

COPY

**ARIZONA DEPARTMENT OF WATER RESOURCES
WATER MANAGEMENT DIVISION**

3550 North Central Avenue, Phoenix, Arizona 85012

Telephone 602-771-8586

Fax 602-771-8688



October 5, 2006

Janet Napolitano
Governor

Herbert R. Guenther
Director

BRALU, L.L.C.
William S. Lund
7005 North 68th Place
Paradise Valley, AZ 85253

For File

**Re: Development Plan Approval – Bralu, L.L.C.
Irrigation Grandfathered Right No. 58-100896.0015**

58-100896.0017

Dear Mr. Lund:

Your request for development plan approval for 299.4 acres to which Certificate of Irrigation Grandfathered Right No. 58-100896.0015 is appurtenant has been reviewed by the Department. In accordance with A.R.S. § 45-469(B), the development plan is hereby approved.

Approval of the development plan does not result in the retirement of the acres for a non-irrigation use at this time. Retirement of the acres for a non-irrigation use may only be accomplished by filing an application for retirement on a form available at the Department.

If at some future date you file an application to retire some or all of the above-described acres from irrigation, the Department will determine whether all the eligibility criteria set forth in A.R.S. § 45-469 are met. Generally, this determination will be made on the basis of the facts as they exist at time of retirement. However, A.R.S. § 45-469(H) provides that one of the requirements, that the land must be located outside the exterior boundaries of the service area of a city, town or private water company, shall be determined as of the date the development plan is filed with the Department. Essentially, by obtaining approval of the development plan, you have met this criterion, provided that the acres are retired for non-irrigation use within a reasonable time after approval of the development plan, as described below.

Please be advised that, pursuant to A.R.S. § 45-469(A)(2), a reasonable time within which the above-described acres may be retired pursuant to this development plan shall be no later than October 31, 2011. If an application to retire the acres for a non-irrigation use is filed after that date, you must submit a new development plan for approval, and whether the acres to be retired are located outside the exterior boundaries of the service area of a city, town or private water company will be determined at the time the new development plan is submitted.

This Decision of the Director to grant your request for a development plan approval is an appealable agency action. You are entitled to appeal this decision. If you wish to appeal this action, you must file a written appeal within thirty (30) days from receipt of this letter. I am providing you with a summary of the appeal process and an appeal form, should you elect to pursue this option.

If you have any questions or comments regarding this matter, please contact **Cindy Pogue** of the Pinal Active Management Area Office at **520-836-4857, ext. 6**.

Sincerely,

Sandra Fabritz-Whitney
Sandra Fabritz-Whitney
Assistant Director

cc: Cindy Pogue, Pinal AMA

IPR SUMMARY REVIEW SHEET

*Prepared by Cynthia Pogue, Pinal AMA
October 2, 2006*

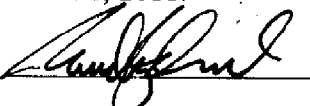
APPLICANT: Bralu, L. L. C.
CERTIFICATE NOS. 58-100896.0015
APPLICATION TYPE: Development Plan Approval

Summary of the facts: On September 19, 2006 Bralu, LLC filed an Application for Development Plan Approval to Retire an Irrigation Grandfathered Right for a Non-Irrigation (Type 1) Use for approximately ~~200~~ ^{299.4} acres located in T08S, R08E, Sec.8 of the Pinal Active Management Area. None of the property involved is currently located within the service area of any existing municipal water provider. The land was last irrigated in 2005. The intent within the next five years is to retire all or a portion of the property for at least part of the property associated with the IGFR for the future development industrial complex.

Non-irrigation uses will include construction and other such uses that are legally permissible.

Issues: None.

AMA Recommendations: The Pinal AMA staff recommends approval of the Development Plan for Bralu L.L.C. Unless renewed, this development plan will expire in five years on October 31, 2011.

AMA Approval  Date 10/2/06

IPR Committee Comments:

IPR Committee Recommendations: Approved for 5 years, for construction and industrial uses

✓ Approved

~ Denied

~ Other (explanation) _____


IPR Chairperson

10-5-00
Date

BRALU, L.L.C.
7005 N. 68th Place
Paradise Valley, Arizona 85253
(480) 607-3443 Office
(480) 607-0945 Fax
(480) 390-8466 Cell
scwl@cox.net Email

September 19, 2006

Attn: Cynthia Pogue
Arizona Department of Water Resources (ADWR)
Pinal County AMA Offices
1729 North Trekell Road, Suite 105
Casa Grande, Arizona 85222
(520) 836-4857 Office
(520) 836-9208 Fax

Rc: Development Plan (Water Plan) for Proposed Eloy Business Center

Dear Cynthia:

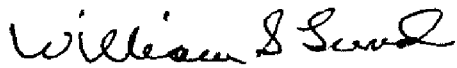
BRALU, L.L.C. currently owns 398.4 acres at the northeast corner of Sunshine Blvd and Interstate 10 (T8S, R8E, Sec.8) in Eloy, Arizona. The property is currently being irrigated and being farmed. Our Proposed plan which is enclosed below will be light industrial, warehousing, and retail. The irrigation right associated with the parcel is 58-100896.0011 with approximately 320 IGFR's. Your office is currently working on determining the exact amount of IGFR's for the property.

BRALU, L.L.C. is currently re-zoning the property from Agriculture to Light Industrial (I-1 zoning) approximately 375 acres and Commercial Retail (C-2), approximately 12.08 acres. We are currently in escrow with a user and developer for the entire subject property.

