

Form 42-1006 (July 2009)

APR 15 2013

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 05 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

APR 10 2013

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): 29-2432 29-13876 & 29-13877 OK

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)

Ronnie D. Tillotson and Sherril Tillotson

5. Expiration Date of Notification Period 11/5/2032

6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO

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

Loan Processor

For Office Use Only

Received by DM
Received by DM
Processed by _____ AJ

Date 4-10-2013
Date 4-10-2013
Date _____

Fee \$25-
Receipt No 5033165
WR 13 Date 6/21/2013

→ DM \$25- rec'd 6-6-2013 5033302

SUPPORT DATA

IN FILE # 29-13876

RECORDATION REQUESTED BY:

D. L. Evans Bank
North Pocatello Branch
4080 Yellowstone Ave.
Pocatello, ID 83202

OFFICIAL RECORD BK# 966
BANNOCK COUNTY IDAHO

FEE \$1.00 DEPUTY BM
RECORDED AT REQUEST OF

Alliance Title - Pocatello Office

21304507

2013 Mar 19 PM 02:18:28

Electronically Recorded by Simplifile

WHEN RECORDED MAIL TO:

D. L. Evans Bank
North Pocatello Branch
4080 Yellowstone Ave.
Pocatello, ID 83202

SEND TAX NOTICES TO:

Ronnie D. Tillotson
Sherril Tillotson
11846 South Dempsey Creek Road
Lava Hot Springs, ID 83246

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

180917

MORTGAGE

THIS MORTGAGE dated March 8, 2013, is made and executed between Ronnie D. Tillotson and Sherril Tillotson, husband and wife (referred to below as "Grantor") and D. L. Evans Bank, whose address is 4080 Yellowstone Ave., Pocatello, ID 83202 (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 Bannock County, State of Idaho:

PARCEL 1:

THE LOTS NUMBERED 4, 5 AND 6 OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT OF THE SURVEY OF THE SAID LANDS RETURNED TO THE GENERAL LAND OFFICE BY THE SURVEYOR GENERAL.

EXCEPTING THEREFROM:

A STRIP OF LAND 60.0 FEET WIDE SITUATE IN GOVERNMENT LOT 5 OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, SAID STRIP EXTENDING WESTERLY RIGHT OF WAY LINE OF THE OREGON SHORT LINE RAILROAD COMPANY, WHICH IS PARALLEL WITH AND 50.0 FEET DISTANCE SOUTHWESTERLY MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE EASTERLY TRACK OF SAID RAILROAD COMPANY AS NOW CONSTRUCTED AND OPERATE, TO A STRAIGHT LINE DRAWN AT RIGHT ANGLES TO THE HEREINAFTER DESCRIBED CENTER LINE AT THE END THEREOF, BEING 30.0 FEET IN WIDTH, MEASURED AT RIGHT ANGLES, ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE AND SAID CENTER LINE EXTENDED, TO WIT:

BEGINNING AT THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE AND A STRAIGHT LINE DRAWN AT RIGHT ANGLES TO THE CENTER LINE BETWEEN THE DOUBLE MAIN TRACKS OF SAID RAILROAD COMPANY FROM A POINT THEREON THAT IS 4821.4 FEET DISTANT SOUTHERLY FROM THE NORTH LINE OF SAID SECTION 15, MEASURED ALONG SAID CENTER LINE BETWEEN DOUBLE MAIN TRACKS; THENCE WESTERLY ALONG A STRAIGHT LINE FORMING AN ANGLE OF 66°41' FROM NORTHWESTERLY ALONG A STRAIGHT LINE FORMING AN ANGLE OF 59°15' FROM WEST TO NORTH WITH THE LAST DESCRIBED LINE PRODUCED A DISTANCE OF 273.0 FEET; THE ABOVE DESCRIBED STRIP OF LAND INCLUDES A PORTION OF THAT CERTAIN STRIP OF LAND 50.0 FEET WIDE UPON WHICH AN EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF A DIKE WAS HERETOFORE GRANTED BY WILLIAM W. COOPER, DELANIA COOPER AND D.H. COOPER TO THE OREGON SHORTLINE RAILROAD COMPANY BY DEED DATED JUNE 10, 1913.

ALSO EXCEPTING:

A PARCEL OF LAND LOCATED IN GOVERNMENT LOTS 5 AND 6, SECTION 15, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BANNOCK COUNTY BRASS CAP MONUMENT REPRESENTING THE SOUTHWEST CORNER OF SAID SECTION 15, SAID POINT BEING 45.923 METERS (150.67 FEET) RIGHT OF PROJECT CENTERLINE STATION 333+11.227 AND THE TRUE POINT OF BEGINNING.

THENCE NORTH 12°33'47" EAST, 175.079 METERS (574.41 FEET);

THENCE SOUTH 78°22'23" EAST, 4.278 METERS (14.04 FEET);

THENCE ALONG A 695.000 METERS (2280.18 FEET) RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 29°47'28" AN ARC DISTANCE OF 361.386 METERS (1185.58 FEET) SUBTENDED BY A CHORD BEARING NORTH 72°03'28" EAST, 357.309 METERS (1172.27 FEET) TO A POINT ON THE WESTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD;

THENCE ALONG THE WESTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD, SOUTH 28°22'22" EAST, 136.025 METERS (446.28 FEET);

THENCE LEAVING THE WESTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD AND THROUGH A 575.000 METER (1886.48 FEET) RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 35°35'56" AN ARC DISTANCE OF 357.259 METERS (1172.11 FEET), SUBTENDED BY CHORD BEARING SOUTH 74°57'43" WEST, 351.540 METERS (1153.34 FEET);

THENCE SOUTH 19°06'16" WEST, 69.430 METERS (227.79 FEET);

THENCE SOUTH 27°58'05" WEST, 3.868 METERS (12.69 FEET) TO A POINT ON THE SOUTH LINE OF SECTION 15;

THENCE ALONG THE SOUTH LINE OF SECTION 15, SOUTH 89°52'38" WEST, 82.806 METERS (271.67 FEET) TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND LOCATED IN THE GOVERNMENT LOT 2 OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BANNOCK COUNTY BRASS CAP MONUMENT REPRESENTING THE SOUTHWEST CORNER OF SAID SECTION 15;

THENCE ALONG THE SOUTH LINE OF SECTION 15, NORTH 89°52'38" EAST, 567.466 METERS (1861.76 FEET) TO A POINT ON THE EASTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD, SAID POINT BEING 194.163 METERS (637.02 FEET) RIGHT OF PROJECT CENTERLINE STATION 340+31.634 AND THE TRUE POINT OF BEGINNING.

