

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED**AUG 19 2005**Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
\$25- 29-2182					
\$25- 29-4264					
\$35- 29-13200	<i>- Does not own Property.</i>				
\$100- 29-7243		X			
\$100- 29-13199		X			
\$100- 29-13201		X			

RECEIVED**AUG 25 2005****DEPARTMENT OF
WATER RESOURCES**

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *\$ 375-*
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant Howard L. Armstrong Jr. And Marilyn L. Armstrong
4. New Owner/Claimant(s) Trail Creek Development, LLC
 Name connector (check one): ☐ and ☐ or, ☐ and/or
 New Mailing Address 814 Rocky Point Rd.
 City, State and ZIP Code Pocatello, ID 83204
 New Telephone Number 208-406-9036 -- Disconnected - 7/7/04
5. Date you acquired the property December 7, 2004

SUPPORT DATAIN FILE # 29-2182**RECEIVED****AUG 15 2005**Department of Water Resources
Eastern Region

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	89% or 2.3941 cfs	
Stock		
Domestic		
Other		
TOTAL		

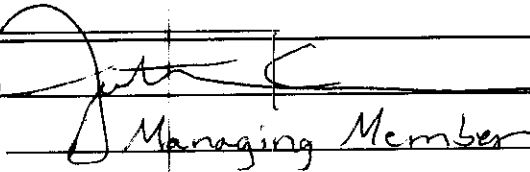
DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	89% or 0.2136 cfs	
Stock		
Domestic		
Other		
TOTAL		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	89% or 0.1513 cfs	
Stock		
Domestic		
Other		
TOTAL		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation		
Stock		
Domestic		
Other		
TOTAL		

7.

Signature of New Owner(s) Or Claimant(s)
(include title if applicable)


Managing Member

For Snake River Basin Adjudication Claims: Please attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

For Office Use Only

Received by JC
 Received by JC
 Processed by _____

Date 8-19-05 Fee \$375-
 Date 8-19-05 Receipt No. E031192
 Date _____ WR _____ Date _____

2004694

WHEN RECORDED MAIL TO:
Trail Creek Development, LLC
814 Rocky Point Road
Pocatello,, ID. 83201

20426187

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NORTHERN TITLE OF IDAHO CO

RECORDED AT REQUEST OF

FEE 21 DEPUTY BP

7-1

2004 DEC 8 PM 4 51

OFFICIAL RECORD BK# 859
LARRY W GHAN RECORDER
BANNOCK COUNTY IDAHO

CORPORATE WARRANTY DEED

Howard L. Armstrong & Sons, Inc., an Idaho Corporation, Grantor, County of Bannock, State of Idaho, hereby CONVEY and WARRANTY to Trail Creek Development, LLC, an Idaho Limited Liability Company, Grantee, of POCATELLO,, County of Bannock, State of ID, for the sum of TEN DOLLARS and other good and valuable consideration, the following tract of land in , State of Idaho, to-wit:

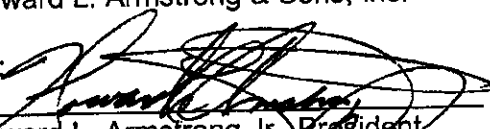
See Attached Exhibit "A"

Subject to easements, restrictions and rights of way appearing of record and enforceable in law and subject to 2004 taxes and thereafter.

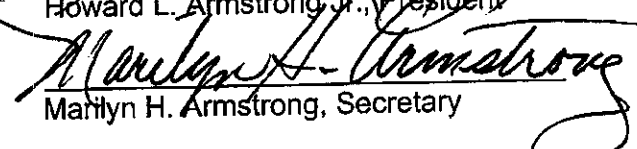
The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

WITNESS the hand of said grantor, this December 7, 2004.

Howard L. Armstrong & Sons, Inc.

By: 

Howard L. Armstrong Jr., President


Marilyn H. Armstrong, Secretary

STATE OF IDAHO)

:ss

COUNTY OF BANNOCK)

On the December 7, 2004, Howard L. Armstrong Jr. personally appeared before me who is being duly sworn, did say, that he is the President, and that Marilyn H. Armstrong, who being by me duly sworn, did say, that she is the Secretary of Howard L. Armstrong & Sons, Inc. and that the within

"EXHIBIT A"

20426187

Parcel 1:

A tract of land in Section 28 and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 6 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, described as follows:

