

DEPARTMENT OF
WATER RESOURCES

1. My name is Fredric W. Price. I am an employee of the United States, Department of Interior, Bureau of Land Management. The following statements are based upon my personal knowledge. My present position is that of Water Rights Specialist for the United States, Department of Interior, Bureau of Land Management (hereinafter "BLM"), Idaho State office. My current responsibilities include coordinating the BLM's participation in general stream adjudications in Idaho and part of Nevada (Snake River Basin Adjudication (hereinafter "SRBA"), Coeur d'Alene-Spokane River Basin Adjudication (hereinafter "CSRBA"), Palouse River Basin Adjudication (hereinafter "PRBA"), Clark Fork-Pend Oreille River Basin Adjudication (hereinafter "CPRBA")). In that capacity, I provide guidance and technical support to the State Director, Field Office Managers, and technical specialists in BLM field offices, particularly those specialists working in water rights and related issues. I develop agency policy on water issues and in other programs affected by water rights, such as the range management and realty programs. I also review, interpret and analyze water right claims for preparing opinions, recommendations, objections, responses and other adjudication documents to the Department of Justice.

2. I have been employed by the BLM since 1982 in the following positions:

a. Eleven and a half years in various positions within the Rangeland Firefighting Program at the BLM, Shoshone Field Office. I spent 12 months working on that office's water rights team preparing 5,500 BLM water right claims;

b. Water Rights Specialist at the BLM, State Office in Boise, Idaho since August of 1993.

3. My work experience at BLM includes:

a. My eleven and a half years in BLM's fire program required that I have the ability to understand and interpret maps, legal land descriptions, and Range Improvement

Project Files. I was routinely required to: travel to remote fire locations with just a map; map the position and extent of fires for which I was responsible; locate, construct and maintain range improvements (including but not limited to: spring developments; pipelines and fences); prepare as-built drawings; and to supplement the range improvement project files. I taught several courses to new employees in interpreting maps and BLM Master Title Plats, as well as in the use of a compass. In my work with the BLM, I have been responsible for tasks requiring an ability to interpret: maps, legal land descriptions, and water claims, including the preparation, mapping and review of 5,500 SRBA water right claims for BLM. I have reviewed hundreds of Range Improvement Project Files for the purpose of locating the project, to determine when it was constructed, whether it was completed, whether it is still functional, to identify candidates for filing SRBA water claims, and to capture certain types of projects into the Geographic Information System (i.e. computer mapping system).

b. As a Water Rights Specialist at the BLM State Office, it is my responsibility to provide guidance and direction to Idaho BLM offices in all matters relating to water rights. I am also responsible for making recommendations to the Department of Justice and providing technical support on any and all matters involving general stream adjudications affecting Idaho BLM. My experience with water rights in my present position is as follows. I develop policy for BLM across several programs to deal with water issues, such as the range management and realty programs. I have reviewed tens of thousands of legal land descriptions represented in Points of Diversion (hereinafter "POD") and Places of Use (hereinafter "POU") that were published in IDWR Director's Reports to determine land ownership by comparing those land descriptions to BLM's

Master Title Plats and Historical Indexes. I have used these resources to determine the ownership history for thousands of legal land descriptions. I provide training to BLM employees in how to read and interpret Master Title Plats and Historical Indexes. I have reviewed hundreds of patents and deeds to determine who owned what land descriptions. I have determined the changes needed for thousands of water right descriptions for use within settlement documents (such as the Standard Form 5 (hereinafter "SF-5")) to resolve objections involving the BLM. I have extensive knowledge of, and experience with, the official business records of BLM and the Idaho Department of Water Resources (hereinafter "IDWR"), including but not limited to: BLM water right claim files, BLM water right field investigations, Master Title Plats, Historical Indexes, Control Document Indexes (hereinafter "CDI"), Tract Books, Serialized Case Recordation Files, Cadastral Survey Plats, Mining Claim Files, Homestead Entry Files, Grazing Allotment Files, Grazing Operator Files, IDWR Adjudication Files, and IDWR Water Right Files. I provide advice, guidance and direction to BLM field office personnel as to investigating and preparing claims, how to interpret water rights and how they relate to other water rights. For thousands of subcases, I have made determinations whether multiple claims exist for the same source and what the nature of their relationship is to each other. I have reviewed hundreds of Range Improvement Project Files for the purpose of locating the project and determining when it was constructed, whether it was completed, if it is still functional, who contributed to the construction and in what amounts, and whether water is present and in what amounts. I developed the investigative criteria to be used for BLM field offices to investigate water sources for claims preparation and for objection purposes. I have reviewed thousands of BLM claim files and field investigations conducted by BLM.

I have also performed investigations of water rights in the field. I routinely provide technical assistance, reports, recommendations and opinions to the Department of Justice concerning all of the above matters. I have testified in court regarding technical water right matters.

4. At the request of counsel for the United States, I have reviewed the official business records of BLM and IDWR regarding the captioned subcases for Notices of Claim made by the United States of America on behalf of the BLM, and have reached the determinations described herein.

5. The Master Title Plat (hereinafter "MTP") is an official business record of BLM. The MTP is the United States' official Record of Title. It is a graphic display of township survey data, and is drafted from information abstracted, compiled, and composed from the latest approved U.S. Government Survey Plats, survey field notes, and protraction diagrams. It describes the locations of United States property, aliquot parcels, and government surveyed "lots."

The Historical Index (hereinafter "HI") is an official business record of the United States that maintains a time line of events occurring on United States' property.

6. The captioned subcases are BLM claims based upon federal law pursuant to an Executive Order, dated April 17, 1926, and known as Public Water Reserve 107 (hereinafter "PWR 107"). A true and correct copy of PWR-107, obtained from BLM's official business records at BLM's Idaho State Office, is attached as Attachment 2.

