

November 11, 2024

Planning & Development Department  
Bingham County  
490 N Maple St., Suite A  
Blackfoot, ID 83221

Subject: Rezone Application for Scott and Tausha Searle

Bingham County Planning & Development Department:

SLT Properties LLC respectfully submits the following application to rezone parcel RP0-303901 & RP0304400 from R/A to A. This property is located north of Porterville Road and east of Clark Road. The description is SW1/4 SEC 19, T 2S, R 35E. Rezoning this parcel to A is consistent with the intended land use designation in the Bingham County Comprehensive Plan; agricultural land use is consistent with surrounding land uses.

Per the Bingham County Comprehensive plan, *“The population of Bingham County has steadily increased over the last 30 years with 21% growth occurring from 1990 through 2010. US Census figures project similar growth rates in the County over the next 15 to 20 years.”* The 2010 population was 45,607 and has seen growth of over 12% since that time. This area of Bingham County is rich with agricultural resources that are essential to support the current and anticipated growth in the area. To utilize the natural resources on site, a temporary gravel mining operation, including hot-mix asphalt and ready-mix concrete production, will be implemented. Mining operations at the site will include mining sand and aggregate to be crushed, screened, washed, and stockpiled within the current and proposed boundary. As mining progresses, the pit facility area may be filled with overburden, reject material, and clean fill, and brought back to grade. The land will be reclaimed for agricultural land after the cessation of such use with the submission of a Conditional Use Permit for this land use if the Zoning Amendment is approved. All reclamation will be completed in accordance with the Idaho Surface Mining Act and Administrative Rules.

There are six (6) aggregate mining sites within a five (5) mile radius of the proposed site, including Bingham County’s own aggregate pit and road maintenance office on North 690 West. Some of these existing sites include the production of other construction materials such as hot mix asphalt. There are also several agricultural-related businesses near the proposed site including a honey farm, a cattle farm, and a wheat farm. Policy B1. Orderly Growth in Bingham County’s Comprehensive Plan states, *“this policy mandates orderly and rational growth patterns that provide for preservation of prime agricultural and natural resource lands as well as allowing for residential and commercial growth”*.

When considering the anticipated growth and need for housing within the county it is assumed that if this site remains zoned R/A it could become a housing development; upwards of thirty-five (35) homes could be built on this site. All those homes would require utility connections and roadway construction to allow access to the subdivision. This would also increase the amount of traffic in the area. If the site is rezoned to A, the natural resources could be mined and used for constructing housing developments in more densely populated areas within the county. All public facilities such as water and electric are in place to support operations and no new public facilities will be necessary. Once the mining operations are complete, the site will be reclaimed and used for other agricultural purposes.

Exhibit  
A-1

Access to the property will be gained through an approach to be permitted by Bingham County Road and Bridge and located 600 ft north from the intersection of Porterville Road and Clark Road. The road frontage from the approach will be 150 ft wide. The accessibility to Highway 26 and I-15 allow easy freight access to the urban areas of the county while also reducing transport emissions. All applicable crushing and material processing equipment used to process material are permitted with the Idaho Department of Environmental Quality, Air Quality Division. All reasonable precautions shall be taken to prevent particulate matter from becoming airborne, in accordance with IDAPA 58.01.01.650-651. Best management practices for dust abatement shall be used to control dust and maintain cleanliness of the mine including but not limited to watering of roads and stockpiles. Water used for dust abatement is sourced from a well to be located along the southern boundary of the mining area.

Topsoil and overburden will also be used to build berms around the perimeter of the site to shield it from view and provide a noise barrier. The stockpile berms will be seeded to stabilize them. The site will be excavated inside the earth berms and stormwater is allowed to pond inside the site.

The Vicinity Map of the Site Location is included with this application, as well as a map showing the other agricultural businesses in the area. A legal description describing the portion of the parcel to be rezoned to A are also included. Please contact my owner representative if you have any further questions regarding this application for rezone.