Beginning at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 89°43'09" East, along the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 1313.01 feet to the Northeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Inst. No. 267346 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 00°40'05" West, along the West line of Warranty Deed Inst. No. 237346, a distance of 520.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 89°19'55" East, along the South line of said Warranty Deed, 416.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 00°40'05" East, along the East line of said Warranty Deed, 522.98 feet to a point on the North line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 89°44'31" East, along the North line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Inst. No. 484329 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 00°43'44" West, along the West line of said Warranty Deed Inst. No. 484329, a distance of 200.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 89°44'31" East, along the South line of said Warranty Deed Inst. No. 484329, a distance of 714.82 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 32°22'52" West, 193.52 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, South 07°30'05" East, 183.80 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, South 14°54'56" East 316.37 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, South 38°59'43" East, 126.44 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, North 45°45'50" East, 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Inst. No. 20106189 and marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence North 58°37'17" East, along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised plat of a portion of the West Pocatello Townsite, said point being marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence South 35°01'54" East, along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence, South 55°25'04" West, along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, through a central angle of 11°12'50", for an arc length of 189.46 feet;

Thence, South 66°37'54" West, continuing along said centerline, 595.81 feet;

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Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of 30°35'00", for an arc length of 152.92 feet;

Thence, South 36°02'53" West, continuing along said road centerline, 25.20 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of 21°00'00", for an arc length of 210.00 feet;

Thence, South 57°02'55" West, continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of 16°00'00", for an arc length of 159.99 feet;

Thence, South 41°02'50" West, continuing along said road centerline, 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of 45°00'00", for an arc length of 150.00 feet;

Thence, South 86°02'56" West, continuing along said road centerline, 43.21 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of 41°19'13", for an arc length of 202.14 feet;

Thence, North 45°16'20" West, leaving said road centerline, 33.00 feet to a point on the Northwesterly right of way line of said Trail Creek Road, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 66°21'34" West, 177.85 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 27°47'21" West 143.45 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 55°57'58" West, 138.42 feet to a 5/8" rebar and aluminum cap stamped PLS 843, said point being on the Easterly right-of-way of an access easement described in Warranty Deed Inst. No. 93016997;

Thence, North 89°52'25" West, 1377.90 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 00°40'05" West, 1086.24 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 89°55'09" West, 206.50 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 00°38'37" West, 661.12 feet to a 5/8" rebar and aluminum cap stamped PLS 843, said point being on the North line of a parcel shown on Warranty Deed Inst. No. 20008237;

Thence, South 89°56'03" West, along the North line of Warranty Deed Inst. No. 20008237 and the North line of Warranty Deed Inst. No. 20325691, a distance of 959.34 feet to the Northwest corner of Warranty Deed Inst. No. 20325691, said point also being on the West line of the NE¼ NW¼ of Section 33, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 00°45'16" East, along said West line, 327.84 feet to the Southwest corner of the SE¼ SW¼ of Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 00°38'37" East, along the West line of the SE¼ SW¼ and the NE¼ SW¼, a distance of 2629.11 feet to the Northwest corner of said NE¼ SW¼, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 00°42'00" East, along the West line of the SE¼ NW¼, a distance of 1312.37 feet to the Point of Beginning.

Subject to a 33.00 foot road easement being Northwesterly of and contiguous with the center line of Trail Creek Road.

Excepting therefrom a one acre parcel and access easement described in Warranty Deed Inst. No. 93016997.

Also excepting therefrom a parcel of land in the N $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 28, described as follows:

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Beginning at the Northwest corner of Warranty Deed Inst. No. 93016997, said point being a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 977;

Thence, North 68°39'40" East, 205.05 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, South 08°58'41" East, 436.34 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, South 68°40'55" West, 610.16 feet to a point on the Westerly right of way of an access easement described in Warranty Deed Inst. No. 93016997, said point being marked with a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, North 22°33'40" West, 401.76 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, North 43°13'54" East, 143.75 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, South 89°31'28" East, 173.02 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, North 61°38'56" East, 217.90 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 977, said point being the Northwest corner of Warranty Deed Inst. No. 93016997;

Thence, South 02°14'31" East, along the Westerly boundary line of said parcel, 301.99 feet;

Thence, North 76°00'31" East, along the Southerly boundary line of said parcel, 147.33 feet;

Thence, North 02°14'31" West, along the Easterly boundary line of said parcel, 301.99 feet;

Thence, South 76°00'31" West, along the Northerly boundary line of said parcel, 147.33 feet to the Point of Beginning.