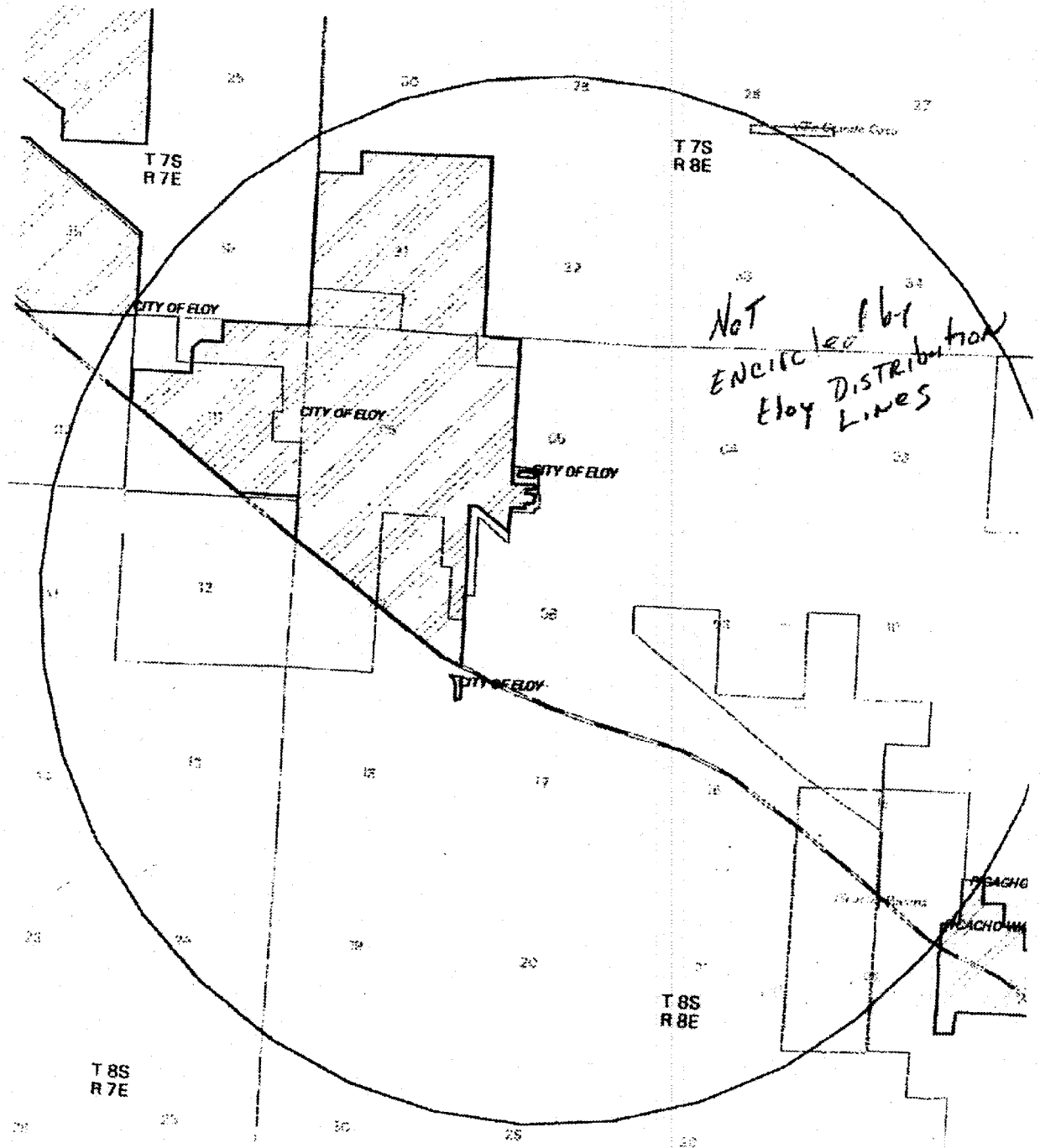
We are requesting that ADWR freeze the water rights for the entire property which is approximately 398.4 acres for a period of five (5) years. Our current plan is to build on all or a portion of the property within the five (5) year time limit. If for any reason we have not built on any or all of the property within the five (5) year time limit, BRALU, L.L.C. or subsequent Buyer's and / or Owners will amend and /or extend the development plan (water plan) for an additional five (5) years. Enclosed below is an exhibit obtained by ADWR in November 2005 of The City of Eloy's water distribution lines. The property currently is not encircled by The City of Eloy's water distribution system. We have also included in this submittal a Well map with the approximate locations of Well's within the subject property.

We look forward to you processing this request in a timely manner, and if you have any questions don't hesitate to call Frank A. Walsh III at (805) 252-8075 and Bill Lund at (480) 390-8466. Any correspondence can sent to address listed above.

Sincerely,
BRALU, L.L.C.

A handwritten signature in cursive script, appearing to read "William S. Lund".

William S. Lund
Managing Member



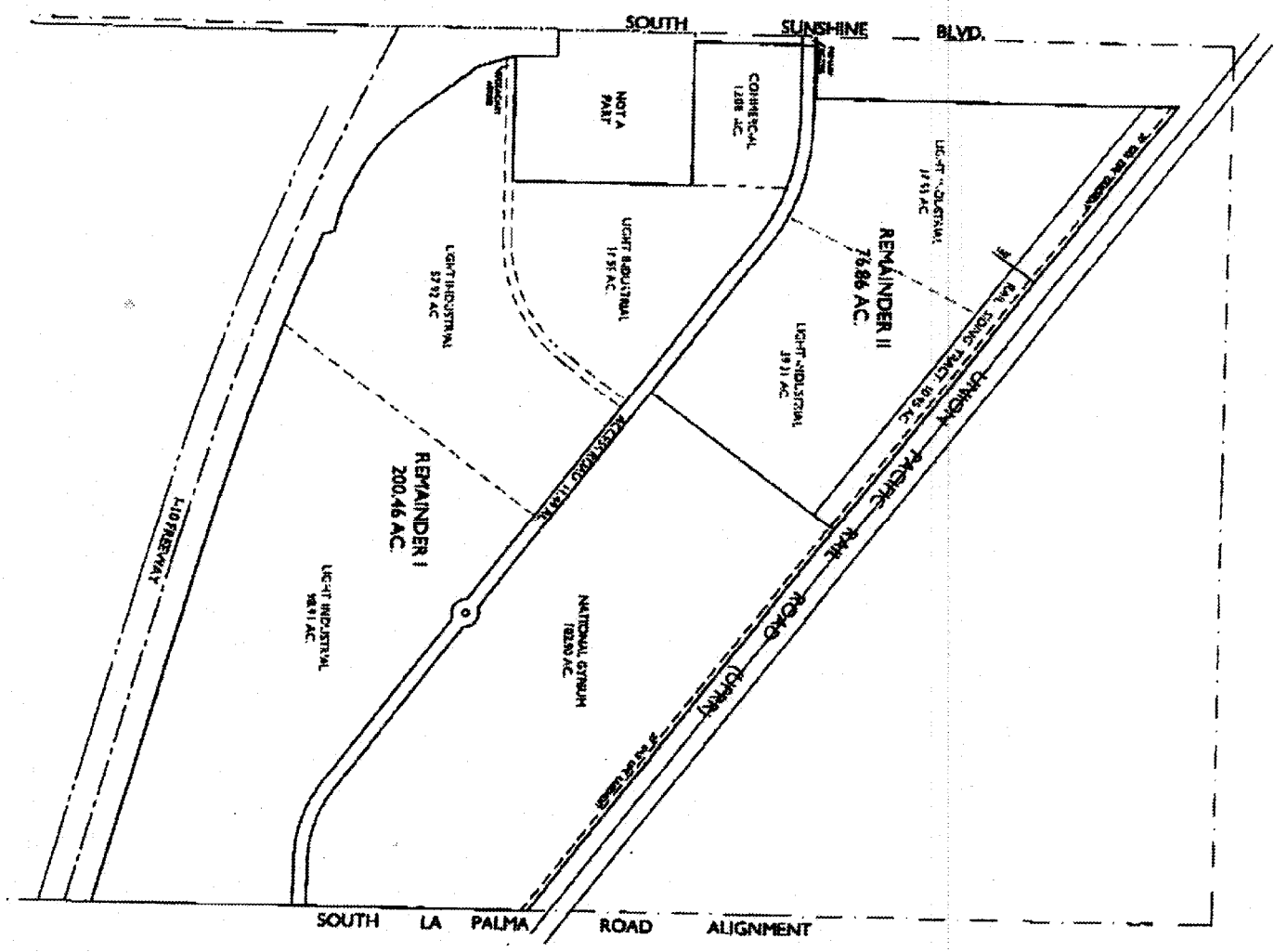
2004 Municipal Water Providers within 15840 Feet of
Cadastral Location D08008008000

