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ATTORNEY GENERAL

DEPT. OF LANDS
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BOISE, IDAHO

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Attorneys for Idaho State Board of Land Commissioners

BEFORE THE STATE BOARD OF LAND COMMISSIONERS

SHARLIE-GROUSE NEIGHBORHOOD
ASSOCIATION, INC.,

Petitioner,

vs

IDAHO STATE BOARD OF LAND
COMMISSIONERS,

Respondent,

and

PAYETTE LAKES COTTAGE SITES
OWNERS ASSOCIATION, INC.; and
WAGON WHEEL BAY DOCK
ASSOCIATION, INC.,

Intervenor-Respondents

AFFIDAVIT OF STEVEN W. STRACK

State of Idaho)
) S.S.
County of Ada)

STEVEN W. STRACK, under oath, deposes and states as follows:

1. That I am a Deputy Attorney General for the State of Idaho, authorized to practice law before all courts and administrative agencies of the State of Idaho. I am familiar with the records system of the Idaho Department of Lands, particularly those records relating to the platting of subdivisions near McCall, Idaho, and the sale of lots within those subdivisions.

2. I caused to be copied the Plat of State Land Subdivided into Lots and Known as the Payette Lake Cottage Sites, dated July 2, 1924, and recorded in the records of Valley County, Idaho, as Instrument No. 6279, a true and correct copy of which is attached to this Affidavit as Exhibit 1.

3. I caused to be copied the Amended Plat of State Land: Payette Lakes Cottage Sites, dated October 15, 1932, and recorded in Book 15, page 620, of the Deeds of Record, Valley County, Idaho, a true and correct copy of which is attached to this Affidavit as Exhibit 2.

4. I caused to be copied the plat labeled "State Subdivision-Southwest Payette Cottage Sites," dated November 2013, and recorded as Instrument No. 381834 in the records of Valley County, Idaho, a true and correct copy of which is attached to this Affidavit as Exhibit 3.

5. I caused to be downloaded from the Lands Record System of the Idaho Department of Lands, which is publicly accessible at <http://gis1.idl.idaho.gov/DLR/>, true and correct copies of the following deeds conveying lots within the Southwest Payette Cottage Sites Subdivision by reference to the amended plat of said Subdivision:

Exhibit 4: State Deed No. 6548, signed November 29, 1944.

Exhibit 5: State Deed No. 6551, signed November 29, 1944.

Exhibit 6: State Deed No. 6711, signed February 23, 1945.

6. I caused to be downloaded from the Lands Record System of the Idaho Department of Lands, which is publicly accessible at <http://gis1.idl.idaho.gov/DLR/>, copies of the following deeds, all of which all contain the following language, or closely related variants thereof, describing the property rights in roads and common areas conveyed to the purchasers:

With the purchase of this property goes a right of enjoyment and use, in and to the common areas, parks, beaches, reserves, roads, sewer systems, water systems and all other common facilities of Pinecrest, Cedar Knoll and Payette Lakes Cottage Sites Subdivision, excluding Syringa Park, and such right shall be appurtenant to and pass with the title to each lot. This right shall be subject to the following limitations:

....

3. The right to shared use and enjoyment of the common areas, parks, beaches, reserves, roads, sewer systems, water systems and all other common facilities by lessees and future purchasers of state lands near Payette Lake in the area described as follows: That area within the Payette Lakes water and sewer district boundary in Section 28, 29, 32, and 33 of Township 19 North, Range 3 East.

4. If the State of Idaho should convey title to all state lands described in paragraph three (3), all right, title and interest to the common areas, parks, beaches, reserves, roads, sewer systems, water systems and all other common facilities remaining with the State of Idaho shall automatically vest in all holders of the right of use and enjoyment described above, and the State of Idaho shall have no further right, title and interest in such common areas, parks, beaches, reserves, roads, sewer systems, water systems, and all other common facilities.

Exhibit 7: State Deed No. 12310 (Sept. 23, 1988).

Exhibit 8: State Deed No. 12312 (Aug. 21, 1987).

Exhibit 9: State Deed No. 12313 (Sept. 23, 1988).

Exhibit 10: State Deed No. 12314 (Sept. 23, 1988).

Exhibit 11: State Deed No. 12326 (Sept. 23, 1988).

Exhibit 12: State Deed No. 12352 (Sept. 23, 1988).