Excepting Therefrom:

A tract of land in the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 28 and the W $\frac{1}{2}$ W $\frac{1}{4}$ of Section 27, Township 6 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, described as follows:

Commencing at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28, said point being marked with a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence, S 89°43'09" E, along the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 1313.01 feet to the Northeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Inst. No. 267346 and marked with a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence, S 00°40'05" W, along the west line of Warranty Deed Inst. No. 267346, a distance of 520.00 feet to a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence, S 89°19'55" E, along the south line of said Warranty Deed, 416.00 feet to a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence, N 00°40'05" E, along the east line of said Warranty Deed, 522.98 feet to a point on the North line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section, said point being marked with a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence, S 89°44'31" E, along the north line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Inst. No. 484329 and marked with a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence, S 00°43'44" W, along the West line of said Warranty Deed Inst. No. 484329, a distance of 200.00 feet to a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843, the TRUE POINT OF BEGINNING;

Thence, S 89°44'31" E, along the south line of said Warranty Deed Inst. No. 484329, a distance of 714.82 feet to a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;

Thence, S 32°22'52" W, 193.52 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

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Thence, S 07°30'05" E, 183.80 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, S 14°54'56" E, 316.37 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, S 38°59'43" E, 126.44 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 45°45'50" E, 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Inst. No. 20106189 and marked with a ½" rebar and plastic cap stamped PLS 977;

Thence, N 58°37'17" E, along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised plat of a portion of the West Pocatello Townsite, said point being marked with a ½" rebar and plastic cap stamped PLS 977;

Thence, S 35°01'54" E, along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence, S 55°25'04" W, along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, through a central angle of 11°12'50", for an arc length of 189.46 feet;

Thence, S 66°37'54" W, continuing along said centerline, 595.81 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of 30°35'00", for an arc length of 152.92 feet;

Thence, S 36°02'53" W, continuing along said road centerline, 25.20 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of 21°00'00", for an arc length of 210.00 feet;

Thence, S 57°02'55" W, continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of 16°00'00", for an arc length of 159.99 feet;

Thence, S 41°02'50" W, continuing along said road centerline, 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of 45°00'00", for an arc length of 150.00;

Thence, S 86°02'56" W, continuing along said road centerline, 43.21 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of 41°19'13", for an arc length of 202.14 feet;

Thence, N 45°16'20" W, leaving said road centerline, 33.00 feet to a point on the Northwesterly right-of-way line of said Trail Creek Road, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N 13°45'28" E, 959.98' to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 08°58'41" W, 436.04' to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 07°07'24" E, 1231.27' to the TRUE POINT OF BEGINNING.

Subject to a 33.00 foot easement north of and contiguous with the center line of Trail Creek Road.

Parcel 2:

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A tract of land in the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 28 and the W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 27, Township 6 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, described as follows:

Commencing at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°43'09" E, along the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 1313.01 feet to the Northeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Inst. No. 267346 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 00°40'05" W, along the west line of Warranty Deed Inst. No. 267346, a distance of 520.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°19'55" E, along the south line of said Warranty Deed, 416.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N 00°40'05" E, along the east line of said Warranty Deed, 522.98 feet to a point on the North line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°44'31" E, along the north line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Inst. No. 484329 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 00°43'44" W, along the West line of said Warranty Deed Inst. No. 484329, a distance of 200.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843, the TRUE POINT OF BEGINNING;

Thence, S 89°44'31" E, along the south line of said Warranty Deed Inst. No. 484329, a distance of 714.82 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 32°22'52" W, 193.52 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, S 07°30'05" E, 183.80 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, S 14°54'56" E, 316.37 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, S 38°59'43" E, 126.44 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, N 45°45'50" E, 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Inst. No. 20106189 and marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence, N 58°37'17" E, along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised plat of a portion of the West Pocatello Townsite, said point being marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence, S 35°01'54" E, along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence, S 55°25'04" W, along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, through a central angle of 11°12'50", for an arc length of 189.46 feet;

Thence, S 66°37'54" W, continuing along said centerline, 595.81 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of 30°35'00", for an arc length of 152.92 feet;

Thence, S 36°02'53" W, continuing along said road centerline, 25.20 feet;

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Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of $21^{\circ}00'00''$, for an arc length of 210.00 feet;

Thence, $S 57^{\circ}02'55'' W$, continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of $16^{\circ}00'00''$, for an arc length of 159.99 feet;

Thence, $S 41^{\circ}02'50'' W$, continuing along said road centerline, 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of $45^{\circ}00'00''$, for an arc length of 150.00;

