

STATE 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): PD PD PD PD 45-136A, 45-142, 45-145, 45-154A _____
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) BEDKE FAMILY LIMITED PARTNERSHIP
5. Expiration Date of Notification Period December 20, 2030
6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO
7. Signature(s) (and title if applicable) M. Somers
Loan Processor

For Office Use Only

Received by _____	Date _____	Fee _____
Received by <u>Ch</u>	Date <u>2/20/08</u>	Receipt No. <u>0086075</u>
Processed by _____	Date _____	WR _____ Date _____

SUPPORT DATA
IN FILE # 45-00136A

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:

Bedke Family Limited Partnership
1876 South 600 West Marlon Road
Burley, ID 83318

CASSIA COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW
3:35:22 pm 02-12-2008
2008-001011
NO. PAGES: 3 FEE: \$9.00
LARRY A. NICKELSEN
COUNTY CLERK
DEPUTY: M. HARR

Not
SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF MORTGAGE

THIS MODIFICATION OF MORTGAGE dated February 6, 2008, is made and executed between Bedke Family Limited Partnership; an Idaho Limited Partnership (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 August 21, 2003 (the "Mortgage") which has been recorded in Cassia County, State of Idaho, as follows:

Mortgage recorded September 3, 2003 as Instrument # 291034.

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 A PART HEREOF.

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

SECTION 14: SW1/4SE1/4

SECTION 23: NW1/4NE1/4

SECTION 27: E1/2 AND E1/2W1/2

SECTION 29: W1/2NW1/4 AND N1/2SW1/4

SECTION 30: E1/2NE1/4, SW1/4NE1/4 AND N1/2SE1/4

SECTION 34: THAT PORTION OF THE NW1/4NE1/4 AND THE NE1/4NW1/4 DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW1/4NE1/4 OF SAID SECTION 34;

THENCE NORTH 87 DEGREES 17' WEST 2,640 FEET;

THENCE SOUTH 150 FEET

THENCE SOUTH 88 DEGREES 24' EST 2,638 FEET;

THENCE NORTH 98 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL WATER AND WATER RIGHTS, DITCHES AND DITCH RIGHTS USED THEREON OR APPURTENANT THERETO INCLUDING BUT NOT LIMITED TO WATER UNDER THE IDAHO DEPARTMENT OF WATER RESOURCES WITH THE FOLLOWING LICENSE NUMBERS: 45-00136, 45-00142, 45-00145 & 45-00154; 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:

1.) Note # 1341050304 dated August 21, 2003 is being replaced with new note # 1312152315 dated February 6, 2008 in the principal amount of ***SIX HUNDRED TWENTY-TWO THOUSAND THREE HUNDRED THIRTY-TWO DOLLARS AND 69/100*** (\$622,332.69) bearing interest at the rate of 6.75% (5 Year Treasury Index rate plus 3.75%) due on December 20, 2020.

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.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF MORTGAGE AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF MORTGAGE IS DATED FEBRUARY 6, 2006.

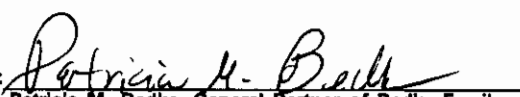
GRANTOR:

BEDKE FAMILY LIMITED PARTNERSHIP

By:


Karl G. Bedke, General Partner of Bedke Family
Limited Partnership

By:


Patricia M. Bedke, General Partner of Bedke Family
Limited Partnership

LENDER:

D. L. EVANS BANK

X 
Authorized Signer