

58

STATE OF IDAHO }  
COUNTY OF KOOTENAI } ss  
FILED

Michael C. Ormsby  
Attorney at Law  
Kirkpatrick & Lockhart Preston Gates Ellis LLP  
1200 Ironwood Drive, Suite 315  
Coeur d'Alene, ID 83814  
(208) 667-1839

2007 JUN 19 AM 11:22

CLERK DISTRICT COURT

*Daniel J. English*  
DEPUTY

Attorney for North Kootenai Water District

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
STATE OF IDAHO, IN AND FOR KOOTENAI COUNTY

In the matter of:

NORTH KOOTENAI  
WATER DISTRICT

Petitioner.

58  
Cause No. 74989

MOTION FOR ORDER  
ANNEXING PROPERTY

(Gozzer Ranch Annexation)

STATE OF IDAHO }  
COUNTY OF KOOTENAI } ss  
CLERK THIS IS TO CERTIFY THAT THE FOREGOING IS  
A TRUE COPY OF THE ORIGINAL NOW ON  
FILE OF RECORD IN THIS OFFICE.  
COURT SEALED ON THIS 13 DAY OF Aug, 2007  
DANIEL J. ENGLISH, CLERK OF THE DISTRICT  
COURT  
*Daniel J. English*  
Deputy  
8/13/07  
10

COMES NOW North Kootenai Water District (the "District"), and moves the Court for an Order of the Court annexing certain real property commonly known as "Gozzer Ranch Annexation."

This Motion is made pursuant to Idaho Code § 42-3218(a), the records and files herein and the following Exhibits to this Motion:

A certified copy of the Board of Directors' Order Granting Petition for Annexation and the exhibits supporting the Board of Directors' Order are attached to this Motion and Order.

DATED May 10, 2007.

KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP

By *Michael C. Ormsby*  
Michael C. Ormsby, ISB #04013  
Attorneys for Petitioner

DANIEL J. ENGLISH 30P I 2116016000  
KOOTENAI CO. RECORDER Page 1 of 30  
AAA Date 08/13/2007 Time 16:32:19  
REC-REQ OF KOOTENAI WATER DISTRICT  
RECORDING FEE: 90.00  
2116016000 XX 10

MOTION FOR ORDER  
ANNEXING PROPERTY  
(Gozzer Ranch Annexation) - 1

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TECHNICAL SUPPORT

KIRKPATRICK & LOCKHART  
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**ORDER**

The undersigned District Court Judge/Commissioner, having read and considered the Petitioner's Motion for an Order Annexing Property into the District and the attached exhibits, good cause appearing and being otherwise advised:

IT IS HEREBY ORDERED that the real property covered by the Annexation Petition and the Order of the Board of Directors of the District is hereby annexed into North Kootenai Water District, effective the date of this Order.

DATED this 31<sup>st</sup> day of May, 2007.

JP Lusk  
JUDGE/COMMISSIONER

PRESENTED BY:

KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP

By Michael C Ormsby  
Michael C. Ormsby, ISB #04013  
Attorneys for Petitioner

*cc: Michael Ormsby  
Kirkpatrick & Lockhart  
5/17/07  
Heane Jensen  
Deputy Clerk*

MOTION FOR ORDER  
ANNEXING PROPERTY  
(Gozer Ranch Annexation) - 2  
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Attorney for North Kootenai Water District

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

In the Matter of:	)	
	)	CASE NO: 74989
	)	
NORTH KOOTENAI WATER	)	PETITION FOR
DISTRICT	)	ANNEXATION
	)	
	)	
	)	
	)	

Comes now the undersigned, being the owners of a portion of a parcel of real property that is located in Sections 5, 6, 7, 8, Township 49 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, described more particularly on Exhibit B to this Petition, who pray that such property be annexed into and included in the North Kootenai Water District upon adoption of a resolution to such effect by the Board of Directors of said District. The petitioners warrant and represent to North Kootenai Water District that they are the owners of all of the property described in Exhibit A to this petition, which property constitutes more than sixty percent of the land area of the parcel that is described in Exhibit B to this petition.

EXHIBIT A TO ANNEXATION AGREEMENT  
PETITION FOR ANNEKATION

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EXHIBIT "A"

Dated this 14 day of June, 2006.

Discovery Coeur d'Alene Investors, LLC

By: [Signature]

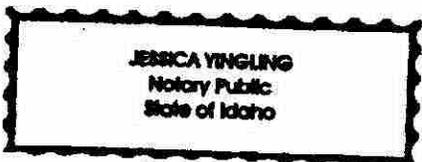
Discovery Squaw Bay Land, LLC

By: [Signature]

STATE OF Idaho )

County of Kootenai ) ss.

On this 14 day of ~~May~~ <sup>June</sup>, 2006, before me, a Notary Public in and for the State of Idaho, personally appeared Steve Adelson, known or identified to me to be the person that executed this instrument on behalf of Discovery Coeur d'Alene Investors, LLC, and acknowledged to me that said entity executed the same.

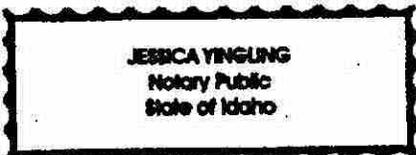


Jessica Yingling  
Notary Public for Idaho  
Residing at Coeur d'Alene  
Commission Expires: July 22, 2011

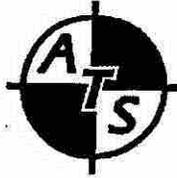
STATE OF Idaho )

County of Kootenai ) ss.

On this 14 day of ~~May~~ <sup>June</sup>, 2006, before me, a Notary Public in and for the State of Idaho, personally appeared Steve Adelson, known or identified to me to be the person that executed this instrument on behalf of Discovery Squaw Bay Land, LLC, and acknowledged to me that said entity executed the same.



Jessica Yingling  
Notary Public for Idaho  
Residing at Coeur d'Alene  
Commission Expires: July 22, 2011



**Advanced Technology Surveying & Engineering**

**EXHIBIT A**

**LEGAL DESCRIPTION  
GOZZER RANCH GOLF & LAKE CLUB  
(OWNERSHIP)**

A PARCEL OF LAND LOCATED IN PORTIONS OF SECTION 4, SECTION 5, SECTION 6, SECTION 7 AND SECTION 8, TOWNSHIP 49 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 2 1/2" ALUMINUM CAP MARKING THE CENTER QUARTER CORNER OF SAID SECTION 8, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 8 BEARS NORTH 00°11'22" WEST, 2991.22 FEET. SAID POINT OF COMMENCEMENT ALSO BEING THE TRUE POINT-OF-BEGINNING FOR THIS DESCRIBED PARCEL OF LAND.

