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MAY 17 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Form 43-208(5) July, 2000

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): 43-10109, 43-10110, 43-10111
- 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) Amador Maldonado, Adrian Maldonado, Gasper Maldonado
5. Expiration Date of Notification Period October 25, 2011
6. Is this a Renewal of Request for Notification? ☐ YES ☐ NO
7. Signature(s) (and title if applicable) Melinda Somers

For Office Use Only

Received by _____

Received by CUE

Processed by _____

Date _____

Date 5/18/07

Date _____

Fee 75.00Receipt No. 5029482

WR _____

Date _____

SUPPORT DATA

IN FILE # 43-10109RECORDED AT THE REQUEST OF
LAND TRUST & RECORD

2007 APR 27 PM 4 20

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CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN

315527

315527**MODIFICATION AGREEMENT**

#1212123609/12

#41908

This Agreement, entered into this 17th day of April, 2007, by and between **Amador Maldonado**, a married man dealing with his sole and separate property **Adrian Maldonado**, a married man dealing with his sole and separate property and **Gasper Maldonado** a married man dealing with his sole and separate property, as Mortgageors, **D. L. EVANS BANK**, as Mortgagee, as pertains to that certain Real Estate Mortgage dated the 31st of October 2006 and recorded the 29th day of December, 2006 as Instrument No. 312966 records of Cassia County, Idaho.

WITNESSETH:

WHEREAS, on the 31st day of October 2006, **Amador Maldonado** **Adrian Maldonado** and **Gasper Maldonado** executed a Promissory Note in the principal amount of **ONE HUNDRED SIXTY ONE THOUSAND SEVEN HUNDRED SEVENTY FOUR DOLLAR AND NO/100** (\$161,774.00), bearing interest at the rate of 8.25% percent (The Wall Street Journal Prime Rate Plus 0%, with a floor rate of 7.0% and a ceiling rate of 18.0%) and due the 25th day of October, 2011, of which said note was secured by a Mortgage upon the following described real estate located in Cassia County Idaho

To-wit:

REFER TO EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**TOGETHER WITH THE WATER RIGHTS REPRESENTED BY IDAHO STATE DEPARTMENT OF WATER RESOURCES WATER RIGHT NO 63-22443 WITH A CLAIM PRIORITY OF SEPTEMBER 25, 1979 TO 0.04 CFS OF GROUND WATER, AND WATER RIGHT NO. 63-23183 WITH A CLAIM PRIORITY OF APRIL 20, 1977 TO 0.04 CFS OF GROUND WATER, AND WATER RIGHT NO.**

65-17561 WITH A CLAIM PRIORITY OF DECEMBER 31, 1980 TO 0.04 CFS OF GROUND WATER, TOGETHER WITH ANY AND ALL OTHER WATER RIGHTS AND DITCH RIGHTS APPURTENANT TO THE ABOVE DESCRIBED PREMISES.

WHEREAS, D.L. EVANS BANK is the owner of said Promissory Note and Real Estate Mortgage, and the parties hereto desire to modify said Note and Real Estate Mortgage.

NOW THEREFORE, for a good and valuable consideration, it is hereby agreed said Promissory Note and Real Estate Mortgage are modified as follows:

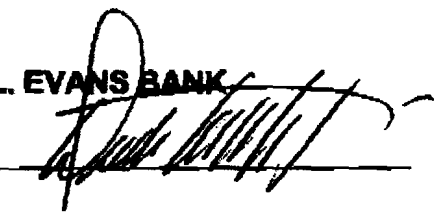
- 1) Water Right No .63-22443, Water Right No. 63-23183 and Water Right No. 65-17561 and verblage are being replaced with the following description:

TOGETHER WITH THE WATER RIGHTS REPRESENTED BY IDAHO STATE DEPARTMENT OF WATER RESOURCES WATER RIGHT NO. 43-10109 WITH A CLAIMED PRIORITY OF JANUARY 10, 1918 TO 1.2 CFS OF THE WATERS OF SPRINGS, A TRIBUTARY OF SINKS, AND WATER RIGHT NO. 43-10110 WITH A CLAIMED PRIORITY OF JANUARY 10, 1918 TO 0.04 CFS OF THE WATERS OF SPRINGS WITH A TRIBUTARY OF SINKS, AND WATER RIGHT NO. 43-10111 TO 0.04 CFS OF THE WATERS OF SPRINGS A TRIBUTARY OF SINKS, TOGETHER WITH ANY AND ALL WATER RIGHTS AND DITCH RIGHTS APPURTENANT TO ABOVE DESCRIBED PREMISES.

