

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 18 2016

Department of Water Resources
Eastern Region**Notice of Security Interest in a Water Right**

and a request to be notified of a change in ownership or any proposed
or final action to amend, transfer, or otherwise modify the water right(s)

Attach pages with additional information. Incomplete forms will be returned.

1.	Water Right/Claim No.	Water Right/Claim No.	Water Right/Claim No.	Water Right/Claim No.
	13-075770			
	13-07576			
	13-071350			

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

Jane B Pitcher Family Trust LLC
Jane B Pitcher (member)
110 Valley View Drive
Preston, Idaho 83263
Phone 208-852-2277 (br) 208-339-2277 cell
Email jbpitcher@gmail.com

4. Name of Water Right Owner/Claimant(s)

Robert Timmons

5. Expiration Date of Notification Period

NOT UNTIL DEBT HAS BEEN SATISFIED IN FULL.

6. Is this a Renewal of Request for Notification?

☐ YES

☒ NO (New Request)

7. Signature(s) of Security Interest Holder(s)

Jane B Pitcher

Title, if applicable

Jane B Pitcher (member: Jane B Pitcher Family Trust LLC)

SUPPORT DATA

IN FILE # 13-7135

For Office Use Only

Received by JB

Date 4/18/2016

Receipt No. E0420216

Fee \$75.-

Processed by AJ

Date

WR JB

Date 5/9/2016

267239 1-13

Pitcher & Holdaway

40 W. Cache Valley Blvd, Suite 33 • Logan, UT 84341 • Phone 435/871-1000 • Fax 833/871-1000

Recorded at the request of
Jane Pitcher
Time 3:23 Amount \$ 46.00

APR 05 2016

SHAUNA T. GEDDES, RECORDER
By C. Carter Deputy
Franklin County, Idaho

SECURITY AGREEMENT

This Security Agreement is made this 18 day of February, 2016 between Rob Timmons ("Debtor"), and J.B. Family Trust, LLC an Idaho Company (Secured Party").

1. SECURITY INTEREST. Debtor grants to Secured Party a security interest in certain Water Rights, description attached hereto as Exhibit A (the "Water Rights" or "Collateral") in which Debtor now has or hereafter acquires or proceeds therefrom. The Security Interest shall secure the payment of accruing rent and other performance obligations as delineated in the parties June 12, 2012 lease agreement ("Lease Agreement"). The current amount of Rent owing as of the date of execution of this Agreement (not accounting for other obligations which have or may arise pursuant to the terms of said Lease Agreement) being in the principal amount of Three Thousand Three hundred Dollars (\$3,300) accruing interest at Idaho Statutory rate and the payment and performance of all other liabilities and obligations of Debtor to Secured Party of every kind and description, direct or indirect, absolute or contingent, due or to become due now existing or hereafter arising.

2. COVENANTS. Debtor hereby warrants and covenants:

- (a) The parties intend that the collateral is and will at all times remain personal property irrespective of the manner in which it is attached or runs with, realty.
- (b) The Debtor will not sell, dispose, transfer or further encumber the collateral or any interest therein without the prior written consent of Secured Party, and the Debtor shall keep the collateral free from unpaid charges (including rent), taxes, and other liens. The Collateral will not be sold, disposed of or transferred to another without the consent of the Secured Party. Debtor will inform any buyer of the lien and the debt owed to Secured Party and inform buyer that the Secured Party will be paid in full prior to, or at the closing of the sale of the Collateral.
- (c) The Debtor shall execute alone or with Secured Party a lien or other necessary document to perfect the lien and shall pay the cost of filing the same wherever filing is deemed to be necessary by Secured Party.
- (d) The Debtor shall keep collateral free from encumbrances that may exist now or those that may be assessed against the collateral in the future. Debtor shall discharge taxes, liens, and/or other encumbrances if and as they exist.

APR

Pitcher & Holdaway Serving Idaho and Utah PLLC

40 W. Cache Valley Blvd, Suite 33 • Logan, UT 84341 • Phone: 435/873-2000 • Fax 855/873-XXXX

(e) At its option, the Secured Party may discharge taxes, liens, or other encumbrances at any time levied or placed on the collateral, may pay rent or insurance due on the Collateral and may pay for the maintenance and preservation of the collateral. Debtor agrees to reimburse Secured Party on demand for any payment made, or any expense incurred by Secured Party pursuant to the foregoing authorization.

