



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

RECEIVED

OCT 23 2008

DEPARTMENT OF
WATER RESOURCES

October 22, 2008

VIA STATEHOUSE MAIL &
FACSIMILE 287-6700

Mr. Don Shaff
Chief, Adjudication Bureau
Idaho Department of Water Resources
322 Front St.
Boise, ID 83720

Re: Water Right Nos. 63-00134, 63-33068, and 63-33070.

Dear Don:

The Idaho Department of Parks and Recreation ("IDP&R") asked me to respond to your e-mail dated September 29, 2008 regarding the place of use description for the above water rights. The IDP&R's objection was intended to assure the best description possible for the existing place of use at Eagle Island State Park ("EISP"). Our principle concern was that the place of use was inconsistent in its designation of Government Lots—sometimes the legal description included them and sometimes it did not. As our objection noted, the channels of the Boise River have changed substantially since the original government surveys in the 1800s. Attachment I is a list of documents enclosed with this letter that provide information about the correct legal description for EISP. The first document, Instrument No. 94026232, is a deed from the Idaho Department of Lands ("IDL") to IDPR. It disclaims IDL's title under the Equal Footing Doctrine to ownership of 99.15 acres of the former bed of the Boise River. The second document is a JUB Survey, Record of Survey No. 754. It identifies this accretion land. The difficulty that this large amount of accretion land presents is how to represent it in the legal description. A review of a few legal principles of the public land survey system is necessary.

The U. S. Supreme Court has defined the effect of meander lines as follows:

Meander-lines are run in surveying fractional portions of the public lands bordering upon navigable rivers, not as boundaries of the tract, but for the purpose of defining the sinuosities of the banks of the stream, and as the means of ascertaining the quantity of land in the fraction subject to sale, and which is to be paid for by the

purchaser.

In preparing the official plat from the field-notes, the meander-line is represented as the border-line of the stream, and shows, to a demonstration, that the water-course, and not the meander-line, as actually run on the land, is the boundary.

Railroad Co. v. Schurmeier, 74 U.S. 272, 286-287 (1868). The application of this rule is best understood with an example. Here, Lot 4 (SWNW & NWNW) of section 18, Township 4 North, Range 1 East, B.M. had an original area of 47.75 acres. The recent maps show that the accretion land to Lot 4 is in excess of ten acres. How is this accretion land correctly described?

I contacted Mr. Mark Smirnov, Riparian Boundary Specialist, with the Bureau of Land Management, U. S. Department of the Interior. He confirmed my understanding of the application of the above rule in the present circumstances. The Boise River remains the northern boundary of Lot 4. The gradual addition of land by accretion to Lot 4 meant that the boundary of Lot 4 expanded to the north, and the area of Lot 4 increased. This expansion of Lot 4 of section 18 continues even when the upland added by accretion extends into the area that was previously section 7 to the north. Essentially, the Boise River eroded section 7 to the north and added by accretion to section 18 to the south. The JUB Survey illustrates these changes.

The IDP&R's analysis of the legal description begins with the 1987 NAPP aerial photography. The original meander lines from the Public Land Survey System are shown on the third document, a map of EISP. The green lines on the map indicate the exterior boundaries of EISP. The area of the various government lots are also shown on the map. The fourth document is a table that contains a legal description of the acreage in EISP. The last column on the right describes the net irrigated acreage within the described lot. The next to last column on the right describes the total acreage in each government lot. Our preference would be to describe the place of use as the irrigation of 449 acres within the total acreage of EISP. Mr. Ron Howerton compared your analysis of acreage in your e-mail, which separated out the accretion land areas, with the analysis that he did. The analyses were consistent.

Finally, I should point out that an apparent discrepancy exists between the JUB Survey and the enclosed acreage table. The JUB Survey concluded that the total acreage of EISP was 546.61 acres. The fifth document is a copy of a deed from IDP&R to Ron & Sharon Taylor, Instrument No. 95091510. This deed transferred 28.44 acres of EISP to Mr. and Mrs. Taylor. Thus, the present net acreage of EISP was 518.17 acres. The enclosed table describes the total boundary acreage of EISP as 516.8 acres. Since the JUB Survey was conducted in 1977 and since the horizontal coordinate IDTM27 system was used in the spatial analysis for the 1987 NAPP photography, the difference in acreage may be the digital difference in the PLSS and the

Mr. Don Shaff
October 22, 2008
Page 3

JUB survey reflecting changes in lot areas.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Barber". The signature is fluid and cursive, with a long horizontal stroke at the end.

