

AMENDED

FORM 202  
1299

Ident. No. 63-31415

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho

RECEIVED

AUG 11 2008

WATER RESOURCES  
WESTERN REGION  
Phone (208) 334-4199

1. Name of Applicant Idaho Department of Parks & Recreation

Mailing address Statehouse Mail, PO Box 83720, Boise, ID 83720-0065

2. Source of water supply Groundwater which is a tributary of Boise River

3. Location of point of diversion is Township 04N Range 01W Sec. 12 in the        ¼,  
       ¼, SE ¼ SE, Govt. Lot 1, B.M., Ada County;

additional points of diversion if any: See Map A

4. Water will be used for the following purposes:

Amount 71 for Aesthetic Storage purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 71 for Wildlife Storage purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount        for        purposes from        to        (both dates inclusive)  
(cfs or acre-feet per annum)

Amount        for        purposes from        to        (both dates inclusive)  
(cfs or acre-feet per annum)

Amount        for        purposes from        to        (both dates inclusive)  
(cfs or acre-feet per annum)

Amount        for        purposes from        to        (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a)        and/or (b) 71 AFA  
cubic feet per second acre-feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source An 108 AF volume Aesthetic & Wildlife pond with an 6.2 acre surface area intercepts groundwater from 1 to approximately 30 feet. This pond is on two properties: IDPR: 4.5-acre area & Vol. of 71 AF and Rose Cottage LLC: 1.7-acre area & Vol. of 37 AF.

b. Height of storage dam N/A feet; active reservoir capacity 108 acre-feet; total reservoir capacity 108 acre-feet

c. Proposed well diameter is        inches; proposed depth of well is        feet

d. Is ground water with a temperature of greater than 85°F being sought? No

e. If well is already drilled, when?        Drilling firm         
Well was drilled for (well owner)        Drilling Permit No.       

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW.       

b. Stockwatering; list number and kind of livestock.       

c. Municipal; show name of municipality.       

d. Domestic; show number of households.       

e. Other; describe fully. Aesthetics and wildlife habitat at Eagle Island Park entrance property.

# AMENDED

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 01W | 12  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | A      |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | Lt1    |
| 04N | 01W | 12  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | W      |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | Lt1    |
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Total number of acres to be irrigated. \_\_\_\_\_

9. Describe any other water rights used for the same purposes as described above. None at IDPR site

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: \_\_\_\_\_

12. Remarks: The applicant is proposing to mitigate for this new groundwater appropriation by off setting it with an existing surface water right as described in the Ballentyne Ditch Co. LTD transfer included with this submittal, see Attachment "A" Narrative Remarks.

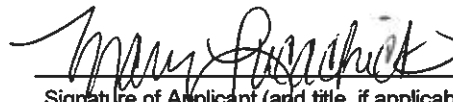
Applicant seeks only 1 right, status for Rose Cottage portion unknown.

Applicant seeks protection for own property.

SEE MAP A.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5-minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

  
 \_\_\_\_\_  
 Signature of Applicant (and title, if applicable)  
 Mary Lucachick, Resource Specialist

Received by SB Date 8/11/08 Time 1:10 PM Preliminary check by AR  
 Fee \$ 120.00 Received by RG # W025991 Date 12/16/99  
 Publication Prepared by DB Date 4/9/2009 Published in IDAHO STATESMAN  
 Publication approved DATE: Date 71 APRIL 16 & 23, 2009

# T04N R01W, S12, SESE Lot 1



**IDPR SURFACE AREA = 4.5 ACRES**

## LEGEND



**MAP A**

Update: JULY 8, 2008

## **ATTACHMENT "A"**

### **Narrative Remarks**

Eagle Island State Park began operation in 1983. Public access to the facility is from the West using Hatchery Road off Linder Road. The real estate necessary to allow a new park entrance from the north along State Highway 44 was acquired in 1995.

Gravel was excavated from the parcels along State highway 44 starting in 1996 to obtain borrow material for a nearby highway construction project. The excavation resulted in a pond filled by the exposed ground water with a surface area of 6.2 acres and a volume of 108 acre feet. This pond was constructed to enhance the aesthetics of the new entryway. The pond overlaps adjacent private property to the south and west of the land held by IDPR for the new entryway.

Approximately 4.5 surface acres and 71 acre-feet of the pond are on IDPR land. IDPR has been paying for shares of Ballentyne Ditch Co LTD that are associated with the land obtained for the entryway. Rose Cottage LLC also has been paying for shares of Ballentyne Ditch Co LTD for 1.7 surface acres and 37 acre-feet of the pond that are on Rose Cottage LLC land. The water available from IDPR shares has been injected into the pond and re-diverted by pumping from the pond to irrigate that part of the entryway area not covered by the pond.

IDPR's intent is to use the shares associated with the land covered by the pond's surface area for mitigation by continuing to retain the shares and pay the associated assessments to the Ballentyne Ditch Co LTD.

An amended application for permit 63-31415 for groundwater is being filed with this transfer to cover aesthetic and wildlife storage. If approved, permit no. 63-31415 would allow diversions from the pond for irrigation purposes when water is available in the Ballentyne Ditch. The Ballentyne Ditch shares associated with the land to be irrigated will be injected into the pond for rediversion under the 24-hour storage policy whenever water is available under the shares.

Because of the close proximity of the pond to the Boise River, the depletion impact on the river of early and late season use will occur during a time period when this reach of river has water available for appropriation.

IDPR does not inject groundwater into the pond and does not plan to in the future. The pond is being used for the distribution system of the surface water, to deliver and apply the ditch water shares for irrigation purposes. A separate right to store water in the pond is not required since the amount stored for this purpose does not exceed what is allowed under IDWR'S 24-hour policy.

Under this long-standing policy, IDPR recognizes that water appropriated for direct application to the authorized beneficial use can be temporarily stored without a separate

right authorizing storage if the amount stored does not exceed the volume accrued under the right over a 24-hour period. Thus, a storage right is not needed to inject the Ballentyne Ditch shares into the pond, and the diversion from the pond for IDPR irrigation use is considered to be from Ballentyne Ditch shares rather than ground water.

Water is pumped from the pond to irrigate the adjacent IDPR land, and since the amount of water diverted from the pond does not exceed that being injected into the pond in accordance with the 24-hour policy, IDPR understands that this irrigation water is Ballentyne Ditch Co LTD water.

#### CHRONOLOGY OF RIGHTS:

Stewart Decreed Right 63-237 was combined with other rights into right 63-31808 by the SRBA. Decreed Right 63-237 (designated Right No. 101) included a parcel now owned by IDPR and Rose Cottage LLC that was originally decreed to an individual, E. J. Linder with a June 1, 1888 priority date. The right included 73 inches on the E1/2 of the SE1/4 in Section 12 in Township 4N Range 1W.

Thus, the Ballentyne Ditch Co LTD newly decreed right 63-31808 is the right being used for the requested nature of use transfer and used also for mitigation for IDPR amended application for permit 63-31415.

This transfer will retire irrigation for 4.5 acres that have been highly consumptive in the history of this water right 63-237. Applicant's seeks "1:1 pond swap" where retired irrigation mitigates consumptive use from pond evaporation.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
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WATER RESOURCES  
WESTERN REGION

1. Name of Applicant Idaho Dept. of Parks and Recreation Phone (208) 334-4199  
Mailing address P.O. Box 83720, Boise, ID 83720-0065
2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_
3. Location of point of diversion is Township 4N Range 1W Sec. 12 in the SE 1/4,  
SE 1/4, 1/4, Govt. Lot 1, B.M., Ada County;  
additional points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 142 AFA for wildlife, habitat, and aesthetics purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) \_\_\_\_\_ and/or (b) 142  
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source manmade lake with water surface  
of 7.1 acres. See Exhibit "A".
- b. Height of storage dam N/A feet; active reservoir capacity not active acre-feet; total  
reservoir capacity 142 acre-feet
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If <sup>lake</sup> well is already drilled, when? summer; Drilling firm/Contractor: Western Construction;  
1996  
Well was drilled for (well owner) Idaho Dept. of Parks & Rec. Drilling Permit No. None
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. N/A
- e. Other; describe fully. Wildlife habitat and aesthetics at Eagle Island State  
Park entrance.

— Superseded —

8. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RGE | SEC | N E |    |    |    | N W |    |    |    | S W |    |    |    | S E |    |    |     | TOTALS |
|-----|-----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|-----|--------|
|     |     |     | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE  |        |
| 4N  | 1W  | 12  |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    | W&A | 142 AF |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |     |        |
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|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |     |        |

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. None.

11. a. Who owns the property at the point of diversion? See Exhibit "A".

b. Who owns the land to be irrigated or place of use? N/A

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: \_\_\_\_\_

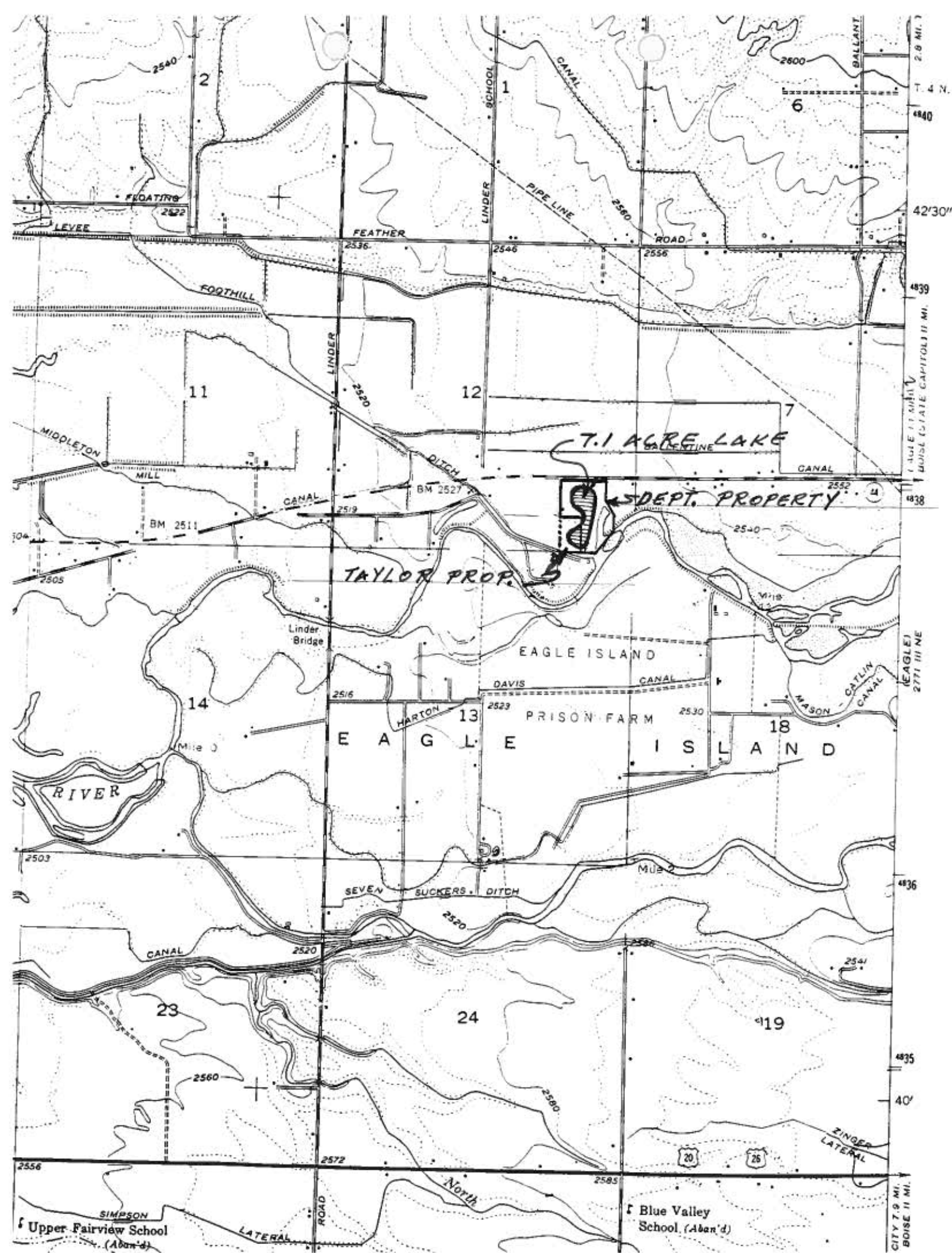
12. Remarks: The lake will be utilized for wildlife habitat and aesthetics at the new entrance to Eagle Island State Park when completed. See Exhibit "A".

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]  
Signature of Applicant (and title, if applicable)

Received by KH Date 12/16/99 Time 10:14 Preliminary check by \_\_\_\_\_  
 Fee \$ 126.00 Received by KH # W025991 Date 12/16/99  
 Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
 Publication approved \_\_\_\_\_ Date \_\_\_\_\_



## EXHIBIT "A"

The department began preliminary construction of the new entrance to Eagle Island State Park in 1996 with the excavation of a 7.1 acre lake. The lake is the end result of the extraction of borrow material used in the construction of the Eagle Alternate Route (Eagle By-pass) in the summer of 1996. The Department and an adjacent land owner to the south and west (Taylor) acquired a temporary Conditional Use Permit from Ada County for the extraction of the borrow material as well as a temporary site for the Eagle Alternate Route project contractor to use as a rock crushing/gravel screening/asphalt plant operation. The pit created by the extraction of gravel was 30 feet deep with side slopes of 1:1. Water infiltrated through the sand and gravel at the NW corner of the excavation and filled the pit creating a lake. During the reclamation process the upper portion of the banks were changed to a 1:5 slope to a point 8 feet below normal pool elevation to address liability concerns, even though swimming will be prohibited in the lake. Natural vegetation is being allowed to regenerate in the area adjacent to the lake, and the Department has planted trees and shrubs in the area to create a more natural environment for wildlife habitat.

When the Department purchased the property, 20 shares of irrigation water in the Ballantyne ditch came with it. Since the lake was developed, the shares have been reduced to 13 by the ditch company. This irrigation water is allowed to flow into the lake during the allotted irrigation time each week during the irrigation season. The park then pumps water from the lake with two (2) 5 hp gas pumps (one on the west and one on the east side of the lake) through a sprinkler system to irrigate the land area within the boundaries of the new entrance site.

The lake has a surface area of 7.1 acres, 5.0 acres on Department property and 2.1 acres on the Taylor property. The volume of the lake is approximately 142 acre feet, 100 acre feet on Department property and 42 acre feet on the Taylor property.

^ NEED TYPE OF AGREEMENT

SITE SPECIFIC DATUM ELEVATION OF 990.76 LOCATED IN THIS AREA. CONFIRM EXACT LOCATION WITH PROJECT ENGINEER.

SOUTHERN HIGH POINT OF NE BERM. NE BERM REQUIRES 13,674 C.Y. OF FILL & 900 C.Y. OF TOPSOIL UNIFORMLY PLACED 6" DEEP. CONTOURS SHOWN ARE PRIOR TO PLACEMENT OF TOPSOIL. BERM FILL SHALL BE COMPACTED TO 85% MODIFIED PROCTOR.

NOTE: TREES & SHRUBS (EVERGREEN & DECIDUOUS) SHALL BE OBTAINED BY CONTRACTOR ON SITE FROM EXISTING & TEMPORARY NURSERY AREAS, WHICH THE ROADWAY TRANSECTS, APPROX. 100 EACH. EACH TREE SHALL HAVE A "TREE WELL" PROVIDED AT LEAST FOUR FEET IN DIAMETER & ONE FOOT DEEP. IDPR STAFF WILL LOCATE EACH PLANTING SITE. THE METHOD OF TRANSPLANT SHALL BE APPROVED BY IDPR PRIOR TO COMMENCEMENT OF TRANSPLANTING WORK.

NOTE: UPON COMPLETION OF TOP SOILING THE BERM AND ANY OTHER AREA IMPACTED BY CONSTRUCTION, THE CONTRACTOR SHALL BROADCAST OR RANGE DRILL GRASS OVER THE SITE, (APPROX. 5 ACRES). THE SEED (500 LBS) SHALL BE SUPPLIED BY IDPR. IF THE CONTRACTOR BROADCASTS THE SEED, THEN THE SEED MUST BE LIGHTLY COVERED WITH TOPSOIL IN A MANNER APPROVED BY IDPR. THE ONLY AREAS OF THE SITE NOT TO BE SEEDING IS THE ROADWAY AND BIKE PATH. THE SEEDING SHALL BE COMPLETED BY OCT. 10, 1997.

PARK ENTRANCE ROADWAY & BIKE PATH WILL BE CONSTRUCTED AS FOLLOWS:  
1) THE EXISTING ONE FOOT OF TOPSOIL WILL BE REMOVED & PLACED ON BERMS OR IN THE TOPSOIL STOCKPILE. APPROX. 2,800 CY.  
2) THE CONSTRUCTED SUB GRADE SHALL BE COMPACTED TO 90% MODIFIED PROCTOR.  
3) THE CONTRACTOR SHALL USE MATERIAL FROM THE PIT RUN STOCKPILE TO CONSTRUCT A ONE FOOT THICK SUBBASE. 2,170 CY. THE SUBBASE MATERIAL SHALL BE COMPACTED TO 95% MODIFIED PROCTOR.

ROSEWOOD HEDGE ROW AT PROPERTY BOUNDARY. PROVIDE ROSEWOOD BUSHES FROM ONE GALLON BUCKETS, MIXED LOT OF COLORS, PLANTED FOUR APART, AND FOUR FEET NORTH OF FROST/IDPR PROPERTY LINES. APPROXIMATELY NINETY EACH REQUIRED. EACH PLANT SHALL HAVE A "TREE WELL" AROUND IT FOUR FEET IN DIAMETER & EIGHT INCHES DEEP.

FROST PROPERTY

CONTRACTOR TO PROVIDE 120 FT. OF 18 INCH DIA. CMP FROM INVERT OF EXISTING DITCH AT IDPR/FROST PROPERTY LINE UPSTREAM TO INVERT OF EXISTING DITCH. INLET & OUTLET TO BE BLOCKED W/ METAL GRATING.

