

RECEIVED

MAR 31 2020

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 30 2020

WATER RESOURCES WESTERN REGION

Notice of Change in Water Right Ownership

- 1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Table with 6 columns: Water Right/Claim No., Split?, Leased to Water Supply Bank?, Water Right/Claim No., Split?, Leased to Water Supply Bank?. Rows include 65-593, 65-595, 65-597, 65-7884.

2. Previous Owner's Name: Office Max Inc. Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Friends of Kelly's Whitewater Park, Inc. New owner(s) as listed on the conveyance document Name connector PO Box 684 Cascade ID 83611 Mailing address Telephone Directors@kwpid.com Email

- 4. If the water rights and/or adjudication claims were split, how did the division occur? [X] The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: See Attached Deeds

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner.

- 7. This form must be signed and submitted with the following REQUIRED items: [X] A copy of the conveyance document... [X] Plat map, survey map or aerial photograph... [X] Filing fee... [X] If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] Chairman Title, if applicable 3/17/20 Date

Signature: [Signature] Title, if applicable Date

For IDWR Office Use Only: Received by [Signature] Date 3/30/2020 Receipt No. W048148 Receipt Amt. \$2500 Active in the Water Supply Bank? Yes [X] No [ ] If yes, forward to the State Office for processing W-9 received? Yes [ ] No [ ] Name on W-9 Approved by Processed by [Signature] Date 4-13-2020

Place of Use Legal Description: INDUSTRIAL VALLEY County

Township	Range	Section	Lot	Tract	Acres									
14N	03E	36		NENE			NWNE							

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 10/31/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 65

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

Lessor Name(s):BOISE CASCADE CORRUGATED CONTAINERS

Lease Status: Active

Lease Amount: All

Rental Availability: All

Date Received: 1/9/2004

Lease Begin Date: 1/9/2004

State of Idaho  
Department of Water Resources

# Water Right

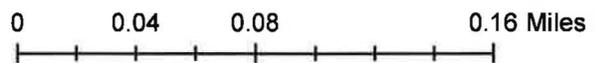
65-593

INDUSTRIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters



Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

8/13/2018

WATER RIGHT NO. 65-595

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	OFFICE MAX INC LEGAL DEPT ATTN DENNIS RADOCHA 1111 W JEFFERSON ST STE 510 BOISE, ID 83702 2083884184
Original Owner	BOISE PACKAGING & NEWSPRINT LLC TONY STEENKOLK 1111 JEFFERSON ST STE 200 BOISE, ID 83709 2083847372

Priority Date: 07/01/1962

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
NORTH FORK PAYETTE RIVER	PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	1/01	12/31	2.89 CFS	487.1 AFA
Total Diversion			2.89 CFS	

Location of Point(s) of Diversion:

PAYETTE RIVER|NENE|Sec. 36|Township 14N|Range 03E|VALLEY County

Place(s) of use:

Place of Use Legal Description: INDUSTRIAL VALLEY County

Township	Range	Section	Lot	Tract	Acres									
14N	03E	36		NENE			SENE							

Conditions of Approval:

1. INDUSTRIAL USE IS TO SPRINKLE LOGS
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 10/31/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 65

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

Lessor Name(s): OFFICE MAX INC

Lease Status: Active

Lease Amount: All

Rental Availability: All

Date Received: 1/9/2004

State of Idaho  
Department of Water Resources

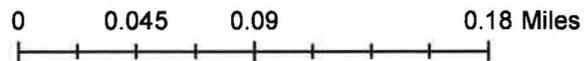
# Water Right 65-595

INDUSTRIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters







Path: S:\PROJECTS\W thru R\Projects\1348\0030\_Friends of Kelly's Whitewater Park\PROJECT\GIS\AveMap\_Projects\Split\_Map 65-595.mxd



### Legend

- 65-595 Place of Use
- Applicant's Parcel Boundaries



300 East Mallard Drive, Suite 350  
Boise, Idaho 83706  
Tel (208) 383-4140 Fax (208) 383-4156

### Water Right Ownership Change Water Right 65-595

Friends of Kelly's Whitewater Park, Inc.

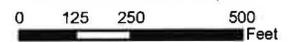
DATE: 2/12/2020

CREATOR: LGraves

PROJECT: 1348.0030



Absolute Scale: 1:5,000



Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

8/13/2018

WATER RIGHT NO. 65-597

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	OFFICE MAX INC LEGAL DEPT ATTN DENNIS RADOCHA 1111 W JEFFERSON ST STE 510 BOISE, ID 83702 2083884184
Original Owner	BOISE PACKAGING & NEWSPRINT LLC TONY STEENKOLK 1111 JEFFERSON ST STE 200 BOISE, ID 83709 2083847372

Priority Date: 07/01/1945

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	1/01	12/31	0.3 CFS	9.17 AFA
Total Diversion			0.3 CFS	

Location of Point(s) of Diversion:

SPRINGS|NENE|Sec. 36|Township 14N|Range 03E|VALLEY County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL VALLEY County

Township	Range	Section	Lot	Tract	Acres									
14N	03E	36		NENE										

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 10/31/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 65

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

Lessor Name(s):BOISE CASCADE CORRUGATED CONTAINERS

Lease Status: Active

Lease Amount: All

Rental Availability: All

Date Received: 1/9/2004

Lease Begin Date: 1/9/2004

State of Idaho  
Department of Water Resources

# Water Right

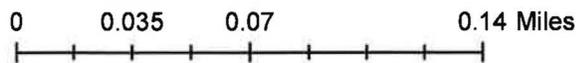
65-597

COMMERCIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
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Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

8/13/2018

WATER RIGHT NO. 65-7884

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	OFFICE MAX INC LEGAL DEPT ATTN DENNIS RADOCHA 1111 W JEFFERSON ST STE 510 BOISE, ID 83702 2083884184
Original Owner	BOISE PACKAGING & NEWSPRINT LLC TONY STEENKOLK 1111 JEFFERSON ST STE 200 BOISE, ID 83709 2083847372

Priority Date: 07/05/1977

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	1/01	12/31	1 CFS	19.8 AFA
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENE Lt 4|Sec. 36|Township 14N|Range 03E|VALLEY County

Place(s) of use:

Place of Use Legal Description: INDUSTRIAL VALLEY County

Township	Range	Section	Lot	Tract	Acres									
14N	03E	36	2	NENE		3	NWNE		4	SENE				

Conditions of Approval:

1. INDUSTRIAL, LOG SPRINKLING & BOILER WORKS
2. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 10/31/2000

Permit Proof Due Date: 7/1/1982

Permit Proof Made Date: 8/19/1982

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 05/17/1977

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 65

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Water Supply Bank:

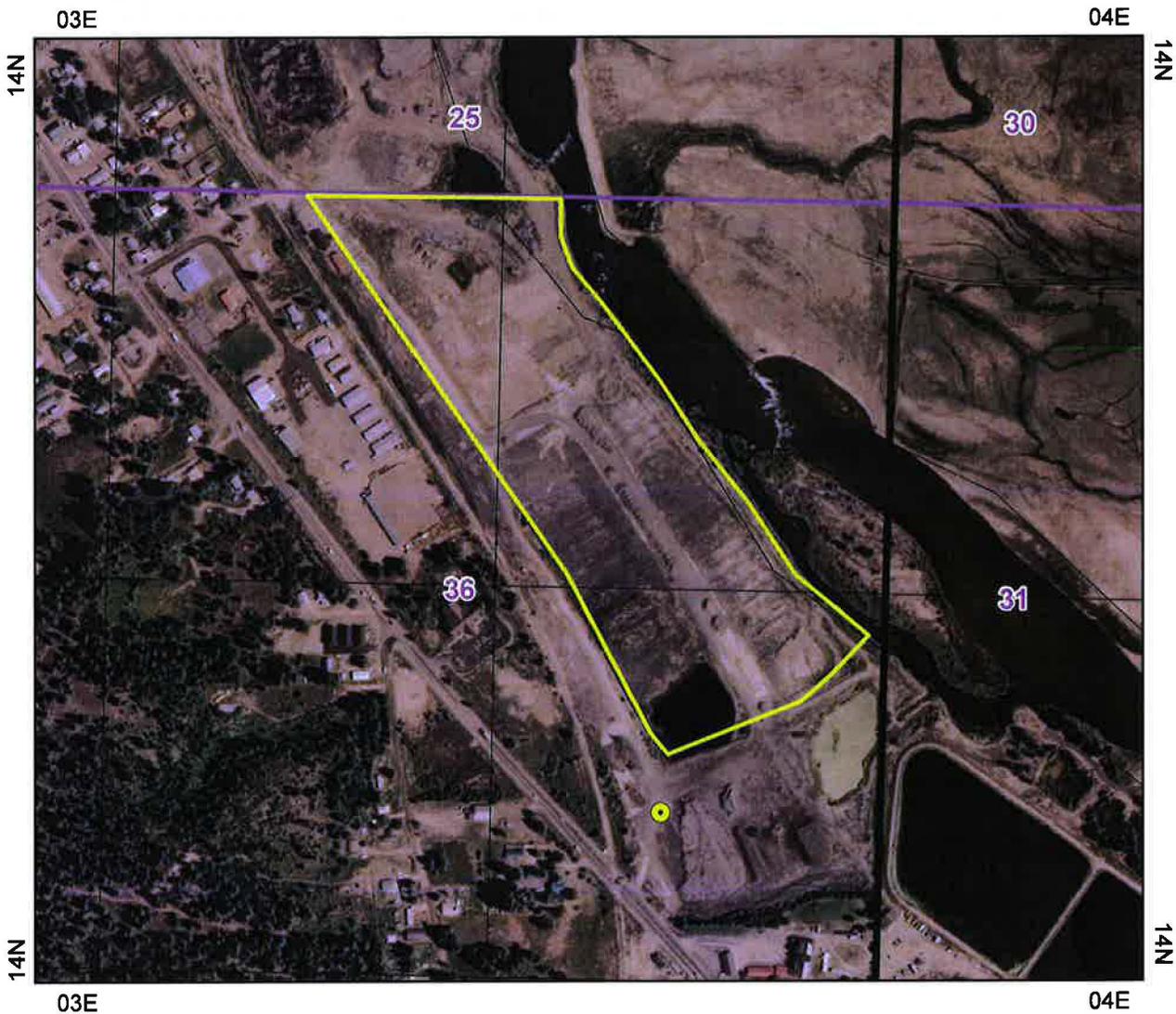
Lessor Name(s):OFFICE MAX INC

State of Idaho  
Department of Water Resources

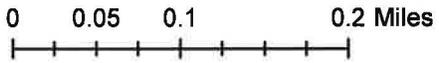
**Water Right  
65-7884**

INDUSTRIAL

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-  Point of Diversion
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**PROPERTY DEEDS**

**Instrument # 347304**

VALLEY COUNTY, CASCADE, IDAHO

11-18-2009 11:23:17 No. of Pages: 15

Recorded for : AMERITITLE

ARCHIE N. BANBURY

Fee: 45.00

Ex-Officio Recorder Deputy

Index to: DEEDS

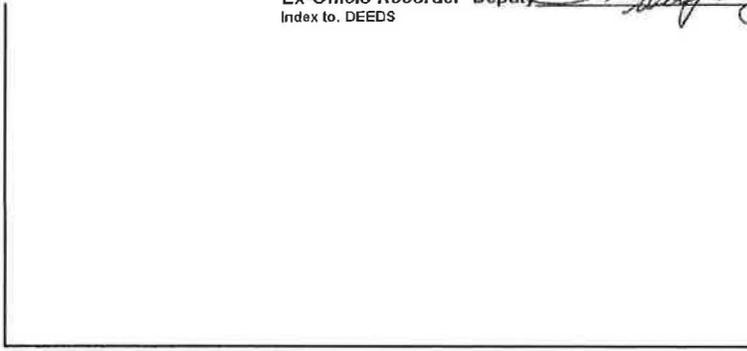
*Judy Engman*

After recording mail to:

Millemann, Pittenger,  
McMahan & Pemberton, LLP  
Attn.: Steven J. Millemann  
P.O. Box 1066  
McCall, ID 83638

Tax Parcel No.

IC 15364



For Recorder's Use Only

**SPECIAL WARRANTY DEED**

(Valley County, Idaho)

This **SPECIAL WARRANTY DEED**, made this 12<sup>th</sup> day of November, 2009, from **CLOVERDALE NURSERY & TURF FARM, INC.**, an Idaho corporation ("**Grantor**"), whose address is 2528 N. Cloverdale Road, Boise, Idaho, 83704, to **FRIENDS OF THE CASCADE WHITEWATER PARK, INC.**, an Idaho non-profit corporation ("**Grantee**"), whose address is P.O. Box 684, Cascade, Idaho, 83611.

**WITNESSETH**, that Grantor, for good and valuable consideration paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, convey and confirm unto Grantee, and the heirs or successors and assigns of Grantee:

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in Valley County, State of Idaho, as further described on "**Exhibit A**" attached hereto and made a part hereof (the "**Property**");

**TOGETHER** with all right, title and interest, if any, of Grantor in and to any streets and roads abutting the Property to the center lines thereof, and all access rights of Grantor in and to the Property (collectively, the "**Access Rights**"); and

**TOGETHER** with the hereditaments and appurtenances and all the estate and rights of Grantor in and to the Property, including, without limitation, timber rights, mineral rights and water rights (collectively, the "**Property Rights**"); and

**SUBJECT** to the Environmental Covenant attached hereto as "**Exhibit B**"; and

**SUBJECT** to taxes, assessments and other governmental charges not yet delinquent, and the following exceptions, none of which, individually or in the aggregate, materially impair the current use (or materially detract from the value as currently used) of either the Property, the Access Rights or the Property Rights: (i) easements, quasi-easements, licenses, covenants, rights-of-way and other similar restrictions, including any other agreements, conditions, restrictions or other matters which would be shown by a current title report or other similar report or listing; (ii) any conditions or questions regarding boundary or meander lines that may be shown by a current survey, title report

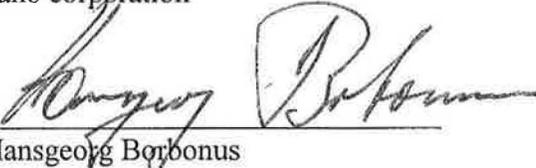
or physical inspection; (iii) zoning, building and other similar restrictions; and (iv) such encroachments, boundary line disputes, access restrictions or absence of access, adverse possession claims, easements, covenants, use restrictions, zoning restrictions and other third-party rights which are common to commercial properties (collectively, the "Permitted Exceptions").