DAVID J. BARBER
Deputy Attorney General

DJB/ov

Encl.

cc: Dave Ricks
Andrea Courtney

ATTACHMENT I

1. Deed from the Idaho Department of Lands to the Idaho Department of Parks and Recreation. Instrument No. 94026232.
2. JUB Survey, Record of Survey No. 754, with a separate legal description.
3. Map of Eagle Island State Park.
4. Table of Eagle Island State Park Acreages (1987 NAPP).
5. Deed from the Idaho Department of Parks and Recreation to Ron and Sharon Taylor. Instrument No. 95091510.

94026232

State of Idaho

ADA CO. RECORDER

J. DAVID HAVAPRO

BOISE ID

STATE OF IDAHO DEED

1696001744

5/20 K. Kuen
'94 MAR 23 AM 11:10

CORRECTED DEED NO. 12688
(Dept. Parks & Recreation)

THIS INDENTURE made this 8th day of February, 1994, between
RECORDED AT THE REQUEST OF
State of Idaho, Department of Lands, 1215 W. State St., Boise, Idaho
83720, by and through the State Board of Land Commissioners, the party
of the first part (Grantor); and the State of Idaho, Department of
Parks and Recreation, by and through the Idaho Parks and Recreation
Board, Statehouse Mail, Boise, Idaho 83720, the party of the second
part (Grantee);

WITNESSETH, that the Grantor, for adequate and valuable consider-
ation does grant, bargain, sell, convey, and confirm unto the Grantee,
its heirs and assigns, forever, all the following described property
located in Ada County, State of Idaho, to-wit:

A tract of land situated in a portion of Government Lot 3; all of
NE $\frac{1}{4}$ SW $\frac{1}{4}$ and Government Lots 4, 5, 10, and 11 of Section 18, and a
portion of the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 19, Township 4 North, Range 1 East,
B.M.; and a portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12; portion of SW $\frac{1}{4}$ SW $\frac{1}{4}$ and all
of Government Lots 6, 7, 8 and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 13; a portion of
Government Lot 2 and all of Government Lot 1 of Section 24, all in
Township 4 North, Range 1 West, B.M. (including all adjacent accretion
land along the North Channel and the South Channel of the Boise
River), being more particularly described as follows:

Commencing at a brass cap marking the southwest corner of the NW $\frac{1}{4}$
of Section 13, Township 4 North, Range 1 West, B.M., thence North
89°32'33" East, 2,683.38 feet along the southerly boundary of the said
NW $\frac{1}{4}$ of said Section 13 to a brass cap marking the northwest corner of
the SE $\frac{1}{4}$ of said Section 13, said point being the REAL POINT OF
BEGINNING; thence South 0°22'37" West, 1,258.18 feet along the west-
erly boundary of the said SE $\frac{1}{4}$ of Section 13, which is also the east-
erly boundary of Stein's Second Subdivision, as filed for record in
the office of the Ada County Recorder, Boise, Idaho, in Book 3 of
Plats at page 139, to an iron pin; thence North 89°59'56" East, 412.07
feet; thence South 6°15'15" East, 1,234.98 feet; thence South
17°00'15" East, 1,254.86 feet to an iron pin on the North Meander Line
of the South Channel of the Boise River; thence along the said north
meander line the following courses and distances to iron pins: thence
North 86°20'18" East, 21.20 feet; thence North 80°53'42" East, 71.05