THENCE ALONG THE EASTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD, NORTH 28°22'22" WEST, 376.338 METERS (1234.70 FEET);

THENCE LEAVING THE EASTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD, NORTH

82°8'51" EAST, 40.975 METERS (134.43 FEET);
 THENCE SOUTH 54°32'45" EAST, 28.679 METERS (94.09 FEET);
 THENCE SOUTH 28°57'33" EAST, 25.598 METERS (83.98 FEET);
 THENCE SOUTH 7°37'17" EAST, 40.158 METERS (131.75 FEET);
 THENCE SOUTH 24°22'01" EAST, 66.814 METERS (219.21 FEET);
 THENCE SOUTH 15°10'16" EAST, 59.361 METERS (194.75 FEET);
 THENCE SOUTH 12°39'24" EAST, 26.133 METERS (85.74 FEET);
 THENCE SOUTH 50°44'42" EAST, 53.506 METERS (175.54 FEET);
 THENCE SOUTH 11°54'24" EAST, 82.130 METERS (269.45 FEET) TO A POINT ON THE SOUTH LINE OF SECTION 16;
 THENCE SOUTH 89°52'38" WEST, 10.038 METERS (32.93 FEET) TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

THE WEST ¼ OF THE EAST ½ AND THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 16, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

PARCEL 3:

THE SOUTHEAST ¼ OF THE NORTHEAST ¼ AND THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 16, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

EXCEPTING:

A PARCEL OF LAND IN SECTION 15 AND 16, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, LYING WEST OF THE LAVA IRRIGATION COMPANY LTD CANAL IN BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 16, BEING MARKED AS DESCRIBED IN BANNOCK COUNTY INSTRUMENT NO. 92010514;
 THENCE NORTH 12°41'04" EAST A DISTANCE OF 594.25 FEET TO A POINT WEST OF THE LAVA IRRIGATION COMPANY LTD CANAL;
 THENCE FOLLOWING POINTS ON THE WEST SIDE OF THE LAVA IRRIGATION COMPANY LTD CANAL OVER THE NEXT NINE DESCRIBED COURSES;

- 1) THENCE NORTH 38°06'54" WEST A DISTANCE OF 212.10 FEET TO THE WEST LINE OF SECTION 15 AND THE EAST LINE OF SECTION 16;
 - 2) THENCE CONTINUING NORTH 38°06'54" WEST A DISTANCE OF 484.30 FEET;
 - 3) THENCE NORTH 17°17'54" WEST A DISTANCE OF 786.00 FEET;
 - 4) THENCE NORTH 20°29'26" WEST A DISTANCE OF 665.08 FEET;
 - 5) THENCE NORTH 01°39'41" WEST A DISTANCE OF 812.68 FEET;
 - 6) THENCE NORTH 05°12'33" EAST A DISTANCE OF 604.63 FEET;
 - 7) THENCE NORTH 16°49'58" EAST A DISTANCE OF 670.88 FEET;
 - 8) THENCE NORTH 38°48'02" EAST A DISTANCE OF 461.68 FEET;
 - 9) THENCE NORTH 33°45'53" EAST A DISTANCE OF 446.09 FEET TO THE NORTHEAST CORNER OF SECTION 16;
- THENCE NORTH 89°51'54" WEST ALONG THE NORTH LINE OF SECTION 16 A DISTANCE OF 2632.000 FEET TO THE NORTH ¼ CORNER OF SECTION 16; THENCE SOUTH 00°08'06" WEST ALONG THE MERIDIONAL CENTERLINE OF SECTION 16, A DISTANCE OF 5288.68 FEET TO THE SOUTH ¼ CORNER OF SECTION 16;
 THENCE SOUTH 89°52'25" EAST ALONG THE SOUTH LINE OF SECTION 16 A DISTANCE OF 2647.50 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

LOTS NUMBERED 7 AND 8, SECTION 22 TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT OF THE SURVEY OF THE SAID LANDS RETURNED TO THE GENERAL LAND OFFICE BY THE SURVEYOR GENERAL;

EXCEPTING THEREFROM:

A PARCEL OF LAND LOCATED IN LOT 8, SECTION 22, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO. IT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 8, THE CENTER OF SECTION 22;
 THENCE NORTH 0°03'18" EAST, ALONG THE MERIDIONAL CENTER LINE OF SECTION 22, 299.30 FEET;
 THENCE EAST 202.15 FEET TO THE RIGHT BANK OF THE PORTNEUF RIVER;
 THENCE IN SUCCESSIVE COURSES ALONG THE RIGHT BANK OF THE PORTNEUF RIVER SOUTH 30°00'00" EAST, 289.93 FEET AND SOUTH 50°00'00" EAST, 75.00 FEET TO AN INTERSECTION WITH THE LATITUDINAL CENTERLINE OF SECTION 22;
 THENCE WEST ALONG THE LATITUDINAL CENTERLINE 404.86 FEET TO THE FEET TO THE TRUE POINT OF BEGINNING. THE SUBDIVISION OF SECTION 22 THAT CONTROLS THIS LEGAL DESCRIPTION IS SHOWN ON AN R.O.S. ON FILE AT THE BANNOCK COUNTY COURTHOUSE, ENTITLED COMMERCIAL ENERGY MANAGEMENT.