7. I have reviewed the official business records of BLM and compared the PODs and POUs in the claims to BLM's MTPs and HIs. I was able to determine that the claims are located on unreserved federal public domain as of April 17, 1926, and that this land currently remains under Department of Interior administration, except where noted below.

a. **94-09151:** This claim is to a spring located on land (T48N, R02E, S16, NESW, BM) which left federal ownership pursuant to a State Grant dated July 12, 1985. The land described in this claim was reacquired from the State of Idaho by BLM pursuant to State of Idaho Deed #13726 (IDI-036525-P1) on September 8, 2008. The priority date should be decreed as September 8, 2008. Attached hereto as Attachment 3 is a true and correct copy of State of Idaho Deed #13726 obtained by me from BLM's official business records residing at BLM's Idaho State Office.

b. **94-09153:** This claim is to a spring located on land (T48N, R02E, S16, SWNWNW, BM) which left federal ownership pursuant to a State Grant dated July 12, 1985. The land described in this claim was reacquired from the State of Idaho by BLM pursuant to State of Idaho Deed #13726 (IDI-036525-P1) on September 8, 2008. The priority date should be decreed as September 8, 2008. See Attachment 3.

c. **94-09155:** This claim is to a spring located on land (T48N, R02E, S16, Lot 1 (NENWNE), BM) which left federal ownership pursuant to a State Grant dated July 12, 1985. The land described in this claim was reacquired from the State of Idaho by BLM pursuant to State of Idaho Deed #13726 (IDI-036525-P1) on September 8, 2008. The priority date should be decreed as September 8, 2008. See Attachment 3.

d. **94-09166:** This claim is to a spring located on land (T48N, R02E, S16, NESWNE, BM) which left federal ownership pursuant to a State Grant dated July 12, 1985. The land described in this claim was reacquired from the State of Idaho by BLM pursuant to State of Idaho Deed #13726 (IDI-036525-P1) on September 8, 2008. The priority date should be decreed as September 8, 2008. See Attachment 3.

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e. **94-09177:** This claim is to a spring located on land (T48N, R02E, S16, Lot 1 (NENWNE, BM) which left federal ownership pursuant to a State Grant dated July 12, 1985. The land described in this claim was reacquired from the State of Idaho by BLM pursuant to State of Idaho Deed #13726 (IDI-036525-P1) on September 8, 2008. The priority date should be decreed as September 8, 2008. See Attachment 3.

8. The water sources described by the captioned subcases were confirmed by field investigation.

9. Based upon the field verifications and my review of the field investigation and claim file documents for the captioned subcases, there is sufficient surface water at these sites for consumptive use by livestock.

10. Based upon the field verifications and my review of the field investigations and claim file documents, the source of water for the captioned subcases are springs or waterholes located at the PODs and POUs described in the abstracts contained in the Director's Report for Basin 94 Water Rights filed February 25, 2016, except as follows:

a. **91-09149:** The Notice of Claim (paper claim) filed with IDWR describes a spring source with a POD and POU defined within T47N, R04E, S04, SWNWNW, however this legal land description describes a government surveyed lot, and therefore the POD & POU should be decreed as Lot 4 (SWNWNW). Attached hereto as Attachment 4 are true and correct copies of BLM's Master Title Plat for township 47 north, range 4 east, and Supplemental Plat No. 2 for this township. I obtained true and correct copies of these documents from BLM's official business records residing at BLM's Idaho State Office.

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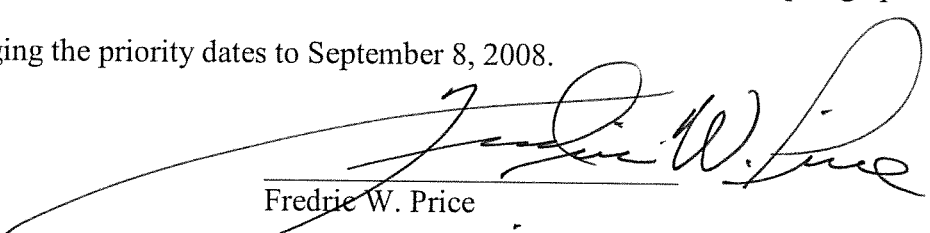
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11. I have reviewed the official business records of BLM for the captioned subcases for a federal reserved water right pursuant to PWR 107. The elements of the claimed water rights have been verified through examination of the claim file and physical field investigation and are correctly described in the abstracts contained in the Director's Report for Basin 94 Water Rights filed February 25, 2016. The quantity for a federal reservation based upon Public Water Reserve 107 should be: springs (0.02 cfs (not to exceed 13,000 gpd); and waterholes (to include an annual volume in acre-feet/year (not to exceed 14.5 AFY)).

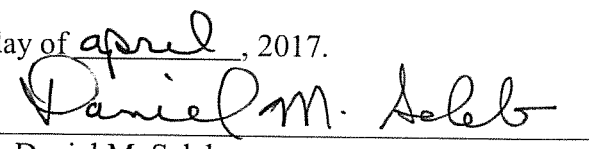
12. As explained above, Water Rights 94-09149, 94-09151, 94-09153, 94-09155, 94-09166 and 94-09177 should be described as follows:

a. **94-09149:** See paragraph 10. a. above, correcting the POD & POU to read T47N, R04E, S04, Lot 4 (SWNWNW).

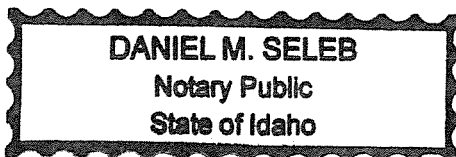
b. **94-09151, 94-09153, 94-09155, 94-09166 and 94-09177:** See paragraph 7. a-e above, changing the priority dates to September 8, 2008.


Fredric W. Price

Subscribed and sworn to before me this 17 day of April, 2017.
Witnessed by my hand and official seal.