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State of Idaho
Corrected Deed No. 12688
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feet; thence North 58°37'26" East, 36.88 feet; thence North 52°28'32" East, 36.24 feet; thence North 51°05'38" East, 75.92 feet; thence North 54°24'49" East, 69.91 feet; thence North 43°49'35" East, 187.06 feet; thence North 35°31'36" East, 165.37 feet; thence North 38°10'58" East, 108.81 feet; thence North 28°52'21" East, 173.05 feet; thence North 31°41'59" East, 209.77 feet; thence North 39°20'52" East, 112.96 feet; thence North 70°01'00" East, 192.43 feet; thence North 83°22'17" East, 636.06 feet; thence North 61°05'47" East, 124.01 feet to a brass cap marking a witness corner to the southeast corner of the said SE¼ of Section 13, which bears South 0°03'45" East, 48.68 feet from said point; thence continuing North 61°05'47" East, 49.01 feet; thence North 74°56'52" East, 152.54 feet; thence North 80°12'59" East, 51.96 feet; thence South 82°41'14" East, 390.36 feet; thence South 18°59'36" East, 88.40 feet; thence South 41°07'45" East, 112.16 feet; thence South 69°16'07" East, 135.24 feet; thence South 81°42'45" East, 145.27 feet; thence North 86°30'06" East, 53.00 feet; thence North 74°03'54" East, 180.04 feet; thence North 53°54'01" East, 250.51 feet; thence North 65°14'17" East, 106.47 feet; thence North 36°02'52" East, 198.71 feet; thence North 51°10'04" East, 103.10 feet; thence North 64°20'21" East, 87.72 feet; thence North 82°13'19" East, 121.63 feet; thence South 82°09'27" East, 224.42 feet; thence South 59°19'41" East, 116.44 feet; thence South 51°41'19" East, 356.33 feet to a brass cap marking a witness corner to the southeast corner of the SW¼ of Section 18, Township 4 North, Range 1 East, B.M., which bears South 1°48'21" West, 31.45 feet from said point; thence leaving the said North Meander Line of the South Channel of the Boise River, North 1°48'21" East, 2,458.60 feet along the commonly accepted easterly boundary of the said SW¼ of Section 18 to a brass cap (set by O.T. Hansen, P.E., No. 630, dated 1957) marking the commonly accepted northeast corner of the said SW¼ of Section 18; thence South 89°53'48" West, 481.14 feet along the southerly boundary of a parcel of land described under Warranty Deed, Instrument No. 129721 to a brass cap; thence North 0°09'53" West, 1,718.64 feet along the westerly boundary of the said parcel of land described under Warranty Deed, Instrument No. 129721 to an iron pin on the South Meander Line of the North Channel of the Boise River; thence along the said south meander line the following courses and distances to iron pins: North 60°54'26" West, 608.00 feet; thence North 57°58'07" West, 531.20 feet; thence North 60°55'08" West, 220.97 feet; thence North 53°00'14" West, 151.79 feet; thence North 44°25'05" West, 107.00 feet; thence North 31°34'31" West, 210.29 feet; thence North 35°29'18" West, 155.31 feet; thence North 53°04'27" West, 155.32 feet; thence North 82°41'09" West, 170.86 feet; thence South 85°46'57" West, 201.09 feet; thence North 87°28'05" West, 90.58 feet; thence South 65°13'30" West, 97.63 feet; thence South 20°48'29" West, 116.50 feet; thence South 49°43'09" West, 131.56 feet; thence South 41°42'44" West, 152.15 feet; thence South 32°59'50" West, 263.22 feet; thence South 42°39'55" West, 88.64 feet; thence South 34°52'16" West, 132.95 feet; thence South 28°46'50" West, 155.42 feet; thence South 37°54'42" West, 116.38 feet; thence South 44°44'06" West, 176.43 feet; thence South

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55°17'58" West, 83.37 feet; thence South 62°24'05" West, 135.56 feet; thence South 72°02'58" West, 136.83 feet; thence South 78°58'25" West, 78.85 feet; thence South 85°55'18" West, 147.06 feet; thence North 85°42'39" West, 48.73 feet; thence North 69°24'56" West, 134.43 feet; thence North 61°39'30" West, 95.46 feet; thence North 53°42'35" West, 262.37 feet; thence North 48°27'04" West, 205.93 feet; thence North 35°43'11" West, 183.20 feet; thence North 31°06'43" West, 332.71 feet; thence North 41°49'42" West, 401.18 feet to a point on the extended westerly boundary of the NE $\frac{1}{4}$ of said Section 13; thence leaving the said South Meander Line of the North Channel of the Boise River, South 0°13'32" West, 121.86 feet along the said extended westerly boundary of the NE $\frac{1}{4}$ of Section 13 to a brass cap marking the northwest corner of the said NE $\frac{1}{4}$ of Section 13; thence continuing South 0°13'32" West, 2,577.63 feet along the westerly boundary of the NE $\frac{1}{4}$ of Section 13, returning to the real point of beginning, containing 546.61 acres, more or less.

Included in this document, the Grantor is disclaiming all title and interest to 99.15 acres, more or less, within the previous channel of the South Channel and North Channel of the Boise River as herein described. This accretion land is identified as Parcels 1B, 2B, 4C, 5C and 5D on the Record of Survey dated June, 1977 and shown on Drawing No. B770622.

Subject to State of Idaho Easement Numbers 5075 A and B to Idaho Power Company for a buried and overhead power line.

