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OCT 23 2007

DEPARTMENT OF  
WATER RESOURCES

Form 42-248/42-1409(6) 12/2006

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

*Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.*

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

| Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) |
|----------------------|-----------------------------|----------|----------------------|-----------------------------|----------|
| 94-4217              |                             |          |                      |                             |          |
| 94-4244              |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

|                                                 |                                                                                                                        |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 3. Name and Address of Former Owner/Claimant(s) | <u>Bunker Limited Partnership</u>                                                                                      |
|                                                 | <u>P.O. Box 29, Kellogg, ID 83837</u>                                                                                  |
| 4. New Owner/Claimant(s)                        | <u>Idaho Dept. of Environmental Quality</u>                                                                            |
|                                                 | Name Connector (Check one): <input type="checkbox"/> and, <input type="checkbox"/> or, <input type="checkbox"/> and/or |
| New Mailing Address                             | <u>1410 N. Hilton</u>                                                                                                  |
| City, State and ZIP Code                        | <u>Boise, ID 83706</u>                                                                                                 |
| New Telephone Number                            | <u>(208) 373-0134 (Curt Fransen)</u>                                                                                   |

**SUPPORT DATA**

5. Date you acquired the property \_\_\_\_\_

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right will not be split, skip this area and proceed to line 7) |                                                                            |                                                              |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Use                                                                                                            | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |

*For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.*

7. Signature(s) of New Owner(s) or Claimant(s) \_\_\_\_\_

Toni Hardisty, Director

(title if applicable)

**IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.**

**For IDWR Office Use Only:**

Received by AMB  
 Received by AMB  
 Processed by \_\_\_\_\_ AJ

Date 10-23-07  
 Date 10-23-07  
 Date \_\_\_\_\_

Receipt Amt. 50.00  
 Receipt No. C085187  
 WR \_\_\_\_\_ Date \_\_\_\_\_

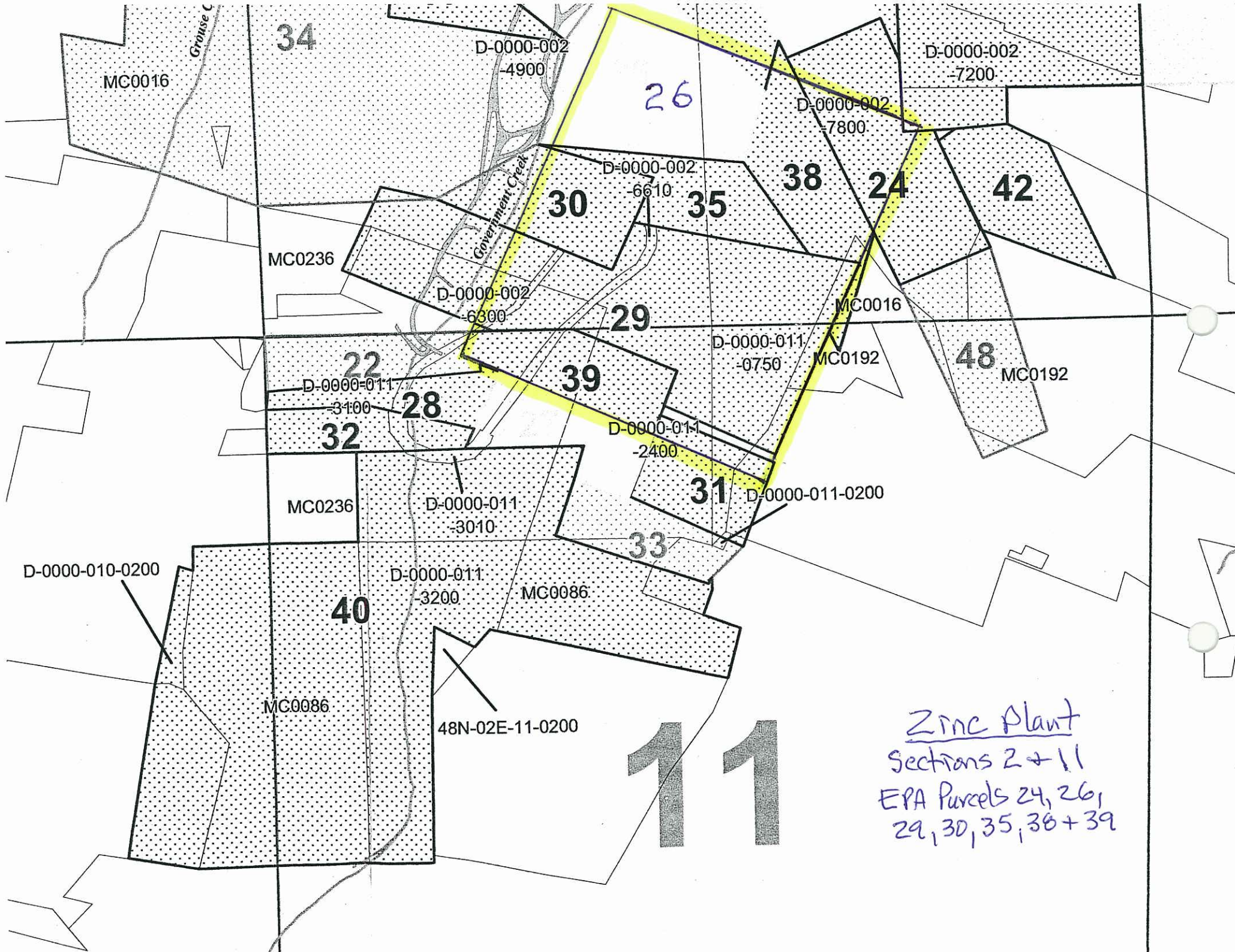
## **OWNERSHIP NARRATIVE**

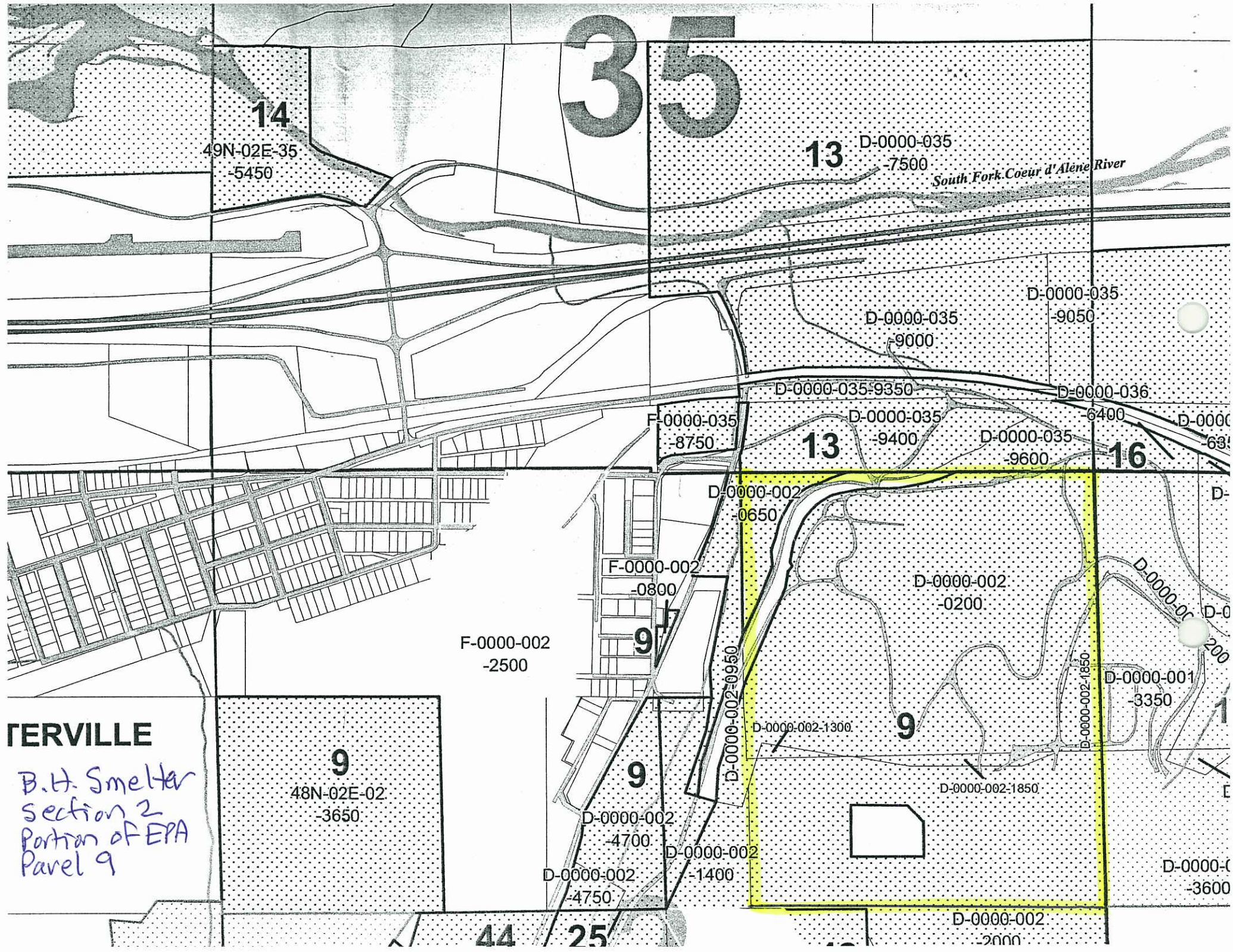
The Idaho Department of Environmental Quality received title to the benefited properties described in the water right claims from the United States of America through three separate deeds dated September 17, 2003; September 9, 2004; and September 11, 2007 (copies attached). These were conveyances of properties ceased by EPA from Bunker Limited Partnership (Pintlar), as part of the CERLA action creating the Silver Valley Super Fund site. Under federal law, these properties were transferred upon request to the State of Idaho represented by DEQ. The EPA identified the properties as parcels.

The benefited property identified on the water right claims as the B.H. Zinc Plant would be located within EPA Parcels 24,26,29,30,35,38 & 39 (see attached highlighted map). DEQ took title to these parcels through a combination of the September 17, 2003, and the September 9, 2004 deeds.

The benefited property identified on the water right claims as the B.H. Smelter would be located in a portion of EPA Parcel 9 (see attached highlighted map). A vast majority of this area was excluded from the Parcel 9 description in the September 9, 2004 deed because it comprised what is known as the Smelter Closure Area (SCA) and required mutually agreeable performance standards before the conveyance could occur. These matters were eventually resolved, and the SCA was conveyed to DEQ in the September 11, 2007 deed. It is this issue that delayed DEQ in filing a change of ownership for the water rights.

The benefited property identified in water right 94-4244 as the Mill and Mine would be located in EPA Parcel 4 and a portion of EPA Parcel 5 (see attached highlighted map). These were conveyed to DEQ in the September 17, 2003 deed. Since receiving title to EPA Parcel 4, DEQ has deeded it to the City of Kellogg.





