

Idaho Association of County Recorders and Clerks

Idaho Recorder's Manual



Idaho Association of County Recorders and Clerks
2016

PREFACE

The purpose of this manual is to serve as a reference resource and manual for personnel working in the recorder's office. The manual is somewhat basic in its explanations and is intended to give the reader the Idaho Code sections that should be carefully reviewed to determine specific answers to recording-related questions. This manual is not intended to be an all-inclusive resource or last word on the law. No manual can anticipate varying factual scenarios or be able to stay abreast of changing legal interpretations. The county should always consult with the local prosecuting attorney's office about the applicability of a specific law as it relates to recording of documents.

APPRECIATION

Special thanks to the Idaho Attorney General's office and to the Idaho Association of Counties for assisting with the publication of this manual.

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	service can be requested by an official of the Veterans Administration, the claimant, his or her guardian, personal representative, dependent or attorney)
Record – state lands list	Free [Idaho Code § 31-3206]
Record – survey	\$5.00 per page filed [Idaho Code §§ 31-3205(1)(h), 55-1909]
Release or assignment where more than one document is released or assigned in the same instrument ⁴	\$1.00 each [Idaho Code § 31-3205(1)(d)]

Table C: Characteristics of documents that should not be recorded

Applicable Document Type	Characteristic	Statutory Authority	Additional Comments
Affidavit	No jurat		Affidavits must have a jurat certificate.
All	Insufficient jurat (where the notary states that the signature was sworn to before them) or acknowledgment (declaration by a person that he/she executed the instrument)	Idaho Code § 55-707, 55-805, 51-109, 55-710	Most documents must have either a jurat or an acknowledgment in order to be recorded. For an acknowledgment to be proper, the acknowledgment certificate must contain a statement of purpose of execution of the document, the individual(s) names who appeared and executed the document before the notary upon signing, and the name of the notary.
All	Document is not entitled by law to be recorded.	Idaho Code §§ 31-2402, 31-2410, 55-816, 55-818	
All	Document is not in English and is not accompanied by a certified translation in English	Idaho Code § 73-121(3)	

⁴ When a document is released or assigned, the document contains the instrument number(s) that are being released or assigned. If the document lists more than one number to be released or assigned, Idaho Code allows the county recorder to collect \$1.00 for the extra listing. The county recorder must make sure that its records indicate each release and each assignment.

All	Document purports to be a nonconsensual or common law lien under Chapter 17, Title 45 of Idaho Code.	Idaho Code §§ 45-1701, 45-1702 [now repealed]	
All	Illegible type	Idaho Code § 31-3205(6)	Each page must be typewritten or be in legible writing.
All	Improperly acknowledged document	Idaho Code § 55-805	Consult the “Is acknowledgment required?” column of Table D.
All	Incorrect county	Idaho Code § 55-808	You should not record a document that should be recorded in another county.
All	Lack of notary seal	Idaho Code § 55-805	
All	Lack of or insufficient fees provided with the document	Idaho Code § 31-2418	
All	Not an original or certified copy of the original	Idaho Code § 31-2402 lays out when certified copies are allowed instead of the original.	
All	Notary's expiration date is missing or expired		
All	Oversized documents	Idaho Code § 31-3205(6)	A page 14 inches in length or 8.5 inches in width. The recording fee to be charged for maps, sketches, drawings or other instruments except plats larger than the size permitted for a page shall be two cents (2¢) per square inch.
All documents executed by an attorney on behalf of another	Lack of previously recorded power of attorney	Idaho Code § 55-806	Do not record a document from an individual allegedly acting on behalf of another party unless there's a previously recorded power of authority authorizing that individual.
All from another US state, territory, or foreign country	Not acknowledged in the way required by those jurisdictions	Idaho Code § 55-805	Consult the “Is acknowledgment required?” column of Table D.

All in the name of a corporation	Not acknowledged by its president or vice president, or secretary or assistant secretary	Idaho Code §§ 55-805, 55-707	Consult the “Is acknowledgment required?” column of Table D.
All in the name of a limited liability company	Not acknowledged by the manager or member of the limited liability company	Idaho Code §§ 55-805, 55-707, 55-711A	Consult the “Is acknowledgment required?” column of Table D.
All in the name of a partnership	Not acknowledged by one or more of the partners subscribed the partnership name thereto	Idaho Code §§ 55-805, 55-707	Consult the “Is acknowledgment required?” column of Table D.
All in the name of the state of Idaho or any county, political subdivision, municipal, quasi-municipal, or public corporation	Not acknowledged by one or more of the officers of such entity	Idaho Code §§ 55-805, 55-707	Consult the “Is acknowledgment required?” column of Table D.
All, except for explicit exceptions	An instrument that has not been acknowledged by the person executing the instrument	Idaho Code 55-805	Consult the “Is acknowledgment required?” column of Table D.
Leases	Leases for real property that don't comply with the statute	Idaho Code § 55-601	
Lien	A nonconsensual lien	Idaho Code § 45-1701, 45-1702	A lien that: (a) Is not provided for by a specific state or federal statute; (b) Does not depend upon the consent of the owner of the property affected for its existence; (c) Is not a court-imposed equitable or constructive lien; and (d) Is not of a kind commonly utilized in legitimate commercial transactions.
Master form	Words “do not record” or “not to be recorded” are on the document, and the master form is plainly	Idaho Code § 45-1004(4)	