Thence, $S 86^{\circ}02'56'' W$, continuing along said road centerline, 43.21 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of $41^{\circ}19'13''$, for an arc length of 202.14 feet;

Thence, $N 45^{\circ}16'20'' W$, leaving said road centerline, 33.00 feet to a point on the Northwestern right-of-way line of said Trail Creek Road, said point being marked with a $5/8''$ rebar and aluminum cap stamped PLS 843;

Thence, $N 13^{\circ}45'28'' E$, 959.98' to a $1/2''$ rebar and plastic cap stamped PLS 843;

Thence, $N 08^{\circ}58'41'' W$, 436.04' to a $1/2''$ rebar and plastic cap stamped PLS 843;

Thence, $N 07^{\circ}07'24'' E$, 1231.27' to the TRUE POINT OF BEGINNING.

Subject to a 33.00 foot easement north of and contiguous with the center line of Trail Creek Road.

2004694

WHEN RECORDED MAIL TO:
Trail Creek Development, LLC
814 Rocky Point Road
Pocatello, ID. 83201

20426188
NORTHERN TITLE OF IDAHO CO

RECORDED AT REQUEST OF

FEE 4 DEPUTY BP

2004 DEC 8 PM 4 52

OFFICIAL RECORD BK# 859
LARRY W CHAN RECORDER
BANNOCK COUNTY IDAHO

7-1
WARRANTY DEED

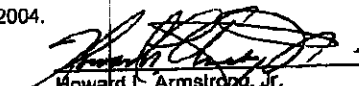
20426188

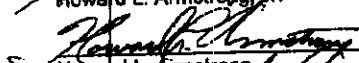
Howard L. Armstrong, Jr., also known as Howard L. Armstrong and Marilyn L. Armstrong, husband and wife, Grantor, County of Bannock, State of Idaho hereby CONVEY and WARRANTY to Trail Creek Development, LLC, an Idaho Limited Liability Company Grantee, of POCATELLO, County of Bannock, State of ID, for the sum of TEN DOLLARS and other good and valuable consideration, the following tract of land in, State of ~~Idaho~~, to wit:

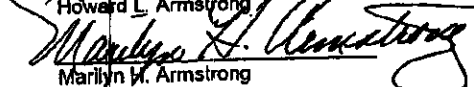
See Attached Exhibit "A"

Subject to easements, restrictions and rights of way appearing of record and enforceable in law and subject to 2004 taxes and thereafter.

WITNESS the hand of said grantor, this December 7, 2004.


Howard L. Armstrong, Jr.

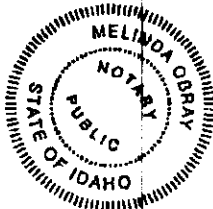

Howard L. Armstrong


Marilyn H. Armstrong

STATE OF IDAHO)
) ss
COUNTY OF BANNOCK)

On the December 7, 2004, personally appeared before me Howard L. Armstrong, Jr., also known as Howard L. Armstrong and Marilyn H. Armstrong, the signer(s) of the within instrument, who duly acknowledged to me that they executed the same.


Notary Public for the State of Idaho
Residing at: Pocatello, ID
Commission expires: 2-15-07



"EXHIBIT A"**20426188****Parcel 1:**

A tract of land in Section 28 and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 6 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, described as follows:

Beginning at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 89°43'09" East, along the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 1313.01 feet to the Northeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Inst. No. 267346 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 00°40'05" West, along the West line of Warranty Deed Inst. No. 237346, a distance of 520.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence South 89°19'55" East, along the South line of said Warranty Deed, 416.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 00°40'05" East, along the East line of said Warranty Deed, 522.98 feet to a point on the North line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 89°44'31" East, along the North line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Inst. No. 484329 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 00°43'44" West, along the West line of said Warranty Deed Inst. No. 484329, a distance of 200.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 89°44'31" East, along the South line of said Warranty Deed Inst. No. 484329, a distance of 714.82 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 32°22'52" West, 193.52 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, South 07°30'05" East, 183.80 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, South 14°54'56" East 316.37 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, South 38°59'43" East, 126.44 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, North 45°45'50" East, 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Inst. No. 20106189 and marked with a 1/4" rebar and plastic cap stamped PLS 977;

Thence North 58°37'17" East, along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised plat of a portion of the West Pocatello Townsite, said point being marked with a 1/2" rebar and plastic cap stamped PLS 977;

Thence South 35°01'54" East, along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence, South 55°25'04" West, along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, through a central angle of 11°12'50", for an arc length of 189.46 feet;

