

COPYSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 20 2006

DEPARTMENT OF
WATER RESOURCES**Notice of Security Interest in a Water Right****And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right**Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.1. Water Right No(s): 67-348C & 67,11407 Done in WR

Adjudication Claim No(s): _____

2. The following **REQUIRED** information must be submitted with this form:A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**B) A **FEE** of \$25.00 per water right or adjudication claim.

3. Name and Mailing Address of Person or Company holding Security Interest

D. L. Evans BankP.O. Box 87Twin Falls, ID 833034. Name of Water Right Owner/Claimant(s)
WILLIAM P. ABIDE5. Expiration Date of Notification Period AUGUST 5, 2007Is this a Renewal of Request for Notification? ☐ YES ☐ NO7. Signature(s) (and title if applicable)
Melinda Johnson
Loan Processor**For Office Use Only**Received by _____ Date _____ Fee \$ 60.00
Received by AMB Date 10-20-06 Receipt No. 1082442
Processed by _____ AJ Date _____ WR _____ Date _____

COPY

INSTRUMENT NO. 112551

MODIFICATION AGREEMENT

2017101977

This Agreement, entered into this 7th day of August 2006, by and between
^{aka} WILLIAM P. ABIDE SR.
WILLIAM P. ABIDE AND ROSE K. ABIDE, as Grantors, **D. L. EVANS BANK**,
as Beneficiary/Lender, and **TIMBERLINE TITLE & ESCROW**, an Idaho
Corporation, as Trustee, as pertains to that certain Real Estate Deed of Trust
recorded 11th day of March, 2005 as Instrument No. 108369, and modified 18th
day of April, 2006, recorded 26th day of April 2006 as Instrument No. 111545,
records of Adams County, Idaho.

WITNESSETH:

WHEREAS, on the 4th day of March, 2005, WILLIAM P. ABIDE AND
ROSE K. ABIDE executed a Promissory Note in the principal amount of **TWO
HUNDRED THOUSAND DOLLARS AND NO/100** (\$200,000.00), bearing
interest at the rate of 7.0% percent (The Published Wall Street Journal Prime
Rate plus 1.50%) and due the 5th day of March, 2006, and modified April 18,
2006, recorded the 26th day of April, 2006 as Instrument No. 111545 extending
the maturity date to 5th day of July 2006, which said note was secured by a Deed
of Trust upon the following described real estate located in Adams, County,
Idaho

To-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

WHEREAS, D.L. EVANS BANK is the owner of said Promissory Note and
Real Estate Deed of Trust, and the parties hereto desire to modify said Note and
Real Estate Deed of Trust.

Instrument # 112551

COUNCIL, ADAMS, IDAHO

2006-09-01

04:11:55 No. of Pages: 4

Recorded for : TIMBERLINE TITLE & ESCROW

MICHAEL FISK

Fee: 12.00

Ex-Officio Recorder Deputy

Index to: DEED OF TRUST, MODIFICATION

NOW THEREFORE, for a good and valuable consideration, it is hereby agreed said Promissory Note and Real Estate Deed of Trust are modified as follows:

1) Promissory Note # 2017101977 is being replaced with note # 2017102516 dated August 7, 2006 in the principal amount of ***TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO/100*** (\$250,000.00) with a maturity date of August 5, 2007.

2) ADDING WATER RIGHT VERBIAGE FOR 38 ACRES

TOGETHER WITH THE WATER RIGHTS REPRESENTED BY IDAHO STATE DEPARTMENT OF WATER RESOURCES WATER RIGHT NO. 67-348C WITH A CLAIMED PRIORITY OF MAY 1, 1878 TO 0.5 CFS OF THE WATERS OF MILL CREEK, A TRIBUTARY OF THE WEISER RIVER FOR 76 ACRES & ALSO THE SAME WATER RIGHT NO. 67-348C WITH A CLAIMED PRIORITY OF MAY 1, 1878 TO 0.25 CFS OF THE WATERS OF MILL CREEK, A TRIBUTARY OF THE WEISER RIVER FOR 4 LOTS AND 20 ACRES AND WATER RIGHT NO. 67-11407 WITH A CLAIMED PRIORITY OF JULY 1, 1870 TO 0.04 CFS OF GROUND WATER, TOGETHER WITH ANY AND ALL OTHER WATER RIGHTS AND DITCH RIGHTS APPURTENANT TO THE ABOVE DESCRIBED PREMISES.

IT IS FURTHER AGREED that the Promissory Note and Real Estate securing said note shall in all other respects remain as there in specified, changed only as herein set forth.

IN WITNESS WHEREOF, The Grantors have caused these presents to be executed and D.L. Evans Bank has caused these presents to be executed by the officer, the day of year first above written.

D. L. EVANS BANK

BY: 



William P. Abide, aka WILLIAM P. ABIDE SR.



Rose K. Abide

STATE OF IDAHO)

) ss

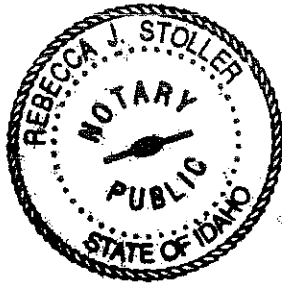
COUNTY OF)

Adams

aka WILLIAM
P. ABIDE SR.

On this 28th day of August, 2006, before me, the undersigned, A Notary Public in and for said State, personally appeared William P. Abide and Rose K. Abide known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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



Rebecca J. Stoller
NOTARY PUBLIC FOR IDAHO
RESIDING AT Boise
MY COMMISSION EXPIRES 8/08/08

STATE OF IDAHO)

) ss

COUNTY OF)

Adams)

On this 31st day of August, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Reed Coleman, known or identified to me to be the SVP of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Rebecca J. Stoller
Notary Public
Residing at: Boise
My Commission Expires: 8/08/08

EXHIBIT "A"

LOTS 7, 8, 9 AND 10 OF BLOCK 3, COUNCIL VALLEY ORCHARDS, ADAMS COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE ADAMS COUNTY RECORDER IN BOOK 1 OF PLATS PAGE 20.

EXCEPTING FROM SAID LOT 7 A TRACT OF LAND DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 7 OF BLOCK 3 AND RUNNING THENCE NORTH ON AND ALONG THE EAST LINE OF LOT 7 A DISTANCE OF 115 FEET; THENCE WEST AND PARALLEL TO THE SOUTH SIDE LINE OF LOT 7 A DISTANCE OF 150 FEET; THENCE SOUTH AND PARALLEL TO THE EAST LINE OF LOT 7 A DISTANCE OF 115 FEET; THENCE EAST, ALONG THE SOUTH LINE OF LOT 7, A DISTANCE OF 150 FEET TO THE POINT OF BEGINNING.