Daniel M. Seleb

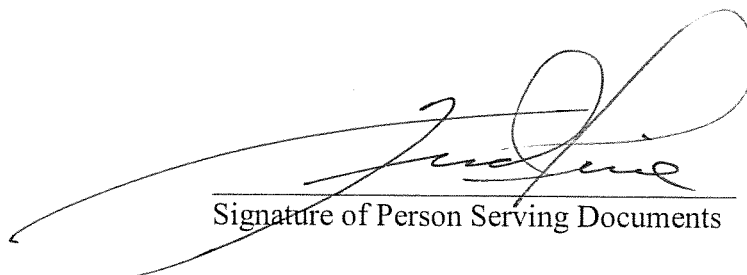
Notary Public in and for the State of Idaho
Residing at: Meridian, Idaho
My Commission Expires: 02/21/2023



CERTIFICATE OF SERVICE

I certify that on April 17, 2017, I served a true and correct copy of the foregoing **AFFIDAVIT OF FREDRIC W. PRICE; SUBCASE NUMBER: 94-09134 et. al., together with ATTACHMENTS 1 through 4** by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098



Signature of Person Serving Documents

ATTACHMENT 1

94-09134	94-09174
94-09135	94-09175
94-09136	94-09176
94-09137	94-09177
94-09138	94-09178
94-09139	94-09179
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94-09142	94-09182
94-09143	94-09183
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94-09147	94-09187
94-09148	94-09188
94-09149	94-09189
94-09150	94-09190
94-09151	94-09191
94-09152	94-09193
94-09153	94-09194
94-09154	94-09235
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94-09172	
94-09173	

ATTACHMENT 2

2
12/17/1904
Public Water Reserve No. 107
12/18080-1

ORDER OF WITHDRAWAL
PUBLIC WATER RESERVE NO. 107

Under and pursuant to the provisions of the act of Congress approved June 25, 1910 (36 Stat., 847), entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases", as amended by act of Congress approved August 24, 1912 (37 Stat., 497), it is hereby ordered that every smallest legal subdivision of the public land surveys which is vacant unappropriated unreserved public land and contains a spring or water hole, and all land within one quarter of a mile of every spring or water hole located on unsurveyed public land be, and the same is hereby, withdrawn from settlement, location, sale, or entry, and reserved for public use in accordance with the provisions of Sec. 10 of the act of December 29, 1916 (39 Stat., 862), and in aid of pending legislation.

7404-208

Thomas
President.

April 17 1926.

Two carbons to General Land Office

2

ATTACHMENT 2

8

DEPARTMENT OF THE INTERIOR *app & Pres*
UNITED STATES GEOLOGICAL SURVEY *signs 4-17*
WASHINGTON

OFFICE OF THE DIRECTOR

APR 16 1926

1216080

RECEIVED
APR 20 1926
C. I. O.

The Honorable,
The Secretary of the Interior.

Sir:

In accordance with your instructions, order of withdrawal
(Public Water Reserve No. 107) has been prepared for submission to
the President in order that the right to the use of stock-watering
places located on the public domain may remain in the public.

Respectfully,

Wm. H. Wood
Acting Director.

I concur in the foregoing
recommendation.

William H. Wood
Commissioner, General Land
Office.

APR 17 1926
Respectfully referred to the
President with favorable
recommendation.

Hubert Work
Secretary.

ATTACHMENT 2

2
12/17/804
Public Water Reserve No. 107
12/18080-1

ORDER OF WITDRAWAL
PUBLIC WATER RESERVE NO. 107

Under and pursuant to the provisions of the act of Congress approved June 25, 1910 (36 Stat., 847), entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases", as amended by act of Congress approved August 24, 1912 (37 Stat., 497), it is hereby ordered that every smallest legal subdivision of the public land surveys which is vacant unappropriated unreserved public land and contains a spring or water hole, and all land within one quarter of a mile of every spring or water hole located on unsurveyed public land be, and the same is hereby, withdrawn from settlement, location, sale, or entry, and reserved for public use in accordance with the provisions of Sec. 10 of the act of December 29, 1916 (39 Stat., 862), and in aid of pending legislation.

7404-208
Truman
President.
April 17 1926.

Two carbons to General Land Office

2

ATTACHMENT 2

8

DEPARTMENT OF THE INTERIOR *app + Pres*
UNITED STATES GEOLOGICAL SURVEY *signs 4-17*
WASHINGTON

OFFICE OF THE DIRECTOR

APR 16 1926

1216030

RECEIVED
APR 20 1926
G. L. O.

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The Secretary of the Interior.

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Acting Director.

I concur in the foregoing
recommendation.

William H. Brown
Commissioner, General Land
Office.

APR 17 1926
Respectfully referred to the
President with favorable
recommendation.

Hester Work
Secretary.

ATTACHMENT 2

2
1174404
Public Water Reserve No. 107
1218080-4

ORDER OF WITDRAWAL
PUBLIC WATER RESERVE NO. 107

Under and pursuant to the provisions of the act of Congress approved June 25, 1910 (36 Stat., 847), entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases", as amended by act of Congress approved August 24, 1912 (37 Stat., 497), it is hereby ordered that every smallest legal subdivision of the public land surveys which is vacant unappropriated unreserved public land and contains a spring or water hole, and all land within one quarter of a mile of every spring or water hole located on unsurveyed public land be, and the same is hereby, withdrawn from settlement, location, sale, or entry, and reserved for public use in accordance with the provisions of Sec. 10 of the act of December 29, 1916 (39 Stat., 862), and in aid of pending legislation.

7404-208

Thomas M. Smith
President.

April 17 1926.

Two carbons to General Land Office

2

ATTACHMENT 2

8

DEPARTMENT OF THE INTERIOR *app & Pres*
UNITED STATES GEOLOGICAL SURVEY *signs 4-17*
WASHINGTON

OFFICE OF THE DIRECTOR

APR 16 1926

1218080

RECEIVED
APR 20 1926
G. L. O.

The Honorable,
The Secretary of the Interior.

Sir:

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(Public Water Reserve No. 107) has been prepared for submission to
the President in order that the right to the use of stock-watering
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Respectfully,

Wm. H. Wood
Acting Director.

I concur in the foregoing
recommendation.

William H. Wood
Commissioner, General Land
Office.

APR 17 1926
Respectfully referred to the
President with favorable
recommendation.

