

08/28/2001

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

RIGHT NUMBER: 29-10060

NAME AND ADDRESS: ANN T FEUERBORN
RICHARD F FEUERBORN
1469 E FORK MINK CREEK
POCATELLO, ID 83201

SOURCE: EAST FORK MINK CREEK TRIBUTARY: MINK CREEK

QUANTITY: 0.07 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-02327 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.07 CFS.

PRIORITY DATE: 12/31/1965

POINT OF DIVERSION: T08S R35E S8 NWNESW 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	0.07 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County
T08S R35E S8 NESW 3

3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-02327 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 3.0 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

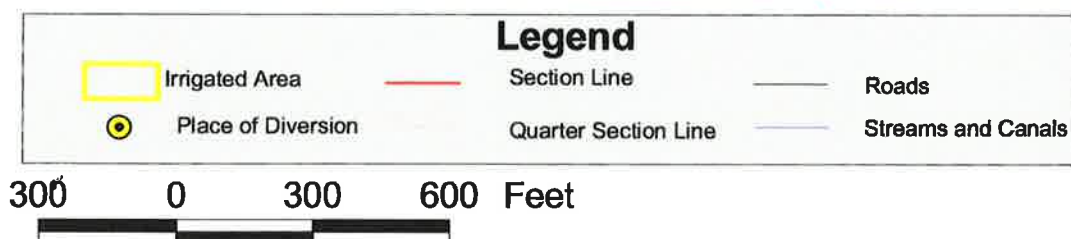
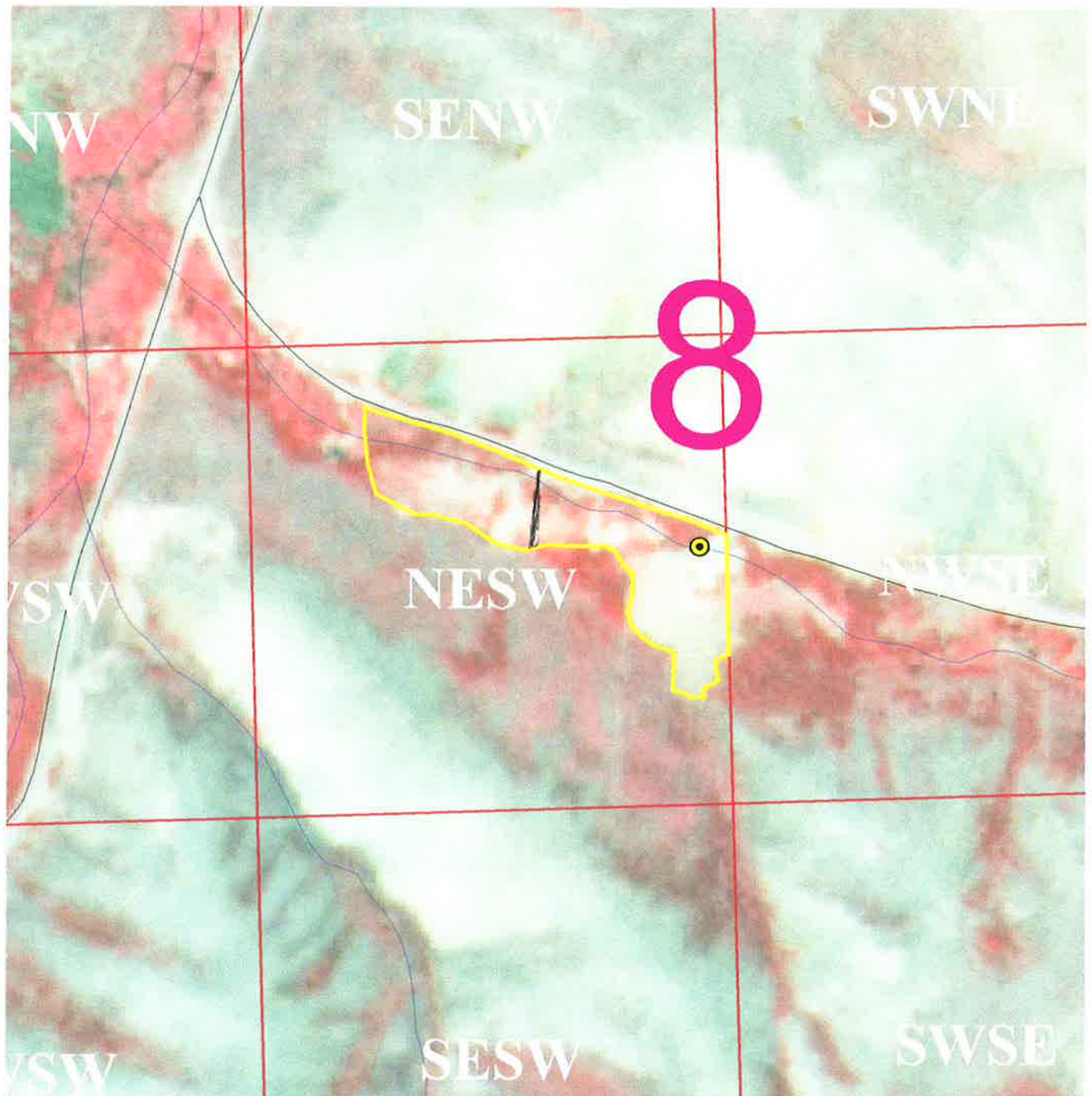
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