TO HAVE AND TO HOLD the said premises and parcel of land above particularly described, with the appurtenances thereon, unto the said State of Idaho Department of Parks and Recreation, their heirs and assigns, in fee simple forever, subject to the provisions of Section 58-604, Idaho Code, as amended by Chapter 44, 1951 Session Laws; which grants over all lands belonging to the State a right of way for ditches constructed by authority of the United States.

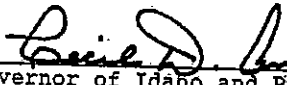
This parcel is subject to all easements and rights-of-way existing or of record.

This property transfer was approved by the State Board of Land Commissioners on January 10, 1978 and February 11, 1992.

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State of Idaho
Corrected Deed No. 12688
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IN WITNESS WHEREOF, I, CECIL D. ANDRUS, the Governor of the State of Idaho, have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the State Board of Land Commissioners to be hereunto affixed, this 8th day of February, 1994.


Governor of Idaho and President of the
State Board of Land Commissioners.

COUNTERSIGNED:

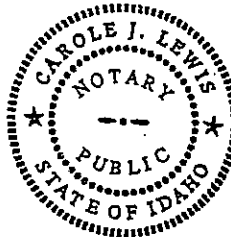

Secretary of State


Director, Department of Lands
OPM



STATE OF IDAHO)
County of Ada) ss.

On this 8th day of February, in the year 1994, before me, a Notary Public in and for said State, personally appeared CECIL D. ANDRUS, known to me to be the Governor of the State of Idaho and PETE T. CENARRUSA, known to me to be the Secretary of State of the State of Idaho, and STANLEY F. HAMILTON, known to me to be the Director of the Department of Lands of the State of Idaho, who executed said instrument and acknowledged to me that such State of Idaho executed the same.




CAROLE J. LEWIS, Notary Public
Residing at Boise, Idaho

My Bond expires March 26, 1996

Project: 7585
Date: May 25, 1977
Revised: June 15, 1977

REVISED
DESCRIPTION FOR
IDAHO STATE BOARD OF CORRECTIONS
EAGLE ISLAND PRISON FARM PROPERTY
PORTIONS OF THE SE 1/4 SE 1/4 SE 1/4 AND OF THE SW 1/4 SW 1/4 SE 1/4, SECTION 12,
ALL OF GOVERNMENT LOTS 6 AND 7 AND PORTIONS OF THE NE 1/4,
GOVERNMENT LOT 8, AND OF THE SE 1/4, SECTION 13,
AND PORTIONS OF GOVERNMENT LOTS 1, 2 AND THE N 1/2,
SECTION 24, ALL IN T.4N., R.1W., B.M., AND PORTIONS OF THE
SW 1/4 SW 1/4, AND OF GOVERNMENT LOT 3, ALL OF GOVERNMENT LOTS 4, 5, 10 AND 11
PORTIONS OF THE NE 1/4 SW 1/4, NW 1/4 AND SE 1/4 SW 1/4,
SECTION 18, PORTIONS OF THE
N 1/2 N 1/2 N 1/2, SECTION 19 AND S 1/2 SW 1/4, SECTION 7,
ALL IN T.4N., R.1E., B.M.,
ADA COUNTY, IDAHO

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A parcel of land lying in portions of the SE 1/4 of the SE 1/4 of the
SE 1/4 and of the SW 1/4 of the SW 1/4 of the SE 1/4 of Section 12 and all
of Government Lots 6 and 7 and portions of the NE 1/4, Government Lot 8 and
of the SE 1/4 of Section 13, and portions of Government Lots 1 and 2 and the
N 1/2 of Section 24, all in T.4N., R.1W., B.M., and portions of the SW 1/4
of the SW 1/4 and of Government Lot 3, all of Government Lots 4, 5, 10 and 11,
portions of the NE 1/4 of the SW 1/4, the NW 1/4, and SE 1/4 of the SW 1/4 of
Section 18, portions of the N 1/2 of the N 1/2 of the N 1/2 of Section 19 and
S 1/2 of the SW 1/4 of Section 7, all in T.4N., R.1E., B.M., Ada County, Idaho
and more particularly described as follows:

Beginning at a brass cap marking the Southwest corner of the NW 1/4 of
the said Section 13;

thence North 89°32'33" East 2,683.38 feet along the Southerly boundary
of the said NW 1/4 of Section 13 to a brass cap marking the Northwest corner
of the said SE 1/4 of Section 13, also said point being the REAL POINT OF
BEGINNING;

thence South 0°22'37" West 1,258.18 feet along the Westerly boundary of
the said SE 1/4 of Section 13, which is also the Easterly boundary of Stein's
Second Subdivision, as filed for record in the office of the Ada County Recor-
der, Boise, Idaho, in Book 3 of Plats at page 139, to an iron pin;

thence North 89°59'56" East 412.07 feet to an iron pin;

thence South 6°15'15" East 1,234.98 feet to an iron pin;

thence South 17°00'15" East 1,254.86 feet to an iron pin on the Northerly
Meander Line of the South Channel of the Boise River;

thence along the said Northerly Meander Line of the South Channel of the
Boise River the following courses and distances to iron pins:

Project: 7585
Date: May 25, 1977
Revised: June 15, 1977
Page: 2 - Eagle Island Prison Farm Property

North 86°20'18" East 21.20 feet;

thence North 80°53'42" East 71.05 feet;

thence North 58°37'26" East 36.88 feet;

thence North 52°28'32" East 36.24 feet;

thence North 51°05'38" East 75.92 feet;

thence North 54°24'49" East 69.91 feet;

thence North 43°49'35" East 187.06 feet;

thence North 35°31'36" East 165.37 feet;

thence North 38°10'58" East 108.81 feet;

thence North 28°52'21" East 173.05 feet;

thence North 31°41'59" East 209.77 feet;

thence North 39°20'52" East 112.96 feet;

thence North 70°01'00" East 192.43 feet;

thence North 83°22'17" East 636.06 feet;

thence North 61°05'47" East 124.01 feet to a brass cap marking a witness corner to the Southeast corner of the said SE 1/4 of Section 13, which bears South 0°03'45" East 48.68 feet from said point;

thence continuing North 61°05'47" East 49.01 feet;

thence North 74°56'52" East 152.54 feet;

thence North 80°12'59" East 51.96 feet;

thence South 82°41'14" East 390.36 feet;

thence South 18°59'36" East 88.40 feet;

thence South 41°07'45" East 112.16 feet;

thence South 69°16'07" East 135.24 feet;

thence South 81°42'45" East 145.27 feet;

thence North 86°30'06" East 53.00 feet;

Project: 7585
Date: May 25, 1977
Revised: June 15, 1977
Page: 3 - Eagle Island Prison Farm Property

thence North 74°03'54" East 180.04 feet;

thence North 53°54'01" East 250.51 feet;

thence North 65°14'17" East 106.47 feet;

thence North 36°02'52" East 198.71 feet;

thence North 51°10'04" East 103.10 feet;

thence North 64°20'21" East 87.72 feet;

thence North 82°13'19" East 121.63 feet;

thence South 82°09'27" East 224.42 feet;

thence South 59°19'41" East 116.44 feet;

thence South 51°41'19" East 356.33 feet to a brass cap marking a witness corner to the Southeast corner of the said SW 1/4 of Section 18, which bears South 1°48'21" West 31.45 feet from said point;

thence leaving the said Northerly Meander Line of the South Channel of the Boise River North 1°48'21" East 2,458.60 feet along the commonly accepted Easterly boundary of the said SW 1/4 of Section 18 to a brass cap (set by O.T. Hansen, P.E., No. 630, dated 1957) marking the commonly accepted Northeast corner of the said SW 1/4 of Section 18;

thence South 89°53'48" West 481.14 feet along the Southerly boundary of a parcel of land described under Warranty Deed, Instrument No. 129721 to a brass cap;

thence North 0°09'53" West 1,718.64 feet along the Westerly boundary of the said parcel of land described under Warranty Deed, Instrument No. 129721 to an iron pin on the Southerly Meander Line of the North Channel of the Boise River;

thence along the said Southerly Meander Line of the North Channel of the Boise River the following courses and distances to iron pins:

North 60°54'26" West 608.00 feet;

thence North 57°58'07" West 531.20 feet;

thence North 60°55'08" West 220.97 feet;

thence North 53°00'14" West 151.79 feet;

thence North 44°25'05" West 107.00 feet;

thence North 31°34'31" West 210.29 feet;

Project: 7585
Date: May 25, 1977
Revised: June 15, 1977
Page: 4 - Eagle Island Prison Farm Property