William H. Wood
Secretary.

251877

447258

STATE OF IDAHO DEEDDEED NO. 13726
(Boise Foothills Land Exchange)

THIS INDENTURE made this 8 day of Sept, 2008 by and between the **STATE OF IDAHO, DEPARTMENT OF LANDS**, 300 North 6th Street, Suite 103, P.O. Box 83720, Boise, ID 83720-0050, acting by and through the State Board of Land Commissioners, party of the first part, hereinafter referred to as "Grantor", and **UNITED STATES OF AMERICA**, 1387 S. Vinnell Way, Boise, ID 83709, party of the second part, hereinafter referred to as "Grantee".

WITNESSETH, That the Grantor for and in consideration of the exchange of lands of equal value, in accordance with Section 58-138, Idaho Code, and the Idaho Land Enhancement Act of 2006 (120 Stat. 2645), does bargain, sell, convey and confirm in fee unto the said Grantee and its successors and assigns forever all of the following described real property situate in **SHOSHONE, KOOTENAI, BENEWAH, ADA, and BOISE COUNTIES**, State of Idaho, together with all appurtenances thereto, including all mineral rights pursuant to Section 58-138(1) Idaho Code, to-wit:

BOISE MERIDIAN, IDAHO**TOWNSHIP 48 NORTH, RANGE 2 EAST, SHOSHONE COUNTY**

Section 16: Lots 1, 2, 3, 4, 5, 6, NW¼, N½SW¼

Section 36: Lots 1, 2, 3, 4, Part of W½NW¼ less M.S. 3454, E½NW¼, SW¼, W½E½

TOWNSHIP 47 NORTH, RANGE 2 EAST, SHOSHONE COUNTY

Section 16: All

TOWNSHIP 47 NORTH, RANGE 1 WEST, KOOTENAI and BENEWAH COUNTIES

Section 11: NE¼SW¼

Section 36: Lots 1, 2, 3, 4, N½, N½S½

TOWNSHIP 47 NORTH, RANGE 1 EAST, KOOTENAI COUNTY

Section 5: Lots 1, 2, 3, 4, S½N½, S½

Section 6: S½SE¼

Section 16: All

TOWNSHIP 5 NORTH, RANGE 1 EAST, ADA COUNTY

Section 36: NW¼SW¼, S½SW¼

TOWNSHIP 5 NORTH, RANGE 2 EAST, ADA and BOISE COUNTIES

Section 9: S½SE¼

Section 16: N½, SW¼, N½SE¼, SW¼SE¼

TOWNSHIP 4 NORTH, RANGE 2 EAST, ADA COUNTY

Section 13: N½, N½S½

Section 16: SE¼NE¼, N½N½, SW¼NW¼, NW¼SW¼, E½SE¼

Section 23: E½NE¼ and those portions of the E½NW¼NE¼, NW¼NW¼NE¼,

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 09/17/08 10:16 AM
DEPUTY Bonnie Oberbiling
RECORDED - REQUEST OF
Idaho Dept of Lands
108103840

DANIEL J. ENGLISH SP I 2177347000
KOOTENAI CO. RECORDER Page 1 of 5
BBB Date 09/12/2008 Time 09:23:26
REC-REQ OF BUREAU OF LAND MANAGEMENT
RECORDING FEE: 0.00
2177347000 DD 9

Instrument # 220592

IDAHO CITY, BOISE COUNTY, IDAHO
9-17-2008 11:44:58 No. of Pages: 6
Recorded for: IDAHO DEPT. OF LANDS
CONSTANCE SWEARINGEN Fee: 0.00
Ex-Officio Recorder Deputy *Shirley Stine*
Index to: DEEDS

101-34538-P1

44.1258

251872

State of Idaho Deed No. 13726
Boise Foothills Land Exchange
Page 2 of 5

N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying easterly of the centerline of Bogus Basin Road as described in Record of Survey 7629 by P.L.S. 8247, Todd Critser filed in the Ada County Courthouse, Boise, Idaho in 2006 as Instrument No. 106172717.

Section 24: All

Section 25: N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 3 NORTH, RANGE 3 EAST, ADA COUNTY

Section 5: Lots 2 and 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

Section 6: Lots 4, 5, 6, and 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

Section 24: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 25: NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 36: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, and those portions of the N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and the W $\frac{1}{2}$ SE $\frac{1}{4}$ lying easterly of the centerline of Highway No. 21 as described in the document recorded in Ada County Records as Instrument Number 594946 dated February 10, 1964, and in Book 515, Page 673.

The above described area containing approximately 7,655.42 acres more or less.

TOGETHER WITH the right to access to the parcel through Acquired Easement No. 448, issued on June 30, 1997, from ASARCO, INC., for a road crossing the N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 21, Township 48 North, Range 2 East, B.M., recorded on June 11, 1997, as Instrument No. 377848 in the Shoshone County records. Acquired Easement No. 448 was acquired in exchange for a reciprocal easement granted by the State of Idaho, Department of Lands to ASARCO, INC., dated July 7, 1997 (State Easement No. 6029).

The acquiring agency is the Bureau of Land Management.

TO HAVE AND TO HOLD the above-described premises and parcel of land and granted real property unto the said Grantee and its successors and assigns forever, subject to the following.

1. All lands listed above are subject to a reservation to the United States of America for rights-of-way over and across said lands for ditches and canals constructed by authority of the United States as directed and required by the Act of Congress approved August 30, 1890, (26 Stat. 391; 43 U.S.C. Sec. 945); or as provided by Idaho Code § 58-604.
2. Subject to State of Idaho Easement No. 6029, issued on July 7, 1997, to ASARCO, INC. for a road as it crosses Lots 5 and 6 of Section 16, Township 48 North, Range 2 East, B.M., recorded September 12, 1997, as Instrument No. 379351, records of Shoshone County, Idaho.
3. Subject to State of Idaho Easement No. 6349 issued on March 25, 2002, to the United States of America (Bureau of Land Management) for a road as it crosses the N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 16, Township 47 North, Range 1 East, B.M., recorded April 4, 2002, as Instrument No. 1726657, records of Kootenai County, Idaho.
4. Subject to State of Idaho Easement No. 2771 (BLM Serial No. IDI 017735) issued on April 22, 1965, to the United States of America (Bureau of Land Management) for a road as it crosses the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and Lots 1, 2 and 3 of Section 36, Township 47 North, Range 1 West, B.M.

