

RECEIVED

MAY 18 2011

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**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): ^{Adj.} 45-136B, 45-10488, 45-4050, 45-12891, 45-552, 45-12766, 45-634, 45-672, 45-676, 45-677, 45-
^{Adj.} 10784, 45-536, 45-537, 45-538, 45-539, 45-540, 45-541, 45-542, 45-543, 45-10507, 45-13793, 45-12765, 45-678, 45-13742 ^{Adj.}

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)

Bruce Bedke, Jared K. Bedke, Martha J. Bedke _____

5. Expiration Date of Notification Period April 15, 2041 _____

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

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

 _____Loan Documentation Specialist**For Office Use Only**Received by SR7Date 5/18/2011Fee \$600-Receipted by SR7Date 5/18/2011Receipt No. C093108

Processed by _____ AJ

Date _____

WR 42Date 5/18/11**SUPPORT DATA**IN FILE # 45-536

RECORDATION REQUESTED BY:

D. L. Evans Bank
 North Burley Branch
 P.O. Box 1188
 397 North Overland Ave.
 Burley, ID 83318

WHEN RECORDED MAIL TO:

D. L. Evans Bank
 North Burley Branch
 P.O. Box 1188
 397 North Overland Ave.
 Burley, ID 83318

SEND TAX NOTICES TO:

Bruce B. Bedke, Martha J. Bedke and Jared K. Bedke
 42 East Basin Road
 Oakley, ID 83346

CASSIA COUNTY

RECORDED FOR:

LAND TITLE AND ESCROW

4:17:18 pm 04-22-2011

2011-001688

NO. PAGES: 7

FEE: \$28.6

JOSEPH W. LARSEN
COUNTY CLERK

DEPUTY: VIKI

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

#49291

MODIFICATION OF MORTGAGE

THIS MODIFICATION OF MORTGAGE dated April 21, 2011, is made and executed between Bruce B. Bedke also known as Bruce Bedke and Martha J. Bedke, also known as Martha Bedke, husband and wife and Jared K. Bedke, a single man (referred to below as "Grantor") and D. L. Evans Bank, whose address is P.O. Box 1188, 397 North Overland Ave., Burley, ID 83318 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated July 8, 2003 (the "Mortgage") which has been recorded in Cassia County, State of Idaho, as follows:

Mortgage recorded July 9, 2003 as Instrument No. 289902.

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

REFER TO EXHIBIT "A" ATTACHED HERETO AND MADE APART HEREOF.

TOGETHER WITH ALL WATER RIGHTS, DITCHES AND DITCH RIGHTS USED THEREON OR APPURTENANT THERETO INCLUDING BUT NOT LIMITED TO WATER UNDER THE FOLLOWING IDAHO DEPARTMENT OF WATER RESOURCES WATER RIGHT NOS. 45-136B; 45-10488; 45-10331; 45-4050; 45-12891; 45-552; 45-12766; 45-634; 45-672; 45-676; 45-677; 45-12767; 45-10784; 45-536; 45-537; 45-537; 45-539; 45-540; 45-541; 45-542 AND 45-543.

TOGETHER WITH ALL IRRIGATION EQUIPMENT OF EVERY KIND AND CHARACTER AND ADDITIONS THERETO AND REPLACEMENTS NOW OR HEREAFTER OWNED BY THE BORROWERS AND USED IN IRRIGATION OF THE ABOVE PREMISES.

The Real Property or its address is commonly known as See Legal Description, Oakley, ID 83346.