PARCEL 5:

A TRACT OF LAND LOCATED IN THE NORTHWEST ¼ OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, NEAR LAVA, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, BEING MARKED BY A ½" IRON ROD; THENCE EAST, FOLLOWING THE NORTH LINE OF SECTION 22, A DISTANCE OF 645.70 FEET TO THE INTERSECTION OF A LONG ESTABLISHED FENCE LINE AND MARKED BY A ½" ROD WITH A YELLOW PLASTIC CAP;
 THENCE CONTINUING EAST, ALONG THE NORTH LINE OF SECTION 22, A DISTANCE OF 676.26 FEET TO THE WEST 1/16 CORNER OF THE NORTH LINE OF SECTION 22, AND MARKED BY A ½" IRON ROD BY A CEDAR POST;
 THENCE SOUTH FOLLOWING THE WEST 1/16 LINE, A DISTANCE OF 152.60 FEET TO A POINT MARKED BY A ½" IRON ROD WITH YELLOW PLASTIC CAP;
 THENCE NORTH 62°51' WEST A DISTANCE OF 83.50 FEET TO A CORNER FENCE POST;
 THENCE SOUTH 85°18' WEST FOLLOWING AN ESTABLISHED FENCE LINE A DISTANCE OF 363.34 FEET TO A FENCE CORNER POST;
 THENCE NORTH 58°59' WEST FOLLOWING AN ESTABLISHED FENCE LINE, A DISTANCE OF 279.88 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

A PARCEL OF LAND LOCATED IN PART OF LOTS 7 AND 8, SECTION 22 AND PART OF LOT 6, SECTION 15, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 22, FROM WHICH THE WEST ¼ CORNER OF SECTION 22 BEARS SOUTH 00°02'55" WEST 2647.20 FEET;
 THENCE NORTH 89°59'18" EAST 1911.55 FEET ALONG THE NORTH LINE OF SAID SECTION 22;
 THENCE NORTH 00°00'42" WEST 244.52 FEET TO A FOUND REBAR WITH CAP LABELED, PLS 9169 SET AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF OLD HIGHWAY 30 AND THE LEFT BANK OF THE PORTNEUF RIVER, THE TRUE POINT OF BEGINNING;
 THENCE NORTH 78°37'19" EAST 292.18 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
 THENCE SOUTH 77°40'46" EAST 99.18 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP

LABELED, PLS 9169;
 THENCE SOUTH 24°29'51" EAST 216.81 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 9169;
 THENCE SOUTH 01°22'48" EAST 303.68 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 9169;
 THENCE SOUTH 13°41'06" EAST 134.54 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 9169;
 THENCE SOUTH 38°46'34" EAST 141.97 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 9169;
 THENCE SOUTH 63°46'17" EAST 225.13 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 9169;
 THENCE SOUTH 17°41'08" EAST 106.97 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 9169;
 THENCE SOUTH 26°10'05" WEST 164.85 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 9169;
 THENCE SOUTH 11°07'43" EAST 302.12 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 9169;
 THENCE SOUTH 71°43'15" EAST 160.86 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 9169;
 THENCE NORTH 77°31'41" EAST 252.53 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 9169;
 THENCE SOUTH 86°12'09" EAST 153.67 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 9169;
 THENCE SOUTH 20°56'40" EAST 273.76 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 9169;
 THENCE SOUTH 39°21'36" WEST 303.19 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 9169;
 THENCE SOUTH 08°08'21" EAST 259.43 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 9169;
 THENCE SOUTH 28°35'26" WEST 295.22 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 9169;
 THENCE SOUTH 15°03'18" WEST 231.30 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 8626;
 THENCE SOUTH 21°17'50" WEST 68.95 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 8626;
 THENCE SOUTH 19°40'32" EAST 105.34 FEET ALONG SAID EAST BANK TO A FOUND REBAR;
 THENCE SOUTH 40°43'04" EAST 158.83 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 8626;
 THENCE SOUTH 05°40'36" EAST 20.75 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP
 LABELED, PLS 8626 SET ON THE LATITUDINAL CENTERLINE OF SAID SECTION 22;
 THENCE SOUTH 89°59'30" WEST 99.99 FEET ALONG SAID CENTERLINE TO THE SOUTHWEST CORNER OF
 THAT PARCEL OF LAND OWNED BY CEM, INC. AS RECORDED UNDER INSTRUMENT NO. 20125111 AND
 SHOWN ON RECORD OF SURVEY INSTRUMENT NO. 92010519 IN THE OFFICIAL RECORDS OF BANNOCK
 COUNTY;
 THENCE NORTH 50°00'42" WEST 75.04 FEET ALONG THE EAST LINE OF SAID CEM, INC., PARCEL;
 THENCE NORTH 30°00'42" WEST 289.93 FEET ALONG SAID EAST LINE TO THE NORTHEAST CORNER OF
 SAID CEM, INC. PARCEL;
 THENCE SOUTH 89°59'18" WEST 150.24 FEET ALONG THE NORTH LINE OF SAID PARCEL TO A 5/8" REBAR
 WITH CAP LABELED, "A.A. HUDSON, PLS 13173" SET ON THE EASTERLY RIGHT OF WAY LINE OF SAID
 OLD HIGHWAY 30;
 THENCE NORTH 10°48'01" EAST 30.02 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE
 BEGINNING OF A 1943.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST;
 THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28°25'32" A DISTANCE
 OF 963.96 FEET (CHORD + NORTH 03°24'44" WEST 954.10 FEET) TO THE MERIDIONAL CENTERLINE OF
 SAID SECTION 22;
 THENCE NORTH 00°02'36" EAST 42.50 FEET ALONG SAID CENTERLINE TO A FOUND REBAR WITH CAP
 LABELED, PLS 5074 SET ON THE NORTH 1/16TH CORNER OF SAID SECTION 22;
 THENCE SOUTH 89°59'22" WEST 14.07 FEET ALONG THE SOUTH LINE OF SAID LOT 7 TO SAID EAST
 RIGHT OF WAY LINE OF OLD HIGHWAY 30, SAID POINT BEING ON A 1943.00 FOOT RADIUS
 NON-TANGENT CURVE CONCAVE TO SOUTHWEST WHOSE CENTER BEARS SOUTH 71°03'19" WEST;
 THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°15'17", A DISTANCE
 OF 313.85 FEET (CHORD + NORTH 23°34'20" WEST 313.50 FEET);
 THENCE NORTH 28°11'59" WEST 980.20 FEET ALONG SAID RIGHT OF WAY LINE TO THE BEGINNING OF A
 922.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST;
 THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16°41'00" A DISTANCE
 OF 268.47 FEET (CHORD + NORTH 19°51'29" WEST 267.52 FEET);
 THENCE NORTH 11°30'59" WEST 168.61 FEET ALONG SAID RIGHT OF WAY LINE TO THE TRUE POINT OF
 BEGINNING.