101-34538-P1

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State of Idaho Deed No. 13726
Boise Foothills Land Exchange
Page 3 of 5

5. Subject to State of Idaho Easement No. 2764 issued on July 21, 1964, to Idaho Power Company for power lines as it crosses the Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 5, Township 3 North, Range 3 East; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 4 North, Range 2 East; SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, and the N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 5 North, Range 2 East, B.M., recorded August 20, 1964, as Instrument No. 591800, records of Ada County, Idaho.
6. Subject to State of Idaho Easement No. 800 issued on June 18, 1946, to Idaho Power Company for power lines as it crosses the NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 4 North, Range 2 East, B.M., recorded September 25, 1946, as Instrument No. 255176, records of Ada County, Idaho.
7. Subject to State of Idaho Easement No. 202 issued on March 2, 1923, to Idaho Power Company for power lines and telephone circuits as it crosses the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 4 North, Range 2 East, B.M., recorded May 9, 1942, as Instrument No. 212062, records of Ada County, Idaho.
8. Subject to State of Idaho Easement No. 2505 issued on May 11, 1960, to Robert A. Finley, and assigned to Terteling Land Company on December 3, 1970, for an access road as it crosses the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 16, Township 4 North, Range 2 East, B.M., recorded June 28, 1960, as Instrument No. 482231, records of Ada County, Idaho.
9. Subject to State of Idaho Easement No. 5440 issued on August 22, 1989, to Charing Cross Associates for a road as it crosses the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 16, Township 4 North, Range 2 East, B.M., recorded August 28, 1989, as Instrument No. 8941122, records of Ada County, Idaho.
10. Subject to State of Idaho Easement No. 6055 issued on December 31, 1997, to the Ada County Highway District for a road as it crosses the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 4 North, Range 2 East, B.M., recorded January 16, 1998, as Instrument No. 98003705, records of Ada County, Idaho.
11. Subject to State of Idaho Easement No. 6094 issued on May 27, 1998, to Idaho Power Company for a power lines as it crosses the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 4 North, Range 2 East, B.M., recorded June 18, 1998, as Instrument No. 98058938, records of Ada County, Idaho.
12. Subject to State of Idaho Miscellaneous Lease M-3003 issued on January 1, 1999, to Peak Adventures affecting Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$, Section 5, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 6, and all Section 16, Township 47 North, Range 1 East, B.M.
13. Subject to State of Idaho Easement No. 6307 issued on May 9, 2005, to Qwest Communications for an overhead and buried cable in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 4 North, Range 2 East, B.M., recorded May 12, 2005, as Instrument No. 105059848, records of Ada County, Idaho.
14. Subject to State of Idaho Easement No. 6308 issued on May 9, 2005, to Qwest Communications for an overhead and buried cable in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 4 North, Range 2 East, B.M., recorded May 12, 2005, as Instrument No. 105059849, records of Ada County, Idaho.

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15. Subject to State of Idaho Easement No. 2302 issued on November 19, 1957, to Idaho Power Company for a power line in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, and the W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 4 North, Range 2 East, B.M., recorded January 20, 1958, as Instrument No. 422722, records of Ada County, Idaho.
16. Subject to State of Idaho Easement No. 5544 issued on June 12, 1991, to the Hosac Company for an access road in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 4 North, Range 2 East, B.M., recorded July 10, 1991, as Instrument No. 9137554, records of Ada County, Idaho.
17. Subject to State of Idaho Easement No. 5736 issued on June 11, 1997, to the Idaho Power Company, U.S. West Communications, and Intermountain Gas Company for buried utility lines in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 4 North, Range 2 East, B.M., recorded June 10, 1994, as Instrument No. 94054480, records of Ada County, Idaho.
18. Subject to State of Idaho Easement No. 5044 issued on May 24, 1982 to Idaho Power Company for overhead cables for aerial markers as it crosses Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 3 North, Range 3 East, B.M., recorded June 8, 1982, as Instrument No. 8224374, records of Ada County, Idaho.
19. Subject to State of Idaho Easement No. 2479 issued on January 11, 1960 to Idaho Power Company for a power line as it crosses Lot 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 3 North, Range 3 East, B.M., recorded February 12, 1960, as Instrument No. 473380, records of Ada County, Idaho.
20. Subject to State of Idaho Easement No. 2082 issued on December 22, 1953, to the State Highway Department for a road as it crosses the N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 36, Township 3 North, Range 3 East, B.M., recorded January 7, 1954, as Instrument No. 354690, records of Ada County, Idaho.
21. Subject to State of Idaho Easement No. 2502 issued on May 11, 1960, to the United States of America for Telephone service line as it crosses the N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 36, Township 3 North, Range 3 East, B.M., recorded December 27, 1960, as Instrument No. 193839, records of Ada County, Idaho.
22. Subject to a reservation in Clear List 100 dated November 10, 1981, to the United States and its assigns, of easements for road purposes, including the right to use, maintain, improve and repair said roads – access roads, varying in width from 66 feet up to 100 feet (being 33 feet to 50 feet each side of the center line) over the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 47 North, Range 1 East, B.M.

(DL-34538-P)

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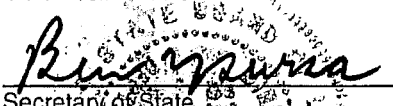
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State of Idaho Deed No. 13726
Boise Foothills Land Exchange
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IN WITNESS WHEREOF, I, **C.L. "BUTCH" OTTER**, the Governor of the State of Idaho and President of the State Board of Land Commissioners, 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 8 day of Sept, 2008.


