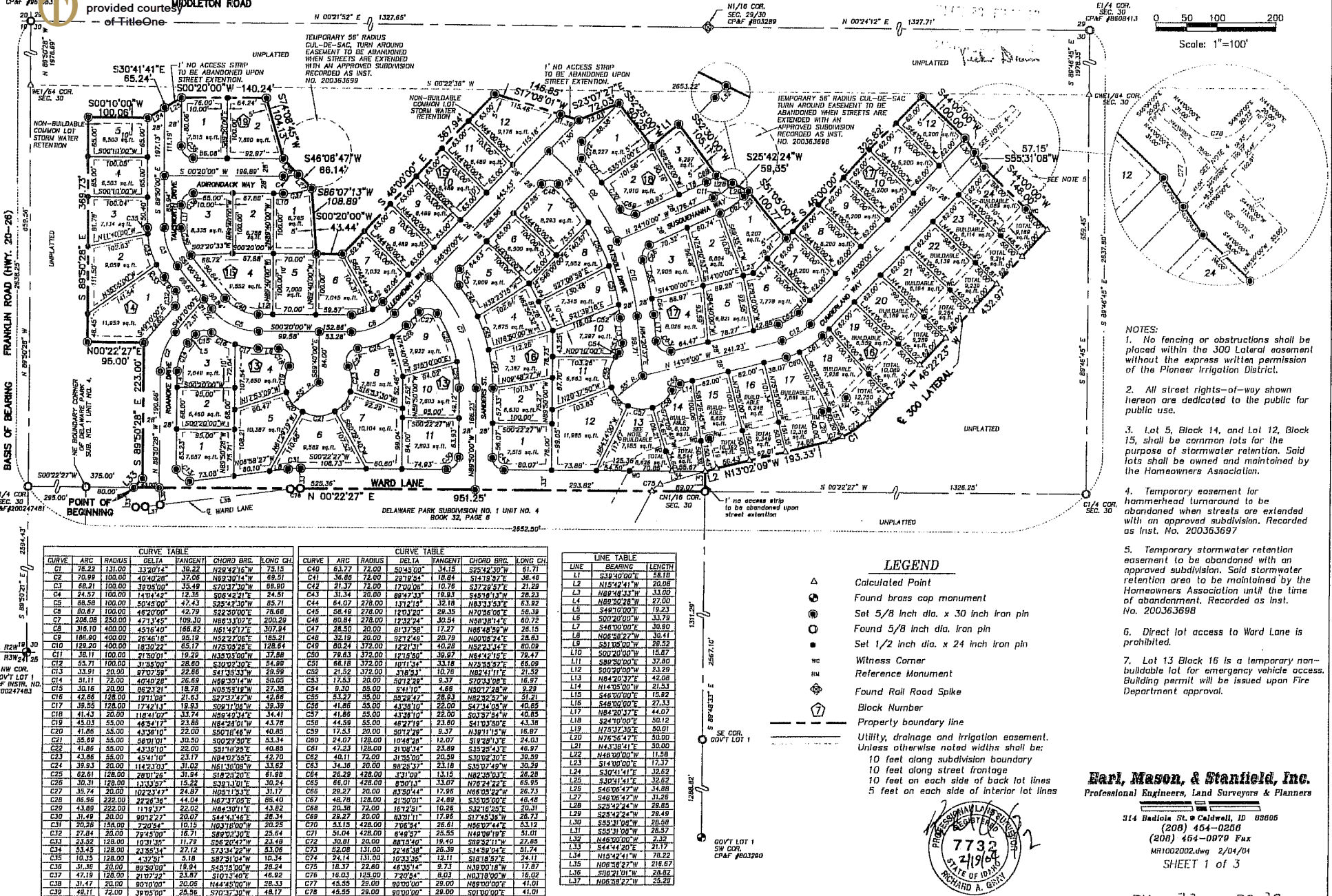


CP&F #76-83 This document
20126 provided courtesy
19010 of TitleOne



NOTES:

1. No fencing or obstructions shall be placed within the 300 Lateral easement without the express written permission of the Pioneer Irrigation District.
2. All street rights-of-way shown hereon are dedicated to the public for public use.
3. Lot 5, Block 14, and Lot 12, Block 15, shall be common lots for the purpose of stormwater retention. Said lots shall be owned and maintained by the Homeowners Association.
4. Temporary easement for hammerhead turnaround to be abandoned when streets are extended with an approved subdivision. Recorded as Inst. No. 200363697
5. Temporary stormwater retention easement to be abandoned with an approved subdivision. Said stormwater retention area to be maintained by the Homeowners Association until the time of abandonment. Recorded as Inst. No. 200363698
6. Direct lot access to Ward Lane is prohibited.
7. Lot 13 Block 16 is a temporary non-buildable lot for emergency vehicle access. Building permit will be issued upon Fire Department approval.