	separated from the matter to be recorded as part of the mortgage or deed of trust		
Power of attorney to mortgage	Lack of acknowledgement	Idaho Code § 45-908	Consult the “Is acknowledgment required?” column of Table D.
Power of attorney to mortgage	Lack of signature by party disposing of the real property, or that party’s agent	Idaho Code § 45-908	
Real estate conveyance, lease, mortgage	Lack of grantee’s address	Idaho Code § 55-601 (conveyance), 45-902 (mortgage)	
Real estate conveyance, lease, mortgage	Lack of signature by party disposing of the real property, or that party’s agent	Idaho Code § 55-601 (conveyance), 45-902 (mortgage)	
Right-of-way	Lack of signature or acknowledgment by the party consenting to the use of the right-of-way	Idaho Code § 40-2302(2)	Consult the “Is acknowledgment required?” column of Table D.
U.S. patents	Issued by anyone other than an agency of the United States federal government	Idaho Code § 55-803	Private parties cannot issue this type of patent. Constitutionalists may sometimes attempt to do so, alleging to be “freeholders” or successors in interest to government lands.

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Agricultural nuisance waivers		Idaho Code § 22-4504		No	County recorder of the county where the real property is located [Idaho Code § 22-4504].		The county planning and zoning authority may adopt a nuisance waiver procedure to be recorded with the county recorder. If your county planning and zoning has not yet adopted a nuisance waiver, consult your attorney.
Appointments of deputies and subordinates	Oath of Office	Idaho Code § 31-2007		Yes	County recorder of the county where the officers are working [Idaho Code § 31-2007].		Idaho Code § 31-2007 states that the appointment of deputies and subordinate officers in county government must be documented and filed in the office of the county recorder.
Assumed business names	N/A	Idaho Code § 30-21-805, 30-21-807	N/A	N/A	Secretary of State [Idaho Code § 30-21-805].		
Bank mergers and affiliations	Merger	Idaho Code § 26-905, 26-1402		No	County recorder of any county wherein property of the merging banks is held [Idaho Code § 26-905].		
Bonds	Bond issues, bond lists, bond redemption, bond payment	Idaho Code § 57-301		Yes	County recorder of the county in which such bonds have been or are issued [Idaho Code § 57-301].		Check 57-301 for information that must be contained on these documents
Bonds	Official bonds	Idaho Code § 31-2402(1)(d)	Official Bonds [Idaho Code § 59-809, 59-804]	Yes	County clerk of the county where the individual is an officer.		Many county officers no longer have surety bonds due to the ability to substitute "suitable crime insurance" for the bond requirement (Idaho Code § 59-804). The recorder's bond should be filed with the district court judge, along with an attested copy is recorded (Idaho Code § 31-2309).
Certificates of sale		Idaho Code §§ 11-310, 31-2406		No	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]		These must be recorded in the "certificates of sale" book. This book must have four columns: plaintiff in the execution, defendant in the execution, the purchaser at the sale, and the date of the sale.
Condominium	Declaration, plats, deeds, by-laws, administrative provisions, articles of incorporation, amendments	Idaho Code § 55-1508		Plats are kept	County recorder in the county or counties where the project is located [Idaho Code § 55-1508].		
Contracts	Prospecting and mining contracts	Idaho Code § 53-411		No	County recorder of the county wherein it is proposed to prosecute the business of said copartnership, or where the property affected by such contract is situated [Idaho Code § 53-411].		
Cornerstone markers		Idaho Code § 31-3205(4)		Yes	County recorder of the county in which the lands are located		Note: Cornerstone markers are to be filed, not recorded [Idaho Code § 31-3205(4)].

