

Recording Requested by:

Loan No.: 231-004-0006495958-3016838-101

WHEN RECORDED MAIL TO:

Instrument # 323732

RIGBY, JEFFERSON, IDAHO

2003-06-25

04:32:00 No. of Pages: 5

Recorded for : BONNEVILLE LAND & TITLE

CHRISTINE BOULTER

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: MORTGAGE

RECEIVED
NOV 12 2003

323732

REAL ESTATE MORTGAGE

THIS MORTGAGE is made this June 23, 2003 between BURTON D. ALLEN and MARY K. ALLEN, aka MARY KATHRINE ALLEN, husband and wife, whose address is 651 E 2800 N Montevue, Idaho 83435 hereinafter called "Mortgagor", and Idaho AgCredit, FLCA ("Mortgagee"), a wholly owned subsidiary of Idaho Agricultural Credit Association, a corporation, existing and operating under the Farm Credit Act of 1971, as amended, having its principal place of business at 188 W. Judicial P.O. Box 985, Blackfoot, Idaho 83221.

WITNESSETH: That Mortgagor IRREVOCABLY GRANTS, BARGAINS, SELLS, CONVEYS AND ASSIGNS unto Mortgagee together with right of entry and possession the following described real property situated in the County(ies) of Jefferson, State of Idaho:

TRACT 1:

Township 8 North, Range 33 East of the Boise Meridian, Jefferson County, Idaho.

Section 20: S½

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

- a. Beginning at the Northwest Corner of the Southwest Quarter of Section 20, Township 8 North, Range 33 East of the Boise Meridian, Jefferson County, Idaho; running thence East 386 feet; thence South 807 feet; thence West 386 feet; thence North 807 feet to the point of beginning.

Section 29: NW¼

TRACT 2:

Beginning at the Northwest Corner of the Southwest Quarter of Section 20, Township 8 North, Range 33 East of the Boise Meridian, Jefferson County, Idaho; running thence East 386 feet; thence South 807 feet; thence West 386 feet; thence North 807 feet to the point of beginning.

TOGETHER WITH:

- 1 - 250 hp Motor and Verticle Pump
- 18 - 4" Hook & Latch Handlines

TOGETHER WITH: All fixtures, including but not limited to the following: All pumps, motors, columns, tubes, shafts, bowls, panels and all electrical appurtenances, mainline, laterals, wheel lines, pivot/circle irrigation systems, risers, heads, couplers, end plugs, valves, valve openers, reducers, joints, tees and wyes, as well as all additions and replacements thereof, hereby declared appurtenant thereto and which are more particularly described above.

TOGETHER WITH: Idaho Department of Water Resources Decree Number 31-2467, Priority Date January 14, 1952, 2.34 CFS.

TOGETHER WITH: Idaho Department of Water Resources Decree Number 31-2468, Priority Date January 9, 1952, 4.86 CFS.

TOGETHER WITH: Idaho Department of Water Resources Decree Number 31-11238, Priority Date September 4, 1980, .27 CFS.

Borrower further agrees that the loan(s) secured by this instrument will be in default should any loan proceeds be used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetland to produce or to make possible the production of an agricultural commodity, as further explained in 7 CFR Part 1940, Subpart G, Exhibit M.

This real estate mortgage is also intended to be a fixture filing and to be indexed not only as a mortgage but also as a fixture filing.

MICROFILMED

NOV 14 2003

TOGETHER WITH: all buildings, structures, equipment, fixtures (including trees, vines and shrubs) and improvements of every

LOAN

SCHEDULE A

td

OFFICE FILE NUMBER	POLICY NUMBER	DATE OF POLICY	AMOUNT OF INSURANCE	PREMIUM AMOUNT
TJ-20309	107 267485	06/25/03	\$450,621.00	\$75.00

4:33 p.m.

