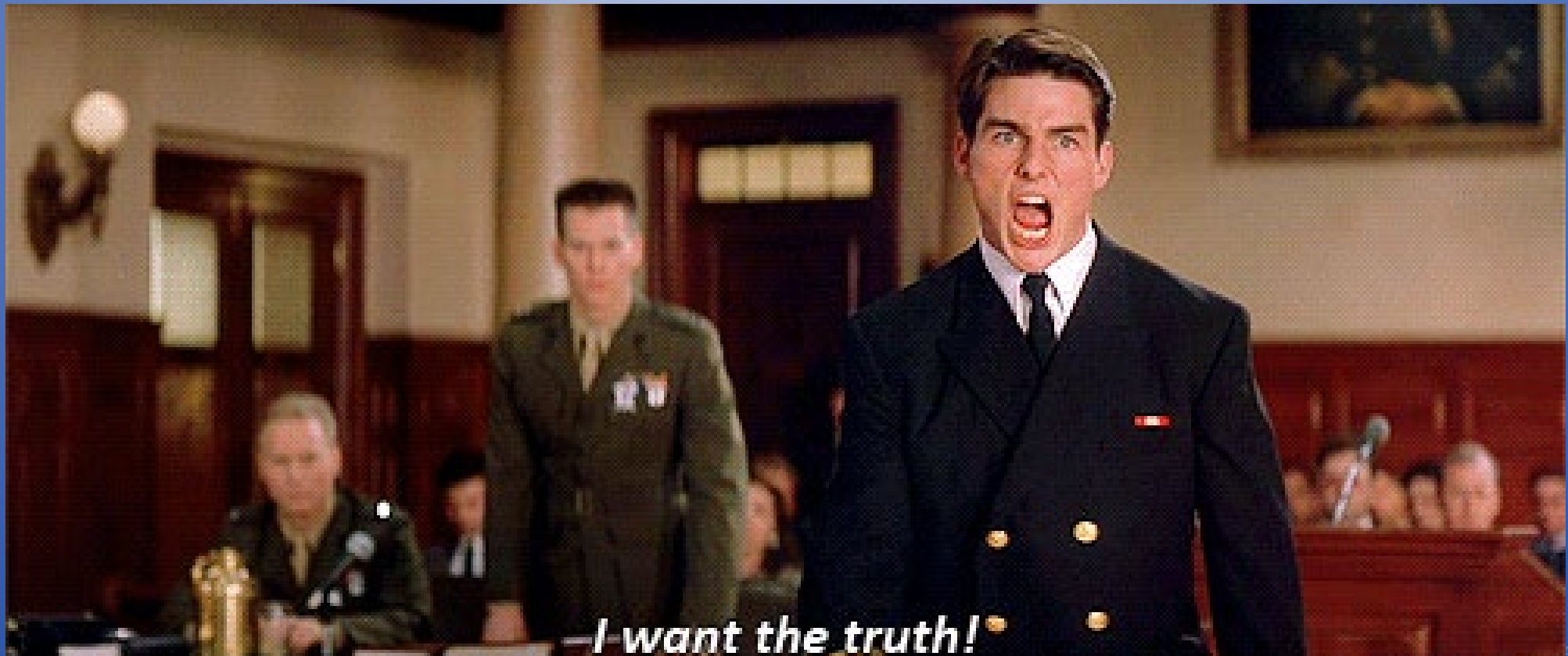
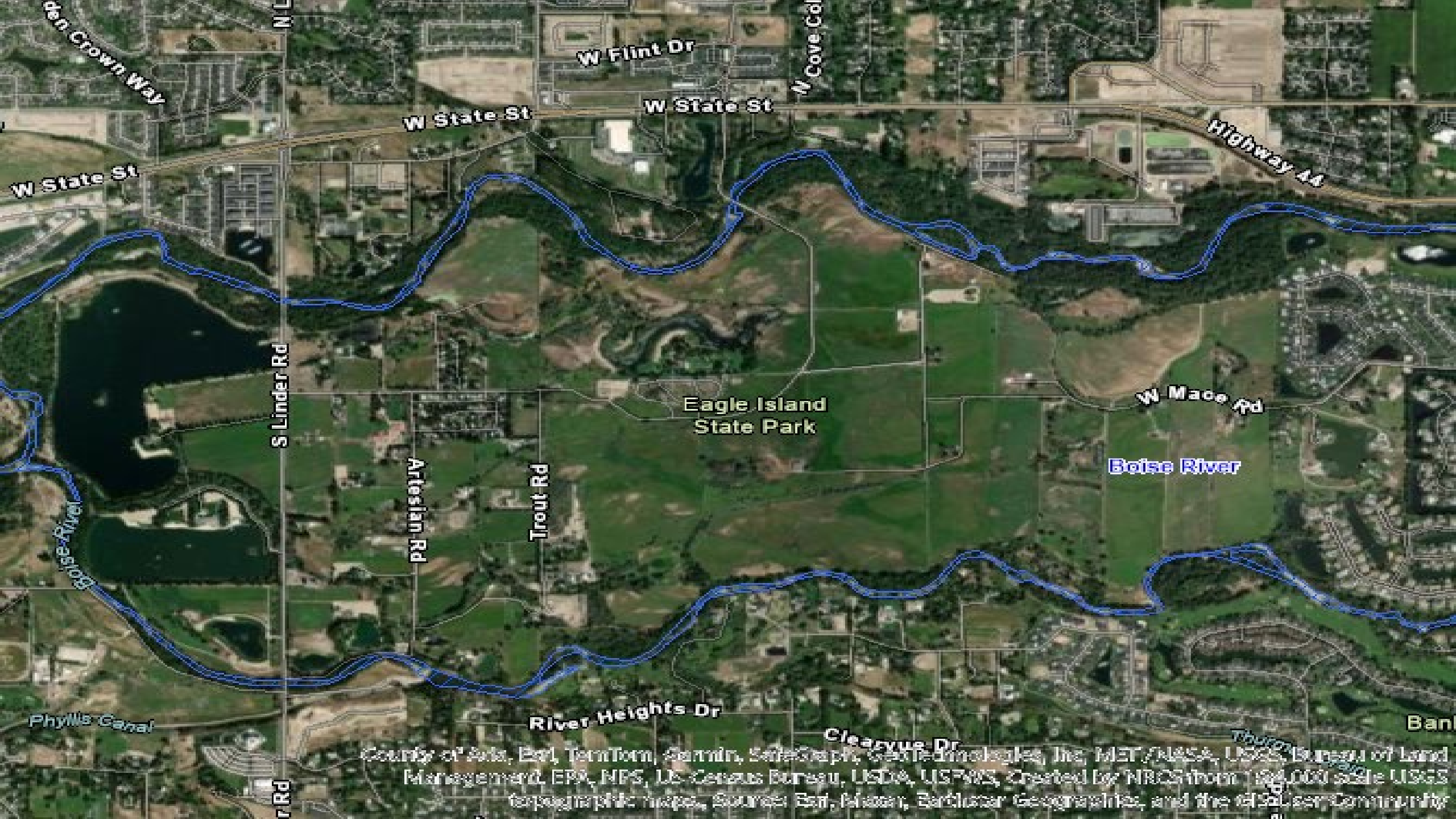