35

14

13

16

9

9

9

TERVILLE  
B.H. Smelter  
section 2  
Portion of EPA  
Parcel 9

49N-02E-35-5450

D-0000-035-7500

South Fork Coeur d'Alene River

D-0000-035-9050

D-0000-035-9000

D-0000-035-9350

D-0000-036-6400

F-0000-035-8750

D-0000-035-9400

D-0000-035-9600

D-0000-002-0650

F-0000-002-0800

F-0000-002-2500

D-0000-002-0200

D-0000-002-0200

D-0000-001-3350

9  
48N-02E-02-3650

D-0000-002-4700

D-0000-002-1400

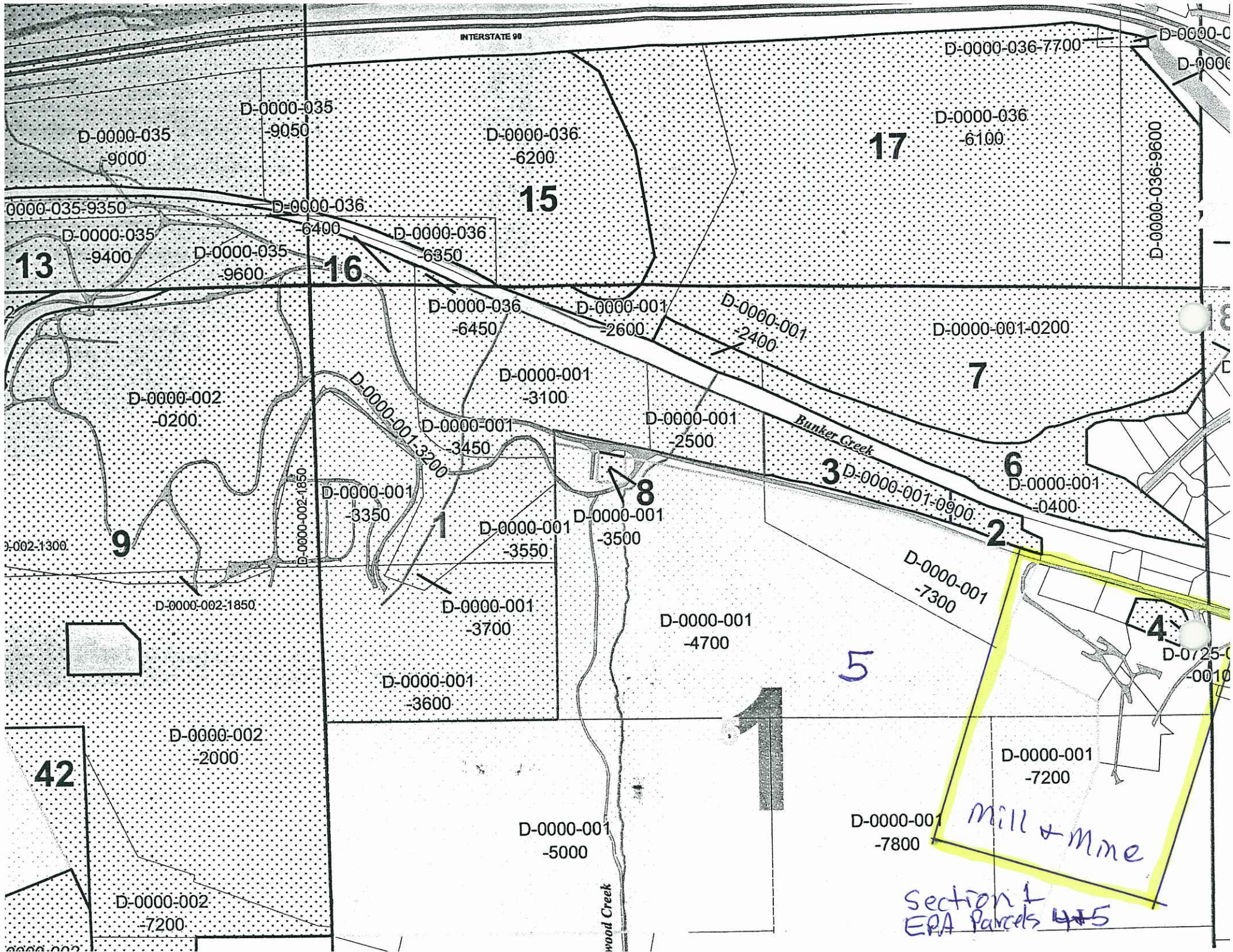
D-0000-002-4750

D-0000-002-1850

D-0000-002-3600

D-0000-002-2000

44 25



INTERSTATE 90

D-0000-036-7700

D-0000-036-7700

D-0000-036-7700

D-0000-036-6100

D-0000-036-9600

D-0000-036-6200

D-0000-035-9000

D-0000-035-9050

D-0000-035-9350

D-0000-036-6400

D-0000-036-6350

D-0000-035-9400

D-0000-035-9600

13

15

17

D-0000-036-6450

D-0000-001-2600

D-0000-001-2400

D-0000-001-0200

D-0000-002-0200

D-0000-001-3100

D-0000-001-2500

Bunker Creek

D-0000-001-3450

D-0000-001-3200

D-0000-002-1850

D-0000-001-3350

D-0000-001-3550

D-0000-001-3500

D-0000-001-3700

D-0000-001-3600

D-0000-001-4700

D-0000-001-7300

D-0000-001-0400

D-0000-001-0900

D-0000-002-1850

D-0000-002-2000

D-0000-001-5000

D-0000-002-7200

D-0000-001-7800

D-0000-001-7200

mill + mine

Section 1  
EPA Parcels 4+5

Wood Creek

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**QUITCLAIM DEED**

THIS QUITCLAIM DEED made and entered into this <sup>13</sup> 17th day of SEPTEMBER, 2002, by and between the **UNITED STATES OF AMERICA**, hereinafter referred to as the **GRANTOR**, acting by and through the The Environmental Protection Agency under and pursuant to the power and authority contained in section 104(j) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. Section 9604(j), as amended, and **IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY**, a subdivision of Idaho State Government, hereinafter referred to as the **GRANTEE**.

WHEREAS, the GRANTOR is the owner of certain real property located within the Bunker Hill Superfund Site which was conveyed to the United States by a Quitclaim Deed, dated August 14, 1995, and recorded in Shoshone County, Idaho under Auditor's file 368750, which transferred certain real property to the United States in accordance with the authority cited above, and;

WHEREAS, the GRANTOR has determined that environmental remediation has been completed on a portion of the said real property and it should be transferred to the State of Idaho in accordance with CERCLA 42 U.S.C. Section 9604(j)(2);

NOW, THEREFORE, GRANTOR hereby remises, releases, conveys and forever quitclaims unto the GRANTEE, its successors, and assigns, but subject to the reservations set forth below, all of its right, title and interest whatsoever, both in law, and in equity, without representation or warranty, express or implied, in that certain real estate being a portion of the Bunker Hill Superfund Site and described with reference to the parcels identified in the deed to the United States recorded under Auditor's file 368750 as:

**PARCEL 1:**

The Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  and that part of Government Lot 3 lying North of West McKinley Avenue and South of the Union Pacific Railroad right-of-way and that part of Government Lot 4 lying South of the UPRR right-

412901

of-way, all in Section 1, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho.

Contains 98.42 acres, more or less.

PARCEL 2:

A portion of Section 1, Township 48 North, Range 1 East, B.M., more particularly described as follows:

Beginning at the point of intersection of the North right-of-way line of West McKinley Avenue and Bunker Hill coordinate line 900 West; thence

Due North to the South right-of-way line of the UPRR; thence

Southeasterly along the right-of-way line to the point at which the Bunker Hill coordinate line 400 West intersects said right-of-way; thence

Due South for 60 feet to a point; thence

South 65° East for 135 feet to a point; thence

Due South to the point of intersection with the North right-of-way line of West McKinley Avenue; thence

Westerly along the North right-of-way of West McKinley Avenue to the point of intersection with the Bunker Hill coordinate line 900 West, the point of beginning.

Contains 2.38 acres, more or less.

PARCEL 3:

A tract of land situated in the West ½ of the Northeast ¼ of Section 1, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho and more particularly described as follows:

Beginning at a point along the North-South centerline of Section 1, where the Northerly boundary of the West McKinley Avenue right-of-way intersects said centerline; thence

North along said centerline to the intersection of said centerline and the Southern boundary of the UPRR right-of-way to a point; thence

Southeasterly along the Southern UPRR right-of-way boundary for approximately 1145 feet to the intersection of said right-of-way and Bunker Hill coordinate line 900 West to a point; thence

4112901

South along the North-South coordinate line to the intersection of said coordinate line and the Northerly boundary of West McKinley Avenue right-of-way to a point; thence

Northwesterly along the West McKinley Avenue right-of-way for approximately 1085 feet to its intersection with the North-South centerline of Section 1, the point of beginning.

Contains 47.28 acres, more or less.

PARCEL 4:

Being a tract of land situated in the Northeast  $\frac{1}{4}$  of Section 1, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho, more particularly described as follows:

Beginning at a point on the South right-of-way of McKinley Avenue, whence the East  $\frac{1}{4}$  Corner of Section 1, Township 48 North, Range 2 East, B.M., bears

South  $15^{\circ}14'19''$  East, 507.45 feet distant; thence

South  $41^{\circ}26'50''$  East, 57.83 feet; thence

South  $28^{\circ}52'15''$  East, 48.79 feet; thence

South  $21^{\circ}46'03''$  West, 150.17 feet; thence

North  $65^{\circ}43'21''$  West, 407.49 feet; thence

North  $23^{\circ}30'30''$  East, 152.64 feet; thence

South  $84^{\circ}35'30''$  East, 161.50 feet; thence

South  $65^{\circ}04'30''$  East, 158.38 feet to the point of beginning.

EXCEPT: An existing water line, together with a metering house more particularly described as follows:

The centerline of said pipeline is described as beginning at a point on the north edge of said metering house which bears North  $33^{\circ}48'$  East, 451 feet distant from the west quarter corner of Section 6, Township 48 North, Range 3 East, B.M., thence

North  $16^{\circ}$  East 19 feet to a point; thence

412901

North 77° West 184 feet to a tee in the line from which a branch line crosses McKinley Ave. to the north side of the street and approximately 10 feet from the south wall of the building known as the Bunker Hill Garage; thence

Continuing North 77° West 174 feet to an angle point; thence

South 17° West 24 feet to a point; thence

North 76° West 88 feet to a point; thence

North 20° West 43 feet to a point; thence

North 13° East 64 feet to a point; thence

North 68° West 93 feet to a point; thence

North 70° West 99 feet to a point; thence

North 72° west 100 feet to a valve; thence

Approximately North 72° West 500 feet to a separation point of water system, the point of termination.

Contains 1.75 acres, more or less.

PARCEL 5:

All of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , all of the North  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$ , all of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , Section 1, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho.

And that portion of Government Lots 2 and 3, all of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$ , Section 1, Township 48 North, Range 2 East, B.M., lying South of McKinley Avenue.

And that portion of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$ , and the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , Section 1, Township 48 North, Range 2 East, B.M., lying South of McKinley Avenue and West of a line described as follows:

Beginning at a point on the South boundary of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , whence the East  $\frac{1}{4}$  corner of said Section 1 bears North 35° 01'10" East, 1745.75 feet distant; thence

North 17°22'44" East, 1124.08 feet; thence

North 02°48'24" West, 383.22 feet; thence

412901

North 61°03'11" West, 644.85 feet; thence

North 23°04'59" East, 487.64 feet to a point on the South right-of-way of McKinley Avenue.

EXCEPTING THEREFROM a parcel of land situated in the Northeast ¼ of Section 1, known as the Ross Tract and more particularly described as follows:

Using Bunker Hill Triangulation Meridian and Coordinates and beginning at the Northwest Corner (North, 11,140.71 West, 2,920.82) of said parcel, a point on the South right-of-way line of McKinley Avenue and marked by a drill steel pin, whence the Northwest corner of said Section 1 bears North 60°20'28" West, 1,932.83 feet distant; thence

South 81°48' East, 157.26 feet along the South right-of-way of McKinley Avenue to the Northeast corner marked by a drill steel pin; thence

South 05°20' West, 180.21 feet to the Southeast corner marked by a drill steel pin; thence

North 81°49' West, 157.23 feet to the Southwest Corner marked by a drill steel pin; thence

North 05°19'30" East, 180.26 feet to the Northwest corner and the point of beginning, recorded in Shoshone County, State of Idaho, Instrument No. 297278.

Contains 214.44 acres, more or less.

