

RECEIVED *DL*

JAN 15 2019

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
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): 43-13804 43-7048, 43-13031, 43-13041, 43-13691, 43-13693 _____
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 Bank
P.O. Box 87
Twin Falls, ID 83303
4. Name of Water Right Owner/Claimant(s) Heath Ted Higley
Dawn M Higley
5. Expiration Date of Notification Period June 15, 2038
6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO
7. Signature(s) (and title if applicable) *Kent C. Jewell*
Loan Officer

SUPPORT DATA

IN FILE # 43-7048**For Office Use Only**

Received by <u><i>[Signature]</i></u>	Date <u>1-15-19</u>	Fee <u>150</u>
Receipted by <u><i>[Signature]</i></u>	Date <u>1-15-19</u>	Receipt No. <u>C106145</u>
Processed by <u><i>[Signature]</i></u>	Date <u>1-22-19</u>	WR _____ Date _____

Instrument # 2018004676

BURLEY, CASSIA, IDAHO

11-28-2018 09:46:52 AM No. of Pages: 2

Recorded for : DL EVANS BANK

JOSEPH LARSEN

Fee: 13.00

Ex-Officio Recorder Deputy

Index to: MODIFICATION AGREEMENT

CV

RECORDATION REQUESTED BY:

D. L. Evans Bank
Albion Branch
P.O. Box 517
Corner of Market & Main
Albion, ID 83311

WHEN RECORDED MAIL TO:

D. L. Evans Bank
Albion Branch
P.O. Box 517
Corner of Market & Main
Albion, ID 83311

SEND TAX NOTICES TO:

Heath Ted Higley
Dawn M. Higley
1971 South 2350 East
Malta, ID 83342

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF DEED OF TRUST



1200036355/12000000000G202

THIS MODIFICATION OF DEED OF TRUST dated September 5, 2018, is made and executed between Heath Ted Higley and Dawn M. Higley, husband and wife ("Grantor") and D. L. Evans Bank, whose address is Albion Branch, P.O. Box 517, Corner of Market & Main, Albion, ID 83311 ("Lender").

DEED OF TRUST. Lender and Grantor have entered into a Deed of Trust dated June 19, 2018 (the "Deed of Trust") which has been recorded in Cassia County, State of Idaho, as follows:

recorded June 21, 2018 as Instrument No. 2018-002461.

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property located in Cassia County, State of Idaho:

TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 24: Part of the SE¼NW¼, more particularly described as follows:

Beginning at the Northeast corner of the SE¼NW¼ of said Section 24, said corner marked by a 5/8 inch rebar;
Thence South 89°41'07" West along the North line of the SE¼NW¼ for a distance of 56.91 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence South 00°01'54" West for a distance of 1322.62 feet to a ½ inch rebar on the South line of the SE¼NW¼;
Thence South 89°32'56" West along the South line of the SE¼NW¼ for a distance of 614.96 feet to a ½ inch rebar;
Thence North 00°01'54" East for a distance of 1324.08 feet to a ½ inch rebar on the North line of the SE¼NW¼;
Thence North 89°41'07" East along the North line of the SE¼NW¼ for a distance of 614.95 feet to the Point of Beginning.

Together with the water rights represented by Idaho State Department of Water Resources Water Right No. 43-323B with a claimed priority of April 1, 1912 to 0.350 cfs of Irrigation water from the waters of Cassia Creek, a tributary of the Raft River. Water rights represented by Idaho State Department of Water Resources Water Right No. 43-13691 with a claimed priority of May 29, 1907 to 0.760 cfs of Irrigation water from the waters of Cassia Creek, a tributary of the Raft River. Water rights represented by Idaho State Department of Water Resources Water Right No. 43-13693 with a claimed priority of February 19, 1960 to 0.610 cfs of Irrigation water from Ground Water. Water rights represented by Idaho State Department of Water Resources Water Right No. 43-7048 with a claimed priority of December 28, 1973 to 0.760 cfs of Irrigation water from the waters of Unnamed Stream, a tributary of the Sinks. Water rights represented by Idaho State Department of Water Resources Water Right No. 43-13031 with a claimed priority of May 29, 1907 to 2.400 cfs of Irrigation water from the waters of Cassia Creek, a tributary of the Raft River. Water rights represented by Idaho State Department of Water Resources Water Right No. 43-13041 with a claimed priority of February 19, 1960 to 1.910 cfs of Irrigation water from Ground Water together with any and all other water rights and ditch rights appurtenant to the above described premises.