**GRANTOR** hereby binds itself and its successors to warrant and forever defend the right and title unto Grantee, its assigns and successors, subject to the Permitted Exceptions, for all purposes, against the claims of all persons owning, holding or claiming by, through or under Grantor, but against none other, and Grantor hereby represents and warrants further that it has no knowledge that such warranties are untrue as against the claims of any persons owning, holding or claiming, by, through or under any holders in title to the Property prior to Grantor.

**TO HAVE AND TO HOLD** the Property, the Access Rights and the Property Rights, unto Grantee, the heirs or successors and assigns of Grantee, forever.

**IN WITNESS WHEREOF**, Grantor has duly executed this deed by its duly authorized officer or representative on the day and year first above written.

**CLOVERDALE NURSERY & TURF FARM, INC.,**  
an Idaho corporation

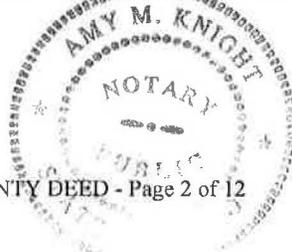
By:   
Hansgeorg Borbonus  
Its: Director

By:   
Terry Cook  
Its: President

STATE OF IDAHO    )  
                                  )ss.  
County of Ada     )

On this 12<sup>th</sup> day of November, 2009, before me, Amy M. Knight, a Notary Public in and for said State, personally appeared HANSGEORG BORBONUS, known or identified to me to be the Director of Cloverdale Nursery & Turf Farm, Inc., an Idaho corporation, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



  
NOTARY PUBLIC FOR IDAHO  
My Commission Expires: 7/14/11

STATE OF IDAHO     )  
                                  )ss.  
County of Ada         )

On this 12<sup>th</sup> day of November, 2009, before me, Amy M. Knight, a Notary Public in and for said State, personally appeared TERRY COOK, known or identified to me to be the President of Cloverdale Nursery & Turf Farm, Inc., an Idaho corporation the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



*Amy M. Knight*  
NOTARY PUBLIC FOR IDAHO  
My Commission Expires: 11/14/11

**EXHIBIT A**  
**Legal Description**

**3.41 Acres**  
**NE1/4 of Section 36,**  
**T. 14 N., R. 3 E., B.M.,**  
**Valley County, Idaho**

A parcel of land located in the NE1/4 of Section 36, T. 14 N., R. 3 E., B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the northeast corner of said Section 36, a found brass cap monument, C.P.F. Inst. No. 256139, corner records of said Valley County; Thence a bearing of S 89°15'53" W, a distance of 2091.74 feet to a found 5/8 inch rebar on the easterly right-of-way boundary of the Former Union Pacific Railroad; Thence a bearing of S 33°50'41" E, a distance of 1117.15 feet, on said easterly right-of-way boundary, to a point; Thence a bearing of N 56°08'57" E, a distance of 490.17 feet to a set 5/8 inch rebar being the TRUE POINT OF BEGINNING.

Thence a bearing of N 56°08'57" E, a distance of 236.98 feet to a set 5/8 inch rebar on the Ordinary High Water Mark on the right bank of the North Fork of the Payette River; Thence the following bearings and distances on said Ordinary High Water Mark:

A bearing of S 30°52'23" E, a distance of 85.88 feet to a point;  
A bearing of S 40°03'14" E, a distance of 180.28 feet to a point;  
A bearing of S 64°28'43" E, a distance of 129.09 feet to a point;  
A bearing of S 15°43'20" E, a distance of 102.55 feet to a point;  
A bearing of S 36°44'26" E, a distance of 87.42 feet to a set 5/8 inch rebar;

Thence departing from said Ordinary High Water Mark, a bearing of S 53°15'34" W, a distance of 278.48 feet, to a set 5/8 inch rebar; Thence a bearing of N 35°03'36" W, a distance of 388.76 feet to a point; Thence a bearing of N 35°03'36" W, a distance of 186.24 feet to the POINT OF BEGINNING.

Said described parcel of land contains 3.41 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use, and to claims by the State of Idaho of the lands southwesterly of said described Ordinary High Water Line

Recording Requested By and  
When Recorded Return to:

---

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY

**THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL COVENANT IMPOSING  
ACTIVITY AND USE LIMITATIONS PURSUANT TO THE UNIFORM ENVIRONMENTAL  
COVENANTS ACT, IDAHO CODE § 55-3001, et seq.**

**ENVIRONMENTAL COVENANT**

This instrument is an Environmental Covenant ("Environmental Covenant") executed by OfficeMax Incorporated, a Delaware corporation ("OfficeMax"), and Cloverdale Nursery and Turf Farm, Inc., an Idaho corporation ("Cloverdale") and the Idaho Department of Environmental Quality ("Department") pursuant to the Uniform Environmental Covenants Act, Idaho Code §§ 55-3001 through 3015. This Environmental Covenant sets forth protective provisions, covenants, restrictions and conditions (collectively referred to as "Activity and Use Limitations") on the Property described below. The Activity and Use Limitations are designed to protect human health and the environment. Cloverdale is a "holder" as defined in Idaho Code § 55-3002(6). OfficeMax, as the current property owner grants this Environmental Covenant to all signatories to this instrument.

Property. This Environmental Covenant concerns real property in Government Lots 2, 3, and 4, Section 36, T14N, R3E, Cascade, Valley County, ID (hereafter referred to as "the Property"). The Property is legally described in the attached Schedule A.

Property Ownership. OfficeMax hereby represents and warrants to the other signatories to this Environmental Covenant that it is the sole owner of the property, holds fee simple title to the property and OfficeMax has the power and authority to enter into this Environmental Covenant.

Reason for Activity and Use Limitations. The Property described above was an industrial property previously used as a log yard for an adjacent sawmill, as well as a storm water drainage area. Soil sampling on the Property was conducted under the direction of the Department Brownfield response program. The result of work performed indicated certain substances were present above the Initial Default Target Levels (IDTLs) for those substances (Maxim, January 26, 2005). From 2004 to 2009, OfficeMax and Cloverdale implemented and completed a plan at the Property in which the log yard debris was removed from the site, screened, and processed for beneficial use. This Environmental Covenant is being filed out of an abundance of caution due to the former use of the Property and because of the

EXHIBIT B  
TO Special Warranty  
Deed

exceedances of the IDTLs, to ensure that future use of the Property is limited to protect human health and the environment from any residual concentrations in soil or shallow groundwater.

Name and Location of Administrative Record. A copy of the Maxim Technologies Site Investigation Report, dated January 26, 2005, can be found at the Idaho Department of Environmental Quality, Waste and Remediation Division, 1410 North Hilton St, Boise, Idaho.

Activity and Use Limitations. By accepting and recording this Environmental Covenant, OfficeMax and any successors in interest to the Property, are hereby restricted from using the Property, now or at any time in the future, as specifically set forth below:

1. There shall be no new ground water wells used for any purpose, including, without limitation, drinking by animals or human beings, irrigation or an industrial or commercial use on the Property. Water maybe used from the existing wells at the time of the execution of this Environmental Covenant only with the Department's prior written approval once the then-current Property Owner conducts sampling and analysis of those wells to ensure the groundwater from those wells meets then current standards established in the Idaho Ground Water Quality Rules, IDAPA 58.01.11 and demonstrates to the Department that these standards have been met.
2. The Property, and any portion thereof, may be used for commercial and industrial uses only. The Property shall not be used for residential purposes, agricultural purposes, or any permanently occupied human habitation (including hotels or motels), school, day care or hospital.

OfficeMax, or its successors-in-interest to the Property, shall be solely responsible for demonstrating that any use of the Property conforms with the Activity and Use Limitations.

Amendment by Consent. The Environmental Covenant may be amended by consent pursuant to Idaho Code § 55-3010. Except for an assignment undertaken pursuant to a governmental reorganization, assignment of the Environmental Covenant to a new holder is an amendment.

Termination by Consent. The Activity and Use Limitations shall apply to the Property, or any subdivided portion thereof, unless OfficeMax, or its successors in interest, applies to the Department to have this Environmental Covenant terminated pursuant to Idaho Code § 55-3010 and demonstrates with the record before the Department that:

1. the Property or any subdivided portion thereof is shown in a Department-approved document not to contain contaminated soils or groundwater; or
2. contaminated soils and groundwater are at levels the Department deems in writing to be adequate for the Property to be developed for unrestricted use.

Provisions to Run With the Land. Each and all of the Activity and Use Limitations shall run with the land, and pass with each and every portion of the Property, and shall apply to and bind the respective successors in interest thereof. Each and all of the Activity and Use Limitations are imposed upon the entire Property unless expressly stated as applicable to a specific portion of the Property.

Concurrence of Subsequent Owners Presumed. All purchasers, lessees, or possessors of any portion of the Property shall be deemed by their purchase, leasing, or possession of such Property, to be in accord with the foregoing and to agree for and among themselves, and their successors, that the Activity and Use Limitations as herein established must be adhered to and that their interest in the Property shall be subject to the Activity and Use Limitations contained herein.

Recording/Filing of Environmental Covenant. This Environmental Covenant and any amendment or termination of the Environmental Covenant shall be recorded in the county recorder's office of every county in which any portion of the Property subject to the Environmental Covenant is located. The Environmental Covenant or any amendment or termination shall be recorded by OfficeMax, or its successors in interest, within ten (10) days of receipt of this Environmental Covenant signed by the Department. Within ten (10) days of the recording of this Environmental Covenant, or any amendment or termination, OfficeMax, or its successors in interest, shall provide to the Department a copy of this recorded Environmental Covenant, or any amendment or termination of this Environmental Covenant. Upon receipt of the copy of the recorded Environmental Covenant, and any amendment or termination therein, the Department shall post the copy of the fully executed instrument in the Registry as required by Idaho Code Section 55-3012(1). In addition, a copy of the recorded Environmental Covenant, or any amendment or termination, shall be provided by OfficeMax, or by its successors in interest, to the following persons: (a) each person that signed the Environmental Covenant; (b) each person holding a recorded interest in the Property; (c) each person in possession of the Property; (d) each municipality or other local government in which the Property is located; and (e) any other person the Department requires. The validity of the Environmental Covenant is not affected by failure to provide a copy of the Environmental Covenant as required under this section. The Activity and Use Limitations set forth herein shall be incorporated by reference in each and all deeds and leases of any portion of the Property.

Enforcement. The Department and any party to this Environmental Covenant shall have authority to enforce the Activity and Use Limitations against OfficeMax or its successors-in-interest, including subsequent owners of the Property and any other person using the Property. Failure of OfficeMax, or its successors-in-interest, to comply with any of the Activity and Use Limitations set forth herein shall be grounds for the Department, or its successor, to require that the then-current Property Owner(s) correct or remove any violations of this Environmental Covenant. Violation of this Environmental Covenant shall be grounds for the Department, or its successor, to file civil actions against the then-current Owner(s) as provided by law or in equity, including without limitation, the Uniform Environmental Covenants Act, Idaho Code § 55-3011.

Property Access. The Department shall have a right of access to the Property at reasonable times for the purposes of ensuring compliance with this Environmental Covenant.

Notice of Conveyance of Property. Within thirty (30) days of the closing of any conveyance of the Property, or part of the Property, the Conveyer of the Property, shall provide written notice to the Department and each municipality or other local government in which the Property is located, the name and address of all the then-current Owner(s) and/or Occupants of the Property, or part thereof, conveyed. The Department shall not, by reason of this Environmental Covenant, have authority to approve, disapprove, or otherwise affect any conveyance of the Property, except as otherwise provided by law.

Notices. All notices required or permitted to be given hereunder shall be in writing and mailed in the United States Mail, postage prepaid, by certified or registered mail, return receipt requested, to the appropriate address indicated below or at such other place or places as OfficeMax, Cloverdale, their successors, or the Department or its successors, may, from time to time, respectively, designate in a written notice given to the other. Notices which are deposited in the United States Mail in accordance with the terms of this provision shall be deemed received three (3) days after the date of mailing thereof.

OWNER: OfficeMax Incorporated  
Legal Department  
1111 West Jefferson Street  
Suite 510  
Boise, ID 83702

HOLDER: Cloverdale Nursery & Turf Farm, Inc.  
2528 N. Cloverdale Road  
Boise, ID 83713

THE DEPARTMENT:  
Idaho Department of Environmental Quality  
**ATTN:** Joe Nagel  
1410 N. Hilton  
Boise, ID 83706

Costs and Expenses. All costs of terminating this Environmental Covenant, including the cost of any remediation or abatement of any environmental condition related to Activity and Use Limitations pertaining to the Property, shall be borne by the party seeking such termination.

Partial Invalidity. If any portion of the Environmental Covenant or terms set forth herein is determined to be invalid for any reason, the remaining portion shall remain in full force and effect as if such invalidated portion had not been included herein.

Headings. Headings at the beginning of each section of this Environmental Covenant are solely for the convenience of the parties and are not a part of the Environmental Covenant.

Idaho Code References. All references to the Idaho Code sections include successor provisions.

Reservation of Rights. Notwithstanding any provision of this Environmental Covenant, the Department retains all of its access and enforcement authorities under any applicable statute or rule. Nothing in this Environmental Covenant shall affect the Department's ability to enforce the terms of any voluntary consent order or other agreement relating to remediation of the Property entered into between the Department and OfficeMax or any other responsible party. Nothing in this Environmental Covenant shall affect the obligations of OfficeMax or any other responsible party under such voluntary consent order or other agreement. The Department's acceptance hereunder is based upon the information presently known or available to the Department with respect to the environmental condition of the Property, and the Department reserves the right to take appropriate action under applicable authorities in the event the Department determines

new information warrants such action.

Effective Date. The effective date of this instrument shall be the date the fully executed Environmental Covenant is recorded at the county recorder's office.



Signature and Acknowledgments

Accepted:

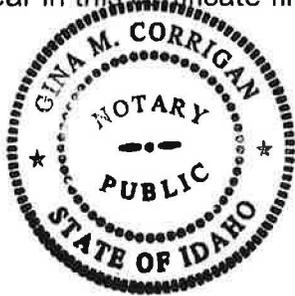
OFFICEMAX INCORPORATED

<sup>OK</sup> Signature: [Signature]  
Printed Name: Matthew R. Broad  
Title: GC + EVP  
Date: 11.12.09

STATE OF IDAHO )  
COUNTY OF ADA ) ss.