Earl, Mason, & Stanfield, Inc.
Professional Engineers, Land Surveyors & Planners

314 Badolia St. @ Caldwell, ID 83805
(208) 454-0258
(208) 454-0879 Fax
MR1002002.dwg 2/04/04
SHEET 1 of 3

BK. 33, PG 39

OWNERS CERTIFICATE

WE, DYVER DEVELOPMENT, L.L.C.,

an Idaho Limited Liability Company, being first duly sworn, depose and say we are the owners of DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 5, AT THE COLONIES more particularly described in the legal description below, state that it is our intention to include said property in this subdivision plat, that we do for ourselves, our heirs, transferees, successors and assigns, do hereby dedicate, donate and convey to the public forever the public streets shown on this plat. The easements as shown on this plat are not dedicated to the public. However, the right to use said easements is hereby perpetually reserved for public utilities and such other uses as designated within this plat and no permanent structures other than those for utility, irrigation, or drainage purposes is to be erected within the limits of said easements. The owners further certify that all lots in this subdivision will receive domestic water from the City of Caldwell's Municipal Water Department, and that the city has agreed in writing to serve all of the lots in this subdivision.

DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 5, AT THE COLONIES is situated in a part of the NW 1/4 NE 1/4 and in a part of the SW 1/4 NE 1/4 of Section 30, Township 4 North, Range 2 West, Boise Meridian, Caldwell, Canyon County, Idaho, more particularly described as follows:

Commencing at the NW corner of the NW 1/4 of said Section 30, (Section corner common to sections 19, 30, 25 and 24), said corner monumented with a found 3 inch diameter brass disk;

Thence S. 89°50'21" E., a distance of 2594.43 feet along the northerly boundary of said NW 1/4 to the NW corner of said NW1/4 NE1/4, (N1/4 corner), said corner monumented with a found 5/8 inch diameter iron pin;

Thence S. 0°22'27" W., a distance of 375.00 feet along the westerly boundary of said NE 1/4 to the POINT OF BEGINNING, said point monumented with a set 5/8 inch diameter iron pin;

Thence leaving the westerly boundary of said NE 1/4, S. 44°44'20" E., a distance of 21.17 feet to a set 5/8 inch diameter iron pin;

Thence S. 89°50'28" E., a distance of 223.00 feet parallel with the northerly boundary of said NE 1/4 to a set 5/8 inch diameter iron pin;

Thence N. 0°22'27" E., a distance of 95.00 feet parallel with the westerly boundary of said NE 1/4 to a set 5/8 inch diameter iron pin;

Thence S. 89°50'28" E., a distance of 369.73 feet parallel with the northerly boundary of said NE 1/4 to a set 5/8 inch diameter iron pin;

Thence S. 0°10'00" W., a distance of 100.06 feet to a set 5/8 inch diameter iron pin;

Thence S. 30°41'41" E., a distance of 65.24 feet to a set 5/8 inch diameter iron pin;

Thence S. 0°20'00" W., a distance of 140.24 feet to a set 5/8 inch diameter iron pin;

Thence S. 74°08'45" W., a distance of 104.13 feet to a set 5/8 inch diameter iron pin;

Thence S. 46°06'47" W., a distance of 66.14 feet to a set 5/8 inch diameter iron pin;

Thence S. 86°07'13" W., a distance of 108.89 feet to a set 5/8 inch diameter iron pin;

Thence S. 0°20'00" W., a distance of 43.44 feet to a set 5/8 inch diameter iron pin;

Thence S. 46°00'00" E., a distance of 367.94 feet to a set 5/8 inch diameter iron pin;

Thence S. 17°08'01" W., a distance of 146.85 feet to a set 5/8 inch diameter iron pin;

Thence S. 23°07'27" E., a distance of 72.03 feet to a set 5/8 inch diameter iron pin;