11/30/05
Scale 1: auto

Consult 0800 800 8000



ARIZONA
DEPARTMENT
OF WATER
RESOURCES
ServFinder



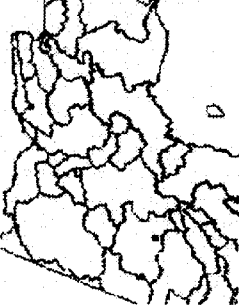
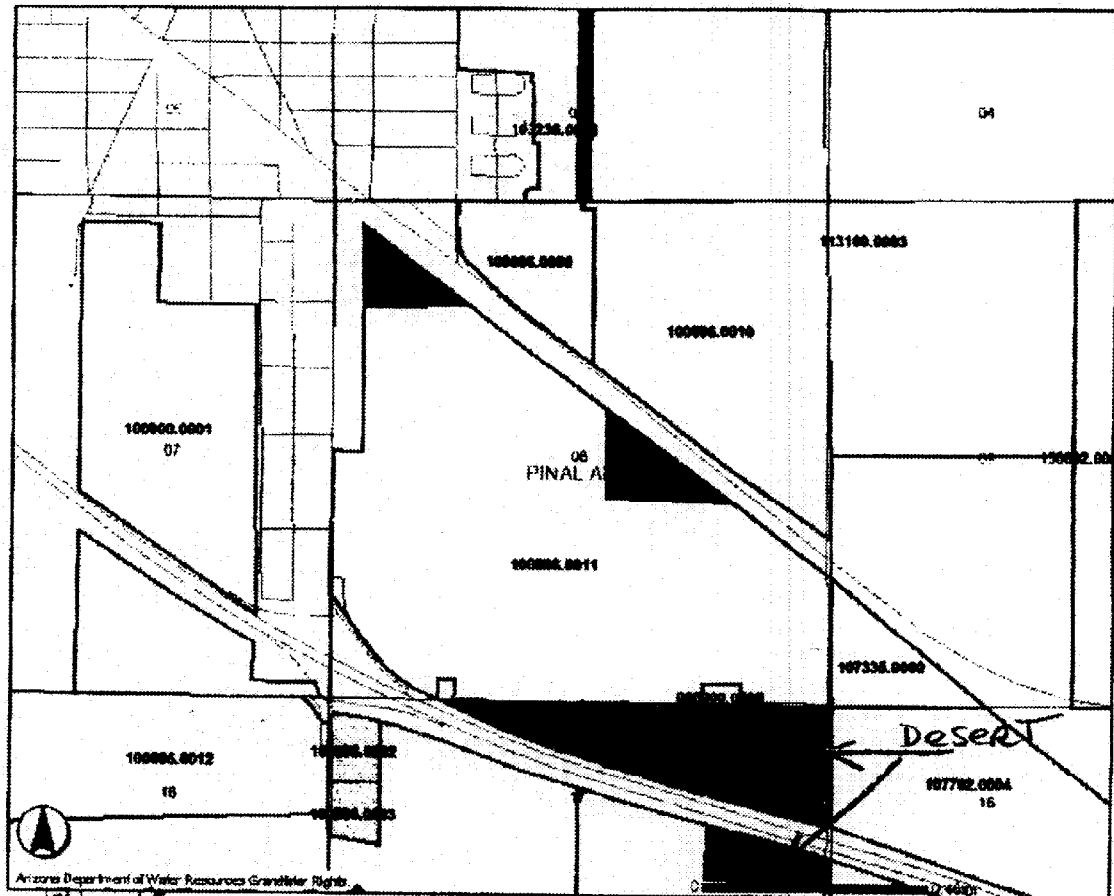
DEVELOPMENT DATA

NATIONAL GYPSUM	182.99 AC
RAIL SIDING TRACT	10.95 AC
ACCESS ROAD	1.44 AC
REMAINDER I	12.08 AC
COMMERCIAL	188.37 AC
LIGHT INDUSTRIAL	76.86 AC
REMAINDER II	76.86 AC
TOTAL	402.60 AC



eps group, inc.
 Engineers, Planners & Surveyors
 1001 West 14th Street, Suite 100
 Los Angeles, CA 90015
 (213) 444-1100
 www.epsinc.com

58-100896.0011 Approx 320 IGFR @ 8-8-8



Map generated on 11/21/2005

Arizona
Department
of Water
ResourcesLegend
Selected Feature

- Road
- Section
- Township
- IGFR
- IRRIGATION RIGHT
- IRRIGATION NON APPURTENANT
- TYPE I RIGHT
- TYPE I NON APPURTENANT
- PARTIAL DEVELOPED IRRIGATION RIGHT
- PARTIAL DEVELOPED IRRIGATION RIGHT NON APPURTENANT
- EXEMPT SMALL RIGHT
- EXEMPT SMALL GROUPING
- INACTIVE DEVELOPED

SEC. 7 TN.8S RG.8E

411-07

AREA CODE
0000

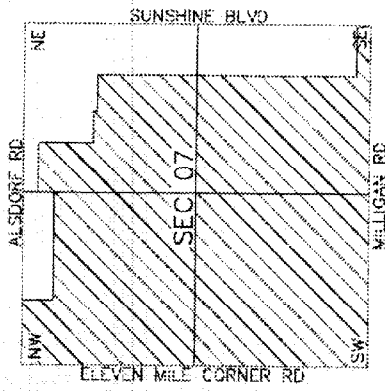
SPECIAL DISTRICTS
00000
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THIS MAP IS FOR TAX PURPOSES ONLY.
THIS OFFICE WILL NOT ASSUME LIABILITY FOR
REPRESENTATION, MEASUREMENT OR ACREAGE.

