

RECEIVED

JUL 16 2015

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 13 2015

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**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): 57-10155
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) Richard E. Fredrickson & Laura Hust Fredrickson
5. Expiration Date of Notification Period 07/10/2035
6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO
7. Signature(s) (and title if applicable) Lina Harnar
Loan Processor

For Office Use Only

Received by <u>DM</u>	Date <u>7/13/2015</u>	Fee <u>\$25-</u>
Received by <u>DM</u>	Date <u>7-13-2015</u>	Receipt No. <u>5034900</u>
Processed by <u>X</u>	Date <u>X</u>	WR <u>X</u> Date <u>X</u>

RECORDATION REQUESTED BY;

D. L. Evans Bank
Nampa Branch
1310 12th Ave. Rd.
Nampa, ID 83686

Instrument # 286895
MURPHY, OWYHEE, IDAHO
2015-06-05 02:04:01 No. of Pages: 7
Recorded for: PIONEER TITLE CANYON - CALDWEL
ANGELA BARKELL Fee: \$28.00
Ex-Officio Recorder Deputy: map
Index To: DEED OF TRUST
Electronically Recorded by Simplifile

WHEN RECORDED MAIL TO:

D. L. Evans Bank
Nampa Branch
1310 12th Ave. Rd.
Nampa, ID 83686

Electronically Recorded- DO NOT
Remove the County Stamped First
Page as it is now Incorporated as
Part of the original Document.

SEND TAX NOTICES TO:

Richard E. Fredrickson
Laura A. Fredrickson
PO Box 207
Grandview, ID 83624

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

DEED OF TRUST

THIS DEED OF TRUST is dated June 2, 2015, among Richard E. Fredrickson and Laura A. Fredrickson ("Grantor"); D. L. Evans Bank, whose address is Nampa Branch, 1310 12th Ave. Rd., Nampa, ID 83686 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and Pioneer Title Company of Canyon County, whose address is 100 10th Avenue South, Nampa, ID 83651 (referred to below as "Trustee").

CONVEYANCE AND GRANT. For valuable consideration, Grantor does hereby irrevocably grant, bargain, sell and convey in trust, with power of sale, to Trustee for the benefit of Lender as Beneficiary, 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 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 Owyhee County, State of Idaho:

A PARCEL OF LAND BEING A PORTION OF GOVERNMENT LOT 2 AND A PORTION OF THE SOUTHWEST QUARTER ALL IN SECTION 26, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BOISE MERIDIAN, OWYHEE COUNTY, IDAHO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE IRON PIN MARKING THE CORNER COMMON TO SECTIONS 27, 26, 35 AND 24, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BOISE MERIDIAN, OWYHEE COUNTY, IDAHO; THENCE NORTH 0°27'43" WEST 838.87 FEET ALONG THE LINE COMMON TO SAID SECTIONS 27 AND 26 TO AN IRON PIN, SAID POINT BEING THE REAL POINT OF BEGINNING; THENCE ALONG THE FOLLOWING COURSES AND DISTANCES TO IRON PINS; THENCE CONTINUING NORTH 0°27'43" WEST 614.94 FEET; THENCE NORTH 61°32'17" EAST 480.02 FEET; THENCE SOUTH 1°20'30" EAST 878.37 FEET; THENCE NORTH 85°30'01" WEST 438.97 FEET TO THE REAL POINT OF BEGINNING.

TOGETHER WITH THE WATER RIGHTS REPRESENTED BY IDAHO STATE DEPARTMENT OF WATER RESOURCES WATER RIGHT NO. 57-10155 WITH A CLAIMED PRIORITY OF JULY 16, 1979 TO 0.04 CFS OF GROUNDWATER, OF THE IDAHO DEPARTMENT OF WATER RESOURCES 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 20196 River Road, Grand View , ID 83624. The Real Property tax identification number is RP04S02E265530A.