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

COUNTERSIGNED:

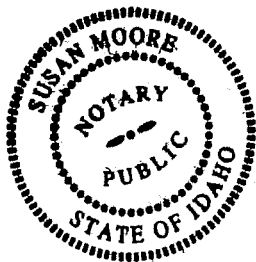

Secretary of State

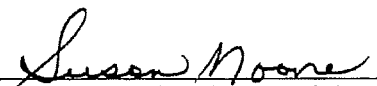

Director, Department of Lands



STATE OF IDAHO)
) ss.
County of ADA)

On this 8 day of Sept., in the year 2008, before me a Notary Public in and for said State, personally appeared **C.L. "BUTCH" OTTER**, known to me to be the Governor of the State of Idaho and President of the State Board of Land Commissioners, and **BEN YURSA**, known to me to be the Secretary of State of the State of Idaho, and **GEORGE B. BACON**, known to me to be the Director of the Department of Lands of the State of Idaho, who executed the said instrument and acknowledged to me that such State of Idaho executed the same.




NOTARY PUBLIC for the State of Idaho

Residing at: Boise, Idaho

My Commission expires: 06/08/2013
447258

Instrument # 447258

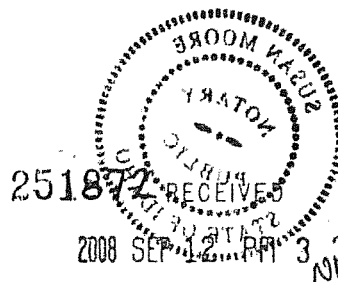
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PEGGY DELANGE-WHITE
Ex-Officio Recorder, Deputy
Index to: STATE OF IDAHO DEED

Fee: 0.00

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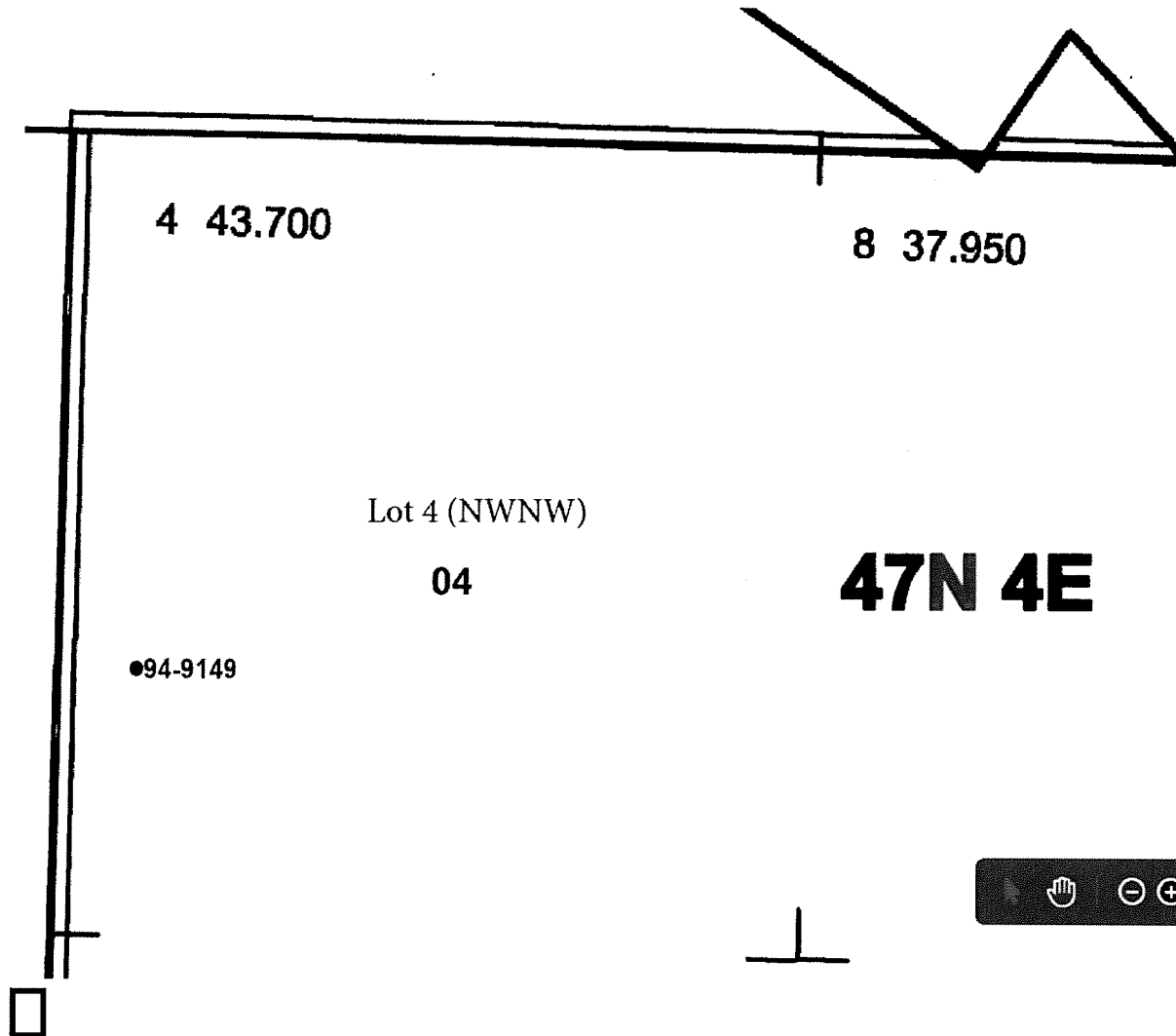
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BENEWAH COUNTY
J. MICHELE REYNOLDS, CLERK
Sue Ellen - Deputy
Tolathie Foster
Bureau of Land Management
1387 S. Vinnell Way
Rose ID 83709

