

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

SEP 18 2013

DEPARTMENT OF
WATER RESOURCES

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
PD 21-11222	Yes ☐		Yes ☐		Yes ☐
PD 21-11223	Yes ☐		Yes ☐		Yes ☐
PD 21-11224	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Lakeside Real Estate Company, LC
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): HDA Truck Pride, Inc.
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 608 Lambert Pointe Dr. St. Louis MO 63042
Mailing address City State ZIP
- (314) 291-3345
Telephone Email c/o Daniel C. Green
Racine Law Office
P.O. Box 1391, Pocatello ID 83204
(208) 232-6101 dan@racinelaw.net

4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: May 24, 2012

6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:

- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
- If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
- New lessor(s) of record will receive payment after the following rental season.

7. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

SUPPORT DATA

IN FILE # 21-11222

8. Signature: Daniel C. Green CHIEF FINANCIAL OFFICER 9/6/13
Signature of new owner/claimant Title, if applicable Date

Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 9-18-13 Receipt No. C097755 Receipt Amt. 75.00

Approved by [Signature] Processed by [Signature] Date 9-19-2013

Recording requested by and when recorded, return to:
Daniel C. Green
Racine Olson Nye Budge & Bailey, Chtd.
P.O. Box 1391
Pocatello, ID 83204

Instrument No. 545446
22 Day Aug 2013
At 04 O'Clock 32 M
ABBIE MACE
FREMONT CO RECORDER
Fee \$22.00
JC Deputy
Recorded at Request of
First American Title - Pocatello

AMENDED TRUSTEE'S DEED

Daniel C. Green, hereinafter called "Trustee," under a certain Future Advance Deed of Trust (the "Deed of Trust") hereinafter particularly described, does hereby bargain, sell, and convey, without warranty to HD America, Inc., hereinafter called "Grantee," all interest of Lakeside Real Estate Company, LC, an Idaho limited liability company, as of the date hereof effecting that certain real property situated in the county of Fremont, State of Idaho and more particularly described as follows, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED
HEREIN BY REFERENCE

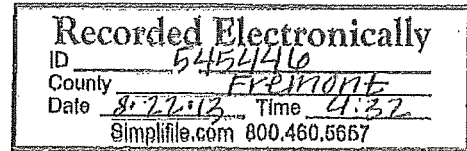
Together with all improvements now or hereafter erected on the property and all easements, appurtenances and fixtures now or hereafter made a part of the property, and all water rights, including, but not limited to Idaho Department of Water Resources Water Right Numbers 21-11222, 21-11223 and 21-11224.

This conveyance is made pursuant to the powers conferred upon the Trustee in the Deed of Trust between Lakeside Real Estate Company, LC, an Idaho limited liability company, as Grantor, to First American Title Company as Trustee and HD America, Inc., as Beneficiary, recorded on March 24, 2010, as Fremont County Recorder's Instrument No. 527451. The Beneficiary appointed Daniel C. Green as Successor Trustee as shown by Fremont County Recorder's Instrument No. 536955 recorded on December 23, 2011. This Amended Trustee's Deed relates back to, and is incorporated into, that certain Trustee's Deed dated May 24, 2012, and recorded on May 24, 2012, as Fremont County Recorder's Instrument No. 538715 and is made for the purpose of specifically describing property conveyed by said Trustee's Deed.

This Deed is issued pursuant to a sale which was made after the fulfilment of the conditions specified in said Deed of Trust which authorized this conveyance as follows:

Notice of Default and Election to Sell was recorded on December 23, 2011, as Fremont County Recorder's Instrument No. 536957. The nature of the Default was set forth in the Notice of Default and Election to Sell.

After recording the Notice of Default and Election to Sell, the Trustee gave notice of the time and place of sale of the property by serving notice of said sale by certified mail, return receipt requested, upon the persons required to receive notice under Idaho Code § 45-1506(2) and by publication in the Standard Journal Newspaper, a newspaper of general circulation in Fremont County, Idaho, the county in which the property is situated, as more fully appears in the Affidavit



Recording requested by and when recorded, return to:
Daniel C. Green
Racine Olson Nye Budge & Bailey, Chtd.
P.O. Box 1391
Pocatello, ID 83204

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SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED
HEREIN BY REFERENCE

Together with all improvements now or hereafter erected on the property and all easements, appurtenances and fixtures now or hereafter made a part of the property, and all water rights, including, but not limited to Idaho Department of Water Resources Water Right Numbers 21-11222, 21-11223 and 21-11224.

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of Mailing, Posting and Publication which was recorded at least twenty (20) days prior to the date of the sale as Fremont County Recorder's Instrument No. 538328 on April 24, 2012.

Sale was held on May 16, 2012, at 10:00 a.m., at the Fremont County Courthouse, located at 151 W. 1st N., St. Anthony, Idaho 83445, at which time the Trustee received payment for the property.

