

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 08 2004

Department of Water Resources
Eastern Region

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

RECEIVED

SEP 13 2004

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

Water Right No(s): (SEE ATTACHED)

Adjudication Claim No(s): _____

1. 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 right or claim in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- B) A **FEE** of \$25.00 per water right or adjudication claim.

2. Name and Mailing Address of Person or Company holding Security Interest

ZIONS FIRST NATIONAL BANK

2460 SOUTH 3270 WEST

WEST VALLEY CITY, UT 84119

3. Name of Water Right Owner/Claimant(s) Darrell E. & Nancy McDonald
P.O. Box 102
Arco, Idaho 83213

4. Expiration Date of Notification Period 05-04-2009

5. Is this a Renewal of Request for Notification? ☐ YES ☒ NO

6. Signature(s) (and title if applicable) _____ Zions Bank By: Bill Hudson _____

Bill Hudson Vice-President

For Office Use Only

Received by Katy Jackson Date 9/9/04 Fee \$325.00
 Receipted by Katy Jackson Date 9/9/04 Receipt No. ED30233
 Processed by _____ AJ Date _____ WR _____ Date _____

SUPPORT DATA
FILE # 34-13

RECORDATION REQUESTED BY:
ZIONS FIRST NATIONAL BANK
BLACKFOOT BRANCH
1 RIVERSIDE PLAZA, P.O. BOX 945
BLACKFOOT, ID 83221

WHEN RECORDED MAIL TO:
Zions First National Bank
Loan Servicing Group - UT RDWG 0187
2460 South 3270 West
West Valley City, UT 84119

0040861
NO. RECORDED

JUN 25 2004

A.M. 2:25 P.M.
BUTTE COUNTY RECORDER
[Signature]

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF MORTGAGE



00000000000009002074006022004

THIS MODIFICATION OF MORTGAGE dated June 2, 2004, is made and executed between DARRELL E. MCDONALD and NANCY M. MCDONALD, husband and wife as to TRACT A; DARRELL E. MCDONALD and NANCY MCDONALD, husband and wife as to TRACT B; AND DARRELL E. MCDONALD aka DARRELL MCDONALD and NANCY M. MCDONALD aka NANCY MCDONALD, HUSBAND AND WIFE as to TRACT C (referred to below as "Grantor") and ZIONS FIRST NATIONAL BANK, whose address is 1 RIVERSIDE PLAZA, P.O. BOX 945, BLACKFOOT, ID 83221 (referred to below as "Lender").

MORTGAGE. Lender and Grantor have entered into a Mortgage dated May 4, 2004 (the "Mortgage") which has been recorded in BUTTE County, State of Idaho, as follows:

RECORDED MAY 6, 2004, AS INSTRUMENT NO. 40629, IN THE BUTTE COUNTY RECORDERS OFFICE, STATE OF IDAHO.

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

See EXHIBIT "A", which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 7 MILES NORTH OF 2310 WEST HIGHWAY 93, ARCO, ID 83213. The Real Property tax identification number is RP03N27E101200A (TRACT A); RP03N27E104800A (TRACT A); RP03N27E044800A (TRACT B); RP03N27E050100A (TRACT B); RP03N27E042400A (TRACT B); RP03N27E092985A (PARCEL I, TRACT C); RP03N27E092400A (PARCEL II, TRACT C)

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

LEGAL DESCRIPTION IS HEREBY AMENDED TO INCLUDE ALL WATER RIGHTS AS DESCRIBED ON THE ATTACHED EXHIBIT A. ADDITIONAL FIXTURE FILING IS HEREBY ADDED TO THIS MODIFICATION.

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.

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION. A. This commitment is conditional upon loan proceeds not being used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity.

B. All guaranteed lenders will be required to monitor compliance of these requirements as part of their servicing responsibilities. During loan servicing contacts the Borrower's compliance is to be reviewed and analyzed. If the Borrower violates 7 C.F.R. Part 1940, Subpart G, Exhibit M requirements, the loan will be in default.

C. If loan applicants' farm properties contain any highly erodible land, wetland, or converted wetland; the lender will include the following provisions in its debt and security loan instruments:

Default shall also exist if any loan proceeds are 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, further explained in 7 CFR Part 1940, Subpart G, Exhibit "M".