THENCE SOUTH 00° 10' 54" EAST, 440.50 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 87° 07' 21" WEST, 726.98 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 02° 52' 00" EAST, 918.26 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 88° 29' 04" WEST, 1885.42 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 00° 32' 05" WEST, 534.06 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 37° 34' 05" WEST, 131.00 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 42° 05' 05" WEST, 531.50 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 72° 50' 05" WEST, 167.71 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962". SAID REBAR AND CAP PLACED ON THE EAST RIGHT-OF-WAY LINE FOR STATE HIGHWAY 97;

THENCE NORTH 43° 59' 55" EAST, 314.94 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO A TO A 5/8" REBAR AND CAP STAMPED "PLS 6374";

THENCE NORTH 89° 09' 37" EAST, 217.84 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

P.O. Box 3457, Hayden, Idaho 83835  
PH. (208) 772-2745 Fax. (208) 762-7731

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THENCE SOUTH 23° 52' 54" EAST, 384.79 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 00° 32' 05" WEST, 354.10 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 8 MARKED BY A 3/4" ALUMINUM MONUMENT STAMPED "PLS 997";

THENCE NORTH 87° 06' 25" EAST, 644.76 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE NORTH 00° 21' 48" EAST, 1467.16 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE NORTH 86° 14' 16" EAST, 640.57 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962". SAID REBAR AND CAP MARKING THE NORTHWEST SIXTEENTH CORNER OF SAID SECTION 8;

THENCE NORTH 00° 10' 36" EAST, 1476.63 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 6374". SAID REBAR AND CAP BEING THE WEST SIXTEENTH CORNER OF SAID SECTION 5 AND SECTION 8;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 5 SOUTH 85° 21' 27" WEST, 957.37 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID HIGHWAY 97 AND BEING THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 321.23 FEET, A CENTRAL ANGLE OF 56° 21' 26" AND A CHORD BEARING NORTH 50° 06' 18" WEST, 303.38 FEET;

THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY CURVE 315.97 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE NORTH 78° 17' 00" WEST, 70.18 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE OF SAID RIGHT-OF-WAY, CONCAVE TO THE NORTH, HAVING A RADIUS OF 315.00 FEET, A CENTRAL ANGLE OF 04° 08' 34" AND A CHORD BEARING NORTH 76° 12' 43" WEST, 22.77 FEET;

THENCE WESTERLY ALONG SAID RIGHT-OF-WAY CURVE, 22.78 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 02° 08' 08" WEST, 1077.53 FEET ALONG THE WEST BOUNDARY LINE OF SAID SECTION 5 TO THE SOUTH SIXTEENTH CORNER OF SAID SECTION 5 AND SECTION 6 MARKED BY A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 89° 08' 19" WEST, 163.31 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GOZZER ROAD AND BEING THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 549.56 FEET, A CENTRAL ANGLE OF 07° 23' 28" AND A CHORD BEARING NORTH 68° 48' 37" WEST, 70.84 FEET;

THENCE WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY CURVE, 70.89 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 72° 30' 20" WEST, 14.28 FEET ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

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THENCE LEAVING SAID RIGHT-OF-WAY LINE NORTH 29° 37' 25" EAST, 459.44 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 02° 07' 41" WEST, 890.95 FEET ALONG THE AFOREMENTIONED WEST BOUNDARY LINE OF SECTION 5 TO THE WEST QUARTER CORNER OF SAID SECTION;

THENCE NORTH 89° 37' 24" WEST, 1298.85 FEET TO THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE FOR HIGHWAY 97 MARKED BY A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 18° 29' 11" EAST, 718.56 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 71° 33' 15" EAST, 114.98 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE NORTH 41° 35' 00" EAST, 76.21 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE NORTH 18° 29' 54" EAST, 99.92 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE NORTH 71° 33' 25" WEST, 144.90 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289" ON SAID EAST RIGHT-OF-WAY LINE;

THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 18° 29' 11" EAST, 1129.87 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 548.00 FEET, A CENTRAL ANGLE OF 19° 52' 00" AND A CHORD BEARING NORTH 28° 25' 11" EAST, 189.06 FEET;

THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 190.01 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 38° 21' 11" EAST, 478.20 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 2505.00 FEET, A CENTRAL ANGLE OF 05° 52' 01" AND A CHORD BEARING NORTH 41° 17' 12" EAST, 256.39 FEET;

THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 256.50 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF SAID SECTION 5. SAID POINT BEING A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 86° 45' 17" EAST, 595.28 FEET ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 5 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY 97 MARKED BY A 5/8" REBAR AND CAP STAMPED "PLS 832";

THENCE SOUTH 20° 40' 36" EAST, 37.09 FEET TO THE POINT OF CURVATURE OF A TANGENT RIGHT-OF-WAY CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 98° 15' 06" AND A CHORD BEARING SOUTH 69° 48' 09" EAST, 340.27 FEET;

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THENCE EASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 385.83 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";  
THENCE NORTH 61° 04' 18" EAST, 245.84 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962". SAID REBAR AND CAP BEING THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE OF 37° 13' 35" AND A CHORD BEARING NORTH 79° 41' 06" EAST, 383.01 FEET;

THENCE EASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 389.83 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 81° 42' 07" EAST, 193.28 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE SOUTH 02° 34' 53" EAST, 774.24 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 01° 29' 32" EAST, 477.80 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 86° 02' 37" EAST, 9.09 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 02° 34' 53" EAST, 1303.18 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 85° 10' 11" EAST, 0.27 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 01° 48' 42" EAST, 1321.06 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 85° 15' 25" EAST, 839.96 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 3451". SAID REBAR AND CAP MARKING THE SOUTH SIXTEENTH CORNER OF SAID SECTION 5;

THENCE NORTH 86° 10' 20" EAST, 1127.05 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 3451". SAID REBAR AND CAP MARKING THE SOUTHEAST SIXTEENTH CORNER OF SAID SECTION 5;

THENCE SOUTH 09° 46' 47" EAST, 134.41 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 26° 55' 26" EAST, 542.78 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 09° 46' 47" EAST, 710.85 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962" PLACED ON THE SOUTH BOUNDARY LINE OF SAID SECTION 5;

THENCE ALONG SAID SOUTH SECTION LINE NORTH 86° 52' 52" EAST, 1158.50 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 5;

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THENCE SOUTH 00° 19' 39" EAST, 3001.76 FEET ALONG THE EAST BOUNDARY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 8 TO THE EAST QUARTER CORNER OF SAID SECTION 8;

THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID NORTHEAST QUARTER OF SECTION 8 SOUTH 87° 07' 27" WEST, 534.26 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE LEAVING SAID SOUTH BOUNDARY LINE NORTH 00° 14' 01" WEST, 270.00 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 87° 07' 27" WEST, 160.00 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 00° 14' 01" WEST, 150.00 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 87° 07' 27" WEST, 630.00 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 00° 14' 01" EAST, 13.03 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE SOUTH 56° 08' 21" WEST, 538.56 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE SOUTH 75° 45' 07" WEST, 174.21 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE SOUTH 86° 13' 18" WEST, 257.15 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE NORTH 87° 11' 25" WEST, 101.39 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE NORTH 55° 58' 42" WEST, 127.54 FEET TO THE EAST RIGHT-OF-WAY LINE OF GOZZER ROAD AND MARKED BY A 5/8" REBAR AND CAP STAMPED "PLS 5289". SAID REBAR AND CAP BEING THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 134.04 FEET, A CENTRAL ANGLE OF 69° 54' 33" AND A CHORD BEARING SOUTH 45° 58' 33" WEST, 153.59 FEET;

THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY CURVE, 163.55 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY SOUTH 80° 55' 49" WEST, 72.43 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 55.24 FEET, A CENTRAL ANGLE OF 83° 07' 31" AND A CHORD BEARING SOUTH 39° 22' 03" WEST, 73.30 FEET;

THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY CURVE, 80.14 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

