



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

June 5, 2024

IDAHO DEPT OF FISH & GAME
ATTN: CASEY POZZANGHERA
PO BOX 25
BOISE ID 83707

RE: Abandonment of Water Right 65-4908

Dear Interested Party,

The Department of Water Resources (Department) received a request from you to abandon water right 65-4908. This letter is to document the file on this request.

This right was decreed in the name of O'Leary in 1986 which was the Payette Adjudication. It appears O'Leary didn't own the land this right is appurtenant. That said, because the court decreed this right to O'Leary and he didn't own any of the land, the courts essentially severed the water right from the land. The land ownership is the Bureau of Reclamation (see deed conveying the land from Fish & Game to the United States) and the water right ownership is O'Leary. You will need to have O'Leary or his heir(s) either abandon the water right or quitclaim it to the Bureau of Reclamation then BOR can abandon the water right.

The Department spoke with Casey Pozzanghera regarding the abandonment request, and he understands what needs to be done by the Bureau of Reclamation.

I am returning the documentation provided. Please let me know if you have any questions. Thank you.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosures

U. S. Patent Record—Homestead

113

RECEIVED

Feb 08, 2024

DEPARTMENT OF
WATER RESOURCES

Instrument No. 31883

Value 00000
Homestead Certificate No.
APPLICATION

The United States of America

To All to Whom these Presents shall come, Greeting:

WHEREAS, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise, Idaho whereby it appears that, pursuant to the Act of Congress approved 20th May, 1802, "To Secure Homesteads to Actual Settlers on the Public Domain," and the Acts supplemental thereto, the claim of William J. Hopkins has been established and duly consummated, in conformity to law for the

Join nine, twelve, and thirteen and the south half of the northwest quarter of the south east quarter of Section two, the Lots three and six of Section sixteen, and the lot ten of Section ten in Township eight north of Range five east of the Boise Meridian, Idaho, containing one hundred sixty-two and twenty-hundredths acres.

According to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General, NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant

the tract of land above described:

TO HAVE AND TO HOLD the said tract of land with the appurtenances thereof, unto the said claimant

and to the heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by authority of the United States.

IN TESTIMONY WHEREOF, I Woodrow Wilson President of the United States of America, have caused these letters to be made Patent and the Seal of the General Land Office to be hereunto affixed

GIVEN under my hand, at the City of Washington, the ninth

day of July, in the year of our Lord, one thousand nine hundred and eighteen, and of the Independence of the United

States the one hundred and forty-third



BY THE PRESIDENT: Woodrow Wilson

By M. P. LeRoy, Secretary

L. G. C. Lunar Recorder of the General Land Office

Patent Number 039040

Recorded, Vol. Page

STATE OF IDAHO, }
COUNTY OF BOISE, }

I hereby certify that this instrument was filed for record at request of W. J. Hopkins at 20 minutes past 11 o'clock A. M., this 14th day of August, A. D. 1923, in my office, and duly recorded in book 7 of Patents, at page 103

By: *W. J. Hopkins* Deputy Fred Garrecht Ex-officio Recorder.
Faint, §

RETURNED

Deputy

INSTRUMENT NO 41210

RIGHT OF WAY DEED

THIS INSTRUMENT, Made the Seventh day of February in the year one thousand nine hundred and Thirty-five, between William J. Hopkins the County of Boise, State of Idaho, grantor, party of the first part, and the United States of America, grantee, party of the second part,

WITNESSETH, That, for and in consideration of the sum of One Dollar (\$1.00) to him in hand paid, receipt whereof is hereby acknowledged, the party of the first part does hereby grant, bargain, sell, convey, and confirm unto the United States of America, an easement and right-of-way in gross over the following tract of land, situate, lying and being in the County of Boise, State of Idaho, and bounded and particularly described as follows: Lots 9, 13 and $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, of Sec. 2, T. 8 N. R. 5 E.B.M. Lots 3 & 6 of Sec. 11, T. 8 N. R. 5 E.B.M. Lot 10 of Sec. 10, T. 8 N. R. 5 E.B.M.

The said right-of-way hereby granted is for the maintenance, and full, free and quiet use and enjoyment by the United States of America, for any and all purposes by them desired or deemed necessary or beneficial, and by the general public as a public highway of a certain road or way, being 66 feet in width, and traversing the above described premises according to the following general course and direction to wit: Beginning at a point on the North boundary of the $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ of Sec. 2, T. 8 N. R. 5 E.B.M. which point lies 4201 feet S. $51^{\circ}38'$ W. of the Meander Cor. on the West bank of the Payette River and on the North boundary line of Sec. 1, T. 8 N. R. 5 E.B.M. which Meander Cor. lies 1949 feet S. $89^{\circ}39'$ E. of the NW Sec. Cor of Sec. 1 T. 8 N. R. 5 E.B.M. thence, S. $72^{\circ}50'$ W. 87', due West 219', S. $59^{\circ}15'$ W. 153', S. $44^{\circ}00'$ W. 241', S. $41^{\circ}00'$ W. 798', S. $47^{\circ}15'$ W. 187', S. $32^{\circ}45'$ W. 271', S. $40^{\circ}30'$ W. 355', S. $32^{\circ}40'$ W. 113', S. $22^{\circ}10'$ W. 455', S. $34^{\circ}30'$ W. 158', S. $53^{\circ}10'$ W. 517', S. $49^{\circ}15'$ W. 259', S. $63^{\circ}15'$ W. 483', S. $87^{\circ}45'$ W. 343', S. $72^{\circ}30'$ W. 149', S. $43^{\circ}00'$ W. 593', S. $67^{\circ}20'$ W. 262' (This is a description of the present road which is already built) S. $53^{\circ}40'$ W. 271' to a point on the West Boundary of Lot 10, Sec. 10,