ON THIS 12 day of November, 2009, before me, a notary public in and for said State, personally appeared and known to me to be the GC + EVP of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



[Signature]  
Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission Expires: 1/20/2011

Accepted:

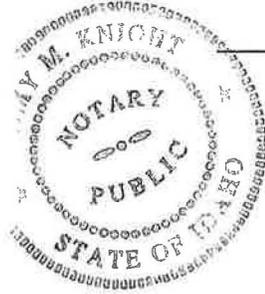
CLOVERDALE NURSERY AND TURF FARM, INC.

Signature: [Signature]  
Printed Name: Terry Cook  
Title: President  
Date: November 12, 2009

STATE OF IDAHO )  
COUNTY OF ADA ) ss.

ON THIS 12<sup>th</sup> day of November, 2009, before me, a notary public in and for said State, personally appeared and known to me to be ~~the~~ Terry Cook, President of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Amy M. Knight

Notary Public for Idaho  
Residing at: Nampa, Idaho  
My Commission Expires:  
7-14-11

## SCHEDULE A

*FOX Land Surveys, Inc.*

**1515 South Shoshone St. Δ Boise, Idaho Δ 83705 Δ 208-342-7957 Δ 208-342-7437 FAX**

### PARCEL DESCRIPTION

**A PORTION OF GOVERNMENT LOTS 2, 3 AND 4  
IN SECTION 36, TOWNSHIP 14 NORTH, RANGE 3 EAST, BOISE MERIDIAN,  
CASCADE, VALLEY COUNTY, IDAHO**

A portion of Government Lots 2, 3 and 4 in Section 36, Township 14 North, Range 3 East, Boise Meridian, Cascade, Valley County, Idaho, more particularly described as follows;

Beginning at the found Brass Cap at the Section Corner common to Sections 30 and 31, Township 14 North, Range 4 East, and Sections 25 and 36, Township 14 North Range 3 East, Boise Meridian, from which a found Brass Cap at the ¼ Corner common to Sections 36 and 31 bears South 00° 25' 59" West, a distance of 2643.67 feet:

1. thence along the section line common to Sections 25 and 36, South 89° 16' 00" West, a distance of 2091.66 feet to a point on the easterly Right-of-Way of the Idaho Northern and Pacific Railroad;
2. thence North 56°09'19" East, a distance of 100.00 feet;
3. thence along a line parallel with and 100.00 feet east of the east Right-of-Way of the Idaho Northern and Pacific Railroad, South 33°50'41" East, a distance of 550.00 feet;
4. thence South 56°09'19" West, a distance of 100.00 feet to the east Right-of-Way of said Railroad;
5. thence along said Railroad Right-of-Way, South 33° 50' 41" East, a distance of 566.98 feet to the **TRUE POINT OF BEGINNING**;
6. thence North 56° 09' 19" East, a distance of 727.04 feet to the Ordinary High Water Line of the Right Bank of the Payette River;
7. thence along said Ordinary High Water Line the following courses and distances:

8. South 30° 52' 01" East, a distance of 85.88 feet;
9. South 40° 02' 52" East, a distance of 180.28 feet;
10. South 64° 28' 21" East, a distance of 129.09 feet;
11. South 15° 42' 58" East, a distance of 102.55 feet;
12. South 36° 44' 04" East, a distance of 195.91 feet;
13. South 38° 36' 28" East, a distance of 142.62 feet;
14. South 28° 33' 40" East, a distance of 115.12 feet;
15. South 44° 04' 34" East, a distance of 119.12 feet;
16. South 60° 31' 12" East, a distance of 61.86 feet;
17. South 47° 34' 16" East, a distance of 108.37 feet;
18. South 54° 06' 39" East, a distance of 88.61 feet;
19. thence leaving Ordinary High Water Line of the Right Bank of the Payette River, South 00° 25' 59" West, a distance of 949.36 feet;
20. thence South 88° 45' 16" West, a distance of 685.21 feet to the East Right-of-Way of Highway 55;
21. thence along said Right-of-Way, North 43° 35' 28" West, a distance of 225.83 feet to the East Right-of-Way of the Idaho Northern and Pacific Railroad, at the beginning of a non-tangent curve to the left;
22. thence along said Railroad Right-of-Way and non-tangent curve to the left, having a length of 1235.16 feet, a radius of 2914.90 feet, a central angle of 24° 16' 43", tangents of 626.99 feet, and a long chord which bears North 21° 42' 20" West, a distance of 1225.94 feet to a point of tangency;
23. thence continuing along the East Right-of-Way of the Idaho Northern and Pacific Railroad, North 33° 50' 41" West, a distance of 281.06 feet to the **TRUE POINT OF BEGINNING**.

Containing 1,633,051 square feet (37,490 acres) more or less.

Subject to easements and rights-of-way of record or not of record

Also subject to the following:

- The State of Idaho's claim to the lands easterly of the Ordinary High Water Line
- The resolution of Railroad Right-of-Way and Boise Cascade Ownership deed call issues

Any modification of this description shall render it null and void.

Fox Land Surveys, Inc.  
Timothy J. Fox, President, PLS 7612

END OF DESCRIPTION



TJF:tej  
W:\PROJECTS\2001-01-127\PROJECT FILES\DOCS 2001\751\CGSP08MVAHW-01-10-000X



Instrument # 352738  
VALLEY COUNTY, CASCADE, IDAHO  
6-21-2010 01:59:46 No. of Pages: 2  
Recorded for : AMERITITLE  
ARCHIE N. BANBURY Fee: 6.00  
Ex-Officio Recorder Deputy  
Index to: DEEDS

IDWD  
Order No. 0016225

### WARRANTY DEED

For Value Received,

**Ashley Thompson and Katrin Thompson, husband and wife**

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

**Friends of Kelly's Whitewater Park, Inc., an Idaho Corporation**

GRANTEE(s), whose address is: **P.O. Box 684, Cascade, ID 83611**

the following described real property, to-wit:

A portion of Government Lot 3 of Section 36 and a portion of Government Lot 11 in Section 25, Township 14 North, Range 3 East, Boise Meridian, Valley County, Idaho, described as follows:

Beginning at the found brass cap at the Section corner common to Sections 30 and 31, Township 14 North, Range 4 East, and said Sections 25 and 36, Township 14 North, Range 3 East, Boise Meridian, from which a found brass cap at the 1/4 corner common to said Sections 36 and 31 that bears South 00°25'59" West, a distance of 2,643.67 feet; Thence, along the Section line common to said Sections 25 and 36, South 89°16'00" West, a distance of 2,091.66 feet to the TRUE POINT OF BEGINNING at a point on the Easterly right-of-way of the Idaho Northern and Pacific Railroad; Thence, North 56°09'19" East, a distance of 100.00 feet to a point; Thence, South 33°50'41" East, a distance of 550.00 feet to a point; Thence, South 56°09'19" West, a distance of 100.00 feet to a point on said Easterly right-of-way of the Northern and Pacific Railroad; Thence, North 33°50'41" West, a distance of 550.00 feet to the TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the premises with its appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 16 day of JUNE, 2010.

Katrin Thompson



RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Friends of Kelly's Whitewater Park, Inc.  
Attn.: Mark Pickard, President  
P.O. Box 2069  
McCall, ID 83638

(Space Above For Recorder's Use)

**SPECIAL WARRANTY DEED**

For good and valuable consideration, the receipt of which is hereby acknowledged, **Cloverdale Nursery & Turf Farm, Inc.**, an Idaho corporation ("Grantor"), grants, bargains, sells, conveys and specially warrants to **Friends of Kelly's Whitewater Park, Inc.**, an Idaho nonprofit corporation ("Grantee"), whose address is: P.O. Box 2069, McCall, Idaho 83638, and its successors and assigns forever the following described real property:

See *Exhibit A* attached hereto and incorporated herein.

SUBJECT TO taxes and assessments for the year 2015 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to all zoning laws and ordinances, to any state of facts an accurate survey or inspection of the premises would show and to those matters set forth on *Exhibit B* attached hereto and incorporated herein (collectively, the "Permitted Exceptions").

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described as well in law as in equity.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said premises; that the premises are free from encumbrances created or suffered by the Grantor, excepting the Permitted Exceptions herein set forth, and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims of or through Grantor, but none other.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 3<sup>rd</sup> day of June, 2015.

**Cloverdale Nursery & Turf Farm, Inc.**, an Idaho corporation

By:   
Terry Cook, President

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 3<sup>rd</sup> day of June, 2015, before me, Kristine Wallace, personally appeared Terry Cook, known or identified to me to be the President of **Cloverdale Nursery & Turf Farm, Inc.**, an Idaho corporation, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Kristine Wallace  
NOTARY PUBLIC FOR IDAHO  
Residing at Stay, Idaho  
My Commission Expires 4/3/18

**Exhibit A**  
**Property Description**

**PARCEL 1:**

A portion of Government Lots 2, 3, and 4 in Section 36, Township 14 North, Range 3 East, Boise Meridian, Cascade, Valley County, Idaho, more particularly described as follows:

Beginning at the found Brass Cap at the Section Corner common to Sections 30 and 31, Township 14 North, Range 4 East, and said Section 25 and 36, Township 14 North, Range 3 East, Boise Meridian from which a found Brass Cap at the 1/4 Corner common to said Sections 36 and 31 bears South 00° 25' 59" West a distance of 2643.67 feet;  
thence along the section line common to said Sections 25 and 36, South 89° 16' 00" West a distance of 2091.66 feet to a point on the easterly Right-of-Way of the Idaho Northern and Pacific Railroad;  
thence North 56° 09' 19" East a distance of 100.00 feet;  
thence along a line parallel with and 100.00 feet east of the east Right-of-Way of the Idaho Northern and Pacific Railroad, South 33° 50' 41" East a distance of 550.00 feet;  
thence South 56° 09' 19" West a distance 100.00 feet to the east Right-of-Way of said Railroad;  
thence along said Railroad Right-of-Way South 33° 50' 41" East a distance of 566.98 feet to the TRUE POINT OF BEGINNING;  
thence, North 56° 09' 19" East a distance of 727.04 feet to the Ordinary High Water Line of the Right Bank of the Payette River;  
thence along said Ordinary High Water Line the following courses and distances:  
South 30° 52' 01" East a distance of 85.88 feet;  
South 40° 02' 52" East a distance of 180.28 feet;  
South 64° 28' 21" East a distance of 129.09 feet;  
South 15° 42' 58" East a distance of 102.55 feet;  
South 36° 44' 04" East a distance of 195.91 feet;  
South 38° 36' 28" East a distance of 142.62 feet;  
South 28° 33' 40" East a distance of 115.12 feet;  
South 44° 04' 34" East a distance 119.12 feet;  
South 60° 31' 12" East a distance of 61.86 feet;  
South 47° 34' 16" East a distance of 108.37 feet;  
South 54° 06' 39" East a distance of 88.61 feet;  
thence leaving Ordinary High Water Line of the Right Bank of the Payette River, South 00° 25' 59" West a distance of 949.36 feet;  
thence South 88° 45' 16" West a distance of 685.21 feet to the East Right-of-Way of Highway 55;  
thence along said Right-of-Way, North 43° 35' 28" West a distance of 225.83 feet to the East Right-of-Way of the Idaho Northern and Pacific Railroad, at the beginning of a non-tangent curve to the left;  
thence along said Railroad Right-of-Way and non-tangent curve to the left, having a length of 1235.16 feet, a radius of 2914.90 feet, a central angle of 24° 16' 43" tangents of 626.99 feet, and a long chord which bears North 21° 42' 20" West, a distance of 1225.94 feet to a point of tangency;  
thence continuing along the East Right-of-Way of the Idaho Northern and Pacific Railroad, North 33° 50' 41" West a distance of 281.06 feet to the TRUE POINT OF BEGINNING.

SAVE AND EXCEPT parcels as described on the following documents recorded in Valley County, Idaho:

Exhibit A shown on Quit Claim Deed recorded July 29, 2014, Instrument No. 386241

Exhibit A shown on Special Warranty Deed recorded November 18, 2009, Instrument No. 347304.

Exhibit A shown on Special Warranty Deed recorded August 3, 2012, Instrument No. 371078.

Cross access easement shown on Quit Claim Deed recorded September 16, 2014, 387290.