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THENCE SOUTH 02° 11' 41" EAST, 14.69 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289" INTERSECTING WITH THE SOUTH BOUNDARY LINE OF SAID SECTION 8;

THENCE SOUTH 87° 06' 34" WEST, 11.63 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIBED PARCEL OF LAND;

**TOGETHER WITH:**

A PARCEL OF LAND LOCATED IN A PORTION OF SAID SECTION 6, TOWNSHIP 49 NORTH, RANGE 3 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTH SIXTEENTH CORNER OF SAID SECTION 5 AND SECTION 6 FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 6 BEARS SOUTH 02° 08' 10" EAST, 1317.49 FEET. THENCE FROM SAID POINT OF COMMENCEMENT SOUTH 89° 08' 19" WEST, 307.58 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE FOR GOZZER ROAD MARKED BY A 5/8" REBAR AND CAP STAMPED "PLS 4194" AND BEING THE TRUE POINT-OF-BEGINNING FOR THIS DESCRIBED PARCEL OF LAND;

THENCE SOUTH 89° 08' 19" WEST, 326.80 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962" AND MARKING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE FOR THE AFOREMENTIONED HIGHWAY 97;

THENCE NORTH 32° 40' 40" WEST, 27.50 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 503.34 FEET, A CENTRAL ANGLE OF 20° 50' 00" AND A CHORD BEARING NORTH 43° 05' 40" WEST, 182.01 FEET;

THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY CURVE, 183.02 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962" AND INTERSECTING THE SOUTH RIGHT-OF-WAY LINE OF GOZZER ROAD;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE SOUTH 72° 39' 08" EAST, 19.17 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 390.00 FEET, A CENTRAL ANGLE OF 20° 23' 00" AND A CHORD BEARING SOUTH 82° 50' 38" EAST, 138.01 FEET;

THENCE EASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 138.75 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 86° 57' 52" EAST, 77.81 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 115.00 FEET, A CENTRAL ANGLE OF 43° 33' 22" AND A CHORD BEARING SOUTH 71° 15' 27" EAST, 85.33 FEET;

THENCE EASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 87.42 FEET TO THE POINT OF CURVATURE OF A REVERSE CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1365.99 FEET, A CENTRAL ANGLE OF 05° 44' 05", AND A CHORD OF 136.67 FEET BEARING SOUTH 52° 20' 49" EAST;

THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY CURVE, A DISTANCE OF 136.72 FEET TO THE POINT OF CURVATURE OF A COMPOUND CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 17° 36' 08", AND A CHORD OF 48.96 FEET BEARING SOUTH 64° 00' 46" EAST;

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THENCE SOUTHEASTERLY ALONG SAID CURVE, A DISTANCE OF 49.16 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIBED PARCEL OF LAND;

**EXCEPT:**

ANY PORTION OF COUNTY ROAD RIGHT-OF-WAYS KNOWN AS "GOZZER ROAD" AND "ARROW ROAD" LYING WITHIN THE ABOVE DESCRIBED PARCELS OF LAND;

**ALSO EXCEPT:**

THE FOLLOWING LOTS AND BLOCKS ACCORDING TO THE OFFICIAL PLAT OF "GOZZER RANCH GOLF & LAKE CLUB I", RECORDED IN BOOK "J" OF PLATS AT PAGE 262 THROUGH 262L, KOOTENAI COUNTY RECORDERS OFFICE:

LOTS 1-3, 5, 7-10, 12, 13 AND LOTS 16-20, BLOCK ONE;

LOTS 21-27, 29, 30 AND 33, BLOCK TWO;

LOTS 34-44, BLOCK THREE;

LOTS 45-51, BLOCK FOUR;

LOTS 53-62, BLOCK FIVE;

LOT 52, BLOCK SIX;

LOTS 81-83, BLOCK SEVEN;

LOTS 63-80, BLOCK EIGHT;

LOTS 84-104, BLOCK TEN;

LOTS C2 AND C3, BLOCK NINE;

LOTS C18, C22, C27-28, C33-34, BLOCK ELEVEN;

LOTS 218-223, BLOCK TWELVE;

LOTS 261 AND LOTS 263-267, BLOCK THIRTEEN;

LOTS 254-258, BLOCK FOURTEEN;

LOTS 252, BLOCK FIFTEEN;

LOTS C10-11, BLOCK SIXTEEN;

**INCLUDED IN THE ABOVE DESCRIBED PROPERTY:**

A TRACT OF LAND LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 49 NORTH, RANGE 3 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO DESCRIBED AS FOLLOWS:

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COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 5, BEING A 1-3/4" IRON PIPE, FROM WHICH THE SOUTHEAST CORNER FOR SECTION 5, BEING A 1-1/2" IRON PIPE, BEARS; NORTH 86° 52' 52" EAST, 2640.04 FEET. THENCE FROM SAID POINT OF COMMENCEMENT NORTH 86° 52' 52" EAST, 1320.45 FEET ALONG THE SOUTH LINE OF SAID SECTION 5 TO A 5/8" REBAR AND CAP STAMPED "PLS 832", TAKEN AS THE EAST SIXTEENTH CORNER OF SAID SECTION 5. THENCE LEAVING SAID SOUTH LINE OF SAID SECTION 5 NORTH 09° 46' 47" WEST, 1345.24 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 832" TAKEN AS THE SOUTHEAST SIXTEENTH CORNER OF SAID SECTION 5. SAID SOUTHEAST SIXTEENTH CORNER ALSO BEING THE ALSO BEING THE TRUE POINT-OF-BEGINNING;

THENCE FROM SAID TRUE POINT OF BEGINNING; NORTH 86° 10' 29" EAST, 924.46 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 832";

THENCE SOUTH 09° 41' 52" EAST, 645.85 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 832";

THENCE SOUTH 86° 53' 08" WEST, 141.21 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 07° 30' 43" EAST, 99.87 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 86° 53' 08" WEST, 175.00 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 09° 46' 48" EAST, 610.53 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 86° 52' 52" WEST, 443.52 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 09° 46' 47" WEST, 710.85 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 26° 55' 26" WEST, 542.78 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 09° 46' 47" WEST, 134.41 FEET TO THE POINT-OF-BEGINNING FOR THIS DESCRIBED PARCEL OF LAND;

**ALSO INCLUDED IN THE ABOVE DESCRIBED PROPERTY;**

A PARCEL OF LAND LOCATED IN A PORTION OF THE WEST HALF OF SECTION 4, TOWNSHIP 49 NORTH, RANGE 3 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 4, BEING A 2-1/2" BRASS CAP, FROM WHICH THE SOUTHWEST CORNER FOR SECTION 4, BEING A 1-1/2" IRON PIPE, BEARS; SOUTH 17° 38' 05" EAST, 2789.21 FEET. THENCE FROM SAID POINT OF COMMENCEMENT; SOUTH 17° 38' 05" EAST, 278.47 FEET ALONG THE WEST LINE OF SAID SECTION 4 TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962". SAID REBAR AND CAP PLACED ON THE NORTHEASTERLY RIGHT-OF-WAY LINE FOR STATE HIGHWAY 97 AND BEING THE TRUE POINT-OF-BEGINNING FOR THIS DESCRIBED PARCEL OF LAND;