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF MORTGAGE AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF MORTGAGE IS DATED JUNE 2, 2004.

GRANTOR:

x *Darrell E McDonald*
DARRELL E. MCDONALD

x *Nancy M. McDonald*
NANCY M. MCDONALD

x *Nancy McDonald*
NANCY MCDONALD

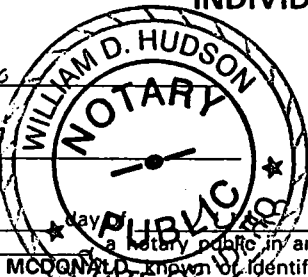
LENDER:

ZIONS FIRST NATIONAL BANK

x *Marsha McBride*
Authorized Signer

INDIVIDUAL ACKNOWLEDGMENT

STATE OF IDAHO)
) SS
COUNTY OF BUTTE)



On this 16 day of August, in the year 20 04, before me William D Hudson, a Notary Public in and for the State of Idaho, personally appeared DARRELL E. MCDONALD; NANCY M. MCDONALD; and NANCY MCDONALD, known or identified to me (or proved to me on the oath of _____), to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

William D Hudson Residing at _____
Notary Public for Idaho
MY COMMISSION EXPIRES MAY 6, 2006
Notary Public
Residing At Blackfoot Idaho

LENDER ACKNOWLEDGMENT

STATE OF _____)
) SS
COUNTY OF _____)

On this _____ day of _____, in the year 20 _____, before me _____, a notary public in and for the State of Idaho, personally appeared _____, known or identified to me (or proved to me on the oath of _____), to be _____, 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.

Residing at _____
Notary Public for Idaho
My commission expires _____

DEM
DARRELL MCDONALD

Irrigation Equipment:

40 hp GE motor and Cornell centrifugal pump.
75 hp GE motor and Aurora turbine pump.
50 hp GE motor and Aurora turbine pump.
10 hp Century motor and Berkeley centrifugal pump.

- (1) 12 tower Mel Brown Pivot
- (2) handlines each 1,320' long
- (10) wheellines each 1,320' long

Located in Section 23, T. 4 N, 26 E.

33% interest in a well with 40 hp motor and turbine pump.
100% interest in a well with 20 hp motor and turbine pump.

Together with any and all water rights now owned or hereafter acquired which are appurtenant thereto.

Water Rights:

- UMD Decree 34-2509 for 4.68 CFS, priority of 10-05-1960 for 295 acres from a well.
- VS Decree 34-7112 for 4.68 CFS, priority of 5-15-1975 for 295 acres from the Big Lost River.
- UMD Decree 34-43 for 1.6 CFS, priority of 7-22-1901 for 295 acres from Big Lost River.
- UMD Decree 34-437 for .26 CFS, priority of 5-01-1899 for 76 acres from Big Lost River.
- VS Decree 34-7111A for .31 CFS, priority of 5-15-1975 for 76 acres from Big Lost River.
- UMD Decree 34-2491A for .988 CFS, priority of 5-08-1944 for 76 acres from Big Lost River.

Water right No. 34-195C from Big Lost River, priority of 6-01-1888 for 306 acres for .806 CFS.

Water right No. 34-196D from Big Lost River, priority of 9-01-1896 for 306 acres for .32 CFS.

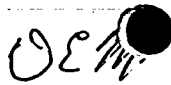
Water right No. 34-10100 from Big Lost River, priority of 5-10-1897 for 306 acres for 4.286 CFS.

Water right No. 34-2491B from Big Lost River, priority of 5-08-1944 for 214 acres for 4.168 CFS.

Water right No. 34-2480A from Ground Water, priority of 5-01-1986 for 224 acres for .79 CFS.

Water right No. 34-7028A from Ground Water, priority of 8-01-1972 for 224 acres for 4.3 CFS.

Water right No. 34-7234 from Ground Water, priority of 8-15-1979 for 82 acres for 1.66 CFS.