Together with all irrigation equipment and additions thereto and replacements thereof now owned or hereafter acquired by the borrowers and used in the irrigation of the above premises, especially but not limited to pumps, pipe, casing, motor and electrical panels and accessories to each.

The Real Property or its address is commonly known as RP13S26E244201A, Malta, ID 83342. The Real Property tax identification number is RP13S26E244201A.

MODIFICATION. Lender and Grantor hereby modify the Deed of Trust as follows:

MODIFY WATER RIGHT INFORMATION TO:

Together with the water rights represented by Idaho State Department of Water Resources Water Right No. 43-13804 with a claimed priority of April 1, 1912 to 0.19 cfs of Irrigation water from the waters of Cassia Creek, a tributary of the Raft River. Water rights represented by Idaho State Department of Water Resources Water Right No. 43-13691 with a claimed priority of May 29, 1907 to 0.760 cfs of Irrigation water from the waters of Cassia Creek, a tributary of the Raft River. Water rights represented by Idaho State Department of Water Resources Water Right No. 43-13693 with a claimed priority of February 19, 1960 to 0.610 cfs of Irrigation water from Ground Water. Water rights represented by Idaho State Department of Water Resources Water Right No. 43-7048 with a claimed priority of December 28, 1973 to 0.760 cfs of Irrigation water from the waters of Unnamed Stream, a tributary of the Sinks. Water rights represented by Idaho State Department of Water Resources Water Right No. 43-13031 with a claimed priority of May 29, 1907 to 2.400 cfs of Irrigation water from the waters of Cassia Creek, a tributary of the Raft River. Water rights represented by Idaho State Department of Water Resources Water Right No. 43-13041 with a claimed priority of February 19, 1960 to 1.910 cfs of Irrigation water from Ground Water together with any and all other water rights and ditch rights appurtenant to the above described premises.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED SEPTEMBER 5, 2018.



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MODIFICATION OF DEED OF TRUST
(Continued)

Loan No: 1200036355/12

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GRANTOR:

X Heath Ted Higley
Heath Ted Higley

X Dawn M. Higley
Dawn M. Higley

LENDER:

D. L. EVANS BANK

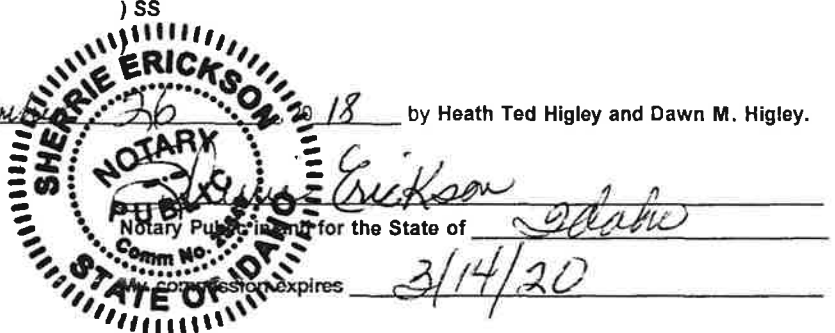
X Kent C. Gunnell
Authorized Officer

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Idaho

COUNTY OF Cassia

This record was acknowledged before me on November 26, 2018 by Heath Ted Higley and Dawn M. Higley.

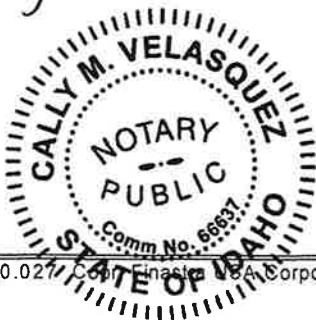


LENDER ACKNOWLEDGMENT

STATE OF Idaho

COUNTY OF Cassia

This record was acknowledged before me on November 28, 2018 by Kent Gunnell
as Authorized agent of D. L. Evans Bank.



Cally M. Velasquez
Notary Public in and for the State of Idaho
My commission expires 11/9/2021

RECEIVED
NOV 29 2018



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

January 22, 2019

D L EVANS BANK
PO BOX 87
TWIN FALLS ID 83303-0087

RE: Notice of Security Interest for Water Right Nos: 43-7048, 43-13031, 43-13041, 43-13691, 43-13693, and 43-13804

Dear Security Interest Holder:

The Department of Water Resources (Department) acknowledges receipt of correspondence adding security interest of the above referenced water rights to you. The Department has modified its records to reflect the change in security interest and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Security Interest, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4920.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Debbi Judd'.

Debbi Judd
Technical Records Specialist

Enclosures

c: DAWN HIGLEY
HEATH HIGLEY