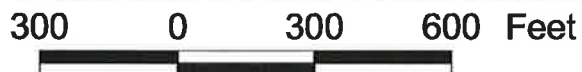
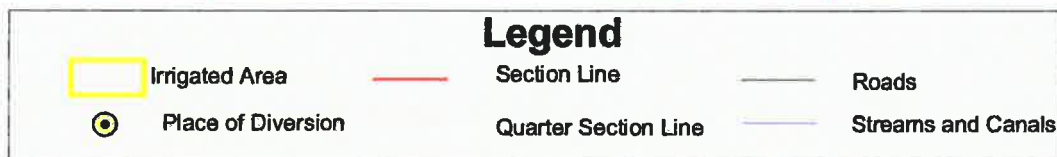
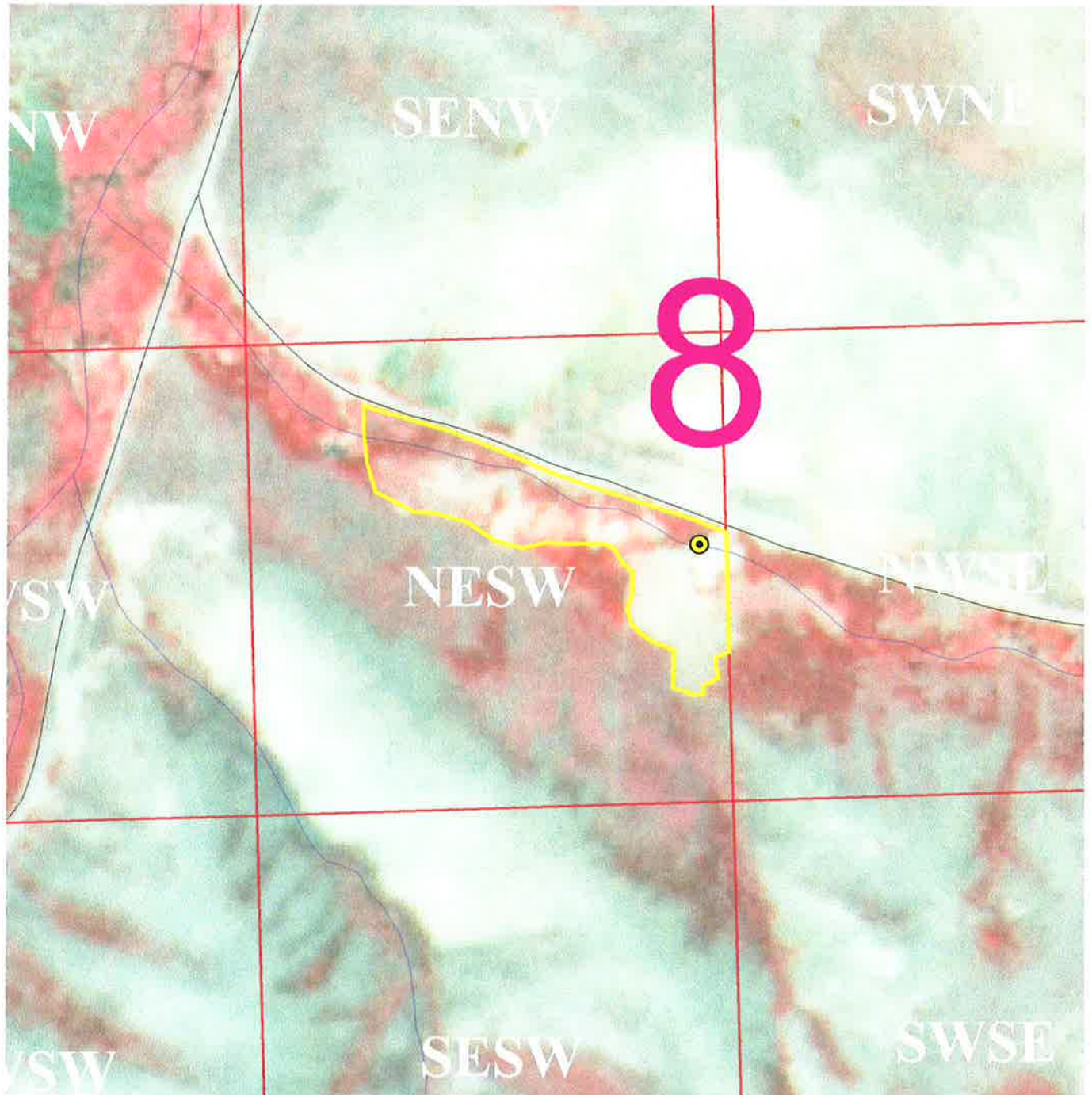
Water Right Claim Number A29-10060
Township , 8S35E