EXHIBIT A

The Public Trust Inspection Report







ORDINARY HIGH WATER MARK

THE HIGH WATER ELEVATION IN A LAKE OVER A PERIOD OF YEARS, UNINFLUENCED BY MAN-MADE DAMS OR WORKS, AT WHICH ELEVATION THE WATER IMPRESSES A LINE ON THE SOIL BY COVERING IT FOR SUFFICIENT PERIODS TO DEPRIVE THE SOIL OF ITS VEGETATION AND DESTROY ITS VALUE FOR AGRICULTURAL PURPOSES.

Idaho Code § 58-1302



DEPARTMENT OF LANDS

[About ▾](#)[Contracting](#)[Jobs ▾](#)[Leasing ▾](#)[Land ▾](#)[Forestry ▾](#)[Fire ▾](#)[Navigable Waterways ▾](#)[Mining ▾](#)[Transparency ▾](#)

Disclaimer of Interest

[Home](#) / [Navigable Waterways](#) / Disclaimer of Interest

Upon statehood, Idaho gained title to the beds and banks of navigable waterways below the ordinary high water mark (OHWM) under the Equal Footing Doctrine. The state holds these lands in trust for the benefit of the public. When a river moves due to accretion (the natural, gradual process whereby deposited material causes the river to move), title to the riverbed moves as well. Idaho Department of Lands (IDL) issues disclaimers of interest to clear title to the accreted land to the adjacent landowner pursuant to [Idaho Code §58-119\(a\)](#).