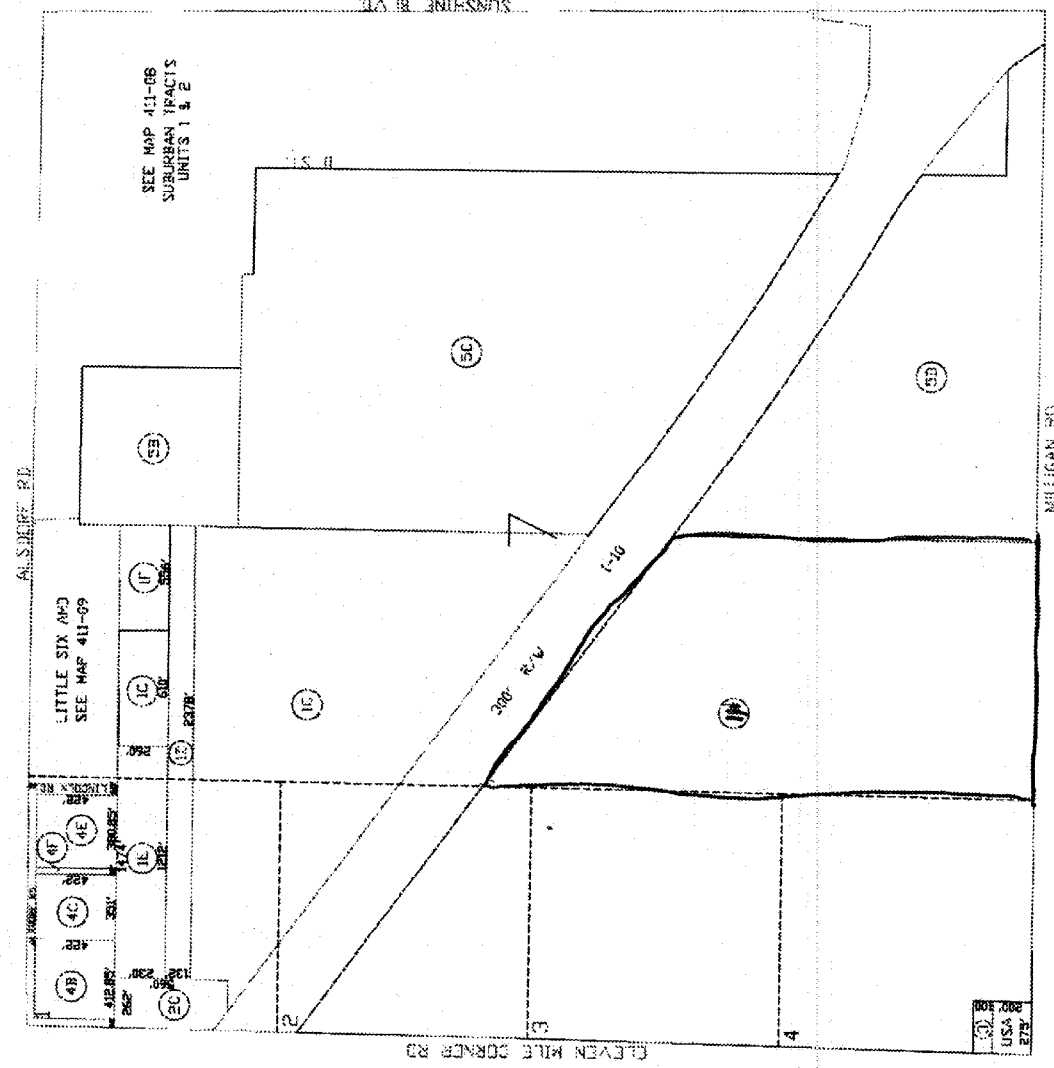
THE ORIGINAL PLAT OF THIS SUBDIVISION IS
ON FILE WITH THE PIMA COUNTY RECORDERS
OFFICE FOR COMPLETE INFORMATION IN PLAT
AND COAR'S CALL (520) 868-7100.

SEE BOOK 408

VICINITY MAP



SEE BOOK 405



SEE MAP 411-08

SEE MAP 411-38

PIMA COUNTY ASSESSORS MAP

Arizona Department of Water Resources Groundwater Right/Facility Report

RIGHT #: 58-100896.0017

STATUS DATE: 4/25/2007

AMA: PINAL AMA

RIGHT/PERMIT/FACILITY TYPE: IRRIGATION USE

LAND OWNERSHIP: PRIVATE OR COMPANY

FILE STATUS: ACTIVE - PARTIAL CONVEYANCE

2007 ALLOTMENT: 625.90

BMP Enrollee: N

RETIRED ACRES: 0.00

WATER DUTY ACRES: 171.48

IRRIGATION ACRES 188.22

WATER DUTY 3.65

IRRIGATION DISTRICT NAME: CENTRAL ARIZONA IRRIGATION & DRAINAGE

MAWA: 3.33

NAME & ADDRESS

BRALU LLC

TYPE: OWNER

7005 N. 68TH PLACE

PARADISE VALLEY AZ 85253

PLACE OF USE

08 T8.0S R8.0E

BOOK/MAP/PARCEL

Book: 411

Map: 10

Parcel:

Part: Y

WELL SERVING

*** NO DATA FOUND ***

RIGHT TO FACILITY RELATIONSHIPS

*** NO DATA FOUND ***

Certificate of Grandfathered Groundwater Right

COUNTY OF PINAL

STATE OF ARIZONA DEPARTMENT OF WATER RESOURCES

*This is to certify that pursuant to the provisions of
Title 45, Chapter 2, Arizona Revised Statutes*

BRALU LLC

**7005 N. 68TH PLACE
PARADISE VALLEY AZ 85253**

is granted

IRRIGATION GRANDFATHERED RIGHTS

in the

PINAL ACTIVE MANAGEMENT AREA

*for **188.22** irrigation acres of land. The rights are appurtenant to and groundwater may be used only on the irrigation acres of land described as follows:*

Assessor's Parcel Number(s) 411-10- in Sec 8 T8S R8E GSRB&M, as more fully described in the map attached hereto as Exhibit A and made a part hereof by reference.

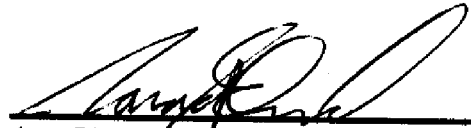
The use of groundwater on the above described land shall be for irrigation purposes in accordance with the laws of the State of Arizona and restrictions placed on use by the Director of the Department of Water Resources pursuant to Title 45, Chapter 2, Arizona Revised Statutes.



CERTIFICATE NO. 58-100896.0017

is granted this 25th day of April, 2007

ARIZONA DEPARTMENT OF WATER RESOURCES


Area Director *(Pinal Active Management Area)*

The Department of Water Resources must be notified if the above named person(s) makes an address change or conveys ownership of the right to another person(s) or wishes to convert the right to a non-irrigation grandfathered right associated with retired irrigated land.