09/11/2000



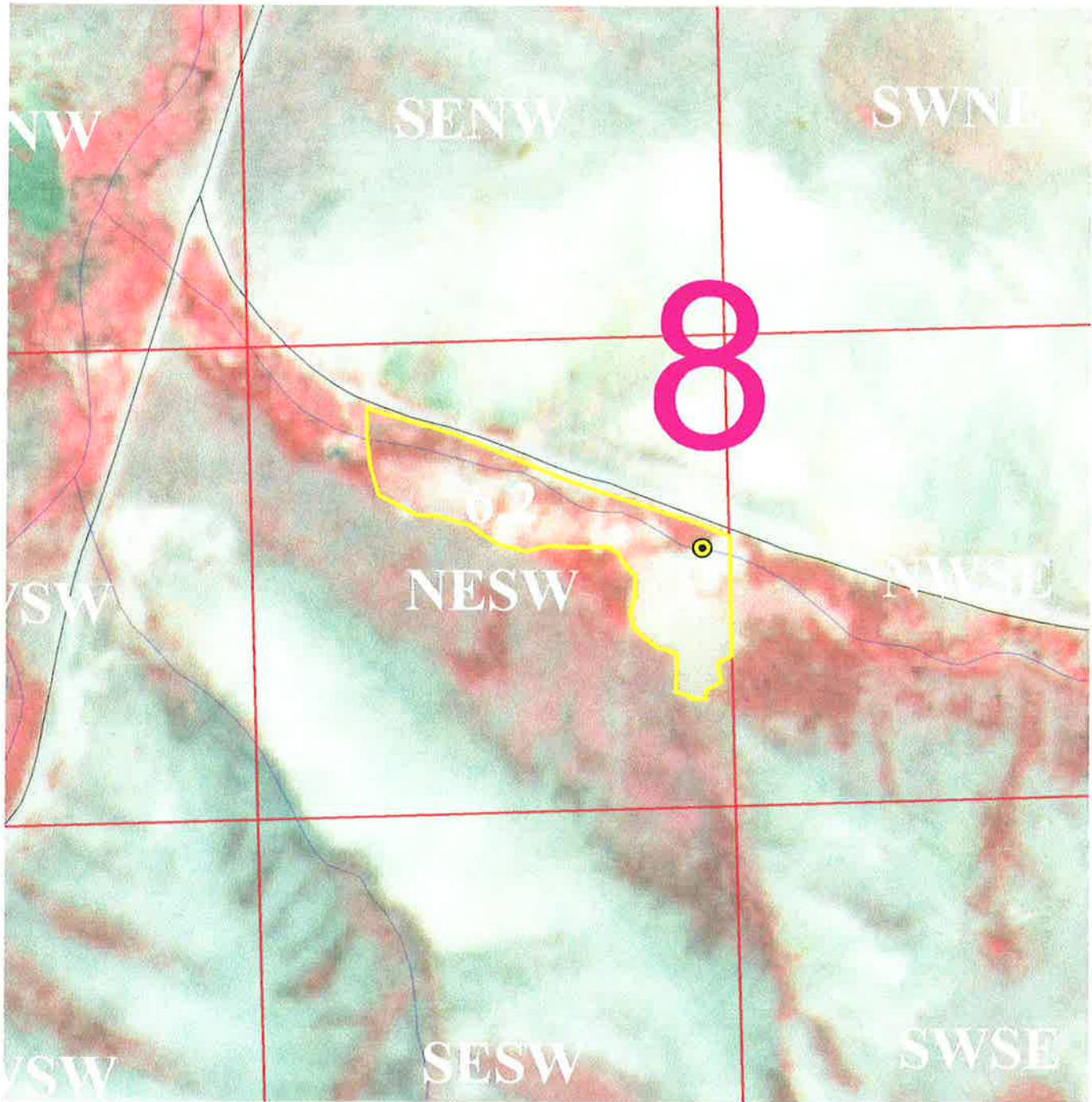
Water Right Claim Number A29-10060
Township , 8S35E

09/11/2000



Water Right Claim Number A29-10060
Township , 8S35E

09/11/2000



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals

Legend



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10060 V1

WATER RIGHT NUMBER: 29-10060 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FIRST SECURITY BANK OF IDAHO PO BOX 50280 IDAHO FALLS, ID 83405 (208)522-7100
Current Owner	RICHARD F FEUERBORN 1469 E FORK MINK CREEK POCATELLO, ID 83204 (208)234-7103
Current Owner	ANN T FEUERBORN 1469 E FORK MINK CREEK POCATELLO, ID 83201 (208)236-0005

Priority Date: 12/31/1965

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
EAST FORK MINK CREEK	MINK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.070 CFS	
	<u>Total Diversion:</u>	0.070 CFS	

Location of Point(s) of Diversion

EAST FORK MINK CREEK	NW1/4NE1/4SW1/4	Sec. 8, Twp 08S, Rge 35E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T08S R35E S08 NESW 3.0

Total Acres: 3

Conditions of Approval:

1. 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:

1. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 29-02327 IS LIMITED TO THE IRRIGATION OF A
- Irrigation COMBINED TOTAL OF 3.0 ACRES IN A SINGLE IRRIGATION SEASON.
2. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3.0 ACRES WITHIN THE PLACE OF USE
- Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-02327 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.07 CFS.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-10060 V1

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 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>
Contacts	8/28/01 4:24:13 PM	csaxton			Active
Priority Date	8/28/01 4:28:51 PM	csaxton			Active
POD	8/28/01 4:29:18 PM	csaxton			Active
Source	8/28/01 4:31:39 PM	csaxton			Active
POU	8/28/01 4:32:12 PM	csaxton			Active
Use	8/28/01 4:34:03 PM	csaxton			Active
Season	8/28/01 4:34:50 PM	csaxton			Active
Quantity	8/28/01 4:36:50 PM	csaxton			Active
Summary	8/28/01 4:51:10 PM	csaxton	8/28/01 4:51:10 PM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	8/28/01 4:51:08 PM	csaxton	1. (YES) The basis of the claim is beneficial use. 2. (YES) All the water being used for all the purposes is being claimed and to the extent it was claimed. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
Contacts	8/28/01 4:24:10 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: Field Exam 8/22/01

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10060 V1

Priority Date	8/28/01 4:28:49 PM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (YES) The basis of claim is beneficial use. 4b. (NO) The priority date was not claimed after the date a permit was required for the source and water use. 10. (YES) The claim file contains sufficient evidence of priority date. 12. (YES) The claim is recommended. 13. (NO) The claim is not coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
POD	8/28/01 4:29:16 PM	csaxton	1. (YES) The basis is beneficial use. 4. (NO) There is not evidence that there has been a change in the Point of Diversion. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: Field Exam 8/22/01 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POD	8/28/01 4:29:50 PM	csaxton	Edited point location
Source	8/28/01 4:31:37 PM	csaxton	1. (YES) The basis is beneficial use. 4. (NO) There is not evidence that there has been a change in the Source. 7. (YES) The file contains all of the necessary information to verify the source. Comment for 7: Field Exam 8/22/01 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
POU	8/28/01 4:32:10 PM	csaxton	1. (YES) The POU is required. 2. (YES) The basis of claim is beneficial use. 5. (NO) There is no evidence that there has been a change in the POU. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: Field Exam 8/22/01 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
POU	8/28/01 4:31:27 PM	csaxton	Edited shape boundary
POU	8/28/01 4:31:47 PM	csaxton	Edited PLS
Use	8/28/01 4:34:00 PM	csaxton	1. (YES) The basis of claim is beneficial use. 4. (NO) There is not evidence that there has been a change to the purpose of use. 9. (YES) The file contains all the necessary information to verify the purpose of use. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10060 V1

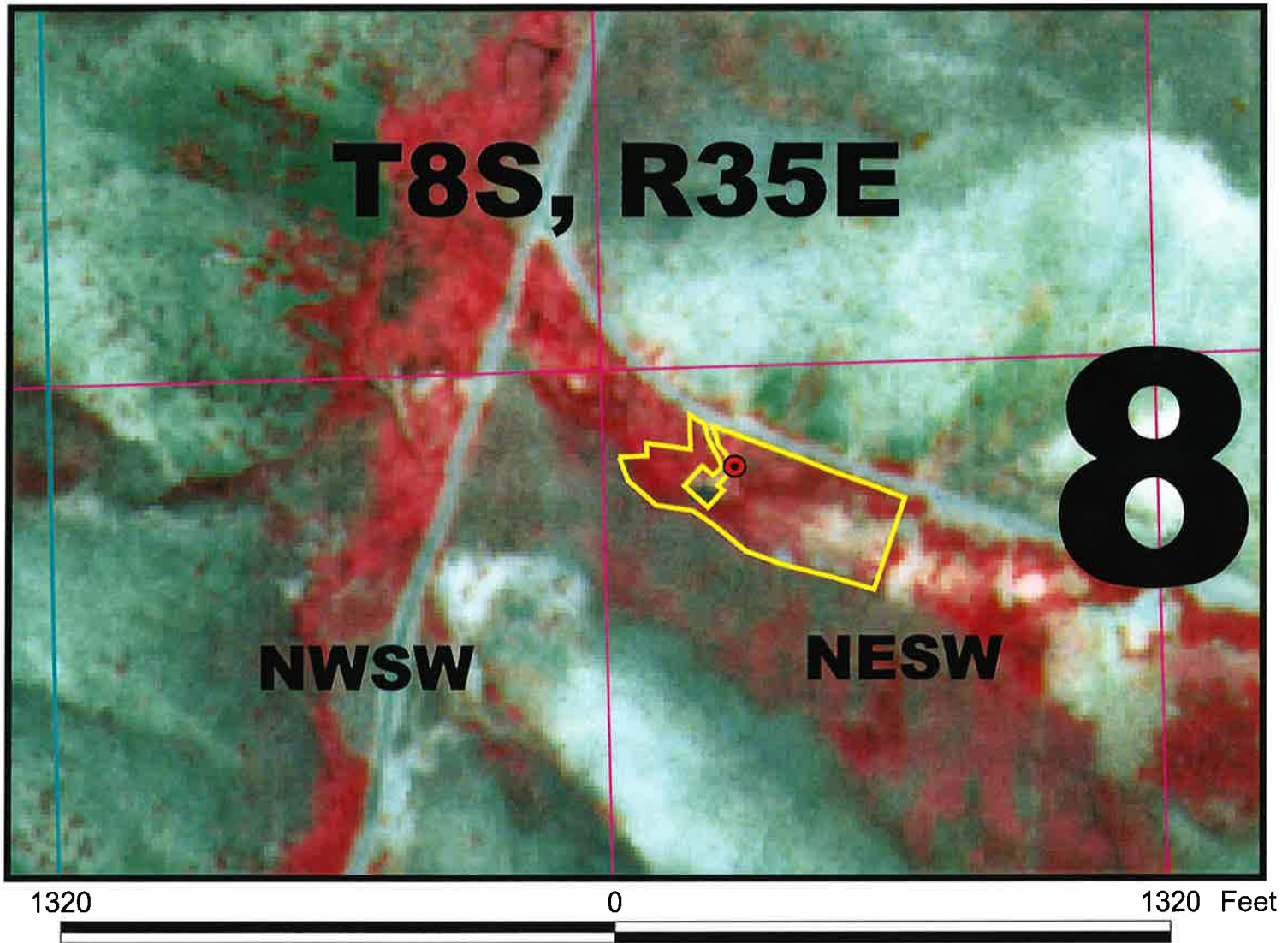
Season	8/28/01 4:34:47 PM	csaxton	1. (YES) The basis of claim is beneficial use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (YES) Irrigation is the purposed use. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Quantity	8/28/01 4:36:47 PM	csaxton	1. (YES) The basis of claim is beneficial use. 5. (NO) A flow measurement was not required. Comment for 5: Per David Tuthill, claims less than 0.20 cfs do not require measurement. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (YES) Quantity remark was required. 10. (NO) Quantity condition was not required.