SOUTHERN HIGH POINT OF SE BERM. SE BERM REQUIRES 10,550 CY OF FILL & 850 CY OF TOPSOIL UNIFORMLY PLACED 6" DEEP. CONTOURS SHOWN ARE PRIOR TO PLACEMENT OF TOPSOIL. BERM FILL SHALL BE COMPACTED TO 85% MODIFIED PROCTOR.

PROPOSED HIGH WATER ELEVATION 983.00

TOPSOIL STOCKPILE LOCATION. UPON COMPLETION OF WORK THERE WILL BE APPROXIMATELY 5,050 C.Y. OF EXCESS TOPSOIL.

NW LAWN AREA WITH CONTOUR LINE SHOWN DEPICTING AREA AFTER PLACEMENT OF 6" OF TOPSOIL. 750 CY. 3000 C.Y. OF MATERIAL SHALL BE REMOVED SO AREA IS SLOPED WEST TO EAST TO CREATE A FULL VIEW OF THE LAKE FROM IDPR HOME.

IDPR HOME

SOUTHERN HIGH POINT OF NW BERM. NW BERM REQUIRES 13,350 CY OF FILL & 700 CY OF TOPSOIL UNIFORMLY PLACED 6" DEEP. CONTOURS SHOWN ARE PRIOR TO PLACEMENT OF TOPSOIL. BERM FILL SHALL BE COMPACTED TO 85% MODIFIED PROCTOR.

PRIOR TO PLACEMENT OF ANY FILL MAT'L AT THE NW BERM, THE CONTRACTOR SHALL REMOVE & STOCKPILE THE EXISTING TWO FEET OF TOPSOIL WITHIN THE FOOTPRINT OF THE NW BERM. APPROX. 2,250 CY.

STATE STREET



EAGLE ISLAND STATE PARK  
IDAHO DEPARTMENT OF PARKS AND RECREATION  
PROPOSED NEW ENTRANCE AREA

APPROVED BY:

DATE: AUG. 1997  
DESIGNED BY: S. FAHEY  
DRAWN BY: R. FORD  
PROJECT NO. 330261

SHEET:  
A2.0

F:\active\esg\new\_ent

# REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE  
THREE ALTERNATIVES BELOW

Name of Applicant STATE OF IDAHO, DEPT. OF PARKS AND REC.  
Mailing Address P.O. BOX 65  
BOISE, IDAHO 83720-0065  
Application No. EAGLE ISLAND ENTRANCE LAKE  
(if known)

☐ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

☒ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☐ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Shirley W. Meyer

Date

3/20/00

Please return this form to:

Idaho Dept. of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID 83705-5082

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

NUMBER  
99

SHARES  
13

# Ballentyne Ditch Company, Limited

CAPITAL STOCK \$10,000.00 DIVIDED INTO ONE  
THOUSAND (1,000) SHARES OF THE PAR VALUE  
OF TEN DOLLARS (\$10.00) PER SHARE

*This Certifies that*

WESLEY J. LAWRENCE

Thirteen (13)

*is the owner of*  
*Shares of the Capital Stock of*

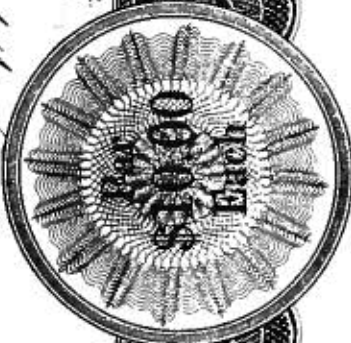
Ballentyne Ditch Company, Limited

*transferable only on the books of the Corporation by the holder hereof in  
person or by Attorney upon surrender of this Certificate properly endorsed.*

*In Witness Whereof, the said Corporation has caused this Certificate to be signed  
by its duly authorized officers and its Corporate Seal to be hereunto affixed*  
this 25th day of June A.D. 19 79

*Keith Ricks*  
Keith Ricks  
SECRETARY

*Frank Goade*  
Frank Goade  
PRESIDENT



Ballentyne Ditch  
Company, Limited

CERTIFICATE  
FOR

13

SHARES  
OF

CAPITAL STOCK

ISSUED TO

Wesley J. Lawrence

DATED

June 25, 1979

For Value Received, I hereby sell, assign, and transfer  
unto the Idaho Department of Parks and Recreation

-----Thirteen (13)----- Shares  
of the Capital Stock represented by the within  
Certificate, and, do hereby irrevocably constitute and appoint  
the Director, Idaho Department of Parks and Recreation as Attorney  
to transfer the said Stock on the books of the within named  
Corporation with full power of substitution in the premises.

Dated Feb. 5 1996

In presence of

W. Scott Taylor

Wesley J. Lawrence

NOTICE: THE SIGNATURE OF THIS ASSIGNMENT  
MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE  
FACE OF THE CERTIFICATE, IN EVERY PARTICULAR WITHOUT  
ALTERATION OR ENLARGEMENT OR ANY CHANGE WHATSOEVER.



A Pioneer Company

**PIONEER TITLE COMPANY**  
OF ADA COUNTY

8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700

|                         |           |
|-------------------------|-----------|
| IDPR<br>Central Records |           |
| File No:                | PAR 32.3A |
| X-Ref:                  |           |
| X-Ref:                  |           |

January 13, 1997

IDAHO DEPARTMENT OF PARKS AND RECREATION

5657 WARM SPRINGS BLVD.  
BOISE, ID 83712

ATTN: SCOTT FAHEY

RE: Escrow No. 138406A  
STATE OF IDAHO/WESLEY LAWRENCE/WESLEY LAWRENCE/STATE OF IDAHO  
Property Address: 3583 W. STATE STREET  
EAGLE, ID

DEAR SIRs

The closing of your purchase of the above-noted property has now been completed. Enclosed for your records are your original Warranty Deed and Title Insurance Policy.

We appreciate having had this opportunity to be of service to you. If you have questions or if we can help you again, please feel free to contact us.

Very truly yours,  
PIONEER TITLE COMPANY OF ADA COUNTY

JANE L. HANSEN  
Escrow Officer

|                         |           |
|-------------------------|-----------|
| IDPR<br>Central Records |           |
| File No:                | PAR 32.3A |
| X-Ref:                  |           |
| X-Ref:                  |           |

Y.138406 n.4, SW

## WARRANTY DEED

THIS WARRANTY DEED is made this 6<sup>th</sup> day of January, 1997 between Wesley J. Lawrence, Trustee on behalf of the Wesley J. Lawrence Trust, hereinafter referred to as "Grantor" and the State of Idaho Department of Parks and Recreation by and through the Idaho Park and Recreation Board, hereinafter referred to as "Grantee."

GRANTOR does hereby grant, give, convey, warrant and confirm to Grantee, its successors and assigns forever, all of the real property situated in the County of Ada, State of Idaho, more particularly described as:

Commencing at the NW Corner of Government Lot 1 Section 12 Township 4 North, Range 1 West, Boise Meridian;

Thence South 0° 32' 33" West, 67.05 feet along to a 5/8" Iron Pin set by Glenn K. Bennett, Record of Survey #2345, dated 12/3/92;

Thence South 0° 32' 33" West 599.95 feet to a 5/8" Iron Pin set by Glenn K. Bennett, Record of Survey #2345;

Thence South 89° 27' 27" East, 363.50 feet being the true point of beginning;

\* Thence continue South 89° 27' 27" East, 552.4 feet to a 5/8" Iron Pin found by Glenn K. Bennett, Record of Survey #2345;

Thence North 0° 37' 33" East, 17.88 feet to a 5/8" Iron Pin set by Glenn K. Bennett, Record of Survey #2345;

Thence North 24° 50' 15" West, 214.06 feet to a 5/8" Iron Pin set by Glenn K. Bennett, Record of Survey #2345;

Thence North 3° 41' 16" West, 405.27 feet to a 5/8" Iron Pin set by Glenn K. Bennett, Record of Survey #2345;

Thence along the southerly right of way of State Highway 44; South 89° 41' 37" West, 382.36 feet to a monument found by Glenn K. Bennett, Record of Survey #2345;

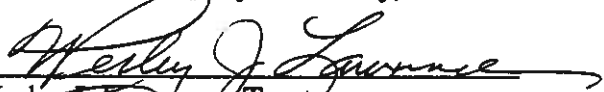
Thence continuing along the southerly right of way of State Highway 44; on a curve to the left, R= 22858.31 feet, Delta = 0° 07' 42", Length = 48.47 Feet and the Cord is South 89° 37' 52" West, 48.47 feet to a point;

Thence South 0° 32' 33" West, 609.01 feet returning to the true point of beginning, containing 6.59 acres, more or less.

TOGETHER with all tenements, hereditaments and appurtenances, including all of Grantor's improvements, water rights, reversions, remainders, rents, issues and profits thereunto belonging or in any way appertaining to the described real property.

TO HAVE AND TO hold the said premises with their appurtenances upon the said Grantee, its successors and assigns forever. The said Grantor does hereby covenant to and with the said Grantee that he is the owner in fee simple of this premises and that it is free from all encumbrances and that he shall warrant and defend the same from all claims whatsoever.

DATED this 6<sup>th</sup> day of January, 1997.

  
Wesley J. Lawrence, Trustee  
for and in behalf of the Wesley J. Lawrence Trust

Grantor:  
  
Wesley J. Lawrence, Trustee  
for and in behalf of the Wesley J. Lawrence Trust

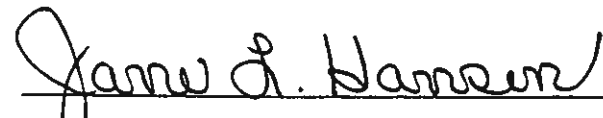
**ACKNOWLEDGMENT - Fiduciary/Official**

STATE OF IDAHO, County of ADA, ss.

On this 6TH day of JANUARY, in the year of 1997, before me  
THE UNDERSIGNED \_\_\_\_\_, a notary public  
personally appeared WESLEY J. LAWRENCE

known to me to be the person whose name is subscribed to the within instrument as  
TRUSTEE and acknowledged to me that HE executed the same as such

TRUSTEE OF THE WESLEY J. LAWRENCE TRUST  
(trustee, sheriff, etc.)

Notary Public: 

Residing at: BOYSE, IDAHO

My Commission Expires: 6-22-2001

Grantee:

*Yvonne S. Ferrell*

**YVONNE S. FERRELL, DIRECTOR**

**IDAHO DEPARTMENT OF PARKS AND RECREATION**

STATE OF IDAHO )  
 )SS.  
COUNTY OF ADA )

**ACKNOWLEDGMENT - State/Political Subdivision**

STATE OF IDAHO, County of ADA, ss.

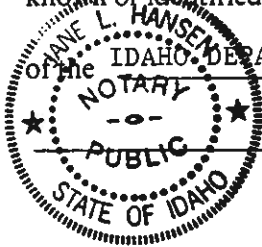
On this 6TH day of JANUARY, in the year of 1997, before me  
THE UNDERSIGNED \_\_\_\_\_, a notary public

personally appeared YVONNE S. FERRELL,  
known and identified to me to be the DIRECTOR

(official capacity)

of the IDAHO DEPARTMENT OF PARKS AND RECREATION

(name of state, county, city, etc.)



Notary Public: Jane L. Hansen

Residing at: BOISE, IDAHO

My Commission Expires: 6-22-2001

- END -

# Owner's Policy

American Land Title Association Owner's Policy 10-17-92



Policy Number **SV 2594277**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS,

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation, herein called the Company,

insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

IN WITNESS WHEREOF, the said Old Republic National Title Insurance Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers as of the date shown in Schedule A, the policy to be valid when countersigned by an authorized officer or agent of the Company.

## EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including, but not limited to, building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:  
(a) created, suffered, assumed or agreed to by the insured claimant;  
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;  
(c) resulting in no loss or damage to the insured claimant;  
(d) attaching or creating subsequent to Date of Policy; or  
(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:  
(a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or  
(b) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:  
(i) to timely record the instrument of transfer; or  
(ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

Issued through the Office of:

## OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A Stock Company

400 Second Avenue South, Minneapolis, Minnesota 55401

(612) 371-1111

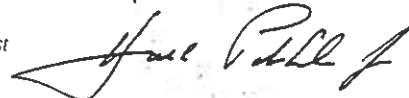
  
Authorized Signatory

By



President

Attest



Secretary

**1. Definition of Terms**

The following terms when used in this policy mean:

- (a) "insured": the insured named in Schedule A, and, subject to any rights or defenses the Company would have had against the named insured, those who succeed to the interest of the named insured by operation of law as distinguished from purchase including, but not limited to, heirs, distributees, devisees, survivors, personal representatives, next of kin, or corporate or fiduciary successors.
- (b) "insured claimant": an insured claiming loss or damage.
- (c) "knowledge" or "known": actual knowledge, not constructive knowledge or notice which may be imputed to an insured by reason of the public records as defined in this policy or any other records which impart constructive notice of matters affecting the land.
- (d) "land": the land described or referred to in Schedule A, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule A, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways, but nothing herein shall modify or limit the extent to which a right of access to and from the land is insured by this policy.
- (e) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
- (f) "public records": records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge. With respect to Section 1(f)(iv) of the Exclusions from Coverage, "public records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district in which the land is located.
- (g) "unmarketability of the title": an alleged or apparent matter affecting the title to the land, not excluded or excepted from coverage, which would entitle a purchaser of the estate or interest described in Schedule A to be released from the obligation to purchase by virtue of a contractual condition requiring the delivery of marketable title.

**2. Continuation of Insurance After Conveyance of Title.**

The coverage of this policy shall continue in force as of Date of Policy in favor of an insured only so long as the insured retains an estate or interest in the land, or holds an indebtedness secured by a purchase money mortgage given by a purchaser from the insured, or only so long as the insured shall have liability by reason of covenants of warranty made by the insured in any transfer or conveyance of the estate or interest. This policy shall not continue in force in favor of any purchaser from the insured of either (i) an estate or interest in the land, or (ii) an indebtedness secured by a purchase money mortgage given to the insured.

**3. Notice of Claim to be Given by Insured Claimant.**

The insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 4(a) below, (ii) in case knowledge shall come to an insured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as insured, and which might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if title to the estate or interest, as insured, is rejected as unmarketable. If prompt notice shall not be given to the Company, then as to the insured all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any insured under this policy unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.

**4. Defense and Prosecution of Actions; Duty of Insured Claimant to Cooperate.**

(a) Upon written request by the insured and subject to the options contained in Section 5 of these Conditions and Stipulations, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an insured in litigation in which any third party asserts a claim adverse to the title

or interest as insured, but only as to those stated causes of action alleging a defect, lien or encumbrance or other matter insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the insured to object for reasonable cause) to represent the insured as to those stated causes of action and shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs or expenses incurred by the insured in the defense of those causes of action which allege matters not insured against by this policy.

(b) The Company shall have the right, at its own cost, to institute and prosecute any action or proceeding or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest, as insured, or to prevent or reduce loss or damage to the insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this policy. If the Company shall exercise its rights under this paragraph, it shall do so diligently.

(c) Whenever the Company shall have brought an action or interposed a defense as required or permitted by the provisions of this policy, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.

(d) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding, the insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of the insured for this purpose. Whenever requested by the Company, the insured, at the Company's expense, shall give the Company all reasonable aid (i) in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as insured. If the Company is prejudiced by the failure of the insured to furnish the required cooperation, the Company's obligations to the insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

**5. Proof of Loss or Damage.**

In addition to and after the notices required under Section 3 of these Conditions and Stipulations have been provided the Company, a proof of loss or damage signed and sworn to by the insured claimant shall be furnished to the Company within 90 days after the insured claimant shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the defect in, or lien or encumbrance on the title, or other matter insured against by this policy which constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the insured claimant to provide the required proof of loss or damage, the Company's obligations to the insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such proof of loss or damage.

In addition, the insured claimant may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Policy, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the insured claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the insured claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of

the claim. Failure of the insured claimant to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in this paragraph shall terminate any liability of the Company under this policy as to that claim.

**6. Options to Pay or Otherwise Settle Claims; Termination of Liability.**

In case of a claim under this policy, the Company shall have the following additional options:

**(a) To Pay or Tender Payment of the Amount of Insurance.**

To pay or tender payment of the amount of insurance under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant, which were authorized by the Company, up to the time of payment or tender of payment and which the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations to the insured under this policy, other than to make the payment required, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, and the policy shall be surrendered to the Company for cancellation.

**(b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.**

(i) to pay or otherwise settle with other parties for or in the name of an insured claimant any claim insured against under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay; or

(ii) to pay or otherwise settle with the insured claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in paragraphs (b)(i) or (ii), the Company's obligations to the insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

**7. Determination, Extent of Liability and Coinsurance.**

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the insured claimant who has suffered loss or damage by reason of matters insured against by this policy and only to the extent herein described.

(a) The liability of the Company under this policy shall not exceed the least of:

(i) the Amount of Insurance stated in Schedule A; or,

(ii) the difference between the value of the insured estate or interest as insured and the value of the insured estate or interest subject to the defect, lien or encumbrance insured against by this policy.

(b) In the event the Amount of Insurance stated in Schedule A at the Date of Policy is less than 80 percent of the value of the insured estate or interest or the full consideration paid for the land, whichever is less, or if subsequent to the Date of Policy an improvement is erected on the land which increases the value of the insured estate or interest by at least 20 percent over the Amount of Insurance stated in Schedule A, then this policy is subject to the following:

(i) where no subsequent improvement has been made, as to any partial loss, the Company shall only pay the loss pro rata in the proportion that the amount of insurance at Date of Policy bears to the total value of the insured estate or interest at Date of Policy; or

(ii) where a subsequent improvement has been made, as to any partial loss, the Company shall only pay the loss pro rata in the proportion that 120 percent of the Amount of Insurance stated in Schedule A bears to the sum of the Amount of Insurance stated in Schedule A and the amount expended for the improvement.

The provisions of this paragraph shall not apply to costs, attorneys' fees and expenses for which the Company is liable under this policy, and shall only apply to that portion of any loss which exceeds, in the aggregate, 10 percent of the Amount of Insurance stated in Schedule A.

(c) The Company will pay only those costs, attorneys' fees and expenses incurred in accordance with section 4 of these Conditions and Stipulations.

