

STATE BOARD OF LAND COMMISSIONERS

November 21, 2023

Regular Agenda

Subject

DI200000, Disclaimer of Interest for the former bed of the Kootenai River, Boundary County, Idaho.

Question Presented

Shall the Land Board approve Disclaimer of Interest DI200000?

Background

Idaho holds title to the beds and banks of navigable waterways below the ordinary high water mark (OHWM). The State Board of Land Commissioners (Land Board) is the statutorily designated trustee of these lands. 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. These accreted lands are subject to adverse possession by the adjacent upland landowner through a quiet title action. Land Board policy directs the Idaho Department of Lands (Department) to work with these landowners and pursue disclaimers of interest for clearing title to the accreted land.

Discussion

Samuel Fodge, president of Fodge Pulp, Inc., has applied for a disclaimer of interest for two parcels of accretion land totaling 0.173 and 4.948 acres, more or less. These parcels are located within the original surveyed river meander lines of the Kootenai River adjacent to the applicant's deeded property in Section 26, Township 62 North, Range 01 East (Attachment 1-Map).

After the applicant paid the \$300 application fee, the Department identified the OHWM on site and the applicant's licensed surveyor completed a survey. The Department reviewed the survey, tax documents, and deeds (Attachments 2-4), and determined that the disclaimer was ready to move forward.

Fodge Pulp, Inc. will grant the State of Idaho an easement 5 feet in width for a public use right of way along, and adjacent to, the existing OHWM of the Kootenai River. In addition, Fodge Pulp, Inc. will grant the State of Idaho a disclaimer of interest for one parcel of land located below the ordinary high water mark totaling 0.019 acres.

Recommendation






Direct the Department to issue a Disclaimer of Interest for two parcels totaling 5.121 acres of the former bed of the Kootenai River, to Fodge Pulp, Inc. following their payment to the Department of the remaining processing fee of \$300.

Board Action

Attachments

1. Map
2. Survey
3. Tax Records
4. Deed



-  Disclaimed BY State
-  Disclaimed TO State
-  Existing Disclaimers
-  Ordinary High Water Mark
-  Meander Line

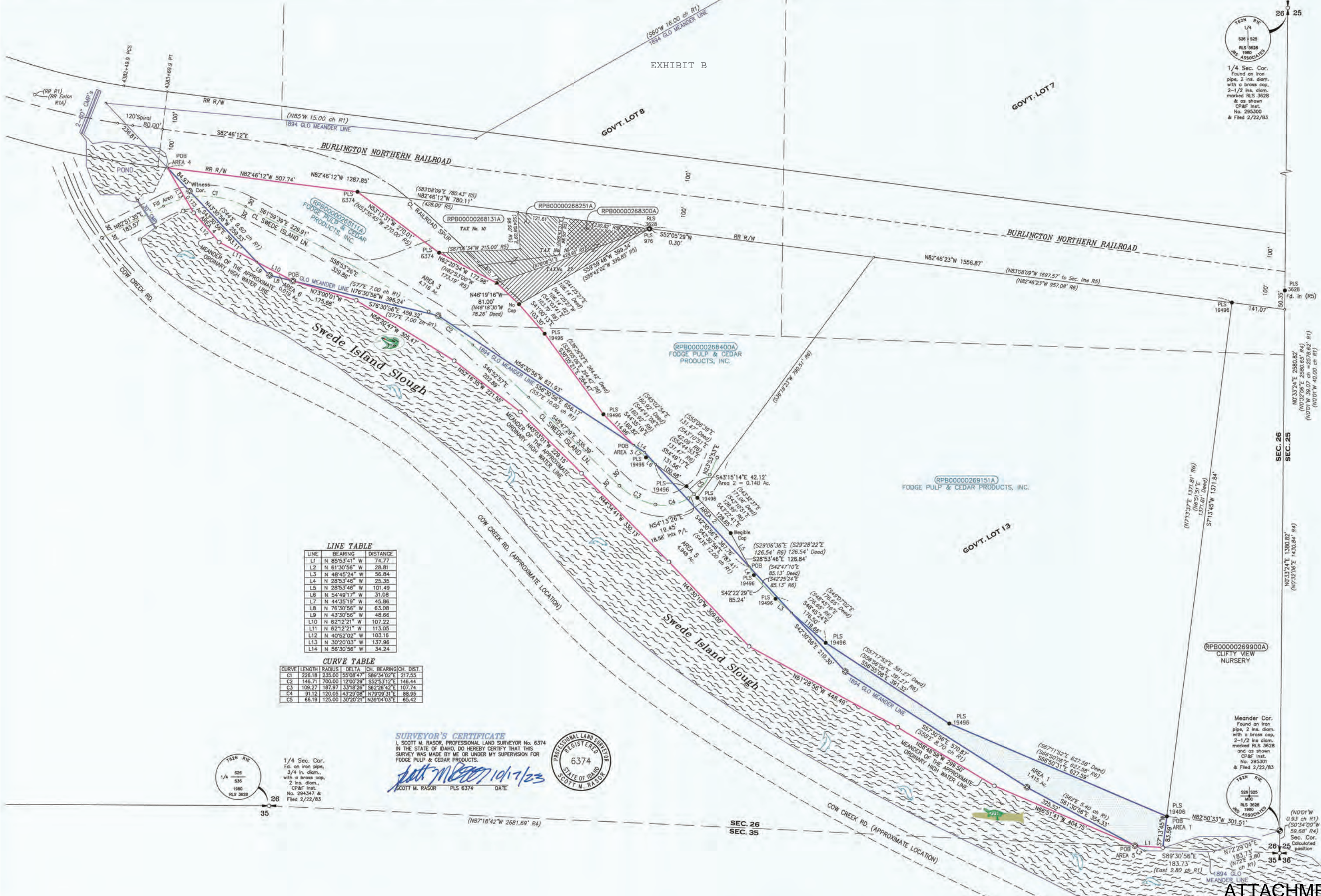
DI200000
 Section 26 - T62N - R01E
 Boundary County