Thence S. 52°25'00" W., a distance of 90.25 feet to a set 5/8 inch diameter iron pin;

Thence S. 39°40'00" E., a distance of 58.18 feet to a set 5/8 inch diameter iron pin;

DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 5 AT THE COLONIES

Thence S. 52°30'00" W., a distance of 105.11 feet to a set 5/8 inch diameter iron pin;

Thence S. 25°42'24" W., a distance of 59.35 feet to a set 5/8 inch diameter iron pin;

Thence S. 51°05'00" W., a distance of 100.77 feet to a set 5/8 inch diameter iron pin;

Thence S. 46°00'00" E., a distance of 325.82 feet to a set 5/8 inch diameter iron pin;

Thence S. 44°00'00" W., a distance of 100.00 feet to a set 5/8 inch diameter iron pin;

Thence S. 55°31'08" W., a distance of 57.15 feet to a set 5/8 inch diameter iron pin;

Thence S. 44°00'00" W., a distance of 148.00 feet to a point on the centerline of the 300 Lateral, said point witnessed N. 44°00'00" E., a distance of 50.00 feet and monumented with a set 5/8 inch diameter iron pin;

Thence along the centerline of said 300 Lateral the following courses and distances:

Thence N. 46°22'23" W., a distance of 432.97 feet to a point, said point witnessed N. 43°38'41" E., a distance of 50.00 feet with a set 5/8 inch diameter iron pin;

Thence 76.22 feet along the arc of a 131.00 foot radius tangent curve right with a central angle of 33°20'14" and tangents of 39.22 feet, the long chord of which bears N. 29°42'16" W., a distance of 75.15 feet to a point, said point witnessed N. 76°56'47" E., a distance of 50.00 feet and monumented with a set 5/8 inch diameter iron pin;

Thence N. 13°02'09" W., a distance of 193.33 feet to a point, said point witnessed N. 75°37'35" E., a distance of 50.01 feet with a set 5/8 inch diameter iron pin;

Thence N. 15°42'41" W., a distance of 20.08 feet to a point, said point witnessed N. 81°26'45" E., a distance of 50.39 feet with a set 1/2 inch diameter iron pin;

Thence leaving said centerline of the 300 Lateral, N. 89°48'33" W., a distance of 33.00 feet to the SW corner of said NW 1/4 NE 1/4, (CN 1/16 corner), said corner also being the SE boundary corner of "Delaware Park Subdivision No. 1 Unit No. 4" as on file in Book 32 of Plats at Page 6 in the Office of the Recorder of Canyon County, Idaho, and is monumented with a found 5/8 inch diameter iron pin;

Thence N. 0°22'27" E., a distance of 951.25 feet along the westerly boundary of said NE 1/4 and along the easterly boundary of said "Delaware Park Subdivision No. 1 Unit No. 4" to the POINT OF BEGINNING.

DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 5 AT THE COLONIES contains 17.75 acres more or less.

Corey Barton - Member
DYVER DEVELOPMENT, L.L.C.

ACKNOWLEDGMENTSTATE OF IDAHO }
COUNTY OF CANYON } SS

Be it remembered that on this 5th day of August, 2003, before me, the undersigned, a notary public in and for said state, personally appeared Corey Barton, who is known or identified to me to be a Member of the Limited Liability Company (L.L.C.) that executed the instrument or the person who executed the instrument on behalf of said L.L.C., and acknowledged to me that such L.L.C. executed the same.

In witness whereof, I have hereunto set my hand and notarial seal the day last above written.

Adam Koltz
Notary Public for Idaho
Residing at Nampa, ID
Commission expires 6/05/2004

**CERTIFICATE OF SURVEYOR**

I, Richard A. Gray do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this plat as described in the Owners Certificate and the attached plat, was drawn from an actual survey made by me and accurately represents the points thereon.

I further certify that I made this survey under the direction of the owner thereof and that the survey is in conformity with the State of Idaho Codes relating to plats and subdivision.

Richard A. Gray
Richard A. Gray

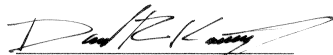


01/103
P.L.S. License No. 7732

DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 5
AT THE COLONIES

CERTIFICATE OF CANYON COUNTY SURVEYOR

I, THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR FOR CANYON COUNTY, hereby certify that I have examined this plat and find that it complies with the STATE OF IDAHO Title 50, chapter 13 relating to Plats and Vacations.