All references to instrument numbers. herein are to records of the Recorder's Office of Fremont County, Idaho.

DATED this 22 day of August, 2013.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

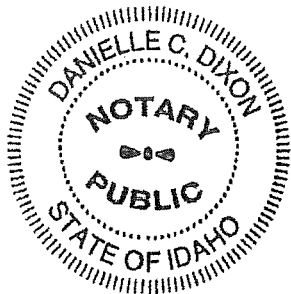
By: 
DANIEL C. GREEN
TRUSTEE

STATE OF IDAHO)
 : ss
County of Bannock)

On this 22 day of August, 2013, before me, the undersigned Notary Public, in and for said State and County, personally appeared Daniel C. Green, known or identified 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 WHEREOF, I have hereunto set my hand and seal the day and year in this Certificate first above written.

(SEAL)




NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello
Commission expires: 1/20/18

EXHIBIT A

Exhibit "A"

Real property in the County of Fremont, State of Idaho, described as follows:

TOWNSHIP 13 NORTH, RANGE 42 E.B.M., FREMONT COUNTY, IDAHO

SECTION 24; GOVERNMENT LOT 3 AND THE NORTH 897 FEET OF GOVERNMENT LOT 4; WHICH INCLUDES ALL OF LAKESIDE SUBDIVISION DIVISION NO. 1, FREMONT COUNTY, IDAHO AS SHOWN ON THE PLAT RECORDED AUGUST 28, 1989, AS INSTRUMENT NO. 411256 AND RERECORDED JUNE 2, 1990, AS INSTRUMENT NO. 412888, AND ALL OF LAKESIDE SUBDIVISION DIVISION NO. 2, FREMONT COUNTY, IDAHO AS SHOWN ON THE PLAT RECORDED FEBRUARY 19, 1993, AS INSTRUMENT NO. 425451.

EXCEPTING THEREFROM THE FOLLOWING:

BEGINNING AT A POINT THAT IS NORTH ALONG THE SECTION LINE 868.4 FEET AND N. 85°11' W. ALONG THE SOUTH LINE EXTENSION OF A LOT REFERRED TO BY THE FREMONT COUNTY ASSESSOR AS LOT 11, TAX NO. 45, A DISTANCE OF 346.90 FEET FROM THE E $\frac{1}{4}$ CORNER OF SECTION 24, RANGE 13 E.B.M., FREMONT COUNTY, IDAHO, SAID POINT BEING AN EXISTING IRON ROD FOUND AT THE SE CORNER OF SAID LOT 11 AND RUNNING THENCE N. 18°29' E. ALONG THE EASTERLY LINE OF SAID LOT 398.98 FEET TO THE SOUTH LINE OF A LOT REFERRED TO BY THE FREMONT COUNTY ASSESSOR AS LOT 6 BERRETT, TAX NO. 49; THENCE SOUTH 67°18' EAST ALONG SAID SOUTH LINE 237.59 FEET TO THE EAST LINE OF SAID SECTION 24; THENCE SOUTH ALONG SAID SECTION LINE 315.84 FEET; THENCE N. 85°11' W. 346.90 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING: BEGINNING AT A POINT THAT IS NORTH 1451 FEET FROM THE E $\frac{1}{4}$ CORNER OF SECTION 24, RANGE 13 E.B.M., FREMONT COUNTY, IDAHO, AND RUNNING THENCE WEST 40 FEET; THENCE SOUTH 250 FEET; THENCE N. 67°24' W. 192 FEET; THENCE S. 18°22' W. 400 FEET; THENCE N. 86°25' W. 311 FEET TO THE SHORE LINE OF THE NORTH FORK RESERVOIR; THENCE NORTHEASTERLY ALONG SAID SHORELINE 1120 FEET, MORE OR LESS TO THE EAST LINE OF SAID SECTION 24, SAID POINT BEING NORTH 1751 FEET FROM THE E $\frac{1}{4}$ CORNER OF SAID SECTION 24; THENCE SOUTH 300 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM AN EASEMENT 20 FEET WIDE FOR A ROADWAY, APPURTENANT TO THE PROPERTY ABOVE EXCEPTED, RUNNING ALONG THE EAST SIDE OF GOVERNMENT LOT 3 AT THE LOCATION OF THE EXISTING ROADWAY.

ALSO EXCEPTING: BEGINNING AT A POINT WHICH IS S. 00°05'00" W. ALONG THE SECTION LINE 397.00 FEET FROM THE E $\frac{1}{4}$ CORNER OF SECTION 24, TOWNSHIP 13 NORTH, RANGE 42 E.B.M., FREMONT COUNTY, IDAHO, AND RUNNING THENCE S. 00°05'00" W. 500.00 FEET; THENCE N. 89°55'00" W. 87.12 FEET; THENCE N. 00°05'00" E. 500 FEET; THENCE S. 89°55'00" E. 87.12 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING: LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9 OF LAKESIDE SUBDIVISION DIVISION NO. 1, FREMONT COUNTY, IDAHO, AS SHOWN ON THE PLAT RECORDED AUGUST 28, 1989, AS INSTRUMENT NO. 411256 AND RERECORDED JUNE 2, 1990, AS INSTRUMENT NO. 412888.