11/2/2023



Disclaimer:
 This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources.

1/4 Sec. Cor.
 Found on iron pipe, 2 ins. diam. with a brass cap, 2-1/2 ins. diam. marked RLS 3628 & as shown CP&F Inst. No. 295300 & Filed 2/22/83



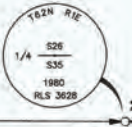
LINE TABLE

LINE	BEARING	DISTANCE
L1	N 85°53'41" W	74.77
L2	N 61°30'56" W	28.81
L3	N 48°45'24" W	56.84
L4	N 28°53'46" W	25.35
L5	N 28°53'46" W	101.49
L6	N 54°49'17" W	31.08
L7	N 44°35'19" W	45.86
L8	N 76°30'56" W	63.08
L9	N 43°30'56" W	48.86
L10	N 62°12'21" W	107.22
L11	N 62°12'21" W	113.05
L12	N 40°52'02" W	103.16
L13	N 30°20'03" W	137.96
L14	N 56°30'56" W	34.24

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CH. BEARING	CH. DIST.
C1	226.18	235.00	55°08'47"	S89°34'02"E	217.55
C2	146.71	700.00	12°00'29"	S52°53'12"E	146.44
C3	109.27	187.97	33°18'26"	S62°26'42"E	107.74
C4	91.12	120.05	43°29'08"	N79°09'31"E	88.95
C5	66.19	125.00	30°20'21"	N39°04'03"E	65.42

SURVEYOR'S CERTIFICATE
 I, SCOTT M. RASOR, PROFESSIONAL LAND SURVEYOR No. 6374 IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION FOR FODGE PULP & CEDAR PRODUCTS.
 Scott M. Rasor 10/17/23
 SCOTT M. RASOR PLS 6374 DATE



Meander Cor.
 Found on iron pipe, 2 ins. diam. with a brass cap, 2-1/2 ins. diam. marked RLS 3628 and as shown CP&F Inst. No. 295300 & Filed 2/22/83