PARCEL 8:

A parcel of land situated in the Northwest ¼ of Section 1, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho and more particularly described as follows:

Using Bunker Hill Company triangulation meridian and coordinates and beginning at the Northwest Corner (coordinates North 11,140.71 West, 2,920.82) of said parcel, a point on the South right-of way line of McKinley Avenue and marked by a drill steel pin whence the Northwest corner of Section 1, Township 48 North, Range 2 East, B.M., bears North 60°20'28" West, 1,932.83 feet distant; thence

South 81°48' East, 157.26 feet along the South right-of-way line of McKinley Avenue to the Northeast corner marked by a drill steel pin; thence

412901

South 5°20' West, 180.21 feet to the Southeast corner marked by drill steel pin; thence

North 81°49' West, 157.23 feet to the Southwest corner marked by a drill steel pin; thence

North 5°19'30" East, 180.26 feet to the Northwest corner and the place of beginning.

Contains 0.48 acres, more or less.

PARCEL 16:

A parcel of ground located in the Southwest ¼ of the Southwest ¼ of Section 36, Township 49 North, Range 2 East, B.M., Shoshone County, State of Idaho and more particularly described as follows:

Beginning at the Southwest Corner of Section 36, Township 49 North, Range 2 East, B.M. and running thence Easterly along said Section 36, Southern boundary line to its intersection with the Southerly boundary line of the U.P.R.R. right-of-way; thence Northwesterly along said U.P.R.R. Southern right-of-way boundary to its intersection with the Western boundary line of said Section 36; thence Southerly along said West boundary line of Section 36 to the point of beginning.

Contains 4.08 acres, more or less.

PARCEL 23:

Reeves Patented Mining Claim, M.S. 1412, located in Yreka Mining District in Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book B, Patents, page 66.

Contains 15.97 acres, more or less.

PARCEL 24:

Packard Patented Mining Claim, M.S. 1413, located in Yreka Mining District in Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book A, Patents, page 193.

Contains 19.41 acres, more or less.

PARCEL 26:

Alfred, Maggie and Goodenough Patented Mining Claim, M.S. 1628, located in Yreka Mining District in Section 2, Township 48 North, Range 2

412901

East, B.M., Shoshone County, State of Idaho. Patent recorded in Book A, Patents, page 247.

Contains 31.29 acres, more or less.

PARCEL 29:

Queen, Royal Knight and Silverking Patented Mining Claims, M.S. 1639, located in Yreka Mining District in Sections 2 and 11, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book A, Patents, page 304.

Contains 47.82 acres, more or less.

PARCEL 35:

William Lambert Fraction Patented Mining Claim, M.S. 1945, located in Yreka Mining District in Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book A, Patents, page 580.

Contains 9.58 acres, more or less.

PARCEL 38:

Band Patented Mining Claim, M.S. 2507, located in Yreka Mining District in Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 41, Deeds, page 251.

Contains 11.71 acres, more or less.

PARCEL 42:

L-1, L-2, L-3 and Goth Patented Mining Claims, M.S. 3214, located in Yreka Mining District in Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 64, Deeds, page 284.

Contains 29.00 acres, more or less.

PARCEL 46:

A Tract of land located in the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho and known as the Phosphoric Acid Plant Warehouse Tract and more particularly described as:

Using Bunker Hill Survey System Coordinates and Meridian and beginning at the Northwest Corner of said tract and from whence the West

412901

Quarter Corner of Section 2, bears North 82°49'33" West, 2122.46 feet running thence South 22°30' West, 260 feet to the Southwest Corner; thence

South 67°30' East, 260 feet to the Southeast Corner; thence

North 22°30' East, 260 feet to the Northeast Corner; thence

North 67°30' West, 260 feet to the Northwest Corner and place of beginning.

Contains 1.57 acres, more or less.

PARCEL 48:

Quaker Patented Mining Claim, M.S. 1414 situated in Yreka Mining District in Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book A, Patents, at page 48.

Contains 11.64 acres, more or less.

TOGETHER WITH and to the extent not previously described herein:

A parcel of land situated in Section 1 and the East-half of Section 2 in Township 48 North, Range 2 East, B.M., Shoshone County, Idaho more particularly described as follows:

Using the official City of Kellogg, Idaho Survey Coordinates and Meridian and commencing at the East ¼ corner of said Section 1, being a brass tag in concrete marked ¼ and having a City of Kellogg Survey Coordinate of Northing 9664.77, Easting 687.33; thence

North 53°21'39" West, a distance of 1,317.90 feet to a point on the South right-of-way of McKinley Avenue being a ½ inch iron rod with a yellow plastic cap marked "PLS #4458"; thence

South 23°05'27" West, a distance of 4.01 feet to a point on the South right-of-way of McKinley Avenue, the point of beginning, monumented with a 2 inch aluminum cap on a 5/8 inch iron rod marked "R/W, 2002, PLS #6374" thence

South 23°05'27" West, a distance of 483.68 feet to a 3/8 inch iron rod with a yellow plastic cap marked "PLS #4458"; thence

South 61°02'29" East, a distance of 644.77 feet to a 3/8 inch iron rod with a yellow plastic cap marked "PLS #4458"; thence

South 01°22'11" East, a distance of 384.07 feet to a 1 inch drill steel; thence

412901

South 16°59'33" West, a distance of 1119.93 feet to a point on the South line of the Northeast ¼ of the Southeast ¼ of said Section 1, being a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374", from which the East ¼ corner of said Section 1, bears North 35°02'14" East, a distance of 1746.04 feet; thence

South 87°40'01" West on said South line, a distance of 1654.25 feet to the Center-South 1/16 of said Section 1, being a 2 inch aluminum cap on a 5/8 inch iron rod, marked "PLS #6374"; thence

South 87°46'25" West, a distance of 2660.14 feet to the South 1/16 of said Sections 1 and 2 being a 2 inch aluminum cap on a 5/8 inch iron rod marked "PLS #6374"; thence

North 89°46'29" West, a distance of 809.45 feet to a point on line 4-1 of Mineral Survey 3214, L-3 Lode, being a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374"; thence

South 25°36'56" East, a distance of 13.82 feet to Corner No. 1 of Mineral Survey 3214, L-3 Lode, being a 2 inch iron rod, marked "PLS #6374"; thence

South 24°42'56" East, a distance of 20.75 feet to line 2-3 of Mineral Survey 2551, North Lode, being a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374"; thence

South 01°28'04" West, a distance of 266.74 feet to Corner 2 of Mineral Survey 2551, North Lode, being a 2 inch aluminum cap on a 5/8 inch iron rod marked "PLS #6374"; thence

South 68°16'02" East, a distance of 170.82 feet to line 2-1 of Mineral Survey 2551, North Lode, being a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374"; thence

South 24°42'56" East, a distance of 880.12 feet to line 4-1 of Mineral Survey 1858, Senator Stewart Fraction Lode, being a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374"; thence

North 67°42'56" West, a distance of 747.29 feet to Corner 4 of Mineral Survey 1858, Senator Stewart Fraction Lode, being a 2 inch aluminum cap on a 5/8 inch iron rod marked "PLS 6374"; thence

South 24°58'30" West, a distance of 115.42 feet to Corner 1 of Mineral Survey 1413, Packard Lode, being a 2 inch aluminum cap on a 5/8 inch iron rod marked "PLS 6374"; thence

South 68°07'17" West, a distance of 581.78 feet to Corner 2 of Mineral Survey 1413, Packard Lode, being a 2 inch aluminum cap on a 5/8 inch iron rod marked "PLS 6374"; thence

412901

North 25°26'05" West, a distance of 343.60 feet to Corner 5 of Mineral Survey 2507, Band Lode, being a 2 inch aluminum cap on a 5/8 inch iron rod marked "PLS 6374"; thence

South 25°27'04" West, a distance of 201.12 feet to Corner 2 of Mineral Survey 1423, Royal Knight Lode, being a 2 inch aluminum cap on a 5/8 inch iron rod marked "PLS 6374"; thence

South 25°01'08" West, a distance of 330.58 feet to a point on the South line of said Section 2 being a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374"; thence

North 89°51'31" West, a distance of 774.10 feet to the South ¼ corner of said Section 2 being a 2 inch aluminum cap on a 5/8 inch iron rod marked "PLS 6374"; thence

North 00°56'36" East, a distance of 2750.49 feet to the Center ¼ of said Section 2 being a 2 inch aluminum cap on a 5/8 inch iron rod marked "PLS 6374"; thence

North 00°56'36" East, a distance of 20.69 feet to the Southerly right-of-way of the O.R.&N. railroad, being a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374", said point being on a non-tangent curve the radius of which bears South 61°12'29" East; thence along said curve to the Northeast having a radius of 950.00 feet through a central angle of 4°37'41", an arc distance of 76.74 feet and having a chord bearing and distance of North 31°06'22" East, 76.72 feet to a tangent line, being a 2 inch aluminum cap on a 5/8 inch iron rod marked "PLS 6374"; thence

North 33°25'12" East, a distance of 178.74 feet to tangent curve to the left, being a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374"; thence along said curve to the North having a radius of 1050.00 feet through a central angle of 17°21'08" an arc length of 318.00 feet and having a chord bearing and distance of North 24°44'38" East, 316.78 feet being a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374"; thence

North 16°04'04" East, a distance of 456.49 feet to a point on line 360.00 feet South measured at right angles to the North line of the Southwest ¼ of the Northeast ¼ of said Section 2 being a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374"; thence

South 89°44'39" East on said line parallel to and 360.00 feet South of the North line of the Southwest ¼ of the Northeast ¼, a distance of 1161.17 feet to a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374"; thence

412901

North 74°08'56" East, a distance of 447.93 feet to a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374"; thence

North 23°03'21" West, a distance of 196.60 feet to a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374"; thence

South 87°51'00" East, a distance of 466.36 feet to a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374"; thence

North 18°45'35" East, a distance of 551.05 feet to a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374"; thence

North 26°17'50" East, a distance of 272.96 feet to a 5/8 inch iron rod with yellow plastic cap marked "PLS #6374"; thence

North 00°37'09" East, a distance of 635.65 feet to a 2 inch square brass plate on 1 inch drill steel, being the Northeast corner of Section 2; thence

South 89°52'23" East on the North line of said Section 2, a distance of 379.84 feet to the Southerly right-of-way of line McKinley Avenue being a 2 inch aluminum cap on 5/8 inch iron rod marked "R/W, 2002, PLS 6374" and also being on a nontangent curve, the radius of which bears South 66°28'05" West; thence the following eleven (11) courses on said Southerly right-of-way line of McKinley Avenue;

- 1) along said curve to the Southeast having a radius of 180.00 feet through a central angle of 14°33'22", an arc distance of 45.73 feet and having a chord bearing and distance of South 16°15'14" East, 45.61 feet to a tangent line being a 2 inch aluminum cap on a 5/8 inch iron rod marked "R/W, 2002, PLS 6374"; thence
- 2) South 08°58'33" East, a distance of 283.95 feet to a tangent curve, being a 2 inch aluminum cap on 5/8 inch iron rod marked "R/W, 2002, PLS 6374"; thence
- 3) Along said curve to the Southeast having a radius of 555.00 feet through a central angle of 80°40'32", an arc distance of 781.47 feet and having a chord bearing and distance of South 49°18'49" East, 718.49 feet to a tangent line being a 2 inch aluminum cap on a 5/8 inch iron rod marked "R/W, 2002, PLS 6374"; thence
- 4) South 89°39'04" East, a distance of 157.02 feet to a tangent curve to the right, being a 2 inch aluminum cap on a 5/8 inch iron rod marked "R/W, 2002, PLS 6374"; thence
- 5) Along said curve to the Southeast having a radius of 470.00 feet through a central angle of 23°45'44" an arc distance of 194.92 feet

