



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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

September 5, 2018

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

RE: Notice of Security Interest Water Right No: 47-12874

Dear Interested Party

The Idaho Department of Water Resources (Department) received a Notice of Security Interest (Notice) from you on August 31, 2018 for the above referenced water right. The Notice could not be processed because the water right is not appurtenant to the property described in the Deed of Trust. The Deed of Trust describes property tax number RP10S18E154010A located in Township 10S, Range 18E, Section 15. The water right is described as being appurtenant to property tax number RP10S18E160190 located in Township 10S, Range 18E, Section 16.

The Department is returning your Notice of Security Interest and the attachments. A refund of \$25.00 has been requested and will be mailed to D L EVANS BANK under separate cover from the Idaho State Controller's Office. You may re-submit your request with the appropriate documents and fees.

If you have any questions regarding this matter, please contact me at (208) 287-4920.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

Judd, Debbi

From: Judd, Debbi
Sent: Tuesday, September 04, 2018 10:39 AM
To: Marston, Sascha
Subject: Refund request

TO: Sascha Marston

FROM: Debbi Judd

DATE: September 4, 2018
RE: Refund: Security Interest

Please refund \$25. Security interest of a water right was returned unprocessed.

NAME: D L EVANS BANK

ADDRESS: PO BOX 87
TWIN FALLS ID 83303

RECEIPT #: C105582

Thank you.

Debbi

Debbi Judd
Technical Records Specialist
debbi.judd@idwr.idaho.gov

Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise, ID 83720-0098
208-287-4920
www.idwr.idaho.gov

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 29 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

RECEIVED

AUG 31 2018

DEPARTMENT OF
WATER RESOURCES

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): 47-12874

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)

Robert Dean Berg
Katherine Irene Berg

5. Expiration Date of Notification Period 06/05/2053

6. Is this a Renewal of Request for Notification? ☐ YES

☒ NO

7. Signature(s) (and title if applicable)

Loan Documentation Specialist

For Office Use Only

Received by TF AV
Received by TF AV
Processed by _____

Date 8-31-18
Date 6-29-2018
Date 6-29-2018

Fee 25
Receipt No. 5036830
WR _____

Date _____

6-10-2018 C105582

1

TWIN FALLS COUNTY
RECORDED FOR:
FIRST AMERICAN TITLE - TWIN F/
04:00:10 PM 08-03-2018
2018012141
NO. PAGES 3 FEE: \$16.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: CA
Electronically Recorded by Simplifile

RECORDATION REQUESTED BY:

D. L. Evans Bank
Blue Lakes Branch
P.O. Box 87
215 Blue Lakes Blvd. N.
Twin Falls, ID 83303

WHEN RECORDED MAIL TO:

D. L. Evans Bank
Blue Lakes Branch
P.O. Box 87
215 Blue Lakes Blvd. N.
Twin Falls, ID 83303

SEND TAX NOTICES TO:

Robert D. Berg
Kathrine I. Berg
3604 East 3850 North
Kimberly, ID 83341

THIS INSTRUMENT FILED FOR
RECORD BY FIRST AMERICAN TITLE
CO. AS AN ACCOMMODATION ONLY. IT
HAS NOT BEEN EXAMINED AS TO ITS
EXECUTION OR AS TO ITS EFFECT
UPON THE TITLE.

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF DEED OF TRUST



1501022221/6500000000G202

THIS MODIFICATION OF DEED OF TRUST dated July 5, 2018, is made and executed between Robert D. Berg and Kathrine I. Berg, husband and wife ("Grantor") and D. L. Evans Bank, whose address is Blue Lakes Branch, P.O. Box 87, 215 Blue Lakes Blvd. N., Twin Falls, ID 83303 ("Lender").

DEED OF TRUST. Lender and Grantor have entered into a Deed of Trust dated June 1, 2018 (the "Deed of Trust") which has been recorded in Twin Falls County, State of Idaho, as follows:

recorded June 4, 2018 as Instrument No. 2018008591.

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

Refer to exhibit "A" attached here to and made a part hereof.