**ARIZONA DEPARTMENT OF WATER RESOURCES
PINAL ACTIVE MANAGEMENT AREA**

**NOTICE OF IRRIGATION WATER DUTY
AND MAXIMUM ANNUAL GROUNDWATER ALLOTMENT**

Pursuant to A.R.S. § 45-572(B), the Director of the Arizona Department of Water Resources hereby gives notice of the irrigation water duty and maximum annual groundwater allotment established for the Irrigation Grandfathered Right listed below in the Third Management Plan for the Pinal Active Management Area.

The water duty and annual allotment became effective beginning in calendar year 2003 and shall remain in effect until the first compliance date of the water duty and annual allotment established for the Irrigation Grandfathered Right in the Fourth Management Plan. The owner of the Irrigation Grandfathered Right and any person using groundwater pursuant to the right must comply with the water duty and annual allotment while regulated under the Base Agricultural Conservation Program in the Third Management Plan.

IRRIGATION GRANDFATHERED RIGHT NO. 58-100896.0017

ASSIGNED IRRIGATION EFFICIENCY: 80 PERCENT

IRRIGATION WATER DUTY: 3.65 ACRE FEET PER ACRE

**MAXIMUM ANNUAL
GROUNDWATER ALLOTMENT: 625.9 ACRE FEET PER YEAR**

Attachment A to this notice sets forth the official language of the above requirements for the holders of irrigation grandfathered rights as adopted in the Third Management Plan for the Pinal Active Management Area. Attachment A is incorporated into this document by reference.

**ARIZONA DEPARTMENT OF WATER RESOURCES
PINAL ACTIVE MANAGEMENT AREA**

1729 N. Trekell Road Suite 105 • Casa Grande, Arizona 85222
Telephone 520-836-4857
Facsimile 520-836-9208



Janet Napolitano
Governor

Herb Guenther
Director

April 26, 2007

BRALU LLC
7005 N. 68TH PLACE
PARADISE VALLEY AZ 85253

Re: Irrigation Grandfathered Groundwater Right No. 58-100896.0017

Dear Irrigation Grandfathered Right Owner:

Enclosed is your Certificate of Irrigation Grandfathered Groundwater Right. The Certificate identifies the number of acres in your farm that may be irrigated with groundwater and the location of those acres. It is an important document and substantially affects the value of your land.

Also enclosed is a Notice of Irrigation Water Duty and Maximum Annual Groundwater Allotment (Notice) for your Certificate. The irrigation water duty and maximum annual groundwater allotment was established in the Management Plan for the Pinal Active Management Area (AMA) for the Third Management Period (TMP), and became effective in 2003. The irrigation water duty and maximum annual groundwater allotment applies to water use on your farm while you are regulated under the Base Agricultural Conservation Program (Base Program). You will be regulated under the Base Program unless you apply for, and are accepted into, one of the two alternative agricultural conservation programs described later in this letter.

Please take time to review the enclosed Notice. Of special importance is the maximum annual groundwater allotment. This allotment is the maximum amount of groundwater that may be used to irrigate the acres described on your Certificate while you are regulated under the Base Program, except as provided by A.R.S. § 45-467, the flexibility account provision. Under this provision, if you use less than your maximum annual groundwater allotment, the Department will register a credit to your flexibility account. If you use more than your maximum annual groundwater allotment, the Department will register a debit to your account. The total amount of flexibility account debit allowed under A.R.S. § 45-467 is 50% of the maximum annual groundwater allotment. You and any person using groundwater pursuant to the Certificate will be in violation of the Statute if the flexibility account exceeds 50% of the maximum annual groundwater allotment. There is no limit to the amount of flexibility account credit you can accrue.

The Third Management Plan includes two alternative agricultural conservation programs: the Best Management Practices Program (BMP) and the Historic Cropping Program. The BMP Program requires the implementation of specific agricultural conservation practices on the farm in lieu of complying with a maximum annual allotment. Under the Historic Cropping Program, the Director will calculate the water duty and maximum annual allotment using a lower assigned irrigation efficiency than that used in the Base Program. An individual who chooses to be regulated under one of the alternative programs must apply on a form prescribed and furnished by the Director. The Director must approve the application before the individual can be regulated under the program. If you are interested in enrolling in either of the alternative programs, or need additional information regarding this groundwater right, please contact the Pinal AMA Office at (520) 836-4857.

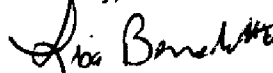
You have the right to request a variance and, in some limited circumstances, an administrative review for relief from the conservation requirements. Please refer to the enclosed Variance and Administrative Review Insert for more information.

Supporting information for your Certificate, including a map depicting the land to which the right is appurtenant, is on file at the Department and is available upon request. If your property includes any non-irrigation areas (acres not authorized for irrigation), a map entitled Certificate Map-Exhibit A has been enclosed in this packet. **Remember that only acres of land specifically identified on this Certificate Map may be irrigated and that your groundwater allotment may be used only on those acres.**

As the owner of the irrigation grandfathered right, you are required to file an **Annual Water Withdrawal and Use Report** on a calendar year basis. Please refer to the Annual Report Insert for more information. You are also reminded that the Department must be notified if the right owner(s) changes his or her mailing address, conveys ownership of all or a part of the land to another person or wishes to convert the irrigation right to a non-irrigation right. Forms and information relative to these matters are available upon request or on our website at www.water.az.gov.

Every reasonable effort has been made to ensure that the information contained in the Certificate and Notice is accurate. However, if an administrative or typographical error has been made, or you have questions regarding the Certificate or conveyance procedures, please contact the Pinal AMA Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Benedetto".