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thence North 35°29'18" West 155.31 feet;
thence North 58°04'27" West 155.32 feet;
thence North 82°41'09" West 170.86 feet;
thence South 85°46'57" West 201.09 feet;
thence North 87°28'05" West 90.58 feet;
thence South 65°13'30" West 97.63 feet;
thence South 20°48'29" West 116.50 feet;
thence South 49°43'09" West 131.56 feet;
thence South 41°42'44" West 152.15 feet;
thence South 32°59'50" West 263.22 feet;
thence South 42°39'55" West 88.64 feet;
thence South 34°52'16" West 132.95 feet;
thence South 28°46'50" West 155.42 feet;
thence South 37°54'42" West 116.38 feet;
thence South 44°44'06" West 176.43 feet;
thence South 55°17'58" West 83.37 feet;
thence South 62°24'05" West 135.56 feet;
thence South 72°02'58" West 136.83 feet;
thence South 78°58'25" West 78.85 feet;
thence South 85°55'18" West 147.06 feet;
thence North 85°42'39" West 48.73 feet;
thence North 69°24'56" West 134.43 feet;
thence North 61°39'30" West 95.46 feet;
thence North 53°42'35" West 262.37 feet;
thence North 48°27'04" West 205.93 feet;

Project: 7585
Date: May 25, 1977
Revised: June 15, 1977
Page: 5 - Eagle Island Prison Farm Property

thence North 35°43'11" West 183.20 feet;

thence North 31°06'43" West 332.71 feet;

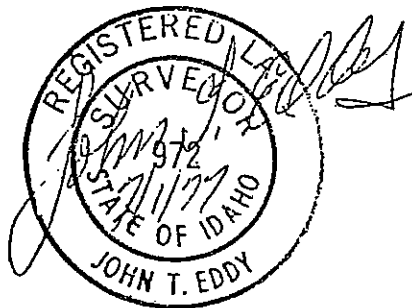
thence North 41°49'42" West 401.18 feet to a point on the extended Westerly boundary of the NE 1/4 of the said Section 13;

thence leaving the said Southerly Meander Line of the North Channel of the Boise River South 0°13'32" West 121.86 feet along the said extended Westerly boundary of the NE 1/4 of Section 13 to a brass cap marking the Northwest corner of the said NE 1/4 of Section 13;

thence continuing South 0°13'32" West 2,577.62 feet along the Westerly boundary of the NE 1/4 of Section 13 to the point of beginning, comprising 546.61 acres, more or less.

Prepared by:

J-U-B ENGINEERS, Inc.



John T. Eddy, L.S.