412901

and having a chord bearing and distance of South 77°46'1" East, 193.53 feet to a reverse curve to left, being a 2 inch aluminum cap on a 5/8 inch iron rod marked "R/W, 2002, PLS 6374"; thence

- 6) Along said curve to the Southeast having a radius of 1530.00 feet through a central angle of 18°29'30", an arc distance of 493.80 feet and having a chord bearing and distance of South 75°08'06" East, 491.65 feet to a reverse curve to the right, being a 2 inch aluminum cap on a 5/8 inch iron rod marked "R/W, 2002, PLS 6374"; thence
- 7) Along said curve to the Southeast having a radius of 1970.00 feet through a central angle of 8°58'47", an arc distance of 308.75 feet and having a chord bearing and distance of South 79°53'28" East, 308.43 feet to a tangent line, being a 2 inch aluminum cap on a 5/8 inch iron rod marked "R/W, 2002, PLS 6374"; thence
- 8) South 75°24'04" East, a distance of 1392.24 feet to a tangent curve to the right, being a 2 inch aluminum cap on 5/8 inch iron rod marked "R/W, 2002, PLS 6374"; thence
- 9) Along said curve to the Southeast having a radius of 1970.00 feet through a central angle of 7°15'00", an arc distance of 249.28 feet and having a chord bearing and distance of South 71°46'34" East, 249.11 feet to a tangent line, being a 2 inch aluminum cap on a 5/8 inch iron rod marked "R/W, 2002, PLS 6374"; thence
- 10) South 68°09'04" East, a distance of 305.43 feet to a tangent curve to the left being a 2 inch aluminum cap on 5/8 inch iron rod marked "R/W, 2002, PLS 6374"; thence
- 11) Along said curve to the Southeast having a radius of 3030.00 feet through a central angle of 5°06'18", an arc distance of 269.97 feet and having a chord bearing and distance of South 70°42'13" East, 269.88 feet to the point of beginning.

EXCEPTING THEREFROM that certain tract of land as described in deed on file under Instrument No. 302020 being a portion of the South ½ of the Northeast ¼ of Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho and being described as follows:

Using Bunker Hill Meridian and beginning at Corner 1, Bunker Hill Coordinates Northing 9767.51 Easting 5735.59 whence the East ¼ corner of said Section 2 bears

South 73°21'00" East, 1158.25 feet distance; thence

South 89°56' West, 365.00 feet to Corner No. 2; thence

412901

North 0°04' West, 310.00 feet to Corner No. 3; thence

North 89°56' East, 215.00 feet to Corner No. 4; thence

South 61°59'30" East, 170.00 feet to Corner No. 5; thence

South 04° East, 230.00 feet to Corner No. 1 and the place of beginning.

ALSO EXCEPTING the unattended portion of the Northwest ¼ of the Southeast ¼ of Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho and being further described as follows:

Beginning at the Center East 1/16 of said Section 2 from which the East ¼ of said Section 2 bears South 89°41'22" East, a distance of 1326.31 feet; thence

South 0°24'41" West on the East line of Northwest ¼ of the Southeast ¼ of said Section 2, a distance of 284.63 feet to line 4-1 of Mineral Survey 3214, L-3 Lode; thence

North 25°36'56" West, a distance of 271.71 feet to Corner 4 of Mineral Survey 3214, L-3 Lode, being a 2 inch aluminum cap on a 5/8 inch iron rod marked "PLS 6374"; thence

South 56°19'04" West on line 4-3 of Mineral Survey 3214, L-3 Lode, a distance of 16.48 feet to line 2-1 of Mineral Survey 3214, L-1 Lode; thence

North 26°57'04" East, a distance of 55.35 feet to the East-West Center of said Section 2 and Corner 1 of Mineral Survey 3214, L-1 Lode, being a 2 inch aluminum cap on a 5/8 inch iron rod marked "PLS 6374"; thence

South 89°41'22" East, a distance of 108.14 feet to the point of beginning.

ALSO EXCEPTING any portion thereof, if any, which lies East of the following described line:

Beginning at point on the South boundary of the Northeast ¼ of the Southeast ¼, whence the East ¼ corner of said Section 1 bears North 35°01'10" East, 1745.75 feet distant; thence

North 17°22'44" East, 1124.08 feet; thence

North 02°48'24" West, 383.22 feet; thence

North 61°03'11" West, 644.85 feet; thence

412901

North 23°04'59" East, 487.64 feet to a point on the South right-of-way  
McKinley Avenue.

IN WITNESS WHEREOF, the Grantor has caused this deed to be  
executed in its name by the Facilities Management and Services Division of the  
Environmental Protection Agency the day and year first above written.

UNITED STATES OF AMERICA

BY:

David R. Lloyd

DAVID R. LLOYD, Acting Director FMSD

Reviewed and accepted by the Grantee this 18<sup>th</sup> day of November, 2002.

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY  
A subdivision of Idaho State Government

BY:

Stephen Allred  
C. Stephen Allred, Director

412901

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STATE OF DISTRICT OF COLUMBIA  
COUNTY OF WASHINGTON ) ss.

I, the undersigned, a Notary Public in and for the State of Maryland,  
District of Columbia, whose commission as such expires on the 17<sup>th</sup> day  
of SEPTEMBER, 2003, do hereby certify that on this day within the District of  
Columbia in the State of Maryland personally appeared before me  
DAVID R. LLOYD, the ~~Acting~~ Director of the Facilities  
Management and Services Division of the United States Environmental  
Protection Agency, whose name is signed to the foregoing instrument and  
acknowledged the foregoing instrument to be their free act and deed, dated the  
17<sup>th</sup> day of SEPTEMBER, 2003, and acknowledged the same for and on  
behalf of the UNITED STATES OF AMERICA.

GIVEN UNDER MY HAND AND SEAL this 17<sup>th</sup> day of SEPTEMBER, 2003.



Francis P. Bonds  
Notary Public  
FRANCIS P. BONDS  
NOTARY PUBLIC, DISTRICT OF COLUMBIA  
My Commission Expires 31 August 2006

RECORD  
at the request of

412901

IDAHO DEPT OF ENVIRONMENTAL QUALITY

in

DEEDS

Return to:

IDAHO DEPT OF ENVIRONMENTAL  
QUALITY

%FREEMAN DUNCAN ATTY AT LAW

P.O. BOX 1629

POST FALLS, ID 83854

Fee \$ 45.00

2003 OCT 22 AM 9 19

PEGGY WHITE  
SHOSHONE CTY RECORDER  
BY *[Signature]* DEPUTY

2003 OCT 22 AM 9 19  
SHOSHONE CTY RECORDER  
BY *[Signature]* DEPUTY

419091

**QUITCLAIM DEED**

THIS QUITCLAIM DEED made and entered into this 9<sup>th</sup> day of SEPTEMBER, 2004, by and between the **UNITED STATES OF AMERICA**, hereinafter referred to as the **GRANTOR**, acting by and through the The Environmental Protection Agency under and pursuant to the power and authority contained in section 104(j) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. Section 9604(j), as amended, and **IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY**, a subdivision of Idaho State Government, hereinafter referred to as the **GRANTEE**.

WHEREAS, the GRANTOR is the owner of certain real property located within the Bunker Hill Superfund Site which was conveyed to the United States by a Quitclaim Deed, dated August 14, 1995, and recorded in Shoshone County, Idaho under Auditor's file 368750, which transferred certain real property to the United States in accordance with the authority cited above, and;

WHEREAS, the GRANTOR has determined that said real property should be transferred to the State of Idaho in accordance with CERCLA 42 U.S.C. Section 9604(j)(2);

NOW, THEREFORE, GRANTOR hereby remises, releases, conveys and forever quitclaims unto the GRANTEE, its successors, and assigns, all of its right, title and interest whatsoever, both in law, and in equity, without representation or warranty, express or implied, in that certain real estate being a portion of the Bunker Hill Superfund Site and described with reference to the parcels identified in the deed to the United States recorded under Auditor's file 368750 as:

**PARCEL 9:**

The Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , and the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , and Government Lot 1 of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$ , and the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , lying East of County Road, and the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$ , except County Road, railroad right-of-way, powerline right-of-way and ground sold to School District No. 391, as disclosed by Quitclaim Deed recorded January 27, 1975, Instrument No. 255179, records of Shoshone County, State of Idaho, all in Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho.

419091

Except property in Deed dated August 15, 1950, from the Bunker Hill Company to School District, recorded November 20, 1950, in Book 84, Deeds, page 563, records of Shoshone County, State of Idaho.

ALSO EXCEPT property in Deed dated June 1, 1938, from Bunder Hill Company to School District No. 30, recorded September 19, 1938, Book 70, Deeds, page 130, records of Shoshone County, State of Idaho.

ALSO EXCEPT a tract of land being a portion of the South  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho and being further described as follows:

Using Bunker Hill Meridian and beginning at Corner No. 1, Bunker Hill Coordinates N. 9767.51 W. 5735.59 whence the East  $\frac{1}{4}$  corner of said Section 2 bears South 73°21'00" East, 1158.25 feet distant; thence

South 89°56' West, 365.00 feet to Corner No. 2; thence

North 0°04' West, 310.00 feet to Corner No. 3; thence

North 89°56' East, 215.00 feet to Corner No. 4; thence

South 61°59'30" East, 170.00 feet to Corner No. 5; thence

South 04° East, 230.00 feet to Corner No. 1 and the place of beginning.

ALSO EXCEPT a tract of land situated partly in the Northeast  $\frac{1}{4}$  of Section 2, Township 48 North, Range 2 East, B.M., and the Southeast  $\frac{1}{4}$  of Section 35, Township 49 North, Range 2 East, B.M., all in Shoshone County, State of Idaho and more particularly described as follows:

Using Bunker Hill Triangulation Meridian and beginning at Corner No. 1, an angle point in the Westerly line of said tract marked by a drill steel pin whence the witness corner for the North  $\frac{1}{4}$  corner of Section 2, Township 48 North, Range 2 East, B.M., bears North 81°18' West, 45.10 feet distant and from said witness corner said North  $\frac{1}{4}$  corner bears South 89°30' East, 20.00 feet distant; thence

North 34°31'40" East, 82.71 feet distant to Corner No. 2, a point marked by drill steel pin; thence

North 68°45'53" East 84.01 feet distant to Corner No. 3, a point marked by a drill steel pin; thence

South 86°24' East, 271.19 feet distant to Corner No. 4, a point marked by a drill steel pin; thence

419091

South  $16^{\circ}11'$  West, 373.43 feet distant to Corner No. 5, a point marked by a drill steel pin; thence

North  $82^{\circ}59'23''$  West, 302.35 feet distant to Corner No. 6, a point marked by a drill steel pin; thence

North  $1^{\circ}59'$  East, 240.34 feet distant to the place of beginning.

ALSO EXCEPT a tract of land situated in the Northeast  $\frac{1}{4}$  of Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho, more particularly described as follows:

Beginning at the Southeast corner, a point identical with the Northeast corner of Lease No. 7, the Roy Peterson lease with Minerals Corporation of Idaho, Inc., a Washington Corporation that is the successor to the Bunker Hill Company as Lessor and from which the North  $\frac{1}{4}$  corner of Section 2, Township 48 North, Range 2 East, B.M., bears North  $9^{\circ}40'33''$  West, 703.50 feet; thence

Northerly along the Western right-of-way boundary of the County Road approximately 423 feet to the Northeast corner, a point identical with the Southeast corner of the Silver Valley Laboratories' parcel and marked by a drill steel pin; thence

North  $82^{\circ}59'23''$  West, 302.35 feet along the Southern boundary line of the Silver Valley Laboratories' parcel to the Northwest corner and marked by a drill steel pin; thence

Southerly along the Eastern right-of-way of Eichel Street approximately 408 feet to the Southwest corner; thence

South  $84^{\circ}00'$  East, 130 feet along the North boundary of said lease to the Southeast corner and place of beginning.