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

Extending Maturity Date to April 15, 2031**MODIFYING WATER RIGHTS TO READ:**

TOGETHER WITH WATER RIGHTS REPRESENTED BY IDAHO STATE DEPARTMENT OF WATER RESOURCES WATER RIGHT NO. 45-136B WITH A CLAIMED PRIORITY OF FEBRUARY 21, 1925 TO 5 CFS OF IRRIGATION, 0.14 CFS OF STOCK WATER AND 0.04 CFS OF DOMESTIC WATER OF GOOSE CREEK AND POLE CREEK A TRIBUTARY OF SNAKE RIVER AND GOOSE CREEK, WATER RIGHT NO. 45-10488 WITH A CLAIMED PRIORITY OF FEBRUARY 4, 1895 TO 0.02 CFS OF STOCKWATER AND 0.02 CFS OF DOMESTIC WATER OF SPRING A TRIBUTARY OF SINKS, WATER RIGHT NO. 45-4050 WITH A CLAIMED PRIORITY OF JANUARY 1, 1872 TO 0.02 CFS OF STOCKWATER AND 0.02 CFS OF DOMESTIC WATER OF SPRING A TRIBUTARY OF SINKS, WATER RIGHT NO. 45-12891 WITH A CLAIMED PRIORITY DATE OF JANUARY 1, 1872 TO 0.02 CFS OF STOCKWATER OF UNNAMED STREAM A TRIBUTARY OF SINKS, WATER RIGHT NO. 45-552 WITH A CLAIMED PRIORITY OF APRIL 1, 1881 TO 0.14 CFS OF IRRIGATION WATER OF MILL CREEK, WATER RIGHT NO. 45-12766 WITH A CLAIMED PRIORITY OF APRIL 1, 1912 TO 0.04 CFS OF IRRIGATION WATER OF GROUND WATER, WATER RIGHT NO. 45-634 WITH A CLAIMED PRIORITY OF APRIL 1, 1894 TO 0.3 CFS OF IRRIGATION WATER OF MILL CREEK AND SUMMIT CREEK, WATER RIGHT NO. 45-672 WITH A CLAIMED PRIORITY OF APRIL 1, 1894 TO 0.54 CFS OF IRRIGATION WATER OF MILL CREEK AND SUMMIT CREEK, WATER RIGHT NO. 45-676 WITH A CLAIMED PRIORITY OF DECEMBER 31, 1879 TO 0.76 CFS OF IRRIGATION AND 0.03 CFS OF STOCKWATER OF MILL CREEK, WATER RIGHT NO. 45-677 WITH A CLAIMED PRIORITY OF APRIL 1, 1881 TO 0.14 CFS OF IRRIGATION WATER OF MILL CREEK, WATER RIGHT NO. 45-10784 WITH A CLAIMED PRIORITY OF JANUARY 1, 1879 TO 3 CFS OF IRRIGATION WATER OF BEAVERDAM CREEK A TRIBUTARY OF GOOSE CREEK, WATER RIGHT NO. 45-536 WITH A CLAIMED PRIORITY OF DECEMBER 31, 1879 TO 0.24 CFS OF IRRIGATION WATER AND 0.14 CFS OF STOCKWATER OF MILL CREEK AND SUMMIT CREEK, WATER RIGHT NO. 45-537 WITH A CLAIMED PRIORITY OF MAY 1, 1881 TO 0.12 CFS OF IRRIGATION WATER OF MILL CREEK AND SUMMIT CREEK, WATER RIGHT NO. 45-538 WITH A CLAIMED PRIORITY OF MAY 1, 1882 TO 0.14 CFS OF IRRIGATION WATER OF MILL CREEK AND SUMMIT CREEK, WATER RIGHT NO. 45-539 WITH A CLAIMED PRIORITY OF MARCH 1, 1889 TO 0.28 CFS OF IRRIGATION WATER OF MILL CREEK AND SUMMIT CREEK, WATER RIGHT NO. 45-540 WITH A CLAIMED PRIORITY OF DECEMBER 31, 1879 TO 1 CFS OF IRRIGATION WATER AND 0.14 CFS OF STOCKWATER OF MILL CREEK AND SUMMIT CREEK A TRIBUTARY OF MILL CREEK, WATER RIGHT NO. 45-541 WITH A CLAIMED PRIORITY OF MAY 1, 1881 TO 0.13 CFS OF IRRIGATION WATER OF MILL CREEK AND SPRING CREEK A TRIBUTARY OF MILL CREEK, WATER RIGHT NO. 45-542 WITH A CLAIMED PRIORITY OF MAY 1, 1882 TO 0.16 CFS OF IRRIGATION WATER OF MILL CREEK AND SPRING CREEK A TRIBUTARY OF MILL CREEK, WATER RIGHT NO. 45-543 WITH A CLAIMED PRIORITY OF MARCH 1, 1889 TO 0.19 CFS OF IRRIGATION WATER OF MILL CREEK AND SPRING CREEK A TRIBUTARY OF MILL CREEK, WATER RIGHT NO. 45-10507 WITH A CLAIMED PRIORITY OF APRIL 1, 1872 TO 0.23 CFS OF STOCKWATER OF SPRING A TRIBUTARY OF SINKS, WATER RIGHT NO. 45-13793 WITH A CLAIMED PRIORITY OF APRIL 1, 1872 TO 0.23 CFS OF STOCKWATER OF SPRING A TRIBUTARY OF SINKS, WATER RIGHT NO. 45-12765 WITH A CLAIMED PRIORITY OF DECEMBER 31, 1897 TO 0.82 CFS OF IRRIGATION WATER, 0.05 CFS OF STOCKWATER AND 0.02 CFS OF STOCKWATER STORAGE OF MILL CREEK, WATER RIGHT NO. 45-678 WITH A CLAIMED PRIORITY OF MARCH 1, 1883 TO 0.7 CFS OF IRRIGATION WATER OF MILL CREEK, WATER RIGHT NO. 45-13742 WITH A CLAIMED PRIORITY OF APRIL 1, 1872 TO 0.02 CFS OF STOCKWATER OF BEAVERDAM CREEK A TRIBUTARY OF GOOSE CREEK AND HORSESHOE SPRING A TRIBUTARY OF SINKS. TOGETHER WITH 116 SHARES OF WATER RIGHTS, FROM THE OAKLEY CANAL COMPANY, TOGETHER WITH ANY AND ALL OTHER WATER RIGHTS AND DITCH RIGHTS APPURTENANT TO THE ABOVE DESCRIBED PROPERTY.