Respectfully submitted,

*Scott Searle*

Scott Searle  
Owner Representative:  
Joseph Smith  
406-876-4637

**Attachments**

1. **Exhibit A** – Bingham County Application for Zone Change
2. **Exhibit B** – Maps
  - a. **Figure 1** – Location Map
  - b. **Figure 2** – Site Map
3. **Exhibit C** – Zone Change Application Contents
4. **Exhibit D** – Zone Change Purpose

**Exhibit A**  
**Bingham County Application for Zone Change**

# Bingham County

Planning & Zoning Department

490 N. Maple St. Suite "A", Blackfoot, ID 83221

Phone: 208-782-3177

Email: [buildingpermits@co.bingham.id.us](mailto:buildingpermits@co.bingham.id.us)

No. \_\_\_\_\_

Application Date 11/11/2024

## APPLICATION FOR ZONE CHANGE

Name SLT Properties LLC Phone 406-876-4637

Address PO Box H City/Zip Shelley, 83274

Location: 640 S State St. Suite 6, Shelley, ID. 83274 Email JLS21601@Gmail.com

(Physical location if mailing address different.)

**Applicant: Must be Property Owner (s)**

### Location and Legal Description

Township  Range  EBM, Section  **NOTE:** Attach "Recorded" Deed

Property Size  Acre (s) Parcel No. RP0-303901&304400

Description of EXISTING Use Current Zone

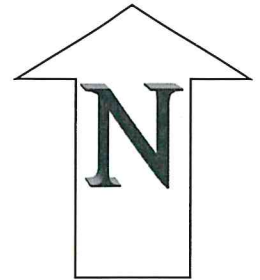
This property is currently being used to plant, grow and harvest grain.  
\_\_\_\_\_  
\_\_\_\_\_

Reason for Proposed Zone Change Proposed Zone

The purpose of the current zone (R/A) is to permit the establishment of low density single-family dwellings. If the property is rezoned to A, the resources available can be used to support urban development inside cities while protecting the land from unreasonable adverse impacts.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Site Plan** -- Show drawing of location (including roads, all buildings, parking areas, service areas, yards, signs, utilities, traffic pattern, etc.). Attach map of the surrounding area showing the current zone and mark the area of the proposed zone change.

- View Figure 2.



Statement evaluating effects of proposed Zone Change on adjoining property, general compatibility with other properties and uses, and compliance with the Comprehensive Plan:

The adjoining properties are zoned as R/A and A. The properties to the North, West and Northeast seem to be used for Agrecultural purposes such as farming. Three adjoining properties to the Southeast have residential homes on site. Zone change from R/A to A would be compatible with the existing land uses.

**Appointment of Designated Agent**

I/We the undersigned owner(s) of the property described throughout this Application, hereby appoint the following person as my,our representative for all transactions regarding this Application between myself/ourselves as owner(s) and Bingham County. (Sign only if designating an agent on your behalf)

Designated Agent : Joseph Smith

Property Owner(s) Scott Searle

Signature Scott Searle

Date 6-3-24

Signature Laura Searle

Date 3 June 2024

**Fees Paid**

|                        |            |
|------------------------|------------|
| Application Fee        | 425        |
| Mailings & Publication | 125        |
| <b>Total =</b>         | <b>550</b> |

**DECLARATION:** By signing this application, it is understood and agreed that permission is hereby given to the duly authorized representative of Bingham County to, place & remove signs on the subject property and verify authenticity of the applicant(s) and property owner(s). It is further understood that the Zoning Administrator and staff may inspect the subject property, take photographs and obtain any verifications and data necessary for preparation of its report to the Planning & Zoning Board.

I hereby acknowledge that I have read this application and understand the contents. I also state that the above information is correct.