ALSO EXCEPT a tract of land located in the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho and known as the Phosphoric Acid Plant Warehouse Tract and more particularly described as follows:

Using Bunker Hill Survey System Coordinates and Meridian and beginning at the Northwest corner of said tract and from whence the West  $\frac{1}{4}$  corner of said Section 2 bears North  $82^{\circ}49'33''$  West, 2122.46 feet running thence South  $22^{\circ}30'$  West, 260 feet to the Southwest corner; thence

South  $67^{\circ}30'$  East, 260 feet to the Southeast corner; thence

North  $22^{\circ}30'$  East, 260 feet to the Northeast corner; thence

419091

North 67°30' West, 260 feet to the Northwest corner and place of beginning.

ALSO EXCEPT: Bunker Hill Lease No. 7 more particularly described as follows:

Beginning at the Northwest Corner from which the North Quarter Corner of Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho bears North 0°56' East, 680 feet; thence

South 0°56' West, 102.00 feet to the Southwest Corner; thence

South 84°00' East, 80.00 feet to the Southeast Corner; thence

North 27°58'23" East, 109.56 feet to the Northeast Corner; thence

North 84°00' West, 130.00 feet to the place of beginning.

ALSO EXCEPT: Bunker Hill Lease No. 22 more particularly described as follows:

Beginning at the Northwest Corner whence the North Quarter Corner of Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho bears North 0°56' East, 782 feet; thence

South 0°56' West, 100 feet to the Southwest Corner; thence

South 84°00' East, 50 feet to the Southeast Corner; thence

North 0°56' East, 100 feet to the Northeast Corner; thence

North 84°00' West, 50 feet to the Northwest Corner and place of beginning.

Contains 242.42 acres more or less.

PARCEL 10:

All of Government Lot 3, Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho.

EXCEPTING therefrom all that portion lying within the boundaries of the Townsite of Sweeny, Shoshone County, State of Idaho, according to the official and recorded plat thereof.

ALSO EXCEPTING therefrom all that portion lying within the boundaries of the plat of Eichel's Addition to Smelterville, Shoshone County, State of Idaho, according to the official and recorded plat thereof.

419091

ALSO EXCEPTING therefrom all that portion lying within the boundaries of that certain flume right-of-way being a strip of land 30 feet in width as set forth in that Warranty Deed to Empire State Idaho Mining and Development Company, recorded October 11, 1901, Book 13, Deeds, Page 522, records of Shoshone County, State of Idaho.

Contains 24.01 acres, more or less.

PARCEL 11:

A tract of land situated in Section 33 and 34, Township 49 North, Range 2 East, B.M., Shoshone County, State of Idaho, and more particularly described as follows:

Using modified Idaho State survey coordinates with a combined adjustment factor of 1.0001652 and grid bearing with the delta alpha angle of  $0^{\circ}20'36''$  and beginning at Corner No. 1 (2,144.588.36 N., 384, 199.92 E.) a drill steel covered with cairn of rock at the intersection of the Southerly right-of-way boundary of Interstate Highway No. 90 with the Northerly boundary of the Union Pacific Railroad right-of-way from whence the Southwest corner of said Section 33 bears South  $22^{\circ}50.8'$  West, a distance of 1,449.12; thence along the said Southerly boundary of Interstate Highway 90, South  $82^{\circ}36.4'$  East, a distance of 708.38 feet to Corner No. 2, identical with Interstate Highway 90 right-of-way monument 1223+00; thence continuing along said boundary South  $79^{\circ}46.8'$  East, a distance of 1,398.03 feet to Corner No. 3, identical with Interstate Highway No. 90 right-of-way monument 1236.98.70; thence

on a  $0^{\circ}30'$  curve to the left, the long chord of which bears South  $84^{\circ}01.2'$  East, a distance of 1,731.05 feet to Corner No. 4 identical with U.S. Highway No. 10 right-of-way monument 315+24.3 Ahd; 315+89.1 Bk; thence

South  $88^{\circ}21.2'$  East, a distance of 1607.85 feet to Corner No. 5, a drill steel on the Southerly right-of-way boundary of Interstate Highway No. 90 (and U.S. Highway No. 10); thence leaving the Southerly boundary of the highway South  $01^{\circ}40.5'$  West, a distance of 419.35 feet to Corner No. 6, a drill steel on the Northerly right-of-way boundary of the Union Pacific Railroad; thence along said railroad boundary North  $82^{\circ}55'$  West, a distance of 139.00 feet to Corner No. 7, a drill steel; thence continuing along said railroad boundary North  $7^{\circ}05'$  East, a distance of 30.00 feet to Corner No. 8, a drill steel; thence continuing along said railroad boundary North  $82^{\circ}55'$  West, a distance of 4,224.42 feet to Corner No. 9, a drill steel; thence on a  $2^{\circ}30'$  curve to the right the chord of which bears North  $68^{\circ}40.7'$  West, a distance of 1,146.97 feet to Corner No. 1, the place of beginning.

Except a tract of land situated in Sections 33 and 34, Township 49 North, Range 2 East, B.M., and more particularly described as follows:

419091

Using modified Idaho State survey coordinates with a combined adjustment factor of 1.0001652 and grid bearing with the delta alpha angle of  $0^{\circ}20'36''$  and beginning at Corner A (2,144.047.63 N., 388,774.93 E.) a point on the Southerly right-of-way boundary of Interstate Highway No. 90 from whence the Southwest Corner of Section 33, Township 49 North, Range 2 East, B.M., bears South  $81^{\circ}12.4'$  West, a distance of 5,198.75 feet; thence along the said Southerly boundary of Interstate 90, South  $88^{\circ}2.2'$  East, a distance of 652.78 feet to Point B; thence

South  $1^{\circ}38.8'$  West, 373.23 feet to Point C on the Northerly right-of-way boundary of the Union Pacific Railroad; thence

North  $82^{\circ}55'$  West, 655.73 feet along said Union Pacific Railroad right-of-way to Point D; thence

North  $1^{\circ}38.8'$  East, 311.1 feet to the point of beginning.

Contains 31.07 acres, more or less.

PARCEL 12:

A parcel of ground located in Section 34, Township 49 North, Range 2 East, B.M., Shoshone County, State of Idaho and more particularly described as follows:

The North  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  lying North of the Shoshone County Airport, and the South  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$ , and the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , and the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  lying North of the Shoshone County airport, all in Section 34, Township 49 North, Range 2 East, B.M., Shoshone County, State of Idaho.

Contains 240.85 acres, more or less.

PARCEL 13:

The Southeast  $\frac{1}{4}$  of Section 35, Township 49 North, Range 2 East, B.M., Shoshone County, State of Idaho.

Except a tract of ground located in the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 35, Township 49 North, Range 2 East, B.M., more particularly described as follows:

Beginning at the Southeast Corner of said tract, a point at the intersection of the North right-of-way line of the Union Pacific Railroad with the West right-of-way line of the County Road at the mouth of Government Gulch, whence the Southwest Corner of Lot 2, Section 2, Township 48 North, Range 2 East, B.M., bears South  $14^{\circ}34'$  West, 2039.72 feet distant; thence running

419091

along the Union Pacific right-of-way line on a  $1^{\circ}00'$  curve to the left, the long chord of which bears South  $82^{\circ}51'$  West, 129.64 feet to a point; thence

South  $82^{\circ}12'$  West along said North right-of-way line of the Union Pacific Railroad, 366.24 feet to point of intersection North-South centerline of said Section 35; thence

North along said center of Section line 473.86 feet to its intersection with the South right-of-way line of the East approach to Smelterville from U.S. Highway No. 10; thence

North  $73^{\circ}53'$  East along said South right-of-way line 95.87 feet to a point opposite and 35 feet from Engineering Station 44+00; thence

North  $86^{\circ}43'$  East along said right-of-way line 50.86 feet to a point, opposite to and 45 feet from Engineering Station 441+500; thence

South  $73^{\circ}52'$  East, 257.61 feet to a point on the West right-of-way line of U.S. Highway No. 10 approach to Government Gulch; thence

South  $22^{\circ}27'$  East along the West right-of-way line of U.S. Highway No. 10 approach to Government Gulch 80.00 feet to a point opposite to and 35 feet distant from Engineering Station 410+97.1 identical with Station 411+3.4 of the corrected survey of U.S. Highway No. 10 approach to Government Gulch; thence

Southerly along the West right-of-way line of the County Road on a  $5^{\circ}43'$  curve to the right, the long chord of which bears South  $13^{\circ}31'$  East, 301.79 feet to the Southeast Corner and place of beginning.

ALSO EXCEPT that portion of the following described tract lying within the boundaries of the Southeast  $\frac{1}{4}$ , Section 35, Township 49 North, Range 2 East, B.M., Shoshone County, State of Idaho.

A tract of land situated partly in the Northeast  $\frac{1}{4}$  of Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho and more particularly described as follows:

Using Bunker Hill Co. Triangulation Meridian and beginning at Corner No. 1, an angle point in the Westerly line of said tract, marked by a drill steel pin whence the witness corner for the North  $\frac{1}{4}$  corner of Section 2, Township 48 North, Range 2 East, B.M., bears North  $81^{\circ}18'$  West, 45.1 feet distant and from said witness corner said North  $\frac{1}{4}$  corner bears south  $89^{\circ}30'$  East, 20.00 feet distant; thence

North  $34^{\circ}31'40''$  East, 82.71 feet distant to Corner No. 3, a point marked by a drill steel pin; thence

4119091

North 68°45'53" East, 84.01 feet distant to Corner No. 3, a point marked by a drill steel pin; thence

South 86°24' East, 271.19 feet distant to Corner No. 4, a point marked by a drill steel pin; thence

South 16°11' West, 373.43 feet distant to Corner No. 5, a point marked by a drill steel pin; thence

North 82°59'23" West, 302.35 feet distant to Corner No. 6, a point marked by a drill steel pin; thence

North 1°59' East, 240.34 feet distant to the place of beginning.

ALSO EXCEPT: that portion of the North ½ of the Southeast ¼ of Section 35, Township 49 North, Range 2 East, B.M., Shoshone County, State of Idaho lying North of the South Fork of the Coeur d'Alene River.

Contains 80.96 acres, more or less.

PARCEL 14:

A tract of land situated in the Northwest ¼ of the Southwest ¼, Section 35, Township 49 North, Range 2, East, B.M., Shoshone County, State of Idaho, more particularly described as follows:

Beginning at the West ¼ Corner of Section 35, Township 49 North, Range 2 East, B.M., thence along said East-West centerline South 89°13.25' East, 575.62 feet to a point marked by a drill steel pin; thence

Due South 604.21 feet to a point marked by a drill steel pin; thence

South 66°25.25' East, 534.70 feet to a point on the Northerly right-of-way line of the theater road and marked by a drill steel pin; thence along said right-of-way line South 47°57' West, 243.69 feet to a point; thence

North 74°33.5' West, 141.92 feet to a point; thence on a curve to the left with a radius of 421.97 feet, the long chord of which bears North 84°12.25' West, 243.57 feet to a point, a concrete monument with brass cap marked P.T. 18+23.68; thence continuing along said right-of-way line South 79°01.25' West, 533.27 feet to a point on the West line of Section 35, Township 49 North, Range 2 East, B.M.; thence

North 0°59'54" East, 928.43 feet along said Section line to the place of beginning.

419091

(The bearings as shown in the above description are from the Idaho Plane Coordinate System based on the transverse mercator projection for the West Zone of Idaho.)

Contains 15.44 acres, more or less.

PARCEL 21:

The Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  all in Section 33, Township 49 North, Range 2 East, B.M., Shoshone County, State of Idaho.

Contains 40.60 acres, more or less.

PARCEL 22:

Eureka Patented Mining Claim, M.S. 512 located in Yreka Mining District in Section 11, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book A, Patents, page 217.