Canyon County Surveyor
David R. Kinzer PE/LS 2659

3/18/03
Date

APPROVAL OF CITY COUNCIL

I, the undersigned, City Clerk in and for the City of Caldwell, Canyon County, Idaho do hereby certify that, at a regular meeting of the City Council held on the 2 day of FEBRUARY, 2004, this plat was accepted and approved.


City Clerk, Caldwell, Idaho

APPROVAL OF CITY ENGINEER

I, Gordon N. Law, City Engineer, in and for the City of Caldwell, Canyon County, Idaho hereby approve this plat.


Gordon N. Law PE
16 6778

6 Feb 2004
Date

CERTIFICATE OF COUNTY TREASURER

I, Tracie Lloyd, County Treasurer in and for the County of Canyon, State of Idaho, per the requirements of I.C.50-1308, do hereby certify that any and all current and/or delinquent County Property Taxes for the property included in this proposed subdivision have been paid in full.

This certificate is valid for the next thirty (30) days only.


County Treasurer

2/19/2004
Date

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied. Sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.


District Health Department, EHS

10-30-03
Date

W25717

INSTRUMENT NO. 200418623

SUPPLEMENTAL DECLARATION OF ANNEXATION ESTABLISHING
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
DELAWARE PARK SUBDIVISION NO. 5 AT THE COLONIES
PLATTED AS DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 5 AT THE COLONIES

THIS SUPPLEMENTAL DECLARATION is made on the date hereinafter set forth by Dyver Development, LLC, an Idaho limited liability company, hereinafter referred to as "Declarant";

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property situated in the City of Caldwell, County of Canyon, State of Idaho, which is particularly described as:

Delaware Park Subdivision No. 1 Unit No. 5 At The Colonies, according to the official plat Thereof on file in the office of the County Recorder of Canyon County, State of Idaho, in Book 33 of plats at page 39; more particularly described on Exhibit "A" attached hereto and incorporated herein by this Reference.

(which real property is hereinafter referred to as the "Phase 5 Property"); and

WHEREAS, Declarant has heretofore recorded a Declaration Establishing Covenants, Conditions and Restrictions for Delaware Park At The Colonies Subdivision Phase II, recorded on February 27, 2002, as Instrument Number: 200209365, records of Canyon County, Idaho.

WHEREAS, Delaware Park Subdivision No. 1 Unit No. 5 At The Colonies is being developed according to a master plan of development and is thereby related to Delaware Park At The Colonies Subdivision Phase II, and Declarant desires that the Phase 5 property be subject to the covenants, conditions and restrictions for Delaware Park At The Colonies Subdivision Phase II as set forth in the Declaration (as Declaration may be, from time to time, amended), and that owners of Building Lots or parcels within the boundaries of the Phase 5 Property be members of Delaware Park At The Colonies Subdivision Homeowners Association, Inc.:

NOW, THEREFORE, Declarant hereby declares:

ARTICLE I

The Phase 5 Property shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration, as amended, incorporated herein by this reference as if set forth in full, which easements, restrictions, covenants and conditions are for the purpose of protecting the value and desirability of, and which shall run with and bind, the Phase 5 Property and each and every part, parcel and Building Lot thereof, and be binding on all parties having any right, title or interest in the Phase 5 Property or any parcel or building lot thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

ARTICLE II

Pursuant to the Sections 1.2 and 6.1 of the Declaration, the Declaration is hereby amended to include the Phase 5 Property, and the Phase 5 Property is hereby made subject to and the beneficiary of the rights, privileges, restrictions and covenants set forth in the Declaration. The Phase 5 Property is designated a "Tract" as defined in Section 3.15 of the Declaration, and is hereby annexed to the Property covered by the Declaration and is included within the term "Property" as used in the Declaration.

ARTICLE III

Except for terms expressly defined herein, all capitalized terms shall have the same meaning as defined in the Declaration.

ARTICLE IV

The Phase 5 Property shall be subject to all city and county setbacks and utility easements as set forth on the official plat thereof on file in the office of the County Recorder of Canyon County, State of Idaho, in Book 33 of plats at page 39; more particularly described on Exhibit "A" attached hereto and incorporated herein by this Reference.