RETURNED

T. 8 N. R. 5 E.B.M. which point lies 4687' N. 80°05' E. of the Meander Cor. on the North Bank of the Payette River and on the West line of Sec. 10, T. 8 N.R. 5 E.B.M. which Meander Cor. lies S. 0°6' W. 2346' of the corner of Sections 3, 4, 9 and 10, T. 8 N. R. 5 E.B.M. Containing 8.96 acres more or less.

This grant shall be effective only so long as said easement shall be actually used for some of the purposes above specified, but all rights hereunder shall revert to the owner of the land after the said use thereof shall be abandoned and discontinued for a term of 2 years or more.

The grantee shall at all reasonable times have the right to enter for the purpose of constructing, repairing, and patrolling said right-of-way, doing as little damage as possible.

IN WITNESS WHEREOF, the party of the first part has hereunto subscribed his name and affixed his seal the day and year first hereinabove written.

Signed, Sealed, and Delivered
in the Presence of

William J. Hopkins (Seal)

Vernon Eaton
Nellie Ireton Mills

STATE OF IDAHO)
)SS
COUNTY OF BOISE)

Personally appeared before me Nellie Ireton Mills, a Notary Public in and for the County of Boise, William J. Hopkins, who is personally known to me, and who is known to me to be the same person who executed the foregoing instrument, and who acknowledged that he executed the same as his free and voluntary act for the uses and purposes therein set forth.

Done at Garden Valley, in the County of Boise, this 23rd day of April 1935.

(SEAL)

Nellie Ireton Mills
My commission expires
Jan. 12th, 1936

STATE OF IDAHO)
)SS
COUNTY OF BOISE)

I hereby certify that this instrument was filed for record at request of Payette Forest at 31 minutes past 3 o'clock P. M. this 1st day of May A.D. 1935 in my office and duly recorded in Book 47 of Deeds at page 506.

Katherine M. Brogan
Ex-Officio Recorder

By Katherine M. Brogan
Deputy

RETURNED

RIGHT-OF-WAY-DEED

THIS INDENTURE, made the seventh day of February, in the year one thousand nine hundred and thirty-five, between William J. Hopkins, a widower, of the County of Boise, State of Idaho, grantor, party of the first part, and the United States of America, grantees, party of the second part,

WITNESSETH:

That, for and in consideration of the sum of One Dollar (\$1.00) to him in hand paid, receipt whereof is hereby acknowledged, the party of the first part does hereby grant, bargain, sell, convey, and confirm unto the United States of America, an "easement and right-of-way in gross over the following tracts of land, situate, lying and being in the County of Boise, State of Idaho, and bounded and particularly described as follows:

Lots 9, 13, & 3 $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2, T. 8 N., R. 5 E. B. M.,
Lots 3 & 8 of Sec. 11, T. 8 N., R. 5 E. B. M., and
Lot 10, T. 8 N., R. 5 E. B. M.

The said right-of-way hereby granted is for the maintenance, and full, free and quiet use and enjoyment by the United States of America for any and all purposes by them desired or deemed necessary or beneficial, and by the general public as a public highway of a certain road or way, being sixty-six (66) feet in width, and traversing the above described premises according to the following general courses and directions, to-wit:

Beginning at a point on the North Boundary of the 3 $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2, T. 8 N., R. 5 E. B. M., which point lies 4201 feet S. 51° 38' W. of the Meander Cor. on the West Bank of the Payette River and on the North Boundary line of Sec. 1, T. 8 N., R. 5 E. B. M., which Meander Cor. lies 1949 feet S. 89° 39' E. of the NW Sec. Cor. of Sec. 1, T. 8 N., R. 5 E. B. M., thence:

S. 72° 30' W. 87'
Due West 219'
S. 59° 15' W. 133'
S. 44° 00' W. 241'
S. 41° 00' W. 798'
S. 47° 13' W. 187'
S. 32° 45' W. 271'
S. 40° 30' W. 355'
S. 38° 40' W. 113'
S. 22° 10' W. 435'
S. 34° 30' W. 158'
S. 53° 10' W. 517'
S. 49° 15' W. 259'
S. 63° 15' W. 453'
S. 67° 45' W. 343'
S. 72° 30' W. 149'
S. 43° 00' W. 593'
S. 67° 20' W. 202'

(This is a description of the present

road which is already built)
S. 55° 40' W. 271' to a point on the West Boundary of Lot 10, Sec. 10, T. 8 N., R. 5 E. B. M., which point lies 4687' N. 80° 05' E. of the Meander Cor. on the North Bank of the Payette River and on the West Line of Sec. 10, T. 8 N., R. 5 E. B. M., which Meander Cor. lies S. 0° 0' W. 2348' of the corner of Sections 3, 4, 9, & 10, T. 8 N., R. 5 E. B. M. Containing 8.96 acres more or less.