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-10060



Total Irrigated Acres: 3.0

PROFILED



Point(s) of Diversion



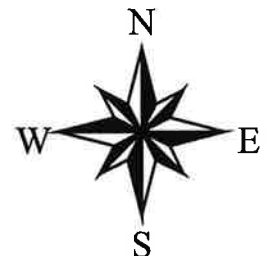
Place of Use



Quarter Quarter Lines



Section Lines



SCANNED
MAY 18 2006

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

29-10060

POD

Field Exam 8/22/01



Looking NE. Mink creek in picture. Pump is to the right of the picture (csaxton 8/28/01).

PROFILED

SCANNED
MAY 18 2006

29-10060

POD

Field Exam 8/22/01



Looking East. Pump is 20 feet south of the creek. Pump is a Westing House, 3 hp, 115/230 volts, RPM 3490. Water is piped to the POU (csaxton 8/28/01).

SCANNED

MAY 18 2006

29-10060

POU

Field Exam 8/22/01



Looking West. Irrigated pasture as well as tree farm. Trees on boundaries of pasture are irrigated with E. FK Mink creek water (csaxton 8/28/01).

SCANNED
MAY 18 2006

29-10060

POU

Field Exam 8/22/01



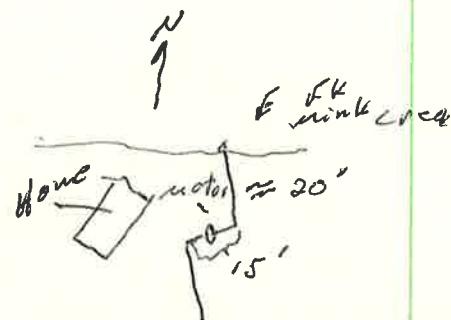
Looking EAsT. Irrigated pasture as well as tree farm. Trees on boundaries of pasture are irrigated with E. FK Mink creek water (csaxton 8/28/01).

SCANNED

MAY 18 2006

Neil Maimen - Brother
Neil Maimen - 232-6229 - AM 1939
282-7842 - off

8/22/01 Pump is Weating House
3 HP
115/230 volts
RPM 3490



Front of Bed

Panel B/W Front of Bed

Back of Cab - A

JUN 18 2001

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

Department of Water Resources
 Eastern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-10060				

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

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

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

Richard F. Feuerborn

4. New Owner/Claimant(s)

Ann T. Feuerborn

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

1469 E. Fork Mink Creek Road

City, State and ZIP Code

Pocatello, Idaho 83204

New Telephone Number

(208) 236-0005

5. Date you acquired the property

Spring 1989

PROFILED

SCANNED

MAY 18 2005

30 May 2001

To Whom It May Concern:

This statement concerns the use of culinary and irrigation water from the east fork of the Mink Creek and Big Spring at the residence of Ann Feuerborn, 1469 E. Fork Mink Creek Road.