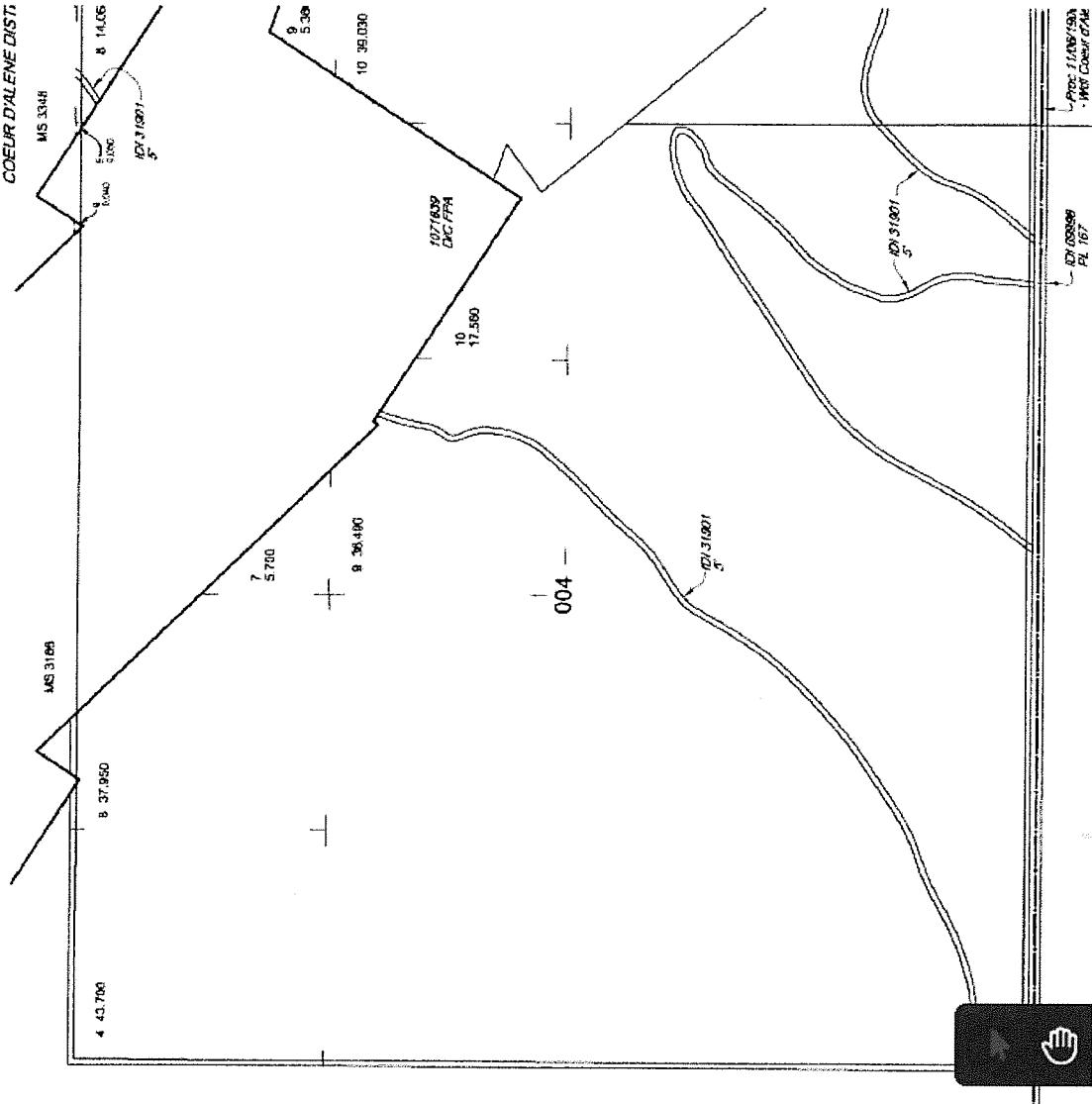
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ATTACHMENT 4
94-09149