Applicant(s) Scott Searle

Signature

6-3-24

Date

Laura Searle

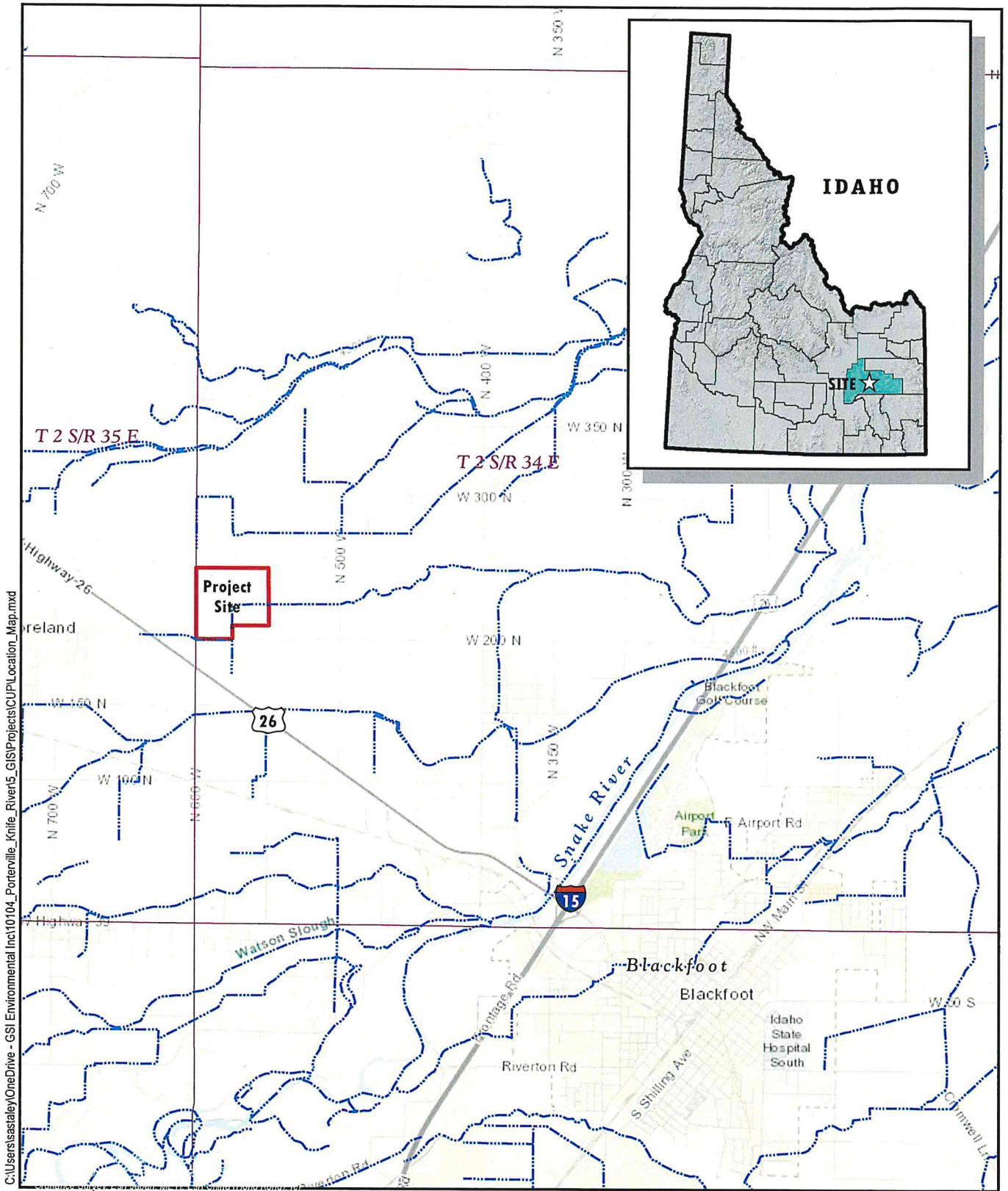
Signature

3 June 2024

Date

**Exhibit B**  
**Maps**



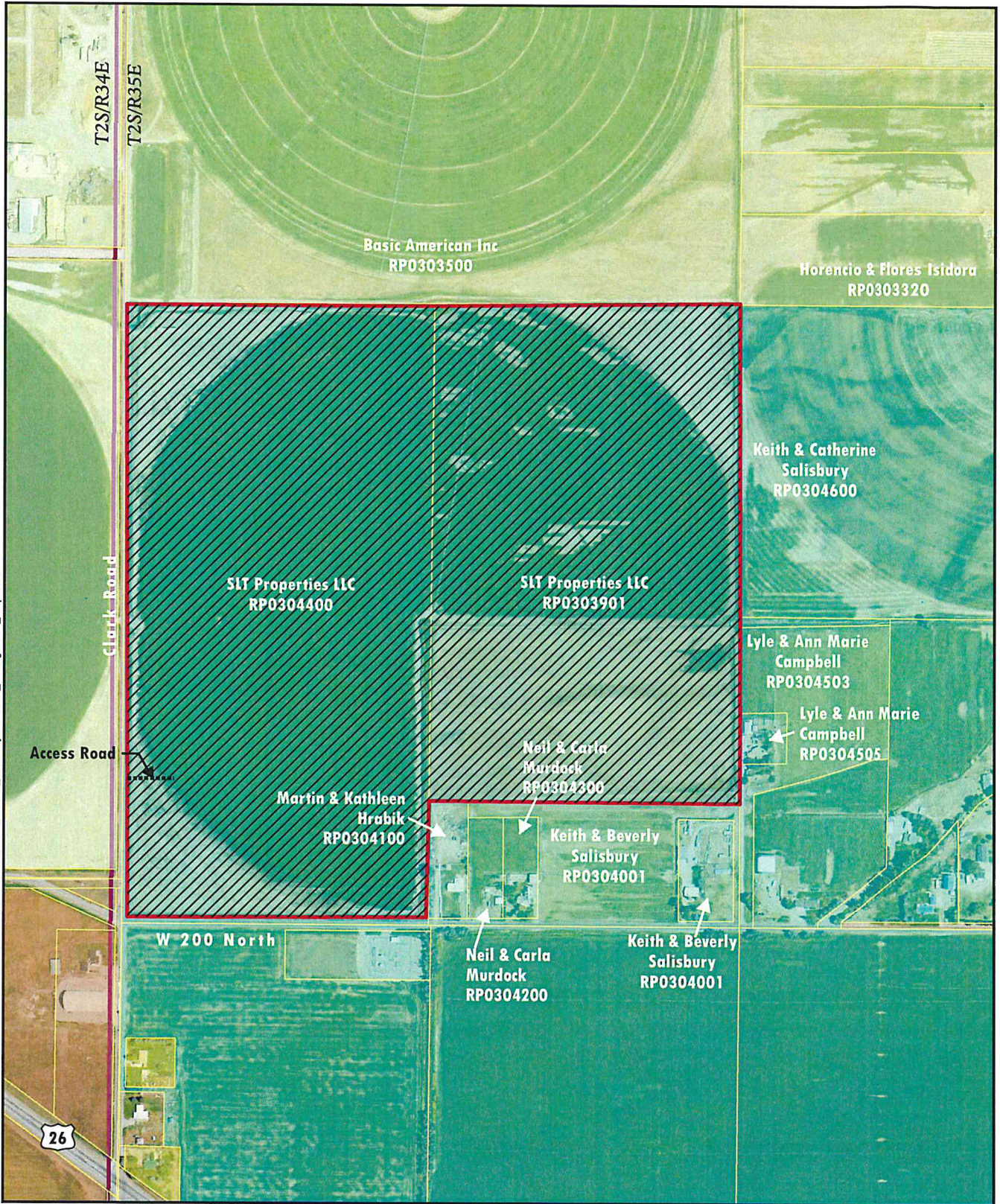


C:\Users\sastaley\OneDrive - GSI Environmental Inc\10104\_Porterville\_Knife\_River\5\_GIS\Projects\CUP\Location\_Map.mxd



Location Map  
 SLT Pit  
 Knife River  
 Bingham County, Idaho  
 FIGURE 1

C:\Users\sastaley\OneDrive - GSI Environmental Inc\10104\_Porterville\_Knife\_River5\_GIS\Projects\Zone\_Change\Site\_Map.mxd



- Project Site
- Bingham County Cadastral Parcels and Numbers

**Current Zoning**

- A-Agricultural
- C2-Heavy Commercial
- R-Residential
- R/A-Residential/Agricultural

Zoning Change from R/A to A

Site Map  
SLT Pit  
Knife River  
Bingham County, Idaho  
FIGURE 2

**Exhibit C**  
**Zone Change Application Contents**

## ZONE CHANGE

### 10-15-3: CONTENTS OF APPLICATION:

Please explain how your request complies with the following criteria.

Applications for amendments to this title shall contain the following information:

- A. Name, address and phone number of applicant. Scott and Tausha Searle  
640 S State St. Suite 6, Shelley, ID. 83274, 406-876-4637
- B. Proposed text amendment or proposed zone change. R/A  
Proposal to rezone to Agriculture (A).
- C. Present land use and present zone. A  
The present land use is farming and the present zone is Residential/Agriculture (R/A).
- D. A vicinity map at a scale approved by the Administrator showing property lines, existing roads and proposed zoning and such other items as the Administrator may require.
- E. A statement of how the proposed amendment relates to the Comprehensive Plan and the criteria of the ordinance.
- The specific purpose of this Plan is to promote the orderly development of the County, to conserve and stabilize the value of property and otherwise promote the health, safety and general welfare of the people of the County as follows:
    - a. To protect property rights, property values and the use of property. Surrounding properties are presently being used for agricultural purposes with a few residential properties nearby. This rezone would promote the use of prime agricultural land while working in conjunction with our neighbors.
    - b. To ensure that adequate public facilities and services are provided to the people at reasonable cost. The property will be used for agricultural purposes, no additional public facilities and services will be used. Water, gas and electrical utilities are accessible if connections are needed in the future.
    - c. To ensure that the economy of the county is protected and enhanced. Agribusiness is an important source of income to the county. The property in the proposed rezone is a valuable natural resource and should be preserved for agricultural purposes.