Disclaimer Process

1. Applicant completes and submits application packet to the [local Supervisory Area Office](#), which includes:
 -  [Application Form](#)
 - \$300 application fee (the total cost is the greater of \$600 or the actual cost to process the application)
 - Proof of ownership of adjacent land (ex. deed, tax documents, etc)
2. IDL reviews application. IDL will notify applicants if additional information is needed to process the application.
3. IDL conducts a site visit to identify the OHWM with the applicant's surveyor. The surveyor then drafts a record of survey identifying the land the state would disclaim interest in to the applicant, the public use right of way easement the applicant would grant to the state (if applicable), and any land below the OHWM in which the applicant would disclaim interest. The applicant is responsible for the cost of the survey.
4. IDL reviews the survey and presents the application to the State Board of Land Commissioners.
5. If approved, IDL works with the applicant to finalize, sign and record the document(s) with the county, and submit final payment.

For additional information, review the Idaho Department of Lands  [Disclaimers of Interest Procedures](#) and the  [Land Board Policies for Disclaimers of Interest](#).

7/2021

Old Valley Nursery



7/2021

Old Valley Nursery



7/2021

Old Valley Nursery



RECORD OF SURVEY NO. 13002

FOR PITKIN FAMILY PROPERTY TRUST LOCATED IN GOVT LOTS 4 AND 5 OF SECTION 13,
TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF EAGLE, ADA COUNTY, IDAHO

2021



NOTE: BEARINGS AND DISTANCES SHOWN
ALONG THE ORDINARY HIGH WATER LINE OF
THE BOISE RIVER ARE FOR AREA
CALCULATIONS ONLY. THE PARCEL
BOUNDARY IS DETERMINED BY THE CURRENT
ORDINARY HIGH WATER LINE LOCATION.

SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO DETERMINE THE BOUNDARIES OF
LOT 1 AND 2, STING SECOND SUBDIVISION, RECORDED IN BOOK 3 OF
PLATS AT PAGE 133 AND THE LANDS DESCRIBED IN OUTLAW DEED
RECORDED UNDER INSTRUMENT NUMBER 24022376, RECORDS OF ADA
COUNTY, IDAHO.

STING SECOND SUBDIVISION CONTAINS CONVEYANT LOTS 4 AND 5
OF SECTION 13, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN.
THE NORTH BOUNDARY OF SAID LOTS 4 AND 5 IS THE NORTH
CHANNEL OF THE BOISE RIVER.

DETERMINING THE BOUNDARIES OF THE SUBJECT PARCEL, REQUIRED
ESTABLISHMENT OF THE ORDINARY HIGH WATER MARK (OHWM) OF THE
NORTH CHANNEL OF THE BOISE RIVER'S SOUTH BANK. THE
FOLLOWING DOCUMENTS AND EVIDENCE GUIDED THE ESTABLISHMENT OF
THE OHWM:

- BUREAU OF LAND MANAGEMENT (BLM) MANUAL OF SURVEYING
INSTRUCTIONS 2009 EDITION (3 132-136).
- IDAHO CODE 58-1222.
- FEDERAL AND STATE CASE LAW AS IT PERTAINS TO OHWM
DETERMINATIONS AND ESTABLISHMENT THEREOF.

SECTION 3-104 OF BLM MANUAL OF SURVEYING INSTRUCTIONS 2009
EDITION DEFINES THE OHWM AS "THE LINE BELOW WHICH THE WATER
ABSORBS ON THE SOIL BY COVERING IT FOR SUFFICIENT PERIODS TO
SUPPRESS IT OF TERRESTRIAL VEGETATION, AND THE SOIL LOOSES ITS
VALUE FOR AGRICULTURE, INCLUDING GRAZING OF LIVESTOCK". STATE
CODE, AND BOTH STATE AND FEDERAL CASE LAW AGREE WITH THIS
DEFINITION. USING THIS DEFINITION, THE BOISE RIVER'S OHWM WAS
ESTABLISHED FROM VEGETATION LINES ALONG THE NATURAL BANK
AND CORRELATED WITH COASTAL LINE ON TREES AND TOP-GRAPHY ALONG
THE SOUTH AND NORTH BANKS.