Together with the water rights represented by Idaho State Department of Water Resources Water Right No. 47-12874 with a claimed priority of February 03, 1980 to 0.02 cfs of stock water from groundwater and 0.04 cfs of domestic water from ground water together with any and all other water rights and ditch rights appurtenant to the above described premises.

The Real Property or its address is commonly known as 3604 East 3850 North, Kimberly, ID 83341. The Real Property tax identification number is RP10S18E154010A.

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

MODIFY WATER RIGHT INFORMATION TO:

Together with 2.08 shares of the capital stock of the Twin Falls Canal Company Certificate No. 38690, 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 JULY 5, 2018.

GRANTOR:

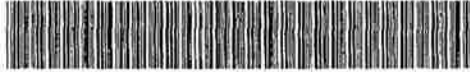
x
Robert D. Berg

x
Kathrine I. Berg

LENDER:

D. L. EVANS BANK

x
Authorized Officer



150102221/6500000000G202

Loan No: 150102221/65

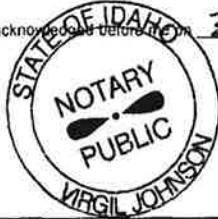
MODIFICATION OF DEED OF TRUST
(Continued)

Page 2

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Idaho)
COUNTY OF Twin Falls) SS
)

This record was acknowledged before me on 3rd of August, 2018 by Robert D. Berg and Kathrine I. Berg.



[Signature]
Notary Public in and for the State of Idaho
My commission expires 6-5-2021

LENDER ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) SS
)

This record was acknowledged before me on _____, 20____ by _____
as _____ of D. L. Evans Bank.

Notary Public in and for the State of _____
My commission expires _____

Date: May 30, 2018

File No.: 684338-TF (dd)

EXHIBIT 'A'

LEGAL DESCRIPTION:

TOWNSHIP 10 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO.

SECTION 15: A PARCEL OF LAND LOCATED IN THE SW1/4NW1/4 BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 15;

THENCE ALONG THE WEST BOUNDARY OF SAID SECTION 15 ON A BEARING OF NORTH 00°02'29" WEST A DISTANCE OF 605.86 FEET;

THENCE ON A BEARING OF SOUTH 89°16'17" EAST A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY BOUNDARY OF 3600 EAST ROAD;

THENCE ON A BEARING OF SOUTH 00°02'29" EAST A DISTANCE OF 292.36 FEET PARALLEL WITH THE WEST BOUNDARY OF SECTION 15 TO THE REAL POINT OF BEGINNING;

THENCE FROM THE REAL POINT OF BEGINNING ON A BEARING OF SOUTH 89°16'06" EAST A DISTANCE OF 320.00 FEET PARALLEL WITH THE SOUTH BOUNDARY OF THE SW1/4 NW1/4 OF SAID SECTION 15;

THENCE ON A BEARING OF SOUTH 00°02'29" EAST A DISTANCE OF 280.00 FEET PARALLEL WITH THE WEST BOUNDARY OF SECTION 15 AND TO A POINT BEING 33.50 FEET NORTH OF THE SOUTH BOUNDARY OF THE SW1/4NW1/4 OF SAID SECTION 15;

THENCE ON A BEARING OF NORTH 89°16'06" WEST A DISTANCE OF 320.00 FEET PARALLEL WITH THE SOUTH BOUNDARY OF THE SW1/4NW1/4 TO A POINT BEING 40.00 FEET WEST OF THE WESTERLY BOUNDARY OF THE NW1/4 OF SAID SECTION 15;

THENCE ON A BEARING OF NORTH 00°02'29" WEST A DISTANCE OF 280.00 FEET ALONG THE WEST RIGHT OF WAY BOUNDARY OF 3600 EAST ROAD TO THE REAL POINT OF BEGINNING.

SUBJECT TO AN IRRIGATION EASEMENT ALONG THE WEST 10 FEET OF SAID PARCEL AND AN IRRIGATION EASEMENT ALONG THE SOUTH 10 FEET OF SAID PARCEL.

1. 8-8-18 rec centralpending -copy- need the original ng