Contains 8.00 acres, more or less.

PARCEL 25:

Danish Patented Mining Claim, M.S., 1503, located in Yreka Mining District in Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded as Instrument No. 209774, records of Shoshone County, State of Idaho.

Contains 3.10 acres, more or less.

PARCEL 27

Princess Patented Mining Claim, M.S. 1633, located in Yreka Mining District in Section 11, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book A, Patents, page 301.

Contains 7.96 acres, more or less.

PARCEL 28:

Crown Point Patented Mining Claim, M.S. 1638, located in Yreka Mining District in Section 11, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book A, Patents, page 214.

Contains 5.84 acres, more or less.

419091

PARCEL 30:

Phillipine Patented Mining Claim, M.S. 1663, located in Yreka Mining District in Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book A, Patents, page 322.

Contains 11.52 acres, more or less.

PARCEL 31:

Harrison Patented Mining Claim, M.S. 1664, located in Yreka Mining District in Section 11, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book A, Patents, page 307..

Contains 8.80 acres, more or less.

PARCEL 32:

Tunnel Fraction Patented Mining Claim, M.S. 1688, located in Yreka Mining District in Section 11, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 26, Deeds, page 173.

Contains 3.01 acres, more or less.

PARCEL 33:

Ninety-Six (96) Patented Mining Claim, M.S. 1715, located in Yreka Mining District in Section 11, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book A, Patents, page 349.

Contains 7.72 acres, more or less.

PARCEL 34:

Lydia Fraction, Mabel, Manila, O.K., O.K. Western, Sunny and Whipoorwill Patented Mining Claims, M.S. 1723, located in Yreka Mining District in Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 28, Deeds, page 446.

Contains 82.15 acres, more or less.

PARCEL 39:

Maine Patented Mining Claim, M.S. 2626, located in Yreka Mining District in Section 11, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 45, Deeds, page 180.

419091

Contains 9.70 acres, more or less.

PARCEL 40:

Chief, Chief No. 2, Florence, Laura, Porte Rico and Sugar Patented Mining Claims, M.S. 2862, located in Yreka Mining District in Section 10, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 55, Deeds, page 585.

Contains 104.15 acres, more or less.

PARCEL 41:

Venture Patented Mining Claims, M.S. 3164, located in Yreka Mining District in Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 62, Deeds, page 72.

Contains 7.89 acres, more or less.

PARCEL 44:

Silver King Millsite Patented Mining Claim, M.S. 3563, located in Yreka Mining District in Section 2, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho. Patent recorded as Instrument No. 206499, records of Shoshone County, State of Idaho.

Contains 3.92 acres, more or less.

Excepting from the conveyance of the above parcels the land known as the Smelter Closure area that is legally described as:

**EPA SUPERFUND CONFINED LANDFILL SOUTH OF MCKINLEY AVE**  
**LEGAL DESCRIPTION**

A portion of land situated in the Northeast Quarter of Section 2 in Township 48 North, Range 2 East, Boise Meridian, and the Southeast Quarter of Section 35 in Township 49 North, Range 2 East, Boise Meridian, City of Kellogg, Shoshone County, Idaho. This description is a portion of Parcels 9 and 13 as described in deed recorded in Shoshone County Recorder's office under recording No. 368750:

The boundary being further described as follows:

Using the official City of Kellogg, Idaho, Survey Coordinates and Meridian and commencing at the Northeast corner of said Section 2, being a drill steel with brass plate marked "T49N R2E S35-S36, T48N, R2E S2-S1" and having a City of Kellogg survey coordinate of Northing 12097.62, Easting -4600.58, monumented according to corner perpetuation and filing record form on file under Instrument Number 371349;

419091

thence South  $00^{\circ}37'09''$  West, on the east line of said Section 2, a distance of 439.76 feet, to an iron rod, 30" long,  $5/8$ " diameter, with a plastic cap marked "PLS 6374", the POINT OF BEGINNING;

thence continuing South  $00^{\circ}37'09''$  West, on said east line, a distance of 195.81 feet, to an iron rod, 30" long,  $5/8$ " diameter, with a plastic cap marked "PLS 6374";

thence South  $26^{\circ}17'50''$  West, a distance of 273.04 feet, to an iron rod, 30" long,  $5/8$ " diameter, with a plastic cap marked "PLS 6374";

thence South  $18^{\circ}45'35''$  West, a distance of 551.05 feet, to an iron rod, 30" long,  $5/8$ " diameter, with a plastic cap marked "PLS 6374";

thence North  $87^{\circ}51'00''$  West, a distance of 420.20 feet, to an iron rod, 30" long,  $5/8$ " diameter, with a plastic cap marked "PLS 6374";

thence North  $14^{\circ}38'21''$  West, a distance of 70.77 feet, to a tangent curve to the left, monumented with a  $5/8$ " iron rod with yellow plastic cap marked "PLS 6374";

thence along said curve to the Northwest having a radius of 163.50 feet through a central angle of  $79^{\circ}31'05''$  an arc length of 226.91 feet and having a cord bearing and distance of North  $54^{\circ}23'53''$  West, 209.14 feet, monumented with a  $5/8$ " iron rod with yellow plastic cap marked "PLS 6374", to a non-tangent line;

thence South  $33^{\circ}19'13''$  West, a distance of 183.20 feet, to a tangent curve to the left, monumented with a  $5/8$ " iron rod with yellow plastic cap marked "PLS 6374";

thence along said curve to the Southwest having a radius of 399.07 feet through a central angle of  $9^{\circ}21'23''$  an arc length of 65.17 feet and having a cord bearing and distance of South  $28^{\circ}38'31''$  West, 65.09 feet, monumented with a  $5/8$ " iron rod with yellow plastic cap marked "PLS 6374";

thence South  $23^{\circ}57'50''$  West, a distance of 53.99 feet, to a tangent curve to the right, monumented with a  $5/8$ " iron rod with yellow plastic cap marked "PLS 6374";

thence along said curve to the Southwest having a radius of 57.66 feet through a central angle of  $116^{\circ}53'08''$  an arc length of 117.63 feet and having a cord bearing and distance of South  $82^{\circ}24'24''$  West, 98.27 feet, monumented with a  $5/8$ " iron rod with yellow plastic cap marked "PLS 6374" to a compound curve to the right;

thence along said curve to the Northwest having a radius of 272.11 feet through a central angle of  $26^{\circ}18'10''$  an arc length of 124.92 feet and having a cord bearing and distance of North  $25^{\circ}59'57''$  West, 123.83 feet, monumented with a  $5/8$ " iron rod with yellow plastic cap marked "PLS 6374" to a compound curve to the right;

thence along said curve to the North having a radius of 765.78 feet through a central angle of  $7^{\circ}28'11''$  an arc length of 99.84 feet and having a cord bearing

419091

and distance of North 09°06'46" West, 99.77 feet, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence North 05°22'42" West, a distance of 97.77 feet, to a tangent curve to the left, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence along said curve to the Northwest having a radius of 1600.27 feet through a central angle of 12°09'01" an arc length of 339.36 feet and having a cord bearing and distance of North 11°27'13" West, 338.72 feet, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence North 17°31'43" West, a distance of 38.61 feet, to a tangent curve to the left, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence along said curve to the Northwest having a radius of 150.03 feet through a central angle of 47°58'22" an arc length of 125.62 feet and having a cord bearing and distance of North 41°30'54" West, 121.98 feet, being a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence North 65°30'05" West, a distance of 93.48 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 53°52'01" West, a distance of 163.76 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence South 70°05'08" West, a distance of 47.50 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 35°00'16" West, a distance of 77.05 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 33°23'16" East a distance of 150.94 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 40°14'40" East a distance of 79.71 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 18°32'31" East a distance of 202.23 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 41°32'18" East a distance of 84.25 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence South 63°05'11" East a distance of 40.06 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 75°21'14" East a distance of 58.93 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 46°03'47" East a distance of 24.66 feet;

thence North 46°03'47" East a distance of 37.60 feet, to a non-tangent curve to the left, the radius point of said curve bears North 11°30'17" East, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

419091

thence along said curve to the East having a radius of 372.24 feet through a central angle of  $16^{\circ}38'35''$  an arc length of 108.13 feet and having a cord bearing and distance of South  $86^{\circ}49'00''$  East, 107.75 feet, monumented with a  $5/8''$  iron rod with yellow plastic cap marked "PLS 6374";

thence North  $84^{\circ}51'42''$  East a distance of 412.32 feet, to an iron rod, 30" long,  $5/8''$  diameter, with a plastic cap marked "PLS 6374";

thence North  $83^{\circ}38'40''$  East a distance of 59.33 feet, to the intersecting of the north line of said Section 2, the northeast corner of which, bears, South  $89^{\circ}59'48''$  East, a distance of 739.65 feet;

thence continuing North  $83^{\circ}38'40''$  East a distance of 88.65 feet, to an iron rod, 30" long,  $5/8''$  diameter, with a plastic cap marked "PLS 6374";

thence North  $77^{\circ}30'45''$  East a distance of 194.22 feet, to an iron rod, 30" long,  $5/8''$  diameter, with a plastic cap marked "PLS 6374";

thence North  $69^{\circ}15'01''$  East a distance of 220.27 feet, to an iron rod, 30" long,  $5/8''$  diameter, with a plastic cap marked "PLS 6374";

thence South  $17^{\circ}57'53''$  East a distance of 99.54 feet, to an iron rod, 30" long,  $5/8''$  diameter, with a plastic cap marked "PLS 6374";

thence South  $09^{\circ}33'00''$  East a distance of 35.69 feet, to the intersecting of the north line of said Section 2, the northeast corner of which, bears, South  $89^{\circ}59'48''$  East, a distance of 219.36 feet;

thence continuing South  $09^{\circ}33'00''$  East a distance of 135.27 feet, to an iron rod, 30" long,  $5/8''$  diameter, with a plastic cap marked "PLS 6374";

thence South  $24^{\circ}51'32''$  East a distance of 117.51 feet, to a tangent curve to the right, monumented with a  $5/8''$  iron rod with yellow plastic cap marked "PLS 6374";

thence along said curve to the South having a radius of 602.18 feet through a central angle of  $21^{\circ}30'46''$  an arc length of 226.10 feet and having a cord bearing and distance of South  $14^{\circ}06'09''$  East, 224.77 feet, monumented a  $5/8''$  iron rod with yellow plastic cap marked "PLS 6374", to a non-tangent line;

thence North  $78^{\circ}15'57''$  East a distance of 89.89 feet to the Point of Beginning.

Containing: 40.1 acres

WITNESS WHEREOF, the Grantor has caused this deed to be executed in its name by the Facilities Management and Services Division of the Environmental Protection Agency the day and year first above written.

419091

UNITED STATES OF AMERICA

BY: David R. Lloyd

DAVID R. LLOYD, Director

Reviewed and accepted by the Grantee this 30 day of July, 2004.

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY  
A subdivision of Idaho State Government

BY:

Toni Hardesty  
Toni Hardesty, Director

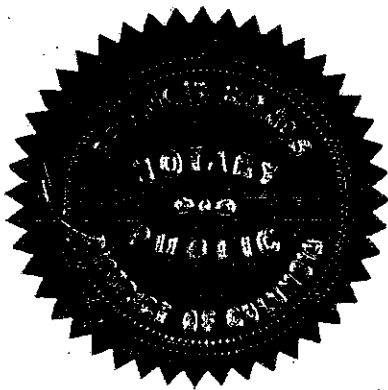
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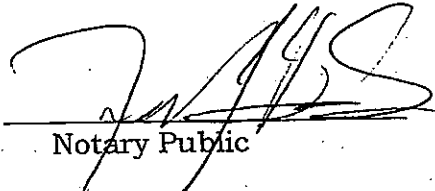
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STATE OF DISTRICT OF COLUMBIA )  
COUNTY OF WASHINGTON ) ss.