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THENCE CONTINUING ALONG SAID WEST LINE SECTION 4 SOUTH 17° 38' 05" EAST, 81.55 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE LEAVING SAID WEST LINE SECTION 4 NORTH 22° 41' 12" EAST, 128.39 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 22° 27' 46" EAST, 198.46 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 08° 32' 42" EAST, 104.86 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE CONTINUING NORTHERLY ALONG AFORE MENTIONED LINE, 25.00 FEET TO A POINT, SAID POINT BEING AT THE APPROXIMATE SUMMER STORAGE LEVEL AND LINE OF ADMINISTRATIVE JURISDICTION OF THE STATE OF IDAHO DEPARTMENT OF LANDS

THENCE ALONG SAID APPROXIMATE SUMMER STORAGE LEVEL THE FOLLOWING FOUR (4) COURSES;

- 1) SOUTH 52° 13' 42" EAST, 75.52 FEET TO A POINT;
- 2) SOUTH 15° 05' 10" EAST, 306.38 FEET TO A POINT;
- 3) SOUTH 86° 48' 45" EAST, 216.66 FEET TO A POINT;
- 4) SOUTH 36° 36' 17" EAST, 51.33 FEET TO A POINT;

THENCE LEAVING SAID APPROXIMATE SUMMER STORAGE LEVEL SOUTH 14° 10' 29" WEST, 29.59 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE CONTINUING SOUTHERLY ALONG THE AFORE MENTIONED LINE 127.56 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 32° 47' 55" WEST, 88.95 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 30° 54' 55" WEST, 180.49 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962", SAID REBAR AND CAP PLACED ON THE NORTHEASTERLY RIGHT-OF-WAY OF STATE HIGHWAY 97 AND ALSO BEING THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 255.00 FEET, A CENTRAL ANGLE OF 54° 57' 30", AND A CHORD OF 235.33 FEET BEARING NORTH 50° 37' 18" WEST;

THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY CURVE, 244.60 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 78° 06' 03" WEST, 59.43 FEET ALONG SAID RIGHT-OF-WAY TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962", SAID REBAR AND CAP PLACED AT THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE NORTHEAST,

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HAVING A RADIUS OF 185.00 FEET A CENTRAL ANGLE OF 86° 58' 36" AND A CHORD OF 254.64 FEET BEARING NORTH 34° 36' 45" WEST;

THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY CURVE, 280.84 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 08° 52' 33" EAST, 54.27 FEET ALONG SAID RIGHT-OF-WAY TO THE TRUE POINT-OF-BEGINNING FOR THIS DESCRIBED PARCEL OF LAND.

**ALSO INCLUDED IN THE ABOVE DESCRIBED PROPERTY:**

A PARCEL OF LAND LOCATED IN A PORTION OF THE WEST HALF OF SECTION 4, TOWNSHIP 49 NORTH, RANGE 3 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 4, BEING A 1-1/2" IRON PIPE, FROM WHICH THE WEST QUARTER CORNER FOR SECTION 4, BEING A 2-1/2" BRASS CAP, BEARS: NORTH 17° 38' 05" WEST, 2789.21 FEET. THENCE FROM SAID POINT OF COMMENCEMENT NORTH 17° 38' 05" EAST, 1394.54 FEET ALONG THE WEST LINE OF SAID SECTION 4 TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962". SAID REBAR AND CAP BEING THE TRUE POINT-OF-BEGINNING FOR THIS DESCRIBED PARCEL OF LAND;

THENCE CONTINUING ALONG SAID WEST LINE SECTION 4 NORTH 17° 38' 05" WEST, 797.29 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962", SAID REBAR AND CAP PLACED ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE FOR STATE HIGHWAY 97 AND ALSO THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 235.00 FEET, A CENTRAL ANGLE OF 07° 26' 04", AND A CHORD OF 30.47 FEET BEARING SOUTH 74° 23' 03" EAST;

THENCE EASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 30.49 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 78° 06' 03" EAST, 59.43 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 205.00 FEET, A CENTRAL ANGLE OF 59° 12' 02", AND A CHORD OF 202.52 FEET BEARING SOUTH 48° 29' 59" EAST;

THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 211.82 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 18° 54' 01" EAST, 74.76 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 575.00 FEET A CENTRAL ANGLE OF 15° 45' 50" AND A CHORD OF 157.70 FEET BEARING SOUTH 26° 46' 56" EAST;

THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 158.20 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 34° 39' 51" EAST, 473.01 FEET ALONG SAID RIGHT-OF-WAY TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

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THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 89° 16' 16" WEST, 361.98 FEET TO THE TRUE POINT-OF-BEGINNING FOR THIS DESCRIBED PARCEL OF LAND.

SAID DESCRIBED PARCEL OF LAND CONTAINING 530.88 ACRES MORE OR LESS.

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Robert E. Covington  
Attorney at Law  
N. 8884 Government Way, Suite A  
Hayden, Idaho 83835  
Phone: (208) 762-4545  
Fax: (208) 762-4546

Attorney for North Kootenai Water District

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

In the Matter of:	)	
	)	CASE NO: 74989
	)	
NORTH KOOTENAI WATER	)	ORDER ANNEXING GOZZER
	)	RANCH AND LAKE CLUB
DISTRICT	)	
	)	
	)	
	)	

Comes now the Board of Directors of the North Kootenai Water District, a municipal subdivision of the State of Idaho, hereinafter the "District", acting pursuant to the authority granted to it by Idaho Code Section 42-3218(b)(1) to make the following findings and order:

1. The property proposed to be annexed into the District is described as Exhibit "B", hereto.
2. The Board received a petitions signed the owners of more than 60% of the area in land that is described in Exhibit B hereto , with the signatures properly acknowledged as required by Idaho Code. The separate legal description of the property owned by the petitioners is set forth in

ORDER OF THE NORTH KOOTENAI WATER DISTRICT  
ANNEXING GOZZER RANCH AND LAKE CLUB

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EXHIBIT "B"

Exhibit A hereto. (Copies of the petitions with signatures thereon are in the possession of the District.)

- 3. Pursuant to a notice published in the manner required by law, a copy of which is attached hereto as Exhibit C, a hearing was held on the petition seeking annexation of said property into the District on August 3, 2006. A copy of the Affidavit of Publication by the Coeur d'Alene Press is incorporated as a part of Exhibit C hereto.
- 4. No objections to the annexation of said property were presented to the District before or at the time set for said hearing on August 3, 2006. The Board of Directors of the District determined that it was in the best interests of the District that the request of the petitioners for annexation, subject to the conditions described in the above referenced notice of hearing, be granted, and therefore,

On motion duly made and seconded, it was resolved and ordered, that the property that is described in Exhibit "B" hereto be annexed into and become a lawful part of the North Kootenai Water District, subject to the attached conditions to annexation and that said annexation shall be effective upon order of the District Court for Kootenai County, State of Idaho.

Dated this 3rd day of August, 2006.

NORTH KOOTENAI WATER DISTRICT

By:   
 Linda Davis, Chairman

ATTEST:  
  
 Richard Fairhurst, Secretary

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# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,  
County of Kootenai,

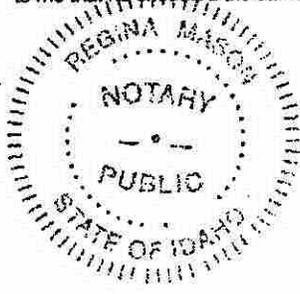
} ss.