This grant shall be effective only so long as said easement shall be actually used for some of the purposes above specified, but all rights hereunder shall revert to the owner of the land after the said use thereof shall be abandoned and discontinued for a term of two (2) years or more.

The grantees shall at all reasonable times have the right to enter for the purpose of constructing, repairing, and patrolling said right-of-way, doing as little damage as possible.

IN WITNESS WHEREOF, the party of the first part has hereunto subscribed his name and affixed his seal, the day and year first hereinabove written.

WILLIAM H. HOPKINS (SEAL)

Signed, sealed and Delivered
in the presence of:

RETURNED

ACKNOWLEDGMENT

STATE OF IDAHO }
County Boise } ss.

Personally appeared before me, Nellie Ireston Mills a Notary Public in and for the State of Idaho William J. Hopkins who is personally known to me, and who is known to me to be the same person who executed the foregoing instrument, and who acknowledged that he executed the same as his free and voluntary act for the uses and purposes therein set forth.

Done at Garden Valley, in the County of Boise, State of Idaho, this 15th day of May, 1930.

(REAL) NELLIE IRESTON MILLS

My Commission expires
Jan 12th 1935

STATE OF IDAHO }
County of Boise, } ss.

I hereby Certify that this instrument was filed for record at request of E. D. Jewell at 25 minutes past 2 o'clock P. M., this 7th day of June A. D. 1930, in my office, and duly recorded in Book 48 Deeds, Page 497.

KATHERINE M. BHOOGAN
Ex-Officio Recorder

By *Frances Elliott*
Deputy

Fee, \$1.20

RETURNED

RIGHT-OF-WAY DEED

4

THIS INSTRUMENT, Made the seventh day of February in the year one thousand nine hundred and thirty-five, between WILLIAM J. HOPKINS, a widower, of the County of Boise, State of Idaho, grantor, party of the first part, and the United States of America, grantees, party of the second part.

WITNESSETH, That, for and in consideration of the sum of One Dollar (\$1.00) to him in hand paid, receipt whereof is hereby acknowledged, the party of the first part does hereby grant, bargain, sell, convey and confirm unto the United States of America an easement and right-of-way in gross over the following tracts of land situate, lying and being in the County of Boise, State of Idaho, and bounded and particularly described as follows: Lots 9, 13, and S.W. 1/4 SE 1/4 of Sec. 2, T. 8 N. R. 5 E.B.M.; Lots 3 & 6 of Sec. 11, T. 8 N. R. 5 E.B.M. and Lot 10 of Sec. 10, T. 8 N. R. 5 E.B.M.

The said right-of-way hereby granted is for the maintenance, and full, free and quiet use and enjoyment by the United States of America for any and all purposes by them desired or deemed necessary or beneficial, and by the general public as a public highway of a certain road or way, being sixty-six (66) feet in width, and traversing the above described premises according to the following general courses and directions, to wit: Beginning at a point on the North Boundary of the S.W. 1/4 SE 1/4 of Sec. 2, T. 8 N. R. 5 E.B.M. which point lies 4201 feet S. 51°38' W. of the Meander Cor. on the West bank of the Payette River and on the North Boundary line of Sec. 1, T. 8 N. R. 5 E.B.M. which Meander Cor. lies 1949 feet S. 89°39' E. of the NW Sec. Cor. of Sec. 1, T. 8 N. R. 5 E.B.M., thence S. 72°50' W. 87', due West 219', S. 59°15' W. 153', S. 44°00' W. 770', S. 47°15' W. 107', S. 32°45' W. 271' S. 40°30' W. 355', S. 32°40' W. 113', S. 32°10' W. 455', S. 34°30' W. 158', S. 53°10' W. 517', S. 49°15' W. 259', S. 63°15' W. 403', S. 87°45' W. 343', S. 72°30' W. 149', S. 45°00' W. 593', S. 67°30' W. 262' (This is a description of the present road which is already built), S. 53°40' W. 271' to a point on the West Boundary of Lot 10, Sec. 10, T. 8 N. R. 5 E.B.M., which point lies 467' N. 80°05' E. of the Meander Cor. on the North Bank of the Payette River and on the West line of Sec. 10, T. 8 N. R. 5 E.B.M., which Meander Cor. lies S. 0°6' W. 2346' of the corner of Sections 3, 4, 9 & 10, T. 8 N. R. 5 E.B.M. containing 8.06 acres more or less

This grant shall be effective only so long as said easement shall be actually used for some of the purposes above specified, but all rights hereunder shall revert to the owner of the land after the said use thereof shall be abandoned and discontinued for a

RETURNED

term of two (2) years or more..

The grantee shall at all reasonable times have the right to enter for the purpose of constructing, repairing, and patrolling said right-of-way, doing as little damage as possible.

IN WITNESS WHEREOF, the party of the first part has hereunto subscribed his name and affixed his seal, the day and year first hereinabove written.

Signed, Sealed and Delivered
in the Presence of

WILLIAM J. HOPKINS, (S.S.)

M. S. Jewell
Nellie Ireton Mills

STATE OF IDAHO)
County of Boise) S.S.

Personally appeared before me, Nellie Ireton Mills, a Notary Public in and for the State of Idaho, William J. Hopkins, who is personally known to me, and who is known to me to be the same person who executed the foregoing instrument, and who acknowledged that he executed the same as his free and voluntary act for the uses and purposes therein set forth.