d. To ensure that the important environmental features of the county are protected and enhanced. \_\_\_\_\_

This property will be used for agricultural activities, with little to no impact on the surrounding environment.

e. To encourage the protection of prime agricultural, forestry and mining lands for production of food, fiber and minerals. \_\_\_\_\_

This property is prime agricultural land and it's primary use is to be a natural resource of local materials.

f. To encourage urban and urban-type development within or near incorporated cities. \_\_\_\_\_

There are eighteen clusters of urbanization throughout the county and Blackfoot is considered a major population center. Agricultural land is needed to provide products and materials that help sustain this growth.

g. To avoid undue concentration of population and overcrowding of land. \_\_\_\_\_

Rezoning to A will ensure undue concentration of population and overcrowding of land.

h. To ensure that the development on land is commensurate with the physical characteristics of the land. \_\_\_\_\_

The current and intended use of the land is commensurate with the physical characteristics.

i. To protect life and property in areas subject to natural hazards and disasters. \_\_\_\_\_

Disaster plans and preparations for emergencies will be put in place per the NRP and FEMA guidelines.

j. To protect fish, wildlife and recreation resources. \_\_\_\_\_

Protections will be put in place to protect fish, wildlife and recreation resources.

k. To avoid undue water and air pollution. \_\_\_\_\_  
Protections will be put in place to protect against undue water and air  
pollution. \_\_\_\_\_  
\_\_\_\_\_

l. To allow local school districts to participate in community planning and  
development to address school needs and impacts on an ongoing  
basis. \_\_\_\_\_

The nearest school is three miles from the property. There will be full  
cooperation with the school district if there is any impact on their  
transporation system. \_\_\_\_\_

F. Rezone requests for small tracts and/or single ownership tracts must be  
accompanied by findings that this change will be a continuation of orderly  
development and be a benefit to community interests. (Ord. 2012-08, 10-9-2012,  
eff. 10-26-2012) \_\_\_\_\_

The areas surrounding the proposed zone change are currently zone as Agriculture (A)  
or Residential/Agriculture (R/A). The primary land use in this area is agriciulatural  
and the county's comprehensive plan states we should "encourage the protection of prime  
agricultural, forestry and mining lands for production of food, fiber and minerals". \_\_\_\_\_

**Exhibit D**  
**Zone Change Purpose**

- B. **Agricultural (A):** The purpose of the A Zone is to preserve and protect the decreasing supply of agricultural land. This zone also is established to control the infiltration of urban development into agricultural areas which will adversely affect agricultural operations.

The resources available on the property can be used to support the growth within urban developments, but rezoning to Agricultural will protect the land from unreasonable adverse impacts.

AND in order to:

1. Allow productive agricultural land areas to be protected.  
Agricultural buffers will be built to protect the land, while also acting as privacy buffers between the site and any adjoining neighbors.
2. Promote the public health, safety, and welfare by encouraging the protection of viable farm land, in accordance with the Comprehensive Plan, to encourage urban density development inside cities and in areas of City impact; and to protect fish, wildlife, and recreation resources, consistent with the purposes of the Local Land Use Planning Act, Idaho Code section 67-6501 et seq., as amended.  
Agricultural land is needed to provide products and materials that help promote growth in areas of urbanization such as Blackfoot.
3. Protect agricultural and range land uses and wildlife management areas from unreasonable adverse impacts from adjacent development.  
Precautions will be taken to protect the agricultural land from unreasonable adverse impacts.



Please select the applicable zoning designation and explain how your application is in conformance with the purpose of that zone.

**10-4-2: PURPOSE OF ZONES:**

A. **Agricultural/Natural Resource (A/NR):** The purpose of the A/NR Zone is to provide for the protection and orderly development of the County's natural resources which include, in addition to known and unknown mineral deposits, timber, wind, agricultural lands, watershed, recreation, and scenic areas and wildlife habitat that have:

1. Tracts or parcels adequate for immediate use and future growth.
2. Sufficient location away from urban areas to minimize effects on neighboring uses.
3. Accessibility to adequate utilities.
4. Compatibility with adjacent uses.
5. Adequate service by roadways.