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Criminal forfeitures	Notice of forfeiture	Idaho Code § 37-2744A		No	County recorder of the county in which the party or any party thereof is situated [Idaho Code § 37-2744A].		Idaho Code § 37-2744A provides for the recording of notices by the Idaho State Police concerning the seizure and forfeiture of real property associated with drug trafficking crimes. Idaho Code § 37-2744A(b) specifies what must be contained in the notice.
District	Drainage district assessment rolls	Idaho Code § 42-2935			County recorder of the county in which the lands are located		
District	Fire protection district annexation or consolidation orders	Idaho Code §§ 31-1411, 31-1412, 31-1413			County recorder of the county in which the territory proposed to be annexed is located.		
District	Fire protection district formation orders	Idaho Code § 31-1407			County recorder of the county in which the district is located.		
District	Flood control district formation order	Idaho Code § 42-3108			County recorder of the county in which the district is located.		
District	Ground water district boundary change	Idaho Code § 42-5250			County recorder of each county within which are situated any of the lands of the district.		
District	Ground water district exclusion order	Idaho Code § 42-5256			County recorder of each counties within which the district is located.		
District	Ground water district formation order	Idaho Code § 42-5213			County recorder of each county in which any portion of the district is located.		
District	Ground water management district exclusion order	Idaho Code § 42-5131			County recorder of each county within which the district is located.		
District	Ground water management district formation order	Idaho Code § 42-5103			County recorder of each counties within which the district is located, as well as the secretary of state.		
District	Ground water recharge district	Idaho Code §§ 42-4228, 42-4229, 42-4230			County recorder where in the property of the water user affected by such liability and the discharge thereof is located		
District	Ground water recharge district - decision and order of board or district court	Idaho Code §§ 42-4230			County recorder of the counties within which the district is situated.		
District	Hospital annexation orders						
District	Hospital district formation orders	Idaho Code § 39-1325			County recorder of each county within which the district is located.		
District	Irrigation district annexation orders	Idaho Code § 43-2411			County recorder of each county within which the district is located.		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
District	Irrigation district boundary changes	Idaho Code § 43-1010	Direct - name of irrigation district; indirect - public		County recorder of each county within which the district is located.	Yes, unless a judgment, which doesn't need an acknowledgment as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802].	
District	Irrigation district contracts	Idaho Code § 43-330D	Direct - name of irrigation company; indirect - name of property owner	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of each county in which any portion of the land covered by the contract is located.		
District	Irrigation district delinquencies	Idaho Code § 43-803	Direct - name of irrigation company; indirect - names of the property owners listed within the delinquency list	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of each county in which the chain of title to the property is located.	Yes, unless a judgment, which doesn't need an acknowledgment as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802].	
District	Irrigation district loss of water right	Idaho Code § 43-1119		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of each county within which the district is located.	Yes	
District	Irrigation district oaths and bonds	Idaho Code § 43-202			County recorder of the county in which its organization was effected.		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
District	Irrigation district payment certificates	Idaho Code § 43-616		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of each county within which the district is located.	Yes, unless a judgment, which doesn't need an acknowledgment as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802].	
District	Taxing district legal description and map	Idaho Code § 63-215			County recorder and county assessor of each county within which the unit is located, and the Idaho state tax commission.	Yes, unless a judgment, which doesn't need an acknowledgment as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802].	
District	Water district corporate fidelity bond	Idaho Code § 42-3209			Clerk of the court		
Financing statements	Financing statement for collateral, including fixtures, of a transmitting utility	Idaho Code § 28-9-501(a)(2)		Yes (Idaho Code § 28-9-105)	Secretary of State [Idaho Code § 28-9-501(a)(2)]		
Financing statements	UCC financing statements for fixtures or collateral about to become a fixture	Idaho Code §§ 31-2402, 28-9-501(a)(1)(B)		Yes (Idaho Code § 28-9-105)	County recorder of the county in which the fixture or collateral are located.		Special instructions: Instruments under the UCC are to be filed, not recorded [Idaho Code § 31-3205(4)].
Financing statements	UCC financing statements for materials <i>similar to</i> minerals and oil and gas	Idaho Code § 31-2402, 28-9-501(a)(1)(A)		Yes (Idaho Code § 28-9-105)	County recorder of the county in which the materials are located.		Special instructions: Instruments under the UCC are to be filed, not recorded [Idaho Code § 31-3205(4)].
Financing statements	UCC financing statements for minerals	Idaho Code §§ 31-2402, 28-9-501(a)(1)(A)		Yes (Idaho Code § 28-9-105)	County recorder of the county in which the minerals are located.		Special instructions: Instruments under the UCC are to be filed, not recorded [Idaho Code § 31-3205(4)].