Lisa Benedetto
Water Resource Specialist

Enclosures

RECEIVED

FEB 21 2007

ARIZONA DEPARTMENT OF WATER RESOURCES
WATER MANAGEMENT DIVISION

RUNFAST, LLC 01-06
1187 COAST VILLAGE RD. NO. 217
SANTA BARBARA, CA 93108

ARIZONA

1082

Date 04/10/07

Pay to the
Order of

ADWR

Thirty Five & 00/100

\$ 35.00

Bank of America

ACH R/T 122101708

For BRALU, LLC Irrigation Certificate

In accordance with A.R.S. § 45-482(B), the undersigned party hereby notifies the Arizona Department of Water Resources of the conveyance of this Irrigation Grandfathered Right:

1. Certificate of Grandfathered Groundwater Right number: 58 - 100896 0015
2. Number of irrigation acres on certificate: 299.4
3. Number of irrigation acres to be conveyed: 125.52. If this number is 10 acres or less indicate whether the property will be part of a farming operation greater than 10 irrigation acres: Yes ☐ No ☐
4. Deed recording number: 2007-009789 Deed recording date: 1/23/07
5. Assessor's parcel number(s): See Attached
6. Please specify the effective date of this ownership change 1/23/07 and the quantity of water used between January 1 of that calendar year and the effective date: -0- acre-feet.
7. Wells serving this right (list by ADWR registration number, non-exempt production wells only):
Wells owned by or being conveyed to the buyer: 55 - 618532 55 - 55 -
Non-owned, non-district wells: 55 - 55 - 55 -
8. Do you plan to retire or extinguish any portion of this right within the next 12 months? Retire ☒ Extinguish ☐

SELLER/GRANTOR
(Print or Type)

NAME BRALU, LLC
ADDRESS 7005 N 68th Place
Paradise Valley, AZ 85253
TELEPHONE (480) 390-8466

BUYER/GRANTEE
(Print or Type)

NAME New NGC, Inc.
Attn: Gen Counsel
ADDRESS 2001 Rexford Road
Charlotte, NC 28211
TELEPHONE 704) 365-7667

[Signature] 2/1/07
BUYER'S SIGNATURE DATE

RECEIVED

FEB 21 2007

ARIZONA DEPARTMENT OF WATER RESOURCES
WATER MANAGEMENT DIVISION
P.O. BOX 458 PHOENIX, ARIZONA 85001-0458

PINAL AMA

NOTIFICATION OF CHANGE OF OWNERSHIP OF AN IRRIGATION GRANDFATHERED RIGHT

INSTRUCTIONS AND REQUIRED ATTACHMENTS

- COMPLETE THIS FORM AND OBTAIN THE REQUIRED SIGNATURE. MAIL THE COMPLETED FORM OR HAND DELIVER IT TO ADWR AT 3550 NORTH CENTRAL AVENUE IN PHOENIX.
- ENCLOSE A RECORDED DEED THAT EVIDENCES THIS CONVEYANCE. DEEDS ARE AVAILABLE FROM THE COUNTY RECORDER. A PHOTOCOPY IS ACCEPTABLE.
- ENCLOSE A \$35.00 FEE TO COVER ISSUANCE OF A NEW CERTIFICATE. CHECKS MAY BE MADE PAYABLE TO 'ADWR'. THIS FEE IS BEING REQUESTED IN ACCORDANCE WITH A.R.S. § 45-113(B).
- IF YOU NEED ASSISTANCE PLEASE CONTACT THE CONVEYANCE UNIT AT 602-771-8500 (PHOENIX AREA) OR 800-352-8488 (STATEWIDE). THE ADWR WEBSITE ADDRESS IS www.azwater.gov.

In accordance with A.R.S. § 45-482(B), the undersigned party hereby notifies the Arizona Department of Water Resources of the conveyance of this Irrigation Grandfathered Right:

1. Certificate of Grandfathered Groundwater Right number: 58 - 100896 . 0015
2. Number of irrigation acres on certificate: 299.4
3. Number of irrigation acres to be conveyed: 125.52 . If this number is 10 acres or less indicate whether the property will be part of a farming operation greater than 10 irrigation acres: Yes ☐ No ☐
4. Deed recording number: 2007-009789 Deed recording date: 1/23/07
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7. Wells serving this right (list by ADWR registration number, non-exempt production wells only):
Wells owned by or being conveyed to the buyer: 55 - 618532 55 - 55 -
Non-owned, non-district wells: 55 - 55 - 55 -
8. Do you plan to retire or extinguish any portion of this right within the next 12 months? Retire ☐ Extinguish ☒

SELLER/GRANTOR
(Print or Type)

NAME BRALU, LLC

ADDRESS 7005 N 68th Place
Paradise Valley, AZ 85253

TELEPHONE (489) 390-8466

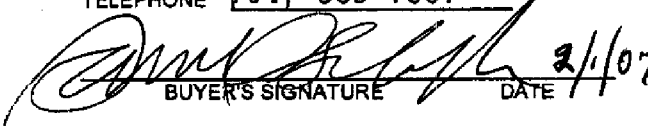
BUYER/GRANTEE
(Print or Type)

NAME New NGC, Inc.
Attn: Gen Counsel

ADDRESS 2001 Rexford Road
Charlotte, NC 28211

TELEPHONE 704) 365-7667

ADWR 58-500 (Rev 8/06)


BUYER'S SIGNATURE DATE 2/1/07
Samuel A. Schiffman
Vice President, General Counsel & Secretary

BILL OF SALE AND ASSIGNMENT
(BRALU, L.L.C. - Irrigation Grandfathered Right)

BRALU, L.L.C., an Arizona limited liability company, as Seller ("Seller"), without representation or warranty, hereby transfers, assigns, and conveys to New NGC, Inc., a Delaware corporation, dba National Gypsum Company, as Purchaser, all right, title, and interest to the following:

(1) All irrigation grandfathered water rights appurtenant to the real property described in Exhibit "A" attached hereto (the "Real Property"), including all irrigation grandfathered water rights appurtenant to all and any portion of the Real Property pursuant to Irrigation Grandfathered Right No. 58-100896.0015, a copy of the certificate for which is attached hereto as Exhibit "B", or otherwise, and (2) any and all wells located on the Real Property, whether abandoned or otherwise, including without limitation Well No. 55-618532.

The rights herein transferred and assigned are limited to the Real Property and do not include rights that inure to property retained by Seller.

SELLER:

BRALU, L.L.C., a ~~Delaware corporation~~
Arizona limited liability company

William S Lund
By: William Lund
Its: Manager

Exhibit "A"

[Description of Real Property Attached]



**Legal Description
National Gypsum
Sunshine Boulevard & I-10**

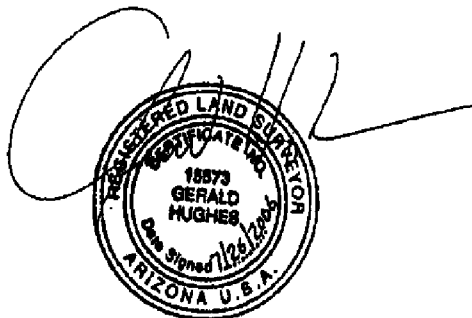
Job No. 06-031

Rev. July 26, 2006
June 28, 2006

A portion of Section 8, Township 8 South, Range 8 East, of the Gila and Salt River Meridian, Pinal County, Arizona, being more particularly described as follows:

