

September 10, 2018

To: Idaho Department of Water Resources

From: AXA Equitable Life Insurance Company

Subject: Transfer Application For 1.5 Acres Submitted By HK Contractors Inc. For Water Right Owned by Todd and Jennifer Cook (Water Right No. 35-2568).

AXA Equitable Life Insurance Company ("AXA") holds a *Mortgage, Security Agreement, Assignment or Rents and Fixture Filing* recorded as Instrument No. 678034 in the records of Bingham County, Idaho (the "Mortgage"), which encumbers certain farm ground and its appurtenances (including all water rights) owned by Todd and Jennifer Cook located in Bingham County, Idaho. The encumbered property is described as follows:

EXHIBIT A

LEGAL DESCRIPTION OF REAL ESTATE

All of Section 24, Township 1 South, Range 32 East, Boise Meridian, Bingham County, Idaho

EXCEPTING THEREFROM: The following described parcel:

Part of the Northeast Quarter of Section 24, Township 1 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at the NE corner of Section 24; thence South 00°00'00" West 220.00 feet along the Section line; thence North 89°55'00" West 220.00 feet parallel with the North line of Section 24; thence North 00°00'00" East 220.00 feet parallel with the North line of Section 24; thence South 89°55'00" East 220.00 feet to the Point of Beginning.

AXA is aware that Todd and Jennifer Cook intend to sell a 1.5-acre portion of Water Right No. 35-2568 to HK Contractors Inc. ("HK"), once a transfer application is approved to move the 1.5-acre portion to property owned by HK. AXA, by and through the undersigned authorized representative of AXA, hereby consents to processing and approval of the transfer application by the Idaho Department of Water Resources, recognizing that the 1.5-acre portion will remain subject to the Mortgage (and any conveyance of said 1.5-acre portion will remain subject to the Mortgage) unless and until AXA agrees to a partial release of the Mortgage.

AXA EQUITABLE LIFE INSURANCE COMPANY

By: 
Michael Mercure
Investment Officer
AXA Equitable Life Insurance Company

AWM

[NOTARY SIGNATURE BLOCK ON NEXT PAGE]

STATE OF IOWA)
) ss.
COUNTY OF LINN)

This record was acknowledged before me on this 10th day of September, 2018, by **MICHAEL MERCURE** an investment officer and authorized representative of **AXA EQUITABLE LIFE INSURANCE COMPANY**, an Iowa corporation.



Terry L. McClain
NOTARY PUBLIC FOR IOWA
My commission expires: 6/24/20