3. DEFAULT. The Debtor shall be in default under this Agreement upon the happening of any of the following:

- (a) Any misrepresentation in connection with this Agreement on the part of the Debtor.
- (b) Any noncompliance with or nonperformance of the Debtor's obligations under the lease agreement or this Security Agreement.
- (c) If Debtor is involved in any financial difficulty as evidenced by (i) an assignment for the benefit of creditors, or (ii) an attachment or receivership of assets not dissolved within thirty (30) days, or (iii) commencement of Bankruptcy proceedings, whether voluntary or involuntary, or default and at any time thereafter, the Secured Party may declare all obligations secured hereby immediately due and payable and shall have the remedies of a Secured Party under the Uniform Commercial Code. Upon Default the Secured Party may require the Debtor to turn over and execute documents of ownership of the Water Rights/Collateral. Failure to do so may result in Creditor taking action against Debtor to compel execution of said documents or other action necessary for Secured Party to be a bonafide owner of said Collateral. Debtor agrees to be liable for any and all legal fees accrued by the Secured Party in bringing such an action.

No waiver by Secured Party of any default shall operate as a waiver of any other default or of the same default on a future occasion. This Agreement shall inure to the benefit of and bind the heirs, executors, administrators, successors, and assigns of the parties.

Dated this 10th day of February, 2016. Dated this 18 day of February, 2016.


Robb Timmons


Jane B. Pitcher, Member
Jane B. Pitcher Family Trust, LLC

Acknowledgement Certificate

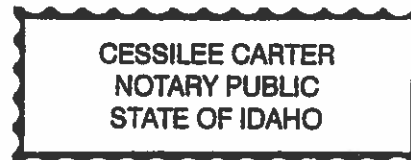
State of Idaho
County of Franklin

On this 5th day of April in the year 2016, before me Cessilee Carter
DAY MONTH YEAR NOTARY PUBLIC NAME
 a notary public, personally appeared Jane Pitcher
NAME OF DOCUMENT SIGNER

proved on the basis of satisfactory evidence to be the person (s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same. Witness my hand and official seal.

Cessilee Carter
 Notary Public of Idaho
 Residing at: Preston, ID
 Commission Expires: 03/11/2022

S
E
A
L



Witness Affidavit

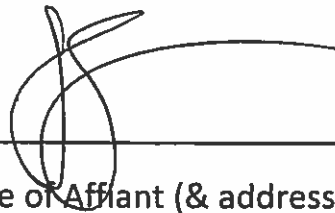
267239 4-13

State of Idaho

County of Franklin

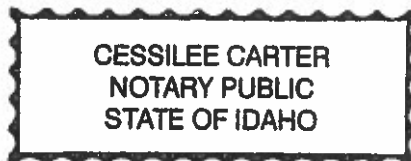
I, JASON BEIRENS, certify that ROB TIMMONS.

signed the foregoing document willingly and freely in my presence and that the signature is genuinely his/hers.



Signature of Affiant (& address if necessary)

Subscribed and sworn to before me this 5th day of April, 2016 by
Jason Beirens.



Cessilee Carter

Notary Signature

Commission Expires 03/11/2022

Page 1

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 13-07577

Priority: November 04, 1999

Maximum Diversion Rate: 0.45 CFS

It is hereby certified that ROBERT TIMMONS
74 E VALLEY VIEW DR
PRESTON ID 83263

And

BARBARA SENTER
14562 N HWY 34
THATCHER ID 83283

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 04, 1999; and has submitted Proof of Beneficial Use on January 08, 2001. An examination confirms water is diverted from:

SOURCE

MAPLE GROVE HOT SPRINGS

Tributary: BEAR RIVER

and a water right has been established as follows:

BENEFICIAL USE

POWER

PERIOD OF USE

1/01 to 12/31

DIVERSION RATE

0.45 CFS

LOCATION OF POINT(S) OF DIVERSION:

MAPLE GROVE HOT SPRINGS NE1/4SW1/4NE1/4 Sec. 7, Twp 13S, Rge 41E, B.M.
FRANKLIN County

PLACE OF USE: POWER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	41E	7			X														

CONDITIONS OF APPROVAL

1. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
2. Use of water under this right shall be non-consumptive.
3. The term of this right shall extend to 12/31/2019. Prior to the expiration of the term, the Director may issue an order canceling all or any part of the use authorized herein, may establish a new term, or may revise, delete, or add conditions under which the right may be exercised. The order shall take effect on the date the current term expires. If the director does not issue such an order, the term shall automatically extend to a length equal to the project's prior term and any prior conditions on the water right shall remain in effect.