---

---

---

---

---

---

---

B. **Agricultural (A):** The purpose of the A Zone is to preserve and protect the decreasing supply of agricultural land. This zone also is established to control the infiltration of urban development into agricultural areas which will adversely affect agricultural operations in order to:

1. Allow productive agricultural land areas to be protected.
2. Promote the public health, safety, and welfare by encouraging the protection of viable farm land, in accordance with the Comprehensive Plan, to encourage urban density development inside cities and in areas of City impact; and to protect fish, wildlife, and recreation resources, consistent with the purposes of the Local Land Use Planning Act, Idaho Code section 67-6501 et seq., as amended.
3. Protect agricultural and range land uses and wildlife management areas from unreasonable adverse impacts from adjacent development.

Rezoning this area from Residential/Agricultural (R/A) to Agricultural (A) will allow the conservation of agricultural land with a contiguous agricultural area. Having natural resources closer to urban areas will allow for lower pricing on materials, as well as a reduction in the emissions produced in transit.

---

---

---

RECORDED AT THE REQUEST OF:

\_\_\_\_\_  
AFTER RECORDING RETURN TO:  
\_\_\_\_\_  
\_\_\_\_\_

Instrument # 758947  
BINGHAM COUNTY, IDAHO  
2023-12-08 03:31:20 PM No. of Pages: 8  
Recorded for: FLYING S TITLE AND ESCROW - BL  
PAMELA W. ECKHARDT Fee: \$15.00  
Ex-Officio Recorder Deputy JPulley  
Index To: WARRANTY DEED  
Electronically Recorded by Simplifile

**GRANT DEED**

FOR VALUE RECEIVED, **Basic American, Inc.**, a Delaware corporation, Grantor, does hereby convey to **SLT Properties LLC**, an Idaho limited liability company, Grantee, whose complete mailing address is PO Box H, Shelley, Idaho 83274, the following described property situated in Bingham County, Idaho:

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

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or otherwise appertaining, including any appurtenant water rights, and all estate, right, title and interest in and to the said property and all of Grantor's right, title and interest in and to all streets, alleys and rights-of-way adjacent thereto.

TO HAVE AND TO HOLD said property unto Grantee, its successors and assigns forever.

SUBJECT TO: the matters set forth on EXHIBIT "B" attached hereto and incorporated herein and all other matters of record or that would be revealed by an accurate survey and inspection of the land.

{signature page follows}

IN WITNESS WHEREOF, Grantor has executed this Grant Deed this 7<sup>th</sup> day of December, 2023.

GRANTOR:

BASIC AMERICAN, INC.  
a Delaware corporation

By: [Signature]  
Printed Name: James D Collins  
Title: VP & CFO

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 2023 before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: \_\_\_\_\_ (seal)



## EXHIBIT A

### Description of the Property

#### Property Located near the City of Firth, Idaho

##### Parcel N:

Part of the S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 14, Township 1 South, Range 36 E.B.M., Bingham County, Idaho, as describes as: Beginning at a point that is N. 89°41'10" W. 486.93 feet along the section line to the E. bank of the Great Western Canal from the SE corner of said Section 14; and running thence N. 89°41'10" W. 2157.37 feet along the section line of the S $\frac{1}{4}$  corner of said Section 14, thence N. 00°01'51" W. 1330.74 feet along the North-South center section line to the NW corner of said S $\frac{1}{2}$ SW $\frac{1}{4}$ ; thence S. 89°53'51" E. 2462.18 feet along the N. line of said S $\frac{1}{2}$ SE $\frac{1}{4}$  to the westerly right-of-way of a County road; thence along said Western County right-of-way the following three (3) courses (1) S. 13°07'04"W. 539.86 feet; (2) thence S. 01°33'33"W. 87.74 feet; (3) thence S. 16°35'53" E. 43.97 feet to the N. corner of the Deed instrument No. Book 43, Page 435; thence along said deed and easterly bank of said Great Western Canal following three (3) courses (1) S. 27°43'36"W. 106.44 feet; (2) thence S. 13°33'20"W. 506.99 feet; (3) thence S. 13°46'57" W. 98.28 feet to the point of beginning.

#### Property Located near the City of Shelley, Idaho

##### Parcel K:

That portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$  lying easterly of the East Branch of the Snake River Valley Irrigation Canal and westerly of Sand Creek, all in Section 2, Township 1 South, Range 37 E.B.M., Bingham County, Idaho; EXCEPTING THEREFROM the S. 25 feet for road right-of-way.

ALSO, Township 1 South, Range 37 E.B.M., Bingham County, Idaho.

