



1-9-2004
A note from...
PETER J. MCCABE
BEVERLY J MCCABE

Idaho Abstract's

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H.E.A.R.T.S. IN SERVICE

Map of Survey of Fractional Sec.5 Twp.7
North Range 5 West of the Boise Mer. Idaho

: Plat.#2360I
: Dated, Dec.1, 1908
: Recorded, Dec.21, 1908. 10:41 A.M.
: Book 2 of Plats, Page 60

State of Idaho

SS

County of Canyon

I, C.P.Lattig, a duly Licensed Land Surveyor of said County and State do hereby Certify that I have carefully and correctly surveyed fractional Sec.5 Twp.7 N.R.5 W.B.M. in Canyon County, Idaho; and that the plat and field notes appearing upon this sheet correctly represent the tract so by me surveyed. In Witness whereof I have hereunto set my hand at Payette Idaho, this 3rd day of Dec. 1908. C.P.Lattig, Surveyor

(No Ack.) (Plat shows lots 1/2, 3, 4, 5 and Accretion to lots 1, 2, 3, 4, 5) in Sec.5)

Plat of Lots Sec. 5-7-5-
as shown on Plat filed Dec 21 '90
Book 2 of Plats page 60.

Section of 1868 channel
N 25° W 30
Lot 4
45.30 a
Snake River
N 65° W 20 ch
Lot 5
8.15 a
Present Main channel Snake River
N 20° W 10 ch
West 15.95 5 4
8 9

Exaho Abstract & Trust Co.
ABSTRACT OF TITLE
-24-
-33-
FLB 33

$$\begin{array}{r} 24 \\ -33 \\ \hline \end{array}$$

FLB 33,

-4-

London & San Francisco Bank Limited
a Corporation

-TO-

C.E. Brainard

Special Warranty Deed. #3580

Dated, June 13, 1904

Recorded, June 22, 1904. 8:48 A.M.

Book 30 of Deeds, Page III

Consideration, \$393.20

Two Witnesses

Property, -Lot 2 in the NE $\frac{1}{4}$ of Section 8 Township 7 North Range 5 West of the Boise Meridian, containing 49.15 acres, reserving a Right of way across said tract of land for the construction of an irrigation canal or flume as may be required for conveying water to other lands in that vicinity.

Signed: London & San Francisco Bank, Limited

By Wm. A. MacRae its Magr. and Atty. in fact.

Acknowledged, June 13, 1904 before Frederick K. Arnold, Notary Public, Multnomah County, Oregon. (SEAL)

-11-

George Funkhouser and Georgia A.
Funkhouser, his wife

-TO-

Charles W. White

Warranty Deed. #56337

Dated, November 13, 1913

Recorded, November 24, 1913. 11:47 AM

Book of Deeds, Page

Consideration, \$1000.00

Convey and warrant to Charles W. White the following described real estate situate in Canyon County Idaho to-wit: Lot 2 in the NE $\frac{1}{4}$ of Section 8 Twp. 7 North Range 5 West of the Boise Meridian, containing 49.15 acres of land more or less according to U.S. Survey; Reserving a right of way across said tract of land for an irrigating canal or flume as may be required for conveying water to other lands in that vicinity.

Acknowledged, November 13, 1913, before J. W. Blackburn, Notary Public, Clarke Co. Washington. (SEAL)

STATE OF IDAHO EXECUTIVE DEPARTMENT

PROCLAMATION

Whereas, it appearing by the certificate of the Board of County Commissioners of Canyon County, Idaho, duly attested by the Clerk of the said Board, that a special election was held on May 11, 1917 in that portion of Canyon County, constituting the proposed new County of Payette as provided in House Bill No. 108 approved Feb. 28th, 1917 and

Whereas, it further appears by the said certificate of the board of County Commissioners of Canyon County, that 66 2/3% of the votes cast at said special election were in favor of the creation of the said County of Payette

Now, therefore, I, M. Alexander, Governor of the State of Idaho, do issue this Proclamation as provided by Section 29 of said House Bill No. 108 approved Feb. 28th, 1917 declaring that at a special election held on May 11, 1917, 66 2/3% of the votes cast were in favor of the creation of the County of Payette, and that said County of Payette, has been and now is a duly created and constituted County of the State of Idaho, effective on the 1st Monday of July, 1917 as provided in said House Bill No. 108, approved Feb. 28th, 1917

Done at Boise, the Capital of the State of Idaho, this 26th day of May, 1917

M. Alexander, Governor, Attest: W.T. Dougherty, Secretary of State (Great Seal of the State of Idaho)

Filed in the office of the Secretary of State, Boise City, Idaho.

