

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 29 2016
Department of Water Resources
Eastern 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): 35-14337 *OK*
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:

The Bank of Commerce
c/o Western AgCredit
10980 South Jordan Gateway
P.O. Box 95850
South Jordan, UT 84095-0850.
4. Name of Water Right Owner/Claimant(s):

LAVA ROCK RANCH, LLC, an Idaho Limited Liability Company
5. Expiration Date of Notification Period: April 1, 2023
6. Is this a Renewal of Request for Notification () YES (X) NO
7. Signature(s) (and title if applicable):

The Bank of Commerce
By: Western AgCredit, FLCA, Servicing Agent
[Signature]
David G. Brown
Chief Operating Officer

For Office Use Only

Received by JPS
Receipted by JPS
Processed by JPS

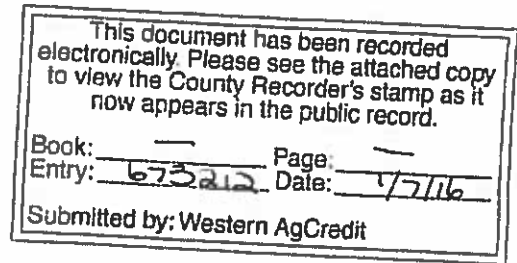
Date 1/29/16
Date 1/29/16
Date 1/29/16

Fee \$125 -
Receipt No. E041784
WR JPS Date 2/8/2016

Recording Requested by:

WHEN RECORDED MAIL TO:

The Bank of Commerce
1730 West Broadway
P.O. Box 1887
Idaho Falls, Idaho 83403



Space Above This Line For Recorder's Use

Loan Number: 4100883856

SUPPLEMENTAL MORTGAGE

THIS MORTGAGE, made November 20, 2015, between LAVA ROCK RANCH, LLC, an Idaho Limited Liability Company as Mortgagor, and The Bank of Commerce as Mortgagee.

WITNESSETH: That said Mortgagor, hereby grants, conveys, and confirms unto said Mortgagee, with power of sale, the following described real property situated in the County of Bingham, State of Idaho:

TOGETHER WITH the following water right registered with the State of Idaho Department of Water Resources: Water Right Number 35-14337

This mortgage is supplemental to that certain mortgage dated March 13, 2015 in favor of The Bank of Commerce, recorded March 20, 2015, as Entry No. 665665, in the official records of the County of Bingham, State of Idaho, and is given as additional security for the indebtedness secured by said mortgage, including all past, present, and future advances of money made by the Mortgagee either to the Mortgagor, or to his successors, or any of them.

The terms, stipulations, conditions, and covenants of the mortgage hereinabove referred to are hereby adopted as part of this mortgage and are by this reference incorporated herein and made a part hereof as if set forth at length herein. Mortgagor agrees that any default under any of said mortgage shall constitute a default under all.

Request is hereby made that a copy of any notice of default and a copy of any notice of sale hereunder be mailed to the undersigned at their respective addresses hereinafter set forth.

IN WITNESS WHEREOF, the Mortgagor(s) executed this mortgage the date and year first hereinabove written.

Signature(s):

LAVA ROCK RANCH, LLC, an Idaho Limited Liability Company

By: 

BRUCE FOSTER, Member

By: 

MARC FOSTER, Member

Recording Requested by:

WHEN RECORDED MAIL TO:

The Bank of Commerce
1730 West Broadway
P.O. Box 1887
Idaho Falls, Idaho 83403

Instrument # 673212
BINGHAM COUNTY, IDAHO
2016-01-07 10:57:09 AM No. of Pages: 3
Recorded for: WESTERN AGCREDIT
PAMELA W. ECKHARDT Fee: \$16.00
Ex-Officio Recorder Deputy JPulley
Index To: MORTGAGE
Electronically Recorded by Simplifile

Space Above This Line For Recorder's Use

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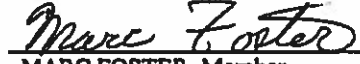
IN WITNESS WHEREOF, the Mortgagor(s) executed this mortgage the date and year first hereinabove written.