Heather Buyp being first duly sworn  
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.
3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 10 day of May 2007, and ending on the 17 day of May 2007, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Heather Buyp. On this 17 day of May in the year of 2007, before me a Notary Public, personally appeared Heather Buyp known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Regina Mason  
Notary Public for the State of Idaho,  
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/09

**NOTICE OF SPECIAL ELECTION AND POLLING PLACES**  
North Kootenai Water District  
Kootenai County, Idaho  
NOTICE IS HEREBY GIVEN by the Secretary of the Board of Directors of the North Kootenai Water District that the Special Election of the North Kootenai Water District on the Ratification or Rejection of a Proposed Sewer Subdistrict in the area of Arrow Point and Gozzer Ranch will be conducted on:  
ELECTION DATE: TUESDAY, MAY 22, 2007  
POLLING PLACES: Kootenai County Fire & Rescue Station, 20338 S. Highway 97, Harrison, Idaho  
POLLING PLACE HOURS: 12:00 PM (Noon) to 8:00 PM  
DATED this 10TH day of April, 2007  
NORTH KOOTENAI WATER DISTRICT, Kootenai County, Idaho  
By: /s/ Richard Fairhurst  
Its: Secretary  
Legal 133  
May 19, 12, 2007

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EXHIBIT "C"

K&L|GATES

Kirkpatrick & Lockhart Preston Gates Ellis LLP  
618 West Riverside Avenue  
Suite 300  
Spokane, WA 99201-0602  
T 509.624.2100 www.klgates.com

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August 20, 2007

Annie Haley  
D (509) 241-1509  
F (509) 456-0146  
annie.haley@klgates.com

Mr. Jeff Servatius  
Idaho State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410

Re: Recorded Motions & Orders for Annexing Property  
Hern/Split Rock, Wal-Mart and Gozzer Ranch Annexations

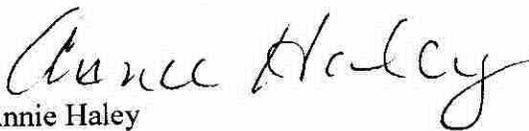
Dear Mr. Servatius:

Enclosed are four (4) Recorded Motions & Orders for Annexing Property for the above properties.

Please do not hesitate to contact me if you have any questions or need anything further.

Very truly yours,

KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP

By   
Annie Haley  
Paralegal

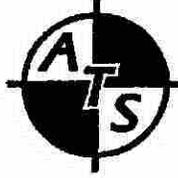
EAH:id  
Enclosures

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## Advanced Technology Surveying & Engineering

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### EXHIBIT B

#### LEGAL DESCRIPTION GOZZER RANCH GOLF & LAKE CLUB

A PARCEL OF LAND LOCATED IN PORTIONS OF SECTION 4, SECTION 5, SECTION 6, SECTION 7 AND SECTION 8, TOWNSHIP 49 NORTH, RANGE 3 WEST OF THE BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 2½" ALUMINUM CAP MARKING THE CENTER QUARTER CORNER OF SAID SECTION 8, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 8 BEARS NORTH 00° 11' 22" WEST, 2991.22 FEET. SAID POINT OF COMMENCEMENT ALSO BEING THE TRUE POINT-OF-BEGINNING FOR THIS DESCRIBED PARCEL OF LAND.

✓ THENCE SOUTH 00° 10' 54" EAST, 440.50 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 87° 07' 21" WEST, 726.98 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 02° 52' 00" EAST, 918.26 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 88° 29' 04" WEST, 1885.42 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

S THENCE NORTH 00° 32' 05" WEST, 534.06 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 37° 34' 05" WEST, 131.00 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 42° 05' 05" WEST, 531.50 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 72° 50' 05" WEST, 167.71 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962". SAID REBAR AND CAP PLACED ON THE EAST RIGHT-OF-WAY LINE FOR STATE HIGHWAY 97;

THENCE NORTH 43° 59' 55" EAST, 314.94 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO A TO A 5/8" REBAR AND CAP STAMPED "PLS 6374";

THENCE NORTH 89° 09' 37" EAST, 217.84 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

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P.O. Box 3457, Hayden, Idaho 83835  
PH. (208) 772-2745 Fax. (208) 762-7731

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THENCE SOUTH 23° 52' 54" EAST, 384.79 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 00° 32' 05" WEST, 354.10 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 8 MARKED BY A 3/4" ALUMINUM MONUMENT STAMPED "PLS 997";

THENCE NORTH 87° 06' 25" EAST, 644.76 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE NORTH 00° 21' 48" EAST, 1467.16 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE NORTH 86° 14' 16" EAST, 640.57 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962". SAID REBAR AND CAP MARKING THE NORTHWEST SIXTEENTH CORNER OF SAID SECTION 8;

THENCE NORTH 00° 10' 36" EAST, 1476.63 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 6374". SAID REBAR AND CAP BEING THE WEST SIXTEENTH CORNER OF SAID SECTION 5 AND SECTION 8;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 5 SOUTH 85° 21' 27" WEST, 957.37 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID HIGHWAY 97 AND BEING THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 321.23 FEET, A CENTRAL ANGLE OF 56° 21' 26" AND A CHORD BEARING NORTH 50° 06' 18" WEST, 303.38 FEET;

THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY CURVE 315.97 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE NORTH 78° 17' 00" WEST, 70.18 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE OF SAID RIGHT-OF-WAY, CONCAVE TO THE NORTH, HAVING A RADIUS OF 315.00 FEET, A CENTRAL ANGLE OF 04° 08' 34" AND A CHORD BEARING NORTH 76° 12' 43" WEST, 22.77 FEET;

THENCE WESTERLY ALONG SAID RIGHT-OF-WAY CURVE, 22.78 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 02° 08' 08" WEST, 1077.53 FEET ALONG THE WEST BOUNDARY LINE OF SAID SECTION 5 TO THE SOUTH SIXTEENTH CORNER OF SAID SECTION 5 AND SECTION 6 MARKED BY A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 89° 08' 19" WEST, 163.31 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF GOZZER ROAD AND BEING THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 549.56 FEET, A CENTRAL ANGLE OF 07° 23' 28" AND A CHORD BEARING NORTH 68° 48' 37" WEST, 70.84 FEET;

THENCE WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY CURVE, 70.89 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 72° 30' 20" WEST, 14.28 FEET ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

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25 THENCE LEAVING SAID RIGHT-OF-WAY LINE NORTH 29° 37' 25" EAST, 459.44 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 02° 07' 41" WEST, 890.95 FEET ALONG THE AFOREMENTIONED WEST BOUNDARY LINE OF SECTION 5 TO THE WEST QUARTER CORNER OF SAID SECTION;

THENCE NORTH 89° 37' 24" WEST, 1298.85 FEET TO THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE FOR HIGHWAY 97 MARKED BY A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 18° 29' 11" EAST, 718.56 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 71° 33' 15" EAST, 114.98 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE NORTH 41° 35' 00" EAST, 76.21 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE NORTH 18° 29' 54" EAST, 99.92 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE NORTH 71° 33' 25" WEST, 144.90 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289" ON SAID EAST RIGHT-OF-WAY LINE;

THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 18° 29' 11" EAST, 1129.87 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 548.00 FEET, A CENTRAL ANGLE OF 19° 52' 00" AND A CHORD BEARING NORTH 28° 25' 11" EAST, 189.06 FEET;

THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 190.01 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