I, the undersigned, a Notary Public in and for the District of Columbia, whose commission as such expires on the 31 day of August, 2006, do hereby certify that on this day within the District of Columbia personally appeared before me DAVID R. LLOYD, the Director of the Facilities Management and Services Division of the United States Environmental Protection Agency, whose name is signed to the foregoing instrument and acknowledged the foregoing instrument to be their free act and deed, dated the 9<sup>th</sup> day of SEPTEMBER, 2004, and acknowledged the same for and on behalf of the UNITED STATES OF AMERICA.

GIVEN UNDER MY HAND AND SEAL this 9<sup>th</sup> day of SEPTEMBER, 2004.



  
Notary Public  
FRANCIS P. BONDS  
NOTARY PUBLIC, DISTRICT OF COLUMBIA  
My Commission Expires: 31 August 2006

419091

RECORDED  
at the request of

IDAHO DEPT OF ENVIRONMENTAL QUALITY

in

DEEDS

Return to:

2004 SEP 17 AM 8 56

IDAHO DEPT OF ENVIRONMENTAL QUALITY  
%FREEMAN DUNCAN, ATTY AT LAW  
PO BOX 1629

POST FALLS, ID 83877

pe \$ dh

SHASHONE CITY ORDER  
*Carrie Shum*

09/17/04

440241

## **QUITCLAIM DEED**

THIS QUITCLAIM DEED made and entered into this 11 day of September, 2007, by and between the **UNITED STATES OF AMERICA**, hereinafter referred to as the **GRANTOR**, acting by and through the The Environmental Protection Agency under and pursuant to the power and authority contained in section 104(j) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. Section 9604(j); as amended, and the **GRANTEE, IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY**, a subdivision of Idaho State Government, hereinafter referred to as the **STATE**.

WHEREAS, the GRANTOR is the owner of certain real property located within the Bunker Hill Superfund Site which was conveyed to the United States by a Quitclaim Deed, dated August 14, 1995, and recorded in Shoshone County, Idaho under Auditor's file 368750, which transferred certain real property to the United States in accordance with the authority cited above, and;

WHEREAS, the GRANTOR has determined that said real property should be transferred to the STATE in accordance with CERCLA 42 U.S.C. Section 9604(j)(2);

NOW, THEREFORE, GRANTOR hereby remises, releases, conveys and forever quitclaims unto the STATE, its successors, and assigns, subject to the covenants and notices set forth below, all of its right, title and interest, both in law, and in equity, without representation or warranty, express or implied, in that certain real estate (hereinafter referred to as "the Property") being a portion of the Bunker Hill Superfund Site and described as:

### **EPA SUPERFUND CONFINED LANDFILL SOUTH OF MCKINLEY AVE** **LEGAL DESCRIPTION**

A portion of land situated in the Northeast Quarter of Section 2 in Township 48 North, Range 2 East, Boise Meridian, and the Southeast Quarter of Section 35 in Township 49 North, Range 2 East, Boise Meridian, City of Kellogg, Shoshone County, Idaho. This description is a portion of Parcels 9 and 13 as described in deed recorded in Shoshone County Recorder's office under recording No. 368750:

The boundary being further described as follows:

Using the official City of Kellogg, Idaho, Survey Coordinates and Meridian and commencing at the Northeast corner of said Section 2, being a drill steel with

440241

brass plate marked "T49N R2E S35-S36, T48N, R2E S2-S1" and having a City of Kellogg survey coordinate of Northing 12097.62, Easting -4600.58, monumented according to corner perpetuation and filing record form on file under Instrument Number 371349;

thence South 00°37'09" West, on the east line of said Section 2, a distance of 439.76 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374", the **POINT OF BEGINNING**;

thence continuing South 00°37'09" West, on said east line, a distance of 195.81 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence South 26°17'50" West, a distance of 273.04 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence South 18°45'35" West, a distance of 551.05 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 87°51'00" West, a distance of 420.20 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 14°38'21" West, a distance of 70.77 feet, to a tangent curve to the left, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence along said curve to the Northwest having a radius of 163.50 feet through a central angle of 79°31'05" an arc length of 226.91 feet and having a chord bearing and distance of North 54°23'53" West, 209.14 feet, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374", to a non-tangent line;

thence South 33°19'13" West, a distance of 183.20 feet, to a tangent curve to the left, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence along said curve to the Southwest having a radius of 399.07 feet through a central angle of 9°21'23" an arc length of 65.17 feet and having a chord bearing and distance of South 28°38'31" West, 65.09 feet, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence South 23°57'50" West, a distance of 53.99 feet, to a tangent curve to the right, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence along said curve to the Southwest having a radius of 57.66 feet through a central angle of 116°53'08" an arc length of 117.63 feet and having a chord bearing and distance of South 82°24'24" West, 98.27 feet, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374" to a compound curve to the right;

thence along said curve to the Northwest having a radius of 272.11 feet through a central angle of 26°18'10" an arc length of 124.92 feet and having a chord bearing and distance of North 25°59'57" West, 123.83 feet, monumented

440241

with a 5/8" iron rod with yellow plastic cap marked "PLS 6374" to a compound curve to the right;

thence along said curve to the North having a radius of 765.78 feet through a central angle of 7°28'11" an arc length of 99.84 feet and having a chord bearing and distance of North 09°06'46" West, 99.77 feet, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence North 05°22'42" West, a distance of 97.77 feet, to a tangent curve to the left, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence along said curve to the Northwest having a radius of 1600.27 feet through a central angle of 12°09'01" an arc length of 339.36 feet and having a chord bearing and distance of North 11°27'13" West, 338.72 feet, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence North 17°31'43" West, a distance of 38.61 feet, to a tangent curve to the left, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence along said curve to the Northwest having a radius of 150.03 feet through a central angle of 47°58'22" an arc length of 125.62 feet and having a chord bearing and distance of North 41°30'54" West, 121.98 feet, being a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence North 65°30'05" West, a distance of 93.48 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 53°52'01" West, a distance of 163.76 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence South 70°05'08" West, a distance of 47.50 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 35°00'16" West, a distance of 77.05 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 33°23'16" East a distance of 150.94 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 40°14'40" East a distance of 79.71 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 18°32'31" East a distance of 202.23 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 41°32'18" East a distance of 84.25 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence South 63°05'11" East a distance of 40.06 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 75°21'14" East a distance of 58.93 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 46°03'47" East a distance of 24.66 feet;

thence North 46°03'47" East a distance of 37.60 feet, to a non-tangent curve to the left, the radius point of said curve bears North 11°30'17" East, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence along said curve to the East having a radius of 372.24 feet through a central angle of 16°38'35" an arc length of 108.13 feet and having a chord bearing and distance of South 86°49'00" East, 107.75 feet, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence North 84°51'42" East a distance of 412.32 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 83°38'40" East a distance of 59.33 feet, to the intersecting of the north line of said Section 2, the northeast corner of which, bears, South 89°59'48" East, a distance of 739.65 feet;

thence continuing North 83°38'40" East a distance of 88.65 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence North 77°30'45" East a distance of 194.22 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374"; thence North 69°15'01" East a distance of 220.27 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374"; thence South 17°57'53" East a distance of 99.54 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence South 09°33'00" East a distance of 35.69 feet, to the intersecting of the north line of said Section 2, the northeast corner of which, bears, South 89°59'48" East, a distance of 219.36 feet;

thence continuing South 09°33'00" East a distance of 135.27 feet, to an iron rod, 30" long, 5/8" diameter, with a plastic cap marked "PLS 6374";

thence South 24°51'32" East a distance of 117.51 feet, to a tangent curve to the right, monumented with a 5/8" iron rod with yellow plastic cap marked "PLS 6374";

thence along said curve to the South having a radius of 602.18 feet through a central angle of 21°30'46" an arc length of 226.10 feet and having a chord bearing and distance of South 14°06'09" East, 224.77 feet, monumented a 5/8" iron rod with yellow plastic cap marked "PLS 6374", to a non-tangent line;

thence North 78°15'57" East a distance of 89.89 feet to the **POINT OF BEGINNING.**

Containing: 40.1 acres

The Property is also defined as an exception in a previous transfer per quitclaim deed dated 9 Sep 2004 filed in Shoshone County Recorder's office under recording No. 419091.

440241

The Property is also defined in a Record of Survey (ROS) performed by Meckel Engineering & Surveying, Inc. as filed in Shoshone County Recorder's office under recording No. 408944.

The basis of bearing for this description is the City of Kellogg coordinate system as defined in ordinance No. 198 using the station "Green" and bearing to station "Stan" of North 20°59'03" West. See said ROS No. 408944.

### **ACCESS COVENANT AND NOTICE OF USE RESTRICTIONS**

By acceptance of this conveyance, the STATE covenants that upon any subsequent transfer or conveyance of the Property, in whole or in part, it will reserve for itself and for use by the Environmental Protection Agency, access to and on the Property as follows:

1. A perpetual and assignable easement and right of access on, over, and through the Property, for any case in which an environmental response action or corrective action is found to be necessary. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test-pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the STATE or the Environmental Protection Agency to meet its responsibilities under applicable laws. Such easement and right of access shall run with the land but may be terminated by the STATE, with concurrence from the Environmental Protection Agency, by filing a notice in the official land records of Shoshone County, Idaho.

2. In exercising such easement and right of access, reasonable notice of the intent to enter upon the Property and exercise rights under this easement shall be provided, which notice may be severely curtailed or even eliminated in emergency situations. Reasonable efforts shall be utilized that do not create significant additional costs in order to avoid and minimize interference with the owner's quiet enjoyment of the property. No fee, charge, or compensation will be due for the exercise of the easement and right of access hereby retained and reserved.

3. If any action in the exercise of this right of access results in damage to the Property, the STATE or the Environmental Protection Agency, subject to their contributory fault, shall, at their sole discretion, make reasonable repairs to, or compensate for such damage. In no event shall such repair, or compensation, exceed the fair market value of the damaged portion of the Property at the time immediately preceding such damage. The liability under this clause shall be contingent upon the availability of and shall not exceed, appropriations available for such payment, and nothing contained in this Deed may be considered as implying that at a later date appropriated funds will be sufficient to meet deficiencies. However, this clause shall not prejudice the

owner from seeking compensation for damages to the Property that may arise independent from the provisions of this Deed.

The GRANTOR further provides notice to the STATE, its successors and assigns of the following requirements. Upon the transfer or conveyance of all or a portion of the Property by the STATE, the following use restrictions shall be reserved and/or imposed upon the Property by the STATE:

4. No development shall occur on the Property in the area north of the South Perimeter Road, the road centerline coordinates are located approximately on the attached map labeled "Exhibit A", without written approval from the STATE and the Environmental Protection Agency. This area is known as the Smelter Closure Area or "SCA". The development prohibition shall include any construction or use that involves ground disturbance activities such as excavating, boring, tilling, digging, plowing, filling, grading or the placement or location of any structures of any kind. In addition:

a. No activity shall be conducted or authorized nor shall any condition be maintained if it will result in the damage or impairment of the twenty-four inch protective soil cap, the underlying HDPE geomembrane or the riser pipe gas vents.

b. No activity such as irrigating, flooding, or impounding water shall be permitted on the SCA.

c. Access to the SCA by members of the general public shall not be authorized until such time as this restriction is modified or released by the STATE, with concurrence from the Environmental Protection Agency, by filing a notice in the official land records of Shoshone County, Idaho, with reference to this quit claim deed. This prohibition shall not restrict the right of the STATE and the Environmental Protection Agency, their officers, employees, agents, and contractors from accessing the SCA for the purpose of conducting environmental remediation actions.