DMP/JDC/dm

C

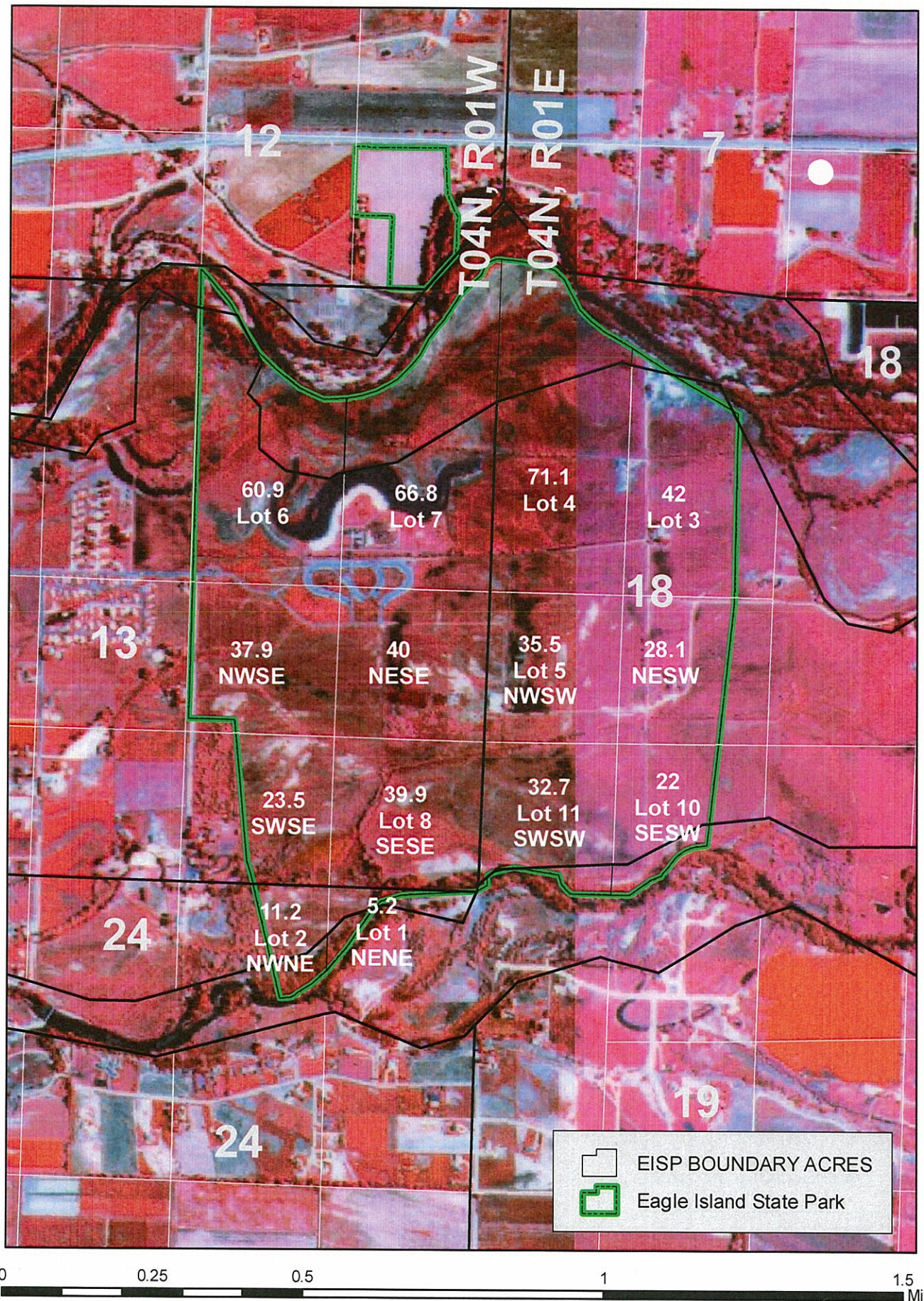
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EAGLE ISLAND STATE PARK ACREAGES (1987 NAPP)					
TOWNSHIP	RANGE	SECTION	QQ	TOTAL ACRES	IRRIGATED ACRES
T04N	R01E	18	L3	42.0	38.5
T04N	R01E	18	L4	71.1	70.3
T04N	R01E	18	NESW	28.1	28.1
T04N	R01E	18	NWSW L5	35.5	35.5
T04N	R01E	18	SESW L10	22.0	19.8
T04N	R01E	18	SWSW L11	32.7	30.5
T04N	R01W	13	L6	60.9	38.9
T04N	R01W	13	L7	66.8	42.8
T04N	R01W	13	NESE	40.0	36.8
T04N	R01W	13	NWSE	37.9	35.8
T04N	R01W	13	SESE L8	39.9	37.5
T04N	R01W	13	SWSE	23.5	23.5
T04N	R01W	24	NENE L1	5.2	3.3
T04N	R01W	24	NWNE L2	11.2	7.7
				516.8	449

EAGLE ISLAND STATE PARK BOUNDARY ACRES



95091510

1953001517

See # 14372
JH

ADA CO. RECORDER
J. DAVID HAVARRO
BOISE ID PIONEER TITLE CO.

Instrument No.

'95 DEC 12 PM STATE OF IDAHO DEED

FEE 12.00 DEL. *[Signature]*
RECORDED AT THE REQUEST OF

To All to Whom These Presents Shall Come, Greetings:

Whereas, on the 7th day of December, 1995, all that tract or parcel of property owned by the State of Idaho, Department of Parks and Recreation in Ada County, Idaho, hereinafter mentioned and particularly described, was sold in the manner provided by law to

Ron Taylor and Sharon E. Taylor,
husband and wife,

of City of Eagle, state of Idaho, for the aggregate price of

-----TWO HUNDRED EIGHTY FOUR THOUSAND, FOUR HUNDRED DOLLARS-----;

And Whereas, the said sum of -- TWO HUNDRED EIGHTY FOUR THOUSAND, FOUR HUNDRED DOLLARS-- has been fully applied against the purchase price of the property described as

A parcel of land located in part of Government Lot 1, Section 12, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of said Government Lot 1; thence South 0°32'33" West along the Westerly boundary of said Government Lot 1 a distance of 1304.32 feet;

Thence South 89°52'13" East along the Southerly boundary of said Government Lot 1 a distance of 342.75 feet to the POINT OF BEGINNING;

Thence continuing South 89°52'13" East a distance of 304.92 feet to a point on the Westerly bank of the Boise River;

Thence North 40°56'13" East along the GLO meander line a distance of 413.18 feet to a point on the Westerly boundary of Instrument No. 854548 as recorded at the Office of the Recorder, Ada County, Idaho;

Thence leaving said meander line along said Westerly boundary of Instrument No. 854548 North 0°37'50" East a distance of 317.97 feet to a point;

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Thence leaving said Westerly boundary of Instrument No. 854548 North 89°27'27" West a distance of 573.25 feet; thence South 0°32'04" West 634.84 feet to the POINT OF BEGINNING.