IT IS FURTHER AGREED that the Promissory Note and Real Estate Mortgage securing said note shall in all other respects remain as there in specified, changed only as herein set forth.

IN WITNESS WHEREOF, The Grantors have caused these presents to be executed and D.L. Evans Bank has caused these presents to be executed by the officer, the day of year first above written.

D. L. EVANS BANK

BY: 

Amador Maldonado
 AMADOR MALDONADO
Adrian Maldonado
 ADRIAN MALDONADO
Gaspar Maldonado
 GASPAR MALDONADO

STATE OF IDAHO)

COUNTY OF Cassia)

) ss

On this 23rd day of April, 2007, before me, the undersigned, A Notary Public in and for said State, personally appeared **AMADOR MALDONADO, ADRIAN MALDONADO AND GASPAR MALDONADO**, married men dealing with their sole and separate property known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

SUE ELLEN KELLER
 NOTARY PUBLIC
 STATE OF IDAHO

Sue Ellen Keller
 Notary Public For Idaho
 Residing At Albion, Idaho
 My Commission Expires 4-9-11

STATE OF IDAHO)

COUNTY OF CASSIA)

) ss

On this 23rd day of April, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared Dave N. Mitchell, known or identified to me to be the V.P./Bd. Manager of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

SUE ELLEN KELLER
 NOTARY PUBLIC
 STATE OF IDAHO

Sue Ellen Keller
 Notary Public
 Residing at: Albion, Idaho
 My Commission Expires: 4-9-11

EXHIBIT "A"

**TOWNSHIP 16 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO****Section 17: SE $\frac{1}{4}$** **Section 20: NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$** **EXCEPTING THEREFROM the following described tract:**

Beginning at the Southeast corner of said Section 20, said corner marked by a US GLO iron pipe with brass cap; Thence North 00°13'39" West along the East line of Section 20 for a distance of 1321.54 feet to a ½ inch rebar on the North side of the Naf to Strevell Road which shall be the Point of Beginning;

Thence South 89°39'25" West along the North side of the Naf to Strevell Road for a distance of 463.32 feet to a ½ inch rebar;

Thence North 03°25'10" West for a distance of 340.20 feet to a ½ inch rebar;

Thence North 87°34'57" East for a distance of 482.61 feet to a ½ inch rebar on the East line of Section 20;

Thence South 00°13'39" East along the East line of Section 20 for a distance of 357.18 feet to the Point of Beginning.

ALSO EXCEPTING that portion of the SW $\frac{1}{4}$ deeded to William E. Tracy for highway purposes by Right-of-Way Deed dated November 16, 1940 and recorded November 18, 1940 as Instrument No. 137102 in Book 45 of Deeds on page 512, records of Cassia County, Idaho.

Section 21: N $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ **Section 29: All****EXCEPTING THEREFROM the following described tract:**

Beginning at the Southeast corner of said Section 29, said corner marked by a US GLO iron pipe with brass cap; Thence North 00°34'16" West along the East line of Section 29 for a distance of 736.50 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence North 89°31'32" West for a distance of 24.42 feet to a ½ inch rebar;

Thence North 00°06'14" East for a distance of 599.62 feet to a ½ inch rebar;

Thence North 87°27'07" East for a distance of 17.36 feet to a ½ inch rebar on the East line of Section 29;

Thence South 00°34'16" East along the East line of Section 29 for a distance of 600.62 feet to the Point of Beginning.