**8. Apportionment.**

If the land described in Schedule A consists of two or more parcels which are not used as a single site, and a loss is established affecting one or more of the parcels but not all, the loss shall be computed and settled on a pro rata basis as if the amount of insurance under this policy was divided pro rata as to the value on Date of Policy of each separate parcel to the whole, exclusive of any improvements made subsequent to Date of Policy, unless a liability or value has otherwise been agreed upon as to each parcel by the Company and the insured at the time of the issuance of this policy and shown by an express statement or by an endorsement attached to this policy.

**9. Limitation of Liability.**

(a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the land, or cures the claim of unmarketability of title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.

(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title as insured.

(c) The Company shall not be liable for loss or damage to any insured for liability voluntarily assumed by the insured in settling any claim or suit without the prior written consent of the Company.

**10. Reduction of Insurance; Recoupment or Termination of Liability.**

All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto.

**11. Liability Non-cumulative.**

It is expressly understood that the amount of insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring a mortgage to which exception is taken in Schedule B or to which the insured has agreed, assumed, or taken subject, or which is hereafter executed by an insured and which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy to the insured owner.

**12. Payment of Loss.**

(a) No payment shall be made without producing this policy for endorsement of the payment unless the policy has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

(b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within 30 days thereafter.

**13. Subrogation Upon Payment or Settlement.**

**(a) The Company's Right of Subrogation.**

Whenever the Company shall have settled and paid a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act of the insured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the insured claimant would have had against any person or property in respect to the claim had this policy not been issued. If requested by the Company, the insured claimant shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The insured claimant shall permit the Company to sue, compromise or settle in the name of the insured claimant and to use the name of the insured claimant in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the insured claimant, the Company shall be subrogated to these rights and

remedies in the proportion which the Company's payment bears to the whole amount of the loss.

If loss should result from any act of the insured claimant, as stated above, that act shall not void this policy, but the Company, in that event, shall be required to pay only that part of any losses insured against by this policy which shall exceed the amount, if any, lost to the Company by reason of the impairment by the insured claimant of the Company's right of subrogation.

(b) The Company's Rights Against Non-insured Obligors.

The Company's right of subrogation against non-insured obligors shall exist and shall include, without limitation, the rights of the insured to indemnities, guaranties, other policies of insurance or bonds, notwithstanding any terms or conditions contained in those instruments which provide for subrogation rights by reason of this policy.

**14. Arbitration.**

Unless prohibited by applicable law, either the Company or the insured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. All arbitrable matters when the Amount of Insurance is \$1,000,000 or less shall be arbitrated at the option of either the Company or the insured. All arbitrable matters when the Amount of Insurance is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the insured. Arbitration pursuant to this policy and under the Rules in effect on the date the demand for arbitration is made or, at the option of the insured, the Rules in effect at Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located

permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules. A copy of the Rules may be obtained from the Company upon request.

**15. Liability Limited to this Policy; Policy Entire Contract.**

(a) This policy together with all endorsements, if any, attached hereto by the Company is the entire policy and contract between the insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the title to the estate or interest covered hereby or by any action asserting such claim, shall be restricted to this policy.

(c) No amendment of or endorsement to this policy can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or Validating Officer or Authorized Signatory of the Company.

**16. Severability.**

In the event any provision of the policy is held invalid or unenforceable under the applicable law, the policy shall be deemed not to include that provision and all other provisions shall remain in full force and effect.

**17. Notices, Where Sent.**

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to its Home Office: 400 Second Avenue South, Minneapolis, Minnesota 55401, (612) 371-1111.

Agent# State Cty.  
A11006 11 001

Prop Tran  
1 0

Reissue Amt.  
\$

Re. Tran

Simultaneous Issue#

OWNERS

SCHEDULE A

| <u>OFFICE FILE #</u> | <u>POLICY NUMBER</u> | <u>DATE OF POLICY</u>            | <u>AMT. OF INSURANCE</u> | <u>TOTAL PREMIUM</u> |
|----------------------|----------------------|----------------------------------|--------------------------|----------------------|
| P 138406             | SV 2594277           | JANUARY 6, 1997<br>AS OF 2:27 PM | \$330,000.00             | \$1,222.50           |

1. Name of Insured:

THE STATE OF IDAHO DEPARTMENT OF PARKS AND RECREATION BY AND THROUGH THE IDAHO  
PARK AND RECREATION BOARD

2. The estate or interest in the land which is covered by this policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

THE STATE OF IDAHO DEPARTMENT OF PARKS AND RECREATION BY AND THROUGH THE IDAHO  
PARK AND RECREATION BOARD

4. The land herein described is encumbered by the following mortgage or Trust Deed, and assignments:

and the mortgages or trust deeds, if any, shown in Schedule B hereof.

5. The land referred to in the Policy is described as follows:

SEE SCHEDULE C

OWNERS

SCHEDULE B

Policy Number: P 138406 SV 2594277

Owners

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

General Exceptions:

- (1) Rights or claims of parties in possession not shown by the public records.
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
- (3) Easements, or claims of easements, not shown by the public records.
- (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) (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
- (6) Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments, on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

Special Exceptions: The mortgage, if any, referred to in Item 4 of Schedule A.

NOTE: GENERAL TAXES FOR THE YEAR 1996 ARE PAID IN FULL.

1. GENERAL TAXES FOR THE YEAR 1997, WHICH ARE LIENS, ARE NOT YET DUE AND PAYABLE.
2. ANY, RIGHT OR INTEREST IN ANY MINERAL, MINERAL RIGHTS, OR RELATED MATTERS, INCLUDING BUT NOT LIMITED TO OIL, GAS, COAL, AND OTHER HYDROCARBONS.
3. LIENS AND ASSESSMENTS OF THE FOLLOWING IRRIGATION DISTRICT AND THE RIGHTS AND POWERS THEREOF AS PROVIDED BY LAW. NO DELINQUENCIES APPEAR IN THE COUNTY RECORDER'S OFFICE.  
DISTRICT: BALLANTYNE DITCH COMPANY AND MIDDLETON MILL DITCH COMPANY
4. AN EASEMENT CONTAINING CERTAIN TERMS, CONDITIONS AND PROVISIONS AFFECTING A PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN.  
FOR: POWER LINE EASEMENT  
IN FAVOR OF: IDAHO POWER COMPANY, A CORPORATION  
RECORDED: APRIL 30, 1941  
INSTRUMENT NO.: 204312, 17/246  
AFFECTS: LOT 1 OF SECTION 23, T4N, R1W

CONTINUED

5. AN EASEMENT CONTAINING CERTAIN TERMS, CONDITIONS AND PROVISIONS AFFECTING A PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN.  
FOR: POWER LINE EASEMENT  
IN FAVOR OF: IDAHO POWER COMPANY  
RECORDED: JULY 2, 1971  
INSTRUMENT NO.: 775232  
AFFECTS: PARCEL "E"
6. RIGHT OF THE STATE OF IDAHO IN AND TO THAT PORTION OF SAID PREMISES, IF ANY, LYING IN THE BED OR THE FORMER BED OF THE BOISE RIVER.
7. ANY QUESTION THAT MAY ARISE DUE TO SHIFTING OR CHANGE IN THE COURSE OF THE RIVER OR CREEK HEREIN NAMED, OR DUE TO SAID RIVER OR CREEK HAVING CHANGED ITS COURSE.  
NAME OF RIVER/CREEK: BOISE RIVER
8. ANY ADVERSE CLAIM BASED UPON THE ASSERTION THAT:
  - A. SAID LAND OR ANY PART THEREOF IS NOW OR AT ANY TIME HAS BEEN BELOW THE ORDINARY HIGH WATER MARK OF THE BOISE RIVER
  - B. SOME PORTION OF SAID LAND HAS BEEN CREATED BY ARTIFICIAL MEANS OR HAS ACCRETED TO SUCH PORTION SO CREATED
  - C. SOME PORTION OF SAID LAND HAS BEEN BROUGHT WITHIN THE BOUNDARIES THEREOF BY AN AVULSIVE MOVEMENT OF THE BOISE RIVER, OR HAS BEEN FORMED BY ACCRETION TO SUCH PORTION SO CREATED
9. ANY CLAIMS BASED UPON THE ACERTION THAT SOME PORTION OF SAID LAND IS UNSURVEYED LAND OF THE UNITED STATES OF AMERICA.
10. AGREEMENT EXECUTED BY AND BETWEEN THE PARTIES HEREIN NAMED UPON THE TERMS, CONDITIONS AND PROVISIONS THEREIN PROVIDED.  
BETWEEN: WESLEY J. LAWRENCE AND CECIL OLIVER DOUGLASS AND DOROTHY JUNE DOUGLASS, HUSBAND AND WIFE  
DATED: JUNE 25, 1989  
RECORDED: FEBRUARY 21, 1989  
INSTRUMENT NO.: 8907707  
FOR: INGRESS AND EGRESS  
AFFECTS: WESTERLY 30 FEET
11. MATTERS DISCLOSED BY RECORD OF SURVEY  
RECORDED: JANUARY 20, 1989  
INSTRUMENT NO.: 8902945  
SURVEY NO.: 1366

END OF EXCEPTIONS

NOTE: THERE IS NO NOTICE OF RECORD AND THEREFORE NO SEARCH HAS BEEN MADE FOR ANY UNPAID ASSESSMENTS, CHARGES OR FEES FOR SEWER, WATER, GARBAGE, IRRIGATION AND OTHER POSSIBLE UTILITY SERVICES.

File Number: P 138406 SV 2594277

A PARCEL LOCATED IN GOVERNMENT LOT 1 OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

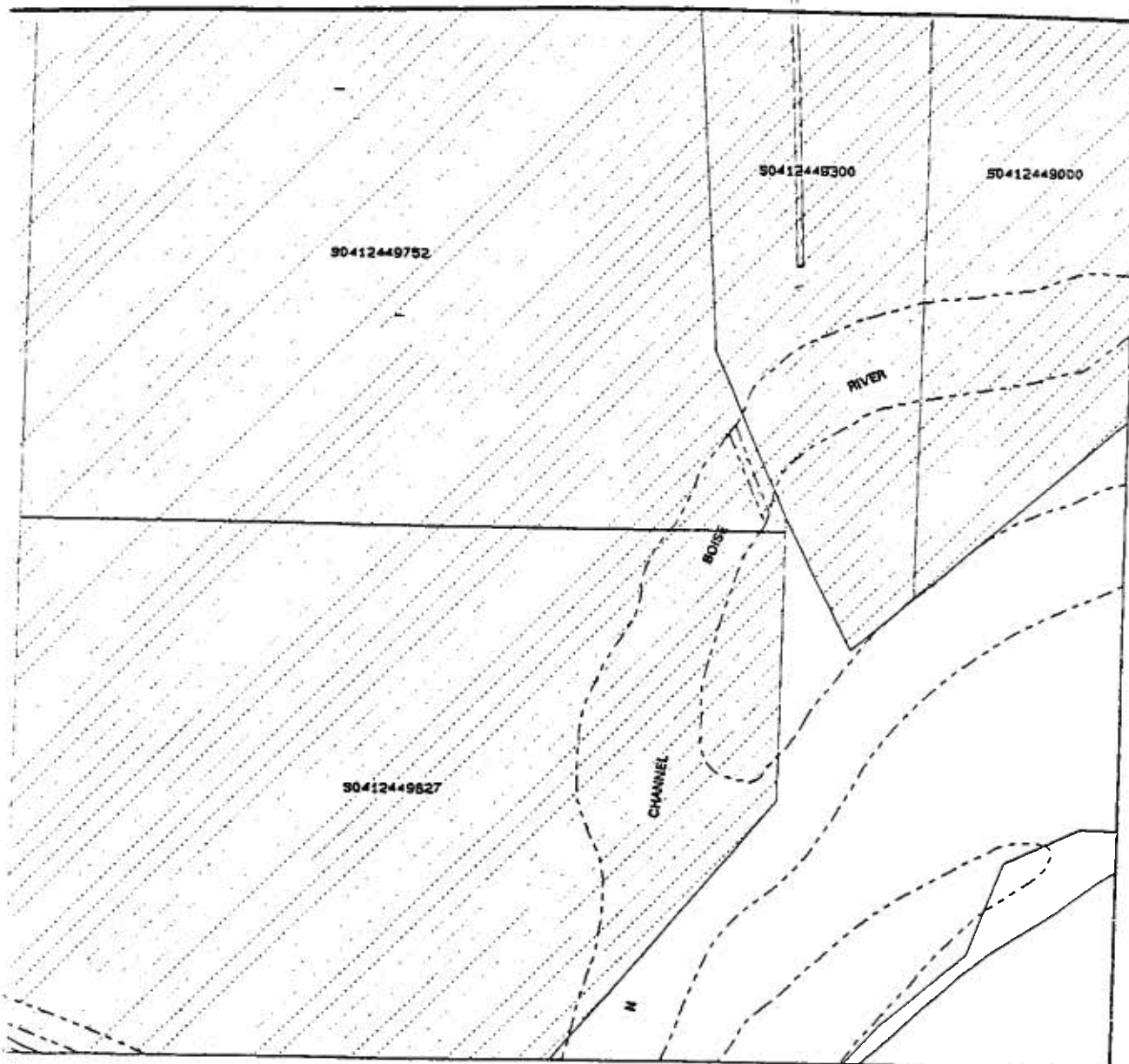
COMMENCING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1, FROM WHICH THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 1 BEARS SOUTH 89 DEGREES 36'16" EAST A DISTANCE OF 1320.33 FEET; THENCE SOUTH 0 DEGREES 32'33" WEST ALONG THE WESTERLY BOUNDARY OF SAID GOVERNMENT LOT 1 A DISTANCE OF 67.05 FEET TO A 5/8 INCH DIAMETER IRON PIN AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0 DEGREES 32'33" WEST A DISTANCE OF 599.95 FEET TO A 5/8 INCH DIAMETER IRON PIN; THENCE LEAVING SAID WESTERLY BOUNDARY SOUTH 89 DEGREES 27'27" EAST A DISTANCE OF 915.90 FEET TO A 5/8 INCH DIAMETER IRON PIN; THENCE NORTH 0 DEGREES 37'50" EAST A DISTANCE OF 17.88 FEET TO A 5/8 INCH DIAMETER IRON PIN; THENCE NORTH 24 DEGREES 50'15" WEST A DISTANCE OF 214.06 FEET TO A 5/8 INCH DIAMETER IRON PIN; THENCE NORTH 3 DEGREES 41'16" WEST A DISTANCE OF 405.27 FEET TO A 5/8 INCH DIAMETER IRON PIN ON THE SOUTHERLY RIGHT-OF-WAY OF STATE HIGHWAY 44; THENCE SOUTH 89 DEGREES 41'37" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 382.36 FEET TO A BRASS CAP RIGHT-OF-WAY MONUMENT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY A DISTANCE OF 412.09 FEET ALONG THE ARC OF A 22858.31 FOOT RADIUS CURVE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 1 DEGREE 01'59" AND A LONG CHORD BEARING SOUTH 89 DEGREES 10'37" WEST A DISTANCE OF 412.09 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

(AMENDED)  
R2860500100

This sketch is for location purposes  
only. The Company assumes no  
liability for variations.  
PIONEER TITLE COMPANY  
of Ada County

R2860500130



T. 4N R. 1W S. 12



# WARRANTY DEED

THIS WARRANTY DEED is made this 5<sup>th</sup> day of February, 1996 between Wesley J. Lawrence, Trustee on behalf of the Wesley J. Lawrence Trust, hereinafter "Grantor" and State of Idaho Department of Parks and Recreation by and through the Idaho Park and Recreation Board, hereinafter "Grantee."

GRANTOR does hereby grant, give, convey, warrant and confirm to Grantee, its successors and assigns forever, all of the real property situated in the County of Ada, State of Idaho, more particularly described as:

Commencing at the NW Corner of Government Lot 1 Section 12 Township 4 North, Range 1 West, Boise Meridian;

Thence South 0°32'33" West, 67.05 feet along to a 5/8" Iron Pin set by Glenn K. Bennett, Record of Survey #3245, dated 12/3/92 being the true point of beginning;

Thence South 0°32'33" West 599.95 feet to a 5/8" Iron Pin set by Glenn K. Bennett, Record of Survey #3245;

Thence South 89° 27' 27" East, 363.50 feet;

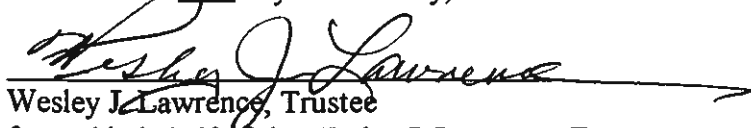
Thence North 0°32'33" East, 609.01 feet to the southerly right of way of State Highway 44;

Thence along the southerly right of way of State Highway 44; on a curve to the left, R= 22858.31 feet, Delta = 0°54 '42, Length = 363.61 Feet and the Cord is South 89°6'53" West, 363.61 feet, returning to the real point of beginning, containing 5.04 acres, more or less.

TOGETHER with all tenements, hereditaments and appurtenances, including all of Grantor's improvements, water rights, reversions, remainders, rents, issues and profits thereunto belonging or in any way appertaining to the described real property.

TO HAVE AND TO hold the said premises with their appurtenances upon the said Grantee, its successors and assigns forever. The said Grantor does hereby covenant to and with the said Grantee that he is the owner in fee simple of this premises and that it is free from all encumbrances and that he shall warrant and defend the same from all claims whatsoever.

DATED this 5<sup>th</sup> day of February, 1996.

  
Wesley J. Lawrence, Trustee  
for and in behalf of the Wesley J. Lawrence Trust

Sales Agreement--Lawrence/IDPR--Page 1

|                           |
|---------------------------|
| IDPR                      |
| Central Records           |
| File No: <u>PAR 32.5A</u> |
| X-Ref: _____              |
| X-Ref: _____              |

96013895

ADA CO. RECORDER  
J. DAVID N. VARRO

BOISE ID  


'96 FEB 20 PM 1 19

FEE 6.00 REC'D   
RECORDED AT THE REQUEST OF

Wesley J. Lawrence  
Wesley J. Lawrence, Trustee  
for and in behalf of the Wesley J. Lawrence Trust

STATE OF IDAHO )  
 )SS.  
COUNTY OF ADA )

On this 12<sup>th</sup> day of February, in the year of 1996,  
before me, a Notary Public in and for the State of Idaho, personally appeared Wesley  
J. Lawrence, known to me to be the persons whose names are subscribed to the within  
instrument, and acknowledged to me that they executed the same.