DARRELL MCDONALD (Page 2)

75 hp Newman Motor and Johnston Pump
60 hp G.E. Motor and Layne & Bowler Pump
50 hp U.S. Motor and Layne & Bowler Pump
Steel Mainlines
Valley 8000 Center Pivot, Serial #10103097
4 Western Wheel lines
Handlines

TRACT A:

TOWNSHIP 3 NORTH, RANGE 27 EAST OF THE BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

SECTION 10: NE1/4NW1/4, EXCEPTING THE WESTERLY 330 FEET; NW1/4NW1/4; S1/2NW1/3; SW1/4NE1/4; N1/2SW1/4; NW1/4SE1/4; EXCEPTING RIGHT-OF-WAY OF STATE HIGHWAY AS GIVEN BY DEED TO STATE OF IDAHO, RECORDED DECEMBER 3, 1954, IN BOOK 15 OF DEEDS, AT PAGE 694, RECORDS OF BUTTE COUNTY, IDAHO.

TOGETHER WITH; AN EASEMENT AND RIGHT OF WAY OVER THE FOLLOWING DESCRIBED LANDS, FOR THE PURPOSE OF CONSTRUCTION, INSTALLATION, REPAIR, MAINTENANCE, OPERATION, AND RECONSTRUCTION OF AN IRRIGATION WELL, PUMP, MOTOR AND ASSOCIATED ELECTRIC EQUIPMENT, AND THE RIGHT TO INGRESS AND EGRESS OVER GRANTORS' LANDS FOR SAID PURPOSES, FOR WELL LOCATED IN THE NORTHEAST CORNER OF SE1/4SW1/2, SECTION 34, TOWNSHIP 5 NORTH, RANGE 26, EAST OF THE BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

TRACT B:

PARCEL 1:

TOWNSHIP 3 NORTH, RANGE 27 EAST OF THE BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

SECTION 4: NE1/4SW1/4; NW1/4SE1/4

PARCEL II:

SECTION 5: LOTS 1 AND 2: S1/2NE1/4
SECTION 4: LOTS 3 AND 4: S1/2NW1/4

TRACT C:

PARCEL 1:

A PORTION OF THE NE1/4NW1/4 OF SECTION 9, TOWNSHIP 3 NORTH, RANGE 27 EAST OF THE BOISE MERIDIAN, BUTTE COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING 33 FEET SOUTH AND 263.96 FEET WEST OF THE NORTHEAST OF THE NW1/4 OF SECTION 9, TOWNSHIP 3 NORTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
THENCE SOUTH 1250.9 FEET;
THENCE WEST 417.4 FEET;
THENCE NORTH 360 FEET;
THENCE EAST 339.4 FEET;
THENCE NORTH 890.9 FEET;
THENCE EAST 78 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION THEREOF IN THE PUBLIC HIGHWAY.

PARCEL II:

A PORTION OF THE NE1/4NW1/4 OF SECTION 9, TOWNSHIP 3 NORTH, RANGE 27 EAST OF THE BOISE MERIDIAN, BUTTE COUNTY, IDAHO DESCRIBED AS FOLLOWS:

BEGINNING 33 FEET SOUTH AND 341.96 FEET WEST FROM THE NE CORNER OF THE NW 1/4 OF SECTION 9, TOWNSHIP 3 NORTH, RANGE 27 EAST OF THE BOISE MERIDIAN, THENCE SOUTH 890.8 FEET; THENCE WEST 339.4 FEET; THENCE NORTH 682.1 FEET; THENCE EAST 208.7 FEET; THENCE NORTH 208.7 FEET; THENCE EAST 130.7 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION THEREOF IN THE PUBLIC HIGHWAY.

Including all Fixtures and Equipment, Including but not limited to the following specific equipment:

1-US Motor 60 HP SN 916306
1-GE Motor 75 HP SN KW1017393
3-1320' Handlines
1-1300' Model 8000 Valley Pivot
1-Layne pump SN 3-0C7393
1-Newperm pump SN 51222108
4-1320' Wheel Lines

40 hp GE motor and Cornell centrifugal pump.
75 hp GE motor and Aurora turbine pump.
50 hp GE motor and Aurora turbine pump.
10 hp Century motor and Berkeley centrifugal pump.

(1) 12 tower Mel Brown Pivot
(2) handlines each 1,320' long
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DARRELL E. & NANCY MCDONALD

WATER RIGHTS

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