1. Name of Insured:

OK BYF

IDAHO AGCREDIT, FLCA

2. The estate or interest in the land which is encumbered by the insured mortgage is: **Fee Simple.**

3. Title to the estate or interest in the land is vested in:

BURTON D. ALLEN and MARY K. ALLEN, husband and wife

4. The insured mortgage and assignments thereof, if any, are described as follows:

Mortgage given by **BURTON D. ALLEN and MARY K. ALLEN, husband and wife** to **IDAHO AGCREDIT, FLCA**, dated June 23, 2003 and recorded as Instrument No. **323732** on June 25, 2003 at 4:32 p.m., given to secure the payment of \$450,621.00 and interest (and future advances if provided for in the Mortgage), due June 1, 2033, records of Jefferson County, Idaho. (Tract 1)

5. The land referred to in this Policy is described as follows:

TRACT 1:

Township 8 North, Range 33 East of the Boise Meridian, Jefferson County Idaho.

Section 20: S1/2

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

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Section 29: NW1/4

MICROFILMED

TRACT 2:

NOV 14 2003

Beginning at the Northwest Corner of the Southwest Quarter of Section 20, Township 8 North,

Legal
Matches
Mortgage
gMF

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 30 2003

Department of Water Resources
Boise, Idaho

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

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NOV - 4 2003

Department of Water Resources

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): 31-2467, 31-2468, 31-11238
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
Idaho AgCredit, FLCA
P.O. Box 386
Rexburg, Idaho 83440
4. Name of Water Right Owner/Claimant(s) Burton D. Allen
5. Expiration Date of Notification Period June 1, 2033
6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO
7. Signature(s) (and title if applicable) Mark Tarneski
Asst. Vice President

For Office Use Only

Received by <u>JC</u>	Date <u>10-31-03</u>	Fee <u>\$75</u>
Received by <u>JC</u>	Date <u>10-31-03</u>	Receipt No. <u>E029322</u>
Processed by _____	AJ Date _____	WR _____ Date _____

MICROFILMED

NOV 14 2003

Recording Requested by:

Loan No.: 231-004-0006495958-3016838-101

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Instrument # 323732

RIGBY, JEFFERSON, IDAHO

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CHRISTINE BOULTER

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NOV 17 2003

323732

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Section 29: NW¼

TRACT 2:

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TOGETHER WITH: All fixtures, including but not limited to the following: All pumps, motors, columns, tubes, shafts, bowls, panels and all electrical appurtenances, mainline, laterals, wheel lines, pivot/circle irrigation systems, risers, heads, couplers, end plugs, valves, valve openers, reducers, joints, tees and wyes, as well as all additions and replacements thereof, hereby declared appurtenant thereto and which are more particularly described above.

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This real estate mortgage is also intended to be a fixture filing and to be indexed not only as a mortgage but also as a fixture filing.

MICROFILMED

NOV 14 2003

TOGETHER WITH: all buildings, structures, equipment, fixtures (including trees, vines and shrubs) and improvements of every

TICOR TITLE INSURANCE

Policy No. 74107- 267485

Policy of Title Insurance

American Land
Title Association
Loan Policy
(10-17-92)

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, TICOR TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title.
4. Lack of a right of access to and from the land;
5. The invalidity or unenforceability of the lien of the insured mortgage upon the title;
6. The priority of any lien or encumbrance over the lien of the insured mortgage;
7. Lack of priority of the lien of the insured mortgage over any statutory lien for services, labor or material;

(a) arising from an improvement or work related to the land which is contracted for or commenced prior to Date of Policy; or

(b) arising from an improvement or work related to the land which is contracted for or commenced subsequent to Date of Policy and which is financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance;

8. The invalidity or unenforceability of any assignment of the insured mortgage, provided the assignment is shown in Schedule A, or the failure of the assignment shown in Schedule A to vest title to the insured mortgage in the named insured assignee free and clear of all liens.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title or the lien of the insured mortgage, as insured, but only to the extent provided in the Conditions and Stipulations.

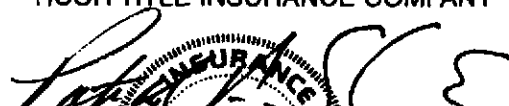
This policy shall not be valid or binding until countersigned below by an authorized signatory of the Company.