Scott G. Gage  
Residing at Boise, Idaho  
My Commission expires 6-12-97

96020941  
Scott Gage  
ADA CO. RECORDER  
J. DAVID NAVARRO  
BOISE ID  
re-record  
96 MAR 12 PM 1 05  
FEE 6.00 DM  
RECORDED AT THE REQUEST OF Waaper

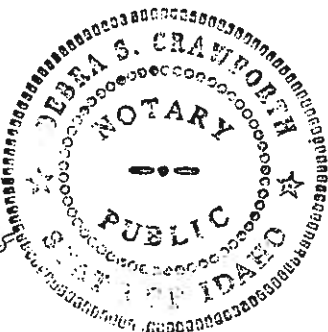
Grantee:

Yvonne S. Ferrell  
YVONNE S. FERRELL, DIRECTOR  
IDAHO DEPARTMENT OF PARKS AND RECREATION

STATE OF IDAHO )  
 )SS.  
COUNTY OF ADA )

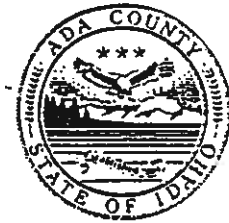
On this 20<sup>th</sup> day of February, in the year of 1996,  
before me, a Notary Public in and for the State of Idaho, personally appeared Yvonne  
S. Ferrell, known to me to be the person whose name is subscribed to the within  
instrument, and acknowledged to me that she executed the same.

Debra S. Cray  
Residing at Boise, Idaho  
My Commission expires 3-18-98



650 Main Street  
Boise, ID 83702  
(208) 364-2277

ADA COUNTY DEVELOPMENT SERVICES  
LAND USE APPLICATION



INSTRUCTIONS

1. Submit detailed letter explaining application.
2. 8½" x 11" SCALED SITE PLAN SHOWING ALL STRUCTURES.
3. 8½" x 11" aerial of site. (This may be obtained from the APA Mapping Division, 3rd Floor, 650 Main, Boise)
4. Submit 1" = 300' scale zoning map. (This may be obtained from the APA Mapping Division, 3rd Floor, 650 Main, Boise)  
(Please outline and/or highlight your property in question and indicate North on aerial and zoning maps).
5. Submit evidence of proprietary interest. (This may include a Title Policy showing interest, Land Sale Contract showing interest, Recorded Warranty Deed showing interest, Option to Purchase, Leased Hold, Earnest Money Agreement.)
6. Submit proper fee. (All zoning fees of \$100.00 and over require payment in either cashier's check or cash.)
7. Applications are due on or before the 1st & 3rd Monday of the month by 11:00 a.m.
8. ALL APPLICATION COPIES SHALL BE COLLATED.
9. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.
10. Required Neighborhood Meetings are to be held by the applicant 14 days (minimum) prior to public hearings.

APPLICATION FOR: (Check One)

- ☐ Appeal (Admin. or P&Z)  
☐ Comprehensive Plan Amendment  
☒ Conditional Use for PARK IMPROVEMENTS / GRAVEL EXTRACTION  
☐ Group Day Care Home (7-12) H.O.  
☐ Group Day Care Center (more than 12) C.U.  
☐ Home Occupation  
☐ Lot Line Adjustment  
☐ One Acre Split  
☐ Planned Development  
☐ Private Road

- Rezone: From \_\_\_\_\_ to \_\_\_\_\_  
☐ Sign  
☐ Special Exception  
☐ Subdivision Plat  
☐ Temporary Living Quarters  
☐ Traffic & Development Plan  
☐ Variance  
☐ Zoning Ordinance Amendment  
☐ Zoning Certificate/Inquiry  
☐ Other \_\_\_\_\_

ADA COUNTY  
DEVELOPMENT SERVICES

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SITE INFORMATION:

Location: Quarter SW 1/4 SW 1/4 Section 12 Township 4N Range 1W BM Total Acres: 24.05  
Subdivision Name: \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_  
Site Address: 3585 W. STATE STREET, EAGLE Existing Land Use: RURAL RES. Zoning: RT  
Tax Parcel Number \_\_\_\_\_

OWNER OF RECORD: (SEE ATTACHED)

Name: IDAHO DEPARTMENT OF PARKS & REC.  
Address: P.O. BOX 83720  
City: BOISE State: ID Zip: 83720-0065  
Telephone: (208) 334-4180 EXT. 247

APPLICANT: (SEE ATTACHED)

Name: IDAHO DEPARTMENT OF PARKS & REC.  
Address: P.O. BOX 83720  
City: BOISE State: ID Zip: 83720-0065  
Telephone: (208) 334-4180 EXT. 247

I consent to the submission of the application accompanying this statement.

D. J. Chulman  
Signature: (Owner of Record)

I hereby certify that information on this form is correct to the best of my knowledge.

D. J. Chulman  
Signature: (Applicant)  
(revised 6/95)

Agent:  
Dave Oerkow

OFFICE USE ONLY

FILE NO. 96-26-CV FEE: \$ - PLANNER: NC  
Date Accepted: 4/1/96 Hearing: P&Z 5/23 BOCC \_\_\_\_\_ STAFF: \_\_\_\_\_  
Zoning: RT Area of City Impact: Eagle U.S.P.A.: - X-Ref. No.: WORKUP  
Posted: Log X History Map X Work in Progress X Stamped X  
Airport Hillside Flood Zone Greenway Pipeline Wildlife Southwest (Groundwater Study)

ADA COUNTY DEVELOPMENT SERVICES  
LAND USE APPLICATION

Parcel A and D

OWNER OF RECORD:

Name: IDAHO DEPARTMENT OF PARKS & REC.  
Address: P.O. BOX 83720  
City: BOISE State: ID Zip: 83720-0065  
Telephone: (208) 334-4180 EXT 247

I consent to the submission of the application accompanying  
this statement. *Gronne L. Serrell*

APPLICANT:

Name: IDAHO DEPARTMENT OF PARKS & REC.  
Address: P.O. BOX 83720  
City: BOISE State: ID Zip: 83720-0065  
Telephone: (208) 334-4180 EXT. 247

I hereby certify that information on this form is  
correct to the best of my knowledge.

*Gronne L. Serrell*

Parcel C

OWNER OF RECORD:

Name: RONALD G. TAYLOR  
Address: 3585 W. STATE  
City: EAGLE State: IA Zip: 83616  
Telephone: 208-939-1758

I consent to the submission of the application accompanying  
this statement. *Ronald G. Taylor*

APPLICANT:

Name: RONALD G. TAYLOR  
Address: 3585 W. STATE  
City: EAGLE State: IA Zip: 83616  
Telephone: 208-939-1758

I hereby certify that information on this form is  
correct to the best of my knowledge.

*Ronald G. Taylor*

Parcel B

OWNER OF RECORD:

Name: Wesley J. Lawrence  
Address: 5107 N. SONSON AVE  
City: BOISE State: ID Zip: 83704  
Telephone: 376-0859

I consent to the submission of the application accompanying  
this statement.

*Wesley J. Lawrence*

## CONDITIONAL USE APPLICATION

### GENERAL INFORMATION:

Total Acreage 24.05 Total Building Area KIOSK - 40 Sq. Ft.  
Domestic water (water company) PRIVATE WATER WELLS  
Sewage (method of disposal) PRIVATE SEPTIC SYSTEMS  
Fire Protection District: EAGLE  
School District: MERIDIAN

### REQUIRED DOCUMENTS:

1. Twenty (20) copies of the Land Use Application.
2. Twenty (20) copies of the application letter.
3. Twenty (20) 8½" x 11" copies of the scaled site plan showing all structures.
4. Two (2) sets of the site plan (18" x 24" minimum) drawn to a scale to adequately show all pertinent information in proper location and magnitude.
5. One (1) Drainage plan showing on-site retention and method of disposal.
6. One (1) Floor plan showing major interiors and elevations of the structure showing all faces.

### SITE PLAN:

The information to be shown on the plans shall include, but not limited to the following:

- (A) North point, scale, date of drawing and drawing number.
- (B) Names and addresses of owner, developer, and preparer of plan. All plans to have plan number.
- (C) Contour lines spaced at appropriate intervals depending on the topography and site plan.
- (D) Indicate setback distances of structures to all property lines.
- (E) Type and number of units, gross unit density of proposed development.
- (F) Location and type of all proposed and/or existing fences.
- (G) All easements must be indicated on the plan and to what they refer: sewer, irrigation, road, water line, telephone, gas, power, fire hydrants and fire fighting facilities.
- (H) Location and type of outside lights. (A detailed lighting plan showing location of fixtures, size and type of fixture may be required by staff.)
- (I) Landscaping; showing species, sizes, area of plantings and spacing. Minimum sizes at planting are (A) 2½" caliper for deciduous trees; (B) 5' - 6' for evergreen trees, (C) 5-gallon

(CONTINUE ON BACK)

**CONDITIONAL USE PERMIT APPLICATION**  
**IDAHO DEPARTMENT OF PARKS AND RECREATION**  
**Eagle Island Access Project Description**  
**April 1, 1996**

The Idaho Department of Parks and Recreation (IDPR) is purchasing a 19.05 acre site and is pursuing the construction of a new entrance to Eagle Island State Park from State Street (SH 44). The purchase of this property, and the proposed site improvements will:

1. Provide the permanent access to the park outlined in the *Eagle Island General Development Plan* in 1980;
2. Provide a cost-effective materials source and temporary rock crusher and asphalt plant site for the duration of the Eagle Alternate Route construction project;
3. Generate revenue to pay off the debt IDPR incurred for site acquisition;
4. Create and "bank" a quality wetlands area for future IDPR wetlands mitigation needs;
5. Construct 1450' of Greenbelt pathway and provide an access point for the Boise River greenbelt to enter the park, where a pathway trail head will be constructed;
6. Provide a park managers residence where the new park entrance can be monitored;
7. Exchange borrow material for an equal value of landscaping and infrastructure needs on this site;
8. Eliminate an existing hazardous condition where 80,000+ annual park visitors currently drive through Rivera Mobile Home Park to access the park's entrance kiosk;
9. Provide the Eagle Sewer District with an alternative for meeting its treated effluent disposal needs.

**CO-APPLICANTS**

Mr. & Mrs Ron Taylor are the owners of the five acre parcel adjacent to the western boundary of the parcel IDPR purchased to create the new entrance corridor. They are co-applicants with IDPR requesting this Conditional Use Permit. Inclusion of the Taylor property in this concept increases the potential lake area, provides additional wetlands habitat, and guarantees that this site can provide all of the borrow material necessary for the Eagle Alternate Route project.

**SITE LOCATION AND DESCRIPTION**

The IDPR/Taylor sites comprise a total of 24.05 acres. These parcels are located in the SW 1/4 of the SW 1/4 of Section 12, T4N R1W BM. The site, and all of the surrounding properties are currently zoned RT (Rural Transition). The property is located on the south side of State Street approximately two miles west of Eagle Road. The site is 4,300 feet west of the western terminus of the proposed Eagle Alternate Route. The site is predominately open pasture land, sloping very slightly downward towards the west. The site is approximately 10' above a slough off of the Boise river that is adjacent to the properties eastern boundary. The southwest corner of the property (across the Middleton Canal) is the only portion of the site located within the 100-year floodplain boundary. There are two single family residences on the site, and several small outbuildings. Both residences are served by private water wells and septic systems.

**EAGLE ISLAND GENERAL DEVELOPMENT PLAN**

A General Development Plan (GDP) for Eagle Island State Park was prepared by IDPR staff in 1980. The purpose of this master plan was to outline future park development.

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This document was adopted by the IDPR Board and was subsequently incorporated into the Ada County Comprehensive Plan. The GDP identifies a permanent park entrance, to be accessed directly from State Street. The land needed for the permanent park entrance was not available in 1980, and at that time the affected land owners were not supportive of the concept. To address the residents' concerns, the GDP approved by the Ada County Planning and Zoning Commission in 1981 identified Hatchery Road as the "interim park entrance" until such time as the land for the permanent entrance could be acquired, and the necessary roadway and bridge across the Boise River could be constructed.

#### **EXISTING CONDITIONAL USE PERMIT**

Ada County issued IDPR Conditional Use Permit # 81-12-CU on August 10, 1981 approving the initial phases of Eagle Island State Park. This approval was subject to thirteen conditions of approval. Several pertain specifically to the current IDPR request:

Condition #2 states: "Future phase designs shall conform substantially to the General Development Plan dated received April 16, 1981 in terms of the land uses proposed and their general location on the site."

Condition #6 states: "Should the applicant proceed with plans for a river crossing, a modified conditional use permit will be required and a public hearing held."

Condition # 12 states: "Gravel extracted for creation of ponds shall be used for fill material elsewhere on the site. Should the applicant wish to sell gravel commercially, a new conditional use permit must be obtained."

#### **EXISTING PARK ENTRANCE HAZARD**

Eagle Island State Park is currently accessed off of Linder Road. Visitors must travel east on Hatchery Road through Rivera Mobile Home Park to reach the park entrance kiosk. This access route was contested by the local residents during the initial park planning process. It continues to introduce high levels of traffic, noise and hazard into the neighborhood. This route also detracts from the visitor experience as they approach the park entrance. The hazard is substantial, as the park has been host to over 200,000 visitors in the last three years alone.

#### **BORROW MATERIAL FOR THE EAGLE ALTERNATE ROUTE**

Located only 4,300 feet from the projects western terminus, the new access corridor can provide a cost-effective materials source and temporary rock crusher/asphalt plant site for the Eagle Alternate Route construction project. Should the contractor decide to utilize this gravel source, revenue generated from the sale of borrow material will help pay off the debt IDPR incurred for acquisition of the property. IDPR also hopes to exchange borrow material for an equal value of landscaping and infrastructure needs on the site.

#### **PROPOSED TURNING LANE**

As part of this development phase, IDPR proposes to install the subbase gravel needed to construct a turning lane on State Street. This lane will accomodate eastbound traffic on State Street as it slows to enter the park. Only the base material will be installed during this phase; the lane will be paved when the entrance road is paved, immediately prior to opening the new entrance.

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### **NEW PARK ENTRANCE KIOSK**

The only new building proposed for the site is a new park entrance kiosk. This structure is 5' by 9' in size, and will be constructed at the end of the esplanade entrance. Underground power, a phone line, and a potable water line will be routed to this building, which will contain a restroom facility for the sole use of the kiosk operator. The building will be served by a septic tank and drainfield, which will be located on the east side of the entrance road, 200' feet from the lake edge.

### **PROPOSED LAKES AND WETLAND AREAS**

Two small lakes are being excavated on the site. Swimming in them will be prohibited. However, to address liability concerns, the sides of the lakes will be constructed at a 1:5 slope until a water depth of 8' is achieved. At this point the lake bottom transitions to a 1:1 slope to maximize the amount of material that can be extracted from the site. The maximum depth of the lake will be 30'. The sides of the excavation will be sealed with a clay layer to minimize seepage. A 25' wide wetlands vegetation zone extends 2,250 feet around the perimeter of the lake, creating 1.3 acres of wetlands growth. This wetlands zone will be planted with 'starts' of native wetland vegetation that will be gathered from other wetland environs within Eagle Island State Park. IDPR intends to 'bank' these newly-created wetlands and utilize the site to satisfy future IDPR wetlands mitigation requirements. The park owns 20 shares of water in the Ballantyne Ditch, which equates to approximately 30 acre-feet annually. This water will be used to offset evaporation and seepage, and will maintain the lake at the desired level. To promote flow between the lakes, a 45' long bridge is being constructed across the narrows between the two water bodies, where the lake depth is approximately eight feet. A 200' x 60" diameter culvert will also be installed at a depth of 30' to provide water exchange at this level. To avoid stagnation, water from the southern end of the lake will be returned through an outlet works and culvert to the Middleton Canal.

### **BOISE RIVER GREENBELT ACCESS**

Eagle Island State Park has historically been envisioned as the western terminus for the Boise River Greenbelt. With the construction of the Eagle Alternate bypass project, the greenbelt pathway is being extended westward to a point on State Street slightly west of Ballantine Lane. The IDPR entrance project provides what has been an elusive access corridor for the bikepath to access Eagle Island State Park. As part of this project, IDPR will construct approximately 1,450 feet of 12' wide gravel base for a future asphalt surfaced pathway. This pathway will extend from State Street to the future bridgehead.

### **ROAD CONSTRUCTION**

At this time IDPR proposes to construct only the gravel subbase for the park entrance road and park managers access. The ultimate park entrance road will include two 16' wide one-way traffic lanes separated by a 20' landscaped esplanade. This will transition into a 24' wide roadway section. The entrance road will have concrete curb & gutter and an asphalt surface. This is intended to be an access corridor, not a use area. The curbs are to discourage visitors from pulling off of the road.

### **NOISE AND VISUAL BUFFERING**

Undulating landscape berms varying from 6' to 8' in height have been strategically located at three locations on the site. These berms will provide a noise and visual buffer for adjoining neighbors, define the park entrance, and create an enclosed 'sense of place' for visitors entering the park. The berms will be constructed with 1:3 side slopes, seeded with native grasses, and will be maintained in a 'natural' condition that will not require mowing. Approximately 100 pine and poplar trees that exist

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DIRECTOR OF SERVICES

in an informal 'tree farm' on the site will be transplanted to the three bermed areas. These berms will provide a visual screen and will help deflect sound away from surrounding property owners.

#### **EXISTING TREELINE**

The existing treeline on the property that parallels State Street will be retained for aesthetic reasons and to provide additional visual and noise buffering.

#### **NEW PARK MANAGERS RESIDENCE**

The Lawrence property purchase included an existing ranch house that IDPR intends to retain and utilize as its on-site residence for the manager of Eagle Island State Park. For security purposes, the site has been developed in a manner that will allow the park manager to monitor the park entrance/kiosk area from this residence. The limits of excavation for the lake have been established at 100' from the existing 81 foot deep private water well serving this residence. The existing drain field serving this residence is located 200 feet from the lake edge.