In 1970, when I moved to 1521 E. Fork Mink Creek Road, the water system was already in operation. Mr. L.P. Fuzy and his wife, Dorothy pumped water from the creek to irrigate their trees. The tree crop was about 15 years old, and once we became neighbors, I helped Mr. Fuzy maintain his irrigation system. This continued on till 1988.

In 1989, the Feuerborns purchased the Fuzy Tree Farm, and have continued using the irrigation system to date to maintain the spruce trees and to keep surrounding land from drying up and safe from a potential fire.

Sincerely,

Robert A. Woodward
Robert A. Woodward

208-232-0755

*Sworn & subscribed before me
on this 15th day of June, 2001.*

Gerri L. Marley



MY COMMISSION EXPIRES:
May 21, 2005

*Pocatello, ID
Barre*

SCANNED
MAY 18 2006

JUN 15 2001

May 17, 2001

ANN FEUERBORN
1469 E FORK MINK CRK RD
POCATELLO ID 83204

RE: Notice of Change of Ownership for 29-10060 / 29-02327

Dear Ann,

Enclosed is the Notice of Change of ownership form we spoke about on the phone. As mentioned, I have a copy of your warranty deed in the file so all we need from you is a copy of the divorce decree. I have highlighted in yellow the areas that need to be completed. There is no fee for this change.

Then as we discussed on the phone, please send your evidence of priority in also.

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

Respectfully Submitted,

Craig L. Saxton
Water Resource Agent

5/17/01 Ann called and said she and Richard are divorced see above letter.

COPY

5/24/01 Ann is sending c/o and plat map of area and would like us to call her prior to the Field Exam. She has a domestic well that isn't filed on, but we might want to talk about it.

May 14, 2001

29-10060
RICHARD F FEUERBORN
1469 E FORK MINK CR
POCATELLO ID 83204

RE: EVIDENCE OF PRIORITY

Dear Claimant (s):

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

.....
The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by June 15, 2001, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact me at 525-7161.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim 29-10060

Log for claim A29-10060

Spatial Dynamics BTD

9/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s35e	8	NESW	3.5	6.2	Indiscernible
Totals:			3.5	6.2	

AJ5809NP
No. A29-10060

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 275

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RICHARD F FEUERBORN 1469 E FORK MINK CREEK POCATELLO ID 83204 (208) 234-7103	08/07/1942	IRRIGATION	03-15 11-15	0.070 CFS	
TOTAL DIVERSION:					0.070 CFS	
CONSUMPTIVE USE:						8.70 AFA
Water Source: MINK CREEK, EAST FORK		Tributary to: MINK FORK			Stage: LICENSE	

AJ5809NP
No. A29-10060

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 276

Point(s) of Diversion: T08S R35E S08 NENESW 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			
-----				-----				:	-----				:	-----				:	-----				:	-----				:	-----
08S	35E	8	:					:					:	03				:							:	3.5			
																								TOTAL ACRES	3.5				

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

29-11060 A29-02257 A29-02327 A29-04442 A29-11060

Other Water Rights Listing Overlapping Place(s) of Use:

A29-02257 A29-02327 A29-04442

Remarks: GEN THE APPLICANT IS MAKING THIS FILING AS TRUSTEE FOR THE LOUIS P.
AND DOROTHY FUZY TRUST. SEE ATTACHED QUIT CLAIM DEED.

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

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

Audit: 04/21/89 DUNN 02/15/90 DCARLSON 07/29/94 THOMPSON 03/29/95 POST-STD
04/12/00 CVANDERM

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

- [] Water Right Number(s): A 29-10060
- [] Name and Address of Former Claimant: FIRST SECURITY BANK
P.O. Box 56208
IDAHO FALLS ID 83405
- [] New Claimant(s): RICHARD F. & ANN T. FEUERBORN
- [] New Mailing Address: 1469 E. FORK MINK CR.
POCATELLO IDAHO 83204

New Telephone Number: (208) 234-7103 OR 234-0044
(Bus.)

- [] Does the change in ownership result in a splitting of the water right claimed? yes X no

If yes, then describe the portion of the water right that is now claimed by the new owner:

- [] Attach proof of ownership
Describe proof attached: DEED OF TRUST
- [] Signature of New Claimant(s): Richard Feuerborn

Date: 2-14-90

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 2/15/90

By: De

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

MICROFILMED

NOV 13 1992

[Space Above This Line For Recording Data]

DEED OF TRUST

THIS DEED OF TRUST ("Security Instrument") is made on September 26 1989. The grantor is RICHARD FEUERBORN AND ANN T. FEUERBORN, husband and wife ("Borrower"). The trustee is AMERICAN LAND TITLE COMPANY ("Trustee"). The beneficiary is FIRST SECURITY BANK OF IDAHO, N.A., which is organized and existing under the laws of Idaho, and whose address is P.O. Box 18, Boise, Idaho 83707. Borrower owes Lender the principal sum of One Hundred Thousand and no/100 Dollars (U.S. \$ 100,000.00). 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 October 1, 2004. 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:

LONG LEGAL - SEE ATTACHED

which has the address of 1469 East Fork, Mink Creek Road Pocatello
 Idaho 83201 ("Property Address");
(Street) (City)

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.