**PARCEL 2:**

**A portion of Government Lot 10, Government Lot 11 and a portion of the Northeast 1/4 of the Southwest 1/4 of Section 25, Township 14 North, Range 3 East, Boise Meridian, Cascade, Valley County, Idaho, more particularly described as follows;**

**Beginning at the found Brass Cap at the Section Corner common to Sections 30 and 31, Township 14 North, Range 4 East, and said Sections 25 and 36, Township 14 North Range 3 East, Boise Meridian from which a found Brass Cap at the 1/4 Corner common to said Sections 36 and 31 bears South 00° 25' 59" West a distance of 2643.67;**

**Thence along the section line common to said Sections 25 and 36, South 89° 16' 00" West a distance of 2091.66 feet to a point on the easterly Right-of-Way of the Idaho Northern and Pacific Railroad;**

**Thence along said easterly Right-of-Way of said Railroad North 33° 50' 41" West a distance of 115.00 feet to the TRUE POINT OF BEGINNING;**

**Thence continuing along said easterly Right-of-Way of said Railroad the following courses and distances:**

**North 33° 50' 41" West a distance of 373.99 feet, more or less, to a point of intersection with the south line of Warranty Deed Instrument Number 48849, recorded in Book 30, Page 610; North 56° 09' 19" East along said south line a distance of 100.00 feet to the southeast corner of said Warranty Deed Instrument No. 48849; Thence North 33° 50' 41" West along the east line of said Warranty Deed Instrument Number 48849 a distance of 610.07 feet, more or less to a point of intersection with the east line of Deed Record Number 10, Instrument Number 25938;**

**Thence North 09° 16' 49" West along the east line of said Deed Record Number 10, Instrument Number 25938 a distance of 120.27 feet, more or less, to a point of intersection with Deed Record 10, Instrument Number 25939;**

**Thence North 56° 09' 19" East, along the south line of said Deed Record Number 10, Instrument Number 25939 a distance of 588.70 feet to a 5/8 inch rebar with plastic cap stamped "FLSI PLS 7612" at the east most corner of said Deed Record Number 10, Instrument Number 25939;**

**Thence North 33° 50' 41" West along the east most line of said Deed Record Number 10, Instrument Number 25939 a distance of 144.70 feet to a 5/8 inch rebar with plastic cap stamped "FLSI PLS 7612" at the north most corner of said Deed Record Number 10, Instrument Number 25939;**

**Thence South 56° 09' 19" West a distance of 430.11 feet to a 5/8 inch rebar with plastic cap stamped "FLSI PLS 7612" at the east line of Deed Record Number 10 Warranty Deed Instrument Number 26241;**

**Thence along said east line of Deed Record Number 10 Warranty Deed Instrument Number 26241, North 33° 50' 41" West a distance of 204.08 feet to a 5/8 inch rebar with plastic cap stamped "FLSI PLS 7612" at the angle point in Corporation Quit Claim Deed Instrument Number 74747;**

**Thence along the southeast line of said Corporation Quit Claim Deed Instrument Number 74747, North 14° 58' 07" East a distance of 113.89 feet to a found Brass Cap at the east corner common to Corporation Quit Claim Deed Instrument Number 74747 and Warranty Deed Instrument Number 132614; Thence along the east line of said Warranty Deed Instrument Number 132614 North 16° 46' 43" West a distance of 148.41 feet to a 5/8 inch rebar stamped "FLSI PLS 7612" on the South line of the Lefever Subdivision; Thence along the south line of said Lefever Subdivision North 56° 00' 42" East a distance of 1.67 feet to a 5/8 inch rebar with plastic cap stamped "FLSI PLS 7612" at the southeast corner of said Lefever Subdivision;**

**Thence continuing along the east line of said Lefever Subdivision North 33° 59' 18" West a distance of 134.33 feet to a found 3/4 inch iron pipe on the south Right-of-Way of Pine Street at the south corner of Quit Claim Deed Instrument Number 227609; Thence boundary line of said Quit Claim Deed Instrument Number 227609 the following Courses and distances:**

North 56° 55' 23" East a distance of 60.54 feet to a found 5/8 inch rebar with plastic cap stamped "FODREA PLS 5618";  
North 33° 51' 00" West a distance of 119.97 feet to a found 5/8 inch rebar with plastic cap stamped "FODREA PLS 5618";  
North 56° 09' 03" East a distance of 912.40 feet to a found 5/8 inch rebar with plastic cap stamped "FODREA PLS 5618";  
South 33° 50' 57" East a distance of 197.47 feet to a 5/8 inch rebar with plastic cap stamped "FLSI PLS 5618";

North 56° 09' 03" East a distance of 200.02 feet to a found 5/8 inch rebar with plastic cap stamped "FODREA PLS 5618";  
South 23° 46' 14" East a distance of 401.73 feet to a found 5/8 inch rebar with plastic cap stamped "FODREA PLS 5618";  
South 00° 14' 22" East a distance of 371.46 feet to a found 5/8 inch rebar with plastic cap stamped "FLSI PLS 5618";  
South 06° 06' 57" East a distance of 398.55 feet to a found 5/8 inch rebar with plastic cap stamped "FODREA PLS 5618";  
South 27° 40' 50" East a distance of 325.48 feet to a found 5/8 inch rebar with plastic cap stamped "FODREA PLS 5618";  
South 02° 04' 49" West a distance of 484.91 feet to a found 5/8 inch rebar with plastic cap stamped "FODREA PL 5618";  
Thence North 87° 55' 04" West a distance of 100.12 feet to a point;  
Thence South 56° 09' 19" West a distance of 750.30 feet to the TRUE POINT OF BEGINNING.

**PARCEL 3:**

A portion of Government Lots 2 and 3 in Section 36 and a portion of Government Lot 11 and Accretion Lands thereto in Section 25, Township 14 North, Range 3 East, Boise Meridian, Cascade, Valley County, Idaho, more particularly described as follows:  
Beginning at the found Brass Cap at the Section Corner common to Sections 30 and 31, Township 14 North, Range 4 East, and said Sections 25 and 36, Township 14 North, Range 3 East, Boise Meridian from which a found Brass Cap at the 1/4 Corner common to said Sections 36 and 31 bears South 00° 25' 59" West a distance of 2643.67 feet;  
Thence along the section line common to said Sections 25 and 36, South 89° 16' 00" West a distance of 2091.66 feet to the TRUE POINT OF BEGINNING at a point on the easterly right-of-way of the Idaho Northern and Pacific Railroad; thence along said easterly right-of-way North 33° 50' 41" West a distance of 115.00 feet; thence North 56° 09' 19" East a distance of 750.30 feet; thence South 87° 55' 04" East a distance of 172.93 feet to the Right Bank Ordinary High Water line of Payette River; thence along said Right Bank Ordinary High Water Line of Payette River the following courses and distances:  
South 02° 18' 44" West a distance of 190.95 feet;  
South 34° 46' 46" East a distance of 67.91 feet;  
South 26° 59' 39" East a distance of 108.86 feet;  
South 57° 25' 13" East a distance of 67.38 feet;  
South 33° 44' 28" East a distance of 131.23 feet;  
South 12° 29' 32" East a distance of 78.26 feet;  
South 05° 49' 54" East a distance of 57.42 feet;  
South 16° 41' 11" East a distance of 95.97 feet;  
South 26° 58' 21" East a distance of 142.83 feet;  
South 52° 39' 18" East a distance of 103.45 feet;  
South 39° 37' 52" East a distance of 65.36 feet;  
South 30° 52' 01" East a distance of 87.44 feet;  
Thence leaving said Right Bank Ordinary High Water Line of Payette River, South 56° 09' 19" West a distance of 727.04 feet to the east right-of-way of said Railroad; thence along said east right-of-way North 33° 50' 41" West a distance of 566.98 feet; thence North 56° 09' 19" East a distance of 100.00 feet; thence along a line parallel with and 100.00 feet

**easterly of said east right-of-way, North 33° 50' 41" West a distance of 550.00 feet; thence South 56° 09' 19" West a distance of 100.00 feet to the TRUE POINT OF BEGINNING.**

**SAVE AND EXCEPT parcel as described on the following document recorded in Valley County, Idaho:  
Exhibit A shown on Quit Claim Deed recorded July 29, 2014, Instrument No. 386241.**

**Exhibit B**  
**Permitted Exceptions**

8. Special assessments, if any, for the City of Cascade. No delinquencies appear of record;
9. Taxes, including any assessments collected therewith, for the year 2015 which are a lien not yet due and payable;
17. RIGHT OF WAY EASEMENT, as filed for record in the office of the Recorder of Valley County, Idaho in Book 6 of Miscellaneous at page 38 on April 4, 1940, as Instrument No. 26427. (Parcel 3);
18. RIGHT OF WAY EASEMENT, as filed for record in the office of the Recorder of Valley County, Idaho in Book 6 of Miscellaneous at page 38 on April 4, 1940, as Instrument No.26431 (Parcel 3);
19. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water;
20. PRIVATE RIGHT OF WAY FOR POWERLINE TREE TRIMMING PERMIT between West Coast Power Company and Kerby, Gorton and Smith, a Partnership of Cascade State of Idaho, as filed for record in the office of the Recorder of Valley County, Idaho in Book 5 of Miscellaneous at page 504 on May 6, 1938, as Instrument No. 23690 (Parcel 1);
21. POWER LINE EASEMENT, as filed for record in the office of the Recorder of Valley County, Idaho in Book 9 of Miscellaneous at page 514 on March 2, 1955, as Instrument No. 47893 (Parcel 1 and 3);
23. POWER LINE EASEMENT to Idaho Power Company as filed for record in the office of the Recorder of Valley County, Idaho on September 11, 1984, as Instrument No. 137905 (Parcel 1);
24. CONTRACT FOR PRIVATE ROAD CROSSING between Oregon Short Line Railroad Company, Union Pacific Railroad Company, and Boise Cascade Corporation, as filed for record in the office of the Recorder of Valley County, Idaho on July 20, 1970, as Instrument No. 72322 (Parcel 3);
25. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho on January 29, 1993, as Instrument No. 193887 (Parcel 2 and 3);
26. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho on March 13, 1996 as Instrument No. 216943 (Parcel 2 and 3);
27. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho on September 30, 1999, as Instrument No. 243331. (Parcel 2);
28. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho on August 16, 2001, as Instrument No. 256342 (Parcel 1, 2 and 3);
29. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho on November 6, 2003, as Instrument No. 277678 (Parcel 2);
30. EASEMENT to Idaho Power Company, as filed for record in the office of the Recorder of Valley County, Idaho on July 13, 2005, as Instrument No. 297562 (Parcel 1 and 3);
32. POWER LINE EASEMENT to Idaho Power Company as filed for record in the office of the Recorder of Valley County, Idaho on October 10, 1976, as Instrument No. 89574 (Parcel 3);
33. IDAHO CODE, SECTION 58-604, which grants over all lands belonging to the State, a right of way for ditches constructed by authority of the United States (Parcel 1, 2 and 3);

34. IDAHO CODE, SECTION 47-701, reserving to the state all mineral rights in land sold subsequent to the 8th day of May, 1923. (Parcel 1, 2 and 3);
35. SUBJECT TO NORTH LOG YARD ENVIRONMENTAL COVENANT, as filed for record in the office of the Recorder of Valley County, Idaho on November 18, 2009, as Instrument No. 347300 (Parcel 2);
36. THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL COVENANT IMPOSING ACTIVITY AND USE LIMITATIONS PURSUANT TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT, IDAHO CODE 55-3001, et seq., as filed for record in the office of the Recorder of Valley County, Idaho on November 18, 2009, as Instrument No. 347301 (Parcel 1);
37. SUBJECT TO CROSS ACCESS, PARKING, DRAINAGE AND UTILITY EASEMENT AGREEMENT, as filed for record in the office of the Recorder of Valley County, Idaho on November 18, 2009, as Instrument No. 347305 and 371079, recorded August 3, 2012 (Parcel 1);
38. SUBJECT TO UTILITY EASEMENT AGREEMENT, as filed for record in the office of the Recorder of Valley County, Idaho on November 18, 2009, as Instrument No. 347306 (Parcel 1);
39. SUBJECT TO RECREATION EASEMENT AGREEMENT, as filed for record in the office of the Recorder of Valley County, Idaho on November 18, 2009, as Instrument No. 347307 (Parcel 1);
40. SUBSTATION EASEMENT AGREEMENT, as filed for record in the office of the Recorder of Valley County, Idaho on October 8, 1976, as Instrument No. 89575, Re-recorded as Instrument No. 219449 (Parcel 3);
41. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho on October 28, 2008, as Instrument No.336143 (Parcel 3);
42. RECREATION EASEMENT AGREEMENT between OfficeMax Incorporated, a Delaware corporation and Friends of Cascade Whitewater Park, Inc., an Idaho nonprofit corporation, as filed for record in the office of the Recorder of Valley County, Idaho on November 23, 2009, as Instrument No. 347388 (Parcel 3);
43. EASEMENT to Idaho Power Company, as filed for record in the office of the Recorder of Valley County, Idaho on February 16, 2010, as Instrument No. 349488 (Parcel 3);
44. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho on August 10, 2010, as Instrument No. 353941 (Parcel 1 and 3);
45. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho on August 10, 2010, as Instrument No.353942 (Parcel 1 and 3);
46. ENVIRONMENTAL COVENANT, as filed for record in the office of the Recorder of Valley County, Idaho on October 27, 2011, as Instrument No. 363781;
47. CERTIFICATION OF COMPLETION, as filed for record in the office of the Recorder of Valley County, Idaho on January 24, 2012, as Instrument No. 366415;
48. COVENANT not to sue executed pursuant to Idaho Code 39-7207 and IDAPA 58.01.18.25, as filed for record in the office of the Recorder of Valley County, Idaho on February 28, 2012, as Instrument No. 367162;
49. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho on September 10, 2012, as Instrument No. 371975;
50. Easement Agreement Recorded: June 13, 2013, Instrument No.: 378168 (Parcel 1);
51. Drainage & Access Easement Recorded: March 11, 2014, Instrument No.: 383723 (Parcel 1);

**52. Easements reservations and dedications, as shown on record of survey. Recorded: September 2, 2014, Instrument No.: 386975 (Parcel 1 and 3);**

**53. Navigable Water Abuts the Land**

**(a) Rights, if any, of the property owners abutting Payette River, or adjoining streams or water in and to the waters of the lake and in and to the bed thereof;**

**(b) Boating and fishing rights of property owners abutting the lake or the stream of water leading thereto or therefrom;**

**(c) Navigable servitudes and all other rights, titles, and powers of the United States, the state, local government and the public over said lake, its bed, and its shore lands extending to the ordinary high water line thereof;**

**(d) The consequence of any change in the location of the lake which forms a boundary line of the land, including any determination that some portion of the land has been included within Payette River;**

**54. Any claim arising from the difference in the mean high water line of the Payette River and the meander line as shown by the Original Government Survey; and**

**55. All matters, and any rights, easements, interest or claims which may exist by reasons thereof, disclosed by an ALTA/ACSM survey made by Fodrea Land Group, Inc. on May 30, 2015.**

Instrument # 408287  
VALLEY COUNTY, CASCADE, IDAHO  
8-28-2017 03:17:43 PM No. of Pages: 6  
Recorded for : IDAHO DPT. PUBLIC WORKS  
DOUGLAS A. MILLER Fee: \$0.00  
Ex-Officio Recorder Deputy  
Index to: QUITCLAIM DEED



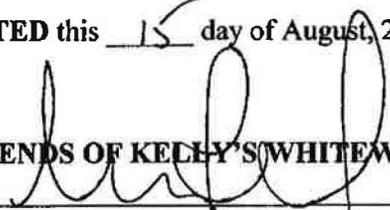
**QUITCLAIM DEED**

**FOR VALUE RECEIVED, THE FRIENDS OF KELLY'S WHITEWATER PARK, INC.** whose mailing address is PO Box 2069, McCall, Id., 83638 (hereinafter "**Grantor**") does hereby convey unto **VALLEY COUNTY, IDAHO**, a municipal corporation of the State of Idaho, whose address is PO Box 1350, Cascade, Id., 83601 (hereinafter "**Grantee**") all of Grantor's right, title and interest in the following property located in Valley County, Idaho, to-wit:

The said property is more particularly described in the attached **Exhibit A**, and is depicted as "Parcel 3, R-O-W" in attached **Exhibit B**.