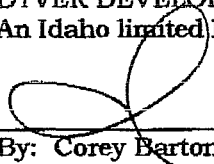
Also as stated in the "Notes" on the official recorded plat thereof for Delaware Park Subdivision No. 1 Unit No. 5 at the Colonies:

- (a) No fencing or obstructions shall be placed within the 300 Lateral Easement without the express written permission of the Pioneer Irrigation District.
- (b) All street rights-of-way shown hereon are dedicated to the public for public use.
- (c) Lot 5, Block 14 and Lot 12, Block 15 shall be common lots for the purpose of stormwater retention. Said lots shall be owned and maintained by the Homeowners Association.
- (d) Temporary easement for hammerhead turnaround to be abandoned when streets are extended with an approved subdivision. Recorded as Inst. No. 200363697
- (e) Temporary stormwater retention easement to be abandoned with an approved subdivision. Said stormwater retention area to be maintained by the Homeowners Association until the time of abandonment. Recorded as Inst. No. 200363698
- (f) Direct lot access to Ward Lane is prohibited.
- (g) Lot 13 Block 16 is a temporary non-buildable lot for emergency vehicle access. Building Permit will be issued upon Fire Department approval.

(The specific lots identified as Common Area in Section 10.1 of the Declaration refer to lots and blocks in Delaware Park At The Colonies Subdivision (Phase 2) only.) All Common Area, including the original Common Area identified as such in Section 10.1 of the Declaration, and the Common Area identified as such in this Supplemental Declaration and in any future Supplemental Declaration, shall all be included within the term "Common Area" as used in the Declaration and shall be shared among the owners of all Building Lots in the Property (including future annexed Tracts), as provided in Article X of the Declaration.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereto set its hand this 7th day of April 2004.

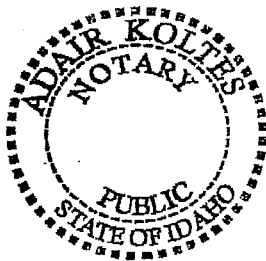
DYVER DEVELOPMENT, LLC,
An Idaho limited liability company


By: Corey Barton, Its Manager

STATE OF IDAHO)
) ss.
County of Ada Canyon

On this 7th day of April, 2004, before me Adair Koltes,
a Notary Public in and for said State, personally appeared Corey Barton, known or
identified to me to be the Manager of Dyver Development, LLC, a limited liability
company, who subscribed said limited liability company's name to the foregoing
instrument, and acknowledged to me that he executed the same in said limited liability
company's name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
the day and year in this certificate first above written.



Adair Koltes
Notary Public for Idaho
Residing at Nampa, ID
My commission expires 6/05/2004

EXHIBIT "A"

DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 5, AT THE COLONIES is situated in a part of the NW 1/4 NE 1/4 and in a part of the SW 1/4 NE 1/4 of Section 30, Township 4 North, Range 2 West, Boise Meridian, Caldwell, Canyon County, Idaho, more particularly described as follows:

Commencing at the NW corner of the NW 1/4 of said Section 30, (Section corner common to sections 19, 30, 25 and 24), said corner monumented with a found 3 inch diameter brass disk;

Thence S. $89^{\circ}50'21''$ E., a distance of 2594.43 feet along the northerly boundary of said NW 1/4 to the NW corner of said NW 1/4 NE 1/4, (N1/4 corner), said corner monumented with a found 1/2 inch diameter iron pin;

Thence S. $0^{\circ}22'27''$ W., a distance of 375.00 feet along the westerly boundary of said NE 1/4 of Section 30 to the **POINT OF BEGINNING**, said point monumented with a set 5/8 inch diameter iron pin;

Thence leaving the westerly boundary of said NE 1/4, S. $44^{\circ}44'20''$ E., a distance of 21.17 feet to a set 5/8 inch diameter iron pin;

Thence S. $89^{\circ}50'28''$ E., a distance of 223.00 feet parallel with the northerly boundary of said NE 1/4 to a set 5/8 inch diameter iron pin;

Thence N. $0^{\circ}22'27''$ E., a distance of 95.00 feet parallel with the westerly boundary of said NE 1/4 to a set 5/8 inch diameter iron pin;

Thence S. $89^{\circ}50'28''$ E., a distance of 369.73 feet parallel with the northerly boundary of said NE 1/4 to a set 5/8 inch diameter iron pin;

Thence S. $0^{\circ}10'00''$ W., a distance of 100.06 feet to a set 5/8 inch diameter iron pin;