Grantor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) 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 DEED OF TRUST, 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 DEED OF TRUST. THIS DEED OF TRUST IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

GRANTOR'S REPRESENTATIONS AND WARRANTIES. Grantor warrants that: (a) this Deed of Trust 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 Deed of Trust and to hypothecate the Property; (c) the provisions of this Deed of Trust do not conflict with, or result in a default under any agreement or other instrument binding upon Grantor and do not result in a violation of any law, regulation, court decree or order applicable to Grantor; (d) Grantor has established adequate means of obtaining from Borrower on a continuing basis information about Borrower's financial condition; and (e) Lender has made no representation to Grantor about Borrower (including without limitation the creditworthiness of Borrower).

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.

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Deed of Trust, Borrower shall pay to Lender all indebtedness secured by this Deed of Trust as it becomes due, and Borrower and Grantor shall perform all their respective obligations under the Note, this Deed of Trust, and the Related Documents.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Borrower and Grantor agree that Borrower's and Grantor's possession and use of the



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 31, 2015

DL EVANS BANK
PO BOX 87
TWIN FALLS ID 83303

RE: Security Interest for Water Right No. 57-10155

Dear Applicants,

The Department of Water Resources acknowledges receipt of your request for an ownership change on the water right mentioned above. However, after reviewing the request, it was determined the form was not completed and additional documentation is needed to complete this request.

Water Right No. 57-10155 cannot be modified without further documentation. The location of this water right is on parcel RP04S02E265570. The documentation submitted shows the purchase of parcel RP04S02E265530 adjacent to the above referenced parcel. If they also purchased the parcel the water right is located on, please submit any supporting documents and the Department will process the Security Interest.

Included is a copy of the water right report for 57-10155 along with a map showing both parcels that was included with the Notice of Change in Water Right Ownership previously submitted by Mr. and Mrs. Fredrickson.

Because the Department cannot process this request at this time, we will hold any action on your notice pending receipt of the necessary documentation. If we do not receive the required documentation within 30 days, the notice will be returned and will not be processed. A refund of applied fees will be provided upon request.

Thank you for your cooperation. If you have any questions please, contact this office at 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad Jones', with a long horizontal flourish extending to the right.

Chad Jones
Office Specialist II
Western Regional Office
208-334-2190

Enclosures

Jones, Chad

From: Jones, Chad
Sent: Tuesday, August 11, 2015 12:10 PM
To: Marston, Sascha
Subject: REFUND: DL Evans Bank

TO: Sascha Marston

FROM: Chad Jones

DATE: August 11, 2015

RE: Refund: Security Interest – 57-10155

Please refund \$25. D.L. EVANS BANK CENTRAL FILING FEE ACCOUNT filed a security interest on 7/13/2015. The water right is not on the property it was submitted for.

Please issue a refund of \$25.00 to:

DL EVANS BANK
PO BOX 87
TWIN FALLS ID 83303

RECEIPT #

S034900



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 11, 2015

RICHARD E & LAURA A FREDRICKSON
PO BOX 207
GRANDVIEW ID 83624

RE: Notice of Change in Water Right Ownership & Notice of Security Interest: 57-10155

Dear Applicants,

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership and Notice of Security Interest. However, the applications have not been processed.

On August 10, 2015 I spoke with Richard regarding a letter I sent to him on July 14, 2015 confirming that Water Right No. 57-10155 is not on his property and that any irrigation water he is using comes from Grand View Irrigation District. He then informed me to disregard the application as it appears to have been submitted in error.

Because the Department cannot process the original requests at this time, we are returning the application and all attachments. A refund has been requested that will be sent to the payer under separate cover. The \$25 Security Interest fee will be sent to DL Evans Bank and the \$25 Ownership Change fee will be sent to Guaranty Title Inc.

Should you have questions, please call this office at 208-334-2190.

Sincerely,

Chad Jones
Office Specialist II
Western Regional Office
208-334-2190

Enclosures

Cc: GUARANTY TITLE INC.
206 S 3RD EAST ST
MOUNTAIN HOME ID 83647

DL EVANS BANK
PO BOX 87
TWIN FALLS ID 83303