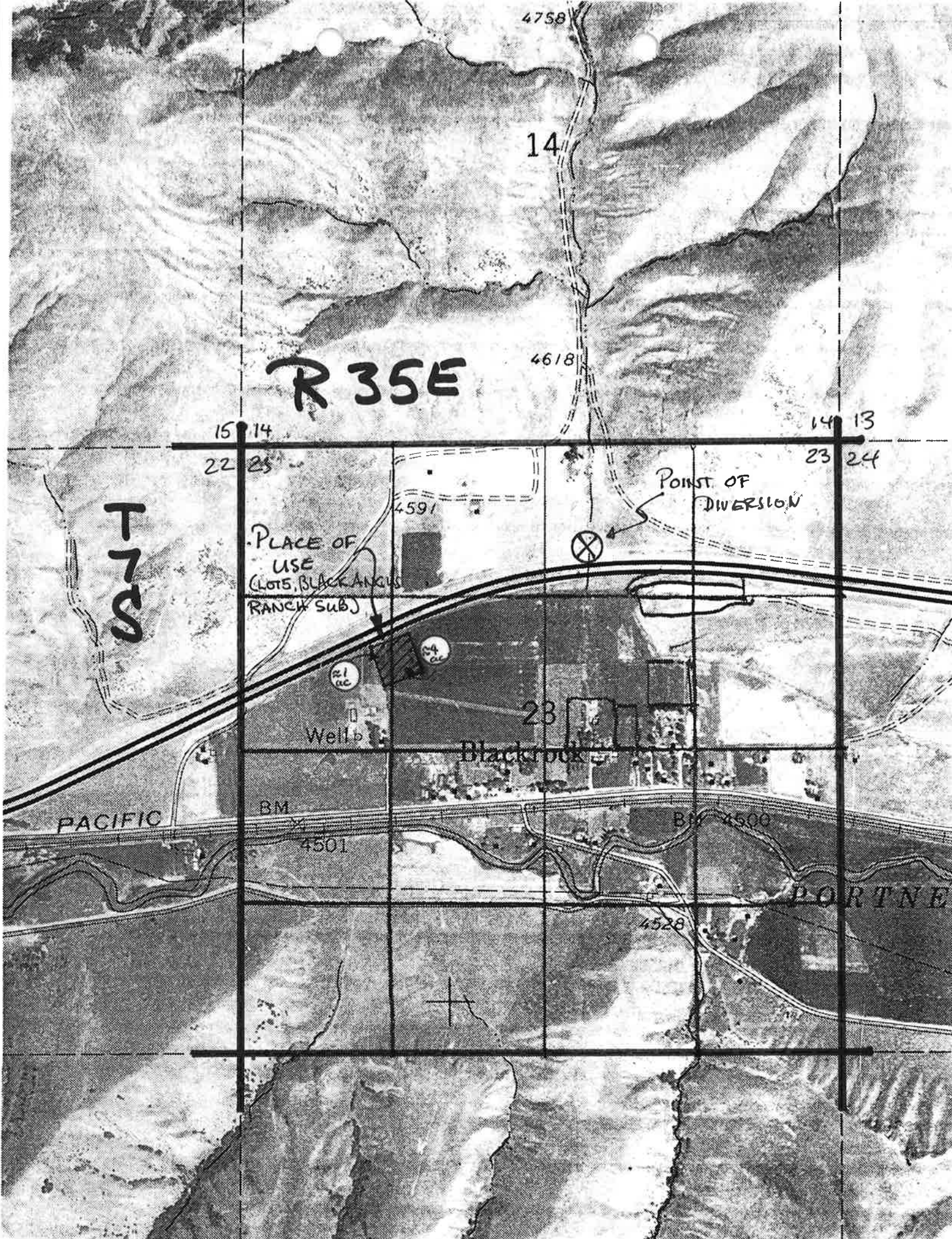
COUNTY APPROVAL AND ACCEPTANCE

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.

County Clerk

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, who duly acknowledged to me that they freely and voluntarily executed the same for the purposes stated therein.
Date of _____ A.D. 1980
Notary Public



R35E

T7S

POINT OF DIVERSION

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

Well

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: A29-00494G

Date Received: 4/23/1990

Receipt No: X777777

Received By: _____

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

1. Name:	ROBERT B SCOTT	208-775-4914
Address:	5700 SKI VIEW DR POCATELLO ID 83204	
AND/OR		
Name:	HELEN S SCOTT	208-775-4914
Address:	5700 SKI VIEW DR POCATELLO ID 83204	

A2900494G



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	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	Lot	Use	Acres
07S	35E	23	SW	NW		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	23	SE	NW		IRR	3.0
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 5
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: _____