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Financing statements	UCC financing statements for oil and gas	Idaho Code §§ 31-2402, 28-9-501(a)(1)(A)		Yes (Idaho Code § 28-9-105)	County recorder of the county in which the oil and gas are located.		Special instructions: Instruments under the UCC are to be filed, not recorded [Idaho Code § 31-3205(4)].
Financing statements	UCC financing statements for timber to be cut	Idaho Code §§ 31-2402, 28-9-501(a)(1)(A)		Yes (Idaho Code § 28-9-105)	County recorder of the county in which the timber to be cut is located.		These UCC financing statements serve to perfect a security interest or agricultural lien in these types of items. Special instructions: Instruments under the UCC are to be filed, not recorded [Idaho Code § 31-3205(4)].
Financing statements	UCC financing statements pursuant to Idaho Code § 28-9-301	Idaho Code § 31-2402		Yes (Idaho Code § 28-9-105)			
Historic property sites	Ordinary designated historic property	Idaho Code §§ 67-4615, 67-4614			County recorder of the county in which the property is located.		Idaho Code § 67-4615 provides for the recording of notices of the declaration that a property is a historic property.
Judgments, orders, and decrees	Certified copies of any order or decree made or entered in any proceeding under the national bankruptcy act.	Idaho Code § 31-2402(1)(k)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the property is located.	No, as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802]	
Judgments, orders, and decrees	Certified copy of a decree of a partition	Idaho Code §§ 31-2407, 31-2402(1)(a), 31-2408		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which any part of the property is located.	No, as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802]	
Judgments, orders, and decrees	Decrees which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which any part of the property is located.	No, as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802]	

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Judgments, orders, and decrees	Final order of condemnation	Idaho Code §§ 7-716 , 40-2302(2) , 31-2407, 31-2402(1)(a)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which any part of the property is located.	No, as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802]	
Judgments, orders, and decrees	Idaho Public Utility Commission Orders	Idaho Code § 61-608		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which is located the principal place of business of any public utility affected thereby, or in which is situated any property of any such public utility.		
Judgments, orders, and decrees	Judgments from quiet title actions that affect the title to real property	Idaho Code §§ 31-2407, 31-2402(1)(a), 6-401		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which any part of the property is located.	No, as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802]	
Judgments, orders, and decrees	Notice of order of a general adjudication in conformance with Idaho Code 42-1408 (water rights)	Idaho Code §§ 31-2402(1)(m), 42-1408			County recorder in each county in which any part of the water system is located		
Judgments, orders, and decrees	Redemptions from judgments	Idaho Code § 11-403		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in the county in which the property is situated		Note: The recorder must also note the record thereof in the margin of the record of the certificate of sale.
Judgments, orders, and decrees	Transcripts of judgment which by law are made liens upon real estate	Idaho Code §§ 55-802, 55-801, 31-2402(1)(f)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in the county in which the property is situated	No, as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802]	

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Judgments, orders, and decrees	Transcripts of judgments which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a), 55-801, 55-802		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in the county in which the property is situated	No, as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802]	
Leases	Leases for real property	Idaho Code § 31-2402(1)(a)	Director - lessor; indirect - lessee	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]		This is an agreement that affects the title or possession of real property. It must meet the requirements of Idaho Code § 55-601.
Leases	Leases of livestock	Idaho Code § 25-2001			County recorder in the county in which the property is situated	Yes, in like manner as grants of real property	
Liens	Agricultural commodity produce or dealer lien	Idaho Code § 45-1804, 45-1802			Secretary of State [Idaho Code § 45-1804(2)]		The code authorizes purchasers and dealers to assert a lien on the proceeds of a sale until payment is made in full.
Liens	Attorney fees	Idaho Code § 3-205	Direct - attorney; indirect - party who owes the attorney	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]		To be recordable, either 1) the lien claim must have been validated by judgment or court order and a certified copy thereof is presented for recordation; OR 2) an instrument securing (or purporting to secure) payment of attorney's fees, such as a mortgage or deed of trust, has been presented for recordation and meets the legal requirements for recordation.
Liens	Child support liens by the State of Idaho	Idaho Code § 45-1901	Direct - State of Idaho; indirect - party who owes child support	No, as long as has scanned copy [Idaho Code 31-2402A].	Secretary of State [Idaho Code § 45-1901(1), (2)(e)]		
Liens	Conservator's lien (board of community guardian)	Idaho Code § 15-5-602(f)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in each county where project subject to the lien is located.		The notice of the lien must contain at least the following information: full court heading of the action in which the appointment was made; the effective date of the lien; the name and address of the board; and any limitations or terms regarding the fees covered by the lien contained in the order of appointment.