TOGETHER WITH THE WATER RIGHTS REPRESENTED BY IDAHO STATE DEPARTMENT OF WATER
 RESOURCES WATER RIGHT NO. 29-2452 WITH A CLAIMED PRIORITY OF AUGUST 8, 1961 TO 0.43 CFS OF
 IRRIGATION WATER FROM GROUNDWATER, 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, Lava Hot Springs, ID 83246.

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 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 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).

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Mortgage, Borrower shall pay to Lender all indebtedness secured by this Mortgage as it becomes due, and Borrower and Grantor shall strictly perform all Borrower's and Grantor's obligations under this Mortgage.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Borrower and Grantor agree that Borrower's and Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2)

Alliance Title - Pocatello Office

21308353 2013 May 17 PM 04:08:02

Electronically Recorded by Simplifile

RECORDATION REQUESTED BY:

D. L. Evans Bank
North Pocatello Branch
4080 Yellowstone Ave.
Pocatello, ID 83202

WHEN RECORDED MAIL TO:

D. L. Evans Bank
North Pocatello Branch
4080 Yellowstone Ave.
Pocatello, ID 83202

SEND TAX NOTICES TO:

Ronnie D. Tillotson
Sherril Tillotson
11845 South Dampsey Creek Road
Leva Hot Springs, ID 83246

**THIS INSTRUMENT FILED FOR
RECORD BY ALLIANCE TITLE AND
ESCROW 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 MORTGAGE

THIS MODIFICATION OF MORTGAGE dated April 18, 2013, is made and executed between Ronnie D. Tillotson and Sherril Tillotson, husband and wife (referred to below as "Grantor") and D. L. Evans Bank, whose address is 4080 Yellowstone Ave., Pocatello, ID 83202 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated March 8, 2013 (the "Mortgage") which has been recorded in Bannock County, State of Idaho, as follows:

March 10, 2013 as Instrument No. 21304507.

REAL PROPERTY DESCRIPTION. The Mortgage covers the following described real property located in Bannock County, State of Idaho:

PARCEL 1:

THE LOTS NUMBERED 4, 5 AND 6 OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT OF THE SURVEY OF THE SAID LANDS RETURNED TO THE GENERAL LAND OFFICE BY THE SURVEYOR GENERAL.

EXCEPTING THEREFROM:

A STRIP OF LAND 60.0 FEET WIDE SITUATE IN GOVERNMENT LOT 5 OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, SAID STRIP EXTENDING WESTERLY RIGHT OF WAY LINE OF THE OREGON SHORT LINE RAILROAD COMPANY, WHICH IS PARALLEL WITH AND 50.0 FEET DISTANCE SOUTHWESTERLY MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE EASTERLY TRACK OF SAID RAILROAD COMPANY AS NOW CONSTRUCTED AND OPERATE, TO A STRAIGHT LINE DRAWN AT RIGHT ANGLES TO THE HEREINAFTER DESCRIBED CENTER LINE AT THE END THEREOF, BEING 30.0 FEET IN WIDTH, MEASURED AT RIGHT ANGLES, ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE AND SAID CENTER LINE EXTENDED, TO WIT:

BEGINNING AT THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE AND A STRAIGHT LINE DRAWN AT RIGHT ANGLES TO THE CENTER LINE BETWEEN THE DOUBLE MAIN TRACKS OF SAID RAILROAD COMPANY FROM A POINT THEREON THAT IS 4821.4 FEET DISTANT SOUTHERLY FROM THE NORTH LINE OF SAID SECTION 15, MEASURED ALONG SAID CENTER LINE BETWEEN DOUBLE MAIN TRACKS; THENCE WESTERLY ALONG A STRAIGHT LINE FORMING AN ANGLE OF 66°41' FROM NORTHWEST TO WEST WITH SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 651.8 FEET; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE FORMING AN ANGLE OF 59°15' FROM WEST TO NORTH WITH THE LAST DESCRIBED LINE PRODUCED A DISTANCE OF 273.0 FEET; THE ABOVE DESCRIBED STRIP OF LAND INCLUDES A PORTION OF THAT CERTAIN STRIP OF LAND 50.0 FEET WIDE UPON WHICH AN EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF A DIKE WAS HERETOFORE GRANTED BY WILLIAM W. COOPER, DELANIA COOPER AND D.H. COOPER TO THE OREGON SHORTLINE RAILROAD COMPANY BY DEED DATED JUNE 10, 1913.

ALSO EXCEPTING:

A PARCEL OF LAND LOCATED IN GOVERNMENT LOTS 5 AND 6, SECTION 15, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BANNOCK COUNTY BRASS CAP MONUMENT REPRESENTING THE SOUTHWEST CORNER OF SAID SECTION 15, SAID POINT BEING 45.923 METERS (150.67 FEET) RIGHT OF PROJECT CENTERLINE STATION 333+11.227 AND THE TRUE POINT OF BEGINNING.