Thence, South 66°37'54" West, continuing along said centerline, 595.81 feet;

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Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of 30°35'00", for an arc length of 152.92 feet;

Thence, South 36°02'53" West, continuing along said road centerline, 25.20 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of 21°00'00", for an arc length of 210.00 feet;

Thence, South 57°02'55" West, continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of 16°00'00", for an arc length of 159.99 feet;

Thence, South 41°02'50" West, continuing along said road centerline, 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of 45°00'00", for an arc length of 150.00 feet;

Thence, South 86°02'56" West, continuing along said road centerline, 43.21 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of 41°19'13", for an arc length of 202.14 feet;

Thence, North 45°16'20" West, leaving said road centerline, 33.00 feet to a point on the Northwestern right of way line of said Trail Creek Road, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 66°21'34" West, 177.85 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 27°47'21" West 143.45 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 55°57'58" West, 138.42 feet to a 5/8" rebar and aluminum cap stamped PLS 843, said point being on the Easterly right-of-way of an access easement described in Warranty Deed Inst. No. 93016997;

Thence, North 89°52'25" West, 1377.90 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 00°40'05" West, 1086.24 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 89°55'09" West, 206.50 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, South 00°38'37" West, 661.12 feet to a 5/8" rebar and aluminum cap stamped PLS 843, said point being on the North line of a parcel shown on Warranty Deed Inst. No. 20008237;

Thence, South 89°56'03" West, along the North line of Warranty Deed Inst. No. 20008237 and the North line of Warranty Deed Inst. No. 20325691, a distance of 959.34 feet to the Northwest corner of Warranty Deed Inst. No. 20325691, said point also being on the West line of the NE¼ NW¼ of Section 33, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 00°45'16" East, along said West line, 327.84 feet to the Southwest corner of the SE¼ SW¼ of Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 00°38'37" East, along the West line of the SE¼ SW¼ and the NE¼ SW¼, a distance of 2629.11 feet to the Northwest corner of said NE¼ SW¼, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, North 00°42'00" East, along the West line of the SE¼ NW¼, a distance of 1312.37 feet to the Point of Beginning.

Subject to a 33.00 foot road easement being Northwesternly of and contiguous with the center line of Trail Creek Road.

Excepting therefrom a one acre parcel and access easement described in Warranty Deed Inst. No. 93016997.

Also excepting therefrom a parcel of land in the N $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28, described as follows:

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Beginning at the Northwest corner of Warranty Deed Inst. No. 93016997, said point being a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 977;

Thence, North 68°39'40" East, 205.05 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, South 08°58'41" East, 436.34 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, South 68°40'55" West, 610.16 feet to a point on the Westerly right of way of an access easement described in Warranty Deed Inst. No. 93016997, said point being marked with a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, North 22°33'40" West, 401.76 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, North 43°13'54" East, 143.75 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, South 89°31'28" East, 173.02 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

Thence, North 61°38'56" East, 217.90 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 977, said point being the Northwest corner of Warranty Deed Inst. No. 93016997;

Thence, South 02°14'31" East, along the Westerly boundary line of said parcel, 301.99 feet;

Thence, North 76°00'31" East, along the Southerly boundary line of said parcel, 147.33 feet;

Thence, North 02°14'31" West, along the Easterly boundary line of said parcel, 301.99 feet;

Thence, South 76°00'31" West, along the Northerly boundary line of said parcel, 147.33 feet to the Point of Beginning.

Excepting Therefrom:

A tract of land in the E $\frac{1}{2}$ E $\frac{1}{4}$ of Section 28 and the W $\frac{1}{2}$ W $\frac{1}{4}$ of Section 27, Township 6 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, described as follows:

Commencing at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°43'09" E, along the North line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 1313.01 feet to the Northeast corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Inst. No. 267346 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 00°40'05" W, along the west line of Warranty Deed Inst. No. 267346, a distance of 520.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°19'55" E, along the south line of said Warranty Deed, 416.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N 00°40'05" E, along the east line of said Warranty Deed, 522.98 feet to a point on the North line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°44'31" E, along the north line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Inst. No. 484329 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 00°43'44" W, along the West line of said Warranty Deed Inst. No. 484329, a distance of 200.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843, the TRUE POINT OF BEGINNING;

Thence, S 89°44'31" E, along the south line of said Warranty Deed Inst. No. 484329, a distance of 714.82 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 32°22'52" W, 193.52 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;