This Abstract No. 2576 is a continuation of the within abstract as to the following described real estate, to-wit: Lot 2, Section 8, Township 7 North of Range 5 West of the Boise Meridian, and Lot 5, Section 5, Township 7 North, of Range 5 West of the Boise Meridian, except the accretion lands belonging to said Lot 5, Subsequent to Nov. 18, 1921 at 5:00 P. M.

1.

E. B. Hammack

SATISFACTION OF MORTGAGE

to

Charles W. White and Emma
K. White, his wife

Dated Dec. 22, 1921
Ackl. Dec. 22, 1921
Filed Dec. 23, 1921
Rec. Bk. 2 Rel. page 568

Recites: That I, E. B. Hammack do hereby certify and declare that a certain mortgage dated Nov. 19, 1913, made and executed by Charles W. White and Emma K. White, his wife, parties of the first part therein, to E. B. Hammack, party of the second part therein, recorded in the office of the County Recorder of Canyon County, State of Idaho, in Book 56 of Mortgages, page 108 on Nov. 24, 1913, together with the debt thereby secured, is fully paid, satisfied and discharged.

Acknowledged by E. B. Hammack, before A. O. Sutton, Notary Public,
Payette County, Idaho. SEAL

Charles W. White and Emma K.
White, husband and wife

to

Guss Davis

MORTGAGE

Dated Dec. 23, 1921
Ackl. Dec. 23, 1921
Filed Dec. 23, 1921
Rec. Bk. 3 Mtgs. page 582
Cons. \$3500.00 7% IESC

Mortgages: Lot 2, Section 8, Township 7 North of Range 5, West of the Boise Meridian and Lot 5, Section 5, Township 7 North of Range 5, West of the Boise Meridian. Together with all water rights thereunto belonging.

Secures the payment of one note of even date herewith for \$3,500.00, due on or before Dec. 23, 1924, with interest at the rate of 10% per annum, payable annually.

Acknowledged by Charles W. White and Emma K. White, husband and wife, before A. O. Sutton, Notary Public, Payette County, Idaho. SEAL

Certificate of Abstracter

STATE OF IDAHO, }
COUNTY OF PAYETTE, } ss.

IT IS HEREBY CERTIFIED, That the foregoing 2 sheets, showing entries numbered from One to 2 inclusive, contain a true and correct abstract of all conveyances or other instruments of writing now on record in the office of the County Recorder in and for said County, which in any way affect the title of the following described real estate subsequent to December 22, 1922, @ 8:00 A.M.

Lot 2, Section 8, Twp. 7 N. R. 5 W. B. M.

Lot, 5, Section 5, Twp. 7 N. R. 5 W. B. M.

Except that part of Lot 5 lying West of the Main channel of the Snake River.

WE FURTHER CERTIFY, That all Taxes levied by Payette County, upon the lands above described as shown by the records of the Treasurer and Tax Collector of Payette County, have been paid up to and including the first half of the year 1929, balance due \$56.25.

WE FURTHER CERTIFY, That there are no judgments or liens of any kind against any of the within named grantees which are liens on the lands described in this certificate, shown by the judgment docket of the District Court in and for Payette County, State of Idaho.

THIS CERTIFICATE is attached to and made a part of Abstract No. 4752 compiled for the use of Freehafer & McClure,

IN WITNESS WHEREOF, Payette County Abstract Company has caused its name to be subscribed hereto and its seal affixed this 2nd day of April 1930, at 5:00 o'clock P. M.

PAYETTE COUNTY ABSTRACT COMPANY,

By Nancy Wheeler
Manager.

1.

H. Hughes and May Hughes
his wife,

to

Idaho Power Company, a corporation,

POWER LINE EASEMENT

Dated Apr. 10, 1944
Ackl. Apr. 10, 1944
Rec. June 13, 1947
Rec.Bk. 4 Misc. page 193
Cons. \$1.00 & o.v.c.

