

RECEIVED

JAN 29 2016

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT 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**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): 43-288, 43-289, 43-290, 43-291, 43-292, 43-11196, 43-11202, 43-11203, 43-11221
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) Wendy McLean
5. Expiration Date of Notification Period 11/24/2040
6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO
7. Signature(s) (and title if applicable) Lina Hanna
Loan Documentation Specialist

For Office Use Only

Received by _____	Date <u>1-29-2016</u>	Fee <u>\$225-</u>
Received by <u>B Walker</u>	Date <u>1/29/16</u>	Receipt No. <u>5035236</u>
Processed by _____	Date _____	WR _____ Date _____

SUPPORT DATA

IN FILE # 43-288

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

ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT.

SEND TAX NOTICES TO:

Wendy McLean
1085 East 2000 South
Elba, ID 83342

#15261586

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MORTGAGE

THIS MORTGAGE dated November 24, 2015, is made and executed between Wendy McLean (referred to below as "Grantor") and D. L. Evans Bank, whose address is P.O. Box 517, Corner of Market & Main, Albion, ID 83311 (referred to below as "Lender").

GRANT OF MORTGAGE. For valuable consideration, Grantor mortgages, grants, bargains, sells and conveys to Lender all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights, watercourses and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in Cassia County, State of Idaho:

PARCEL NO. 1:
TOWNSHIP 13 SOUTH, RANGE 25 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 31: Part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, the SW $\frac{1}{4}$ SE $\frac{1}{4}$, and Lot 4, more particularly described as follows;

Beginning at the Southwest corner of Section 31, said corner marked by an iron pipe with a brass cap which shall be the Point of Beginning;

Thence North 00°06'11" West along the west section line of Section 31 for a distance of 1331.92 feet to the Northwest corner of Lot 4 of Section 31;

Thence South 89°35'42" East along the north line of Lot 4 of Section 31 for a distance of 1419.79 feet to the Northeast corner of Lot 4 of Section 31 marked by a 5/8 inch rebar;

Thence South 00°11'47" East along the west line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31 for a distance of 443.73 feet to a 1/2 inch rebar;

Thence South 89°35'42" East for a distance of 2622.49 feet to a 1/2 inch rebar;

Thence South 89°35'42" East for a distance of 28.35 feet to a point on the east line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31;

Thence South 00°14'03" East along the east line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31 for a distance of 881.72 feet to the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31;

Thence North 89°41'11" West along the south section line of Section 31 for a distance of 1325.69 feet to the Southwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31 marked by a 5/8 inch rebar;

Thence North 89°41'11" West continuing along said south section line for a distance of 1325.68 feet to the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31;

Thence North 89°41'11" West continuing along said south section line for a distance of 1421.93 feet to the Point of Beginning.

PARCEL NO. 2:
TOWNSHIP 13 SOUTH, RANGE 24 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 36: NW $\frac{1}{4}$; SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$

TOGETHER WITH THE WATER RIGHTS REPRESENTED BY IDAHO STATE DEPARTMENT OF WATER RESOURCES WATER RIGHT NO. 43-288 WITH A CLAIMED PRIORITY OF APRIL 30, 1874 TO 0.300 CFS OF IRRIGATION WATER OF THE WATERS OF WARM SPRING, A TRIBUTARY OF THE CASSIA CREEK AND WATER RIGHT NO. 43-289 WITH A CLAIMED PRIORITY OF APRIL 30, 1874 TO 0.5000 CFS OF IRRIGATION WATER OF THE WATERS OF CASSIA CREEK, A TRIBUTARY OF THE RAFT RIVER AND WATER RIGHT NO. 43-290 WITH A CLAIMED PRIORITY OF APRIL 30, 1882 TO 1.200 CFS OF IRRIGATION WATER OF THE WATERS OF CASSIA CREEK, A TRIBUTARY OF THE RAFT RIVER AND WATER RIGHT NO. 43-291 WITH A CLAIMED PRIORITY OF APRIL 30, 1886 TO 0.600 CFS OF IRRIGATION WATER OF THE WATERS OF CASSIA CREEK, A TRIBUTARY OF THE RAFT RIVER AND WATER RIGHT NO. 43-292 WITH A CLAIMED PRIORITY OF APRIL 30, 1892 TO 0.400 CFS OF IRRIGATION WATER OF THE WATERS OF CASSIA CREEK, A TRIBUTARY OF THE RAFT RIVER AND WATER RIGHT NO. 43-11196 WITH A CLAIMED PRIORITY OF OCTOBER 19, 1928 TO 0.030 CFS OF STOCKWATER AND 0.0720 CFS OF IRRIGATION WATER OF THE WATERS OF FIRST HOLLOW AND SECOND HOLLOW, A TRIBUTARY OF THE CLYDE CREEK AND WATER RIGHT NO. 43-11202 WITH A CLAIMED PRIORITY OF APRIL 1, 1982 TO 0.290 CFS OF IRRIGATION WATER OF THE WATERS OF CASSIA CREEK AND WARM SPRINGS, A TRIBUTARY OF THE WATERS OF RAFT RIVER AND THE WATERS OF CASSIA CREEK AND WATER RIGHT NO. 43-11203 WITH A CLAIMED PRIORITY OF DECEMBER 31, 1945 TO 0.040 CFS OF DOMESTIC WATER OF THE WATERS OF GROUNDWATER AND WATER RIGHT NO. 43-11221 WITH A CLAIMED PRIORITY OF OCTOBER 19, 1928 TO 0.400 CFS OF IRRIGATION WATER OF THE WATERS OF WASTE WATER, A TRIBUTARY OF THE CASSIA CREEK, 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 See Legal Description, Elba, ID 83342. The Real Property tax identification number is RP13S24E362400 A and RP13S24E316001A.

Grantor presently assigns to Lender all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

THIS MORTGAGE, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE NOTE, THE RELATED DOCUMENTS, AND THIS MORTGAGE. THIS MORTGAGE IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

GRANTOR'S WAIVERS. Grantor waives all rights or defenses arising by reason of any "one action" or "anti-deficiency" law, or any other law which may prevent Lender from bringing any action against Grantor, including a claim for deficiency to the extent Lender is otherwise entitled to a claim for deficiency, before or after Lender's commencement or completion of any foreclosure action, either judicially or by exercise of a power of sale.

GRANTOR'S REPRESENTATIONS AND WARRANTIES. Grantor warrants that: (a) this Mortgage is executed at Borrower's request and not at the request of Lender; (b) Grantor has the full power, right, and authority to enter into this Mortgage and to hypothecate the Property; (c) the provisions of this Mortgage do not conflict with, or result in a default under any agreement or other instrument binding upon Grantor and do not

WJM
INITIAL



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 1, 2016

D L EVANS BANK
PO BOX 87
TWIN FALLS ID 83303

Re: Notice of Security Interest in a Water Right for Water Right 43-288, 43-289, 43-290, 43-291, 43-292, 43-11196, 43-11202, 43-11203 and 43-11221 / Wendy McLean

Dear Party Holding Security Interest:

The Department of Water Resources acknowledges receipt of the Notice of Security Interest in a Water Right you recently submitted on the above water rights. The Department has modified its records to reflect the security interest and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owners of a water right to the Department. Notice of the change must be provided to the Department within 120 days of the change. Change reporting forms are available from any office of the Department or on the Department's website.

Please feel free to contact this office with any questions you may have.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosures

Cc: Wendy McLean