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Thence, S 07°30'05" E, 183.80 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, S 14°54'56" E, 316.37 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, S 38°59'43" E, 126.44 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 45°45'50" E, 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Inst. No. 20106189 and marked with a ½" rebar and plastic cap stamped PLS 977;

Thence, N 58°37'17" E, along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised plat of a portion of the West Pocatello Townsite, said point being marked with a ½" rebar and plastic cap stamped PLS 977;

Thence, S 35°01'54" E, along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence, S 55°25'04" W, along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, through a central angle of 11°12'50", for an arc length of 189.46 feet;

Thence, S 66°37'54" W, continuing along said centerline, 595.81 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of 30°35'00", for an arc length of 152.92 feet;

Thence, S 36°02'53" W, continuing along said road centerline, 25.20 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of 21°00'00", for an arc length of 210.00 feet;

Thence, S 57°02'55" W, continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of 16°00'00", for an arc length of 159.99 feet;

Thence, S 41°02'50" W, continuing along said road centerline, 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of 45°00'00", for an arc length of 150.00;

Thence, S 86°02'56" W, continuing along said road centerline, 43.21 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of 41°19'13", for an arc length of 202.14 feet;

Thence, N 45°16'20" W, leaving said road centerline, 33.00 feet to a point on the Northwesterly right-of-way line of said Trail Creek Road, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N 13°45'28" E, 959.98' to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 08°58'41" W, 436.04' to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 07°07'24" E, 1231.27' to the TRUE POINT OF BEGINNING.

Subject to a 33.00 foot easement north of and contiguous with the center line of Trail Creek Road.

20426188

Parcel 2:

A tract of land in the E½E½ of Section 28 and the W½W½ of Section 27, Township 6 South, Range 34 East of the Boise Meridian, Bannock County, Idaho, described as follows:

Commencing at the Northwest corner of the SE¼NW¼ of said Section 28, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°43'09" E, along the North line of said SE¼NW¼, a distance of 1313.01 feet to the Northeast corner of said SE¼NW¼, said point also being the Northwest corner of a parcel of land recorded in Warranty Deed Inst. No. 267346 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 00°40'05" W, along the west line of Warranty Deed Inst. No. 267346, a distance of 520.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°19'55" E, along the south line of said Warranty Deed, 416.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N 00°40'05" E, along the east line of said Warranty Deed, 522.98 feet to a point on the North line of the SW¼NE¼ of said Section, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 89°44'31" E, along the north line of said SW¼NE¼ and the SE¼NE¼ a distance of 1444.95 feet to the Northwest corner of a parcel described in Warranty Deed Inst. No. 484329 and marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 00°43'44" W, along the West line of said Warranty Deed Inst. No. 484329, a distance of 200.00 feet to a 5/8" rebar and aluminum cap stamped PLS 843, the TRUE POINT OF BEGINNING;

Thence, S 89°44'31" E, along the south line of said Warranty Deed Inst. No. 484329, a distance of 714.82 feet to a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, S 32°22'52" W, 193.52 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, S 07°30'05" E, 183.80 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, S 14°54'56" E, 316.37 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, S 38°59'43" E, 126.44 feet to a ½" rebar and plastic cap stamped PLS 843;

Thence, N 45°45'50" E, 94.63 feet to a point on the Southerly line of a parcel shown on Warranty Deed Inst. No. 20106189 and marked with a ½" rebar and plastic cap stamped PLS 977;

Thence, N 58°37'17" E, along said Southerly line, 184.70 feet to a point on the Southwesterly boundary line of the Revised plat of a portion of the West Pocatello Townsite, said point being marked with a ½" rebar and plastic cap stamped PLS 977;

Thence, S 35°01'54" E, along said Southwesterly boundary line of said Plat, 1032.85 feet to a point which intersects the centerline of Trail Creek Road;

Thence, S 55°25'04" W, along said road centerline, 375.12 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 968.00 feet, through a central angle of 11°12'50", for an arc length of 189.46 feet;

Thence, S 66°37'54" W, continuing along said centerline, 595.81 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 286.49 feet, through a central angle of 30°35'00", for an arc length of 152.92 feet;

Thence, S 36°02'53" W, continuing along said road centerline, 25.20 feet;

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Thence continuing along said road centerline, along a curve to the right, having a radius of 572.95 feet, through a central angle of $21^{\circ}00'00''$, for an arc length of 210.00 feet;

Thence, S $57^{\circ}02'55''$ W, continuing along said road centerline, 59.70 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 572.93 feet, through a central angle of $16^{\circ}00'00''$, for an arc length of 159.99 feet;