35 THENCE NORTH 38° 21' 11" EAST, 478.20 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 2505.00 FEET, A CENTRAL ANGLE OF 05° 52' 01" AND A CHORD BEARING NORTH 41° 17' 12" EAST, 256.39 FEET;

THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 256.50 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF SAID SECTION 5. SAID POINT BEING A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 86° 45' 17" EAST, 595.28 FEET ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 5 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY 97 MARKED BY A 5/8" REBAR AND CAP STAMPED "PLS 832";

THENCE SOUTH 20° 40' 36" EAST, 37.09 FEET TO THE POINT OF CURVATURE OF A TANGENT RIGHT-OF-WAY CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 98° 15' 06" AND A CHORD BEARING SOUTH 69° 48' 09" EAST, 340.27 FEET;

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THENCE EASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 385.83 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 61° 04' 18" EAST, 245.84 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962". SAID REBAR AND CAP BEING THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE OF 37° 13' 35" AND A CHORD BEARING NORTH 79° 41' 06" EAST, 383.01 FEET;

THENCE EASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 389.83 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 81° 42' 07" EAST, 193.28 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE SOUTH 02° 34' 53" EAST, 774.24 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 01° 29' 32" EAST, 477.80 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 86° 02' 37" EAST, 9.09 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 02° 34' 53" EAST, 1303.18 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 85° 10' 11" EAST, 0.27 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 01° 48' 42" EAST, 1321.06 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 85° 15' 25" EAST, 839.96 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 3451". SAID REBAR AND CAP MARKING THE SOUTH SIXTEENTH CORNER OF SAID SECTION 5;

THENCE NORTH 86° 10' 20" EAST, 1127.05 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 3451". SAID REBAR AND CAP MARKING THE SOUTHEAST SIXTEENTH CORNER OF SAID SECTION 5;

THENCE SOUTH 09° 46' 47" EAST, 134.41 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 26° 55' 26" EAST, 542.78 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 09° 46' 47" EAST, 710.85 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962" PLACED ON THE SOUTH BOUNDARY LINE OF SAID SECTION 5;

THENCE ALONG SAID SOUTH SECTION LINE NORTH 86° 52' 52" EAST, 1158.50 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 5;

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THENCE SOUTH 00° 19' 39" EAST, 3001.76 FEET ALONG THE EAST BOUNDARY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 8 TO THE EAST QUARTER CORNER OF SAID SECTION 8;

THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID NORTHEAST QUARTER OF SECTION 8 SOUTH 87° 07' 27" WEST, 534.26 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE LEAVING SAID SOUTH BOUNDARY LINE NORTH 00° 14' 01" WEST, 270.00 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 87° 07' 27" WEST, 160.00 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 00° 14' 01" WEST, 150.00 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 87° 07' 27" WEST, 630.00 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 00° 14' 01" EAST, 13.03 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE SOUTH 56° 08' 21" WEST, 538.56 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE SOUTH 75° 45' 07" WEST, 174.21 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE SOUTH 86° 13' 18" WEST, 257.15 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE NORTH 87° 11' 25" WEST, 101.39 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE NORTH 55° 58' 42" WEST, 127.54 FEET TO THE EAST RIGHT-OF-WAY LINE OF GOZZER ROAD AND MARKED BY A 5/8" REBAR AND CAP STAMPED "PLS 5289". SAID REBAR AND CAP BEING THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 134.04 FEET, A CENTRAL ANGLE OF 69° 54' 33" AND A CHORD BEARING SOUTH 45° 58' 33" WEST, 153.59 FEET;

THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY CURVE, 163.55 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY SOUTH 80° 55' 49" WEST, 72.43 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 55.24 FEET, A CENTRAL ANGLE OF 83° 07' 31" AND A CHORD BEARING SOUTH 39° 22' 03" WEST, 73.30 FEET;

THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY CURVE, 80.14 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289";

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THENCE SOUTH 02° 11' 41" EAST, 14.69 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 5289" INTERSECTING WITH THE SOUTH BOUNDARY LINE OF SAID SECTION 8;

THENCE SOUTH 87° 06' 34" WEST, 11.63 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIBED PARCEL OF LAND;

**TOGETHER WITH:**

A PARCEL OF LAND LOCATED IN A PORTION OF SAID SECTION 6, TOWNSHIP 49 NORTH, RANGE 3 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTH SIXTEENTH CORNER OF SAID SECTION 5 AND SECTION 6 FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 6 BEARS SOUTH 02° 08' 10" EAST, 1317.49 FEET. THENCE FROM SAID POINT OF COMMENCEMENT SOUTH 89° 08' 19" WEST, 307.58 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE FOR GOZZER ROAD MARKED BY A 5/8" REBAR AND CAP STAMPED "PLS 4194" AND BEING THE TRUE POINT-OF-BEGINNING FOR THIS DESCRIBED PARCEL OF LAND;

THENCE SOUTH 89° 08' 19" WEST, 326.80 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962" AND MARKING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE FOR THE AFOREMENTIONED HIGHWAY 97;

THENCE NORTH 32° 40' 40" WEST, 27.50 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 503.34 FEET, A CENTRAL ANGLE OF 20° 50' 00" AND A CHORD BEARING NORTH 43° 05' 40" WEST, 182.01 FEET;

THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY CURVE, 183.02 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962" AND INTERSECTING THE SOUTH RIGHT-OF-WAY LINE OF GOZZER ROAD;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE SOUTH 72° 39' 08" EAST, 19.17 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 390.00 FEET, A CENTRAL ANGLE OF 20° 23' 00" AND A CHORD BEARING SOUTH 82° 50' 38" EAST, 138.01 FEET;

THENCE EASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 138.75 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 86° 57' 52" EAST, 77.81 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 115.00 FEET, A CENTRAL ANGLE OF 43° 33' 22" AND A CHORD BEARING SOUTH 71° 15' 27" EAST, 85.33 FEET;

THENCE EASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 87.42 FEET TO THE POINT OF CURVATURE OF A REVERSE CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1365.99 FEET, A CENTRAL ANGLE OF 05° 44' 05", AND A CHORD OF 136.67 FEET BEARING SOUTH 52° 20' 49" EAST;

THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY CURVE, A DISTANCE OF 136.72 FEET TO THE POINT OF CURVATURE OF A COMPOUND CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 17° 36' 08", AND A CHORD OF 48.96 FEET BEARING SOUTH 64° 00' 46" EAST;

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THENCE SOUTHEASTERLY ALONG SAID CURVE, A DISTANCE OF 49.16 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIBED PARCEL OF LAND;

**EXCEPT:**

ANY PORTION OF COUNTY ROAD RIGHT-OF-WAYS KNOWN AS "GOZZER ROAD" AND "ARROW ROAD" LYING WITHIN THE ABOVE DESCRIBED PARCELS OF LAND;