BEGINNING at a 1/4" pipe at the southeast corner of said Section 8, from which a 1/4" pipe at the south quarter corner of said Section 8 bears N89°46'45"W (an assumed bearing) at a distance of 2636.32 feet; thence N89°46'45"W, along the south line of the Southeast Quarter of said Section 8, for a distance of 269.41 feet to the beginning of a curve, concave to the north, the center of which bears N00°13'15"E at a distance of 760.00 feet; thence westerly, along the arc of said curve, through a central angle of 36°06'12" for a distance of 478.89 feet to a point of tangency; thence N53°40'34"W for a distance of 1,210.52 feet to the beginning of a curve, concave to the northeast, the center of which bears N36°19'26"E at a distance of 25.00 feet; thence northwesterly, along the arc of said curve, through a central angle of 51°45'12" for a distance of 22.58 feet; to the beginning of a reverse curve, concave to the southwest, the center of which bears S88°04'38"W at a distance of 80.00 feet; thence northwesterly along the arc of said curve, through a central angle of 103°30'24" for a distance of 144.52 feet to the beginning of a reverse curve, concave to the north, the center of which bears N15°25'46"W at a distance of 25.00 feet; thence westerly, along the arc of said curve, through a central angle of 51°45'12" for a distance of 22.58 feet to a point of tangency; thence N53°40'34"W for a distance of 1633.98 feet; thence N36°19'26"E for a distance of 1350.00 feet to a point on the southerly line of the Union Pacific Railroad right of way; thence S53°40'34"E, along said southerly line for a distance of 2900.00 to a point on the east line of the Southeast Quarter of said Section 8; thence S00°13'36"E, along said east line, for a distance of 1301.21 feet to the POINT OF BEGINNING;

An area containing 102.90 acres, more or less.



EPS Group, Inc. • 2150-I S. Country Club Dr., Suite 22 • Mesa, AZ 85210
Tel (480) 503-2250 • Fax (480) 503-2258

S:\Projects\2006\06-031\Legal Survey\Legal\06031LD National Gypsum.doc



**Legal Description
Access Road
Sunshine Boulevard & I-10**

Job No. 06-031

Revised: January 16, 2007
August 9, 2006
July 26, 2006
June 28, 2006

A portion of Section 8 and the Northeast Quarter of Section 17, Township 8 South, Range 8 East, of the Gila and Salt River Meridian, Pinal County, Arizona, being more particularly described as follows:

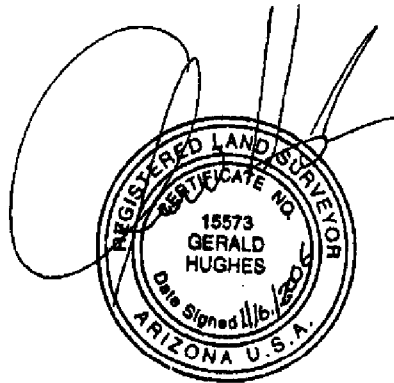
BEGINNING at a 3/4" pipe at the southeast corner of said Section 8, from which a 3/4" pipe at the south quarter corner of said Section 8 bears N89°46'45"W (an assumed bearing) at a distance of 2636.32 feet; thence S00°24'55"E, along the east line of the Northeast Quarter of Section 17, for a distance of 80.00 feet; thence N89°46'45"W for a distance of 270.29 feet to the beginning of a curve, concave to the north, the center of which bears N00°13'15"E at a distance of 840.00 feet; thence westerly, along the arc of said curve, through a central angle of 36°06'12" for a distance of 529.30 feet to a point of tangency; thence N53°40'34"W for a distance of 1,210.52 feet to the beginning of a curve, concave to the south, the center of which bears S36°19'26"W at a distance of 25.00 feet; thence westerly, along the arc of said curve, through a central angle of 51°45'12" for a distance of 22.58 feet; to the beginning of a reverse curve, concave to the northeast, the center of which bears N15°25'46"W at a distance of 80.00 feet; thence northwesterly along the arc of said curve, through a central angle of 103°30'24" for a distance of 144.52 feet to the beginning of a reverse curve, concave to the west, the center of which bears S88°04'38"W at a distance of 25.00 feet; thence northwesterly, along the arc of said curve, through a central angle of 51°45'12" for a distance of 22.58 feet to a point of tangency; thence N53°40'34"W for a distance of 2739.64 feet to the beginning of a curve, concave to the south, the center of which bears S36°19'26"W at a distance of 1160.00 feet; thence westerly, along the arc of said curve, through a central angle of 30°33'03" for a distance of 618.52 feet; thence S88°05'27"W, not tangent to said curve, for a distance of 246.49 feet; thence S89°46'44"W for a distance of 350.00 feet to a point on the east line of the west 50 feet of the Northwest Quarter of Section 8; thence N00°29'38"W, along said east line, for a distance of 100.00 feet; thence N89°46'44"E, leaving said east line, for a distance of 350.00 feet; thence S88°05'27"E for a distance of 170.70 feet to the beginning of a curve, concave to the southwest, the center of which bears S01°54'33"W at a distance of 1240.00 feet; thence easterly, along the arc of said curve, through a central angle of 34°24'53" for a distance of 744.81 feet to a point of tangency; thence S53°40'34"E for a distance of 2741.16 feet to the beginning of a curve, concave to the north, the center of which bears N36°19'26"E at a distance of 25.00 feet; thence easterly, along the arc of said curve, through a central angle of 51°45'12" for a distance of 22.58 feet to the beginning of a reverse curve, concave to the southwest, the center of which bears S15°25'46"E at a distance of 80.00 feet; thence southeasterly, along the arc of said curve, through a central angle of 103°30'24" for a distance of 144.52 feet to the beginning of a reverse curve, concave to the northeast, the center of which bears N88°04'38"E at a distance of 25.00 feet; thence southeasterly along the arc of said curve, through a central angle of 51°45'12" for a distance of 22.58 feet to a point of tangency; thence S53°40'34"E for a distance of 1,210.52 feet to the

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beginning of a curve, concave to the north, the center of which bears N36°19'26"E at a distance of 760.00 feet; thence easterly, along the arc of said curve, through a central angle of 36°06'12" for a distance of 478.89 feet to a point of tangency on the south line of the Southeast Quarter of said Section 8; thence S89°46'45"E, along said south line, for a distance of 269.41 feet to the POINT OF BEGINNING;

An area containing 11.67 acres, more or less.