Page 2

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 13-07577

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.
5. The following rights are diverted through point(s) of diversion described above: 13-7577 and 13-7576.
6. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
7. Rights 13-7577 and 13-7576 when combined shall not exceed a total diversion rate of 0.80 cfs at the field headgate.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 12th day of September, 2013.

for Shelley W. Keen
GARY SPACKMAN
Director

4 Q 1-2

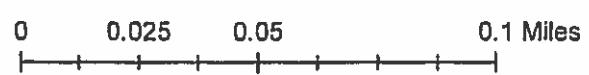
State of Idaho
Department of Water Resources

Attachment To Water Right License
13-7577

This map depicts the POWER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R41E

T13S



- ⊙ Point of Diversion
- ▭ Place Of Use Boundary
- ▭ Townships
- ▭ PLS Sections
- ▭ Quarter Quarters

N
5 R.R.

Page 1

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 13-07576

Priority: December 13, 2012

Maximum Diversion Rate: 0.80 CFS
Maximum Diversion Volume: 580.7 AF

It is hereby certified that ROBERT TIMMONS
74 E VALLEY VIEW DR
PRESTON ID 83263

And

BARBARA SENTER
14562 N HWY 34
THATCHER ID 83283

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 04, 1999; and has submitted Proof of Beneficial Use on December 13, 2012. An examination confirms water is diverted from:

SOURCE

MAPLE GROVE HOT SPRINGS

Tributary: BEAR RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.80 CFS	580.7 AF

LOCATION OF POINT(S) OF DIVERSION:

MAPLE GROVE HOT SPRINGS
FRANKLIN County

NE1/4SW1/4NE1/4

Sec. 7, Twp 13S, Rge 41E, B.M.

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 41E 7			X														

CONDITIONS OF APPROVAL

- Commercial use is for hot tubs and pools.
- Use of water under this right shall be non-consumptive.
- The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

6 

Page 2

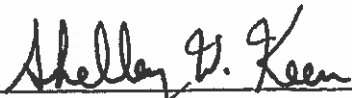
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 13-07576

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 1st day of February, 2013.


for GARY SPACHMAN
Director

7 RLP

State of Idaho
Department of Water Resources

Attachment To Water Right License

13-7576

This map depicts the COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R41E



0 0.0375 0.075 0.15 Miles

- ⊙ Point of Diversion
- Place Of Use Boundary

-  Townships
-  PLS Sections
-  Quarter Quarters



8

[Handwritten signature]

Page 1

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 13-07135

Priority: September 10, 1976

Maximum Diversion Rate: 0.03 CFS

It is hereby certified that ROBERT TIMMONS
74 E VALLEY VIEW DR
PRESTON ID 83263

And

BARBARA SENTER
14562 N HWY 34
THATCHER ID 83283

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated ; and has submitted Proof of Beneficial Use on October 04, 1983. An examination confirms water is diverted from:

SOURCE

UNNAMED STREAM

Tributary: BEAR RIVER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 10/31

DIVERSION RATE
0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE1/4SE1/4 Sec. 7, Twp 13S, Rge 41E, B.M.

FRANKLIN County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	41E	7			1.0														1.0

Total Acres: 1

CONDITIONS OF APPROVAL

1. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

9 AWT

C2

Page 2

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 13-07135

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 1st day of February, 2013.

for Shelley W. Kean
GARY SPACKMAN
Director

10 RMT

State of Idaho
Department of Water Resources

Attachment To Water Right License

13-7135

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R41E

T13S



0 0.05 0.1 0.2 Miles

- Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters



11 *RWS*



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

May 17, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Jane B Pitcher Family Trust LLC
Jane B Pitcher
110 Valley View Dr
Preston ID 83263

RE: Notice of Security Interest in a Water Right 13-75077, 13-7576 & 13-7135

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence adding a security interest to the above referenced water right(s) to you. The department has modified its records to reflect the security interest and has enclosed a computer-generated report for your records.

Please note the security interest has been added to the water rights listed above; however there is an ownership change for J & C Properties that has been filed. There are issues with their legal description and some property line boundaries with another owner that they are in the works of correcting. Due to these issues the ownership change cannot be complete at this time. Once that is complete there is a possibility that your security interest will be removed. If the water rights were not withheld on the sell to J & C Properties this security interest will have to be removed because the sale of the property came prior to the Security Agreement. According to all the information received for the ownership change at this time it does not appear water rights were withheld.

Updating the security interest record for a water right does not reconfirm the validity of the right. When processing a security interest notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited 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 Sections 42-222 and 42-223, Idaho Code.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure

cc: Robert Timmons & Barbara Senter
J & C Properties