

RECEIVED

SEP 26 2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT. OF WATER RESOURCES
SOUTHERN REGION

Water Right Info



1305021858

Notice of Security Interest in a Water Right
and a request to be notified of a change in ownership or any proposed
or final action to amend, transfer, or otherwise modify the water right(s)

Attach pages with additional information. Incomplete forms will be returned.

1. Water Right/Claim No.	Water Right/Claim No.	Water Right/Claim No.	Water Right/Claim No.
45-13540			
45-2514			
45-4254			

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

Phone 208-736-9300

Email central@dlevans.com

4. Name of Water Right Owner/Claimant(s)

Kelly Grant Wyatt , Karen Wyatt

5. Expiration Date of Notification Period

8/25/2044

6. Is this a Renewal of Request for Notification?

☒ YES☐ NO

7. Signature(s) of Security Interest Holder(s)

Title, if applicable

For Office Use Only

Received by SGDate 9/26/2024Receipt No. S040377Fee \$75-

Processed by AJ

Date

WR DMDate 10/22/2024

SUPPORT DATA

IN FILE # 45-2514

CASSIA COUNTY
RECORDED FOR:
TITLEONE - BURLEY
09:57:56 AM 09-03-2024
2024-003261
NO. PAGES: 3 FEE: \$16.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: KJ
Electronically Recorded by Simplifile

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:

Kelly Wyatt
Karen Wyatt
413 South 50 West
Burley, ID 83318

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

MODIFICATION OF MORTGAGE



THIS MODIFICATION OF MORTGAGE dated August 28, 2024, is made and executed between Kelly Wyatt and Karen Wyatt, husband and wife (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 June 23, 2022 (the "Mortgage") which has been recorded in Cassia County, State of Idaho, as follows:

recorded June 23, 2022, as Instrument No. 2022-002771.

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

Refer to exhibit "A" attached here to and made a part hereof.

Together with 205.11 acres of water rights, from the Southwest Irrigation District, together with any and all other water rights and ditch rights appurtenant to the above described property.

Together with the water rights represented by Idaho State Department of Water Resources Water Right No. 45-4254 with a claimed priority of June 1, 1956, to 1.00 cfs of irrigation water from groundwater together with any and all other water rights and ditch rights appurtenant to the above described premises.

Together with the water rights represented by Idaho State Department of Water Resources Water Right No. 45-2514 with a claimed priority of February 29, 1956, to 2.6 cfs of irrigation water from groundwater together with any and all other water rights and ditch rights appurtenant to the above described premises.

Together with the water rights represented by Idaho State Department of Water Resources Water Right No. 45-13540 with a claimed priority of April 15, 1958, to 0.6 cfs of irrigation water from groundwater together with any and all other water rights and ditch rights appurtenant to the above described premises.

Together with all irrigation equipment and additions thereto and replacements thereof now owned or hereafter acquired by the grantors 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.

The Real Property or its address is commonly known as Bare Ground Burley, Id 83318, Burley, ID 83318. The Real Property tax identification number is RP11S22E100901.

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

Note No. xxxxxx5134 is being rewritten by new Note No. xxxxxx1858 dated August 28, 2024, in the original principal amount of \$100,000.00 from Borrower to Lender, together with all renewals of, extensions of, modifications of, refinancing of, consolidations of, and substitutions for the promissory note or agreement.

NOTICE TO GRANTOR: THE NOTE CONTAINS A VARIABLE INTEREST RATE.

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 AUGUST 28, 2024.

GRANTOR:

x Kelly Wyatt
Kelly Wyatt

x Karen L Wyatt
Karen Wyatt

LENDER:

D. L. EVANS BANK

x [Signature]
Authorized Signer



MODIFICATION OF MORTGAGE
(Continued)

Page 2

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Idaho

COUNTY OF Minidoka

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) SS
)

This record was acknowledged before me on August 30, 20 24 by Kelly Wyatt and Karen Wyatt.



Brian Babbitt
Notary Public in and for the State of Idaho

My commission expires 1/20/2029

LENDER ACKNOWLEDGMENT

STATE OF Idaho

COUNTY OF Minidoka

)
) SS
)

This record was acknowledged before me on August 30, 20 24 by Brian Babbitt
as Loan Officer of D. L. Evans Bank.



Brian Babbitt
Notary Public in and for the State of Idaho

My commission expires 1/20/2029

EXHIBIT "A"

Legal Description:

**TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 10: That part of the W $\frac{1}{2}$ NE $\frac{1}{4}$ lying West of the centerline of "J" Canal

EXCEPTING THEREFROM the following described parcel:

Beginning at the North $\frac{1}{4}$ section corner of Section 10, said corner marked by a 3 inch Cassia County survey cap which point shall be THE POINT OF BEGINNING;

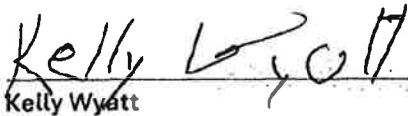
Thence South 0°08'46" East along the West line of the W $\frac{1}{2}$ NE $\frac{1}{4}$ for 159.00 feet;

Thence South 49°44'46" East for 1034.57 feet to the centerline of "J" Canal;

Thence North 09°16'52" East for 825.17 feet to the North line of said Section 10;

Thence North 89°11'04" West along the North section line for 923.15 feet to THE POINT OF BEGINNING.

**Exhibit "A" attached to a Modification of Mortgage dated August 28, 2024, in the name(s) of
Kelly Wyatt and Karen Wyatt.**


Kelly Wyatt


Karen Wyatt

2024-003261



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 22, 2024

D L EVANS BANK
PO BOX 87
TWIN FALLS ID 83303-0087

RE: Notice of Security Interest for Water Right No(s): 45-2514, 45-4254 & 45-13540

Dear Security Interest Holder:

The Department of Water Resources (Department) acknowledges receipt of correspondence renewing security interest of the above referenced water right(s) to you. The Department has modified its records to reflect the change in security interest and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Security Interest, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

If you have any questions concerning the enclosed information, please contact me at (208) 293-9908.

Sincerely,

Denise Maline
Administrative Assistant 1

Enclosure(s)

c: Kelly & Karen Wyatt