Done at Garden Valley, in the County of Boise, State of Idaho, this 15th day of May 1936.

SEAL

Nellie Ireton Mills
Notary Public. My commission
expires Jan 12, 1938

STATE OF IDAHO)
County of Boise) S.S.

I hereby certify that this instrument was filed for record at the request of Melvin Coonrod at 32 minutes past 11 o'clock A. M., this 8th day of April A.D. 1944 in my office and duly recorded in Book 50 of Deeds at page 499.

Katherine M. Brogan
Ex-Officio Recorder

Katherine M. Brogan
Deputy

\$1.40

RETURNED

IN THE PROBATE COURT OF BOISE COUNTY
STATE OF IDAHO

In the Matter of the Estate of
WILLIAM J. HOPKINS and IDA
HOPKINS, husband and wife
both deceased

* DECREE OF SETTLEMENT OF FINAL ACCOUNT AND
* FINAL DISTRIBUTION
*
*
*

August D. Hane, the Administrator of the estate of William J. Hopkins and Ida Hopkins, husband and wife, both deceased, having on the sixth day of January 1948 rendered and presented for settlement and filed in this Court his final account and report of his administration of said estate, which account was for a final settlement, and having with said account filed a petition for the final distribution of the estate;

And the said account and petition this day coming on regularly to be heard, and proof having been made to the satisfaction of the Court that notice of the day appointed for the settlement of said account and hearing of said petition had been duly given as required by law and the order of this Court, and no exception or objection in writing to said account or petition having been filed or made the said August D. Hane, Administrator appearing by his attorney Ariel L. Crowley. And it appearing to the Court after having fully examined the said account and the vouchers filed herein and heard the testimony in support thereof, that said account is in all respects true and correct; That there is no inheritance tax due to the State of Idaho on the estate of William J. Hopkins and Ida Hopkins or either of them; that the whole of the real estate in the said estate remains for distribution and that the residue of money in the hands of the Administrator at the time of filing said account was None; that the sum of Two Thousand and Two Hundred has been expended by the Administrator as necessary charges, debts, claims and expenses of administration, the vouchers whereof have been presented and filed; and that said account is in all respects true and correct and entitled to be settled, allowed and approved, and the Court having duly considered all the matters aforesaid;

IT IS ORDERED AND DECREED, That the said final account be and the same hereby is in all respects as the same was rendered and presented for settlement, approved, allowed and settled;

And it further appearing that since the rendition of said final account there has been received by said administrator the sum of nothing and that there has been disbursed by said administrator the sum of nothing the vouchers whereof, together with a statement of said receipts and disbursements, is now reported and filed, the said statement, receipts and disbursements are settled, allowed and approved, and it further appearing that the estimated expense of closing the estate will amount to nothing, leaving a residue of real estate only for distribution and no money or personalty; and it appearing that all claims and debts against the said decedent, and all State County and Municipal taxes legally levied on the personal property of said estate, and all transfer and estate taxes that have attached to or accrued against the said estate, and all debts, expenses and charges of administration have been fully paid and discharged, and that said estate is ready for distribution and in condition to be closed;

And it further appearing to the Court that the said Ida Hopkins died intestate in the County of Boise, State of Idaho, on the 25th day of March A.D. 1934, leaving surviving her husband, the deceased William J. Hopkins; that the said William J. Hopkins upon her death succeeded in interest to the whole of the real estate hereinafter described as survivor of the marital community; that William J. Hopkins, the said surviving husband died January 1, 1944 in the County of Ada, State of Idaho, intestate, leaving sur-

RETURNED

viving him no issue, no parents and only his brothers, Fred Hopkins, Oral Hopkins, and J. D. Hopkins, entitled to inherit and it appearing that the issue of the deceased, Ida Hopkins, to-wit: Elizabeth Russell and Louise West together with the surviving brothers Oral Hppkins, Fred Hopkins and J. D. Hopkins have assigned, transferred and set over their distributive rights herein to August D. Rane, the only other issue of the said Ida Hopkins deceased, and

That the said August D. Rane is entitled to final distribution of the residue of said estate.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the residue of said estate of William J. Hopkins, and Ida Hopkins, husband and wife, both deceased, hereinafter particularly described, and now remaining in the hands of said August D. Rane, the administrator, described as follows, to-wit:

Lots 9, 12 and 13, and the South Half of the Northwest Quarter of the Southeast Quarter of Section 2, Lots 3 and 6 of Section 11, and Lot 10 of Section 10, in Township 8 North of Range 5 East of the Boise Meridian, Idaho, containing 162.20 acres.

and any other property not now known or discovered which may belong to the said estate or to which the said estate may have any interest, be add the same is hereby distributed as follows, to-wit to: AUGUST D. RANE.

Done in open Court this 21st day of January 1948.

SEAL

Homer E. Howard
Probate Judge

STATE OF IDAHO)
) SS
County of Boise)

I hereby certify that the foregoing instrument is a true and correct copy of the original on file in this office.

Dated January 21, 1948

Homer E. Howard,
Probate Judge and Ex-Officio Clerk
of the Probate Court of Boise County
Idaho

SEAL

STATE OF IDAHO)
) SS
County of Boise)

I hereby certify that this instrument was filed for record at request of Ariel Crowley at 35 minutes past 11 o'clock A. M., this 21st day of January A. D. 1948 in my office and duly recorded in Book 52 of Deeds at page 253.