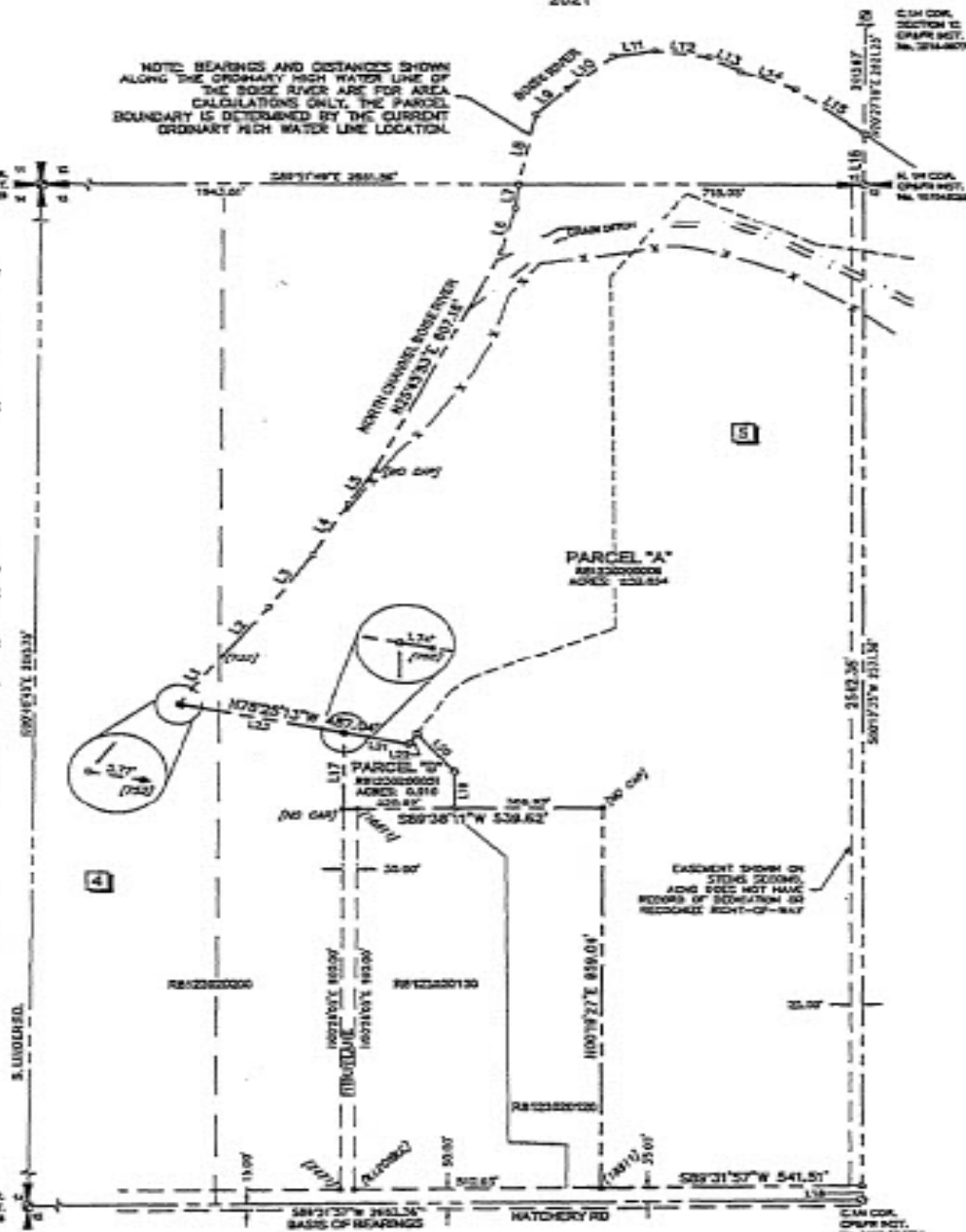
THE RECORD OF READILY AVAILABLE AERIAL PHOTOS CAPTURED AT
DIFFERENT TIMES OF YEAR FROM 1912 THROUGH 2020, SUPPORT THIS
OHWM DETERMINATION. THE LANDS LYING BETWEEN THE ESTABLISHED
OHWM AND THE FENCE LINE SHOWN HEREON ARE RARELY SUBMERGED.
IN FACT, THE RIVER IN NEARLY ALL PHOTOS IS CONTAINED WITHIN
THE ESTABLISHED OHWM/NATURAL RIVERBANK. AERIAL EVIDENCE IS
NOT A DETERMINING FACTOR INCLUDED IN THE ACCEPTED DEFINITION
OF OHWM. HOWEVER, THEY SUPPORT THE LOCATION OF THE OHWM
ESTABLISHED WITH THIS SURVEY.