DATED this 15 day of August, 2017.

**FRIENDS OF KELLY'S WHITEWATER PARK, INC.**

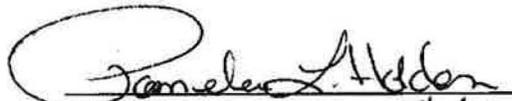
By:   
Mark Pickard, it's President

STATE OF Idaho )  
(ss.  
County of Valley )

On this 15<sup>th</sup> day of August, 2017, before me, Pamela L. Holden, a Notary Public in and for said State, personally appeared Mark Pickard, known or identified to me to be the President of the corporation that executed the instrument and the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



  
NOTARY PUBLIC FOR Idaho  
My Commission Expires: 2/11/20

# FORSGREN *Associates Inc.* EXHIBIT A

## DESCRIPTION FOR FRIENDS OF KELLY'S WHITEWATER PARK PARCEL 3 AMENDED RIGHT-OF-WAY

A parcel of land being a portion of Government Lot 4, also referenced as the SE 1/4 of the NE 1/4 of Section 36, T.14N., R.3E., B.M., Valley County, Idaho, being more particularly described as follows;

Commencing at a brass cap marking the East quarter corner of Section 36, from which a brass cap marking the northeast corner of said Section bears North 00°25'25" East, 2643.90 feet;

Thence along the easterly boundary of Section 36, North 00°25'25" East, 168.11 feet;

Thence South 88° 45' 16" West, a distance of 685.64 feet to an iron pin marking the northeasterly right-of-way of Highway 55;

Thence along said right-of-way, North 43° 35' 28" West, a distance of 154.79 feet to an iron pin marking its intersection with the existing right-of-way of a County road, the **POINT OF BEGINNING**;

Thence continuing along the right-of-way of Highway 55, North 43° 35' 28" West, a distance of 71.04 feet to an iron pin on the easterly right-of-way of the Idaho Northern & Pacific Railroad, intersecting at a non-radial angle in a curve to the left;

Thence along said curve to the left having a length of 4.34 feet, a radius of 2914.90 feet, a central angle of 00° 05' 07", and a long chord which bears North 09° 36' 32" West, a distance of 4.34 feet to an iron pin;

Thence North 46° 24' 32" East, a distance of 61.42 feet to an iron pin marking the beginning of a curve to the left;

Thence along said curve to the left having a length of 51.37 feet, a radius of 97.50 feet, a central angle of 30° 11' 25", and a long chord which bears North 31° 18' 49" East, a distance of 50.78 feet to an iron pin;

Thence North 16° 13' 07" East, a distance of 179.60 feet to an iron pin marking the beginning of a curve to the right;

Thence along said curve to the right having a length of 153.26 feet, a radius of 202.50 feet, a central angle of  $43^{\circ} 21' 51''$ , and a long chord which bears North  $37^{\circ} 54' 03''$  East, a distance of 149.63 feet to an iron pin;

Thence North  $59^{\circ} 34' 58''$  East, a distance of 175.09 feet to an iron pin marking the beginning of a curve to the left;

Thence along said curve to the left having a length of 78.05 feet, a radius of 72.50 feet, a central angle of  $61^{\circ} 40' 58''$ , and a long chord which bears North  $28^{\circ} 44' 29''$  East, a distance of 74.34 feet to an iron pin;

Thence North  $02^{\circ} 06' 00''$  West, a distance of 38.41 feet to an iron pin;

Thence North  $87^{\circ} 54' 00''$  East, a distance of 60.00 feet to an iron pin;

Thence South  $02^{\circ} 06' 00''$  East, a distance of 38.41 feet to an iron pin marking the beginning of a curve to the right;

Thence along said curve to the right having a length of 54.89 feet, a radius of 132.50 feet, a central angle of  $23^{\circ} 44' 07''$ , and a long chord which bears South  $09^{\circ} 46' 03''$  West, a distance of 54.50 feet to an iron pin;

Thence continuing along said curve to the right having a length of 87.76 feet, a radius of 132.50 feet, a central angle of  $37^{\circ} 56' 52''$ , and a long chord which bears South  $40^{\circ} 36' 33''$  West, a distance of 86.16 feet to an iron pin;

Thence South  $59^{\circ} 34' 58''$  West, a distance of 175.09 feet to an iron pin marking the beginning of a curve to the left;

Thence along said curve to the left having a length of 107.85 feet, a radius of 142.50 feet, a central angle of  $43^{\circ} 21' 51''$ , and a long chord which bears South  $37^{\circ} 54' 03''$  West, a distance of 105.30 feet to an iron pin;

Thence South  $16^{\circ} 13' 07''$  West, a distance of 179.60 feet to an iron pin marking the beginning of a curve to the right;

Thence along said curve to the right having a length of 82.99 feet, a radius of 157.50 feet, a central angle of  $30^{\circ} 11' 25''$ , and a long chord which bears South  $31^{\circ} 18' 49''$  West, a distance of 82.03 feet to an iron pin;

Thence South  $46^{\circ} 24' 32''$  West, a distance of 40.17 feet to an iron pin;

thence South  $14^{\circ} 40' 46''$  West, a distance of 27.84 feet to the **POINT OF BEGINNING**, comprising 1.05 acres, more or less.

SUBJECT TO:

Any easements or reservations of record or appearing on the above describe parcel of land.

EXHIBIT B

RECORD DATA:

R-1: ROS 256342 FOR BOISE CASCADE, 8-16-2001  
 R-2: ROS 353780 FOR THE CITY OF CASCADE, 6-2-2010  
 R-3: ROS 353941 FOR KELLY'S WHITWATER PARK, 8-10-2010  
 R-4: ROS 353942 FOR SOUTHERN VALLEY RECREATIONAL DISTRICT, 8-10-2010  
 R-5: ROS 371975 FOR SOUTHERN VALLEY RECREATIONAL DISTRICT, 8-10-2012  
 P-1: PLANS FOR ST-3270(663), PAGE 15 OF 52, 3-08-2012

PE 836, C&P# 256139

LEGEND

- Boundary Line
- Section Line
- Lot/Parcel Line
- Easement Line
- Existing Right-of-Way
- Centerline
- Existing Building (Detailed on ROS 256342)
- Found Brass Cap (As Noted)
- 

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	1063.48	2814.80	20°54'14"	N20° 06' 12\"	1057.58
C2	178.53	2450.00	4°10'31"	S28° 22' 06\"	178.49
C3	390.73	2550.00	8°48'45"	N30° 40' 13\"	390.35
C4	84.41	200.00	24°10'51"	N14° 11' 25\"	83.78
C5	42.20	100.00	24°10'51"	S14° 11' 25\"	41.89
C6	78.05	72.50	61°40'58"	N28° 44' 29\"	74.34
C7	54.89	132.50	23°44'07"	N9° 46' 03\"	54.50
C8	87.78	132.50	37°56'52"	N40° 36' 33\"	86.16
C9	107.85	142.50	43°21'51"	N37° 54' 03\"	105.30
C10	153.26	202.50	43°21'51"	N37° 54' 03\"	149.63
C11	51.37	97.50	30°11'23"	N31° 18' 49\"	50.78
C12	82.99	157.50	30°11'23"	N31° 18' 49\"	82.03
C13	4.34	2914.80	0°05'07"	N9° 36' 32\"	4.34

CERTIFICATE OF SURVEYOR:

I, DOUGLAS G. BERGEGY DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY AND THAT IT IS IN CONFORMANCE WITH IDAHO CODE RELATING TO CORNER PERPETUATION AND SURVEYS.



INDEX No. 1431-36-1-2-0-00-00

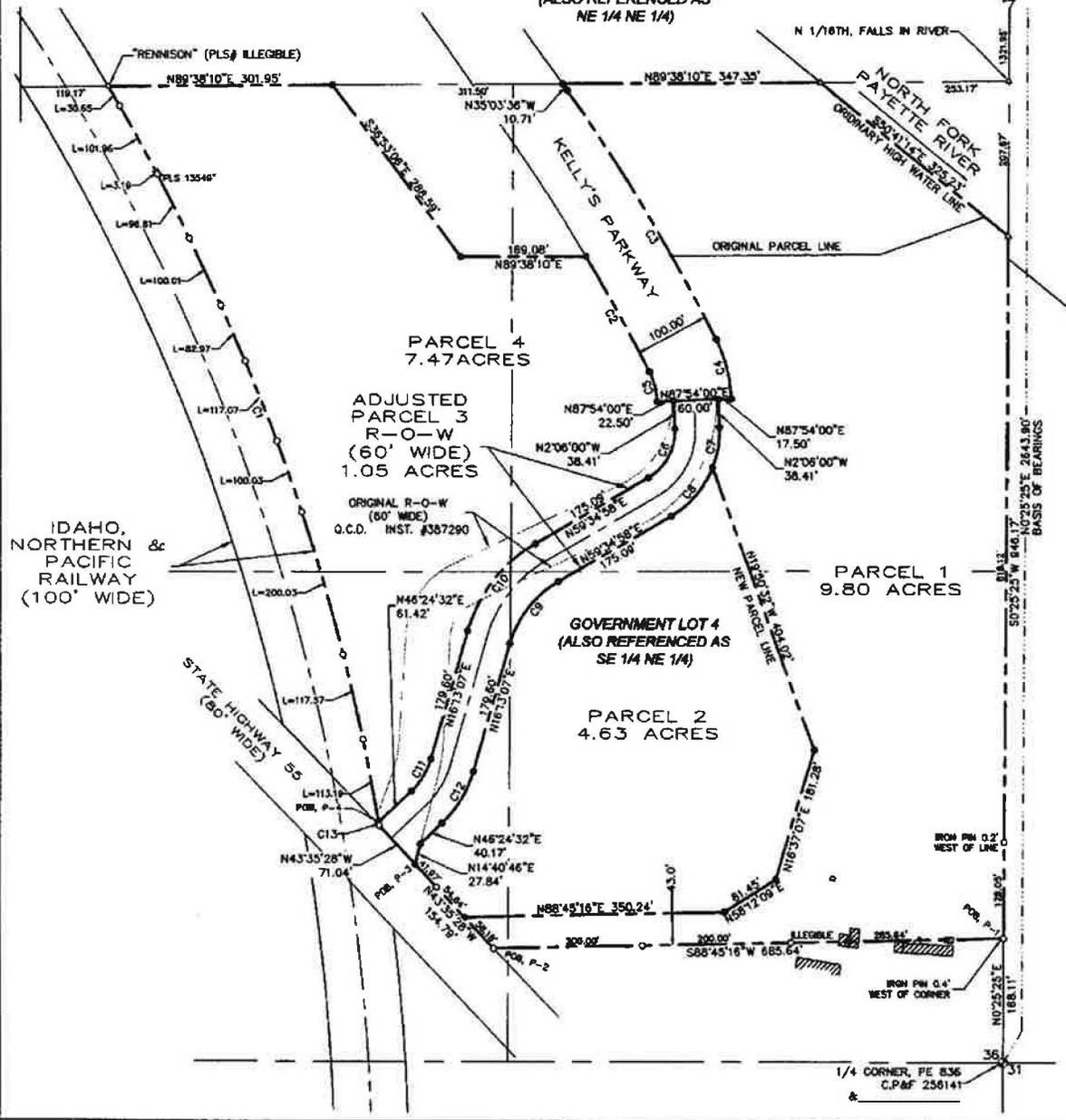
RECORD OF SURVEY/PARCEL LINE ADJUSTMENT FOR IDAHO DEPT. OF PUBLIC WORKS

A PORTION OF GOVERNMENT LOT 4 (ALSO REFERENCED AS SE 1/4 NE 1/4) OF SECTION 36, T. 14 N., R. 3 E., B.M., CITY OF CASCADE, VALLEY COUNTY, IDAHO

**FORSGREN**  
*Associates, Inc.*  
 475 SOUTH 4TH STREET, BOISE, ID 83702  
 PH: 208.342.3144 FAX: 208.343.0810

DATE: JUNE 18, 2017  
 SCALE: 1" = 100'  
 DR: TAJ  
 CK: DGB

SHEET: 1 OF 1



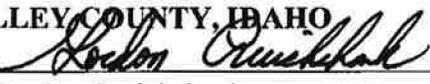
Instrument # 408289  
VALLEY COUNTY, CASCADE, IDAHO  
9-28-2017 03:28:40 PM No. of Pages: 6  
Recorded for : IDAHO DPT. PUBLIC WORKS  
DOUGLAS A. MILLER Fee: 0.00  
Ex-Officio Recorder Deputy 

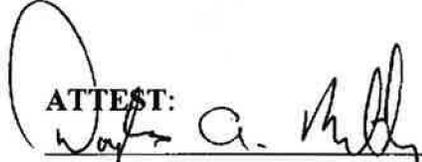
**QUITCLAIM DEED**

**FOR VALUE RECEIVED, VALLEY COUNTY, IDAHO**, a municipal corporation of the State of Idaho, whose address is PO Box 1350, Cascade, Id., 83601 (hereinafter "**Grantor**") does hereby convey unto **THE FRIENDS OF KELLY'S WHITEWATER PARK, INC.** whose mailing address is PO Box 2069, McCall, Id., 83638 (hereinafter "**Grantee**") all of Grantor's right, title and interest in the following property located in Valley County, Idaho, to-wit:

The said property is more particularly described in the attached **Exhibit A**, and is depicted as a portion of the "Original R-O-W" in attached **Exhibit B**.

**DATED** this 28<sup>th</sup> day of August, 2017.

**VALLEY COUNTY, IDAHO**  
By:   
Gordon Cruickshank  
Chairman, Board of County Commissioners

**ATTEST:**  
  
Douglas Miller, Valley County Clerk

STATE OF IDAHO, )  
(ss.  
County of Valley. )

On this 28<sup>th</sup> day of August, 2017, before me, Ashlie Gifford, a Notary Public in and for said State, personally appeared Gordon Cruickshank, known or identified to me to be the Chairman of the Valley County Board of County Commissioners and the person who executed the instrument on behalf of said municipal corporation, and acknowledged to me that such municipal corporation executed the same.