Thence, S $41^{\circ}02'50''$ W, continuing along said road centerline, 112.70 feet;

Thence continuing along said road centerline, along a curve to the right, having a radius of 190.99 feet, through a central angle of $45^{\circ}00'00''$, for an arc length of 150.00;

Thence, S $86^{\circ}02'56''$ W, continuing along said road centerline, 43.21 feet;

Thence continuing along said road centerline, along a curve to the left, having a radius of 280.29 feet, through a central angle of $41^{\circ}19'13''$, for an arc length of 202.14 feet;

Thence, N $45^{\circ}16'20''$ W, leaving said road centerline, 33.00 feet to a point on the Northwesterly right-of-way line of said Trail Creek Road, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N $13^{\circ}45'28''$ E, 959.98' to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, N $08^{\circ}58'41''$ W, 436.04' to a 1/2" rebar and plastic cap stamped PLS 843;

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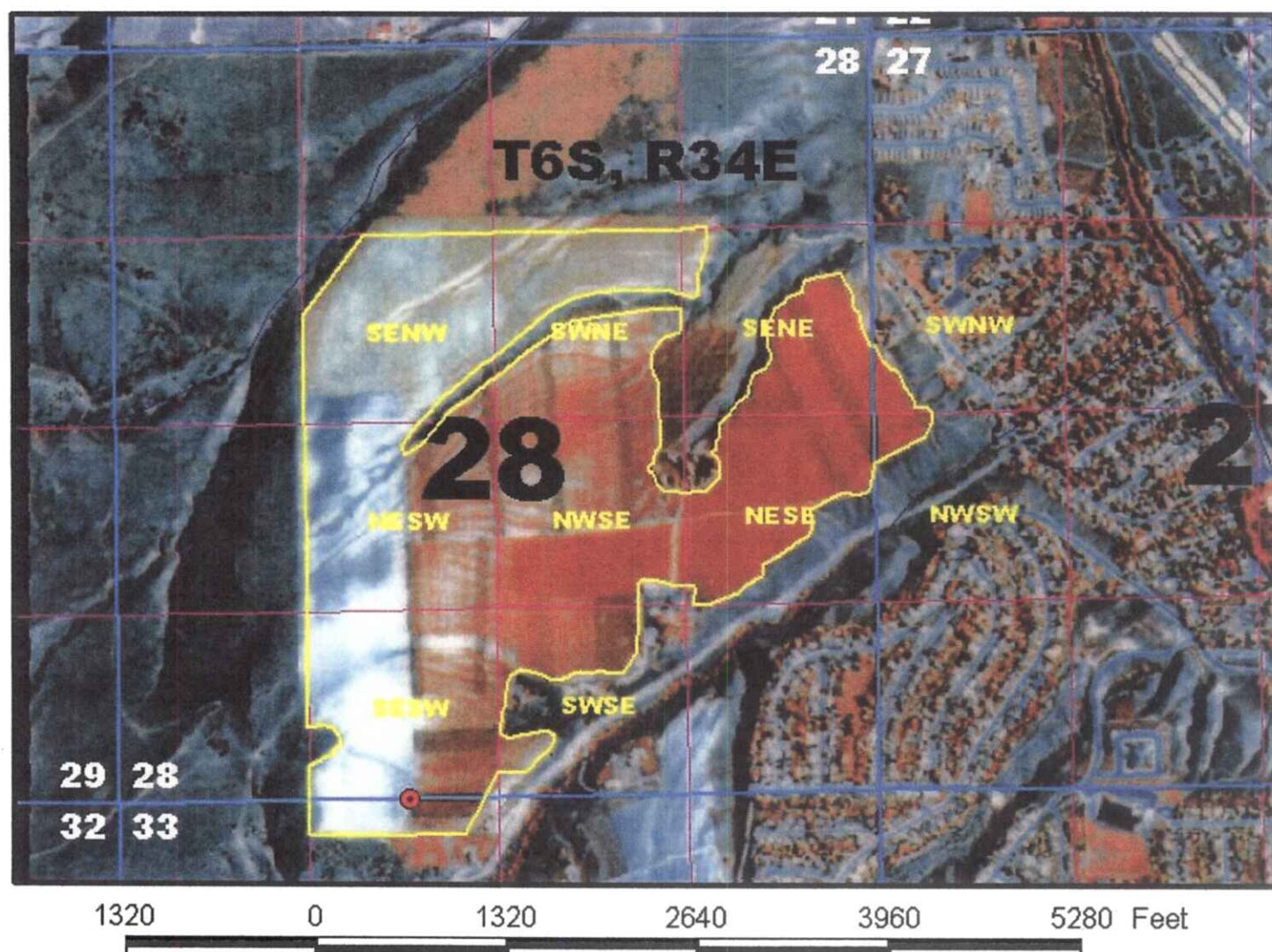
Subject to a 33.00 foot easement north of and contiguous with the center line of Trail Creek Road.