Section 2: Lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE  $\frac{1}{4}$ NW $\frac{1}{4}$ ; EXCEPTING THEREFROM: Beginning at a point that is E. 1546.48 feet along the section line, from the NW corner of said Section 2, thence E. 136.31 feet along said Section line; thence S. 0°18'57" W. 356.24 feet; thence S. 88°35'45" W, 97.59 feet; thence N. 12°33'10" W. 164.16 feet; thence N. 0°17'31" W. 197.95 Feet to the point of beginning.

##### Parcel L:

Township 1 South, Range 37 E.B.M., Bingham County, Idaho

Section 3: N $\frac{1}{2}$ SW $\frac{1}{4}$ , S  $\frac{1}{2}$ NW $\frac{1}{4}$ , Lots 3 and 4; EXCEPTING from said Lots 3 and 4: Beginning at a point that is E. 1,249.8 feet along the Section line from the NW corner of said Section 3; and running thence E. along the Section line 395 feet to the center line of the Union Pacific Railroad spur track; thence following said center line of spur track southwesterly along a 10° curve to the right 456.3 feet; thence N. 0°42' W. 209.2 feet to the point of beginning, less the strip of land 10 feet wide lying northerly and parallel to said spur track measured at right angles from the center line of said spur track, also less 33 feet across the north side of the

above-described property contained in present road right-of-way; ALSO EXCEPTING THEREFROM: Beginning at the NW corner of said Section 3; thence E. along the Section line 1249.80 feet; thence S. 0°42' E. 387.42 feet' thence S. 89°08'23" W. 1054.64 feet; thence N. 0°00'42" W. 46.91 feet; thence S. 89°44' W. 200.10 feet; thence N. 0°00'52" E. 357.24 feet to the point of beginning.

Parcel M:

Township 1 South, Range 37 E.B.M., Bingham County, Idaho

Section 11: N½NW¼; SW¼ NW¼; NW¼SW¼; and that portion of the SE¼NW¼ and NE¼SW¼ lying West of Sand Creek; EXCEPTING THEREFROM: County road right-of-way along the N. 25 feet of the N½NW , and County Road along the West Section line of said Section 11.

**Property Located in South Blackfoot, Idaho**

Part of the SW1/4 of Section 19, Township 2 South, Range 35 E., B.M. Bingham County, Idaho described as:

Commencing at the SW corner of Section 19, Thence N 00° 13' 38" E 2645.66 feet to the W1/4 corner of said Section 19; Thence along the east-west center Section line of said Section S 89° 52' 44" E 2630.50 feet to the C1/4 corner of said Section; Thence along the north-south center section line of said Section S 00° 12' 20" W 2122.51 feet to a point being 525 feet northerly of the south line of said Section; Thence parallel to and 525 northerly of the south line of said Section N 89° 50' 18" W 1317.91 feet; Thence S 00° 09' 24" W 500.00 feet; Thence S 89° 50' 18" E 7.64 feet; Thence S 00° 07' 54" W 25.00 feet to the south line of said Section; Thence along said south line N 89° 50' 18" W 1321.64 feet to the Point of Beginning.

**Property Located in North Blackfoot, Idaho**

Part of Government Lot 3 of Section 13, Township 2 S., Range 34 E., B.M. and Part of Section 18 Township 2 S., Range 35 E., B.M. Bingham County, Idaho described as:

Commencing at the SE Corner of Section 13, Thence along the east line of said Section 13, N 00° 13' 31" E 626.31 feet to the Point of Beginning Thence continuing along said east line N 00° 13' 31" E 1034.55 feet to the intersection of said east line and centerline of the Peoples Canal; Thence, along said centerline of the Peoples Canal the following ten (10) courses; (1) Thence, S 68° 13' 45" W 30.39 feet; (2) Thence, S 75° 01' 52" W 119.19 feet; (3) Thence, S 81° 44' 09" W 214.65 feet; (4) Thence, S 86° 00' 06" W 190.55 feet; (5) Thence, S 88° 16' 11" W 29.34 feet; (6) Thence, S 76° 12' 00" W 72.34 feet; (7) Thence, S 85° 05' 09" W 140.87 feet; (8) Thence, S 88° 27' 22" W 141.06 feet; (9) Thence, N 88° 28' 31" W 165.28 feet; (10) Thence, N 83° 07' 34" W 128.60 feet to the west line of said Govt. Lot 3 of Section 13; Thence along said west line, N 00° 11' 32" E 397.28 feet to the south line of deed Inst# 655568; Thence along said deed the following two (2) courses, (1) N 86° 58' 55" E 223.66 feet; (2) Thence, N 15° 20' 04" E 672.65