# FORSGREN Associates Inc. EXHIBIT A

## DESCRIPTION FOR FRIENDS OF KELLY'S WHITEWATER PARK KELLY'S PARKWAY, RIGHT-OF-WAY VACATION PARCEL

A parcel of land being a portion of Government Lot 4, also referenced as the SE 1/4 of the NE 1/4 of Section 36, T.14N., R.3E., B.M., Valley County, Idaho, being more particularly described as follows;

Commencing at a brass cap marking the East quarter corner of Section 36, from which a brass cap marking the northeast corner of said Section bears North 00°25'25" East, 2643.90 feet;

Thence along the easterly boundary of Section 36, North 00°25'25" East, 168.11 feet;

Thence South 88° 45' 16" West, a distance of 685.64 feet to an iron pin on the northeasterly right-of-way of State Highway 55;

Thence along said right-of-way, North 43° 35' 28" West, a distance of 225.83 feet to an iron pin marking its intersection with the easterly right-of-way of the Idaho Northern & Pacific Railroad, intersecting at a non-radial angle in a curve to the left;

Thence along said right-of-way and curve to the left having a length of 4.34 feet, a radius of 2914.90 feet, a central angle of 00° 05' 07", and a long chord which bears North 09° 36' 32" West, a distance of 4.34 feet to an iron pin marking its intersection with the proposed amended right-of-way of a county road, the **POINT OF BEGINNING**;

Thence continuing along the easterly right-of-way of the Idaho Northern & Pacific Railroad and curve to curve to the left having a length of 9.61 feet, a radius of 2914.90 feet, a central angle of 00° 11' 20", and a long chord which bears North 09° 44' 45" West, a distance of 9.61 feet to the existing right-of-way of a county road;

Thence along said existing right-of-way the following courses and distances:

Thence North 19° 39' 24" East, a distance of 71.29 feet to the beginning of a curve to the left;

Thence along said curve to the left having a length of 32.20 feet, a radius of 170.00 feet, a central angle of 10° 51' 07", and a long chord which bears North 09° 15' 14" East, a distance of 32.15 feet;

Thence North 03° 49' 42" East, a distance of 147.57 feet to the beginning of a curve to the right;

Thence along said curve to the right having a length of 116.67 feet, a radius of 110.00 feet, a central angle of  $60^{\circ} 46' 18''$ , and a long chord which bears North  $34^{\circ} 12' 51''$  East, a distance of 111.28 feet;

Thence North  $64^{\circ} 36' 00''$  East, a distance of 251.73 feet to the beginning of a curve to the left;

Thence along said curve to the left having a length of 139.70 feet, a radius of 120.00 feet, a central angle of  $66^{\circ} 42' 00''$ , and a long chord which bears North  $31^{\circ} 15' 00''$  East, a distance of 131.94 feet on the existing right-of-way of a county road;

Thence North  $87^{\circ} 54' 00''$  East, a distance of 2.50 feet along said existing right-of-way to an iron pin;

Thence South  $02^{\circ} 06' 00''$  East, a distance of 38.41 feet along the proposed amended right-of-way to an iron pin marking the beginning of a curve to the right;

Thence along said curve to the right having a length of 78.05 feet, a radius of 72.50 feet, a central angle of  $61^{\circ} 40' 58''$ , and a long chord which bears South  $28^{\circ} 44' 29''$  West, a distance of 74.34 feet to an iron pin;

Thence South  $59^{\circ} 34' 58''$  West, a distance of 175.09 feet to an iron pin marking the beginning of a curve to the left;

Thence along said curve to the left having a length of 108.66 feet, a radius of 202.50 feet, a central angle of  $30^{\circ} 44' 44''$ , and a long chord which bears South  $44^{\circ} 12' 36''$  West, a distance of 107.37 feet to the existing right-of-way of a county road;

Thence along said existing right-of-way the following courses and distances;

South  $64^{\circ} 36' 00''$  West, a distance of 13.74 feet to the beginning of a curve to the left;

Thence along said curve to the left having a length of 53.03 feet, a radius of 50.00 feet, a central angle of  $60^{\circ} 46' 18''$ , and a long chord which bears South  $34^{\circ} 12' 51''$  West, a distance of 50.58 feet;

Thence South  $03^{\circ} 49' 42''$  West, a distance of 97.90 feet to its intersection with the proposed right-of-way of a county road;

Thence along said proposed right-of-way the following courses and distances:

Thence South  $16^{\circ} 13' 07''$  West, a distance of 70.98 feet to the beginning of a curve to the right;

Thence along said curve to the right having a length of 51.37 feet, a radius of 97.50 feet, a central angle of  $30^{\circ} 11' 25''$ , and a long chord which bears South  $31^{\circ} 18' 49''$  West, a distance of 50.78 feet to an iron pin;

thence South 46° 24' 32" West, a distance of 61.42 feet to the **POINT OF BEGINNING**, comprising 0.59 acres, more or less.

**SUBJECT TO:**

Any easements or reservations of record or appearing on the above describe parcel of land.

Refer to the attached Exhibit.

EXHIBIT B

RECORD DATA:

- R-1: ROS 256342 FOR BOISE CASCADE, 8-16-2001
- R-2: ROS 353760 FOR THE CITY OF CASCADE, 6-2-2010
- R-3: ROS 353941 FOR KELLY'S WHITWATER PARK, 8-10-2010
- R-4: ROS 353942 FOR SOUTHERN VALLEY RECREATIONAL DISTRICT, 8-10-2010
- R-5: ROS 371975 FOR SOUTHERN VALLEY RECREATIONAL DISTRICT, 9-10-2012
- P-1: PLANS FOR ST-3270(883), PAGE 15 OF 52, 3-08-2012

PE 836, C,P&F 256139

LEGEND

- Boundary Line
- Section Line
- Lot/Parcel Line
- Easement Line
- Existing Right-of-Way
- Centerline
- Existing Building (Detailed on ROS 256342)
- Found Brass Cap (As Noted)
- Found 5/8" Iron Pin "FLSI PLS 7612" (Unless Noted)
- Found 1/2" Iron Pin (As Noted)
- Set 5/8"x24" Iron Pin w/ Plastic Cap "BERGEY PLS 5710"
- Calculated Point

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	1063.48	2914.90	20°54'14"	N20° 08' 12"W	1057.59
C2	178.53	2450.00	4°10'31"	S28° 22' 06"E	178.49
C3	390.73	2550.00	8°48'45"	N30° 40' 13"W	390.35
C4	84.41	200.00	24°10'51"	N14° 11' 25"W	83.78
C5	42.20	100.00	24°10'51"	S14° 11' 25"E	41.89
C6	78.06	72.50	81°40'58"	N28° 44' 29"E	74.34
C7	54.89	132.50	23°44'07"	N8° 46' 03"E	54.50
C8	87.76	132.50	37°56'52"	N40° 36' 33"E	86.16
C9	107.85	142.50	43°21'51"	N37° 54' 03"E	105.30
C10	193.26	202.50	43°21'51"	N37° 54' 03"E	149.63
C11	51.37	97.50	30°11'25"	N31° 18' 49"E	50.78
C12	82.99	157.50	30°11'25"	N31° 18' 49"E	82.03
C13	4.34	2914.90	0°05'07"	N9° 36' 32"W	4.34

CERTIFICATE OF SURVEYOR:

I, DOUGLAS G. BERGEY DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY AND THAT IT IS IN CONFORMANCE WITH IDAHO CODE RELATING TO CORNER PERPETUATION AND SURVEYS.



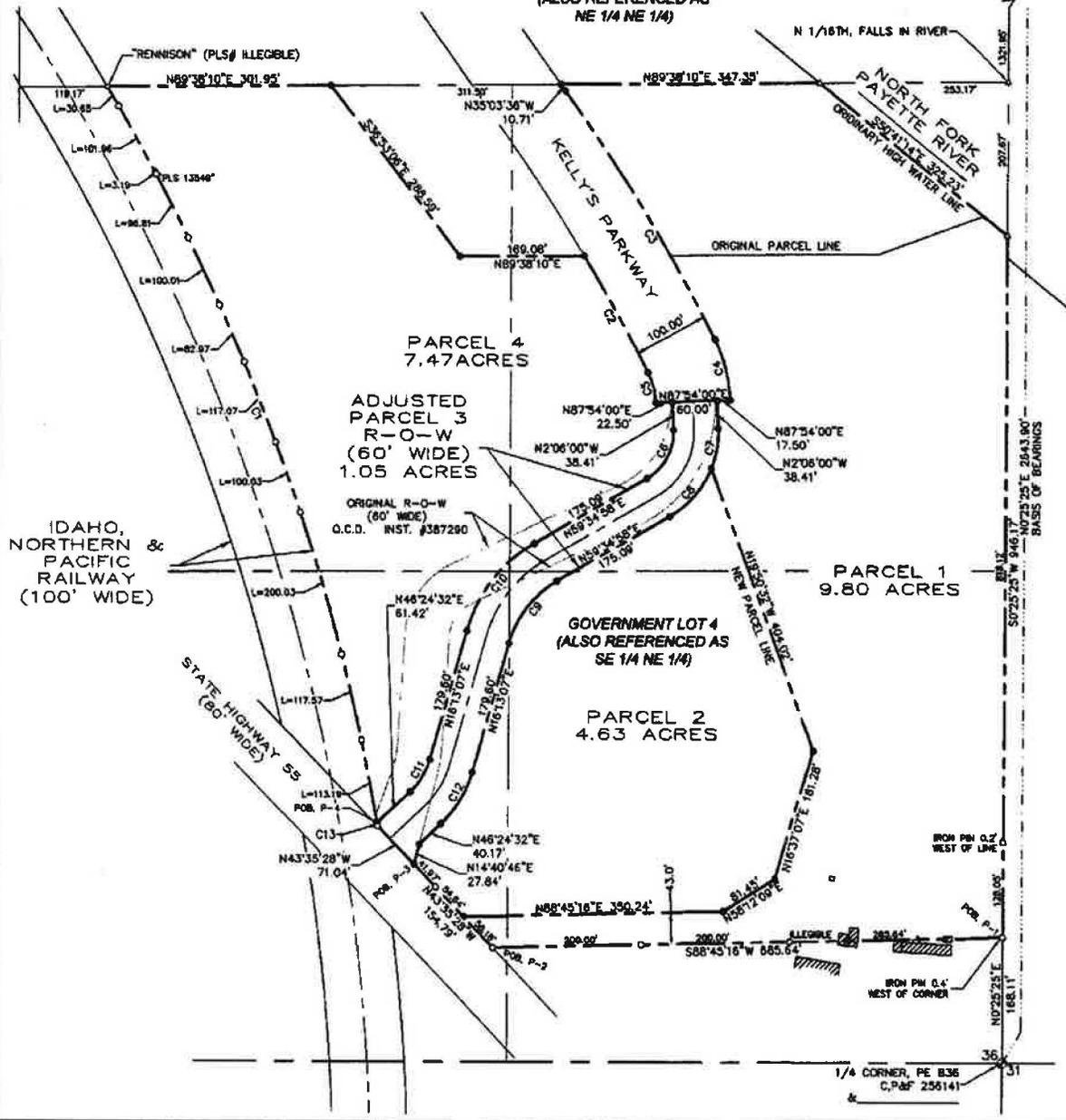
INDEX No. 1431-36-1-2-0-00-00

RECORD OF SURVEY/PARCEL LINE ADJUSTMENT FOR IDAHO DEPT. OF PUBLIC WORKS

A PORTION OF GOVERNMENT LOT 4  
(ALSO REFERENCED AS SE 1/4 NE 1/4)  
OF SECTION 36, T. 14 N., R. 3 E., B.M.,  
CITY OF CASCADE,  
VALLEY COUNTY, IDAHO

**FORSGREN**  
*Associates, Inc.*  
215 SOUTH 4TH STREET, BOISE, IDAHO 83702  
PH: 208-342.3144 FAX: 208.383.0819

DATE: JUNE 16, 2017  
SCALE: 1" = 100'  
DR: TAJ  
CK: DGB  
SHEET: 1 OF 1



1/4 CORNER, PE 836  
C,P&F 256141

IDAHO,  
NORTHERN  
PACIFIC  
RAILWAY  
(100' WIDE)

STATE HIGHWAY 55  
(80' WIDE)

ADJUSTED  
PARCEL 3  
R-O-W  
(60' WIDE)  
1.05 ACRES

PARCEL 4  
7.47 ACRES

PARCEL 1  
9.80 ACRES

GOVERNMENT LOT 4  
(ALSO REFERENCED AS  
SE 1/4 NE 1/4)

PARCEL 2  
4.63 ACRES

GOVERNMENT LOT 2  
(ALSO REFERENCED AS  
NE 1/4 NE 1/4)

NORTH FORK  
PAYETTE RIVER  
ORDINARY HIGH WATER LINE

KELLY'S PARKWAY

ORIGINAL PARCEL LINE

ORIGINAL R-O-W  
(60' WIDE)  
O.C.D. INST. #387280

BASES OF BEARINGS  
N02°25'25"E 2943.80'  
S07°25'25"W 946.17'

After recordation, return to:

Steven J. Millemann  
Millemann, Pittenger & Pemberton, LLP  
PO Box 1066  
McCall, Idaho

Space above for Recorder's Use

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**SPECIAL WARRANTY DEED**

For good and valuable consideration, the receipt of which is hereby acknowledged, **Friends of Kelly's Whitewater Park, Inc.**, an Idaho nonprofit corporation, whose address is P.O. Box 2069, McCall, Idaho 83638 ("Grantor"), grants, bargains, sells, conveys and specially warrants to the **Idaho Department of Parks and Recreation**, whose address is PO Box 83720, Boise, Id. 83720-0065 ("Grantee"), and its successors and assigns forever the following described real property:

See *Exhibit A* attached hereto and incorporated herein.

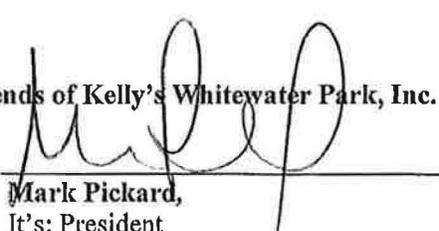
SUBJECT TO: taxes and assessments for the year 2017 and all subsequent years, if any; all existing easements, rights-of-way, reservations, restrictions encumbrances and interests of record; that certain *Declaration of Protective Covenants* which is of record with the Office of Recorder of Valley County, Idaho as Instrument No. ~~408490~~ <sup>408500</sup> the provisions of that certain *Acquisition Agreement* being executed by the parties of even date herewith; and, any state of facts an accurate survey or inspection of the premises would show (collectively, the "Permitted Exceptions").