Katherine M. Brogan
Ex-Officio Recorder
By *[Signature]*
Deputy

Fees \$1.80

RETURNED

INSTRUMENT NO. 63810

WARRANTY DEED

THIS INDENTURE, Made this 17th day of January, 1952, between AUGUST D. RANE and BEATRICE RANE, his wife, of Garden Valley, County of Boise, State of Idaho, the parties of the first part, and HUGH H. SMITH and GLORIA SMITH, his wife, of Garden Valley, County of Boise, State of Idaho, the parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS, lawful money of the United States of America, and other valuable considerations, to them in hand paid, by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate situated in the County of Boise, State of Idaho, to-wit:

Lots 9, 12 and 13 and the South Half of the Northwest Quarter of the Southeast Quarter of Section 2, Lot 3 and all of Lot 6 except the westerly 100 feet thereof, in Section 11; all in Township 8 North, Range 5 East of the Boise Meridian

less rights of way for public roads and subject to easement for the power line heretofore contracted to Idaho Power Company; and less a small tract heretofore deeded to United States Forest Service.

TOGETHER With All and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD All and singular the above mentioned and described premises, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever, and the said Parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, and their heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will WARRANT and by these presents DEFEND.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

August D. Rane (SEAL)
Beatrice Rane (SEAL)

STATE OF IDAHO, } ss
COUNTY of Ada

On this 17th day of January, 1952, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared August D. Rane and Beatrice Rane, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

SEAL Ariel L. Crowley
Notary Public, residing in Boise, Idaho.

STATE OF IDAHO, } ss
COUNTY of Boise

I hereby certify that this instrument was filed for record at request of Claude V. Marcus at no minutes past 10 o'clock A. M., this 29th day of April, A. D. 1958, in my office, and duly recorded in Book 55 of Deeds at page 401.

Katherine M. Brogan
Ex-Officio Recorder

By Ariel L. Crowley
Deputy

50
\$1
1533 CO 1/5/56

RETURNED

INSTRUMENT NO. 64256

IN THE PROBATE COURT OF BOISE COUNTY, STATE OF IDAHO

In the Matter of the Estate of)
 HUGH H. SMITH)
 Deceased)

DECREE SETTLING FINAL ACCOUNT AND DECREE OF FINAL DISTRIBUTION.

Filed: June 28, 1958
 Ariel L. Crowley, Probate Judge & Ex-Officio Clerk.

GLORIA SMITH, Administratrix with the Will Annexed of the estate of Hugh H. Smith, deceased, having filed herein her Final Account of Administration and Petition for Final Distribution, said Account and Petition coming on regularly for hearing this 28th day of June, 1958, pursuant to notice given as required by law and there being no objections or exceptions to said account and evidence having been introduced in support of said account and petition the Court finds as follows:

- A. That notice of hearing said Final Account and Petition for Distribution has been given for the time and in the manner required by law and the order of this Court.
- B. That the Final Account filed herein is in all respects proper and should be confirmed.
- C. That notice to creditors has been given in this estate as required by law and the time for submission of claims of creditors has expired.
- D. That all claims against this estate have been paid including expenses of administration; that no inheritance tax is due or payable to the State of Idaho or to the United States and the estate is in a condition to be settled and distributed.
- E. That the petitioner has paid out the sum of \$5,340.48 in the administration of this estate; that the cash in said estate plus all income and proceeds received by the estate during the administration amounted to \$4,476.97 and that the difference of \$863.51 has been paid by petitioner from her separate funds. The Court finds that all of the personal property belonging to this estate and described in the Inventory and Appraisement filed herein has been converted to cash except the following described personal property:

Farm All Tractor	Chevrolet Sedan
Hay Rake	Plymouth coupe
Disc Harrow	1941 Dodge- four-wheel drive pick-up

The following described war savings bonds belonging to the deceased, as follows:

Number	Payee	Date of Issue	Amount
Q413617717	Hugh H. Smith or Mrs. Laura B. Smith	July, 1944	\$ 25.00
X1632718E	Sgt. Hugh H. Smith or Mrs. Clara B. Smith	Sept. 1944	10.00
X16607558E	Hugh H. Smith or Mrs. Clara B. Smith	Nov. 1944	10.00
X16179293E	Hugh H. Smith or Mrs. Clara B. Smith	Oct. 1944	10.00
Q262590185E	Hugh H. Smith or Mrs. Clara B. Smith	Jan. 1944	25.00

Furniture and household goods and personal effects and the Court finds that the value of the above-described personal property remaining in this estate does not exceed the \$863.51 which has been paid by petitioner from her separate funds and therefore such personal property should be set over and distributed to petitioner as reimbursement for the amount she has paid from her separate funds.

F. That in addition to the personal property remaining in the estate above-described also remains in said estate for distribution the following described real and personal property, to-wit:

Lots 9, 12, 13 and S $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 2; Lot 3 and all of Lot 6 except the westerly 100 ft. thereof, Section 11; all in Twp. 8 N., R. 5 E.B.M. 1 Boise County, Idaho.

SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 35, Twp. 9 N., R. 4 E. B. M., in Boise County, Idaho.

Lot 1, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 4, Twp. 8 N., R. 8 E.B.M. in Boise County, Idaho;

and the contract of sale covering said property under the terms of which Gladys Wayne is purchaser.