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Liens	County medical indigency financial assistance liens	Idaho Code §§ 31-3504(4), 31-3510A(4)	Direct - county indigent / welfare / social services office; indirect - party requesting assistance	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in the county in which the applicant and the obligated person own property or have resources that may be liquidated or unliquidated in amount.		
Liens	Employment security lien by the Idaho Department of Labor	Idaho Code §§ 45-1901(2)(b), 72-1360	Direct - State of Idaho; direct - Idaho Department of Labor; indirect - party that the lien is against		Secretary of State		
Liens	Homeowner associations	Idaho Code § 45-810	Direct - the homeowners association; indirect - property owner	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in the county in which the lot or some part thereof is located.	Yes. The claim must be verified by the oath of an individual having knowledge of the facts.	
Liens	Hospital, nursing care and medical care liens	Idaho Code §§ 45-702 and 45-703	Direct - facility; indirect - patient	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county where the care-rendering facility or provider is located.		Special instructions: The recorder shall endorse thereon the date and hour of recording and, at the expense of the county, shall provide a hospital lien book with proper index in which he shall enter the date and hour of such recording, the name and address of such hospital and of such patient, the amount claimed and the names and addresses of those claimed to be liable for damage.
Liens	Idaho Department of Labor liens	Idaho Code § 45-1901(2)(b)	Direct - State of Idaho; direct - Idaho Department of Labor; indirect - party that the lien is against	No, as long as has scanned copy [Idaho Code 31-2402A].	Secretary of State		
Liens	Lien by the Idaho State Tax Commission	Idaho Code § 45-1901(2)(a)		No, as long as has scanned copy [Idaho Code 31-2402A].	Secretary of State		
Liens	Liens of mechanics and materialmen	Idaho Code § 45-509			County recorder	Yes [Idaho Code 55-805; <i>Kloos v. Jacobson</i> , 30 Bankr. 965 (Bankr. D. Idaho 1983)]	

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Liens	Logger's liens	Idaho Code § 45-404, 45-401 through 45-403	Grantor [Idaho Code 31-2404(1), 45-509 says same as "conveyance"]; grantee [Idaho Code 31-2404(2), 45-509 says same as "conveyance"]		County recorder in the county in which the wood was cut, or in which the wood was manufactured. If the wood was removed to another county, then with the county recorder in the county to where the wood was removed [Idaho Code § 45-404, 45-407]		Idaho Code § 45-407 provides guidance for what the language of the notice should look like.
Liens	Medical assistance liens by the State of Idaho	Idaho Code § 45-1901(1)(f)		No, as long as has scanned copy [Idaho Code 31-2402A].	Secretary of State		
Liens	Notice of federal liens - non-real property	Idaho Code § 45-202(c)			Depends. If the lien applies against the interest of a corporation or partnership whose principal executive office is in Idaho, a trust, or the estate of a decedent, then file with the Secretary of State. In all other cases, the county recorder of the county where the person against whose interest the lien applies resides at the time of filing of the notice of lien. [Idaho Code § 45-202(c)]	No [Idaho Code § 45-203]	
Liens	Notice of federal liens - real property	Idaho Code § 45-202(b)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in the county where the real property is located [Idaho Code § 45-202]	No [Idaho Code § 45-203]. On a federal IRS lien, there is a note that states "Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien Rev. Rul. 71-466, 1971-2 c.b. 409"	These do not require acknowledgment (Idaho Code § 45-203).
Liens	Notices of attachments upon real estate	Idaho Code § 31-2402(1)(g)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Liens	Notices of mechanics' liens	Idaho Code § 31-2402(1)(e)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]	Yes [Idaho Code 55-805; <i>Kloos v. Jacobson</i> , 30 Bankr. 965 (Bankr. D. Idaho 1983)]	
Liens	Slash disposal liens	Idaho Code § 38-123			County recorder of the county in which such timber or other forest products were cut. If the wood was removed to another county, then with the county recorder of the county to which the wood was removed.		
Liens	Water liens	Idaho Code § 42-906		No, as long as has scanned copy [Idaho Code 31-2402A].			The code for the recording of liens associated with providing water service to property owners.
Marriage	Certificates of marriage and marriage contracts	Idaho Code § 31-2402(1)(b)	Direct - groom; indirect - bride		County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]	No [Idaho Code § 55-816]. Instead, when issuing the license, include this statement "In testimony whereof, I have hereunto set my hand and affixed my official seal at (city), _____ county, Idaho this ___ day of ___, A.D. 2016." Then stamp the certificate with the county seal.	
Marriage	Community property agreements, aka Agreements to pass property at death to surviving spouse	Idaho Code § 15-6-201(d), (c)			County recorder of the county of the domicile of the decedent and of each county in which real property described therein is located.	Yes, same as deeds [Idaho Code § 15-6-201(c)]	
Marriage	Instruments describing or relating to the separate property of married women	Idaho Code § 31-2402(1)(i)	Index both parties' names	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Marriage	Pre-nuptial agreement	Idaho Code §§ 31-2402(1)(i), 32-907, 32-908		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in the county in which the parties reside.	Yes, in the same way as for conveyance of real property [Idaho Code §§ 32-907]	These can affect the title to real property and therefore should be recorded.
Military	Discharge orders, such as DD-214; DD-215; WD AGO 53; WD AGO 55; WD AGO 53-55; NAVMC 78-PD; and NAVPERS 553	Idaho Code § 65-301	Direct - branch of service; indirect - officer's name	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder - not specified in code.	These do not require a notary acknowledgment.	Note: Do not charge veterans who wish to record these documents [Idaho Code § 65-301(1)]. Veterans may record discharge papers with personal identifying information redacted [Idaho Code § 65-301(2)].
Notices of location	Certificates and notices of location with affidavits attached	Idaho Code § 55-804, 55-801			County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]	No [Idaho Code § 55-804]	
Notices of location	Notice of location of claim	Idaho Code § 47-604			County recorder of the county in which the claim is situated.	No [Idaho Code § 55-804]	These do not require acknowledgement or further proof
Petitions	Certified copies of any petitions, with the schedules omitted, filled [filed] in any proceeding under the national bankruptcy act	Idaho Code § 31-2402(1)(k)			County recorder - code doesn't specify where. If the document affects real property, then the county recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808].		
Powers of attorney	Powers of attorney to convey leases which have been acknowledged or proved which affect the title or possession of real property, including water rights	Idaho Code §§ 31-2402(1)(a), 45-908 (for mortgages), 55-806	Direct - the person giving power of attorney to another party; indirect - the person receiving the power of attorney	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]	Yes	Special instructions: Do not record an instrument executed by an attorney in fact until the power of attorney authorizing the execution of the instrument is filed for recording in your office as well.
Powers of attorney	Powers of attorney to convey real estate which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a), 45-908 (for mortgages), 55-806	Direct - the person giving power of attorney to another party; indirect - the person receiving the power of attorney	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]	Yes	Special instructions: Do not record an instrument executed by an attorney in fact until the power of attorney authorizing the execution of the instrument is filed for recording in your office as well.
Preemption	Notices of preemption claims	Idaho Code § 31-2402(1)(j)					
Probate code	Conservator's letters	Idaho Code § 15-5-421		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in any county in which property affected by the letters or orders is located [Idaho Code § 15-5-421].		Idaho Code § 15-5-421 provides for the recording of the letters of appointment for a conservator and the creation of a conservator's lien