ALSO EXCEPTING: LOTS 13, 14 AND 15, BLOCK 1; LOT 1, BLOCK 2 AND LOT 6, BLOCK 3 IN LAKESIDE SUBDIVISION DIVISION NO. 2, FREMONT COUNTY, IDAHO, AS SHOWN ON THE PLAT RECORDED FEBRUARY 19, 1993, AS INSTRUMENT NO. 425451.

Commonly known as: 3865 Hansen Lane, 3855, 3857, Lakeside Lodge Drive, 3865, 3867 Lakeside
Lodge Drive, 3861, 3866, 3869 Lakeside Drive, Island Park, ID 83429
3870, 3871 Lakeside Drive Island Park, ID 83429

FIRST AMERICAN TITLE COMPANY AS AN
ACCOMMODATION ONLY AND HAS NOT BEEN
EXAMINED AS TO ITS EXECUTION OR AS
TO ITS EFFECT UPON THE TITLE.

Instrument No. 545740
12 Day Sep 2013
At 04 O'Clock 18 M
ABBIE MACE
FREMONT CO RECORDER
Fee \$13.00
JF Deputy
Recorded at Request of
First American Title - Pocatello

ASSIGNMENT OF AMENDED TRUSTEE'S DEED

This Assignment is made this 30 day of August, 2013 and is made by HD America, Inc. ("Assignor") for the sole benefit of HDA Truck Pride ("Assignee").

The following recitals are a material part of this Assignment:

A. On May 16, 2013, Assignor placed a credit bid (the "Credit Bid") at a Trustee's sale (the "Sale") of certain real property located in Fremont County, Idaho and the appurtenances, fixtures and water rights (collectively the "Property") conducted by the Fremont County Sheriff.

B. Assignor, by virtue of its placing the Credit Bid, was the successful bidder at the Sale and obtained a Trustee's Deed (the "Trustee's Deed"). The Trustee's Deed was recorded on May 24, 2013, as Fremont County, Idaho Recorder's Instrument No. 538715.

C. On August 22, 2013, Assignor recorded an Amended Trustee's Deed as Fremont County, Idaho Recorder's Instrument No. 545446 (the "Amended Trustee's Deed").

D. Both Assignor and Assignee desire that all right, title and interest in the Property subject to the Sale be vested in Assignee and that the Trustee's Deed and the Amended Trustee's Deed be vested with the Assignee.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby assign and transfer unto Assignee and its successors and assigns all of its right, title and interest in and to the Property and the Trustee's Deed and the Amended Trustee's Deed, to have and to hold all of the same, forever.

HD AMERICA, INC.

By: David H. Rhoads
Its: CHIEF FINANCIAL OFFICER

HDA TRUCK PRIDE

By: David L. Rhoads
Its: CHIEF FINANCIAL OFFICER

THIS INSTRUMENT FILED FOR RECORD BY
FIRST AMERICAN TITLE COMPANY AS AN
ACCOMMODATION ONLY AND HAS NOT BEEN
EXAMINED AS TO ITS EXECUTION OR AS
TO ITS EFFECT UPON THE TITLE.

Recorded Electronically	
ID	545 740
County	Fremont
Date	9-12-13 Time 4:18
Simplifile.com 800.460.5657	

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HD AMERICA, INC.

By: Daniel H. Rhoads
Its: CHIEF FINANCIAL OFFICER

HDA TRUCK PRIDE

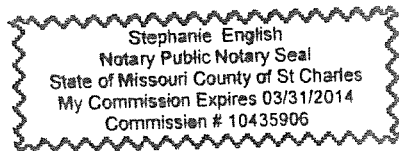
By: Daniel L. Rhoads
Its: CHIEF FINANCIAL OFFICER

STATE OF MISSOURI)
 : SS
County of St. Charles)

I, Stephanie English, a Notary Public in and for said state and county, do hereby certify that on this 4th day of September, 2013, personally appeared before me David Rhoads, whose name is subscribed to the foregoing document who, being by me first duly sworn on oath, declared that he/she is the CFO of HDA Truck Pride, that he/she executed the foregoing document in his/her authorized capacity and that by his/her signature on the document, the entity upon whose behalf of which he/she acted, executed this document and that the statements contained therein are true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this Certificate first above written.

(SEAL)



Stephanie English
NOTARY PUBLIC FOR MISSOURI
Residing at: St. Charles County
Commission expires: 3-31-2014