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 endorser 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.

MODIFICATION OF MORTGAGE
(Continued)

Loan No: 1312150221/12

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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 21, 2011.

GRANTOR:

X Bruce Bedke
Bruce B. Bedke

X Martha J. Bedke
Martha J. Bedke

X Jared K. Bedke
Jared K. Bedke

LENDER:

D. L. EVANS BANK

X [Signature]
Authorized Signer

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Idaho

COUNTY OF Cassia

On this 21st day of April, in the year 20 11, before me Kevin Smith, a notary public in and for the State of Idaho, personally appeared Bruce B. Bedke; Martha J. Bedke; and Jared K. Bedke, 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.

[Signature]
Notary Public for Idaho

My commission expires 6/15/2013

Residing at KEVIN SMITH

NOTARY PUBLIC
STATE OF IDAHO

LENDER ACKNOWLEDGMENT

STATE OF Idaho

COUNTY OF Cassia

On this 21st day of April, in the year 20 11, before me Kevin Smith, a notary public in and for the State of Idaho, personally appeared [Signature], known or identified to me (or proved to me on the oath of [Signature]), to be [Signature] 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.

[Signature]
Notary Public for Idaho

My commission expires 4-4-12

Residing at [Signature]
LINDA FERNAU
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 5: Part of the S½SE¼, more particularly described as follows:
- Commencing at a point 26 rods West of the Southeast corner of the SE¼ of Section 5;
Thence running North 30 rods;
Thence West 134 rods;
Thence South 30 rods;
Thence East 134 rods to the Place of Beginning.
- Section 5: Part of the S½SE¼, more particularly described as follows:
- Beginning 30 rods North of the Southeast corner of said Section 5;
Thence West 160 rods;
Thence North 30 rods;
Thence East 160 rods;
Thence South 30 rods to the Place of Beginning.

PARCEL NO. 2:

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 5: S½SW¼
- Section 6: Lot 5 and SE¼SE¼
- Section 7: Lots 1 and 2, E½E½
- Section 8: W½, and the following described tract:
- Beginning at the Northwest corner of the NW¼SE¼ of said Section 8;
Thence East to a point 2 rods East of Warm Springs;
Thence South 4 rods;
Thence West to the road on the West line of said property;
Thence North to the Point of Beginning.
- Section 17: N½NW¼

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CONTINUATION

EXHIBIT "A"

PARCEL NO. 3:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 29: S $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL NO. 4:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 30: Lots 2 & 3 and E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 31: NE $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 5:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 31: Lots 2 & 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPTING the following described tracts:

TRACT 1:

The West 53 1/3 rods of Lots 2 & 3 in said Section 31.