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Probate code	Letters of personal representatives	Idaho Code §§ 15-1-305A, 15-1-201(28)			County recorder of the county in which the real property affected by any such letters, statement, determination, order, document or decree is located [Idaho Code § 15-1-305A].		
Probate code	Letters of trusteeship	Idaho Code §§ 15-7-403			County recorder of the county in which property held by the trust is located [Idaho Code § 15-7-403].		
Probate code	Lien for the board of community guardian	Idaho Code § 15-5-602		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder in every county where property subject to the lien is located [Idaho Code § 15-5-602(f)]		
Probate code	Wills admitted to probate	Idaho Code § 31-2402(1)(c)	Wills [Idaho Code § 31-2404(14)]	No, as long as has scanned copy [Idaho Code 31-2402A].			Note: Inform the individual requesting the recording that when a will is recorded, then it does become a public record, and therefore anyone is capable of viewing the will. People will often choose not to record their will because of this.
Real property	Any instrument or judgment affecting title to or possession of real property	Idaho Code § 55-801		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]	Yes, unless a judgment, which doesn't need an acknowledgment as long as authenticated by the certificate of the clerk of the court in which such judgments were rendered [Idaho Code § 55-802].	
Real property	Conservation easements	Idaho Code § 55-2102		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]		
Real property	Conveyance	Idaho Code § 55-801	Grantor [Idaho Code 31-2404(1)]; grantee [Idaho Code 31-2404(2)]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Real property	Corner Perpetuation and Filing (CP&F)	Idaho Code § 55-1607		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county containing the corner	No, but the surveyor seal is required [Idaho Code §§ 54-1215(3)(b), (c); 55-1609]	Special instructions: Corner records need to be kept in proper indexes by section, township, and range.
Real property	Declarations of homestead	Idaho Code § 55-1004		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the land is located [Idaho Code § 55-1004(2)]	Yes	
Real property	Declarations of non-abandonment of homestead	Idaho Code § 55-1006			County recorder of the county in which the land is located [Idaho Code § 55-1006]		
Real property	Homestead claims	Idaho Code § 58-903		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county where the claim is situated [Idaho Code § 58-903].		While likely moot today, Idaho Code § 58-903 provides for the recording of homestead claims.
Real property	Manufactured home statement of intent	Idaho Code §§ 63-304, 63-305		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county where the manufactured home is situated [Idaho Code § 63-304(1)(b)].	Yes	Onwers of permanently affixed manufactured homes can have it treated as real property for property tax assessment purposes by recording this "statement of intent."
Real property	Master form	Idaho Code § 45-1004	Name of the person causing it to be recorded [Idaho Code § 45-1004(2), (5)]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county in which the real property affected thereby is situated [Idaho Code § 55-808]. Note, however, that Idaho Code § 45-1004(1) states that these can be recorded in any county.	No [Idaho Code § 45-1004(1)].	Make sure that the document does not have the words "do not record" or "not to be recorded" on it, and that the document is plainly separated from the matter to be recorded as part of the mortgage or deed of trust [Idaho Code § 45-1004(4)].
Real property	Records of survey	Idaho Code § 55-1904		Yes [Idaho Code §§55-1904 and 31-3205(4) require filing, not just recording]	County recorder in the county or counties wherein the lands surveyed are situated [Idaho Code § 55-1904].	No, but the surveyor seal is required [Idaho Code § 54-1215(3)(b), (c); 55-1906]	
Real property	Urban renewal plans and transfers of property by an urban renewal agency	Idaho Code § 50-2011			County recorder of the county in which the urban renewal agency is located [Idaho Code §§ 50-2011(a), 55-808] .		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Real property - affidavits	Affidavits	Idaho Code § 55-816		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].	Yes, a jurat "sworn to and subscribed before me this day..." is required (Idaho Code 51-109, 55-816).	
Real property - affidavits	Facts showing or explaining date of birth	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].	Yes	
Real property - affidavits	Facts showing or explaining date of death	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].	Yes	
Real property - affidavits	Facts showing or explaining date of marriage	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		
Real property - affidavits	Facts showing or explaining delivery of deed by grantor during grantor's lifetime	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		
Real property - affidavits	Facts showing or explaining identity of persons	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		
Real property - affidavits	Facts showing or explaining marital status	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		
Real property - affidavits	Facts showing or explaining occupation of real property as a homestead	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Real property - affidavits	Facts showing or explaining place of residence with respect to any person mentioned in any recorded instrument affecting title to real property	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		
Real property - affidavits	Facts showing or explaining possession of real property when title thereof is deraigned through tax deed	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		
Real property - affidavits	Facts showing or explaining the identification of plats or descriptions of real property	Idaho Code § 55-816	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-816].		It must be signed by the grantor and grantee name in the document of transfer that contains the descriptions being corrected, or, if the grantor is not available, must be signed by the grantee.
Real property - affidavits	Tax deed affidavits of compliance	Idaho Code § 63-1005		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code §§ 55-816, 63-1005].		
Real property - deeds	Deeds which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a)	Grantor [Idaho Code 31-2404(1)]; grantee [Idaho Code 31-2404(2)]		County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].		
Real property - deeds	Official deeds	Idaho Code § 31-2405	Grantor [Idaho Code 31-2404(1), 55-816]; grantee [Idaho Code 31-2404(2), 55-816]. Be sure to list the sheriff, collector, administrator, trustee, or officer in their official capacity as the “grantor;” include the individual’s name and his/her office [Idaho Code § 31-2405].	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code §§ 55-808].		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Real property - deeds	Quit claim deed	Idaho Code § 31-2402(1)(a)	Grantor [Idaho Code 31-2404(1)]; grantee [Idaho Code 31-2404(2)]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].		
Real property - deeds	Warranty deed	Idaho Code § 31-2402(1)(a)	Grantor [Idaho Code 31-2404(1)]; grantee [Idaho Code 31-2404(2)]	No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].		
Real property - mortgages	Mortgages of real estate which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a)		No, as long as has scanned copy [Idaho Code 31-2402A].	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-8108].		
Real property - mortgages	Releases of mortgages which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a)			County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].		
Real property - notices	Notices of the pendency of an action affecting real estate, the title thereto or possession thereof	Idaho Code § 31-2402(1)(h)			County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].		
Real property - plats	Assessment forced plats	Idaho Code §§ 63-210 and 50-1314			County recorder of the county wherein the affected real property is situated [Idaho Code §§ 55-808, 63-210(1), 50-1314].		Special instructions: Do not charge a fee for filing this one [Idaho Code § 63-210]. Plats are to be filed, not recorded [Idaho Code § 31-3205(4)].
Real property - plats	Forced plats	Idaho Code § 50-1314			County recorder of the county wherein the affected real property is situated [Idaho Code §§ 55-808, 50-1314].		Special instructions: Plats are to be filed, not recorded [Idaho Code § 31-3205(4)].
Real property - plats	Plats	Idaho Code § 50-1310	Direct - name of the subdivision; indirect - public	Yes [Idaho Code § 31-3205]	County recorder of the county wherein the affected real property is situated [Idaho Code §§ 55-808, 50-1310].		Special instructions: Plats are to be filed, not recorded [Idaho Code § 31-3205(4)]. In a county where a highway district exists and is in operation, do not accept a plat for recording unless the commissioners of the highway districts have accepted the plat in writing [Idaho Code § 50-1312].