#### **NEW BRIDGE CROSSING**

ITD has awarded a contract for the replacement of the Goff or 'time zone' bridge that is located on Highway 95 just north of Riggins. The Goff bridge will serve as the highway detour during construction of the new structure, and is currently slated for demolition when the new crossing is completed in the fall of 1997. The Goff bridge's historic character, 259-foot span, 24-foot width and load capacity make it an ideal candidate for future incorporation into the Eagle Island State Park entrance project. IDPR has made preliminary contact with the bridge contractor, and informed them of our desire to save this structure from the salvager's torch and re-utilize it for this new purpose. Many details, including possible sources of funding, remain to be resolved for this vision to become a reality. IDPR requests that approval of this bridge crossing concept and location be granted as a component of this conditional use application.

#### **ASSIST EAGLE SEWER DISTRICT**

IDPR staff have contacted the Eagle Sewer District's (ESD) engineer to discuss whether the lake and wetland areas being constructed as part of the entrance project could be incorporated into a natural treatment process for effluent from the existing ESD wastewater treatment facility. IDPR requested that this option be added to the alternatives currently being analyzed to increase the future treatment capacity of the Eagle sewage treatment facility. Should this alternative be selected by ESD, we anticipate that a joint ESD/IDPR Conditional Use Permit application for this component would be sought in the future.

#### **ROCK CRUSHING/GRAVEL SCREENING/ASPHALT PLANT**

As part of this application, IDPR is concurrently seeking approval to allow the Eagle Alternate Route project contractor to operate a rock crushing/gravel screening/asphalt plant operation on this site. This temporary use of the site would be limited to the duration of the Eagle Alternate Route project. The site of the temporary facility is depicted on the site plan. We expect this facility to be subject to the standard conditions of approval normally placed on this type of operation.

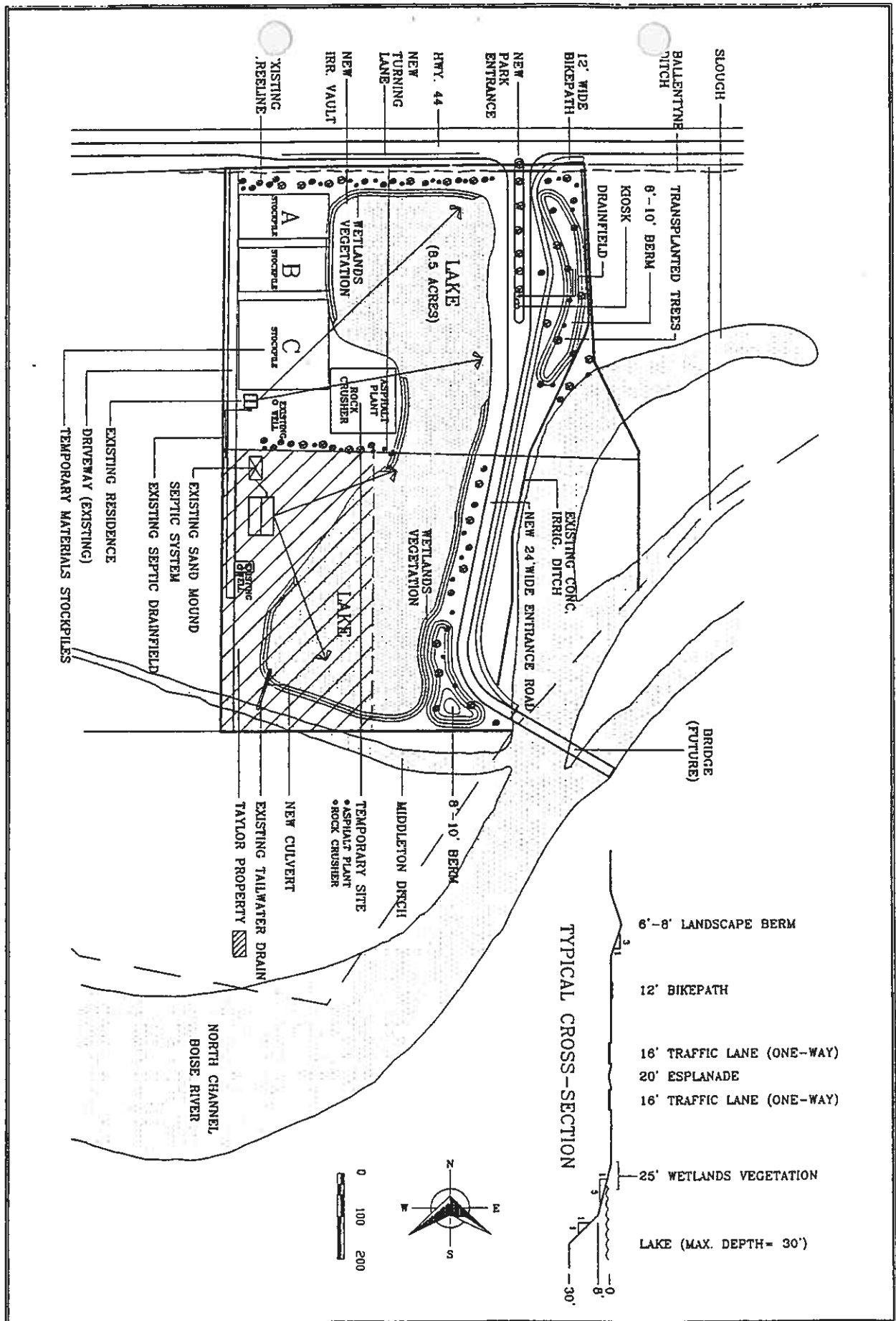
#### **PROJECT PERIOD**

We anticipate that work on this site will be limited to the period beginning May 15, 1996 until ITD issues final acceptance of the Eagle Alternate Route project. This is currently scheduled for December 15, 1996. We suggest that a "sunset" provision be incorporated as a condition of approval limiting use of this site (for gravel extraction and rock crushing/ asphalt plant operations) specifically to the duration of the ITD Eagle Alternate Route project.

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ADA COUNTY  
DEVELOPMENT SERVICES

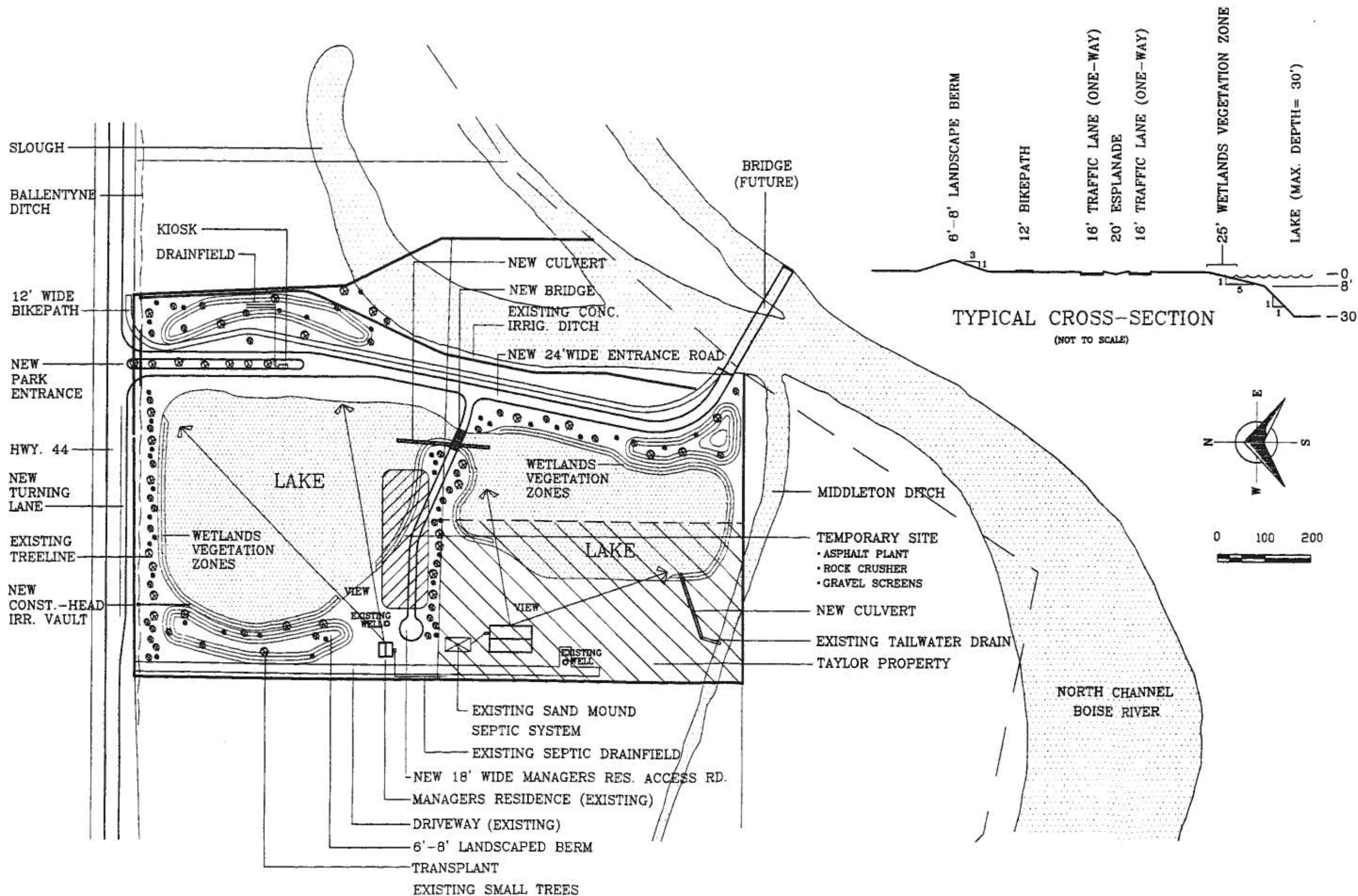


|                          |                    |
|--------------------------|--------------------|
| DATE: APR. 5, 1994       | PROJECT: A1.0      |
| DESIGNED BY: DWT/BSW     | PROJECT NO: 200341 |
| CHECKED BY: DWT/BSW      |                    |
| APPROVED BY: [Signature] |                    |

|                          |
|--------------------------|
| APPROVED BY: [Signature] |
|--------------------------|

|                                                |
|------------------------------------------------|
| <b>EAGLE ISLAND STATE PARK</b>                 |
| IDAHO DEPARTMENT OF PARKS AND RECREATION       |
| PROPOSED NEW PARK ENTRANCE & SITE IMPROVEMENTS |





|                                          |             |
|------------------------------------------|-------------|
| NEW PARK ENTRANCE & SITE IMPROVEMENTS    |             |
| EAGLE ISLAND STATE PARK                  |             |
| IDAHO DEPARTMENT OF PARKS AND RECREATION |             |
| APPROVED BY:                             |             |
| DATE: APRIL 2, 1986                      |             |
| REVISED:                                 |             |
| DESIGNED BY:                             | D. OKERLUND |
| DRAWN BY:                                | D. OKERLUND |
| SHEET:                                   | 1/1         |
| PLAT ORG:                                | D. OKERLUND |
| PLAT SCALE:                              |             |
| PROJECT NO:                              | 330261      |



**IDAHO DEPARTMENT**  
**OF**  
**PARKS & RECREATION**

**PHILIP E. BATT**  
Governor

**YVONNE S. FERRELL**  
Director

**FRANKLIN E. BOTELER, Ph.D.**  
Deputy Director

**IDAHO PARK AND  
RECREATION BOARD**

**Robert M. Haakenson**  
Region One

**Thomas L. Neal**  
Region Two

**Ernest J. Lombard**  
Region Three

**Glenn E. Shewmaker**  
Region Four

**Ren. E. Thomson**  
Region Five

**Monte Q. Later**  
Region Six

P.O. BOX 83720  
BOISE, IDAHO 83720-0065  
(208) 334-4199  
FAX (208) 334-3741  
TDD 1-800-377-3529  
Street Address  
5657 Warm Springs Avenue

Equal Opportunity Employer



April , 1996

Dear Neighbors:

The Idaho Department of Parks and Recreation (IDPR) is purchasing a 19.05 acre site and is pursuing the construction of a new entrance to Eagle Island State Park from State Street (US Hwy. 44). IDPR is applying for a Conditional Use Permit jointly with Ronald and Sharon Taylor, owners of the 5 acre adjoining parcel. The purchase of this property, and the proposed site improvements will:

1. Provide the permanent access to the park outlined in the *Eagle Island General Development Plan* in 1980;
2. Eliminate a hazardous condition where park visitors currently travel through Rivera Mobile Home Park to reach the park's existing entrance kiosk;
3. Generate revenue in lieu of tax dollars to pay off the debt IDPR incurred for acquisition of the entrance site;
4. Create and "bank" a quality wetlands area for future IDPR wetlands mitigation needs;
5. Provide an access point for the Boise River greenbelt to enter the park, where a pathway trail-head will be constructed;
6. Provide a park managers residence near the new park entrance;
7. Exchange borrow material for an equal value of landscaping and infrastructure needs on the site;
8. Provide a materials source and temporary (5 months) crusher and asphalt plant location for the Eagle bypass project; and
9. Provide the Eagle Sewer District with another alternative for meeting its treated effluent disposal needs.

Your property lies within 300 feet of the parcel IDPR has purchased for the new access corridor. We invite you to join us at a neighborhood meeting to discuss the project. The meeting is scheduled for Wednesday night, April 24, 1996. The meeting will be held at 7:30pm in the residence located on the property. The residence is located at 3583 W. State Street. Specific details concerning this project are outlined on the attached site plan.

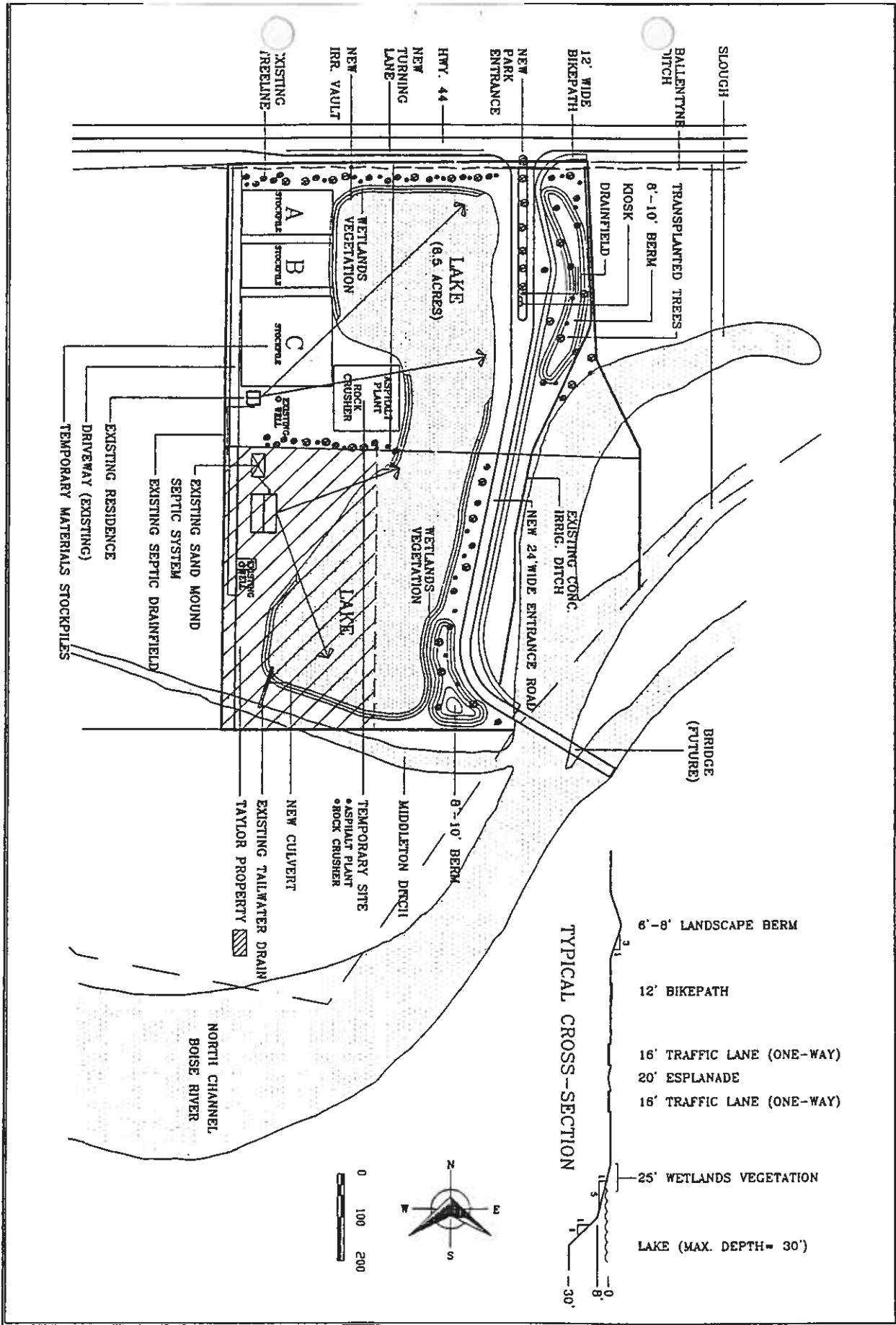
The Conditional Use Permit application for this project will be heard by the Ada County Planning and Zoning Commission on May 9, 1996.

Thank you for your assistance with this endeavor. Please feel free to call me anytime. My office number is 334-4180 Ext. 247.