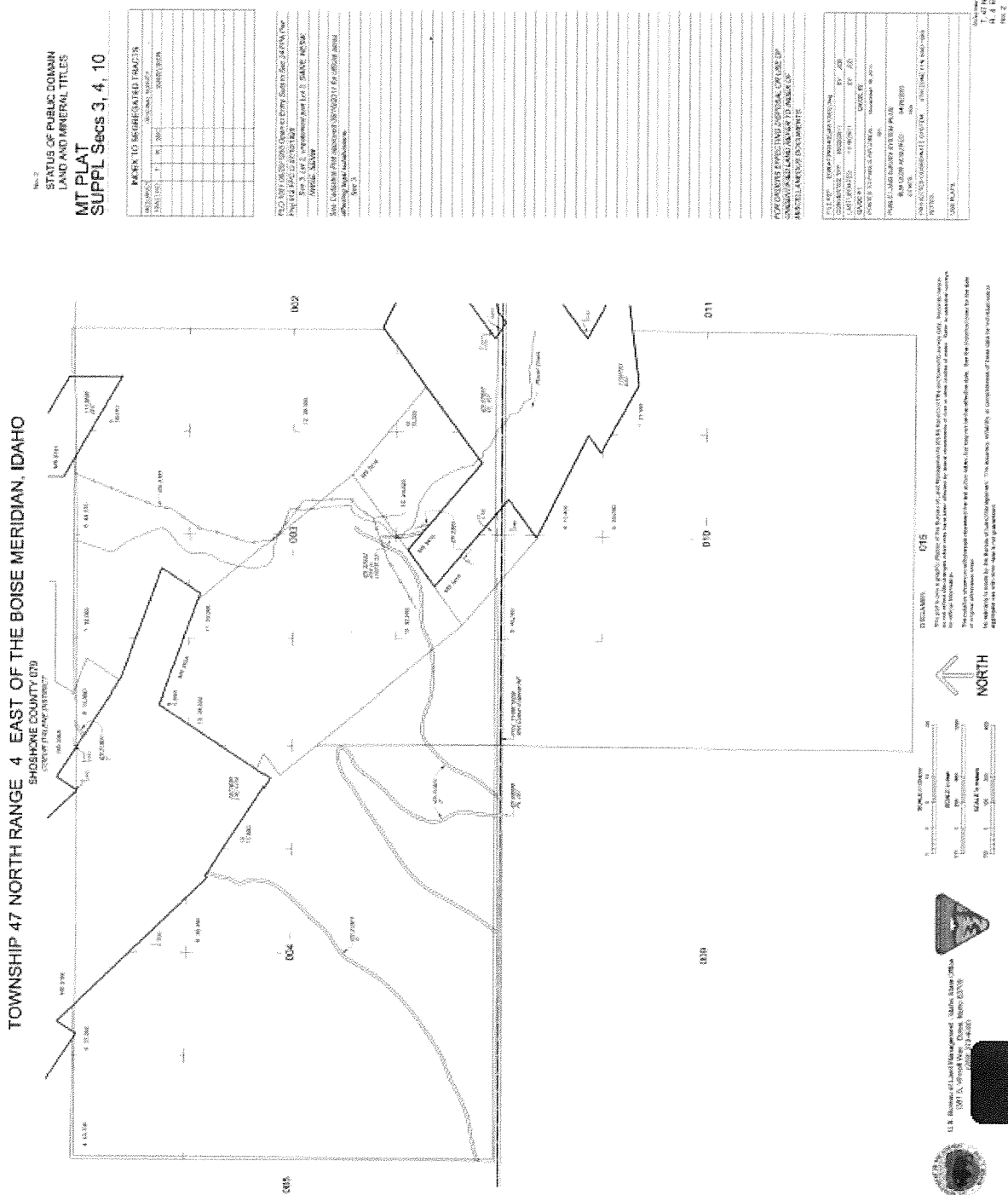


TOWNSHIP 47 NORTH RANGE 4 EAST

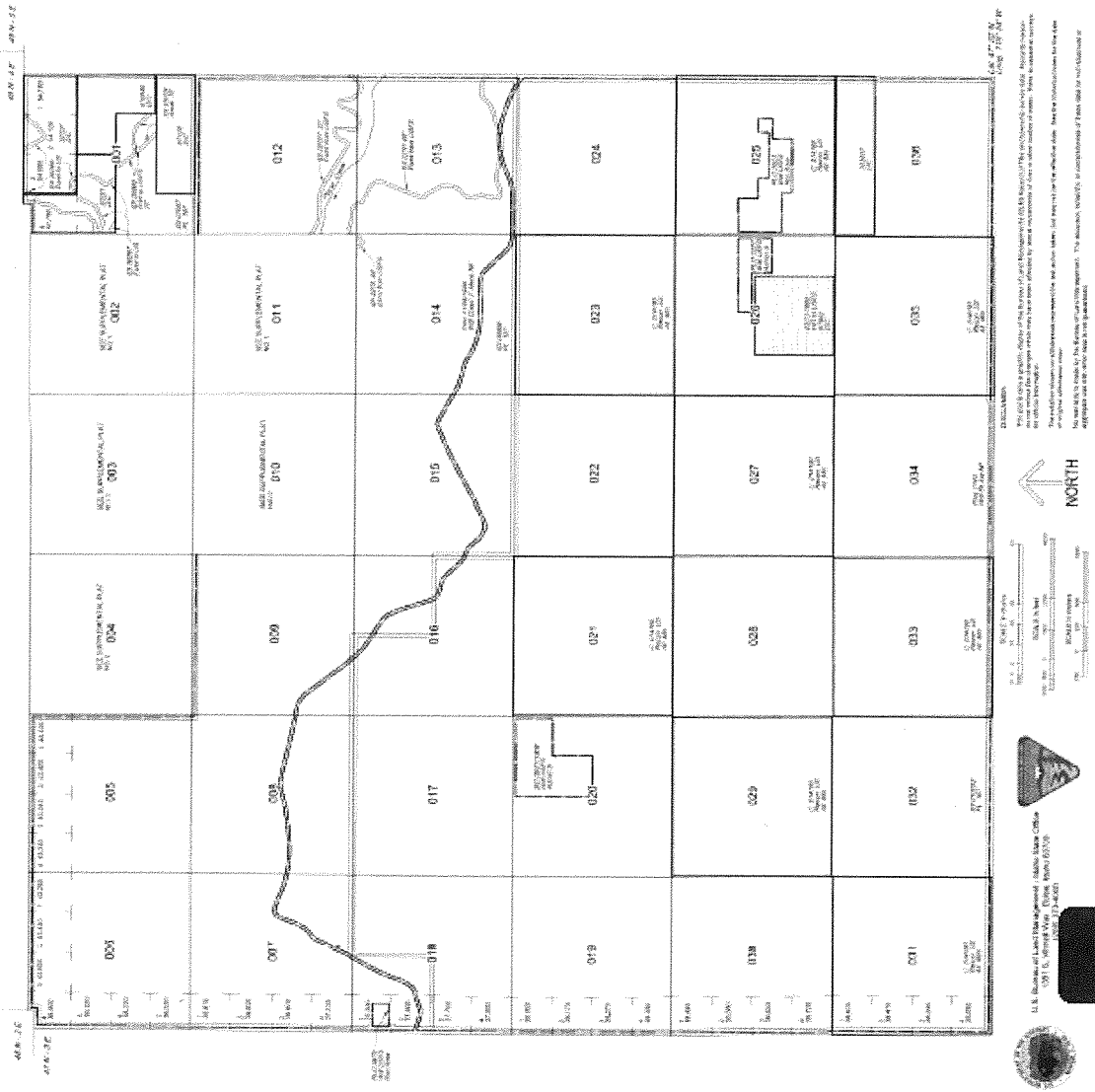
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Page 3 ATTACHMENT 4, AFFIDAVIT OF FREDRIC W. PRICE; SUBCASE NO.S: 94-09134 ET AL.



TOWNSHIP 47 NORTH RANGE 4 EAST OF THE BOISE MERIDIAN, IDAHO
SHOSHONE COUNTY D79
47N-72E 47N-73E 47N-74E 47N-75E



ATTACHMENT 4
94-09149

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MT PLAT

INDEX TO DISSENTING OPINIONS												
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