TRACT 2:

Part of Lot 3 and part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31, described as follows:

Beginning at the Southeast corner of said Lot 3, said point marked by a $\frac{1}{2}$ inch rebar which shall be the Point of Beginning;
Thence North 89°22'27" West (Basis of Bearing) along the 1/16th section line for 413.97 feet to a $\frac{1}{2}$ inch rebar;
Thence North 2°02'35" West along an existing fence line for 347.27 feet to a $\frac{1}{2}$ inch rebar on the South bank of an existing creek;
Thence South 74°25'33" East for 336.52 feet to a $\frac{1}{2}$ inch rebar;
Thence South 46°36'10" East for 383.01 feet to a $\frac{1}{2}$ inch rebar on the 1/16th section line;
Thence North 89°22'27" West along said 1/16th section line for 176.14 feet to the Point of Beginning.

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CONTINUATION

EXHIBIT "A"

TRACT 3:

Part of Lot 3 and part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31, more particularly described as follows:

Beginning at a point which is 638 feet West of the Southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31;
Thence North 239 feet;
Thence West 726 feet;
Thence South 55 feet, more or less;
Thence South 46°36'10" East 285 feet more or less to the South line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence East 549.86 feet to the Point of Beginning.

PARCEL NO. 6:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 31: Part of Lot 3 and part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31, more particularly described as follows:

Beginning at a point which is 638 feet West of the Southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31;
Thence North 239 feet;
Thence West 726 feet;
Thence South 55 feet, more or less;
Thence South 46°36'10" East 285 feet more or less to the South line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence East 549.86 feet to the Point of Beginning.

PARCEL NO. 7:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: Part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:

Beginning at the Northeast corner of the NW $\frac{1}{4}$ of said Section 32;
Thence South 80 rods to the Southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 32;
Thence West 79 rods to a point that is 81 rods East of the West boundary of the NW $\frac{1}{4}$ of said Section 32;
Thence North 80 rods to the North boundary of the NW $\frac{1}{4}$ of said Section 32;
Thence East 79 rods to the Point of Beginning.

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CONTINUATION

EXHIBIT "A"

PARCEL NO. 8:

TOWNSHIP 16 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: Lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 34: Lots 2, 3 and 4, W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$

EXCEPTING THEREFROM the following described tract:

Commencing at the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 34;
Thence North 87°17' West 2,640 feet;
Thence South 150 feet;
Thence South 88°24' East 2,638 feet;
Thence North 98 feet to the Point of Beginning.

PARCEL NO. 9:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
COUNTY, IDAHO

Section 11: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL NO. 10:

TOWNSHIP 15 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 5: E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 8: W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$

PARCEL NO. 11:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 29: SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 32: SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

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CONTINUATION

EXHIBIT "A"

PARCEL NO. 12:

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 5: Lot 4

PARCEL NO. 13:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 5: Part of the SE¼, more particularly described as follows:

Beginning 70 rods South of the Northeast corner of the SE¼;
Thence running West 160 rods;
Thence running South 30 rods;
Thence running East 160 rods;
Thence running North 30 rods to the Place of Beginning.

SAVING AND EXCEPTING THEREFROM the following described tract:

Beginning at the E¼ section corner of said Section 5, said corner marked by a 5/8 inch rebar; thence South 0°24'39" East (South, rec.) along section line for 1155.00 feet (70 rods) to a P.K. nail; thence North 89°20'39" West (West, rec.) for 49.50 feet to a point on the West right of way of College Ave. which shall be the Point of Beginning;
Thence South 0°24'39" East along the West right of way of College Ave. for 314.32 feet to a point;
Thence North 89°20'39" West for 118.83 feet to a ½ inch rebar;
Thence North 0°24'39" West for 314.32 feet to a ½ inch rebar;
Thence South 89°20'39" East (East, rec.) for 118.83 feet to the Point of Beginning.