THE FENCE LINE SHOWN HEREON BEGINS ALONG/NEAR THE TOP
OF A HORN. THIS SURVEY DID NOT FIND EVIDENCE OF HORN
BANKING ALONG/NEAR THE BORN OTHER THAN SOUTH OF THE
FOUND 1/2" REBAR AT THE NORTH END OF L3.

THE PLAT CORNERS SHOWN HEREON FIT WITHIN ACCEPTABLE
STANDARDS OF RECORD DEFORMATION AND HAVE BEEN HELD AS
DESCRIBED.

RECORDS OF SURVEY NO. 2007 ESTABLISHED AND MONUMENTED THE
WEST RIGHT-OF-WAY OF PITKIN LANE ALONG WITH THE NORTH
RIGHT-OF-WAY OF HATCHERY ROAD. THESE ESTABLISHED
RIGHTS-OF-WAY HAVE BEEN HELD ON ALL SUBSEQUENT SURVEYS
AND PLATS. THIS SURVEY RECORDED 1/2" REBAR MONUMENTS AS
SHOWN ON PG 2007 AND HELD THOSE ESTABLISHED RIGHTS-OF-WAY.

THE WESTERLY LINE OF LOT 1 OF STING SECOND SUBDIVISION
APPEARS TO BE SHOWN AND ACCEPTED AS THE WESTERLY
RIGHT-OF-WAY OF PITKIN LANE, RECORDS OF SURVEYS 8141, 805,
2007, OUTLAW DEED INSTRUMENT NUMBERS 24022376 AND
24022377 ALL SUPPORT THIS CONCLUSION.



LEGEND

---	SUBJECT PARCEL BOUNDARY
---	SECTION LINE
---	QUARTER SECTION LINE
---	RIGHT-OF-WAY
---	CENTERLINE
---	OLD MEASURED LINE
---	EXISTING PARCEL LINE
---	FENCE OF CONVEYANCE
---	DRAIN DITCH LINE
○	FOUND BRASS CAP MONUMENT
●	FOUND ALUMINUM CAP MONUMENT
●	FOUND 5/8" REBAR AS MONUMENT
●	FOUND 1/2" REBAR AS MONUMENT
●	SET 5/8" REBAR AND CAP
○	CALCULATED POINT-NOTION
---	SURVEYOR LOCATION MARKER
---	OLD GOVERNMENT LOT NUMBER

BEARINGS NOTE

BEARINGS SHOWN ON THIS SURVEY ARE BASED UPON
PROJECTED TO THE SAID WEST ZONE (1115) MAGN
ALL BEARINGS SHOWN ARE GRID BEARINGS. ALL DE
DISTANCES.

REFERENCES

OLD PLAT OF TOWNSHIP 4 NORTH, RANGE 1 WEST,
STING SECOND SUBDIVISION, BOOK 3 OF PLATS, P
RECORDS OF SURVEY NO. 8141
RECORDS OF SURVEY NO. 736
RECORDS OF SURVEY NO. 734
RECORDS OF SURVEY NO. 985
RECORDS OF SURVEY NO. 2007
RECORDS OF SURVEY NO. 2008
RECORDS OF SURVEY NO. 2015
RECORDS OF SURVEY NO. 12077
INSTRUMENT NO. 24022376
OUTLAW DEED INSTRUMENT NO. 24022376
OUTLAW DEED INSTRUMENT NO. 24022377

RECORDERS CERTIFICATE

STATE OF IDAHO
COUNTY OF ADA
I, JUDITH A. HARRIS, CLERK OF THE COUNTY OF ADA,
DO HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE RECORD OF SURVEY NO. 13002.

W. HARRIS, ADA COUNTY RECORDER

By *Judith A. Harris* COUNTY

INSTRUMENT NO. 2021-1153016

LINE	BEARING	DISTANCE
L1	N58°27'48"E	121.40'
L2	N57°21'36"E	102.80'
L3	N58°43'30"E	181.80'
L4	N58°07'30"E	145.32'
L5	N57°02'30"E	178.30'
L6	N54°30'15"E	118.30'
L7	N58°21'34"E	81.00'
L8	N57°25'04"E	178.60'
L9	N44°17'30"E	95.00'
L10	N47°17'30"E	126.58'
L11	N58°16'34"E	86.30'
L12	S58°17'25"E	103.10'
L13	S58°17'30"E	72.68'
L14	S58°17'30"E	125.27'
L15	S57°18'50"E	185.00'
L16	S58°27'16"E	127.58'
L17	N58°22'00"E	198.91'
L18	N58°10'30"E	35.00'
L19	N58°25'01"E	100.00'
L20	N58°24'39"E	122.52'
L21	S70°25'13"E	177.66'
L22	S54°28'40"E	35.12'
L23	N70°25'13"E	248.44'