G. That Hugh H. Smith, the above-named deceased, died intestate at Boise, Ada County, Idaho, November 25, 1957 and was at that time a resident of Boise County, Idaho; that petitioner, Gloria Smith,

RETURNED

is the surviving widow of said deceased and said deceased is also survived by his two minor children whose names and ages are: Deborah Jean Smith, 8 years of age; Kathy Lynne Smith, 5 years of age; that under the terms of the Will of said Hugh H. Smith, deceased, his one-half of all community property belonging to him and petitioner, and one-half of his separate property, was devised and bequeathed in equal shares to his said children and the remaining one-half of his separate property and her one-half of all community property was, upon the death of Hugh H. Smith, inherited by petitioner, Gloria Smith.

NOW THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED as follows:

I.

That the Final Account of Gloria Smith, Administratrix herein, is in all respects allowed, confirmed, and approved.

II.

That due and legal notice to creditors has been given in this estate and all claims, taxes, and expenses of administration have been paid and no inheritance tax is due or payable to the State of Idaho or to the United States.

III.

That the following described personal property belonging to this estate, to-wit:

Furniture and household goods and personal effects.	
Farm All Tractor	Chevrolet Sedan
Hay Rake	Plymouth Coupe
Disk Harrow	1941 Dodge four-wheel drive pick-up

The following described war savings bonds belonging to the deceased, as follows:

Number	Payee	Date of Issue	Amount
Q413617717	Hugh H. Smith or Mrs. Laura R. Smith	July 1944	25.00
X1632718E	Sgt. Hugh H. Smith or Mrs. Clara B. Smith	Sept. 1944	10.00
X16607558E	Hugh H. Smith or Mrs. Clara B. Smith	Nov. 1944	10.00
X16179293E	Hugh H. Smith or Mrs. Clara B. Smith	Oct. 1944	10.00
Q2625901A5E	Hugh H. Smith or Mrs. Clara B. Smith	Jan. 1944	25.00

should be and hereby is distributed to Gloria Smith.

That the remaining property belonging to this estate, to-wit:

Lots 9, 12, 13 and the S $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 2; Lot 3 and all of Lot 6 except the westerly 100 ft. thereof, Sec. 11; all in Twp. 8 N., R. 5 E., B. M. in Boise County, Idaho;
SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 35, Twp. 9 N., R. 4 E., B. M. in Boise County, Idaho.
Lot 1, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 4 Twp. 8 N., R. 8 E., B. M. in Boise County, Idaho;
and the contract of sale covering said property under the terms of which Gladys Wayne, purchaser,

should be and hereby is distributed as follows:

An undivided one-half thereof to Gloria Smith; an undivided one-fourth thereof to Gloria Smith as guardian of Deborah Jean Smith, a minor child, for said child; An undivided one-fourth to Gloria Smith as guardian for Kathy Lynne Smith, a minor child, for said child.

IV.

That all other property belonging to this estate, known or unknown should be and hereby is distributed as follows:

One-half thereof to Gloria Smith
One-fourth thereof to Gloria Smith as guardian for Deborah Jean Smith, for said child,
One-fourth thereof to Gloria Smith as guardian of Kathy Lynne Smith, for said child.

V.

There being no personal property distributed to any person, other than petitioner herein, Decree of Final Discharge may be entered forthwith.

Dated: June 28, 1958.

WSEAL: Ariel L. Crowley
Probate Judge

RETURNED

STATE OF IDAHO,)
) ss
COUNTY OF Boise)

I hereby certify that the foregoing instrument is a full true and correct copy of the original on file in this office.

Dated: June 28, 1958.

(SEAL) Ariel L. Crowley
Probate Judge & Ex-Officio Clerk

STATE OF IDAHO,)
) ss
COUNTY of Boise)

I hereby certify that this instrument was filed for record at the request of Claude V. Harous at no minutes past 10 o'clock A. M., this 29th day of July, A. D., 1958, in my office, and duly recorded in Book 55 of Deeds at page 456.

Katherine M. Brogan
Ex-Officio Recorder

Fee \$2.75

By A. L. Crowley
Deputy

RETURNED

460

WARRANTY DEED

For Value Received Gloria Smith Ford, who acquired title as Gloria Smith, Deborah Jean Smith Sall, who acquired title as Deborah Jean Smith, and Kathy Lynne Smith

REVENUE STAMPS

the grantor s, do hereby grant, bargain, sell and convey unto the State of Idaho for the use and benefit of the Department of Fish and Game the grantee, the following described premises, in Boise County Idaho, to wit:

Lots 9, 12 and 13 and the South Half of the Northwest Quarter of the Southeast Quarter of Section 2, and also Lot 3, Section 11 and Lot 6, EXCEPT the West 100 feet thereof, of Section 11, all in Township 8 North, Range 5 East, Boise Meridian, Boise County, Idaho.