THENCE NORTH 12°33'47" EAST, 175.079 METERS (574.41 FEET);

THENCE SOUTH 78°22'23" EAST, 4.278 METERS (14.04 FEET);

THENCE ALONG A 695.000 METERS (2280.18 FEET) RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 29°47'28" AN ARC DISTANCE OF 361.368 METERS (1185.58 FEET) SUBTENDED BY A CHORD BEARING NORTH 72°03'28" EAST, 357.309 METERS (1172.27 FEET) TO A POINT ON THE WESTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD;

THENCE ALONG THE WESTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD, SOUTH 28°22'22" EAST, 136.025 METERS (446.28 FEET);

THENCE LEAVING THE WESTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD AND THROUGH A 575.000 METER (1886.48 FEET) RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 35°35'56", AN ARC DISTANCE OF 357.259 METERS (1172.11 FEET), SUBTENDED BY CHORD BEARING SOUTH 74°57'43" WEST, 351.540 METERS (1153.34 FEET);

THENCE SOUTH 19°06'16" WEST, 69.430 METERS (227.79 FEET);

THENCE SOUTH 27°58'05" WEST, 3.868 METERS (12.69 FEET) TO A POINT ON THE SOUTH LINE OF SECTION 15;

THENCE ALONG THE SOUTH LINE OF SECTION 15, SOUTH 89°52'38" WEST, 82.806 METERS (271.67 FEET) TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND LOCATED IN THE GOVERNMENT LOT 2 OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BANNOCK COUNTY BRASS CAP MONUMENT REPRESENTING THE SOUTHWEST CORNER OF SAID SECTION 15;

THENCE ALONG THE SOUTH LINE OF SECTION 15, NORTH 89°52'38" EAST, 587.468 METERS (1861.76 FEET) TO A POINT ON THE EASTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD, SAID POINT BEING 194.163 METERS (637.02 FEET) RIGHT OF PROJECT CENTERLINE STATION 340+31.834 AND THE TRUE POINT OF BEGINNING.

THENCE ALONG THE EASTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD, NORTH 28°22'22" WEST, 376.339 METERS (1234.70 FEET);

THENCE LEAVING THE EASTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD, NORTH 82°8'51" EAST, 40.975 METERS (134.43 FEET);

THENCE SOUTH 54°32'45" EAST, 28.679 METERS (94.09 FEET);

THENCE SOUTH 28°57'33" EAST, 25.598 METERS (83.98 FEET);

THENCE SOUTH 7°37'17" EAST, 40.158 METERS (131.75 FEET);

THENCE SOUTH 24°22'01" EAST, 66.814 METERS (219.21 FEET);

THENCE SOUTH 15°10'16" EAST, 59.381 METERS (194.75 FEET);

THENCE SOUTH 12°39'24" EAST, 26.133 METERS (85.74 FEET);

THENCE SOUTH 50°44'42" EAST, 53.506 METERS (175.54 FEET);

THENCE SOUTH 11°54'24" EAST, 82.130 METERS (269.45 FEET) TO A POINT ON THE SOUTH LINE OF SECTION 15;

THENCE SOUTH 89°52'38" WEST, 10.038 METERS (32.93 FEET) TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

Recorded Electronically	
ID	21308353
County	Bannock
Date	5-17-13 Time 1:03
Simplifile.com 800.460.5657	

RECORDATION REQUESTED BY:

D. L. Evans Bank
North Pocatello Branch
4080 Yellowstone Ave.
Pocatello, ID 83202

WHEN RECORDED MAIL TO:

D. L. Evans Bank
North Pocatello Branch
4080 Yellowstone Ave.
Pocatello, ID 83202

SEND TAX NOTICES TO:

Ronnie D. Tillotson
Sherril Tillotson
11845 South Dempsey Creek Road
Lava Hot Springs, ID 83246

**THIS INSTRUMENT FILED FOR
RECORD BY ALLIANCE TITLE AND
ESCROW 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 MORTGAGE

THIS MODIFICATION OF MORTGAGE dated April 18, 2013, is made and executed between Ronnie D. Tillotson and Sherril Tillotson, husband and wife (referred to below as "Grantor") and D. L. Evans Bank, whose address is 4080 Yellowstone Ave., Pocatello, ID 83202 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated March 8, 2013 (the "Mortgage") which has been recorded in Bannock County, State of Idaho, as follows:

March 19, 2013 as Instrument No. 21304507.

REAL PROPERTY DESCRIPTION. The Mortgage covers the following described real property located in Bannock County, State of Idaho:

PARCEL 1:

THE LOTS NUMBERED 4, 5 AND 6 OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT OF THE SURVEY OF THE SAID LANDS RETURNED TO THE GENERAL LAND OFFICE BY THE SURVEYOR GENERAL.

EXCEPTING THEREFROM:

A STRIP OF LAND 60.0 FEET WIDE SITUATE IN GOVERNMENT LOT 5 OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, SAID STRIP EXTENDING WESTERLY RIGHT OF WAY LINE OF THE OREGON SHORT LINE RAILROAD COMPANY, WHICH IS PARALLEL WITH AND 50.0 FEET DISTANCE SOUTHWESTERLY MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE EASTERLY TRACK OF SAID RAILROAD COMPANY AS NOW CONSTRUCTED AND OPERATE, TO A STRAIGHT LINE DRAWN AT RIGHT ANGLES TO THE HEREINAFTER DESCRIBED CENTER LINE AT THE END THEREOF, BEING 30.0 FEET IN WIDTH, MEASURED AT RIGHT ANGLES, ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE AND SAID CENTER LINE EXTENDED, TO WIT:

BEGINNING AT THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE AND A STRAIGHT LINE DRAWN AT RIGHT ANGLES TO THE CENTER LINE BETWEEN THE DOUBLE MAIN TRACKS OF SAID RAILROAD COMPANY FROM A POINT THEREON THAT IS 4821.4 FEET DISTANT SOUTHERLY FROM THE NORTH LINE OF SAID SECTION 15, MEASURED ALONG SAID CENTER LINE BETWEEN DOUBLE MAIN TRACKS; THENCE WESTERLY ALONG A STRAIGHT LINE FORMING AN ANGLE OF 66°41' FROM NORTHWEST TO WEST WITH SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 551.6 FEET; THENCE NORTHWESTERLY ALONG A STRAIGHT LINE FORMING AN ANGLE OF 59°15' FROM WEST TO NORTH WITH THE LAST DESCRIBED LINE PRODUCED A DISTANCE OF 273.0 FEET; THE ABOVE DESCRIBED STRIP OF LAND INCLUDES A PORTION OF THAT CERTAIN STRIP OF LAND 50.0 FEET WIDE UPON WHICH AN EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF A DIKE WAS HERETOFORE GRANTED BY WILLIAM W. COOPER, DELANIA COOPER AND D.H. COOPER TO THE OREGON SHORTLINE RAILROAD COMPANY BY DEED DATED JUNE 10, 1913.

ALSO EXCEPTING:

A PARCEL OF LAND LOCATED IN GOVERNMENT LOTS 5 AND 6, SECTION 15, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BANNOCK COUNTY BRASS CAP MONUMENT REPRESENTING THE SOUTHWEST CORNER OF SAID SECTION 15, SAID POINT BEING 45.923 METERS (150.67 FEET) RIGHT OF PROJECT CENTERLINE STATION 333+11.227 AND THE TRUE POINT OF BEGINNING.

THENCE NORTH 12°33'47" EAST, 175.079 METERS (574.41 FEET);

THENCE SOUTH 78°22'23" EAST, 4.278 METERS (14.04 FEET);

THENCE ALONG A 695.000 METERS (2280.18 FEET) RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 29°47'28" AN ARC DISTANCE OF 361.366 METERS (1185.58 FEET) SUBTENDED BY A CHORD BEARING NORTH 72°03'28" EAST, 357.309 METERS (1172.27 FEET) TO A POINT ON THE WESTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD;

THENCE ALONG THE WESTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD, SOUTH 28°22'22" EAST, 136.025 METERS (446.28 FEET);

THENCE LEAVING THE WESTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD AND THROUGH A 575.000 METER (1886.48 FEET) RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 35°35'56", AN ARC DISTANCE OF 357.259 METERS (1172.11 FEET), SUBTENDED BY CHORD BEARING SOUTH 74°57'43" WEST, 351.540 METERS (1153.34 FEET);

THENCE SOUTH 19°06'16" WEST, 69.430 METERS (227.79 FEET);

THENCE SOUTH 27°58'05" WEST, 3.868 METERS (12.69 FEET) TO A POINT ON THE SOUTH LINE OF SECTION 15;

THENCE ALONG THE SOUTH LINE OF SECTION 15, SOUTH 89°52'38" WEST, 82.806 METERS (271.67 FEET) TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A PARCEL OF LAND LOCATED IN THE GOVERNMENT LOT 2 OF SECTION 15, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BANNOCK COUNTY BRASS CAP MONUMENT REPRESENTING THE SOUTHWEST CORNER OF SAID SECTION 15;

THENCE ALONG THE SOUTH LINE OF SECTION 15, NORTH 89°52'38" EAST, 567.466 METERS (1861.76 FEET) TO A POINT ON THE EASTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD, SAID POINT BEING 194.163 METERS (637.02 FEET) RIGHT OF PROJECT CENTERLINE STATION 340+31.834 AND THE TRUE POINT OF BEGINNING.

THENCE ALONG THE EASTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD, NORTH 28°22'22" WEST, 376.338 METERS (1234.70 FEET);

THENCE LEAVING THE EASTERLY RIGHT OF WAY BOUNDARY OF THE UNION PACIFIC RAILROAD, NORTH 82°8'51" EAST, 40.975 METERS (134.43 FEET);

THENCE SOUTH 54°32'45" EAST, 28.679 METERS (94.09 FEET);

THENCE SOUTH 28°57'33" EAST, 25.598 METERS (83.98 FEET);

THENCE SOUTH 7°37'17" EAST, 40.158 METERS (131.75 FEET);

THENCE SOUTH 24°22'01" EAST, 66.814 METERS (219.21 FEET);

THENCE SOUTH 15°10'16" EAST, 59.361 METERS (194.75 FEET);

THENCE SOUTH 12°39'24" EAST, 26.133 METERS (85.74 FEET);

THENCE SOUTH 50°44'42" EAST, 53.506 METERS (175.54 FEET);

THENCE SOUTH 11°54'24" EAST, 82.130 METERS (269.45 FEET) TO A POINT ON THE SOUTH LINE OF SECTION 15;

THENCE SOUTH 89°52'38" WEST, 10.038 METERS (32.93 FEET) TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

MODIFICATION OF MORTGAGE
(Continued)

THE WEST ¼ OF THE EAST ¼ AND THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 16, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

PARCEL 3:

THE SOUTHEAST ¼ OF THE NORTHEAST ¼ AND THE EAST ¼ OF THE SOUTHEAST ¼ OF SECTION 16, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

EXCEPTING:

A PARCEL OF LAND IN SECTION 15 AND 16, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, LYING WEST OF THE LAVA IRRIGATION COMPANY LTD CANAL IN BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 16, BEING MARKED AS DESCRIBED IN BANNOCK COUNTY INSTRUMENT NO. 92010514;
THENCE NORTH 12°41'04" EAST A DISTANCE OF 594.25 FEET TO A POINT WEST OF THE LAVA IRRIGATION COMPANY LTD CANAL;
THENCE FOLLOWING POINTS ON THE WEST SIDE OF THE LAVA IRRIGATION COMPANY LTD CANAL OVER THE NEXT NINE DESCRIBED COURSES;