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements and hereditaments in anywise appertaining to the property herein described as well in law as in equity.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said premises; that the premises are free from encumbrances created or suffered by the Grantor, excepting the Permitted Exceptions herein set forth, and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims of or through Grantor, but none other.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 30<sup>th</sup> day of August, 2017.

Friends of Kelly's Whitewater Park, Inc.

By: 

Mark Pickard,  
It's: President

STATE OF New York )  
(ss.  
County of New York )

On this 30<sup>th</sup> day of August, 2017, before me, Duane Watson, a Notary Public in and for said State, personally appeared Mark Pickard, known or identified to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

**DUANE A. WATSON**  
NOTARY PUBLIC, State of New York  
No. 02WA6095258  
Qualified in Queens County  
Commission Expires July 7, 2019

  
NOTARY PUBLIC FOR Duane  
My Commission Expires: 07/07/2019

DESCRIPTION FOR  
IDAHO DEPARTMENT OF PUBLIC WORKS  
PARCEL 2

A parcel of land being a portion of Government Lot 4, also referenced as the SE 1/4 of the NE 1/4 of Section 36, T.14N., R.3E., B.M., Valley County, Idaho, being more particularly described as follows;

Commencing at a brass cap marking the East quarter corner of Section 36, from which a brass cap marking the northeast corner of said Section bears North 00°25'25" East, 2643.90 feet;

Thence along the easterly boundary of Section 36, North 00°25'25" East, 168.11 feet;

Thence South 88° 45' 16" West, a distance of 685.64 feet to an iron pin marking the northeasterly right-of-way of Highway 55;

Thence along said right-of-way, North 43° 35' 28" West, a distance of 58.18 feet to an iron pin marking the **POINT OF BEGINNING**;

Thence continuing along the northeasterly right-of-way of Highway 55, North 43° 35' 28" West, a distance of 96.61 feet to an iron pin marking the southeasterly right-of-way of a County Road;

Thence along said southeasterly right-of-way the following courses and distances:

Thence North 14° 40' 46" East, a distance of 27.84 feet to an iron pin;

Thence North 46° 24' 32" East, a distance of 40.17 feet to an iron pin marking the beginning of a curve to the left;

Thence along said curve to the left having a length of 82.99 feet, a radius of 157.50 feet, a central angle of 30° 11' 25", and a long chord which bears North 31° 18' 49" East, a distance of 82.03 feet to an iron pin;

Thence North 16° 13' 07" East, a distance of 179.60 feet to an iron pin marking the beginning of a curve to the right;

Thence along said curve to the right having a length of 107.85 feet, a radius of 142.50 feet, a central angle of 43° 21' 51", and a long chord which bears North 37° 54' 03" East, a distance of 105.30 feet to an iron pin;

Thence North 59° 34' 58" East, a distance of 175.09 feet to an iron pin marking the beginning of a curve to the left;

Thence along said curve to the left having a length of 87.76 feet, a radius of 132.50 feet, a central angle of 37° 56' 52", and a long chord which bears North 40° 36' 33" East, a distance of 86.16 feet to an iron pin;

Thence leaving said southeasterly right-of-way, South 19° 50' 32" East, a distance of 404.02 feet to an iron pin;

Thence South 16° 37' 07" West, a distance of 181.28 feet to an iron pin;

Thence South 58° 12' 09" West, a distance of 81.45 feet to an iron pin;

thence South 88° 45' 16" West, a distance of 350.24 feet to the **POINT OF BEGINNING**, comprising 4.63 acres, more or less.

**SUBJECT TO:**

Any easements or reservations of record or appearing on the above describe parcel of land.



*RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:*

*Southern Valley County Recreation District  
P.O. Box 723  
Cascade, Idaho 83611*

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Space Above For Recorder's Use)

### **SPECIAL WARRANTY DEED**

For good and valuable consideration, the receipt of which is hereby acknowledged, CLOVERDALE NURSERY & TURF FARM, INC., an Idaho corporation ("Grantor"), conveys and specially warrants to SOUTHERN VALLEY COUNTY RECREATION DISTRICT, a body politic of the State of Idaho ("Grantee"), whose address is P.O. Box 723, Cascade, ID 83611, and its successors and assigns forever the following described real property:

**SEE EXHIBIT A** attached hereto and incorporated herein.

SUBJECT TO taxes and assessments for the year 2012 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to all zoning laws and ordinances, to any state of facts an accurate survey or inspection of the premises would show and to those items set forth on **Exhibit B** attached hereto and incorporated herein ("Permitted Exceptions").

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the real property herein described as well in law as in equity.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said real property; that the real property is free from encumbrances created or suffered by the Grantor, excepting the Permitted Exceptions and those as may be herein set forth, and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims of or through Grantor, but none other.

**[End of text. Execution on following page.]**

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 3 day of Aug., 2012.

GRANTOR: Cloverdale Nursery & Turf Farm, Inc.,  
an Idaho corporation

By: Terry Cook  
Terry Cook  
Its: President

STATE OF IDAHO )  
County of Valley ) ss.

On this 3 day of August, 2012, before me Colleen L. Cole, personally appeared Terry Cook, known or identified to me to be the President of CLOVERDALE NURSERY & TURF FARM, INC., an Idaho corporation, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

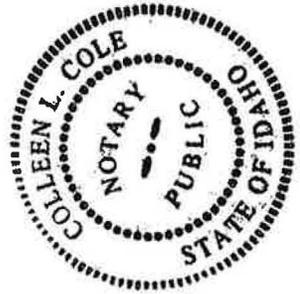
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Colleen L. Cole

NOTARY PUBLIC FOR IDAHO

Residing at Cascade

My commission expires 6-10-2017



**Exhibit A**  
**Property Description**

EXHIBIT A

A parcel of land located in the N1/2 NE1/4 of Section 36, Township 14 North, Range 3 East, Boise Meridian, Valley County, Idaho, being more particularly described as follows:

Commencing at the east 1/4 corner of said Section 36, a found brass cap monument, C.P.F. Inst. No. 161511, corner records of said Valley County; thence a bearing of N. 00° 16' 28" E., a distance 168.17 feet, on the east boundary of said Section 36, to a found 5/8 inch rebar; thence a bearing of N. 00° 26' 39" E., a distance of 916.02 feet on said east boundary of Section 36, to a found 5/8 inch rebar; thence a bearing of N. 00° 25' 59" E., a distance of 41.32 feet on said east boundary of Section 36, to a point being the meander corner on the right bank of the North Fork of the Payette River common to Section 31, T. 14 N., R. 4 E., B. M., and said Section 36, T. 14 N., R. 3 E., B.M.; thence a bearing of N. 00° 25' 59" E., a distance of 196.40 feet, on said east boundary of Section 36, to a point being the N1/16 corner common to said Section 31, T 14 N., R 4 E., B.M., and said Section 36, T. 14 N, R 3 E., B.M., thence a bearing of S. 89° 38' 10" W, a distance of 721.98 feet on the south boundary of the N1/2 NE1/4 of said Section 36, to a set 5/8 inch rebar; thence a bearing of N. 35° 03' 36" W., a distance of 286.54 feet to a set 5/8 inch rebar being the TRUE POINT OF BEGINNING.

Thence a bearing of N. 35° 03' 36" W., a distance of 433.14 feet to a set 5/8 inch rebar; thence a bearing of S. 56° 08' 57" W., a distance of 390.15 feet to a set 5/8 inch rebar on the easterly right of way boundary of the Former Union Pacific Railroad; thence a bearing of S. 33° 50' 41" E., a distance of 280.89 feet, on said easterly right-of-way boundary of the Former Union Pacific Railroad, to a set 5/8 inch rebar; thence on a curve to the right, on said easterly right-of-way boundary of the Former Union Pacific Railroad, which curve has a radius of 2914.90 feet, a length of 167.37 feet, and a chord which bears S. 32° 11' 58" E., a distance of 167.34 feet to a set 5/8 inch rebar on the south boundary of the N1/2 NE1/4 of said Section 36; thence a bearing of N. 54° 00' 24" E., a distance of 404.42 feet to the POINT OF BEGINNING.

**Exhibit B**  
**Permitted Exceptions**

EXHIBIT B

EXHIBIT B  
Permitted Exceptions

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Encroachments, overlaps, boundary line disputes, or other matters, which would be disclosed by an accurate survey or inspection of the premises.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Community property, dower, curtesy, survivorship, or homestead rights, if any, of any spouse of the insured.
6. Any titles or rights asserted by anyone including but not limited to persons, corporations, governments or other entities, to tide lands, or lands comprising the shores or bottoms of navigable rivers, lakes, bays, ocean or gulf, or lands beyond the line of the harbor or bulkhead lines as established or changed by the United States Government or water rights, if any.
7. Taxes for the year 2012, an accruing lien not yet due and payable.
8. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
9. POWER LINE EASEMENT, as filed for record in the office of the Recorder of Valley County, Idaho in Book 9 of Miscellaneous at page 514 on March 2, 1995 as Instrument No. 47893.
10. EFFECT IF ANY: AGREEMENT from Boise Cascade Corporation to United States of America, as filed for record in the office of the Recorder of Valley County, Idaho on April 20, 1983 as Instrument No. 127225.
11. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho on August 16, 2001 as Instrument No. 256342.
12. EASEMENT to Idaho Power Company, as filed for record in the office of the Recorder of Valley County, Idaho on July 13, 2005 as Instrument No. 297562.
13. IDAHO CODE, SECTION 58-604, which grants over all lands belonging to the State, a right of way for ditches constructed by authority of the United States.
14. ENVIRONMENTAL COVENANT imposing activity and use limitations, as filed for record in the office of the Recorder of Valley County, Idaho on November 18, 2009 as Instrument No. 347301.
15. RECIPROCAL EASEMENT AGREEMENT between OfficeMax Incorporated, a Delaware corporation and Cloverdale Nursery & Turf Farm, Inc., an Idaho corporation, as filed for record in the office of the Recorder of Valley County, Idaho on November 18, 2009 as Instrument No. 347303.

EXHIBIT B  
Permitted Exceptions

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Encroachments, overlaps, boundary line disputes, or other matters, which would be disclosed by an accurate survey or inspection of the premises.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Community property, dower, curtesy, survivorship, or homestead rights, if any, of any spouse of the insured.
6. Any titles or rights asserted by anyone including but not limited to persons, corporations, governments or other entities, to tide lands, or lands comprising the shores or bottoms of navigable rivers, lakes, bays, ocean or gulf, or lands beyond the line of the harbor or bulkhead lines as established or changed by the United States Government or water rights, if any.
7. Taxes for the year 2012, an accruing lien not yet due and payable.
8. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
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15. RECIPROCAL EASEMENT AGREEMENT between OfficeMax Incorporated, a Delaware corporation and Cloverdale Nursery & Turf Farm, Inc., an Idaho corporation, as filed for record in the office of the Recorder of Valley County, Idaho on November 18, 2009 as Instrument No. 347303.

16. CROSS ACCESS, PARKING, DRAINAGE AND UTILITY EASEMENT AGREEMENT between Cloverdale Nursery & Turf Farm, Inc., an Idaho corporation and Friends of the Cascade Whitewater Park, Inc., as filed for record in the office of the Recorder of Valley County, Idaho on November 18, 2009 as Instrument No. 347305.
17. UTILITY EASEMENT AGREEMENT between Cloverdale Nursery & Turf Farm, Inc., an Idaho corporation and Friends of the Cascade Whitewater Park, Inc., as filed for record in the office of the Recorder of Valley County, Idaho on November 18, 2009 as Instrument No. 347306.
18. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho on August 10, 2010 as Instrument No. 353941.
19. RECORD OF SURVEY, as filed for record in the office of the Recorder of Valley County, Idaho on August 10, 2010 as Instrument No. 353942.
20. CROSS ACCESS, PARKING, DRAINAGE AND UTILITY EASEMENT AGREEMENT dated August 3, 2012, between Cloverdale Nursery & Turf Farm, Inc., an Idaho corporation, and Southern Valley County Recreation District, a body politic of the State of Idaho, as filed for record in the office of the Recorder of Valley County, Idaho.

Instrument # 386241

VALLEY COUNTY, CASCADE, IDAHO

7-28-2014 03:13:37 No. of Pages: 4

Recorded for : VALLEY COUNTY COMMISSIONERS

DOUGLAS A. MILLER

Ex-Officio Recorder Deputy

index to: COUNTY MISC

*Perkins*

**QUIT CLAIM DEED**

Cloverdale Nursery & Turf Farm, Inc., herein known as GRANTOR, for value received does hereby CONVEY, RELEASE, REMISE and forever QUIT CLAIM to Valley County of P.O. Box 737, Cascade ID 83611, as represented by the duly elected County Commissioners, herein known as GRANTEES, the following described tract of land, for County Road purposes:

See 'Exhibit A attached'.

This conveyance is designed to create an extension of Mill Street to connect through to Kelly's Whitewater Park.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever.

WITNESS the hand of said Grantor(s) this 23 day of July, 2014.

Terry Cook President  
Grantor

23 July 2014  
Date

London L. Pritchard  
County Commissioner

July 28, 2014  
Date

Bill Willey  
County Commissioner

7-28-14  
Date

Elmer G. Hasbrouck  
County Commissioner

7-28-14  
Date

STATE OF IDAHO }  
County of Ada } ss.

On this 23<sup>rd</sup> day of July, 2014, personally appeared before me

Terry Cook the  
signer(s) of the within instrument, who duly acknowledged to me that they executed the same.

Connie L. Cracolee  
Notary Public  
Residing at Melba, Idaho  
My Commission Expires 09.16.16

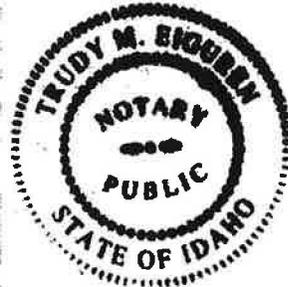
SEAL



STATE OF IDAHO, COUNTY OF VALLEY, ON THIS

28<sup>th</sup> DAY OF July, 20 14 BEFORE ME,

A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY  
APPEARED GORDON L. CRUICKSHANK, BILL WILLEY AND ELTING G.  
HASBROUCK KNOWN TO BE THE PERSONS  
WHOSE NAMES SUBSCRIBED TO THE WITHIN INSTRUMENT, AND  
ACKNOWLEDGED TO ME THAT THEY EXECUTED  
THE SAME.