CERTIFICATE OF SURVEYOR

I, LARRY F. CLIFT DO HEREBY CERTIFY THAT I AM A LICENSED
PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, AND THAT THIS
MAP REPRESENTS AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY
DIRECT SUPERVISION AND COMPLIES WITH ACCEPTED STANDARDS OF
SURVEYING. I FURTHER CERTIFY THAT I HAVE COMPLIED WITH TITLE 53,
CHAPTER 15, IDAHO CODE.



SURVEY INDEX NO. 414-1

TO T-O
3471 S. 101
MORGAN, ID
PHONE (208) 223-2284



Photo #1: Looking south-southwest from gravel bar adjacent to flowing river. River is behind the viewer. Gravel is clean, up to 3 inches in diameter, and likely deposited last year or the year before. The green grass in the middle of the photo is the location of side channel #1. That channel bottom is two to three feet below the elevation of the gravel bar surface.

Photo #2: Coarse sand in bottom of side channel #1 just south of Photo #1 and flowing river. Ball point pen for scale. Sand is clean and likely deposited earlier this spring due to lack of dead vegetation covering it.



Photo #3: River gravel and cobbles in bottom of side channel #1 east of Photo #2. Size 11 boots for scale.



Photo #4: Gravel, sand, and silt in bottom of side channel #1 east of Photo #3. Water flowed from right to left. Note scour feature on left. Flow occurred earlier this spring due to the lack of dead vegetation over the deposited material.





Photo #5: Old fence post on tree with barbed wire. Note top wire is not rusted and post at this level is covered in lichen. Bottom two wires are rusted and post lacks lichens on lower portion. The lichen and silt staining on the adjacent tree show similar changes. The rusted wires, lack of lichen, and silt stains indicate frequent and sustained flows about two to three feet off the ground.



Photo #6: Same fence post shown in Photo #5. Close up of top two wires and color changes. Note top wire is not rusted and post at this level is covered in lichen. Bottom wire is rusted and post lacks lichens on lower half. The lichen and silt staining on the adjacent tree show similar changes. The rust, lack of lichen, and silt staining indicate frequent and sustained flows about two to three feet off the ground.



Photo #8: Cottonwood tree with silt staining on the trunk about 18 inches off the ground. This location is east of Photo #7 in side channel #1.



Photo #10: Gravel in bottom of side channel #1 east of Photo #9. Largest rock size is about 4 inches in diameter. As with other points within this channel, no soil formation is occurring.



Photo #12: Head of side channel #1 as it exits the main channel. Looking northeastward to the main channel just past the tall grass. Note bare gravel and young cottonwood trees in foreground. Cottonwood trees require freshly scoured sand and gravel substrates for germination.



Photo #14: Close up of channel #2 and scour feature in Photo #13. Water flowed from top of photo to bottom this year. Clipboard measures about 9 inches by 12 inches.

Water may be from hyporheic flow. Just west of here the water is flowing and it grows large enough to be a barrier to easy foot traffic. Channel is dry above this point.

Photo #15: Silt from this spring and fresh deer tracks in side channel #2 south of previous side channel. Just past clipboard in Photos #13 and #14.





Photo #16: Looking southward up to the top of dike on the State Park land approximately 300 feet upstream of the property. Channel #2 is now at the base of the dike, and it flowed earlier this spring and deposited lots of silt. Cattails also growing in this area.

Photo #23: Looking northward at the property from the trail on State Parks property. The dike is two to three feet higher than adjacent pasture. The cottonwood forest just past the dike is the area claimed that is crossed by the side channels show in Photos #2 through #17.