Reserving therefrom, a life estate unto Gloria Smith Ford, for the full use, control and possession of that portion of the property described as the house which has been occupied by Gloria Smith Ford since November, 1951, together with the yard, and outbuildings in the yard, access to the house by use of the driveway adjacent to the yard and use of the water from Hopkins Creek for domestic purposes, all during Gloria Smith Ford's natural life.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all Incumbrances except a highway right-of-way recorded April 8, 1944, in Book 50 of Deeds at Page 499, Boise County and except three powerline easements, one recorded in Book 12 of Miscellaneous at Page 433, one recorded February 4, 1954, in Book 12 of Miscellaneous at Page 437, and one recorded July 21, 1970 as Instrument No. 15416, all easements being recorded in the records of Boise County and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: February 3, 1984

Gloria Smith Ford
Deborah Jean Smith Sall
Deborah Jean Smith Sall

Kathy Lynne Smith

STATE OF IDAHO, COUNTY OF ADA
On this third day of February, 1984, before me, a notary public in and for said State, personally appeared Gloria Smith Ford Deborah Jean Smith Sall Kathy Lynne Smith

known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

Darcy J. Bernaldo
Residing at Eagle
Comm. Expires Perpetual
Notary Public
Idaho

STATE OF IDAHO, COUNTY OF Boise
I hereby certify that this instrument was filed for record at the request of Darcy J. Bernaldo

at 3:55 minutes past 2 o'clock p.m., this 7 day of Feb 84, in my office, and duly recorded in Book 87 of Deeds at page 460

Ex-Officio Recorder

By: Deputy

Fees \$ 2.00
Mail to: William B. Dillon, III
P.O. Box 25, Boise, ID 83707

RETURNED

INSTRUMENT NO. 112199

STATE OF IDAHO
WARRANTY DEED

Deed No. _____

This indenture made this 11th day of October, 1991, between THE STATE OF IDAHO, IDAHO DEPARTMENT OF FISH AND GAME, Grantor and the UNITED STATES OF AMERICA, Grantee,

In accordance with Section 36-104, Idaho Code, the STATE OF IDAHO, IDAHO DEPARTMENT OF FISH AND GAME does bargain, sell, convey, and confirm unto the UNITED STATES OF AMERICA and its assigns forever, the following described real property in the COUNTY OF BOISE, STATE OF IDAHO.

Twp. 8N., Rg. 5E., B.M.

Sec. 2: Lots 9, 12, and 13, S $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 11: Lot 3, Lot 6 less the westerly 100 feet of Lot 6.

Acres

86.70

55.45

containing 142.15 acres, more or less. Acquiring agency is the Forest Service, Department of Agriculture.

SUBJECT TO:

1. All lands listed above are subject to a prior reservation to the United States of America for rights-of-way over and across said lands for ditches and canals constructed by authority of the United States as directed and required by the Act of Congress approved August 30, 1890 (26 Stat. 391; 43 U. S. C. Sec. 945).
2. Highway right-of-way granted by William J. Hopkins, widower, to United States of America, by instrument recorded May 1, 1935, in Book 47 of deeds at Page 506, records of Boise County, Idaho.
3. Highway right-of-way granted by William J. Hopkins, widower, to United States of America, by instrument recorded June 7, 1938, in Book 48 of deeds at Page 497, records of Boise County, Idaho.
4. Highway right-of-way granted by William J. Hopkins, widower, to United States of America, by instrument recorded April 8, 1944, in Book 50 of deeds at Page 499, records of Boise County, Idaho.
5. Power line easement as granted by A.D. Rane and Beatrice Rane, his wife to Idaho Power Company, a corporation, by instrument recorded, in Book 12 of Miscellaneous at Page 433, records of Boise County, Idaho.
6. Power line easement as granted by A.D. Rane and Beatrice Rane, his wife to Idaho Power Company, a corporation, by instrument recorded February 4, 1954, in Book 12 of Miscellaneous at Page 437, records of Boise County, Idaho.
7. Power line easement as granted by Gloria Smith, a widow to Idaho Power Company, a corporation, by instrument recorded July 21, 1970, as Instrument No. 75416, records of Boise County, Idaho.

Boise County Idaho ss
Request of
[Signature]
Time 13:15 M.T.
Date 2/18/92
142631

Arlene C. Kolar
By *[Signature]*
Deputy
Fee \$9.00

RETURNED

Deed No.
Page 2 of 3

8. Reservation in Warranty Deed recorded February 7, 1984, as Instrument No. 112199, records of Boise County, Idaho, as follows:

Reserving therefrom, a life estate unto Gloria Smith Ford, for the full use, control and possession of the portion of the property described as the house which has been occupied by Gloria Smith Ford since November, 1951, together with the yard, and outbuildings in the yard, access to the house by use of the driveway adjacent to the yard and use of the water from Hopkins Creek for domestic purposes, all during Gloria Smith Ford's natural life.

Together with all and singular the tenements, hereditaments, improvements, and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents issues, and profits thereof.

TO HAVE AND TO HOLD all and singular the above mentioned and described premises, together with the appurtenances, unto the said Grantee and to its successors and assigns forever, and the said Grantors and its assigns, the said premises in the quiet and peaceable possession of the said Grantee, its successors and assigns against the Grantors and its assigns and against all and every person and persons whosoever lawfully claimed or to claim the same, shall and will WARRANT and do by these presents forever DEFEND.

And the said Grantors for itself, its executors and administrators, does covenant and agree to and with said Grantee, and its assigns, that it is lawfully seized in fee of the aforegranted premises; that the same are free from all encumbrances; that it has a good right to sell and convey the same to the said Grantee, aforesaid and that they, the Grantors warrant and will forever defend the before-granted land and premises against the right, title, interest, or claim of all and every person whomsoever.