feet to the south right of way of a county road; Thence, along said right of way N 88° 07' 38" W 399.19 feet to the west line of said Govt. Lot 3; Thence along said east line, N 00° 11' 32" E 33.17 feet to the east-west center section line of said Section 13; Thence along the center of said Section, S 88° 50' 45" E 1220.10 feet to the E1/4 of said Section; Thence along the east line of said Section, S 00° 13' 23" W 184.03 feet to the W1/4 corner of said Section 18; Thence along the east-west center section line of said Section 18, N 89° 53' 39" E 2030.39 feet to the intersection of said centerline and the south line of the peoples canal;

Thence along said canal centerline the following ten (10) courses, (1) N 54° 19' 48" E 17.31 feet; (2) Thence, N 56° 42' 18" E 707.98 feet to a non-tangent curve, (3) Thence northeasterly, 58.64 feet, along said curve to the left (Curve Data= Delta: 09° 10' 16", Radius: 366.34 feet, chord bearing N 42° 27' 02" E 58.58 feet) to a point of intersection with a non-tangent line. (4) Thence, N 46° 07' 27" E 679.05 feet; (5) Thence, N 40° 29' 34" E 351.14 feet; (6) Thence, N 31° 35' 24" E 342.03 feet; (7) Thence, N 34° 08' 36" E 150.94 feet; (8) Thence, N 42° 19' 55" E 152.73 feet; (9) Thence, N 45° 44' 06" E 163.19 feet; (10) Thence, N 47° 41' 18" E 122.40' feet to the intersection of said centerline and the west line of the NE1/4NE1/4 of said Section 18; Thence along said west line, N 00° 20' 46" E 746.46 feet to the north line of said Section 18; Thence along said north line, N 89° 57' 12" E 1320.83 feet to the NE corner of said Section 18; Thence along the east section line of said Section 18, S 00° 26' 51" W 997.59 feet to the intersection of the centerline of the Aberdeen-Springfield Canal; Thence along said centerline the following eight (8) courses, (1) S 56° 50' 31" W 926.49 feet; (2) Thence, S 56° 29' 47" W 1146.85 feet; (3) Thence, S 56° 41' 04" W 751.35 feet; (4) Thence, S 56° 28' 37" W 1308.27 feet; (5) Thence, S 56° 57' 29" W 900.78 feet; (6) Thence, S 56° 16' 58" W 513.03 feet; (7) Thence, S 56° 20' 16" W 763.00 feet; (8) Thence S 59° 41' 13" W 28.68 feet to the Point of Beginning.

## EXHIBIT B

### Permitted Liens

Taxes or 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.

Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

Easements, claims of easement or encumbrances which are not shown by the public records.

Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records.

(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.

Any liens, or rights to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

Any right, title, or interest of the public, the county, or any highway district to roads or highways on the premises whether or not shown by the public records.

General taxes and assessments collected therewith for 2023 and subsequent years.

Levies and assessments of Bingham Ground Water District.

Levies and assessments of Snake River Valley Irrigation District.

Levies and assessments of Idaho Irrigation District.

Levies and assessments of New Sweden Irrigation District.

Levies and assessments of Riverside Canal Co.

Levies and assessments of Peoples Canal & Irrigation Co.

Levies and assessments of Great Western Canal.

Levies and assessments of Larson Lateral.



Right-of-way or easement of County Roads.

Right-of-way or easement of East Branch Snake River Valley Canal.

Right-of-way or easement of Little Sand Creek/Sand Creek.

Right-of-way or easement of Augustine Ditch.

Right-of-way or easement of Peoples Canal.

Right-of-way or easement of Aberdeen-Springfield Canal.

Any portion of the described land within the natural bed of the Sand Creek below the natural or ordinary high water mark where it was located prior to any artificial or avulsive changes in the location of the shoreline.

Rights-of-way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States, as granted to the United States under provisions of Section 58-604, Idaho Code.

Exceptions and reservations contained in deed from the State of Idaho, wherein mineral rights are reserved to the State under provisions of §§ 47-701 and 47-701A Idaho Code.

Unrecorded leaseholds; rights of parties in possession, rights of secured parties, vendors and vendees under conditional sales contracts of personal property installed on the premises herein, and rights of tenants to remove trade fixtures.

Any matters arising from questions of gaps or overlaps between the legal description of the herein described land and those of surrounding parcels.