TOWNSHIP 8 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO,
SECTION 8: SW¼

EXCEPT: COMMENCING AT THE SOUTHWESTERLY CORNER OF THE LAND IN SAID QUARTER SECTION OWNED BY LOUIS A. LEHRBAS THENCE IN A SOUTHERLY DIRECTION ALONG THE EASTERLY SIDE OF THE ARBON HIGHWAY A DISTANCE OF 198 FEET FOR THE BEGINNING POINT OF THIS SURVEY; THENCE IN AN EASTERLY DIRECTION A DISTANCE OF 1009.92 FEET; THENCE AT RIGHT ANGLES IN A NORTHERLY DIRECTION A DISTANCE OF 480.52 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE SOUTHERLY BOUNDARY LINE OF THE EAST FORK OF THE MINK CREEK ROAD; THENCE IN AN EASTERLY DIRECTION FOLLOWING THE SOUTHERLY BOUNDARY LINE OF SAID ROAD TO THE INTERSECTION WITH THE EASTERLY BOUNDARY LINE OF SAID QUARTER SECTION; THENCE SOUTHERLY ALONG THE EASTERLY BOUNDARY LINE OF SAID QUARTER SECTION TO THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE AT RIGHT ANGLES WESTERLY ALONG THE SOUTHERLY BOUNDARY LINE OF SAID QUARTER SECTION TO THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTHERLY ALONG THE WESTERLY BOUNDARY LINE OF SAID QUARTER SECTION TO ITS INTERSECTION WITH THE ARBON ROAD; THENCE FOLLOWING THE EASTERLY SIDE OF THE ARBON ROAD TO THE POINT OF BEGINNING.

ALSO EXCEPT: COMMENCING AT A POINT ON THE EAST LINE OF STATE HIGHWAY, ROUTE NO. 38, KNOWN AS BANNOCK HIGHWAY, WHERE THE SAME INTERSECTS THE NORTH LINE OF THE SW¼ OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 35 E.B.M. FOR THE POINT OF BEGINNING; THENCE EAST ALONG THE AFORESAID QUARTER SECTION LINES, A DISTANCE OF 370 FEET; THENCE SOUTH AT RIGHT ANGLES A DISTANCE OF 208 FEET; THENCE WEST AT RIGHT ANGLES A DISTANCE OF 453 FEET, MORE OR LESS, TO THE EASTERLY LINE OF SAID BANNOCK HIGHWAY ABOVE MENTIONED; THENCE IN A NORTHERLY DIRECTION ALONG THE EASTERLY BOUNDARY OF SAID BANNOCK HIGHWAY ALSO KNOWN AS, ROUTE 38, A DISTANCE OF 220 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

ALSO EXCEPT: THAT PORTION OF THE SW¼ OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF STATE HIGHWAY NO. 38, KNOWN AS BANNOCK HIGHWAY, WITH THE NORTH LINE OF SAID SW¼; THENCE ALONG SAID NORTH LINE, EAST 370 FEET TO THE TRUE PLACE OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, EAST 995 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID SW¼; THENCE ALONG THE EAST LINE OF SAID SW¼; SOUTH 518 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF THE EAST FORK OF MINK CREEK ROAD; THENCE ALONG THE NORTHERLY LINE OF SAID LAST MENTIONED ROAD; NORTHWESTERLY 1050 FEET, MORE OR LESS, TO A POINT ON A LINE THAT BEARS SOUTH AT RIGHT ANGLES TO THE TRUE PLACE OF BEGINNING; THENCE NORTH 185 FEET, MORE OR LESS, TO THE TRUE PLACE OF BEGINNING...

RFF
A.T.F.

MICROFILMED
NOV 13 1992

780666

QUITCLAIM DEED

THIS INDENTURE, made this 14th day of August, 1986, between Dorothy Fuzy, a widow, 1469 E. Fork-Mink Creek, Pocatello, County of Bannock, State of Idaho, party of the first part, and The Louis P. and Dorothy Fuzy Trust, First Security Bank, Trustee, the party of the second part; - *Main Branch 100 S. Arthur*

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION, lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, do by these presents demise, release and forever quitclaim unto the said party of the second part, and to its assigns, all that certain lot, piece or parcel of land, situated in Bannock County, State of Idaho, more particularly described as follows to-wit:

The Southwest Quarter of Section Eight in Township Eight South, Range Thirty Five East, Boise Meridian, in Idaho, containing 160 acres, according to the official plat of the survey of the said lands, returned to the general land office by the surveyor general, together with any and all water rights belonging thereto and used with or upon said land including all water rights under any and all water permits or water licenses issued by the state reclamation engineer of the State of Idaho together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the rents issues and profits thereof together with all improvements thereon including the dwelling house thereon.

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And also including all personal property located in the dwelling house or elsewhere on said land, to be his sole and separate property,

Excepting therefrom that portion of the land above described lying westerly of the so-called Arbon Highway which portion has heretofore been conveyed; and also excepting therefrom that portion of said quarter section owned by Louis A. Lehrbas; and also excepting therefrom that portion of said quarter section of land owned by Bismark M. Lehrbas and Laura A. Lehrbas, his wife.