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-07243, 29-13199
29-13201



Total Irrigated Acres: 244.7

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



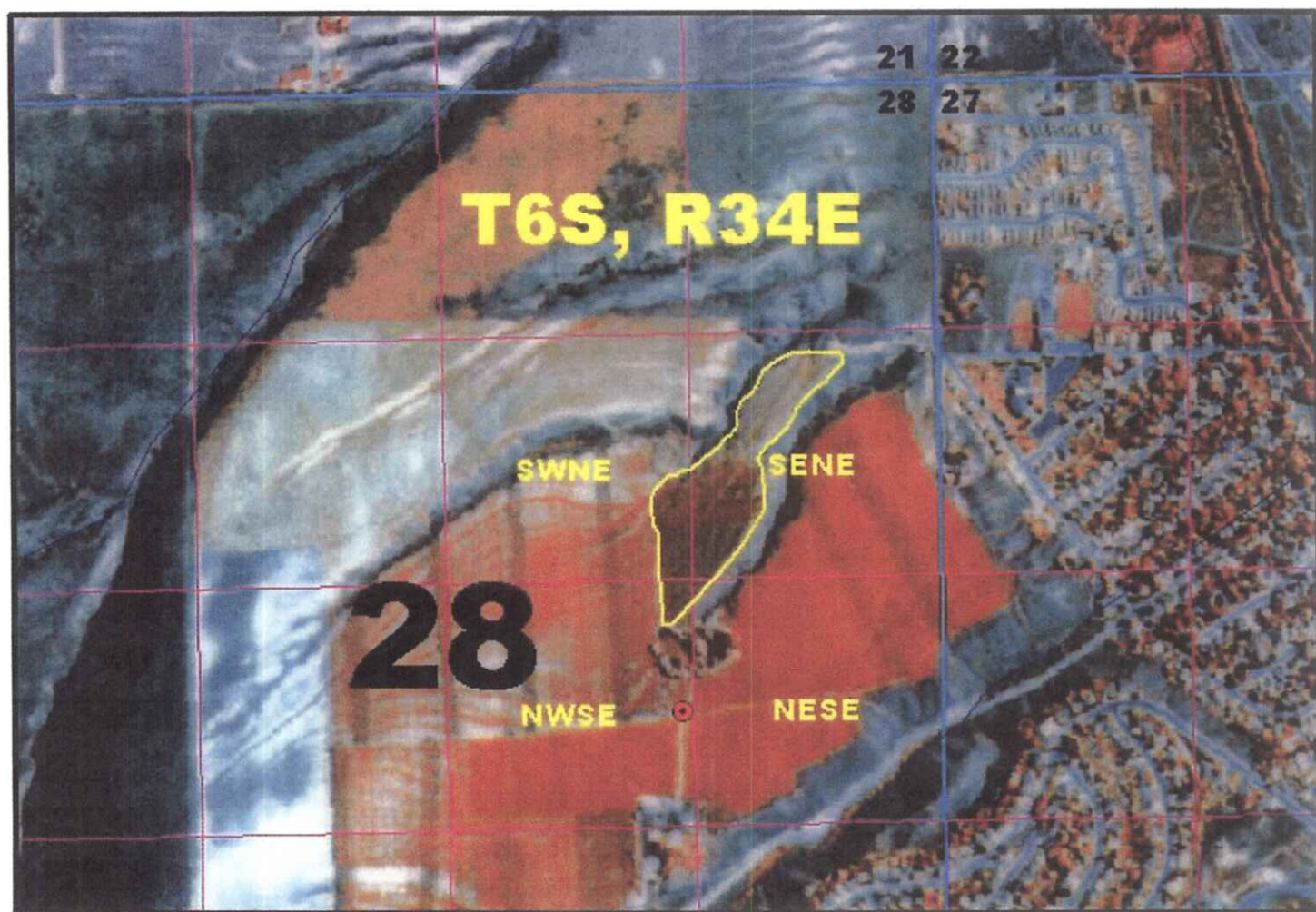
GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: July 2001



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-04264



1320 0 1320 2640 Feet

Total Irrigated Acres: 11.8

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: July 2001