DAILY CASH JOURNAL
OF PAYMENTS
REGULAR TAX

REGULAR TAXES

TXB021

PARCEL# TP/BTCH/TRAN	YEAR POSTED	BILL# REMARK	CODE AREA	NAME PAYOR	TAX	LATE	CHG	INTEREST	COST	TOTAL	PUP TYPE
RPB00000268111A	2022	2200824	1-0006	FODGE PULP & CEDAR PROD INC							
120520	32	12/05/2022CK# 1333	SL	FODGE PULP, INC	209.37					209.37	1ST
53000	7	5/30/2023CK# 1355	JE	FODGE PULP, INC	209.37					209.37	2ND
RPB00000268111A	2021	2100831	1-0006	FODGE PULP & CEDAR PROD INC							
111600	47	11/16/2021CK# 1223	JE	FODGE PULP, INC	725.68					725.68	FY
RPB00000268111A	2020	2000830	1-0006	FODGE PULP & CEDAR PROD INC							
112407	1	11/24/2020CK# 24413	JE	FODGE PULP, INC.	342.54					342.54	1ST
51101	1	5/11/2021CK# 1092	KW	FODGE PULP, INC	342.54					342.54	2ND
RPB00000268111A	2019	1900825	1-0006	FODGE PULP & CEDAR PROD INC							
112500	40	11/25/2019CK#23548	JS	FODGE PULP, INC	463.63					463.63	1ST
60502	6	6/05/2020CK# 24007	JE	FODGE PULP, INC	463.63					463.63	2ND
RPB00000268111A	2018	1800840	1-0006	FODGE PULP & CEDAR PROD INC							
111415	1	11/14/2018CK# 22414	SL	FODGE PULP, INC	485.18					485.18	1ST
52100	1	5/21/2019CK# 22886	JE	FODGE PULP INC	485.18					485.18	2ND
										3727.12	
RPB00000268400A	2022	2200828	1-0006	FODGE PULP & CEDAR PROD INC							
120520	32	12/05/2022CK# 1333	SL	FODGE PULP, INC	813.97					813.97	1ST
53000	7	5/30/2023CK# 1355	JE	FODGE PULP, INC	813.97					813.97	2ND
RPB00000268400A	2021	2100835	1-0006	FODGE PULP & CEDAR PROD INC							
111600	47	11/16/2021CK# 1223	JE	FODGE PULP, INC	2532.90					2532.90	FY
RPB00000268400A	2020	2000834	1-0006	FODGE PULP & CEDAR PROD INC							
112407	1	11/24/2020CK# 24413	JE	FODGE PULP, INC.	1191.83					1191.83	1ST
51101	1	5/11/2021CK# 1092	KW	FODGE PULP, INC	1191.83					1191.83	2ND
RPB00000268400A	2019	1900829	1-0006	FODGE PULP & CEDAR PROD INC							
112500	40	11/25/2019CK#23548	JS	FODGE PULP, INC	1536.87					1536.87	1ST
60502	6	6/05/2020CK# 24007	JE	FODGE PULP, INC	1536.87					1536.87	2ND
RPB00000268400A	2018	1800844	1-0006	FODGE PULP & CEDAR PROD INC							
102418	65	10/24/2018POST TA PAYMENTS		FODGE PULP & CEDAR PROD INC	1351.67					1351.67	PAR
111415	1	11/14/2018CK# 22414	SL	FODGE PULP, INC	1631.46					1631.46	1ST
52100	1	5/21/2019CK# 22886	JE	FODGE PULP INC	279.79					279.79	PAR
										12881.16	
RPB00000269151A	2022	2200829	1-0006	FODGE PULP INC							
120520	32	12/05/2022CK# 1333	SL	FODGE PULP, INC	349.30					349.30	1ST
53000	7	5/30/2023CK# 1355	JE	FODGE PULP, INC	349.30					349.30	2ND
RPB00000269151A	2021	2100836	1-0006	FODGE PULP INC							
111600	47	11/16/2021CK# 1223	JE	FODGE PULP, INC	1210.68					1210.68	FY
RPB00000269151A	2020	2000835	1-0006	FODGE PULP INC							
112407	1	11/24/2020CK# 24413	JE	FODGE PULP, INC.	571.50					571.50	1ST
51100	11	5/11/2021CK# 1098	KW	FODGE PULP INC	571.50					571.50	2ND
RPB00000269151A	2019	1900830	1-0006	FODGE PULP INC							
112500	40	11/25/2019CK#23548	JS	FODGE PULP, INC	830.77					830.77	1ST
60502	6	6/05/2020CK# 24007	JE	FODGE PULP, INC	830.77					830.77	2ND
RPB00000269151A	2018	1800845	1-0006	FODGE PULP INC							
111415	1	11/14/2018CK# 22414	SL	FODGE PULP, INC	869.39					869.39	1ST
52100	1	5/21/2019CK# 22886	JE	FODGE PULP INC	869.39					869.39	2ND
										6452.60	