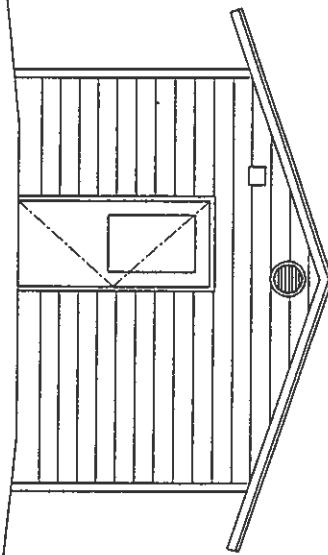
Sincerely,

David F. Okerlund  
IDPR Development Planner

f:\eag\330261\neborltr.do

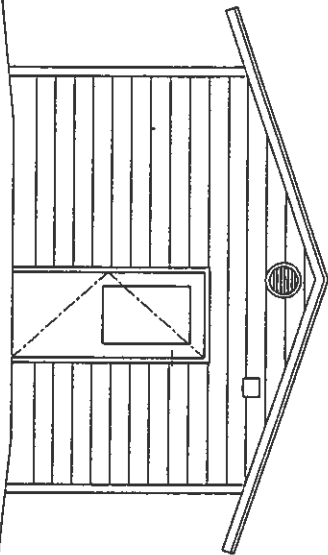


|                               |                                                                                         |                                                                                                                              |  |
|-------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|--|
| <b>A1.0</b><br>SHEET<br>OF 11 | DATE: Aug. 5, 1998<br>DESIGNED BY: DWT/25W<br>CHECKED BY: JMT/25W<br>PROJECT NO. 200781 | <b>EAGLE ISLAND STATE PARK</b><br>IDAHO DEPARTMENT OF PARKS AND RECREATION<br>PROPOSED NEW PARK ENTRANCE & SITE IMPROVEMENTS |  |
|                               | PROJECT NO.                                                                             |                                                                                                                              |  |
|                               | DRAWN BY                                                                                |                                                                                                                              |  |
|                               | CHECKED BY                                                                              |                                                                                                                              |  |



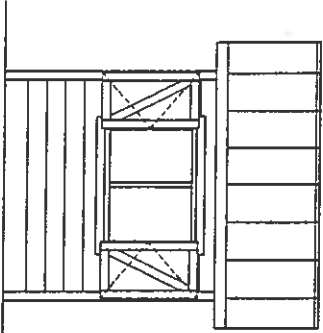
WEST ELEVATION

SCALE: 1/4"=1'-0"



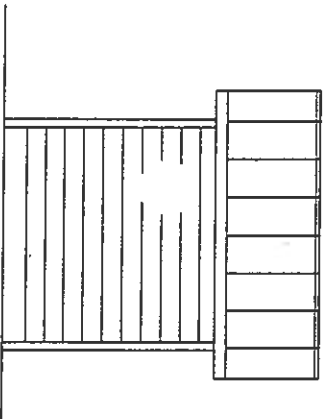
EAST ELEVATION

SCALE: 1/4"=1'-0"



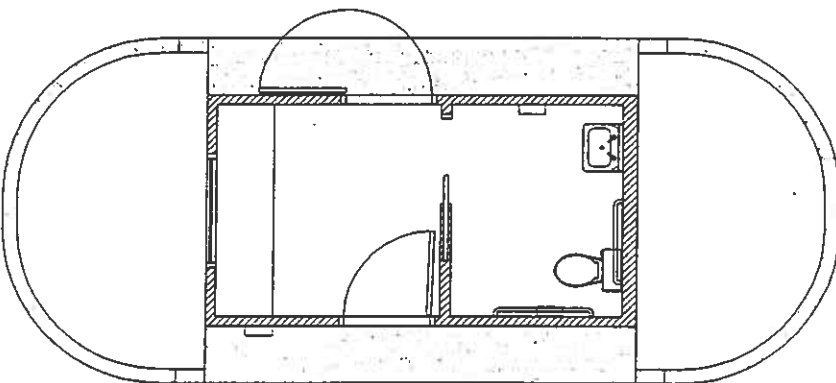
NORTH ELEVATION

SCALE: 1/4"=1'-0"



SOUTH ELEVATION

SCALE: 1/4"=1'-0"



# KIOSK FLOOR PLAN

SCALE: 1/4"=1'-0"



# IDAHO STATE HISTORICAL SOCIETY

*Preserving Idaho's Past*

John R. Hill, Director

Philip E. Batt, Governor

October 20, 1995

David F. Okerlund  
Development Planner  
Idaho Department of Parks and Recreation  
P.O. Box 83720  
Boise, ID 83720-0065

RE: Goff Bridge, Riggins, ID.

Dear Mr. Okerlund:

This letter is to express our strong support and endorsement of the proposed relocation and re-use of the Goff Bridge, currently located north of Riggins on Hwy 95, to Eagle Island State Park. This bridge is identified as Site #004969 in the Idaho Historic Sites Inventory.

The Goff Bridge is an excellent example of a Warren Camel-back through truss, a bridge type which became very popular in Idaho and the West during the 1930s. Although documentation on file indicates that the bridge does not currently meet the eligibility requirements for the National Register of Historic Places, it is clear that the structure is a significant local landmark and is worthy of preservation.

The adaptive re-use of this bridge is a highly commendable project which deserves full support from all entities involved. This will be a model project which clearly demonstrates the value of using older, but still-viable, bridges in new ways, both for their economic value and for the preservation of a vanishing bridge technology for future generations.

Thank you for the opportunity to support this project. We look forward to its successful implementation.

Sincerely,

Donald W. Watts  
Historic Preservation Planner  
State Historic Preservation Office

Administration  
210 Main Street  
Boise, Idaho 83702  
208-334-2682  
Fax: 208-334-2775

Historic Preservation  
210 Main Street  
Boise, Idaho 83702  
208-334-3847, 3861  
Fax: 208-334-2775

Historic Sites  
2445 Old Penitentiary Road  
Boise, Idaho 83712  
208-334-2844  
Fax: 208-334-3225

Historical Library and Archives  
450 North Fourth Street  
Boise, Idaho 83702  
208-334-3356  
Fax: 208-334-3198

Historical Museum  
610 North Julia Davis Drive  
Boise, Idaho 83702  
208-334-2120  
Fax: 208-334-4059

The Idaho State Historical Society is an Equal Opportunity Employer





March 29, 1996

Mr. G. Scott Fahey, Engineering Supervisor  
Development Bureau  
Idaho Department of Parks and Recreation  
5657 Warm Springs Boulevard  
Boise, ID 83712-8752

Dear Mr. Fahey:

Per our meeting of March 28, 1996, this letter is to advise you that the Eagle Sewer District (ESD) will be examining the concept of incorporating the planned Eagle Island State Park expansion, north of the North Channel of the Boise River, into a natural treatment process for effluent from the ESD wastewater treatment facility. The ESD is presently engaged in long-term planning for future treatment capacity, and this appears to be an alternative that should be incorporated into that analysis.

We look forward to working with you on this concept in the future. Please do not hesitate to contact us if you need additional information.

Sincerely,

J-U-B ENGINEERS, Inc.

*Bryan D. Donahoe for:*

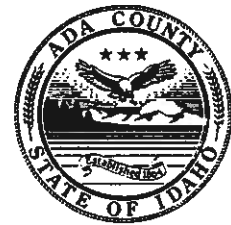
Kirby D. Vickers, P.E.  
Executive Vice President

KDV:ls

cc: Eagle Sewer District

f:\





**TO: ADA COUNTY PLANNING AND ZONING COMMISSION**

**HEARING DATE:** May 9, 1995

**STAFF:** Bob Unger, Planner III

**FILE NO:** 96-26-CU

**APPLICANT:** Idaho Department of Parks & Recreation  
P.O. Box 83720  
Boise Id 83720-0065

---

### **SUMMARY**

This is an application for approval of a conditional use permit for a new Eagle Island Park entrance and a variety of park improvements including gravel extraction for wetlands mitigation ponds. The property contains approximately 24.05 acres and is located at 3585 W. State Street, Eagle, Idaho; in the SW Section 12, Township 4N, Range 1W.

The application is comprised of:

1. Application forms prepared and submitted by the applicant.
2. Site plans and diagrams.
3. All other information contained in file 96-26-CU.

### **PROCEDURAL ITEMS**

1. On April 1, 1996, Development Services accepted application 96-26-CU and scheduled it for public hearing before the Ada County Planning and Zoning Commission (Commission) on May 9, 1996.
2. Legal notice of the Commission's public hearing was published in the Idaho Statesman April 22, 1996. On April 19, persons owning property within 300 feet of the site were notified of the hearing by mail. Prior to the hearing, notices were posted on and near the site.
3. On April 11, 1996, staff notified other agencies of this application and solicited their comments. Any comments received were attached to the staff report.

## **APPLICABLE LAW**

1. The site lies within the Eagle Area of City Impact. Section 5.20 of the Ada County Comprehensive Plan; and, Section 9-2-3A of the Ada County Code adopt the Eagle Comprehensive Plan as the applicable document to govern development in the Eagle Area of City Impact. Applicable sections of the Eagle Comprehensive Plan are:

### **GOALS OF THE COMPREHENSIVE PLAN**

#### **PARKS, RECREATION, AND OPEN SPACES**

Parks, recreation and open spaces deals with the places and facilities for the enjoyable use of leisure time and provisions for attractive open spaces.

Open space is land which is not used for buildings or structures and offers opportunities for parks, recreation, water amenities, greenbelt-river trails and pathways, tourism, leisure pursuits and potential economic development. The policies and goals relating to open space will greatly affect the character of Eagle's area of influence and future developments.

#### **POLICIES & GOALS:**

To create ample areas and facilities for our citizen's diverse indoor and outdoor park and recreational interests.

To encourage the development of parks and recreational programs which meet the different needs, interests, and age levels of our citizens who reside in both the rural and urban areas.

To set aside for perpetual public enjoyment an adequate amount of open space such as natural river frontage, greenbelt-river trail, creeks, drainage ways, buffers, floodplains, wooded areas and viewpoints.

#### **NATURAL RESOURCES**

#### **POLICIES & GOALS:**

To preserve and protect fish, wildlife and agriculture interests, open space and recreation-nature areas in the floodplain of the Boise River and Dry Creek area shall be encouraged in future development plans.

Special emphasis shall be given to preservation of fish, wildlife, agriculture, open space and recreation-nature areas in the implementation of any planning and zoning decisions.

2. Section 8-4C-4 of the Ada County Zoning Ordinance lists the uses which are permitted in the Rural Transition District through the Conditional Use Permit provisions of Chapter 15. Included on the list of permitted conditional uses in the RT (Rural Transition) Zone are public and quasipublic uses.
3. Section 8-15-1C of the Ada County Code states the findings which must be made by the Commission when considering conditional use permit applications. This section states:

General Provisions: An application for a conditional use permit may be approved by the Commission only if the evidence at the hearing, and instances not requiring a hearing, the evidence upon investigation establishes that the:

1. Granting of such a permit would not cause damage, hazard or nuisance, or other detriment to persons, property, or uses in the vicinity;
  2. Location of the proposed use is compatible to other land uses in the general neighborhood area, and does not place an undue burden on existing transportation and service facilities in the area;
  3. Site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls, fences, parking, loading areas, landscaping and design standards as are required by this Title;
  4. Site will be served by streets of capacity sufficient to carry the traffic generated by the proposed use;
  5. Proposed use, if it complies with all of the conditions upon which the approval is made contingent, will not have undue adverse effect upon other property or uses in the vicinity; and,
  6. Proposed use is not in conflict with applicable Comprehensive Plans.
4. Section 8-15-3 of the Ada County Code states the special provisions applicable to special conditional use permits. For recreational facilities, such as fairgrounds and other similar recreational facilities...., the following conditional standards are listed:
    1. The applicant shall furnish evidence that such use is necessary to service the immediate neighborhood and is not unduly detrimental to the character of the district or surrounding property.
    2. The applicant will provide driveway approaches and drainage facilities subject to the written approval of the Ada County Engineer.
    3. The applicant will provide parking and/or loading facilities in accordance with the provisions contained in Section 8-14-4 of this Title.
    4. Full consideration be given to the basic purpose of the respective residential, commercial and industrial zones as against to what degree the proposed use shall mitigate against such purpose,

as to neighborhood amenities, commercial patterns, the creation of noise, odor, congestion or unsightliness.

5. The Commission may require screening, additional setbacks, or such other conditions as are necessary to protect development on adjacent and surrounding properties.

5. Section 8-15-3 of the Ada County Code states the special provisions applicable to special conditional use permits. For gravel pits, rock quarries, sand and clay pits, the following conditional standards are listed:

**Gravel pits, rock quarries, sand and clay pits**

**Zoning Districts**

RP, RR, RT, M-2, M-4, M-5.

**Permitted:**

**Conditional Standards:**

1. Application. The applicant shall submit an application to include but not limited to the following information:

a. Location of proposed site drawn to scale on an accurate map showing site boundaries, and boundaries of proposed excavation.

b. The method and disposal of drainage.

c. The zoning classification of properties lying within 1,000 feet of the operation site.

d. A typical cross section of proposed pit showing degree of slope for each class of material to be excavated.

e. The approximate location of major buildings, processing plants, loading areas, parking areas, protective fencing.

f. Submit evidence of ownership or authority for operation in writing from owner or owners of property, whether private or public.

g. Submit statements and drawings showing method of approach and proposed construction and maintenance of private roads at their approach to and intersection with designated public thoroughfares.

h. Submit a statement setting forth the applicant's proposed method of rehabilitation of suspended or depleted excavation if such rehabilitation is proposed.

j. If the operation includes rock crushers, cement batch plants

and asphalt hot plants, they shall be operated in conjunction with gravel, sand or clay pits and/or rock quarries, and a reclamation plan shall be submitted. If an application for a rock crusher, cement batch plant is made subsequent to the approval of a pit or quarry, a new conditional use permit shall be required.

2. Operational Condition.

a. All operations shall be carried on subject to accepted safety conditions for the type of excavation being performed.

b. The extent of rehabilitation upon depletion or completion of excavation shall be determined with due consideration being given as to what is reasonable in keeping with what is suitable and compatible with the area surrounding the area under consideration.

c. Whenever subject area is depleted, all temporary buildings and structures except property line fences and structures for the loading, measuring or weighing of salable material in storage, shall be entirely removed from the property. The salable materials and equipment may be stored in a depleted area when compatible with the applicant's proposal for rehabilitation as outlined under b above.

d. A processing, storage, sales and reprocessing operation may be carried on in a depleted deposit when materials for processing, storage, sales and reprocessing are obtained from another source.

e. The operation shall comply with all other applicable Federal, State and County regulations particularly, but not limited to air and water quality and site reclamation.

3. Due Notice. The Director shall notify property owners, within at least 1,000 feet of any property boundary of the proposed site, of the public hearing. (Ord. 33, 5-20-68; amd. Ord. 33-25-79, 10-24-79; amd. Ord. 33-68-83, 7-6-83; amd. Ord. 33-69-84, 7-11-84; amd. Ord. 212, 12-4-89)

## **FINDINGS**

### **1. Location:**

The site is located at 3585 W. State Street, Eagle, Idaho. This is on the south side of State Street and east of Linder Road. This is in Section 12, Township 4 North, Range 1 West of the Boise Meridian, Ada County, Idaho.

- a. The site is located within the Eagle Area of City Impact.
- b. The site is within the Eagle Urban Service Planning Area.

### **2. Size and Ownership:**

- a. The site is 236 acres in size.
- b. The site is owned by the State of Idaho.

### **3. Land Use and Zoning:**

The site is currently agricultural land with a single family residence.

### **4. Site Characteristics:**

The site is relatively level with a slight slope to the Boise River to the south.

### **5. Surrounding Land Use and Zoning:**

The site is bounded to the south by the Boise River and larger tract agricultural development to the north, east and west.

### **6. Transportation and Other Services:**

- a. State Street is classified as a minor arterial.
- b. The site is in the Eagle Fire District.
- c. Water service is provided by individual well.
- d. Sewer service is provided by individual septic.

## **STAFF ANALYSIS and CONCLUSIONS**

This is an application for approval of a conditional use permit for a new Eagle Island Park entrance and a variety of park improvements including gravel extraction for wetlands mitigation ponds. The property contains approximately 24.05 acres and is located at 3585 W. State Street, Eagle, Idaho; in the SW Section 12, Township 4N, Range 1W.

This application is primarily for the expansion of the Eagle Island State Park to State Street. The project encompasses a new entrance, two wetlands mitigation ponds/lakes and the gravel extraction for the creation of the ponds/lakes. The gravel extraction of the project is regulated by the gravel pit regulations under Section 8-15-3 of the Ada County Code and should be limited to a maximum duration one (1) year from the date of approval. In addition, the gravel extraction would also be limited to the use for the Eagle by-pass project currently under construction through the Idaho Transportation Department.

Based on the information contained in the application and the Findings section of this report, staff concludes that this proposal meets the test of Section 8-15-1C of the Ada County Code pertaining to conditional uses in that:

1. The granting of this permit would not cause damage, hazard or nuisance, or other detriment to persons, property, or uses in the vicinity.
2. The location of the proposed use is compatible to other land uses in the general neighborhood area, and does not place an undue burden on existing transportation and service facilities in the area.
3. The site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls, fences, parking, loading areas, landscaping and design standards as are required by this Title.
4. The site is served by streets of capacity sufficient to carry the traffic generated by the proposed use.
5. The proposed use, if it complies with all of the conditions upon which the approval is made contingent, will not have undue adverse effect upon other property or uses in the vicinity.
6. The proposed use is not in conflict with applicable Comprehensive Plan.

The Commission should consider the evidence and testimony presented during the public hearing prior to rendering their decision on this matter. Should the Commission make positive findings of fact and vote to approve this request, staff recommends that the approval be subject to the conditions of approval listed in Exhibit A.

#### **ATTACHMENTS**

1. Exhibit A - Conditions of Approval
2. Applicant's statement
3. Vicinity map
4. Site plan
5. Agency Comments

## EXHIBIT A

### CONDITIONS OF APPROVAL

FILE NO. 96-26-CU

### IDAHO DEPARTMENT OF PARKS AND RECREATION

1. This permit shall not become effective until the fifteen (15) day appeal period has lapsed; and if appealed, until action is taken on the appeal. No permits can be issued during this 15 day period.
2. **This approval shall become null and void if the Zoning Certificate and Building Permit (if applicable) are not issued within one (1) year of the action by the Planning & Zoning Commission.** A time extension may be obtained for up to one additional year if necessary. An application for time extension must be received by Development Services not less than thirty (30) days prior to the expiration of the approval granted under file 96-26-CU.
3. Compliance with the requirements of the A.D.A. is required.
4. Prior to the issuance of any permits, the applicant shall submit written approval of the development plan from the following agencies to Development Services:
  - a. Central District Health Department
  - b. Eagle Fire District
  - c. Ada County Highway District
  - d. Ada County Engineer (drainage, approaches)
  - e. Idaho Transportation Department
5. Compliance with the design and dimensional standards and permitted uses of the RT zone is required.
6. Compliance with the specific requirements of the Ada County Highway District/Idaho Transportation Department is required. Any work within the Ada County Highway District/Idaho Transportation Department rights of way requires a permit. For information regarding the requirements to obtain a permit, contact the Ada County Highway District Construction Services at 345-7667 or Idaho Transportation District District 8. Your application file number 96-26-CU will be required.
7. Compliance with the site plan, as approved by the Planning & Zoning Commission on May 9, 1996, is required.
8. No irrigation and/or drainage water shall be impeded by any construction on site.
9. If any outside lighting is proposed, the applicant shall submit a detailed lighting plan to Development Services for review under the following guidelines:
  - A. The height of light poles should not exceed twenty five feet (25') but in no case shall said height exceed the maximum height of structures permitted in the base

zone.