- 1) THENCE NORTH 38°06'54" WEST A DISTANCE OF 212.10 FEET TO THE WEST LINE OF SECTION 15 AND THE EAST LINE OF SECTION 16;
- 2) THENCE CONTINUING NORTH 38°06'54" WEST A DISTANCE OF 484.30 FEET;
- 3) THENCE NORTH 17°17'54" WEST A DISTANCE OF 786.00 FEET;
- 4) THENCE NORTH 20°29'26" WEST A DISTANCE OF 665.08 FEET;
- 5) THENCE NORTH 01°39'41" WEST A DISTANCE OF 812.68 FEET;
- 6) THENCE NORTH 05°12'33" EAST A DISTANCE OF 604.63 FEET;
- 7) THENCE NORTH 16°49'58" EAST A DISTANCE OF 670.88 FEET;
- 8) THENCE NORTH 38°48'02" EAST A DISTANCE OF 461.68 FEET;
- 9) THENCE NORTH 33°45'53" EAST A DISTANCE OF 446.09 FEET TO THE NORTHEAST CORNER OF SECTION 16;
- THENCE NORTH 89°51'54" WEST ALONG THE NORTH LINE OF SECTION 16 A DISTANCE OF 2632.000 FEET TO THE NORTH ¼ CORNER OF SECTION 16;
- THENCE SOUTH 00°08'06" WEST ALONG THE MERIDIONAL CENTERLINE OF SECTION 16, A DISTANCE OF 5288.68 FEET TO THE SOUTH ¼ CORNER OF SECTION 16;
- THENCE SOUTH 89°52'25" EAST ALONG THE SOUTH LINE OF SECTION 16 A DISTANCE OF 2647.50 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

LOTS NUMBERED 7 AND 8, SECTION 22, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT OF THE SURVEY OF THE SAID LANDS RETURNED TO THE GENERAL LAND OFFICE BY THE SURVEYOR GENERAL:

EXCEPTING THEREFROM:

A PARCEL OF LAND LOCATED IN LOT 8, SECTION 22, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO. IT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 8, THE CENTER OF SECTION 22;
THENCE NORTH 0°03'18" EAST, ALONG THE MERIDIONAL CENTER LINE OF SECTION 22, 299.30 FEET;
THENCE EAST 202.15 FEET TO THE RIGHT BANK OF THE PORTNEUF RIVER;
THENCE IN SUCCESSIVE COURSES ALONG THE RIGHT BANK OF THE PORTNEUF RIVER SOUTH 30°00'00" EAST, 289.93 FEET AND SOUTH 50°00'00" EAST, 75.00 FEET TO AN INTERSECTION WITH THE LATITUDINAL CENTERLINE OF SECTION 22;
THENCE WEST ALONG THE LATITUDINAL CENTERLINE 404.86 FEET TO THE FEET TO THE TRUE POINT OF BEGINNING. THE SUBDIVISION OF SECTION 22 THAT CONTROLS THIS LEGAL DESCRIPTION IS SHOWN ON AN R.O.S. ON FILE AT THE BANNOCK COUNTY COURTHOUSE, ENTITLED COMMERCIAL ENERGY MANAGEMENT.

PARCEL 5:

A TRACT OF LAND LOCATED IN THE NORTHWEST ¼ OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, NEAR LAVA, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 21, BEING MARKED BY A ½" IRON ROD; THENCE EAST, FOLLOWING THE NORTH LINE OF SECTION 22, A DISTANCE OF 645.70 FEET TO THE INTERSECTION OF A LONG ESTABLISHED FENCE LINE AND MARKED BY A ½" ROD WITH A YELLOW PLASTIC CAP;
THENCE CONTINUING EAST, ALONG THE NORTH LINE OF SECTION 22, A DISTANCE OF 676.26 FEET TO THE WEST 1/16 CORNER OF THE NORTH LINE OF SECTION 22, AND MARKED BY A ½" IRON ROD BY A CEDAR POST;
THENCE SOUTH FOLLOWING THE WEST 1/16 LINE, A DISTANCE OF 152.60 FEET TO A POINT MARKED BY A ½" IRON ROD WITH YELLOW PLASTIC CAP;
THENCE NORTH 62°51' WEST A DISTANCE OF 83.50 FEET TO A CORNER FENCE POST;
THENCE SOUTH 85°18' WEST FOLLOWING AN ESTABLISHED FENCE LINE A DISTANCE OF 363.34 FEET TO A FENCE CORNER POST;
THENCE NORTH 58°59' WEST FOLLOWING AN ESTABLISHED FENCE LINE, A DISTANCE OF 279.88 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

A PARCEL OF LAND LOCATED IN PART OF LOTS 7 AND 8, SECTION 22 AND PART OF LOT 6, SECTION 15, TOWNSHIP 9 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 22, FROM WHICH THE WEST ¼ CORNER OF SECTION 22 BEARS SOUTH 00°02'55" WEST 2647.20 FEET;
THENCE NORTH 89°59'18" EAST 1911.55 FEET ALONG THE NORTH LINE OF SAID SECTION 22;
THENCE NORTH 00°00'42" WEST 244.52 FEET TO A FOUND REBAR WITH CAP LABELED, PLS 9169 SET AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF OLD HIGHWAY 30 AND THE LEFT BANK OF THE PORTNEUF RIVER, THE TRUE POINT OF BEGINNING.
THENCE NORTH 78°37'19" EAST 292.18 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 77°40'46" EAST 99.18 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 24°29'51" EAST 216.81 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 01°22'48" EAST 303.68 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 13°41'06" EAST 134.54 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 38°46'34" EAST 141.97 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 63°46'17" EAST 225.13 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 17°41'08" EAST 106.97 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 26°10'05" WEST 164.85 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 11°07'43" EAST 302.12 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 71°43'15" EAST 160.86 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE NORTH 77°31'41" EAST 252.53 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 86°12'09" EAST 153.67 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 20°56'40" EAST 273.76 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 39°21'36" WEST 303.19 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 08°08'21" EAST 259.43 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 28°35'26" WEST 295.22 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 9169;
THENCE SOUTH 15°03'18" WEST 231.30 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 8626;
THENCE SOUTH 21°17'50" WEST 68.95 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 8626;
THENCE SOUTH 19°40'32" EAST 105.34 FEET ALONG SAID EAST BANK TO A FOUND REBAR;
THENCE SOUTH 40°43'04" EAST 158.83 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 8626;
THENCE SOUTH 05°40'36" EAST 20.75 FEET ALONG SAID EAST BANK TO A FOUND REBAR WITH CAP LABELED, PLS 8626 SET ON THE LATITUDINAL CENTERLINE OF SAID SECTION 22;
THENCE SOUTH 89°59'30" WEST 99.99 FEET ALONG SAID CENTERLINE TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND

OWNED BY CEM, INC. AS RECORDED UNDER INSTRUMENT NO. 20125111 AND SHOWN ON RECORD OF SURVEY INSTRUMENT NO. 92010549 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY.

THENCE NORTH 50°00'42" WEST 75.04 FEET ALONG THE EAST LINE OF SAID CEM, INC., PARCEL;

THENCE NORTH 30°00'42" WEST 289.93 FEET ALONG SAID EAST LINE TO THE NORTHEAST CORNER OF SAID CEM, INC. PARCEL;

THENCE SOUTH 89°59'18" WEST 150.24 FEET ALONG THE NORTH LINE OF SAID PARCEL TO A 5/8" REBAR WITH CAP LABELED, "A.A. HUDSON, PLS 13173" SET ON THE EASTERLY RIGHT OF WAY LINE OF SAID OLD HIGHWAY 30;

THENCE NORTH 10°48'01" EAST 30.02 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE BEGINNING OF A 1943.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28°25'32" A DISTANCE OF 963.96 FEET (CHORD + NORTH 03°24'44" WEST 954.10 FEET) TO THE MERIDIONAL CENTERLINE OF SAID SECTION 22;

THENCE NORTH 00°02'36" EAST 42.50 FEET ALONG SAID CENTERLINE TO A FOUND REBAR WITH CAP LABELED, PLS 5074 SET ON THE NORTH 1/16TH CORNER OF SAID SECTION 22;

THENCE SOUTH 89°59'22" WEST 14.07 FEET ALONG THE SOUTH LINE OF SAID LOT 7 TO SAID EAST RIGHT OF WAY LINE OF OLD HIGHWAY 30, SAID POINT BEING ON A 1943.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO SOUTHWEST WHOSE CENTER BEARS SOUTH 71°03'19" WEST;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°15'17", A DISTANCE OF 313.85 FEET (CHORD + NORTH 23°34'20" WEST 313.50 FEET);

THENCE NORTH 28°11'59" WEST 980.20 FEET ALONG SAID RIGHT OF WAY LINE TO THE BEGINNING OF A 922.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16°41'00" A DISTANCE OF 268.47 FEET (CHORD + NORTH 19°51'29" WEST 267.52 FEET);

THENCE NORTH 11°30'59" WEST 168.61 FEET ALONG SAID RIGHT OF WAY LINE TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH THE WATER RIGHTS REPRESENTED BY IDAHO STATE DEPARTMENT OF WATER RESOURCES WATER RIGHT NO. 29-2452 WITH A CLAIMED PRIORITY OF AUGUST 8, 1961 TO 0.43 CFS OF IRRIGATION WATER FROM GROUNDWATER, 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, Lava Hot Springs, ID 83246.

MODIFICATION. Lender and Grantor hereby modify the Mortgage as follows:

Correct water right information as follow:

TOGETHER WITH THE WATER RIGHTS REPRESENTED BY IDAHO STATE DEPARTMENT OF WATER RESOURCES WATER RIGHT NO. 29-13876 WITH A CLAIMED PRIORITY OF AUGUST 8, 1961 TO 0.35 CFS OF IRRIGATION WATER FROM GROUNDWATER 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 Mortgage shall remain unchanged and in full force and effect and are legally valid, binding, and enforceable in accordance with their respective terms. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Mortgage 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 Mortgage (the "Note"). It is the intention of Lender to retain as liable all parties to the Mortgage and all parties, makers and endorsers 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 Mortgage 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 MORTGAGE AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF MORTGAGE IS DATED APRIL 18, 2013.

GRANTOR:

X Ronnie D. Tillotson
Ronnie D. Tillotson

X Sherril Tillotson
Sherril Tillotson

LENDER:

D. L. EVANS BANK

X [Signature]
Authorized Signer



INDIVIDUAL ACKNOWLEDGMENT

STATE OF Idaho

COUNTY OF Bannock

On this 16 day of May, in the year 20 13, before me Lance Bethke, a notary public in and for the State of Idaho, personally appeared Ronnie D. Tillotson and Sherril Tillotson, husband and wife, known or identified to me (or proved to me on the oath of [Signature]), to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

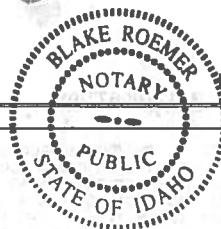
Notary Public for Idaho

Residing at Pocatello

My commission expires 4/9/16

Loan No: 3117100677/03

MODIFICATION OF MORTGAGE
(Continued)



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LENDER ACKNOWLEDGMENT

STATE OF Idaho)
)
COUNTY OF Burien) SS
)

On this 16th day of May, in the year 20 13, before me Blake W. Roemer
known or identified to me (or proved to me on the oath of Lance Rothke), to be VP Branch Manager
authorized agent for D. L. Evans Bank that executed the within and foregoing instrument and acknowledged said instrument to
be the free and voluntary act and deed of D. L. Evans Bank, duly authorized by the D. L. Evans Bank through its board of directors or otherwise,
for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute said instrument and in fact executed
this said instrument on behalf of D. L. Evans Bank.

Blake W. Roemer
Notary Public for Idaho

Residing at Pocatello ID

My commission expires 8-17-2018