ATTACHMENT 3

DAILY CASH JOURNAL
OF PAYMENTS
REGULAR TAX

REGULAR TAXES

TXB021

PARCEL#	YEAR	BILL#	CODE	NAME						PUP	
TP/BTCH/TRAN	POSTED	REMARK	AREA	PAYOR	TAX	LATE	CHG	INTEREST	COST	TOTAL	TYPE

***** TOTALS *****

2022 TOTALS =	2745.28	2745.28
2021 TOTALS =	4469.26	4469.26
2020 TOTALS =	4211.74	4211.74
2019 TOTALS =	5662.54	5662.54
2018 TOTALS =	5972.06	5972.06

COUNT 28

** GRAND TOTALS 23060.88

STARTING DATE: 10012018
ENDING DATE: 11022023
PAIDS, CANCS/REVS/ERRORS, OR BOTH P
SORT BY PARCEL OR BATCH P
SELECT BATCH OR ALL A

LIMITS	FROM	TO
	RPB00000268111A	RPB00000268111T
	RPB00000268400A	RPB00000268400T
	RPB00000269151A	RPB00000269151T

MAY 26 2023

PEND OREILLE LAKE AREA

AFTER RECORDING, MAIL TO GRANTEE.
FATCO #4408/

J175779

WARRANTY DEED

For Value Received BILL V. POULTON and PATRICIA I. POULTON, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
FODGE PULP & CEDAR PRODUCTS, INC., a Corporation
whose address is: HCR 85 BOX 48, BONNERS FERRY, ID, 83805

Hereinafter called the Grantee, the following described premises situated in Boundary County, Idaho, to-wit:

A tract of land in Section 26, Township 6J North, Range 1 East, Boise Meridian, Boundary County, Idaho, more particularly described as follows:

Beginning at a point on the south right of way line of the Burlington Northern Railway which is South 52°49'39" East, 6421.42 feet from the Northwest corner of Section 26; and North 75°16'43" East, 5287.26 feet from the Southwest corner of Section 26; thence North 83°08'09" West along the south right of way of the Burlington Northern Railway, a distance of 1556.65 feet; thence South 70°06'51" West, 428.95 feet; thence South 46°18'30" East, 78.26 feet; thence South 41°25'27" East, 106.14 feet; thence South 36°26'52" East, 264.42 feet; thence South 45°02'54" East, 160.92 feet; thence South 55°06'39" East, 131.47 feet; thence South 43°32'37" East, 171.06 feet; thence South 29°28'22" East, 126.54 feet; thence South 42°47'10" East, 85.13 feet; thence South 49°07'02" East, 176.65 feet; thence South 57°17'52" East, 391.27 feet; thence South 67°11'52" East, 627.58 feet; thence North 6°51'51" East, 1371.81 feet to the True Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated:

Bill V. Poulton
BILL V. POULTON

Patricia I. Poulton
PATRICIA I. POULTON

STATE OF IDAHO)
: ss)
COUNTY OF BOUNDARY)

On this 17 day of November in the year 1994 before me, a Notary Public in and for said State, personally appeared BILL V. POULTON and PATRICIA I. POULTON, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

[Signature]
Notary Public
Residing at Bonnors Ferry
Commission Expires 8/7/09



STATE OF IDAHO) ss
County of Boundary)
Filed for record at the request of
First Am. Title
on the 18 day of Nov. 1994 at 2:55
o'clock P.M. and recorded in Book 98
of Deeds at page 499
Notary J. ESTER
County Recorder
By: C. Houston Deputy
[Signature]
[Signature]

MAY 26 2023

0178491

PEND OREILLE LAKE AREA

WARRANTY DEED

GRANTOR, FODGE PULP & CEDAR PRODUCTS, INC., an Idaho corporation, whose current mailing address is HCR 85, Box 312, Bonners Ferry, ID 83805, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto BRUCE W. TETER and DEBRA KAY TETER, husband and wife, whose current mailing is P.O. Box 1423, Bonners Ferry, ID 83805, as GRANTEES, and to Grantees' heirs and assigns forever, all of the following described real estate located in the County of Boundary, State of Idaho:

(SEE ATTACHMENT "A")

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto.

Subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Grantor, for itself, and it's assigns, does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantors, their heirs and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminir and the neuter.