Property and State Deed 11784 2022

EXHIBIT 5

7/2021

Old Valley Nursery

Property and State Deed 11784
7/3/2021

EXHIBIT 5



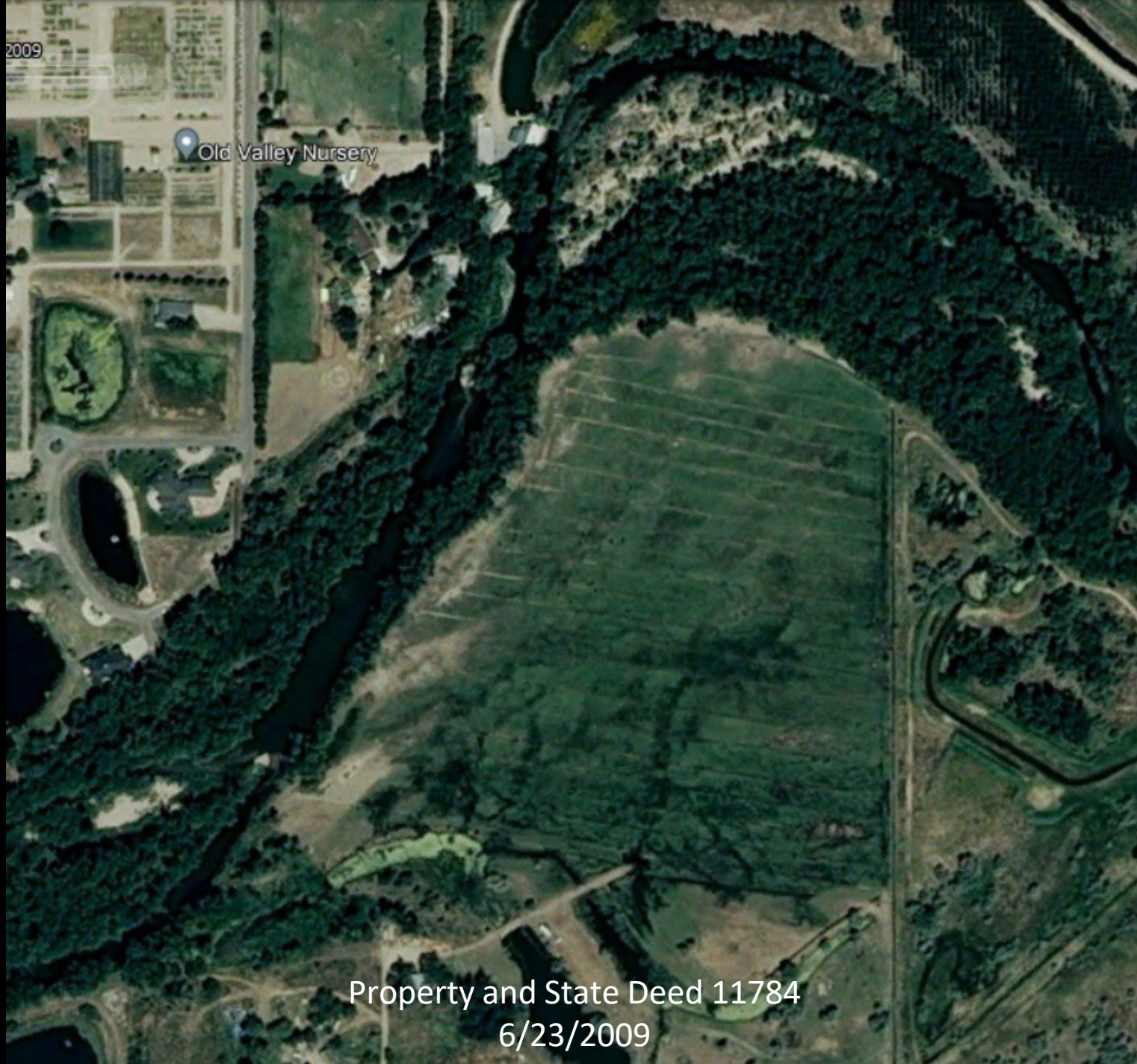
Property and State Deed 11784
8/11/2017

EXHIBIT 5

8/2011

Old Valley Nursery

Property and State Deed 11784
8/31/2011



Property and State Deed 11784
6/23/2009



Property and State Deed 11784
6/27/2003

An aerial photograph showing a rural landscape. In the upper left, there is a building complex labeled 'Old Valley Nursery'. The central and right portions of the image are dominated by a large, dark, textured area that appears to be a forest or a large field. To the left of this area, there are several rectangular fields, some of which are lighter in color, possibly indicating different crops or land use. A road or path runs vertically through the center of the image, separating the nursery area from the larger field. The overall tone is dark and grainy, typical of an aerial photograph.

