

RECEIVED

SEP 10 2010

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): 43-13107, 43-295 _____
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)
Cordell Sheridan
5. Expiration Date of Notification Period June 10, 2020
6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO
7. Signature(s) (and title if applicable)
Cordell Sheridan
Patricia Sheridan

For Office Use Only

Received by <u>SRF</u>	Date <u>9-10-10</u>	Fee <u>\$25 ea.</u>
Receipted by <u>SRF</u>	Date <u>9-29-10</u>	Receipt No. <u>CD912 SD</u>
Processed by _____ AJ	Date _____	WR <u>SR</u> Date <u>9-10-10</u>

SUPPORT DATA

IN FILE # 43-295

RECORDATION REQUESTED BY:

D. L. Evans Bank
Albion Branch
P.O. Box 517
Corner of Market & Main
Albion, ID 83311

CASSIA COUNTY

RECORDED FOR:

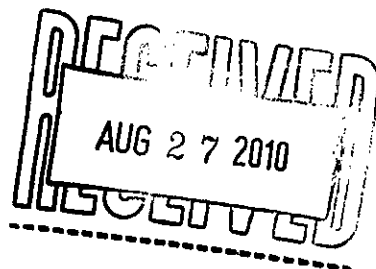
D. L. EVANS BANK
2:32:10 pm 08-25-2010

2010-004013

NO. PAGES: 3

FEE: \$16.00

DEE YEAMAN
COUNTY CLERK
DEPUTY: ALMARR

COPY**WHEN RECORDED MAIL TO:**

D. L. Evans Bank
Albion Branch
P.O. Box 517
Corner of Market & Main
Albion, ID 83311

SEND TAX NOTICES TO:

Cordell Sheridan
Patricia Sheridan
2887 South 750 East
Almo, ID 83312

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF MORTGAGE

THIS MODIFICATION OF MORTGAGE dated July 14, 2010, is made and executed between Cordell Sheridan and Patricia Sheridan; husband and wife (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").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated June 11, 2010 (the "Mortgage") which has been recorded in Cassia County, State of Idaho, as follows:

Mortgage recorded June 11, 2010 as Instrument No. 2010-002808.

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

PARCEL 1:

PART OF SECTION 36 OF TOWNSHIP 12 SOUTH, RANGE 26 E.B.M., CASSIA COUNTY, IDAHO.

BEGINNING AT THE N1/4 SECTION CORNER OF SECTION 36, TOWNSHIP 12 SOUTH, RANGE 26 E.B.M., CASSIA COUNTY, IDAHO, SAID CORNER MARKED BY AN IRON PIPE WHICH SHALL BE THE POINT OF BEGINNING.

THENCE S. 89°43'51" E. ALONG THE NORTH LINE OF SECTION 36 FOR A DISTANCE OF 110.69 FEET TO A 1/2" REBAR; THENCE S. 00°17'22" W. FOR A DISTANCE OF 356.85 FEET TO A 1/2" REBAR; THENCE N. 89°59'32" W. FOR A DISTANCE OF 123.39 FEET TO A 1/2" REBAR; THENCE N. 00°10'21" E. FOR A DISTANCE OF 357.22 FEET TO A 1/2" REBAR ON THE NORTH LINE OF SECTION 36; THENCE N. 89°27'40" E. ALONG SAID LINE FOR A DISTANCE OF 13.42 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

TOWNSHIP 15 SOUTH, RANGE 24 E.B.M., CASSIA COUNTY, IDAHO
SECTION 9: NE1/4NE1/4; S1/2NE1/4

TOWNSHIP 15 SOUTH, RANGE 25 E.B.M., CASSIA COUNTY, IDAHO
SECTION 18: LOT 4; SE1/4SW1/4

TOGETHER WITH THE WATER RIGHTS REPRESENTED BY IDAHO STATE DEPARTMENT OF WATER RIGHT NO. 43-7297 WITH A CLAIMED PRIORITY OF JUNE 16, 1989 TO 0.04 CFS OF GROUND WATER AND WATER RIGHT NO. 43-11198 WITH A CLAIMED PRIORITY OF JANUARY 1, 1878 TO 0.02 CFS OF SPRINGS, A TRIBUTARY OF THE ALMO CREEK AND WATER RIGHT NO. 43-7070 WITH A CLAIMED PRIORITY OF DECEMBER 20, 1976 TO 0.03 CFS OF GROUND WATER AND WATER RIGHT NO. 43-7085 WITH A CLAIMED PRIORITY OF JULY 22, 1977 OF GROUND WATER, AND WATER RIGHT NO. 43-12993 WITH A CLAIMED PRIORITY OF JUNE 30, 1985 TO 0.6 CFS OF GROUND WATER 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, Malta, ID 83342.

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

ADDING ADDITIONAL WATER RIGHT INFORMATION AS FOLLOWS:

TOGETHER WATER RIGHTS REPRESENTED BY IDAHO STATE DEPARTMENT OF WATER RESOURCES WATER RIGHT NO. 43-13107 WITH A CLAIMED PRIORITY DATE OF JANUARY 13, 1958 OF GROUND WATER RECHARGE OF ALMO CREEK, A TRIBUTARY OF RAFT RIVER AND OF STINES CREEK, A TRIBUTARY OF ALMO CREEK AND WATER RIGHT NO. 43-295 WITH A CLAIMED PRIORITY DATE OF APRIL 30, 1885 TO 2 CFS OF IRRIGATION WATER OF CASSIA CREEK A TRIBUTARY OF RAFT RIVER. 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 endorers 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 JULY 14, 2010.

GRANTOR:

x Cordell Sheridan
Cordell Sheridan

x Patricia Sheridan
Patricia Sheridan

LENDER:**D. L. EVANS BANK**

x Kent C. Jewell
Authorized Signer

MODIFICATION OF MORTGAGE
(Continued)

Loan No: 1212124734/12

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INDIVIDUAL ACKNOWLEDGMENT

STATE OF Idaho

COUNTY OF Cassia

On this 20th day of August, in the year 20 10, before me Katherine Adams, a notary public in and for the State of Idaho, personally appeared Cordell Sheridan, known or identified to me (or proved to me on the oath of Idaho), to be the person whose name is subscribed to the within instrument and acknowledged to me that he or she executed the same.

Katherine E. Adams
Notary Public for Idaho

Residing at Aubion

My commission expires 10-1-10

KATHERINE E. ADAMS
NOTARY PUBLIC
STATE OF IDAHO

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Idaho

COUNTY OF Cassia

On this 20th day of August, in the year 20 10, before me Katherine Adams, a notary public in and for the State of Idaho, personally appeared Patricia Sheridan, known or identified to me (or proved to me on the oath of Idaho), to be the person whose name is subscribed to the within instrument and acknowledged to me that he or she executed the same.

Katherine E. Adams
Notary Public for Idaho

Residing at Aubion

My commission expires 10-1-10

KATHERINE E. ADAMS
NOTARY PUBLIC
STATE OF IDAHO

LENDER ACKNOWLEDGMENT

STATE OF Idaho

COUNTY OF Cassia

On this 20th day of August, in the year 20 10, before me Katherine Adams, a notary public in and for the State of Idaho, personally appeared Kent C. Gunnel, known or identified to me (or proved to me on the oath of Idaho), to be Loan Officer 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.

Katherine E. Adams
Notary Public for Idaho

Residing at Aubion

My commission expires 10-1-10

KATHERINE E. ADAMS
NOTARY PUBLIC
STATE OF IDAHO