Grant and convey to Idaho Power Company, a corporation its licensees, successors and assigns, Grantee, for One Dollar and other valuable considerations, a right of way and easement for the erection and continued operation, maintenance, repair, alteration, inspection, relocation and replacement of the electric transmission, distribution and telephone lines and circuits of the Grantee, attached to a line of poles or other supports, together with guys, stubs, crossarms and other attachments and incidental equipment thereon, and appurtenances, over, on and across the following premises belonging to said Grantor in Payette County, State of Idaho in the location approximately as follows, to-wit:

Lot one & Lot 2 of Section Eight, Township Seven North, Range Five West of
Boise Meridian, also acretion land West of Lot one & 2

Together with all rights of ingress and egress necessary or convenient for the full and complete use, occupation and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.

Acknowledged by H. Hughes and May Hughes__, before W. D. Arms, Notary Public for the State of Idaho, County of Payette, residing at Payette, Idaho. (Seal).

ELB 107



A note from...

Peter & McCabe
to BEVERLY J MCCABE

This package also
contains some Idaho
Abstracts and Oregon
Abstracts about
water rights.

Peter & McCabe

H.E.A.R.T.S. IN SERVICE



A note from...

Peter J. McCabe
BEVERLY J MCCABE

Oregon Abstract

Page 1

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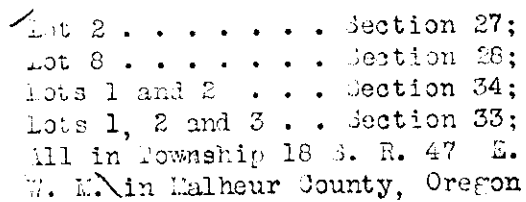
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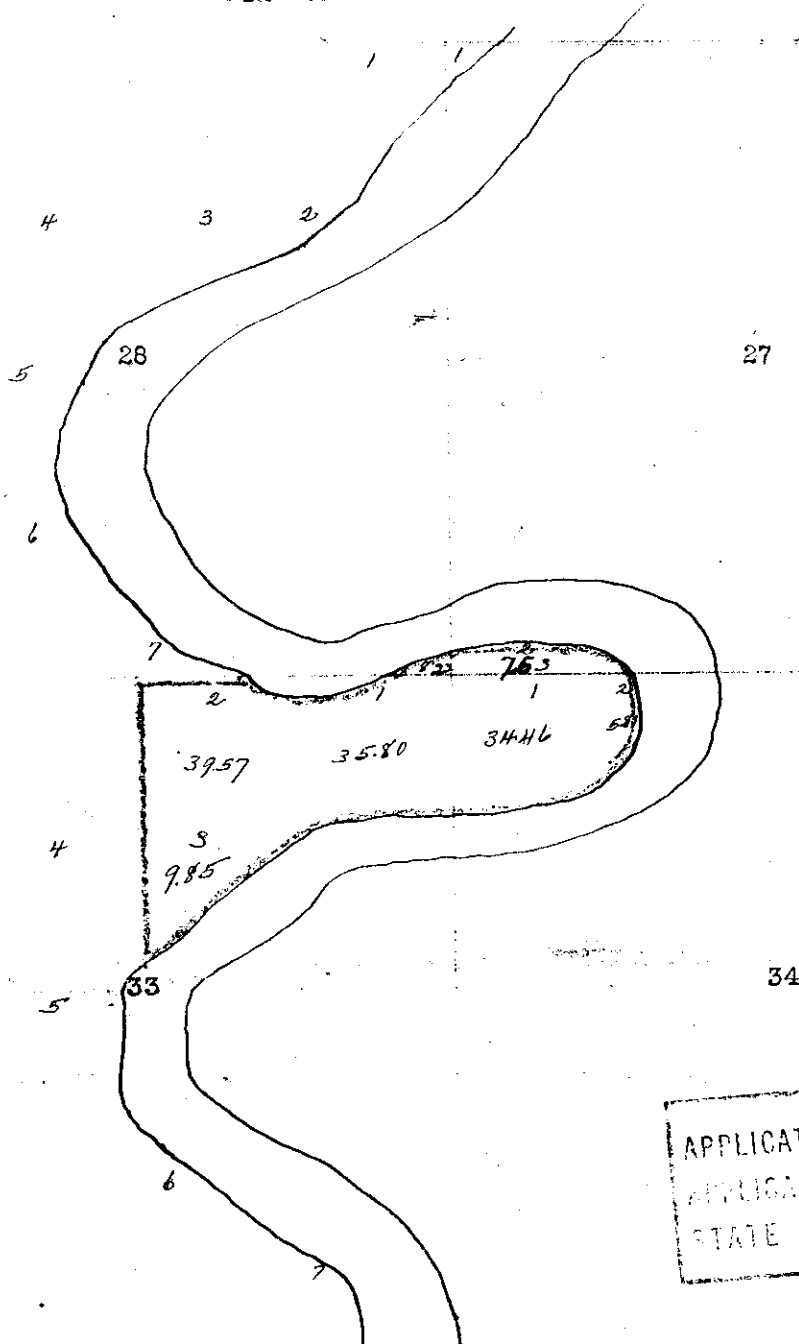
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H.E.A.R.T.S. IN SERVICE