Exhibit 13: State Deed No. 12565 (Aug. 29, 1990).

Exhibit 14: State Deed No. 12692 (Aug. 21, 1987).

Exhibit 15: State Deed No. 12991 (Aug. 21, 1987).

Exhibit 16: State Deed No. 13293 (Jan. 29, 1999).

Exhibit 17: State Deed No. 13605 (Jan. 26, 2004).

7. I caused to be downloaded from the Lands Record System of the Idaho Department of Lands, which is publicly accessible at <http://gis1.idl.idaho.gov/DLR/>, true and correct copies of the following deeds, all of which all contain the following language, or closely related variants thereof, describing the property rights in roads and common areas conveyed to the purchasers:

With respect to the above parcel, with this deed goes a right of enjoyment and use, in and to the common areas, parks, beaches, reserves, roads, sewer systems, water systems and all other common facilities of Amended Payette Lake Cottage Sites Subdivision, according to the official records of Valley County, Idaho, located in Section 28, 32, and 33, Township 19 North, Range 3 East, Boise Meridian, and such right shall be appurtenant to and pass with the title to each lot.

This right shall be subject to the following limitations:

....

3. The right to shared use and enjoyment of the common areas, parks, beaches, reserves, roads, sewer systems and all other common facilities by state lessees and future purchasers of state lots together with existing owners in the subdivision described above.

4. Upon conveyance of the last state-owned lot in fee simple located in the Amended Payette lakes Cottage Sites Subdivision, any right, title and interest to the common areas, parks, beaches, reserves, roads, sewer systems, water systems and all other common facilities held by the State of Idaho shall automatically vest in common in all holders of the right to use and enjoyment described above, and the State of Idaho shall have no

further right, title and interest in such common areas, parks, beaches, reserves, roads, sewer systems, water systems, and all other common facilities.

Exhibit 18: State Deed No. 13111 (Oct. 29, 1996).

Exhibit 19: State Deed No. 13112 (Oct. 29, 1996).

Exhibit 20: State Deed No. 13114 (Oct. 29, 1996).

Exhibit 21: State Deed No. 13117 (Oct. 29, 1995).

Exhibit 22: State Deed No. 13118 (Oct. 29, 1996).

Exhibit 23: State Deed No. 13253 (June 1, 1998).

Exhibit 24: State Deed No. 13280 (Dec. 15, 1998).

Exhibit 25: State Deed No. 13415 (Aug. 21, 2000).

Exhibit 26: State Deed No. 13475 (May 31, 2001).

Exhibit 27: State Deed No. 13478 (Aug. 14, 2001).

8. I caused to be downloaded from the Lands Record System of the Idaho Department of Lands, which is publicly accessible at <http://gis1.idl.idaho.gov/DLR/>, a copy of the following Amended Quitclaim Deed, State Deed No. SD13867 (Jan. 28, 2015), including, as an exhibit the original State Deed No. SD13867 (April 23, 2014). A true and correct copy of State Deed No. SD13867 is attached to this Affidavit as Exhibit 28.

9. I caused to be copied from the files of the Department of Lands true and correct copies of the following meeting minutes of the State Board of Land Commissioners:

Exhibit 29: Meeting Minutes, State Board of Land Commissioners, Nov. 25, 1986.

Exhibit 30: Meeting Minutes, State Board of Land Commissioners, March 10, 1987.

Exhibit 31: Meeting Minutes, State Board of Land Commissioners,
July 14, 1987.

10. I caused to be downloaded from the Idaho Department of Land website
true and correct copies of the following meeting minutes of the State Board of Land
Commissioners:

Exhibit 32: Meeting Minutes, State Board of Land Commissioners,
May 17, 2011.

Exhibit 33: Meeting Minutes, State Board of Land Commissioners,
Oct. 15, 2013.

Further your affiant sayeth naught.

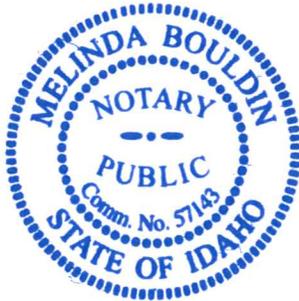
Dated this 13th day of June, 2019.



STEVEN W. STRACK

Subscribed and sworn to before me this 13 day of June, 2019.

S
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Notary Public
Residing at Boise, Idaho

My Commission Expires on 12.8.22