Issued by:
BONNEVILLE LAND & TITLE CO.
497 N. CAPITAL AVENUE, SUITE 100
IDAHO FALLS ID 83402
(208) 524-6600


Authorized Signatory

TICOR TITLE INSURANCE COMPANY

By




President

Attest



Secretary

MICROFILMED

NOV 14 2003



LOAN

SCHEDULE A

td

OFFICE FILE NUMBER	POLICY NUMBER	DATE OF POLICY	AMOUNT OF INSURANCE	PREMIUM AMOUNT
TJ-20309	107 267485	06/25/03 4:33 p.m.	\$450,621.00	\$75.00

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IDAHO AGCREDIT, FLCA

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BURTON D. ALLEN and MARY K. ALLEN, husband and wife

4. The insured mortgage and assignments thereof, if any, are described as follows:

Mortgage given by BURTON D. ALLEN and MARY K. ALLEN, husband and wife to IDAHO AGCREDIT, FLCA, dated June 23, 2003 and recorded as Instrument No. 323732 on June 25, 2003 at 4:32 p.m., given to secure the payment of \$450,621.00 and interest (and future advances if provided for in the Mortgage), due June 1, 2033, records of Jefferson County, Idaho. (Tract 1)

5. The land referred to in this Policy is described as follows:

TRACT 1:

Township 8 North, Range 33 East of the Boise Meridian, Jefferson County Idaho.

Section 20: S1/2

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

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Section 29: NW1/4

MICROFILMED

TRACT 2:

NOV 14 2003

Beginning at the Northwest Corner of the Southwest Quarter of Section 20, Township 8 North,

SCHEDULE A

Loan Form (Rev.1/89)

This Policy valid only if Schedule B is attached.

OK BYF

Legal
matches
mortgage
BYF

LOAN

SCHEDULE A

Policy Number: 107 267485

Range 33 East of the Boise Meridian, Jefferson County, Idaho; running thence East 386 feet; thence South 807 feet; thence West 386 feet; thence North 807 feet to the point of beginning.

MICROFILMED

NOV 14 2003

SCHEDULE A

Loan Form (Rev.1/89)

This Policy valid only if Schedule B is attached.

LOAN

SCHEDULE B

Page 1

Policy Number: 107 267485

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

General Exceptions:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

Special Exceptions:

1. Taxes for the year 2002 and all prior taxes have been paid.
OK (Tax No. RP08N33E207201 \$2,088.28 full year, 2002; affects Tract 1).
(Tax No. RP08N33E292400 \$547.60 full year, 2002; affects Tract 1).
(Tax No. RP08N33E205560 \$776.88 full year, 2002; affects Tract 2).
Taxes for the year 2003 are an accruing lien, not yet due or payable.
2. Pole Line Easement given by RALPH D. BEAN and LOIS C. BEAN, his wife, as Grantor(s) to UTAH
OK POWER & LIGHT COMPANY, a corporation, as Grantee(s), dated April 16, 1958, and recorded in Book 166 at Page 26 of Miscellaneous Record on June 20, 1958, at 9:15 a.m., records of Jefferson County, Idaho. (Affects Tract 1)
3. Pole Line Easement given by WILLIAM J. COX and KARMA COX, his wife, as Grantor(s) to UTAH
OK POWER & LIGHT COMPANY, a corporation, as Grantee(s), dated April 11, 1958, and recorded in Book 166 at Page 28 of Miscellaneous Records on June 20, 1958, at 9:25 a.m., records of Jefferson County, Idaho. (Affects Tracts 1 and 2)
4. Pole Line Easement given by DON C. ARCHIBALD and VERA M. ARCHIBALD, his wife, d.b.a.
OK RIGBY LOAN & INVESTMENT COMPANY, as Grantor(s) to UTAH POWER & LIGHT COMPANY, a corporation, as Grantee(s), dated July 1, 1964, and recorded in Book 179 at Page 56 of Miscellaneous Record on October 30, 1964, at 9:25 a.m., records of Jefferson County, Idaho. (Affects Tracts 1 and 2)
5. Pole Line Easement given by RIGBY LOAN & INVESTMENT COMPANY, as Grantor(s) to UTAH
OK POWER & LIGHT COMPANY, a corporation, as Grantee(s), dated March 30, 1967, and recorded as

LOAN

SCHEDULE B

Page 2

Policy Number: 107 267485

Instrument No. 144968 on July 14, 1967, records of Jefferson County, Idaho. (Affects Tract 1)