LC#N NO. 86018
ABSTRACT
TITLE POLICY
THE FEDERAL LAND BANK
OF SPOKANE

Plat of lands abstracted.



APPLICATION NO. B10547
APPLICANT Mc Cabe
STATE 19-D

COMPILED BY

MAUHEUR TITLE & ABSTRACT COMPANY

VALE, OREGON.

~~FLB 1~~

19-2

No.

ABSTRACT OF TITLE

TO

The North Half of the North East Quarter of Section
Thirty Three in Township Eighteen S. R. 47 E. W. M.
in Malheur County, Oregon.

Continuation of Abstract of Title to Lands Described in Caption Thereto.

No. I

Josiah Carter and Wife,
Jane Carter

GRANTORS.

TO

John Daily.

Character of Instrument.

Deed

Date of Instrument.

July 24, 1888

Date of Record.

Aug, 16, 1888
of Deeds Page. 221

Book B

GRANTEES.

Consideration \$500.00. Are Signatures Sealed? Yes

Names of Witnesses Holden T. Husted, Emma F. Clement

Date of Acknowledgement July 24, 1888

Before Whom Acknowledged, and is it regular? J. T. Clement, County Judge, Malheur Co, Oregon.

Granting Words Bargain, sell, Remise, Release and Quitclaim.

Covenant, if any

Description and Remarks:

The North Half of the North East Quarter of Section Thirty Three
in Township Eighteen S. R. 47 E. W. M. in Malheur County, Oregon.

CONTINUATION

of abstract of title to the lands described
in the caption hereof.

No. 20.

Charles W. White and
Emma K. White, his wife,
-to-
Guss Davis,

MORTGAGE.

Dated Dec. 23, 1921,
Ack'd Dec. 23, 1921,
Filed Dec. 24, 1921,
Recorded Book "4" of
Mortgages, pages 489-90
Consideration \$3500.

Grant, bargain, sell and convey---

The N $\frac{1}{2}$ of NE $\frac{1}{4}$ and the Lot 3, of Section 33,

The Lot 2 of Section 27,

The Lot 8 of Section 28, and

The Lots 1 and 2 of Section 34, all in Township 18 S.R. 47 E.W.M.
in Malheur County, Oregon, together with all water rights thereunto
belonging.

Given to secure a note for \$3500. Dated Dec. 23, 1921, due Dec. 23,
1924, with interest at 10%.

Two witnesses. Signatures sealed. Acknowledged before A.O. Sutton,
Notary Public, Payette County, Idaho, Residing at Payette. Seal.

Certificate of Identity and official capacity of notary by H.G. Gardner
Clerk of the District Court Payette County, Idaho, Seal. Dated Dec. 23, 1921.

Continuation of Abstract of Title to Lands Described in Caption Thereto.

No. 2

United States by the President,
 Chester A. Arthur, by M. McKean
 Secretary, S. W. Clark Recdr G.L. O.

GRANTORS.

TO

Josiah Carter

Character of Instrument.

Patent

Date of Instrument.

Dec 5, 1884

Date of Record.

Feb 5, 1889

Book .B

of Deeds Page. 354

GRANTEES.

Consideration \$

Are Signatures Sealed?

Names of Witnesses

Date of Acknowledgement

Before Whom Acknowledged, and is it regular?

Granting Words

Covenant, if any

Description and Remarks:

Grants The North half of the North East Quarter and the North
 half of the North West Quarter of Section Thirty Three in Twp. 18
 S. R. 47 E. W. M. in Oregon, containing 155.37. acres.