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Real property - plats	Vacations	Idaho Code § 50-1324			County recorder of the county wherein the affected real property is situated [Idaho Code §§ 55-808, 50-1324(2)].		Special instructions: Before recording a vacation of a plat, the county treasurer must certify that all taxes due are paid and that certification is recorded as part of the records of the vacation. Furthermore, verify that the other documents required by Idaho Code § 50-1324(2) are recorded and indexed together with the vacation of plat.
Real property - transfers	Grants which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a)			County recorder of the county wherein the affected real property is situated [Idaho Code §§ 55-808].		
Real property - transfers	Transfers of real estate which affect the title or possession of real property, including water rights	Idaho Code § 31-2402(1)(a)			County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].		
Roads	Acquisition, validation, abandonment, or vacation of highway or right-of-way	Idaho Code §§ 40-202, 40-203(1)(j), 40-203A(5)			County recorder of the county in which the highway is located.		
Roads	Detachment or annexation of territory	Idaho Code § 40-1621			County recorder of the county in which the highway district is located		
Roads	Highway and road system	Idaho Code §§ 40-202(2)(a), 203(1)(j)			County recorder		
Roads	Rights of way - requests for acknowledgment of federal land right of way	Idaho Code § 40-204A			County recorder of the county wherein the affected real property is situated [Idaho Code §§ 40-204A(6), 55-808].		Idaho Code § 40-204A provides that the State of Idaho recognizes the federal land rights of way created under "Revised Statute 2477" of the federal law. Idaho Code § 40-204A(6) states that persons seeking acknowledgment of federal land rights of way shall file with the county recorder a request for acknowledgment and any supporting documentation. The county recorder shall place the acknowledgment document on the county road system map.
Roads	Rights of way - acquisition, abandonment, or vacation of public right of way	Idaho Code §§ 40-202, 40-203			County recorder of the county wherein the affected real property is situated [Idaho Code §§ 40-202(2)(a), 40-203(1)(j), 55-808].		
Statements of authority as to real property	Unincorporated nonprofit associations	Idaho Code § 30-27-107			County recorder of the county wherein the affected real property is situated [Idaho Code §§ 30-27-107(b), 55-808].		