Randall W. Day
Counselor at Law & Assoc. P.A.
7164 Main Street
PO Box 973
Bonners Ferry, ID 83805-0973
(208) 267-517

1. WARRANTY DEED

MAY 26 2023

PEND OREILLE LAKE AREA

IN WITNESS WHEREOF, Grantor and Grantees have hereunto
subscribed their names to this instrument this 2nd day of
August, 1995.

GRANTOR:

PODGE PULP & CEDAR PRODUCTS,
INC.

BY Samuel Fodge
SAMUEL FODGE, President

ATTEST:

Deneice A. Fodge
DENEICE FODGE, Secretary

GRANTEES:

Bruce W. Teter
BRUCE W. TETER

Debra Kay Teter
DEBRA KAY TETER

STATE OF IDAHO:

County of Boundary: ^{SS}

On this 2nd day of August, 1995, before me, the
undersigned Notary Public for the State of Idaho, personally
appeared, SAMUEL FODGE and DENEICE FODGE, known to me to be
the President and Secretary of the corporation that executed
the foregoing instrument on behalf of said corporation, and
acknowledged to me that such corporation executed the same.



in
Notary Public for Idaho
Residing at Bonners Ferry
My Comm. Exp.: 2/18/98

Randall W. Day
County of Anckerly at Law, P.A.
710 Main Street
PO Box 5-8
Bonners Ferry, ID 83415-0518
(208) 267-3197

WARRANTY DEED

MAY 26 2023

PEND OREILLE LAKE AREA

STATE OF IDAHO:
County of Boundary: ^{SS}

On this 2nd day of August, 1995, before me, the undersigned Notary Public for the State of Idaho, personally appeared, BRUCE W. TETER and DENRA KAY TETER, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

C. ...
Notary Public for Idaho
Residing at Bonners Ferry
My Comm. Exp.: 2/18/98

Randall W. Day
Counselor & Attorney at Law P.A.
116 1/2 Main Street
PO Box 914
Bonners Ferry, ID 83405

3. WARRANTY DEED

MAY 26 2023

PEND. OREILLE LAKE AREA

A tract of land in Government Lot Eight (8) of Section Twenty-six (26), Township Sixty-two (62) North, Range One (1) East of the Boise Meridian, Boundary County, Idaho; more particularly described as follows:

Beginning at a point on the southwesterly right of way of the Burlington Northern Railroad which is S 44°01'13" E 5137.06 feet from the northwest corner of said Section 26 and N 86°48'30" E 3882.24 feet from the southwest corner of Section 26, said point being coincident with the northwest corner of that property defined in Instrument Number 175779; thence, along the railroad right of way, N 83°58'09" W 230.02 feet, to the northeast corner of that property described in Instrument Number 105872; thence, along the eastern boundary of Instrument Number 105872, S 5°43'33" W 98.50 feet; thence S 82°04'13" W 215.00 feet, to a point 8.00 feet southwesterly of the centerline of an existing railroad siding; thence, along said siding, S 45°39'57" E 66.77 feet, to the southwest corner of that property defined in Instrument Number 175779; thence, along the southwestern boundary of Instrument Number 175779, S 45°18'30" E 70.26 feet; thence S 41°25'27" E 2.95 feet; thence N 59°42'02" E 399.05 feet, to the TRUE POINT OF BEGINNING; encompassing an area of 0.02 acres.

STATE OF IDAHO }
County of Boundary } SS

Filed for record at the request of
Kristin L. Van Ness
on the 29th day of August, 1995 at 2:40
o'clock P.M., and recorded in Book 103
of Books on page 116

County Recorder
By [Signature]
Deputy

Fee \$ 16.00

Mail to [Signature]

ATTACHMENT 'A'

MAY 26 2023

STATE OF IDAHO
County of Boundary SS

0176912

Filed for record at PENDOREILLE LAKE AREA

isidell
on the 15 day of March, 1985 at 4:40
o'clock P.M., and recorded in Book 212
of Pen Oreille on page 34

Kris Larsen
County Recorder

By Debra
Deputy

QUITCLAIM DEED
Fee \$ 6.00

Mall to Luisy

GRANTORS, IDAHO LAND AND TIMBER, L.L.C., whose mailing address is Box 1595, Hayden Lake, Idaho, 83835, an Idaho limited liability company; TED L. COFFEY and SUSANNE L. COFFEY, husband and wife, whose mailing address is Route 1, Box 353, Bonners Ferry, Idaho 83805; and FRANK J. ZIMMERMAN and SONJA ZIMMERMAN, husband and wife, whose mailing address is Box 1595, Hayden Lake, Idaho 83835, for a good and valuable consideration the receipt whereof is hereby acknowledged do, RELEASE, CONVEY, and forever QUITCLAIM, unto FODGE PULP & CEDAR PRODUCTS, INC., an Idaho corporation, whose mailing address is H.R 85, Box 312, Bonners Ferry, ID 83805, as GRANTEE, and to Grantee's successors and assigns, forever all the following described real estate, situate in the County of Boundary, State of Idaho, to wit:

(SEE EXHIBIT "1" Attached hereto)

TOGETHER WITH any and all after acquired interest.

