

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 25 2007

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): 37-10430

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 BankP.O. Box 87Twin Falls, ID 83303

4 Name of Water Right Owner/Claimant(s)

Gene Shaw and Joyce Shaw5 Expiration Date of Notification Period April 15, 20126 Is this a Renewal of Request for Notification? ☐ YES ☒ NO

7 Signature(s) (and title if applicable)

Gene Shaw
Joyce Shaw**For Office Use Only**Received by AMBDate 4.25.07Fee \$25.00Receipted by AMBDate 4.25.07Receipt No 6083941Processed by AMB AJ

Date _____

WR _____

Date _____

GL-08101

RECORDATION REQUESTED BY:

D. L. Evans Bank
Nampa Branch
1310 12th Ave. Rd.
Nampa, ID 83686

WHEN RECORDED MAIL TO:

D. L. Evans Bank
Nampa Branch
1310 12th Ave. Rd.
Nampa, ID 83686

SEND TAX NOTICES TO:

Eugene Shaw
Joyce Shaw
803 East 270 South
Dietrich, ID 83324

STATE OF IDAHO COUNTY OF LINCOLN Recorded at the request of <i>Hand Title & Exam</i>	182840
MAR 29 2007	
at <u>21</u> minutes past <u>3P</u> M.	
recorded by <i>Emmeline</i>	
Fee: <u>9-</u> Return to <i>Appland</i>	

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF MORTGAGE

THIS MODIFICATION OF MORTGAGE dated March 23, 2007, is made and executed between Eugene Shaw and Joyce Shaw; husband and wife (referred to below as "Grantor") and D. L. Evans Bank, whose address is 1310 12th Ave. Rd., Nampa, ID 83686 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated March 23, 2007 (the "Mortgage") which has been recorded in Lincoln County, State of Idaho, as follows:

Recorded April 22, 2005 as Instrument # 178701.

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

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. 37-10430 WITH A CLAIMED PRIORITY OF JUNE 1, 1930 TO 0.08 CFS OF GROUND WATER.

TOGETHER WITH ALL IRRIGATION EQUIPMENT AND ADDITIONS THERETO AND REPLACEMENTS THEREOF NOW OWNED OR HEREAFTER ACQUIRED BY THE BORROWERS AND USED IN THE IRRIGATION OF THE ABOVE PREMISES, ESPECIALLY BUT NOT LIMITED TO PUMPS, PIPE, CASING, MOTOR AND ELECTRICAL PANELS AND ACCESSORIES TO EACH, DESCRIBED AS FOLLOWS:

PUMPING PLANT DATA

YEAR PURCHASED: 1993, 1994

POWER UNIT: 2-15 HP PHASE CONVERTER
1-40 HP VARIABLE SPEED

MANUFACTURER (POWER UNIT): PUMP MARATHON 40 HP

SERIAL NUMBER: 2F324TTDP7388L

TYPE PUMP (CENT.): 3 PUMPS BALDOR WCM 3314T 15HP

MANUFACTURER (PUMP): WEG 15HP

SERIAL NUMBER: AU74339

PERMANENT IRRIGATION EQUIPMENT

TYPE MAINLINE PIPE: 4500' 10"

NUMBER OF TOWERS: 9-1530, 7-1240, LOW PRESSURE

NUMBER OF PIVOTS: 2

MAKE: ZIMMATICS

SERIAL NUMBER: 1) L48800 2) L53244

PORTABLE IRRIGATION EQUIPMENT:

MAINLINE: 3000-10", 1000-8", 1000-6"

The Real Property or its address is commonly known as See Legal Description, Dietrich, ID 83324.

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

1.) Note # 2312100454 dated April 22, 2005 is being replaced with new note # 2712100233 dated March 23, 2007 in the principal amount of ***FIVE HUNDRED TWENTY- FIVE THOUSAND AND NO/100***(\$525,000.00), bearing interest at the rate of 8.75% (5-Year Treasury Index plus 4.66%) due on April 15, 2012.

2.) Adding an assignment of all right, title and interest in all AUMS, including but not limited to 300 AUMS now owned or hereafter acquired, located on Clover Creek together with 70 head of Bureau of Land Management Grazing Allotments in the following grazing districts of The Department of the Interior, Bureau of Land Management:

Clover Creek # 90416

Legal Description: TOWNSHIP 6 SOUTH RANGE 19 EAST BOISE MERIDIAN OF THE LINCOLN COUNTY, IDAHO.

SECTION: 9 NE 1/4 SW1/4 S1/2 SE1/4

RECORDED OWNER GENE SHAW AND JOYCE SHAW

3.) Adding Water shares, Together with 490 shares of the Capital Stock of the Big Wood Canal Company, together with any and all other water rights and ditch rights appurtenant to the 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 MARCH 23, 2007.

GRANTOR:

x Eugene Shaw
Eugene Shaw

x Joyce Shaw
Joyce Shaw

MODIFICATION OF MORTGAGE
(Continued)

Loan No: 2712100233

Page 2

LENDER:

D. L. EVANS BANK

x Howard L. Innesch
Authorized Signer

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Idaho

COUNTY OF Canyon

On this 26th day of March, in the year 20 07, before me Korie J. Wascher, a notary public in and for the State of Idaho, personally appeared Eugene Shaw and Joyce Shaw, husband and wife, known or identified to me (or proved to me on the oath of Jerry Probesch), to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Korie J. Wascher
Notary Public for Idaho

Residing at Nampa, Id.

My commission expires 4/4/11

KORIE J. WASCHER
NOTARY PUBLIC
STATE OF IDAHO

LENDER ACKNOWLEDGMENT

STATE OF Idaho

COUNTY OF Canyon

On this 26th day of March, in the year 20 07, before me Korie J. Wascher, a notary public in and for the State of Idaho, personally appeared Jerry Probesch, known or identified to me (or proved to me on the oath of Jerry Probesch), to be supplemental officer, authorized agent for the Lender that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said Lender, duly authorized by the Lender 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 that the seal affixed is the corporate seal of said Lender.

Korie J. Wascher
Notary Public for Idaho

Residing at Nampa, Id.

My commission expires 4/4/11

KORIE J. WASCHER
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT "A"

TOWNSHIP 6 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 8: SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$

Section 9: S $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$; S $\frac{1}{2}$

EXCEPTING THEREFROM the following described parcel:

A parcel of land located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 6 South, Range 19 EBM, more particularly described as follows:

Commencing at the South one quarter corner of said Section 9 from which the Southwest corner of said Section 9 bears N89°47'13" W - 2,641.66 feet, said South one quarter corner being the TRUE POINT OF BEGINNING;

Thence N89°47'13" West along the South boundary of the SW $\frac{1}{4}$ of said Section 9 for a distance of 48.10 feet;

Thence N00°12'47" East for a distance of 346.01 feet;

Thence S72°11'34" East for a distance of 665.82 feet;

Thence S87°51'46" East for a distance of 448.87 feet;

Thence S03°29'47" East for a distance of 129.95 feet to a point on the South boundary of the SE $\frac{1}{4}$ of said Section 9;

Thence N89°47'13" West along the South boundary of the SE $\frac{1}{4}$ of said Section 9 for a distance of 1,043.60 feet to the TRUE POINT OF BEGINNING.