--Q--

Seal of the General Land Office affixed. Certificate No. I466,
 Act Congress April 24, 1820. General Land Office record Vol. 4 page 105.

CONTINUATION OF
ABSTRACT OF TITLE NO. 3864
as to the lands described on the
caption hereon

No. 26

Esther Davis, Athens, formerly
Esther Davis, a married woman,
-to-
Harvey Hughes and May Hughes,
husband and wife

WARRANTY DEED

Dated Dec. 29, 1944
Ack'd Dec. 29, 1944
Filed Jan. 2, 1945
Book 62 of Deeds
Page 47
Consideration \$2000.00
I.R.S., \$2.20

Grant, bargain, sell, convey and confirm all of the following described real estate, situate in the County of Malheur, State of Oregon, to-wit:

The N $\frac{1}{2}$ of the NE $\frac{1}{4}$ also designated as Lots 1 and 2 and Lot 3 of Sec. 33; Lot 2 of Sec. 27; Lot 8 of Sec. 28; Lots 1 and 2 of Sec. 34; all being in Twp. 18 S., R. 47 E.W.M.

Covenant: in the quiet and peaceable possession and warrant and forever defend. Lawfully seized in fee simple, and that said property is my sole, separate and individual property.

This conveyance is made subject to 1/6 of State and County taxes or assessments, of whatsoever nature which have been levied or assessed against the above described lands and premises for the year 1936 and all such taxes so levied thereafter.

Two witnesses.

Signatures sealed.

Acknowledged before John H. Norris, Notary Public, Payette County, Idaho.
Notarial seal. Commission expires Dec. 13, 1945.

No. 27

Harvey Hughes and May
Hughes, husband and wife
-to-
Peter Mc Cabe,---

WARRANTY DEED

Dated Nov. 27, 1946
Ack'd Nov. 27, 1946
Filed Dec. 2, 1947
Book 72 of Deeds
Page 193
Consideration \$10.00 & OVC
I.R.S., \$6.60

Grant, bargain, sell, convey and confirm all of the following described real estate, situate in the County of Malheur, State of Oregon, to-wit:

The N $\frac{1}{2}$ of the NE $\frac{1}{4}$, also designated as Lots 1 and 2 and Lot 3 of Section 33; Lot 2 of Section 27; Lot 8 of Section 28; Lots 1 and 2 of Section 34; all being in Township 18 S., Range 47 E.W.M.

Covenant: In the quiet and peaceable possession, Warrant and forever Defend.

Two witnesses.

Signatures sealed.

Acknowledged before Wm. C. Dunbar, Notary Public, Ada County, Idaho, residing at Boise, Idaho. Notarial seal. Commission expires---.

Memorandum

RECEIVED
JAN 14 2004
Department of Water Resources

To: Susan Hamlin, Deputy Attorney General

CC: Chris Bromley, Deputy Attorney General

From: Peter J McCabe

Date: 01/13/04

Re: Water Right No. 3-4017 -McCabe Brothers

Irrigation:

In the spring of 1944 my parents Peter and Bertha McCabe bought this farm from Harvey and May Hughs .

My father and older brothers were irrigating a lot of this farm by a pump in the Snake River, through a pipeline on the Johanek property. Part of the pipeline is visible today.

We moved the pump in 1958 or 1959 to its present location in the southwest corner of the property on the Snake River, Which we considered Idaho water rights.

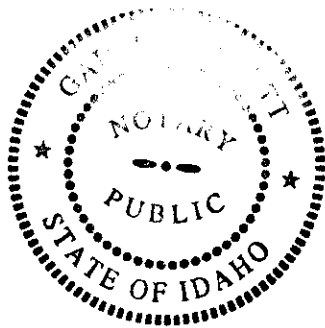
The amount of land irrigated now is approximately 133 acres from this pump.

Peter J McCabe

STATE OF IDAHO)
 : ss
County of Payette)

On this 15th day of January, 2004, before me,
the undersigned, a Notary Public in and for said State, personal-
ly appeared Peter J. McCabe, known to me to be the person
whose name is subscribed to the foregoing instrument, and ac-
knowledged to me that he executed the same.

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



Gail S. Baskett
Notary Public of Idaho
Residing at: Payette
My Comm Expires: 8/1/07