- B. Lights should be located on standards pointing towards the structures or areas to be illuminated. Lighting shields shall be utilized as appropriate to keep glare on site.
  - C. The lighting fixtures plan shall be designed so as to harmonize with the building design. The design and placement of lighting fixtures shall not have an adverse affect upon abutting properties.
10. Any outdoor storage areas, and trash receptacles shall be screened from public view by use of an approved sight obscuring fence (six feet in height) or other approved method.
  11. Any landscaped areas shall be provided with an underground sprinkler system of such design and capacity to adequately serve the landscaped areas and protective curbs shall be provided for landscaped areas. Landscaped areas are to be maintained in a neat and orderly manner. Dead or diseased planting material to be replaced within three (3) months or the next available planting season (spring or fall).
  12. All parking areas and driveways shall be paved with substantial wheel restraints around landscaped areas. All parking requirements created by land uses on this site shall be accommodated on site with no parking in public rights-of-way. Parking areas and driveways shall be paved, striped, and provided with wheel restraints.
  13. An Occupancy Permit will not be issued until all of these conditions have been complied with. In the event conditions cannot be met by the desired date of occupancy, a bond will be required in the amount of 120% of the value of the conditions to be completed.
  14. Any expansion or change in use within this development shall require a separate zoning application.

#### **SITE SPECIFIC REQUIREMENTS**

15. Prior to the issuance of any permits, a reclamation plan shall be completed.
16. Compliance with the provisions of Section 8-15-3 of the Ada County Code as they pertain to rock quarries is required.
17. No unused equipment shall be stored on the property for extended periods.
18. On site excavation work performed in conjunction with the rock crushing activity shall be performed between the hours of 7:30 a.m. and sunset or 6:00 p.m., whichever is earlier, Monday through Friday. Weekend operation of excavation equipment is prohibited. Transportation of the finished product from the site shall be subject to the following limitations:

Daily hours of operation shall be 8:00 a.m. to 6:00 p.m.

No transportation of gravel products shall be allowed after 6:00 p.m.

No loading or transport operations shall be conducted on the site on Sundays.

19. No quarry activity shall be permitted outside of the area which will be described in the submitted application's description.
20. Applicant shall control dust so as to prevent a nuisance to nearby residential areas.
21. No more than ten (10) employees shall operate on the site at one time. The only equipment to be used on site shall be equipment normally associated with rock quarrying.
22. Prior to days on which blasting activities shall occur, the applicant shall notify the area residents that the blasting will occur. On the days blasting occurs, an audible signal will be sounded at least ten (10) minutes prior to the detonation of any charges. A visual warning, consisting of a red warning flag which shall be at least four feet (4') by five feet (5'), shall be hoisted above the site not less than one half hour before the detonation of any blasting charges.
23. This conditional use permit may be revoked for violation of any of the conditions of approval or upon the violation of the regulations of any local, state, or federal agency.
24. The applicant shall conclude the gravel extraction phase of this conditional use permit within one (1) year of the Commission's action of May 9, 1996.
25. Any change of use or proposed expansion shall require a new conditional use permit application.



(AMENDED)

PLANNING ASSN. BLOCK

APR 01 1996

C-2

NO

44

SCALE  
1" = 300'



Parcel A

Parcel B

Parcel C

Parcel D

RT

12

7

13

18

NORTH BRANCH OF BOISE RIVER

RECEIVED

APR 01 1996

SECURITY  
DOCUMENT SERVICES



**TRANSPORTATION DEPARTMENT**  
DISTRICT 3 • P.O. BOX 8028 • BOISE, ID • 83707-2028 • (208) 334-8300

**RECEIVED**

**APR 22 1996**

**ADA COUNTY  
DEVELOPMENT SERVICES**

April 18, 1996

Darin Fluke  
Ada County Development Services  
650 Main  
Boise, Idaho 83702

RE: Application No.96-26-CU IDAHO DEPT. OF PARKS AND RECREATION

Dear Sir:

The Idaho Transportation Dept. has reviewed the application. We would like to have the developer conduct a Traffic Impact Study Report at the new park entrance and SH-44. This would provide us with the needed information for our recommendations. We request that Ada County Services restrain on any approvals until a Traffic Impact Study Report has been conducted.

If you have any questions, please call Lou Sanchez at 334-8327

Thank you for the opportunity to comment on this proposal.

Sincerely;

Gary W. Moles P.E.  
District Traffic Engineer



# ADA COUNTY DEVELOPMENT SERVICES

650 Main, Boise, Idaho 83702

BUILDING DIVISION — Phone: (208) 364-2277

PLANNING & ZONING — Phone (208) 364-2277

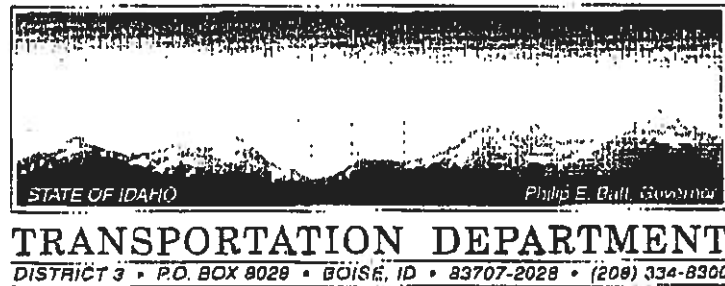
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## M E M O R A N D U M

---

**DATE:** 19 April 1996  
**TO:** Bob Unger  
**FROM:** Arlan Smith, BUILDING DIVISION  
**RE:** 96-26-CU

Building permits can not be required for State owned projects so no building permit is required.



April 19, 1996

Darin Fluke  
Ada County Development Services  
650 Main Street  
Boise ID 83702

RE: APPLICATION No. 96-26-CU, IDAHO DEPT. OF PARKS AND REC.

Dear Sir:

It has come to our attention that the proposed new park entrance will access the gravel source that will be used for construction of the Eagle Alternate Route. This project is currently under contract. Since time is of the essence with respect to this project, the Idaho Transportation Department (ITD) recommends that the developer be allowed to proceed without a Traffic Impact Study (TIS) at this time. ITD will still require a TIS, however, we do not wish to delay the project while waiting for the TIS.

This letter supersedes our comments dated April 18, 1996. If you have any questions, please call Lou Sanchez at 334-8327.

Sincerely,

Gary W. Moles, P.E.  
District 3 Traffic Engineer



**TRANSPORTATION DEPARTMENT**  
DISTRICT 3 • P.O. BOX 8028 • BOISE, ID • 83707-2028 • (208) 334-8300

**RECEIVED**

**APR 16 1996**

**ADA COUNTY  
DEVELOPMENT SERVICES**

April 12, 1996

Ada County Development Services  
650 Main St.  
Boise ID 83702

RE: Eagle Alternate Route Material Sources

Dear Planning & Zoning Commission:

This is a letter to support property owners requests for conditional use permits as follows:

A site located approximately one mile west of Ballentyne Lane Section 12 & 13, T4N, R1W owned by Idaho Department of Parks and Recreation and Ronald Taylor to be considered at your May 9 meeting as 96-26-CU application.

A site located approximately one half mile east of Monroc concrete plant Section 14, T4N, R1E owned by Dick Wilkerson and Bill Pierce to be considered at your May 23 conditional use permit meeting.

Gravel from these sites would be used to construct the Eagle Alternate Route (SH 44). Time is of the essence since it is desired to construct the 3.5 mile project this year and open it to traffic by December 15, 1996. This would remove the through traffic from downtown Eagle and will greatly increase safety/reduce congestion.

This agency strongly supports the conditional use permits requested for the above sites.

If we may assist any way in the approval of these sites, please let me know.

Sincerely,

LEROY MEYER  
District Engineer

LM:tm

cc: Western Construction - An Equal Opportunity Employer -



Eagle Fire Protection District • P. O. Box 386 • Eagle, Idaho 83616 • 939-6463

RECEIVED

APR 16 1996

ADA COUNTY  
DEVELOPMENT SERVICES

DAN FRIEND, FIRE CHIEF  
MARK RABDAU, ASSISTANT FIRE CHIEF  
KURT MCCLENNY, FIRE MARSHAL  
(208) 939-6463

FIRE PREVENTION BUREAU

RE: 96-26-CU Idaho Dept. of Parks & Rec.

The Eagle Fire Department has reviewed the application for a CUP for Park  
entrance & improvements, from Bob Unger/Planner III.

We have no opposition to this application and support its approval. However, the following conditions must be met.

PLAN APPROVED BY Kurt McClenny DATE 4/15/96



CENTRAL DISTRICT HEALTH DEPARTMENT  
Environmental Health Division

Return to:

- ☐ Boise  
☐ Eagle  
☐ Garden city  
☐ Meridian  
☐ Kuna  
☒ ACZ

Rezone # \_\_\_\_\_

Conditional Use # 96-26-CU IDAHO DEPT. OF PARKS.

Preliminary / Final / Short Plat \_\_\_\_\_

RECEIVED

APR 23 1996

IDA COUNTY  
DEVELOPMENT SERVICES

- ☐ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☒ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:  
☒ high seasonal ground water GROUND WATER MONITORING MAY BE REQUIRED.  
☐ solid lava from original grade
- ☐ 6. We can Approve this Proposal for individual sewage disposal to be located above solid lava layers:  
☐ 2 feet  
☐ 4 feet
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☐ 8. After written approval from appropriate entities are submitted, we can approve this proposal for:  
☐ central sewage ☐ community sewage system ☐ community water well  
☐ interim sewage ☐ central water  
☐ individual sewage ☐ individual water
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Health & Welfare, Division of Environmental Quality:  
☐ central sewage ☐ community sewage system ☐ community water  
☐ sewage dry lines ☐ central water
- ☐ 10. Street Runoff is not to create a mosquito breeding problem.
- ☐ 11. Stormwater disposal systems shall be reviewed by \_\_\_\_\_ relative to: ☐ Waste Disposal ☐ Injection Well rules.  
☐ Groundwater Protection
- ☐ 12. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 13. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 14. We will require plans be submitted for a plan review for any:  
☐ food establishment ☐ swimming pools or spas ☐ child care center  
☐ beverage establishment ☐ grocery store
- ☒ 15. THE POND SIZE WILL HAVE TO MODIFIED TO MEET REQUIRED SEPERATION DISTANCES TO NEW AND EXISTING SEPTIC SYSTEMS. Date: 4/18/96  
Reviewed By: T. Adams

Review Sheet

**Buffington, Denise**

---

**From:** Buffington, Denise  
**Sent:** Friday, April 10, 2009 12:32 PM  
**To:** 'waterdistrict63@qwestoffice.net'  
**Subject:** COMMENT LETTERS  
**Attachments:** Comment Letter WD 63.doc; 63-31415 App.pdf; X-fer 75023 App.pdf; Watermaster Rec form.pdf

Please review the attached information and comment as necessary. If you have any questions regarding the attached information, please contact our office at 334-2190.

Thank You,

Denise Buffington  
Administrative Assistant  
Dept of Water Resources  
Western Region

4/10/2009



**Buffington, Denise**

---

**From:** Buffington, Denise  
**Sent:** Thursday, April 09, 2009 10:29 AM  
**To:** legals@idahostatesman.com  
**Subject:** LEGAL NOTICES  
**Attachments:** Ada County Ads - Cover Letter.RTF; 63-31415 Ad.RTF; 63-32659 Ad.RTF; 63-33109 Ad.RTF; X-fer 74690 Ad.doc; X-fer 74949 Ad.doc; X-fer 75023 Ad.doc

Attached please find (6) legal notices being submitted for publication. Please contact me if you have any questions about the attached information; or if you are not able to run the ads on the dates listed.

Thank You,

Denise Buffington  
Administrative Assistant  
Dept of Water Resources  
Western Region

4/9/2009

April 09, 2009

**Legal Notice Department**  
IDAHO STATESMAN  
PO BOX 40  
BOISE ID 83707

RE: Application for Permit No. 63-32659, 63-33109 & 63-31415

RE: Transfer No. 74690  
Water Right No(s). 63-32269

RE: Transfer No. 74949  
Water Right No(s). 63-5386

RE: Transfer No. 75023  
Water Right No(s). 63-31808

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 05/04/2009. Your cooperation is appreciated.

Sincerely,

Denise Buffington  
Administrative Assistant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-31415

STATE OF IDAHO  
DEPT OF PARKS & RECREATION  
STATEHOUSE MAIL  
PO BOX 83720  
BOISE ID 83720-0065

Point(s) of Diversion L1 (SESE) S12 T04N R01W ADA County Source GROUND WATER  
Tributary To BOISE RIVER

Use: WILDLIFE STORAGE 01/01 To 12/31 71 AFA

Use: AESTHETIC STORAGE 01/01 To 12/31 71 AFA

Total Diversion: 71 AFA

Date Filed: 12/16/1999

Place Of Use: WILDLIFE STORAGE

T04N R01W S12 SESE Lot 1

Place Of Use: AESTHETIC STORAGE SAME AS WILDLIFE STORAGE

Remark: Mitigation is proposed for consumptive use.

Water bearing zone to be appropriated is from 1 to 30 feet.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/04/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on April 16<sup>th</sup> & 23<sup>rd</sup>, 2009



**C. L. "Butch" Otter**  
governor

**Robert L. Meinen**  
director

**Dean Sangrey, Administrator**  
operations division

**David M. Ricks, Administrator**  
management services division

.....  
**IDAHO PARK AND  
RECREATION BOARD**  
.....

**Steve Klatt**  
region one

**Randal F. Rice**  
region two

**Ernest J. Lombard**  
region three

**Latham Williams**  
region four

**Jean S. McDevitt**  
region five

**Douglas A. Hancey**  
region six

.....  
**IDAHO DEPARTMENT OF  
PARKS AND RECREATION**  
.....

p.o. box 83720  
boise, idaho 83720-0065

(208) 334-4199

fax (208) 334-3741

tdd 1-800-377-3529

street address  
5657 Warm Springs Avenue  
www.parksandrecreation.idaho.gov

Date: August 11, 2008

Idaho Department of Water Resources  
Attn: Steve Lester  
Western Region  
2735 Airport Way  
Boise, Idaho 83705-5082



Subject(s): Application for transfer 63-31808, Amended application for permit 63-31415 and "Withdrawal of Application for Permit" 63-31414.

Dear Mr. Lester:

Idaho Department of Parks & Recreation is submitting a new application for transfer 63-31808 in the name of Ballentyne Ditch Co LTD together with amended application for permit 63-31415 and a withdrawal of application for permit 63-31414 both in the name of Idaho Department of Parks & Recreation.

Please process the application for transfer fees by applying \$50 from withdrawn application for permit 63-31414 per receipt W025991 and enclosed "Warrant" for \$50 for the total transfer fee of \$100.

If I can be of any assistance, please contact me at 208-514-2482.  
[mlucachick@idpr.idaho.gov](mailto:mlucachick@idpr.idaho.gov).

Or Ron Howerton at: 208-514-2459.  
[rhowerton@idpr.idaho.gov](mailto:rhowerton@idpr.idaho.gov)

Sincerely,

Mary Lucachick  
Water Recreation Analyst

Enclosures:  
Application for transfer 63-31808  
Amended application for permit 63-31415  
Withdrawal of Application for Permit 63-31414  
Warrant for \$50.

**RECEIVED**

**AUG 11 2008**

**WATER RESOURCES  
WESTERN REGION**

9/11/08

Steve,  
We were unable  
to incur  
Rose Cottage  
(Paul Beckman)  
on the  
applications...

Ron H



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 20, 2002

IDAHO DEPT OF PARKS AND RECREATION  
ATTN: AARON BOSTON PE  
PO BOX 83720  
BOISE ID 83702-0065

**RE: APPLICATION FOR PERMIT NO. 63-31415 & 63-31414**

Dear Mr. Boston:

Your application for permit to appropriate ground water for a consumptive use for the Eagle Island State Park was received on 12/16/1999. Processing of the application must be delayed.

Due to continued drought and to protect existing water rights and water supplies, the Director of this agency declared a moratorium on May 15, 1992 concerning water right applications proposing new consumptive uses of public water, regardless of source. The moratorium was lifted in May 1995, but application processing was subsequently suspended until technical data was available from the Treasure Valley Hydrologic Study. This study has been completed, but the processing hold on water rights in the Treasure Valley will not be lifted until a plan has been developed to determine a prudent way to issue water rights.

This office will hold your applications and will resume processing as soon as possible based on the above considerations. Applications received will be processed in priority order. Delays related to department actions do not affect the date of priority or seniority of an application. You may circumvent this processing hold by submitting a mitigation plan for this application. If you choose to submit mitigation, I would recommend that you hire a consultant to put together the necessary elements of an acceptable mitigation plan.

Please contact me at 334-2190 if you have any questions.

Respectfully,

Daniel A. Nelson  
Water Rights Agent

**Nelson, Dan**

---

**From:** Aaron Boston [aboston@IDPR.state.id.us]  
**Sent:** Monday, February 04, 2002 3:41 PM  
**To:** 'dnelson@idwr.state.id.us'  
**Cc:** Mary Lucachick; Aaron Boston; John Crowe; Rick Cummins  
**Subject:** Eagle Island Entrance Pond, water right application

Mr. Nelson,  
Since this file has been forwarded to Clive Strong's office and my attempts to contact our consultant, Mr. David Shaw, have been unsuccessful to date, I request that this application be put "ON HOLD" at this time until further information for the mitigation plan can be produced. Thank you very much for your assistance in this matter, and if there are any further questions, please let me know.