**INCLUDED IN THE ABOVE DESCRIBED PROPERTY:**

A TRACT OF LAND LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 49 NORTH, RANGE 3 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 5, BEING A 1-3/4" IRON PIPE, FROM WHICH THE SOUTHEAST CORNER FOR SECTION 5, BEING A 1-1/2" IRON PIPE, BEARS; NORTH 86° 52' 52" EAST, 2640.04 FEET. THENCE FROM SAID POINT OF COMMENCEMENT NORTH 86° 52' 52" EAST, 1320.45 FEET ALONG THE SOUTH LINE OF SAID SECTION 5 TO A 5/8" REBAR AND CAP STAMPED "PLS 832", TAKEN AS THE EAST SIXTEENTH CORNER OF SAID SECTION 5. THENCE LEAVING SAID SOUTH LINE OF SAID SECTION 5 NORTH 09° 46' 47" WEST, 1345.24 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 832" TAKEN AS THE SOUTHEAST SIXTEENTH CORNER OF SAID SECTION 5. SAID SOUTHEAST SIXTEENTH CORNER ALSO BEING THE ALSO BEING THE TRUE POINT-OF-BEGINNING;

THENCE FROM SAID TRUE POINT OF BEGINNING; NORTH 86° 10' 29" EAST, 924.46 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 832";

THENCE SOUTH 09° 41' 52" EAST, 645.85 FEET TO A 5/8" REBAR AND CAP STAMPED "PLS 832";

THENCE SOUTH 86° 53' 08" WEST, 141.21 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 07° 30' 43" EAST, 99.87 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 86° 53' 08" WEST, 175.00 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 09° 46' 48" EAST, 610.53 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 86° 52' 52" WEST, 443.52 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 09° 46' 47" WEST, 710.85 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 26° 55' 26" WEST, 542.78 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

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THENCE NORTH 09° 46' 47" WEST, 134.41 FEET TO THE POINT-OF-BEGINNING FOR THIS DESCRIBED PARCEL OF LAND;

**ALSO INCLUDED IN THE ABOVE DESCRIBED PROPERTY:**

A PARCEL OF LAND LOCATED IN A PORTION OF THE WEST HALF OF SECTION 4, TOWNSHIP 49 NORTH, RANGE 3 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 4, BEING A 2-1/2" BRASS CAP, FROM WHICH THE SOUTHWEST CORNER FOR SECTION 4, BEING A 1-1/2" IRON PIPE, BEARS; SOUTH 17° 38' 05" EAST, 2789.21 FEET. THENCE FROM SAID POINT OF COMMENCEMENT; SOUTH 17° 38' 05" EAST, 278.47 FEET ALONG THE WEST LINE OF SAID SECTION 4 TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962". SAID REBAR AND CAP PLACED ON THE NORTHEASTERLY RIGHT-OF-WAY LINE FOR STATE HIGHWAY 97 AND BEING THE TRUE POINT-OF-BEGINNING FOR THIS DESCRIBED PARCEL OF LAND;

THENCE CONTINUING ALONG SAID WEST LINE SECTION 4 SOUTH 17° 38' 05" EAST, 81.55 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE LEAVING SAID WEST LINE SECTION 4 NORTH 22° 41' 12" EAST, 128.39 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 22° 27' 46" EAST, 198.46 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 08° 32' 42" EAST, 104.86 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE CONTINUING NORTHERLY ALONG AFORE MENTIONED LINE, 25.00 FEET TO A POINT, SAID POINT BEING AT THE APPROXIMATE SUMMER STORAGE LEVEL AND LINE OF ADMINISTRATIVE JURISDICTION OF THE STATE OF IDAHO DEPARTMENT OF LANDS

THENCE ALONG SAID APPROXIMATE SUMMER STORAGE LEVEL THE FOLLOWING FOUR (4) COURSES:

- 1) SOUTH 52° 13' 42" EAST, 75.52 FEET TO A POINT;
- 2) SOUTH 15° 05' 10" EAST, 306.38 FEET TO A POINT;
- 3) SOUTH 86° 48' 45" EAST, 216.66 FEET TO A POINT;
- 4) SOUTH 36° 36' 17" EAST, 51.33 FEET TO A POINT;

THENCE LEAVING SAID APPROXIMATE SUMMER STORAGE LEVEL SOUTH 14° 10' 29" WEST, 29.59 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE CONTINUING SOUTHERLY ALONG THE AFORE MENTIONED LINE 127.56 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

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THENCE SOUTH 32° 47' 55" WEST, 88.95 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 30° 54' 55" WEST, 180.49 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962", SAID REBAR AND CAP PLACED ON THE NORTHEASTERLY RIGHT-OF-WAY OF STATE HIGHWAY 97 AND ALSO BEING THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 255.00 FEET, A CENTRAL ANGLE OF 54° 57' 30", AND A CHORD OF 235.33 FEET BEARING NORTH 50° 37' 18" WEST;

THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY CURVE, 244.60 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 78° 06' 03" WEST, 59.43 FEET ALONG SAID RIGHT-OF-WAY TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962", SAID REBAR AND CAP PLACED AT THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 185.00 FEET A CENTRAL ANGLE OF 86° 58' 36" AND A CHORD OF 254.64 FEET BEARING NORTH 34° 36' 45" WEST;

THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY CURVE, 280.84 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE NORTH 08° 52' 33" EAST, 54.27 FEET ALONG SAID RIGHT-OF-WAY TO THE TRUE POINT-OF-BEGINNING FOR THIS DESCRIBED PARCEL OF LAND.

**ALSO INCLUDED IN THE ABOVE DESCRIBED PROPERTY:**

A PARCEL OF LAND LOCATED IN A PORTION OF THE WEST HALF OF SECTION 4, TOWNSHIP 49 NORTH, RANGE 3 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 4, BEING A 1-1/2" IRON PIPE, FROM WHICH THE WEST QUARTER CORNER FOR SECTION 4, BEING A 2-1/2" BRASS CAP, BEARS: NORTH 17° 38' 05" WEST, 2789.21 FEET. THENCE FROM SAID POINT OF COMMENCEMENT NORTH 17° 38' 05" EAST, 1394.54 FEET ALONG THE WEST LINE OF SAID SECTION 4 TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962". SAID REBAR AND CAP BEING THE TRUE POINT-OF-BEGINNING FOR THIS DESCRIBED PARCEL OF LAND;

THENCE CONTINUING ALONG SAID WEST LINE SECTION 4 NORTH 17° 38' 05" WEST, 797.29 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962", SAID REBAR AND CAP PLACED ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE FOR STATE HIGHWAY 97 AND ALSO THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 235.00 FEET, A CENTRAL ANGLE OF 07° 26' 04", AND A CHORD OF 30.47 FEET BEARING SOUTH 74° 23' 03" EAST;

THENCE EASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 30.49 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 78° 06' 03" EAST, 59.43 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 205.00 FEET, A CENTRAL ANGLE OF 59° 12' 02", AND A CHORD OF 202.52 FEET BEARING SOUTH 48° 29' 59" EAST;

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THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 211.82 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 18° 54' 01" EAST, 74.76 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 575.00 FEET A CENTRAL ANGLE OF 15° 45' 50" AND A CHORD OF 157.70 FEET BEARING SOUTH 26° 46' 56" EAST;

THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY CURVE, 158.20 FEET TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE SOUTH 34° 39' 51" EAST, 473.01 FEET ALONG SAID RIGHT-OF-WAY TO A 5/8" REBAR AND CAP STAMPED "ATS PLS 8962";

THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 89° 16' 16" WEST, 361.98 FEET TO THE TRUE POINT-OF-BEGINNING FOR THIS DESCRIBED PARCEL OF LAND.

SAID DESCRIBED PARCEL OF LAND CONTAINING 689.001 ACRES MORE OR LESS.