Amounting to seven and one-third (7.33) acres, more or less, together with all fixtures and appurtenances in the name of Ron and Sharon E. Taylor, husband and wife, and which is to be conveyed to the state of Idaho, Department of Parks and Recreation.

Now Know Ye, that the said state of Idaho, Department of Parks and Recreation, in pursuance of law in such case made and provided, and in consideration of the premises aforesaid, and of the aforesaid sum of

-----TWO HUNDRED EIGHTY FOUR THOUSAND, FOUR HUNDRED DOLLARS-----;

to the state of Idaho, Department of Parks and Recreation paid, does by these presents grant, bargain, sell convey and confirm, in fee, unto the said

Ron Taylor and Sharon E. Taylor,
husband and wife,

Their heirs and assigns, all of the said tract or parcel of land situated in the County of Ada, state of Idaho, and described as follows, to wit:

A tract of land situated in a portion of Government Lot 10, Section 18, Township 4 North, Range 1 East, B.M., being more particularly described as follows:

Commencing at a brass cap (set by O.T. Hansen, P.E., No. 630, dated 1957) marking the commonly accepted northeast corner of the said SW1/4 of Section 18;

Thence South 89° 53'48" West, 481.14 feet along the southerly boundary of a parcel of land described under Warranty Deed, Instrument No. 129721 to a brass cap;

Thence South 5 17'08" West, 2,152.69 feet;

Thence South 82° 09'27" East, 224.42 feet;

Thence South 59 19'41" East, 116.44 feet;

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Thence South $51^{\circ} 41' 19''$ East, 356.33 feet to a brass cap marking a witness corner to the southeast corner of the SW1/4 of Section 18, Township 4 North, Range 1 East, B.M., which bears South $1^{\circ} 48' 21''$ West, 31.45 feet from said point;

Thence leaving the said North Meander Line of the South Channel of the Boise River, North $1^{\circ} 48' 21''$ East, 2,458.60 feet along the commonly accepted easterly boundary of the said SW1/4 of Section 18, returning to the real point of beginning.

Containing 28.44 acres, more or less, and commonly known as the eastern-most twenty-eight (28) acres of Eagle Island State Park.

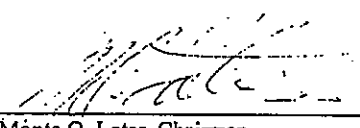
Together with irrigation water rights in the Mace-Catlin Ditch for 24.60 acres located in the NE 1/4 of the SW 1/4 and SE 1/4 of the SW 1/4, Section 18, Township 4N, Range 1E, B.M. (A portion of water right nos. A63-00133, and A63-00132).

To have and to hold the said premises and parcels of land above particularly described, with the appurtenant water rights, unto the said

Ron Taylor and Sharon E. Taylor,
husband and wife,

Their heirs and assigns, in fee simple forever, subject to all restrictions, rights of way and easements of record and subject to the following reservations: The state reserves the right to all coal, oil, oil shale, gas, phosphate, sodium, asbestos, gold, silver, lead, zinc, copper, antimony and all minerals or deposits of minerals of whatsoever kind or character, including sand, gravel and pumice pursuant to section 47-701 Idaho Code; also reserved to the state are geothermal resources, including associated by-products. Right is reserved to the United States of America to construct ditches where necessary.

In Witness Whereof, I, Monte Q. Later, Chairman of the Idaho Park and Recreation Board, have hereunto signed my name this 7th day of December, 1995.



Monte Q. Later, Chairman
Idaho Park and Recreation Board

1952001520

STATE OF IDAHO,)
County of C. H.) ss.

On this 7TH day of Dec, 1995, before me, a Notary Public in and for said state, personally appeared Monte Q. Later, known to me to be the Chairman of the Idaho Park and Recreation Board, who executed said instrument and acknowledged to me that such state of Idaho Park and Recreation Board executed the same.

In Witness Whereof, I have hereunto set my hand and seal on the day and year last above written.



J. Bergeman
Notary Public, residing at Ad
My commission expires 12-15-97

STATE OF IDAHO,)
County of Ada) ss.

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock m., this
day of _____, 199____, in my office, and duly recorded in Book of Deeds at page _____

Ex-Officio Recorder

By _____
Deputy.

Fees \$
Mail to:

nj/cidedp&r.doc