Trudy M. Egueren

NOTARY PUBLIC, RESIDING AT CASCADE, IDAHO

COMMISSION EXPIRES: June 4<sup>th</sup>, 2020

**CLOVERDALE LAND DESCRIPTION  
EXHIBIT A**

A parcel of land, intended for non-exclusive roadway, utility and drainage purposes, connecting Cascade's Mill Steet to Kelly's Whitewater Park and the SouthValley County Recreational District lands, traversing across Government Lot 11, Section 25 and Government Lot 3, Section 36, Township 14 North, Range 3 East, Boise Meridian, Valley County, Idaho. As shown in part on that Record of Survey filed at Book 12, Page 15 as Instrument # 371975, on 9/12/2012, and more particularly described as follows:

Commencing at the south  $\frac{1}{4}$  corner of said Section 25; thence along the south boundary of Section 25, N.89°15'44"E., 579.53 feet to the northwest corner of the Pickard parcel on the east boundary of the Railroad parcel, and the Point of Beginning.

Thence, along said east boundary of the railroad parcel, N.33°50'41"W., 50.00 feet to a point;  
Thence departing said east boundary, N.56°09'19"E., 150.00 feet to a point;  
Thence S.33°50'41"E., 1117.15 feet to a point; thence N.56°08'57"E., 265.15 feet to a point of curvature;

Thence 77.48 feet along a curve to the right, having a delta angle of 88°47'23", a radius of 50.00 feet, and a long chord of 69.96 feet bearing S.79°27'20"E. to a point;

Thence S.35°03'36"E., 1.05 feet to a point on an extension of the north boundary of the Kelly's Whitewater Park, also the north end of it's current access road, known locally as the 'airstrip';  
Thence along said north boundary, N.56°08'57"E., 24.99 feet to the northwest corner of said Whitewater Park;

Thence along the west boundary of said Whitewater Park, S.35°03'36"E., 186.24 feet to the northeast corner of the Cross Access Easement found at Instrument # 347305, dated 11/18/2009;

Thence along the north boundary of said easement, S.56°08'57"W., 100.00 feet to the northwest corner of said easement on the east boundary of the South Valley County Recreational District boundary;

Thence departing said easement, and along said east boundary N.35°03'36"W., 186.24 feet to the northeast corner of said recreational district parcel;

Thence, along the north boundary of said recreational district boundary, S.56°08'57"W., 290.15 feet to a point;

Thence, departing said north boundary, N.33°50'41"W., 1117.15 feet to the northeast corner of said Pickard parcel;

Thence along the north boundary of the Pickard parcel, S.56°09'19"W., 100.00 feet to the Point of Beginning.

Containing 97,197 square feet, or 2.2313 acres.

Written by John Russell PLS 6021, February 17, 2014



Tie to S 1/4  
 Cor. Sec. 25  
 S89°15'44"W  
 579.53  
 PVT.

I, John Russell, Idaho Professional Land Surveyor #6021, do hereby certify that this plat was prepared from notes taken during an actual survey made by me or under my direct supervision, in November 2013 and that it correctly represents the points, courses, and distances as recorded in said field notes.



Bearings based on GPS derived State Plane Grid NAD83 (2011), Epoch2010, NAVD88 - Geoid12A



LINE TABLE		
LINE	LENGTH	BEARING
L1	50.00	S33°52'33"E
L2	50.00	N33°50'41"W
L3	99.90	S56°07'27"W
L4	99.87	N56°07'27"E
L5	100.00	S56°09'19"W
L6	1.05	S35°03'36"E
L7	24.99	N56°08'57"E
L8	100.00	S56°08'57"W

CURVE TABLE					
CRV	L	R	DELTA	C	BEARING
C1	77.48	50.00	86°47'23"	69.96	N79°27'20"W

MILL ST.

RAILROAD

VALLEY COUNTY

PICKARD

CLOVERDALE

CLOVERDALE

CLOVERDALE

T.14N. R.3E.  
 Sec. 25  
 Sec. 36

N56°09'19"E  
 150.00

L3  
 0.1147 ac

L4 L5

1117.15  
 2.2313 acres  
 1117.15

100.00

N33°50'41"W  
 S33°50'41"E

See Records of Survey  
 at Bk.12 Pg.15  
 Inst. #371975  
 and at Bk.11 Pg.95  
 Inst. #353941

N56°08'57"E  
 265.15

100.00

290.15  
 S56°08'57"W  
 REC. DISTRICT

K.W.P.

See Cross Access, Parking, Drainage  
 and Utility Easement Agreement,  
 Inst. #347305, 11/18/2009

N35°03'38"W  
 186.24  
 S35°03'36"E  
 186.24  
 L7  
 L8

14-17B.dwg  
 (C) MillStExt Map, Russell Geometric (2014) All Rights Reserved

**MILL STREET EXTENSION  
 Cloverdale and Railroad  
 Parcel Descriptions**

Russell Surveying, Inc.  
 P.O. Box 945, McCall, ID. 83638  
 208) 634-7607  
 jr\_rsi@frontiernet.net

Drawn: J. Russell  
 Date: 2/17/2014  
 Rev: 7/25/14  
 Sheet: 1 of 1

Instrument # 387290

VALLEY COUNTY, CASCADE, IDAHO  
9-16-2014 11:01:08 No. of Pages: 4  
Recorded for: VALLEY COUNTY COMMISSIONERS  
DOUGLAS A. MILLER Fee: 19.00  
Ex-Officio Recorder Deputy  
Index to: QUITCLAIM DEED

QUIT CLAIM DEED

*[Handwritten Signature]*

Cloverdale Nursery & Turf Farm, Inc., herein known as GRANTOR, for value received does hereby CONVEY, RELEASE, REMISE and forever QUIT CLAIM to Valley County, PO Box 1350, Cascade, ID 83611, as represented by the duly elected County Commissioners, herein known as GRANTEES, the following described tract of land, for County Road purposes:

See *metes and bounds* description (Exhibit A attached) and as depicted as the *Cross Access, Parking, Drainage and Utility Easement* on Instrument #353941, Record of Survey, Book 11, Page 93 (Exhibit B attached).

This conveyance is designed to create an extension of the previously deeded (Instrument #386241) Mill Street extension to go beyond in a southerly direction between Kelly's Whitewater Park and Southern Valley County Recreation sites to State Highway 55, south of the railroad tracks.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever.

WITNESS the hand of said Grantor(s) this 12 day of Sept., 2014.

*Terry Cook*  
Grantor

9-12-14  
Date

*London L. Brunkhok*  
County Commissioner

9-8-14  
Date

*Bill Walley*  
County Commissioner

9-8-14  
Date

*Etting A. Snodgrass*  
County Commissioner

9-8-14  
Date

Attest: *Douglas A. Miller*  
9-8-2014

STATE OF IDAHO        )  
County of Ada        ) ss.

On this 12<sup>th</sup> day of September, 2014, personally appeared before me Terry Cook the signer(s) of the within instrument, who duly acknowledged to me that they executed the same.



*Connie L. Cracole*  
Notary Public  
Residing at melba, Idaho  
My Commission Expires 09.16.16

# RENNISON FODREA, INC.

Date: 9/04/09

Project No.: 2438

## Cross Access Easement NE1/4 of Section 36, T. 14 N., R. 3 E., B.M., Valley County, Idaho

A easement for ingress, egress, drainage and utilities located in the NE1/4 of Section 36, T. 14 N., R. 3 E., B.M., Valley County, Idaho being more particularly described as follows:

Commencing at the east 1/4 corner of said Section 36, a found brass cap monument, C.P.F. Inst. No. 161511, corner records of said Valley County; Thence a bearing of N 00°16'28" E, a distance of 168.17 feet, on the east boundary of said Section 36, to a found 5/8 inch rebar; Thence a bearing of S 88°45'20" W, a distance of 685.13 feet to a found 5/8 inch rebar on the easterly right-of-way boundary of State Highway 55; Thence a bearing of N 43°37'03" W, a distance of 29.99 feet, on said easterly right-of-way boundary, to a point; Thence a bearing of N 43°37'03" W, a distance of 82.94 feet, on said easterly right-of-way boundary, to a found 5/8 inch rebar; Thence a bearing of N 43°34'59" W, a distance of 41.79 feet, on said easterly right-of-way boundary, to a point; Thence a bearing of N 43°34'59" W, a distance of 71.05 feet, on said easterly right-of-way boundary, to a found 5/8 inch rebar on the easterly right-of-way boundary of the Former Union Pacific Railroad; Thence on a curve to the left, on said easterly right-of-way boundary of the Former Union Pacific Railroad, which curve has a length of 13.95 feet, a radius of 2914.90 feet, and a chord which bears N 09°42'12" W, a distance of 13.95 feet to the POINT OF BEGINNING of said easement;

Thence the following bearings, distances, and curve data on the perimeter of said easement:

A bearing of N 19°39'24" E, a distance of 71.29 feet to a point;  
A curve to the left, which curve has a length of 32.20 feet, a radius of 170.00 feet, and a chord which bears N 09°15'14" E, a distance of 32.15 feet to a point;  
A bearing of N 03°49'42" E, a distance of 147.57 feet to a point;  
A curve to the right, which curve has a length of 116.67 feet, a radius of 110.00 feet, and a chord which bears N 34°12'51" E, a distance of 111.28 feet to a point;  
A bearing of N 64°36'00" E, a distance of 251.73 feet to a point;  
A curve to the left, which curve has a length of 139.70 feet, a radius of 120.00 feet, and a chord which bears N 31°15'00" E, a distance of 131.94 feet to a point;  
A bearing of S 87°54'00" W, a distance of 20.00 feet to a point;  
A curve to the left, which curve has a length of 42.20 feet, a radius of 100.00 feet, and a chord which bears N 14°11'25" W, a distance of 41.89 feet to a point;  
A curve to the left, which curve has a length of 375.41 feet, a radius of 2450.00 feet, and a chord which bears N 30°40'13" W, a distance of 375.04 feet to a point;

A bearing of N 35°03'36" W, a distance of 611.24 feet to a point;  
A bearing of N 54°56'24" E, a distance of 100.00 feet to a point;  
A bearing of S 35°03'35" E, a distance of 388.76 feet to a set 5/8 inch rebar;  
A bearing of S 35°03'36" E, a distance of 222.48 feet to a point;  
A curve to the right, which curve has a length of 390.73 feet, a radius of 2550.00 feet,  
and a chord which bears S 30°40'13" E, a distance of 390.35 feet to a point;  
A curve to the right, which curve has a length of 84.41 feet, a radius of 200.00 feet, and  
a chord which bears S 14°11'25" E, a distance of 83.78 feet to a point;  
A bearing of S 87°54'00" W, a distance of 20.00 feet to a point;  
A curve to the right, which curve has a length of 209.54 feet, a radius of 180.00 feet,  
and a chord which bears S 31°15'00" W, a distance of 197.91 feet to a point;  
A bearing of S 64°36'00" W, a distance of 251.73 feet to a point;  
A curve to the left, which curve has a length of 53.03 feet, a radius of 50.00 feet, and a  
chord which bears S 34°12'51" W, a distance of 50.58 feet to a point;  
A bearing of S 03°49'42" W, a distance of 147.57 feet to a point;  
A curve to the right, which curve has a length of 43.56 feet, a radius of 230.00 feet, and  
a chord which bears S 09°15'14" W, a distance of 43.49 feet to a point;  
A bearing of S 14°40'46" W, a distance of 121.10 feet to a point on the easterly right-of-  
way boundary of said State Highway 55;  
A bearing of N 43°34'59" W, a distance of 71.05 feet to a found 5/8 inch rebar on the  
easterly right-way boundary of said Former Union Pacific Railroad Right-of-way;  
A curve to the left, on said easterly right-of-way boundary, which curve has a length  
of 13.95 feet, a radius of 2914.90 feet, and a chord which bears N 09°42'12" W, a  
distance of 13.95 feet to the POINT OF BEGINNING.

Said described easement contains 3.53 acres, more or less.





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little  
Governor  
April 16, 2020

Gary Spackman  
Director

FRIENDS OF KELLY'S WHITEWATER PARK INC  
PO BOX 684  
CASCADE ID 83611-0684

Re: Change in Water Right Ownership: 65-595 (Split into 65-595 and **65-23916**), 65-7884 (Split into 65-7884 and **65-23917**), 65-593 & 65-597

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right(s) to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

**Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right.** If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right(s) these water rights are leased to the Water Supply Bank (bank). In accordance with the bank lease acceptance, the lessor/current right holder (right holder) may not use the right(s) while it is in the bank, even if the right(s) is not rented from the bank. The right(s) will remain in the bank until December 31, 2020 unless released earlier by the Water Resource Board or upon request by the right holder. To reduce the term of the lease, the right holder must submit a written request to the department. The department will verify if the right is rented or available for release, and notify the right holder of the release date.

Also note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley  
Technical Records Specialist 2

Enclosure(s)

c: OFFICE MAX INC  
WATER DISTRICT NO. 65



March 27, 2020

RECEIVED

MAR 30 2020

WATER RESOURCES  
WESTERN REGION

Patrick Kelly, Water Rights Supervisor  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

RECEIVED

MAR 31 2020

DEPARTMENT OF  
WATER RESOURCES

**Subject: Water Rights Ownership Change Notice**

Dear Patrick,

Enclosed on behalf of Friends of Kelly's Whitewater Park, Inc., is a *Notice of Change in Water Right Ownership* for all of water rights 65-393 and 65-597 and portions of water rights 65-595 and 65-7884 appurtenant to property the applicant now owns. Because these rights are in the WSB through 2020, a signed W-9 form has been included.

Check No. 2916 for \$250 is enclosed for the filing fee. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves  
p.p. Jackie Heriza, Receptionist

A handwritten signature in cursive script, appearing to read "Jackie Heriza".

Cc: Mark Pickard, Friends of Kelly's Whitewater Park  
Amy Pemberton, Millemann Pemberton & Holm LLP

Enclosures

SPF file number: 1348.0031