Old Valley Nursery

Property and State Deed 11784
5/23/1992



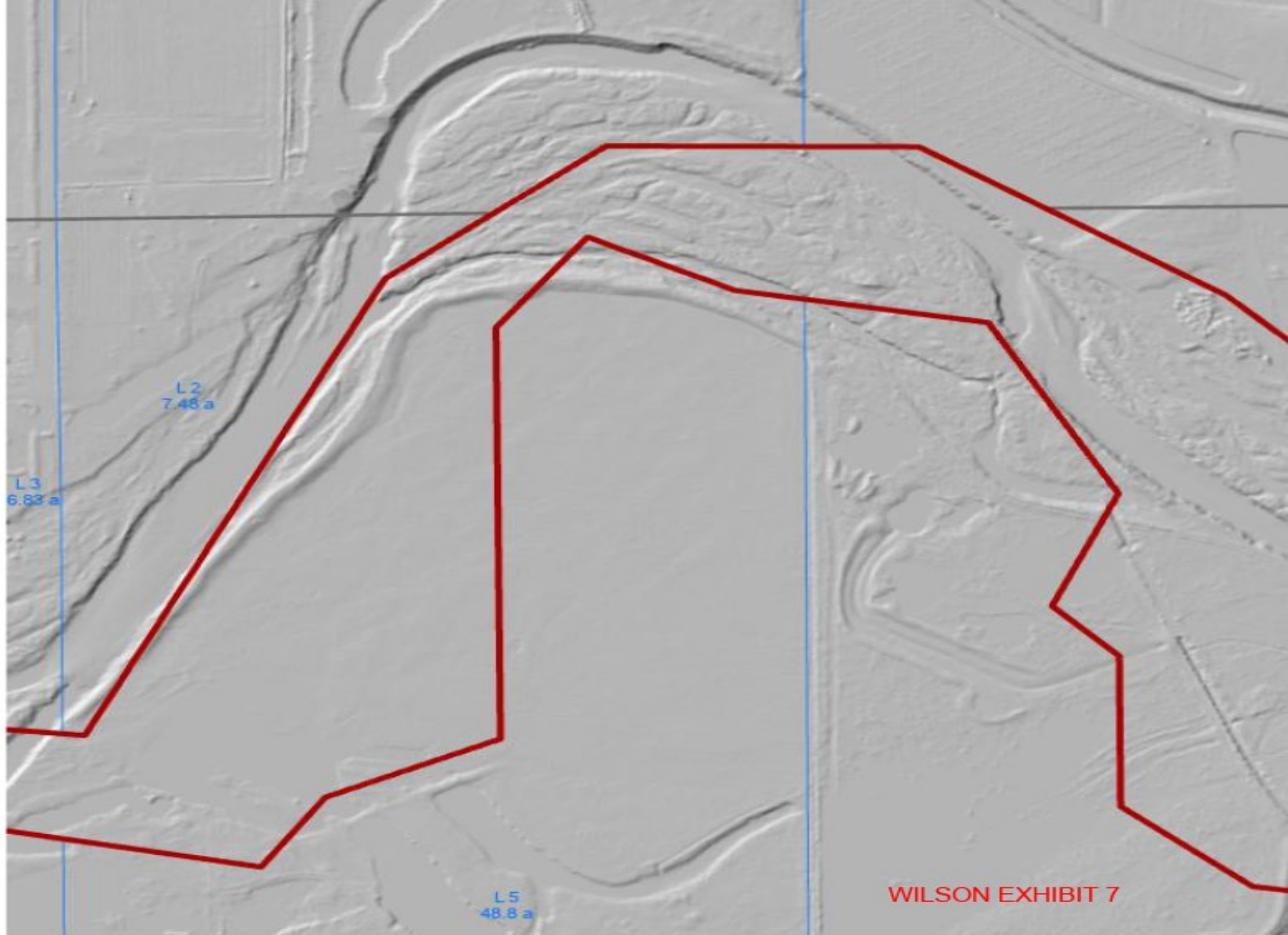
Property and State Deed 11784
7/12/1971



Property and State Deed 11784
9/25/1954



Property and State Deed 11784
9/2/1951



2D Model results from USACE close up of property at 50% flow event, 4,900 CFS.



IT'S CALLED FLOOD
PLAIN BECAUSE IT
IS PLAIN THAT IT
FLOODS!!

REMEMBER "93"

314-241-2122