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# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO.  
County of Kootenai.

} ss. Amy McCre being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county

3. The

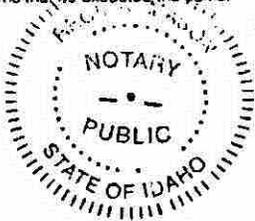
*Legal Notice*

of which the annexed is a printed copy, was published in the regular Wednesday issue of said newspaper for 3 consecutive days commencing on the 12 day of July, 2006 and ending on the 24 day of July, 2006 and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice. Amy McCre On this 24 day of July in the year of 2006, before me, a Notary Public, personally appeared Amy McCre known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

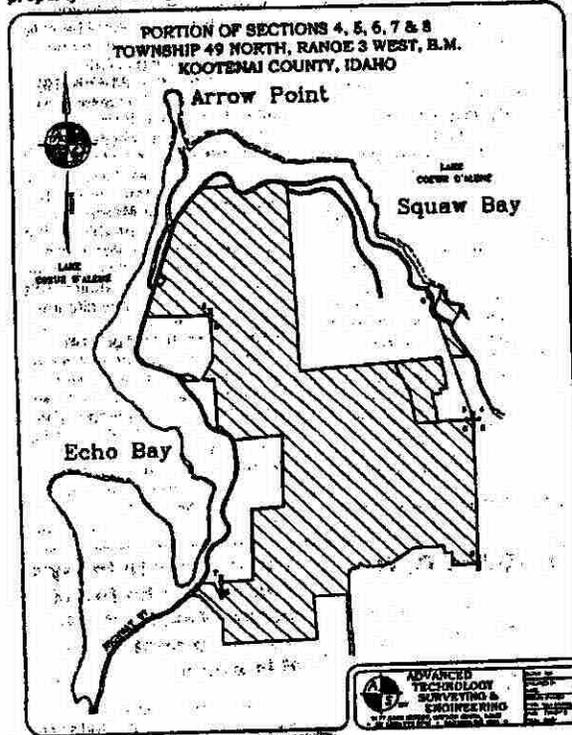
Regina Mason  
Notary Public for the State of Idaho,  
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/09



## NOTICE OF PUBLIC HEARING ON ANNEXATION PETITION NORTH KOOTENAI WATER DISTRICT Kootenai County, Idaho

You are hereby notified that the Board of Directors of the North Kootenai Water District (the "District") has received a Petition for Annexation to the District from the property owners whose names are published herein, for the annexation into the District of the area that is described below. The area proposed for annexation is identified on the map that is published below. (A legal description of the property covered by the Petition is available from the District.)



If you have any objection to inclusion of this property within the boundaries of the District, you are directed to show cause, in writing, as to why the Petition should not be granted. The failure of any person to show cause in writing shall be deemed an assent to the conduct of an election on the annexation of such lands into the District. A public hearing on the Petition will be held as follows:

Location: 1841 West Hayden Avenue  
Hayden, Idaho 83835  
Date: August 3rd, 2006  
Time: 12:30 P.M.

Written objections may be delivered to the Board at or prior to this hearing. If you are unable to attend the hearing and wish to provide written comments, you may do so by mailing, in advance of the date set for hearing, first-class mail, postage pre-paid, as follows:  
North Kootenai Water District  
1841 West Hayden Avenue  
Hayden, ID 83835

In order to be considered by the Board, written comments must be received by the Board prior to the time and date set for the public hearing.

The Board has determined that the property that is proposed for annexation may be annexed only upon the following terms and conditions:

1. That Discovery Land Investors, LLC, enters into a valid contract to convey to District a complete and sufficient water system and sewer system to provide service to that area that is proposed for annexation on terms and conditions that are satisfactory to the District.
2. That the formation of a water and sewer subdistrict having as its boundaries the boundaries of all of the property that is proposed for inclusion within the District or that is proposed to be served by the water system or sewer system is authorized as required by Idaho law.

Petitioners Names  
Discovery Coeur d'Alene Investors, LLC  
Discovery Squaw Bay Land, LLC  
DATED this day of July, 2006

NORTH KOOTENAI WATER DISTRICT  
By: Linda Davis  
Its: President

Legal 9448  
July 22, 2006

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EXHIBIT C

PORTION OF SECTIONS 4, 5, 6, 7 & 8  
TOWNSHIP 49 NORTH, RANGE 3 WEST, B.M.  
KOOTENAI COUNTY, IDAHO



LAKE  
COEUR D'ALENE

Arrow Point

LAKE  
COEUR D'ALENE

Squaw Bay

Echo Bay

HIGHWAY 97



ADVANCED  
TECHNOLOGY  
SURVEYING &  
ENGINEERING  
INC.

9177 HESS STREET, HAYDEN IDAHO, 83835  
• PH. (208)-772-2745 • FAX (208)-762-7731 •

SCALE: N/A  
CHECKED BY:  
DATE:  
DRAWN BY: MBM  
DATE: 05/12/2005  
DWG: EXHIBIT B  
PROJ: 5081

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November 16, 2007



800 Park Blvd., Plaza IV • Boise, ID • 83722

Robert E Covington, III  
 Attorney At Law  
 8884 N. Government Way  
 Suite A  
 Hayden Lake, ID 83835

Subject: Ordinance No. Gozzer Ranch NORTH KOOTENAI WATER

Dear Mr. Covington, III:

The Tax Commission has received and reviewed the above referenced action. This review cannot be completed because it does not comply with legal description and mapping requirements.

- **The description of the annexation does not close to 1:5000. Description on page 8 does not close.**
- **Please provide a map of the annexation.**

Before this annexation can be processed for the 2008 year, the discrepancies listed need to be corrected. Thank you for your attention to the required legal descriptions and mapping requirements. If you have any questions, please call me at (208) 334-7750.

Sincerely,

Craig Johnson  
 GIS Analyst  
 Technical Support Bureau, Idaho State Tax Commission

CC:  
 Mike McDowell, Kootenai County Assessor  
 Dan English, Kootenai County Clerk  
 Greg Cade, Property Appraisal Section Manager  
 Gary Houde, Senior Research Analyst

ANNEXATION REVIEW SUMMARY FORM - IDAHO STATE TAX COMMISSION

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DOC NO: 340

COUNTY: Kootenai

DATE: 8/27/07

DISTRICT: North Kootenai Water

ORDINANCE: Gozzer Ranch

- ANNEXATION
- AUDIT
- CONSOLIDATION
- CORRECTION
- CREATION
- DEANNEXATION
- DISSOLUTION
- OTHER

ORDINANCE DATE: 5/31/07 DISTRICT TYPE: 100

RECORDED?  YES  NO DISTRICT NUMBER: 220

STANDARD ACCEPTANCE LETTER

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

TO TCA	MAP CHANGE	FROM TCA	MAP AND LOCATION
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	T49N R3W
_____	_____	_____	sec. 4-8
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

RETURN FOR THE FOLLOWING REASONS:

ENCLOSE I.C. 63-215 AND IDAPA RULE 225.

cf 11-7-07 to 11/30/07

No map (1) 1<sup>st</sup> part; pages 1-6 closed 10/1/07 wls

(2) closed 10/2/07 wls

(3) closed 10/2/07 wls

Discrepancy between ord. location + gets correct. seems gets is correct.

(4) NO DID NOT CLOSE

(5) closed 10/2/07 wls