Signature(s):

LAVA ROCK RANCH, LLC, an Idaho Limited Liability Company

By: 

BRUCE FOSTER, Member

By: 

MARC FOSTER, Member

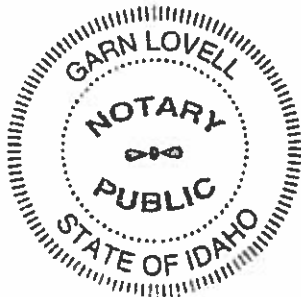
By: Kathy Foster
KATHY FOSTER, Member

By: TERRI FOSTER
TERRI FOSTER, Member

Notary Acknowledgment(s):

STATE OF Idaho)
COUNTY OF Bingham ^{ss.}

On this 16 day of December, 20 15, before me, the undersigned Notary Public in and for said County and State, personally appeared BRUCE FOSTER (☒ personally known to me) [() proved to me on the basis of satisfactory evidence] to be the person(s) who executed the within instrument as MEMBER, or on behalf of the Limited Liability Company therein named, and acknowledged to me that the Limited Liability Company executed the within instrument pursuant to its articles of organization and operating agreement.



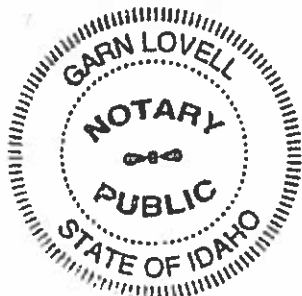
WITNESS my hand and official seal

Garn A. Lovell
Notary Public in and for said County and State

Expires 1-19-17

STATE OF Idaho)
COUNTY OF Bingham ^{ss.}

On this 16 day of December, 20 15, before me, the undersigned Notary Public in and for said County and State, personally appeared MARC FOSTER (☒ personally known to me) [() proved to me on the basis of satisfactory evidence] to be the person(s) who executed the within instrument as MEMBER, or on behalf of the Limited Liability Company therein named, and acknowledged to me that the Limited Liability Company executed the within instrument pursuant to its articles of organization and operating agreement.



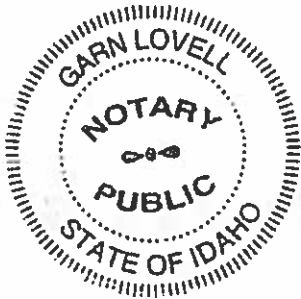
WITNESS my hand and official seal

Garn A. Lovell
Notary Public in and for said County and State

Expires 1-19-17

STATE OF Idaho)
COUNTY OF Bingham)
SS.

On this 16 day of December, 2015, before me, the undersigned Notary Public in and for said County and State, personally appeared KATHY FOSTER [☒ personally known to me] [☐ proved to me on the basis of satisfactory evidence] to be the person(s) who executed the within instrument as MEMBER, or on behalf of the Limited Liability Company therein named, and acknowledged to me that the Limited Liability Company executed the within instrument pursuant to its articles of organization and operating agreement.



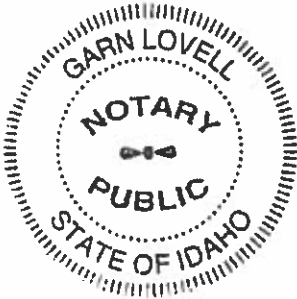
WITNESS my hand and official seal

Garn A. Lovell
Notary Public in and for said County and State

Expires 1-19-17

STATE OF Idaho)
COUNTY OF Bingham)
SS.

On this 16 day of December, 2015, before me, the undersigned Notary Public in and for said County and State, personally appeared TERRI FOSTER [☒ personally known to me] [☐ proved to me on the basis of satisfactory evidence] to be the person(s) who executed the within instrument as MEMBER, or on behalf of the Limited Liability Company therein named, and acknowledged to me that the Limited Liability Company executed the within instrument pursuant to its articles of organization and operating agreement.



WITNESS my hand and official seal

Garn A. Lovell
Notary Public in and for said County and State

Expires 1-19-17



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 12, 2016

The Bank of Commerce
c/o Western AgCredit
10980 S Jordan Gateway
PO Box 95850
South Jordan UT 84095

RE: Notice of Security Interest in a Water Right 35-14337

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.

Updating the security interest record for a water right does not reconfirm the validity of the right. When processing an 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: Lava Rock Ranch LLC