6. Mortgage given by J. EMERY ALLEN and LEONE O. ALLEN, husband and wife and BURTON D. ALLEN and MARY K. ALLEN, husband and wife, to FARMERS HOME ADMINISTRATION, dated May 19, 1999 and recorded as Instrument No. 297239 on May 19, 1999, given to secure the payment of \$200,000.00 and interest (and future advances if provided for in the Mortgage), due May 18, 2006, records of Jefferson County, Idaho. (Affects Tract 2)

OK
and
position
on Tract 2

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NOV 14 2003

LOAN

SCHEDULE B - PART 2

Page 1

Policy Number: 74107-107 267485

EXCEPTIONS FROM COVERAGE

In addition to the matters set forth in Part 1 of this Schedule, the title to the estate or interest in the land described or referred to in Schedule A is subject to the following matters, if any be shown, but the Company insures that these matters are subordinate to the lien or charge of the insured mortgage upon the estate or interest:

1. Mortgage given by BURTON D. ALLEN and MARY K. ALLEN, husband and wife to VERA ARCHIBALD, a widow and the ESTATES OF DON C. ARCHIBALD, deceased, dated June 24th, 2003 and recorded as Instrument No. 323733 on June 25, 2003 at 4:33 p.m., given to secure the payment of \$120,000.00 and interest (and future advances if provided for in the Mortgage), due June 24, 2013, records of Jefferson County, Idaho.

MICROFILMED

JUN 24 2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 31-02467

NAME AND ADDRESS: DON C ARCHIBALD
VERA M ARCHIBALD
153 E MAIN
PO BOX 16
RIGBY, ID 83442

SOURCE: GROUND WATER

QUANTITY: 2.34 CFS
507.50 APY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.20 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1617 AF. COMBINED RIGHT NOS.:
31-02468, 31-11238

PRIORITY DATE: 01/14/1952

POINT OF DIVERSION: T08N R33E S20 SWNWSW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.34 CFS 507.50 APY

PLACE OF USE:	Irrigation		Within Jefferson County
	T08N R33E S20	NESW 40.0	NWSW 30.0
		SWSW 39.0	SESW 39.0
		NESE 39.0	NWSE 40.0
		SWSE 39.0	SESE 39.0
	S29	NENW 39.0	NWNW 39.0
		SWNW 39.0	SENW 40.0
	462.0 Acres Total		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 462 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-02468, 31-11238 THIS
RIGHT IS LIMITED TO THE IRRIGATION OF 145 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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NOV 14 2003

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED
NOV 14 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

November 12, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

VERA M ARCHIBALD
DON C ARCHIBALD
PO BOX 16
RIGBY ID 83442

RE: Change of Ownership for Decreed Water Rights 31-2467, 31-2468 and 31-11238

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence adding a Security Interest to the ownership of the above referenced water rights to Idaho AgCredit, FLCA. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,



for
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: IDAHO AG CREDIT FLCA
PO BOX 386
REXBURG ID 83440

MICROFILMED
NOV 16 2003

IDAHO AGRICULTURAL CREDIT ASSOCIATION



and its wholly owned subsidiaries

Idaho AgCredit, FLCA

Idaho AgCredit, PCA

Rexburg Branch

2272 North Salem Road

P.O. Box 386

Rexburg, Idaho 83440

Bus: 208/356-5479

Toll Free: 1-800-632-8821

Fax: 208/356-6037

www.idahoagcredit.com

November 7, 2003

Dept. of Water Resources
C/O Cari Lynn
1301 North Orchard
Boise, ID 83706-2237

Dear Cari Lynn:

In response to your phone call, and under the direction of Marc Fannesbeck, I have enclosed the title policy and a copy of the mortgage showing Idaho AgCredit, FLCA's interest in the water rights that are highlighted in the mortgage, mainly, 31-2467, 31-2468, and 31-11238. Please confirm that this documentation is adequate and that it will show us holding the aforementioned security interest. Thank you!

Sincerely,
Idaho AgCredit, FLCA

Sean Zaugg
Loan Officer

enclosures

RECEIVED
NOV 12 2003
Department of Water Resources

MICROFILMED

NOV 14 2003