TOGETHER, with all tenements, hereditaments and appurtenances thereunto belonging, including but not limited to rights of access to and from the premises.

Randall W. Day
Counselor & Attorney at Law, P.A.
3160 Main Street
P.O. Box 721
Bonners Ferry, ID 83805-0721
(208) 367-3197

1. QUITCLAIM DEED

MAY 26 2023

PEND OREILLE LAKE AREA

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, the said GRANTORS have hereunto set their hands this 15th day of March, 1995.

GRANTORS:

IDAHO LAND AND TIMBER, L.L.C.

BY: Frank J. Zimmerman
FRANK J. ZIMMERMAN

Frank J. Zimmerman
FRANK J. ZIMMERMAN

Song A. Zimmerman
SONG A. ZIMMERMAN

Ted L. Coffey
TED L. COFFEY

Susanne L. Coffey
SUSANNE L. COFFEY

STATE OF IDAHO :

SS

County of Boundary :

On this 15th day of March, 1995, before me, the undersigned Notary Public for the State of Idaho, personally appeared FRANK J. ZIMMERMAN, known/or identified to me to be

Randal W. Day
Notary Public
205 Main Street
P.O. Box 100
Breckenridge, CO 80424
(303) 267-3197

2. QUITCLAIM DEED

MAY 26 2023

PEND OREILLE LAKE AREA

the President of the limited liability company, that executed the instrument or the person who executed the instrument on behalf of such limited liability company, and acknowledged to me that such limited liability company, executed the same.

[Signature]
Notary Public for Idaho
Residing at Bonners Ferry
My Comm. Expires: 2/18/98

STATE OF IDAHO :
County of Boundary : ss

On this 15th day of March, 1995, before me the undersigned Notary Public for the State of Idaho, personally appeared FRANK J. ZIMMERMAN and SONJA ZIMMERMAN, known/or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.



[Signature]
Notary Public for Idaho
Residing at Bonners Ferry
My Comm. Expires: 2/18/98

STATE OF IDAHO :
County of Boundary : ss

On this 15th day of March, 1995, before me the undersigned Notary Public for the State of Idaho, personally appeared TED L. COFFEY and SUSANNE L. COFFEY, known/or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.



[Signature]
Notary Public for Idaho
Residing at Bonners Ferry
My Comm. Expires: 2/18/98

Randall W. Day
Counselor at Law, P.A.
2150 Main Street
P.O. Box 918
Bonners Ferry, ID 83425-0918
(208) 267-3197

3. QUITCLAIM DEED

MAY 26 2023

PEND OREILLE LAKE AREA

EXHIBIT "1"

A tract of land in Government Lots 8 and 13 of Section 26, Township 62 North, Range 1 East of the Boise Meridian, Boundary County, Idaho; being a part of that property defined in Instrument Number 175779 and more particularly described as follows:

Beginning at a point on the southerly right of way of the Burlington Northern Railroad which is S 44°01'13" E, 5137.96 feet from the northwest corner of said Section 26 and N 66°48'30" E, 3882.24 feet from the southwest corner of Section 26, said point being coincident with the northwest corner of that property contained in Instrument Number 175779; thence S 59°42'02" W, 399.85 feet, to the southeasterly boundary of Instrument Number 175779; thence, along said southwesterly boundary, S 41°25'27" E, 103.79 feet; thence S 36°26'52", 264.42 feet; thence S 45°02'54" E, 160.92 feet; thence S 55°06'39", 131.47 feet; thence S 43°32'37" E, 42.08 feet; thence, leaving said southwesterly boundary, N 35°56'37" E, 790.50 feet, to the southerly right of way of the Burlington Northern Railroad; thence, along said right of way, N 83°08'09" W, 599.55 feet, to the TRUE POINT OF BEGINNING.