Thence S. $30^{\circ}41'41''$ E., a distance of 65.24 feet to a set 5/8 inch diameter iron pin;

Thence S. $0^{\circ}20'00''$ W., a distance of 140.24 feet to a set 5/8 inch diameter iron pin;

Thence S. $74^{\circ}08'45''$ W., a distance of 104.13 feet to a set 5/8 inch diameter iron pin;

Thence S. $46^{\circ}06'47''$ W., a distance of 66.14 feet to a set 5/8 inch diameter iron pin;

Thence S. $86^{\circ}07'13''$ W., a distance of 108.89 feet to a set 5/8 inch diameter iron pin;

Thence S. $0^{\circ}20'00''$ W., a distance of 43.44 feet to a set 5/8 inch diameter iron pin;

Thence S. $46^{\circ}00'00''$ E., a distance of 367.94 feet to a set 5/8 inch diameter iron pin;

DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 5

MR1002

DSS 6/24/02

REVISED 7/3/02 CP REVISED 7/29/02 DSS

Page 1 of 3

Thence S. 17°08'01" W., a distance of 146.85 feet to a set 5/8 inch diameter iron pin;

Thence S. 23°07'27" E., a distance of 72.03 feet to a set 5/8 inch diameter iron pin;

Thence S. 52°25'00" W., a distance of 90.25 feet to a set 5/8 inch diameter iron pin;

Thence S. 39°40'00" E., a distance of 58.18 feet to a set 5/8 inch diameter iron pin;

Thence S. 52°30'00" W., a distance of 105.11 feet to a set 5/8 inch diameter iron pin;

Thence S. 25°42'24" W., a distance of 59.35 feet to a set 5/8 inch diameter iron pin;

Thence S. 51°05'00" W., a distance of 100.77 feet to a set 5/8 inch diameter iron pin;

Thence S. 46°00'00" E., a distance of 325.82 feet to a set 5/8 inch diameter iron pin;

Thence S. 44°00'00" W., a distance of 100.00 feet to a set 5/8 inch diameter iron pin;

Thence S. 55°31'08" W., a distance of 57.15 feet to a set 5/8 inch diameter iron pin;

Thence S. 44°00'00" W., a distance of 148.00 feet to a point on the centerline of the 300 Lateral, said point witnessed N. 44°00'00" E., a distance of 50.00 feet and monumented with a set 5/8 inch diameter iron pin;

Thence along the centerline of said 300 Lateral the following courses and distances:

Thence N. 46°22'23" W., a distance of 432.97 feet to a point, said point witnessed N. 43°38'41" E., a distance of 50.00 feet with a set 5/8 inch diameter iron pin;

Thence 76.22 feet along the arc of a 131.00 foot radius tangent curve right with a central angle of 33°20'14" and tangents of 39.22 feet, the long chord of which bears N. 29°42'16" W., a distance of 75.15 feet to a point, said point witnessed N. 76°56'47" E., a distance of 50.00 feet and monumented with a set 5/8 diameter iron pin;

Thence N. 13°02'09" W., a distance of 193.33 feet to a point, said point witnessed N. 75°37'35" E., a distance of 50.01 feet with a set 5/8 diameter iron pin;

Thence N. 15°42'41" W., a distance of 20.08 feet to a point, said point witnessed N. 81°26'45" E., a distance of 50.39 feet with a set 1/2 inch diameter iron pin;

Thence leaving said centerline of the 300 Lateral, N. 89°48'33" W., a distance of 33.00 feet to the SW corner of said NW 1/4 NE 1/4, (CN 1/16 corner), said corner also being the SE boundary corner of "Delaware Park Subdivision No. 1 Unit No. 4" as on file in Book 32 of Plats at Page 6 in the Office of the Recorder of Canyon County, Idaho, and is monumented with a found 5/8 inch diameter iron pin;

Thence N. 0°22'27" E., a distance of 951.25 feet along the westerly boundary of said NE 1/4 and along the easterly boundary of said "Delaware Park Subdivision No. 1 Unit No. 4" to the **POINT OF BEGINNING**.

DELAWARE PARK SUBDIVISION NO. 1 UNIT NO. 5 AT THE COLONIES contains 17.75 acres more or less.

200418623

RECORDED

2004 APR 7 PM 4 01

G NOEL HALES

CANYON CNTY RECORDER

BY

pm hane

REQUEST PIONEER NAME
TYPE *4/10* FEE *1800*