**Legal Description
Rail Siding Tract
Sunshine Boulevard & I-10**

Job No. 06-031

Revised: August 10, 2006
August 9, 2006
June 28, 2006

A portion of the North Half of Section 8, Township 8 South, Range 8 East, of the Gila and Salt River Meridian, Pinal County, Arizona, being more particularly described as follows:

COMMENCING at a $\frac{1}{4}$ " pipe at the southeast corner of said Section 8, from which a $\frac{1}{4}$ " pipe at the south quarter corner of said Section 8 bears N89°46'45"W (an assumed bearing) at a distance of 2636.32 feet; thence N00°13'36"W, along the east line of the Southeast Quarter of said Section 8, for a distance of 1301.21 feet to a point on the southerly line of the Union Pacific Railroad right of way; thence N53°40'34"W, along said southerly line, for a distance of 2900.00 feet to the POINT OF BEGINNING;

Thence S36°19'26"W, leaving said southerly line, for a distance of 150.00 feet; thence N53°40'34"W, along a line parallel with and 150 feet southwest of said Union Pacific Railroad right of way, for a distance of 3123.05 feet to a point on the east line of the west 367.00 feet of the northwest quarter of said Section 8; thence N00°29'38"W, along said east line, for a distance of 187.37 feet to a point on the southerly line of the Union Pacific Railroad right of way; thence S53°40'34"E, along said southerly right-of-way line, for a distance of 3235.34 feet to the POINT OF BEGINNING;

An area containing 10.95 acres, more or less.



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Exhibit "B"

[Copy of Certificate Attached]

BILDHAMTUX444767.I

PINAL AMA
CERTIFICATE TRACKING FORM

GFR #: 58-100896

#ACRES: 2878

TYPE: IRRIGATION

GENERATION

2863 IRR
58-100896.0001

8 I-DEVELOP
58-100896.0002

7 I-DEVELOP
58-100896.0003

2675 IRR
58-100896.0004

188 IRR
58-100896.0005

116 IGR
58-100896.0007

2559 IGR
58-100896.0008

188 IGR
58-100896.0006

2559 AC
58-100896.0001

39 IGR
58-100896.0009

149 IGR
58-100896.0010

116 IGR
58-100896.0012

100896.0018 IGR
354 travel 20AC

149 IGR
58-100896.0013

Also assigned .0013 IGR
116 AC
mesquite landing LLC

100896.0015 IGR
Brake LLC 299.4 AC

100896.0014 IGR
2239.6 AC
Rancho Turquoise

Brake IGR
100896.0017
186.22

NEW NBC, INC IGR
100896.0018
111.18

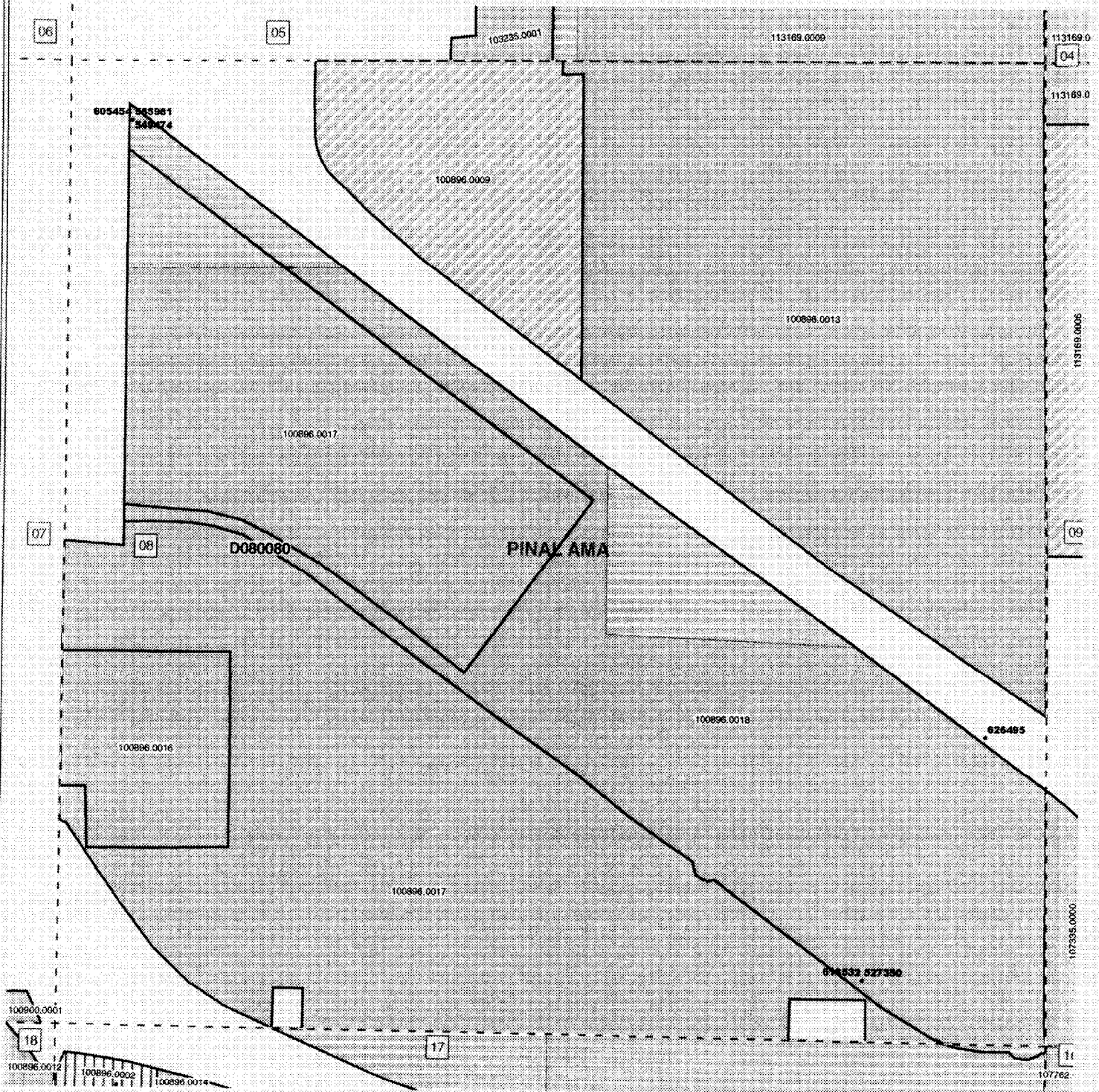
8/7/91
CAP TRANSFER

Correction

EX. 2/18/97 To Eloy

7/22/05

GROUNDWATER RIGHTS BRALU, LLC & NEW NGC, INC.



- | | | | |
|-------------------|-----------------------------------|--------------------------|-----------------------|
| • Registered Well | Irrigation Right | Inactive Developed | Irrigation Districts |
| ⊕ Section Corners | Part Irrigation / Part Developed* | Part Inactive Developed* | Buckeye WLA |
| - - - Section | Exempt Small Right | Extinguished | Pinal Protection Zone |
| ┌ ┐ Township | Exempt Small Grouping | Part Extinguished* | |
| ▭ County | Withdrawn from Irrigation | Non-Appurtenant Land | |
| ▭ AMA Boundary | Type 1 Right | No Right | |

* See Plat in File