Aaron Boston, P.E.  
IDPR Development Engineer  
ph: 208-334-4180, x251  
fx: 208-334-3741



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

January 7, 2002

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

IDAHO DEPT OF PARKS AND RECREATION  
ATTN: AARON T BOSTON, PE  
PO BOX 83720  
BOISE ID 83720

***RE: APPLICATION FOR PERMIT FOR EAGLE ISLAND STATE  
PARK ENTRANCE POND***

Dear Mr. Boston:

Thank you for your response to my letter dated 12/17/2001. I understand that loss of Mr. Ford has hampered your efforts in completing the work needed for this application. I believe that you have taken a positive step by seeking the assistance of a consultant and attorney to see that the needed information is supplied to our office. However, in order to consider an extension of time, I will need to have an estimated date that the information will be sent to our office.

I have worked with Mr. Shaw on several occasions and I am confident that he can give you a general estimate of the time it will take to supply the needed information. I do have the ability to allow you until January 31, 2002 to supply the needed information or a written request for an extension of time that includes a reasonable time frame in which you can supply the needed information. Due to the amount of time this application has been in our office, any extensions of time will need to be considered by the western regional manager. Therefore, the more information you can provide explaining the reasons for the delay the better your chances will be of attaining an extension.

I look forward to hearing from you or Mr. Shaw by the above date. If I do not hear from you by January 31, 2002 I will need to void the application. You will be able to re-file the application when you have compiled all of the needed information. If you have any questions or concerns please contact Dan Nelson at the above address.

Respectfully,

Daniel A. Nelson  
Sr. Water Right Agent



January 2, 2002

RECEIVED

JAN 04 2002

WATER RESOURCES  
WESTERN REGION

Idaho Department of Water Resources  
Western Region Office  
2735 Airport Way  
Boise, ID 83705-5082

**DIRK KEMPTHORNE**  
governor

**Richard J. Collignon**  
director

**Bill Dokken**  
deputy director

Subject: Application for Permit  
Eagle Island State Park Entrance Pond

Attn: Mr. Daniel A. Nelson  
Sr. Water Right Agent

Dear Mr. Nelson:

We are in receipt of your letter dated December 17, 2001 regarding our water right application on the subject property. Since I am new to IDPR, I greatly appreciate the recap of events you provided in your letter on this issue.

For your information, Mr. Roger Ford no longer works for our agency. He had been coordinating work for our consumptive water rights, but left our employment in May of last year and regretfully, much continuity was lost.

I do know that the issue of Eagle Island State Park's entrance pond was turned over to the Deputy Attorney General's office of Clive Strong in January, 2001. Mr. Strong's office has contracted the services of Mr. David B. Shaw of ERO Resources Corp. to research and mitigate the water rights issue with Ballantyne Ditch Company. Unfortunately, our office does not have a record of progress in this endeavor.

We will pursue Mr. Strong's office for updated information on the status of this issue and forward pertinent data to your attention. Until that time, we request this application be held open until evidence of active pursuit is provided. At this time, any further correspondence regarding this issue should be addressed to me, please, at the letterhead address.

Sincerely,

  
Aaron T. Boston, P.E.  
Development Bureau Engineer

Copy: Mr. Clive Strong, Office of the Attorney General  
Ms. Mary Lucachick, IDPR

IDAHO PARK AND  
RECREATION BOARD

**Robert M. Haakenson**  
region one

**Beverly L. Boyd**  
region two

**Ernest J. Lombard**  
region three

**Glenn E. Shewmaker, PhD**  
region four

**Jean S. McDevitt**  
region five

**Douglas A. Hancey**  
region six

IDAHO DEPARTMENT OF  
PARKS AND RECREATION

p.o. box 83720  
boise, idaho 83720-0065

(208) 334-4199

fax (208) 334-3741

tdd 1-800-377-3529

street address  
5657 warm springs avenue

www.idahoparks.org



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

December 17, 2001

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

IDAHO DEPT OF PARKS AND RECREATION  
ATTN: MARY LUCACHICK & ROGER FORD  
PO BOX 83720  
BOISE ID 83720

COPY

**RE: APPLICATION FOR PERMIT FOR EAGLE ISLAND STATE  
PARK ENTRANCE POND**

Ladies and Gentlemen:

On 12/16/1999 you submitted an application for permit for a pond at the entrance of Eagle Island State Park. I have spoken to you on several occasions concerning this application and I have been asked for numerous 30-day extensions. On December 7, 2000, I received a letter from Roger Ford requesting a 1-year extension of time. An extension of time was granted until December 16, 2001.

The reason that I was given for the delay was that you need time to work on an agreement with Ballantyne Ditch Company. The agreement was needed for your mitigation plan. You were also going to see if Ballantyne Ditch Company would file a transfer for a portion of their water to be used for storage for your pond.

In order to process all of the applications in our office as efficiently as possible, I am required by Idaho Code § 42-204 to ask that this information be returned to my office within 30 days from the time the application was filed. However, numerous extensions have been granted over the last 2 years to keep your application valid. Another extension may be considered, but you will need show that you have been actively pursuing this application over the past year. This should include conversation logs between your office and Ballantyne Ditch Company or some other verification that you have been actively working on the application.

**If our office does not receive the information required to complete your application or another extension of time by 1/4/2002 we will be forced to void your application.** You will be able to re-file this application, but it will have a later priority date. I have also enclosed a withdrawal form if you are no longer interested in pursuing this application or would like to wait and re-file the application at a more convenient time.

If you have any questions or concerns please contact Dan Nelson at the above address.

Respectfully,

Daniel A. Nelson  
Sr. Water Right Agent

December 17, 2001

IDAHO DEPT OF PARKS AND RECREATION  
ATTN: MARY LUCACHICK & ROGER FORD  
PO BOX 83720  
BOISE ID 83720

***RE: APPLICATION FOR PERMIT FOR EAGLE ISLAND STATE  
PARK ENTRANCE POND***

Ladies and Gentlemen:

On 12/16/1999 you submitted an application for permit for a pond at the entrance of Eagle Island State Park. I have spoken to you on several occasions concerning this application and I have been asked for numerous 30-day extensions. On December 7, 2000, I received a letter from Roger Ford requesting a 1-year extension of time. An extension of time was granted until December 16, 2001.

The reason that I was given for the delay was that you need time to work on an agreement with Ballantyne Ditch Company. The agreement was needed for your mitigation plan. You were also going to see if Ballantyne Ditch Company would file a transfer for a portion of their water to be used for storage for your pond.

In order to process all of the applications in our office as efficiently as possible, I am required by Idaho Code § 42-204 to ask that this information be returned to my office within 30 days from the time the application was filed. However, numerous extensions have been granted over the last 2 years to keep your application valid. Please supply the information needed to complete the processing of your application. Another extension may be requested, but you will need show that you have been actively pursuing this application over the past year. This should include conversation logs between your office and Ballantyne Ditch Company or some other verification that you have been actively working on the application.

**If our office does not receive information required to complete your application or another extension of time by 1/24/2002 we will be forced to void your application.** You will be able to re-file this application, but it will have a later priority date. I have also enclosed a withdrawal form if you are no longer interested in pursuing this application.

If you have any questions or concerns please contact Dan Nelson at the above address.

Respectfully,

Daniel A. Nelson  
Sr. Water Right Agent



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

12/27/2000

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

IDAHO DEPT OF PARKS AND RECREATION  
ATTN MARY LUCACHICK & ROGER FORD  
PO BOX 83720  
BOISE ID 83720-0065

**COPY**

***RE: APPLICATION FOR PERMIT FOR EAGLE ISLAND STATE PARK***

Dear Applicant:

On 12/7/2000 you wrote me a letter requesting an extension of time to supply the needed information for your application for permit. You requested an extension until December 16, 2001. Your extension has been granted to December 16, 2001. I will contact you at the time for the information if it has not been supplied.

If you have any questions or concerns, please contact me at the above address or telephone number.

Respectfully,

A handwritten signature in cursive script, appearing to read 'Daniel A. Nelson'.

Daniel A. Nelson  
Sr. Water Right Agent



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

11/28/2000

**DIRK KEMPTHORNE**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

IDAHO DEPT OF PARKS AND RECREATION  
ATTN: MARY LUCACHICK & ROGER FORD  
PO BOX 83720  
BOISE ID 83720-0065

COPY

***RE: APPLICATION FOR PERMIT FOR EAGLE ISLAND STATE PARK  
ENTRANCE***

Ladies and Gentlemen:

On 12/16/1999 you submitted an application for permit for a pond at the entrance of Eagle Island State Park. I have spoken to you on several occasions concerning this application. The last correspondence that I received from you requested that I hold this application until November 7, 2000 to allow you to work on an agreement with Ballantyne Ditch Company. The agreement was needed for your mitigation plan. You were also going to see if Ballantyne Ditch Company would file a transfer for a portion of their water to be used for storage for your pond.

Unfortunately, I can not continue to hold your application without a written request that includes an estimated time that you will have all that is needed to complete the application. We have already held this application for a year, which is beyond the 30-days normally allowed.

**Therefore, please contact me by 12/15/2000 to withdraw the application or submit a written request for an extension of time. If I do not here from you by this date I will submit your application for permit to be voided. If your application is voided you will be able to re-apply at a later date.**

If you have any questions please contact me at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read 'Daniel A. Nelson'.

Daniel A. Nelson  
Sr. Water Right Agent



RECEIVED

DEC 12 2000

WATER RESOURCES  
WESTERN REGION

December 7, 2000

**DIRK KEMPTHORNE**  
governor

**Yvonne S. Ferrell**  
director

**Bill Dolden**  
deputy director

**IDAHO PARK AND  
RECREATION BOARD**

**Robert M. Haakenson**  
region one

**Beverly L. Boyd**  
region two

**Ernest J. Lombard**  
region three

**Glenn E. Shewmaker, PhD**  
region four

**Jean S. McDewitt**  
region five

**Douglas A. Hancey**  
region six

**IDAHO DEPARTMENT OF  
PARKS AND RECREATION**

p.o. box 83720  
boise, idaho 83720-0065

(208) 334-4199

fax (208) 334-3741

tdd 1-800-377-3529

street address  
5657 warm springs avenue

[www.idahoparks.org](http://www.idahoparks.org)

State of Idaho  
Dept. of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705  
Attn.: Mr. Dan Nelson

Dear Mr. Nelson,

Please accept this letter as a request for an extension of time to complete the mitigation issues associated with the Departments application for permit for the pond at the entrance to Eagle Island state park.

Apologias for the delays in completing this, but I was laid off in June and I did not come back to work until October 30<sup>th</sup>. I will be on another layoff beginning the end of March so I would like to request an extension of time to December 16, 2001. There are several issues involved in meeting the required mitigation so I would like as much time as possible to resolve them all.

Thank you for your consideration of this request. If you have any questions, or need additional information, please call me at 334-4199.

Sincerely,

Roger R. Ford  
Engineering Tech.

## Nelson, Dan

---

**From:** Nelson, Dan  
**Sent:** Tuesday, March 21, 2000 6:43 AM  
**To:** 'Roger Ford'  
**Subject:** RE: Eagle Island Entrance Lake

Dear Mr. Ford,

Thank you for your response. I will give you another 30 days to work on this application. If you need more time please contact me before 4/21/2000. Our office just needs to hear from you to know that you are still interested in the project. I hope E-mail works ok for you. If you would like this in a letter form, please contact me and I will send you a letter.

Thank you again for contacting me and I will look forward to hearing from you sometime in the next month.

Daniel A. Nelson  
Western Region  
Idaho Department of Water Resources

-----Original Message-----

**From:** Roger Ford [mailto:rford@IDPR.state.id.us]  
**Sent:** Monday, March 20, 2000 1:05 PM  
**To:** dnelson@idwr.state.id.us  
**Cc:** Mary Lucachick; Merl Mews  
**Subject:** Eagle Island Entrance Lake

Dear Mr. Nelson:

I am sorry I haven't completed the application for Eagle Island, but I am working on it along with other water right matters at this time. I will try to have the mitigation portion of the application to you this week and continue working on the Change of use of water from the Ballantyne Ditch.

I am sorry it has taken so long, but we do want to proceed and I will try to devote more time to this until I have it finished. If you have any other questions or concerns please feel free to call me at (208) 334-4199 or E-Mail me, rford@idpr.state.id.us.

Respectfully

Roger R. Ford  
Engineering Tech.



**DIRK KEMPTHORNE**  
governor

**Yvonne S. Ferrell**  
director

**Bill Dokken**  
deputy director

.....  
**IDAHO PARK AND  
RECREATION BOARD**  
.....

**Robert M. Haakenson**  
region one

**Beverly L. Boyd**  
region two

**Ernest J. Lombard**  
region three

**Glenn E. Shewmaker, PhD**  
region four

**Jean S. McDevitt**  
region five

**Douglas A. Hancey**  
region six

.....  
**IDAHO DEPARTMENT OF  
PARKS AND RECREATION**  
.....

p.o. box 83720  
boise, idaho 83720-0065

(208) 334-4199

fax (208) 334-3741

tdd 1-800-377-3529

street address  
5657 warm springs avenue

www.idahoparks.org

March 20, 2000

State of Idaho  
Dept. of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705  
Attn. Mr. Dan Nelson

Dear Mr. Nelson:

Please find enclosed a signed REQUEST TO PROCESS, a Statement of Mitigation and a plan of the lake at the future entrance to Eagle Island State Park. The plan dates back to the reclamation of the barrow site, and some of the notes are not pertinent to the mitigation issue. Please review and let me know what changes and additional information you would like me to provide. I am also starting the process of transferring the water for the Ballentyne Ditch Co. Ltd.

If you have any questions, or need additional information, please call me at 334-4199.

Sincerely,

Roger R. Ford  
Engineering Tech.

RECEIVED

MAR 22 2000

Department of Water Resources

RECEIVED

MAR 23 2000

WATER RESOURCES  
WESTERN REGION

**Nelson, Dan**

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**From:** Nelson, Dan  
**Sent:** Friday, March 17, 2000 4:35 PM  
**To:** 'mlucachi@idpr.state.id.us'  
**Subject:** Eagle Island State Park's applications for water rights

Dear Ms. Lucachick:

I am contacting you to determine the progress on the applications for permit for Eagle Island State Park's applications for permit. I spoke with you on 2/14/2000 to determine what the progress was and you told me that Roger Ford was the person that was working on the projects and that he would be back to work around the first of March. I have not heard from you or Mr. Ford concerning these applications.

You and Mr. Ford spoke with Steve Lester and myself concerning these applications in a meeting on 1/13/2000. I then called you on 2/14/2000 to determine the progress. On both of these occasions, I informed you that we could only keep an application in our office for 30 days without contact and then we are suppose to void the applications.

Since I don't know whether or not Mr. Ford came back, could you please let me know your departments standing on these applications. Our department does not have problem with granting more time to work on applications for permit, but we do ask to be contacted every 30 days or so to show that the applicant is still interested in the application.

You can send me an email or a letter to let me know how things are going. If you have any questions please contact me at Idaho Department of Water Resources, ATTN: Dan Nelson, 2735 Airport Way, Boise, Idaho 83705-5082 or email me at dnelson@idwr.state.id.us.

Thank you for your time.

Respectfully

Daniel A. Nelson  
Senior Agent  
Idaho Department of Water Resources

## **MEMORANDUM**

**TO:** APPLICATION FILE

**FROM:** DANIEL A. NELSON

**DATE:** 2/14/2000

**SUBJECT:** APPLICATION FOR PERMIT FOR PARKS AND RECREATION

I called Mary Lewkachech (?spelling) to determine the progress of the Parks and Recreation's application for permit for the new entrance to Eagle Island State Park. According to Mary, Roger Ford the person working on the water rights only works part-time and is will not be back into the office for another couple of weeks. He will start working on these files again at that time. She asked if I could hold the file for another 30 days. I asked them to contact me in 30 days or before to let me know their progress.

## **MEMORANDUM**

**TO:** GENERAL FILE

**FROM:** DANIEL A. NELSON

**DATE:** 1/13/2000

**SUBJECT:** PARKS AND REC.'S APPLICATIONS FOR PERMIT

On this dated I had a meeting with Idaho Department of Parks and Recreation (IDPR) representatives Roger Ford and Mary (unsure of last name). Steve Lester and Lori Graves were also present at this meeting. The content of the meeting was determining the correct way to satisfy the needs of the attaining a water right for a pond at the new entrance to Eagle Island State Park. In this discussion we discovered that Ballentyne Ditch Company shares were being diverted into the pond for a source of irrigation for the park entrance area. It was determined that the best scenario would be to have the ditch company file a transfer to create a storage component to satisfy the parks irrigation needs and to account for evaporative the loss of the pond's surface area. This would allow our office to process the IDPR application for permit for the remaining water used in the pond as a non-consumptive use.

IDPR agreed that this would be a good solution if the Ditch Company would agree to file the transfer. They requested that we hold the application until they could consult with the Ditch Company and determine their position on the issue. Therefore, these applications will remain on hold until they have the opportunity to work the Ditch Company.



**DIRK KEMPTHORNE**  
governor

**Yvonne S. Ferrell**  
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deputy director

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RECREATION BOARD**

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region four

**Jean S. McDevitt**  
region five

**Monte Q. Later**  
region six

**IDAHO DEPARTMENT OF  
PARKS AND RECREATION**

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[www.idahoparks.org](http://www.idahoparks.org)

December 16, 1999

State of Idaho  
Dept. of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705

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WESTERN REGION**

Please find enclosed two (2) Applications for Permit, one (1) Notice of Change of Water Right Ownership and one (1) Notice of Claim to a Water Right along with a check in the amount of \$195.00 to cover the filing fees. The way I figured the fees are \$120.00 for the Application on the lake, \$50.00 for the Application to irrigate from the lake, \$25.00 for the Claim to a Water Right and no fee for the Notice of Change of Water Right Ownership. I know these all should have been filed much sooner, but was overlooked. I do apologize for this.

If you have any questions, or need additional information, please call me at 334-4199.

Sincerely,

Roger R. Ford  
Engineering Tech.