Tr. N 1/2 SW 1/4 - 10.77 A
1.37 Acres Rd.
S 8 - T8S - R36E

Together with all singular, the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular said premises, together with the appurtenances, unto the said party of the second part, and to its assigns forever.

IN WITNESS WHEREOF, the party of the first part does hereunto set her hand and seal the day and year first above written.

Dorothy Fuzy
Dorothy Fuzy,

STATE OF IDAHO)
County of Bannock) ss

On this 16th day of September, 1986, before me, the undersigned, a Notary Public in and for said State, personally appeared Dorothy Fuzy, known to me to be the person

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NOV 13 1986

QUITCLAIM DEED -2-

whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

Gerald R. Olson
 NOTARY PUBLIC FOR IDAHO
 Residing at Pocatello, Idaho
 My Commission Expires: 5-31-88

(SEAL)

NOTARY SEAL

NO. 780666
 RECORDER AT REQUEST OF
 Gerald Olson
 '86 SEP 22 P2:21

OFFICE OF THE CLERK OF DISTRICT COURT
 BANAMORE, IDAHO
 CLERK OF DISTRICT COURT
 FILE 6-00 DEPUTY IS

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NOV 13 1992

QUITCLAIM DEED -3-

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 29-10060
Date Received: 4/24/89
Receipt No: E007006
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RICHARD F FEUERBORN Phone: (208)234-7103

1469 E FORK MINK CREEK
POCATELLO ID USA 83204

ANN T FEUERBORN Phone: (208)236-0005

1469 E FORK MINK CREEK
POCATELLO ID USA 83201

2. Date of Priority: 08/07/1942

3. Source: MINK CREEK EAST FORK Trib. to: MINK FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	35E	8	NE NE SW	BANNOCK	

5. Description of diverting works:

HEAD GATE AND DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.07	

7. Total Quantity Appropriated is:

0.07 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	35E	8	NE	SW	IRRIGATION	3.5
Section Acres						3.5
Total Acres						3.5

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:

14. Remarks:

THE APPLICANT IS MAKING THIS FILING AS TRUSTEE FOR THE LOUIS P. AND DOROTHY FUZY TRUST. SEE ATTACHED QUIT CLAIM DEED

ANN FEUEURBORN ADDED AS CLAIMANT PER REQUEST. ANN SAYS THAT SHE IS DIVORCED FORM RICHARD FEUEURBORN IS NO LONGER AN OWNER OF THE PROPERTY. NO DEED PROVIDED TO INDICATE RICHARD ISN'T STILL PARTIAL OWNERSHIP.

15. Basis of Claim: License

16. Signature(s)

SCANNED

MAY 18 2006

(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: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

SCANNED

MAY 18 2006

SCANNED

JUN 15 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: A29-10060
Date Received: 4/24/1989
Receipt No: E007006
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD F. FEUERBORN
Address: 1469 E. FORK MINK CRK RD
POCATELLO, ID 83204

~~208-234-7103~~
HM: 236-0005
WK: 237-2192

2. Date of Priority: AUG 07, 1942

3. Source: EAST FORK OF MINK CREEK. Trib. to: MINK FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	35E	8	NE	NE	SW		BANNOCK

5. Description of diverting works:
HEAD GATE AND DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.070		

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

8. Total consumptive use is 8.7 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	35E	8	NE	SW		IRR	3.5
Section Acres							3.5

A29-10060

Page 1

Date: 02/15/90

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10. Place of Use: Continued

Total Acres 3.5

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:

THE APPLICANT IS MAKING THIS FILING AS TRUSTEE FOR THE LOUIS P.
AND DOROTHY FUZY TRUST. SEE ATTACHED QUIT CLAIM DEED.

15. Basis of Claim: LICENSE
Water Right Number: 19340

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: A29-10060

Date Received: 4/21/1989

Receipt No: E007006 & E007007

Received By: AMA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FIRST SECURITY BANK OF IDAHO *Fewerhen* 208-522-7100
Address: PO BOX 50280
IDAHO FALLS, ID 83405

2. Date of Priority: AUG 07, 1942

3. Source: EAST FORK OF MINK CREEK. Trib. to: MINK FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	35E	8	NE	NE	SW		BANNOCK

5. Description of diverting works:
HEAD GATE AND DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.070		

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

A.F.A.

8. Total consumptive use is 8.7 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	35E	8	NE	SW		IRR	3.5

Section Acres 3.5

A29-10060

Page 1

Date: 04/21/89

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A2910060



10. Place of Use: Continued

Total Acres 3.5

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:

THE APPLICANT IS MAKING THIS FILING AS TRUSTEE FOR THE LOUIS P.
AND DOROTHY FUZY TRUST. SEE ATTACHED QUIT CLAIM DEED.

15. Basis of Claim: LICENSE
Water Right Number: 19340

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): Chuck R. Hagler Date: 4/24/89
V.P. & Trust Office Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 24th day

of April 19 89

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
My Commission Expires RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES 6-30-94