Document category	Document types	Statutes	Index (Step 1.1)	Recorder must keep originals (Step 2.4)	Location of recording (Step 3)	Requirement of acknowledgment (Step 4.3)	Additional comments and special instructions
Surveys			Direct - indexing number; indirect - surveyor; indirect - the person the survey is for	Yes [Idaho Code § 31-3205(4) requires filing, not just recording]	County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].	No, but the surveyor seal is required [Idaho Code §§ 54-1215(3)(b), (c); 55-1609]	Note: Surveys are to be filed, not recorded [Idaho Code § 31-3205(4)]. The large survey is kept in the office, and then a reduced unofficial copy that is scanned into the system.
U.S. patents	Letters patent and all other instruments that evidence or affect title to geothermal resources	Idaho Code § 55-803			County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].	No [Idaho Code § 55-803]	These must be issued by the United States government to be valid.
U.S. patents	Letters patent and all other instruments that evidence or affect title to minerals including but not limited to oil and gas	Idaho Code § 55-803			County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].	No [Idaho Code § 55-803]	These must be issued by the United States government to be valid.
U.S. patents	Letters patent and all other instruments that evidence or affect title to real property	Idaho Code § 55-803			County recorder of the county wherein the affected real property is situated [Idaho Code § 55-808].	No [Idaho Code § 55-803]	These must be issued by the United States government to be valid.
Water	Carey Act Water Rights Contract	Idaho Code § 42-2027			County recorder of the county where the laid is located [Idaho Code § 55-808].		These contracts can be recorded and act as a lien [Idaho Code § 42-2026].
Water	Carey Act Water Rights Lien	Idaho Code § 42-2026, 42-2027			County recorder of the county where the laid is located [Idaho Code § 55-808].		
Water	Sale of water rights	Idaho Code §§ 42-2603, 42-2604			County recorder of each county in which lands are situated for which water rights are sold in such irrigation works [Idaho Code §§ 42-2603.		
Water	Transfer of water rights	Idaho Code § 42-2502			County recorder of each county where land is situated from which such right is transferred and the county recorder of each county where the land is situated to which such right is transferred [Idaho Code § 42-2502].		
Water or canal corporation annual report		Idaho Code § 30-806			County recorder of every county in which the company distributes water under sale or rental [Idaho Code § 30-806].		