5. The area south of the SCA shall not be used in any manner that will adversely impact the functional utility of the surface water drainage features that now prevent surface water movement into the SCA. It shall be permissible to modify or replace existing water management structures so long as the drainage protection afforded to the SCA is not reduced in any manner.

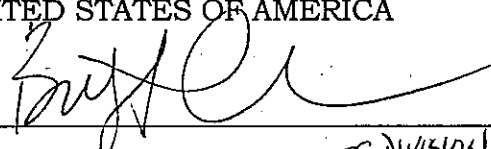
6. Groundwater monitoring wells on the Property shall not be disturbed or covered or used for any purpose other than to monitor groundwater.

440241

QUITCLAIM DEED No. 3  
BUNKER HILL SUPERFUND SITE  
STATE OF IDAHO  
SHOSHONE COUNTY, IDAHO

IN WITNESS WHEREOF, the GRANTOR has caused this deed to be executed in its name by the Director of Facilities Management and Services Division of the Environmental Protection Agency the day and year first above written.

UNITED STATES OF AMERICA

BY: 

EPA FACILITIES MANAGEMENT SERVICES DIVISION, Director

Reviewed and accepted by the STATE this 11<sup>th</sup> day of September, 2007.

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY  
A subdivision of Idaho State Government

BY: 

Toni Hardesty, Director

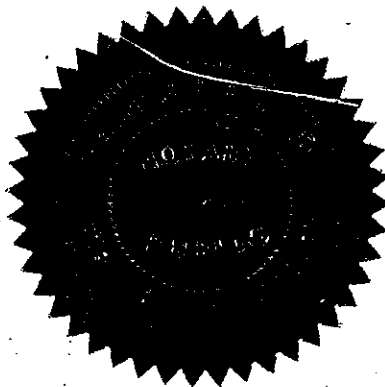
440241

QUITCLAIM DEED No. 3  
LUNKER HILL SUPERFUND SITE  
STATE OF IDAHO  
SHOSHONE COUNTY, IDAHO

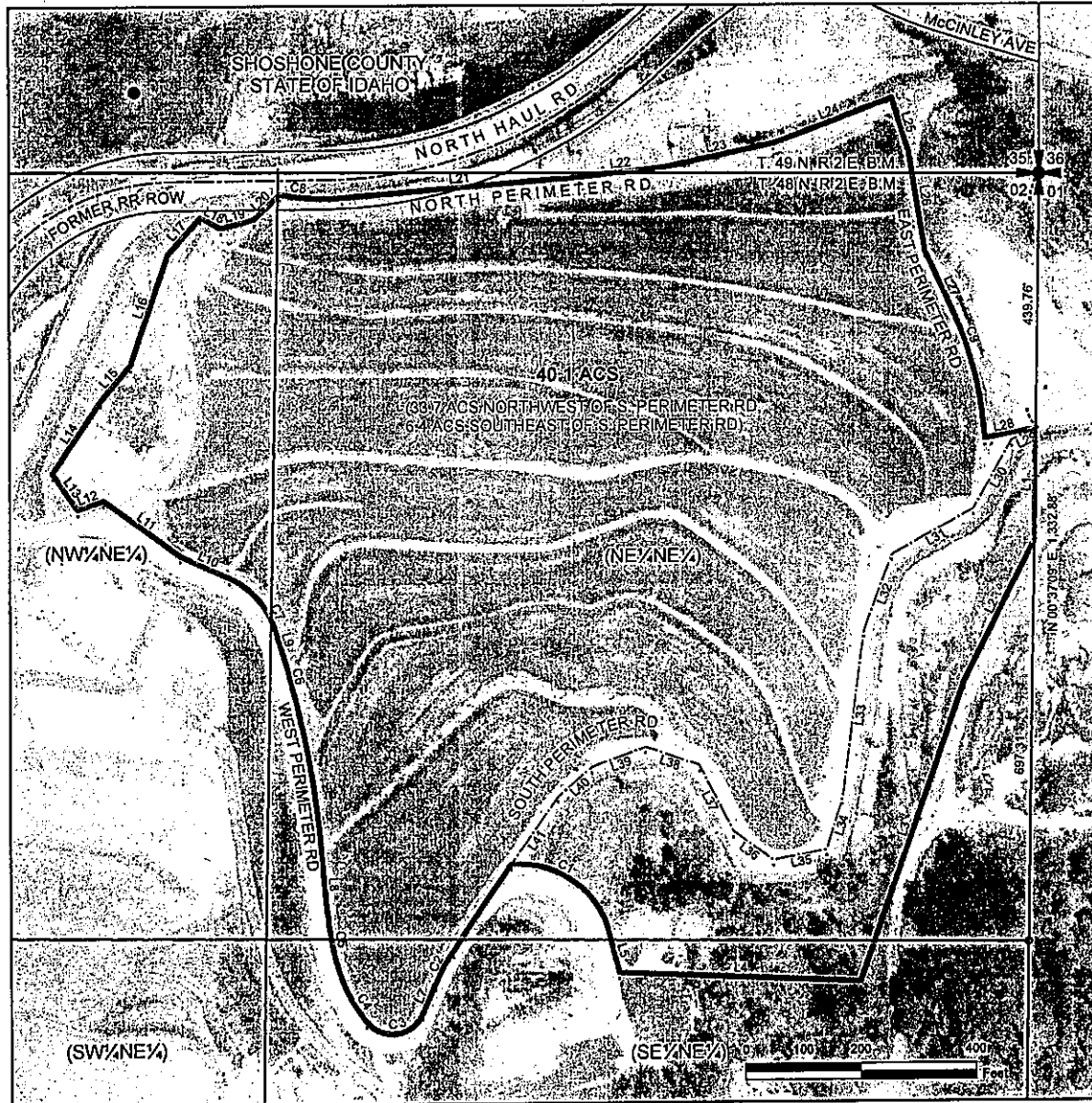
winword\notary.doc

STATE OF DISTRICT OF COLUMBIA )  
COUNTY OF WASHINGTON ) ss.

I, the undersigned, a Notary Public in and for the District of Columbia,  
whose commission as such expires on the 14<sup>th</sup> day of SEPTEMBER,  
<sup>2001</sup>2001, do hereby certify that on this day within the District of Columbia  
personally appeared before me BRIDGET C. SHEA, the  
Director of the Facilities Management and Services Division of the United States  
Environmental Protection Agency, whose name is signed to the foregoing  
instrument and acknowledged the foregoing instrument to be their free act and  
deed, dated the 29<sup>th</sup> day of August, 2007 and acknowledged the  
same for and on behalf of the UNITED STATES OF AMERICA.

GIVEN UNDER MY HAND AND SEAL this 29<sup>th</sup> day of August, 2007.

Francis P. Bonds  
Notary Public  
FRANCIS P. BONDS  
NOTARY PUBLIC, DISTRICT OF COLUMBIA  
My Commission Expires: 9/14/2011



# LEGEND

- 1 1/8 SECTION MONUMENT
- SET MONUMENT MARKED PLS 6374
- POINT ON ROAD (APPROXIMATE)
- SOUTH PERIMETER RD (APPROXIMATE)
- FORMER RAILROAD ROW
- SECTIONS
- SMELTER CLOSURE AREA, 40.1 ACS

## LINE AND CURVE TABLES

| LINE | LENGTH | BEARING     |
|------|--------|-------------|
| L1   | 185.81 | S52°37'00"W |
| L2   | 273.04 | S28°17'50"W |
| L3   | 551.06 | S18°45'35"W |
| L4   | 420.20 | N87°51'00"W |
| L5   | 70.77  | N14°28'21"W |
| L6   | 183.20 | S33°19'13"W |
| L7   | 53.96  | S73°57'50"W |
| L8   | 97.77  | N05°22'42"W |
| L9   | 38.81  | N17°31'43"W |
| L10  | 93.48  | N65°30'05"W |
| L11  | 163.76 | N53°53'01"W |
| L12  | 47.50  | S70°09'08"W |
| L13  | 77.06  | N35°00'16"W |
| L14  | 150.94 | N33°22'16"E |
| L15  | 78.71  | N40°14'40"E |
| L16  | 202.25 | N18°02'11"E |
| L17  | 84.25  | N41°32'18"E |
| L18  | 40.06  | S53°05'11"E |
| L19  | 58.93  | N75°21'14"E |
| L20  | 62.29  | N48°03'47"E |
| L21  | 412.32 | N84°51'42"E |
| L22  | 147.96 | N63°38'40"E |
| L23  | 194.22 | N77°30'45"E |
| L24  | 225.27 | N68°15'01"E |
| L25  | 92.24  | S17°57'33"E |
| L26  | 170.96 | S06°33'00"E |
| L27  | 117.51 | S24°51'32"E |
| L28  | 89.89  | N76°19'57"E |

| CURVE | LENGTH | RADIUS  | DELTA      | CHORD BEARING | CHORD  |
|-------|--------|---------|------------|---------------|--------|
| C1    | 226.81 | 163.50  | 79°21'00"  | N54°23'33"W   | 209.14 |
| C2    | 85.17  | 390.07  | 9°21'23"   | S28°38'31"W   | 65.10  |
| C3    | 117.63 | 57.64   | 116°53'08" | S82°24'24"W   | 88.27  |
| C4    | 124.82 | 272.11  | 26°18'10"  | N25°59'57"W   | 123.83 |
| C5    | 99.84  | 755.78  | 7°28'11"   | N09°06'45"W   | 99.77  |
| C6    | 339.56 | 1620.27 | 12°09'01"  | N11°27'13"W   | 338.72 |
| C7    | 125.62 | 150.03  | 47°58'22"  | N41°30'54"W   | 121.98 |
| C8    | 106.13 | 372.24  | 16°36'35"  | S85°43'00"E   | 107.76 |
| C9    | 236.10 | 602.16  | 21°30'45"  | S14°06'09"E   | 224.77 |

## SOUTH PERIMETER ROAD (APPROXIMATE)

| LINE | LENGTH | BEARING     |
|------|--------|-------------|
| L29  | 47.43  | S63°07'44"W |
| L30  | 136.67 | S29°14'58"W |
| L31  | 183.09 | S80°44'09"W |
| L32  | 140.11 | S20°18'45"W |
| L33  | 292.15 | S87°23'36"W |
| L34  | 65.38  | S17°11'36"W |
| L35  | 94.71  | S78°58'47"W |
| L36  | 85.33  | N33°50'28"W |
| L37  | 135.65 | N28°49'26"W |
| L38  | 96.74  | N15°28'59"W |
| L39  | 99.59  | N70°28'9"W  |
| L40  | 77.40  | S48°07'24"W |
| L41  | 143.24 | N34°47'41"W |

## NOTES

SEE USAGE LEGAL DESCRIPTION 001978.

THIS EXHIBIT MAP IS BASED ON CAD DATA FURNISHED BY MECKEL ENGINEERING & SURVEYING INC. THE MAP AND SAID DATA ARE INTENDED FOR INFORMATIONAL PURPOSES ONLY. SEE RECORD OF SURVEY BY MECKEL ENGINEERING & SURVEYING INC. FILED AT SHOSHONE COUNTY, IDAHO, UNDER RECORDING NUMBER 408944.

THE SOUTH PERIMETER RD IS AN APPROXIMATION BASED ON SHOWN IMAGERY.

## BUNKER HILL EPA SUPERFUND SITE

### SMELTER CLOSURE AREA (SCA)

TRANSFER FROM UNITED STATES OF AMERICA  
TO STATE OF IDAHO

BY:

U.S. ARMY CORPS OF ENGINEERS  
SEATTLE DISTRICT, REAL ESTATE DIVISION  
DATE: 07/02/2007



COMMENTS:

BASIS OF BEARING IS GIVEN IN THE CITY OF KELLOGG  
COORDINATE SYSTEM AS DEFINED IN ORDINANCE NO 198.

SHEET  
1 OF 1

EXHIBIT A