The acquiring agency is the U.S. Department of Agriculture, Forest Service.

IN WITNESS WHEREOF, I, JERRY M. CONLEY, the DIRECTOR of the IDAHO DEPARTMENT OF FISH AND GAME have hereunto signed my name and the Seal of the Department of Fish and Game to be hereunto affixed this 11th day of October, 1991

Jerry Mallet
for JERRY M. CONLEY, Director
Idaho Department of Fish and Game

RETURNED

Deed No.
Page 3 of 3

STATE OF IDAHO)
) SS
COUNTY OF ADA)

On this 11th day of October, in the year 1991, before me, a Notary Public in and for said State, personally appeared Jerry Mallet, known to me to be the Acting Director of the Idaho Department of Fish and Game, State of Idaho, who executed said instrument and acknowledged to me that such Department of the State of Idaho executed the same.



Dorothy J. Baker
Dorothy J. Baker
Notary Public
Residing in Emmett, Idaho
My Commission Expires
October 31, 1991

RETURNED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Abandonment of Water Right

Print Name of Water Right Owner(s): State of Idaho for the use and benefit of the Dept of Fish and GameMailing Address: 600 S Walnut StBoise, ID 83707Phone: 208-287-2766

Note: If you are not listed as the current owner of the water right in the Idaho Department of Water Resources' records, you must include evidence of ownership of the water right (or portion of the water right) with this form. Evidence may include a warranty deed, quitclaim deed, court decree, contract of sale, etc.

I am the current owner of X all, or part of, the water right described in the Idaho Department of Water Resources' records as Water Right No. 65-4908.

I hereby abandon X all, or part of the water right designated above. This abandonment is intentional and voluntary. I recognize that this abandonment permanently eliminates the right to divert and use water under the water right designated above.

If this abandonment applies to a portion of the water right, please indicate which part is abandoned by describing the diversion rate, annual diversion volume or storage volume, and place of use (include acres if the use is irrigation) and by attaching a detailed map identifying the specific locations.

Jim Fredericks
Signature of Water Right Owner(s) or Authorized Representative

Date

2/7/24Jim Fredericks, Director Idaho Department of Fish and Game

Print Name and Title of Authorized Representative

(Complete if applicable and include your authority to act on behalf of the water right owner)

State of Idaho)
County of Ada) ss

On this 7th day of February, 2024 the signer(s) of the above instrument appeared before me and duly acknowledged to me that he/she executed the same.

SEAL



Valerie M. Taro
Notary Public

My commission expires August 17, 2027

RETURNED

RECEIVED

Feb 08, 2024

DEPARTMENT OF
WATER RESOURCES**Water Right Report : 65-4908(Decreed/Active)****Water Right Owners**

Owner Type	Name	Address	City	State	Postal Code
Current Owner	O LEARY, PATRICK	PO BOX 118	IDAHO CITY	ID	83631

Water Right Status

Priority Date : 6/30/1970
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
SPRING		PAYETTE RIVER	SOUTH FORK

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
SPRING	08N	05E	11	3				BOISE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
DOMESTIC	1/01	12/31	0.02 CFS	1.20 AFA
TOTAL			0.02 CFS	1.20 CFS

Places of Use

Place of Use Legal Description : DOMESTIC (BOISE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
08N	05E	11	3				

Dates

Licensed Date :
Decreed Date : 1/21/1986
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargment Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal :
Water District Number : 65
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

4/4/2023

RETURNED

Hersley, Jean

From: Pozzanghera, Casey
Sent: Tuesday, February 20, 2024 10:53 AM
To: Hersley, Jean
Subject: RE: Water Right Abandonment 65-4908

Hi Jean,

Thanks for getting back to me on this. For some additional background, the reason that IDFG is still engaged in this matters is because we have been made aware that we are still the owners of the land where this water right is located. The deed conveying the land from Fish and Game to the US (Forest Service not BOR as you mentioned) was never actually accepted by the USFS because at the time Fish and Game didn't properly go through the state land board to dispose of the land. We are now working with the Forest Service to try and get it deeded to them, and they reached out to us about trying to get this water right abandoned before it becomes USFS property. So, if I understand you correctly, we can either try and contact O'Leary and see if they will abandon the right or quit claim it to either IDFG or USFS depending on timing with the Deed transfer.

Casey Pozzanghera
Natural Resource Program Coordinator- Lands/Mitigation
Idaho Department of Fish & Game
600 S. Walnut Street, P.O. Box 25
Boise, Idaho 83707
(208) 287-2713



From: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Sent: Tuesday, February 20, 2024 10:18 AM
To: Pozzanghera, Casey <casey.pozzanghera@idfg.idaho.gov>
Subject: RE: Water Right Abandonment 65-4908

Casey,

I looked through the chain of title you provided with the abandonment request and spoke to our legal staff.

This right was decreed in the name of O'Leary in 1986 which was the Payette Adjudication. It appears O'Leary didn't own the land this right is appurtenant. That said, because the court decreed this right to O'Leary and he didn't own any of the land, the courts essentially severed the water right from the land. The land ownership is the Bureau of Reclamation (see deed conveying the land from Fish & Game to the United States) and the water right ownership is O'Leary. You will need to have O'Leary or his heir(s) either abandon the water right or quitclaim it to the Bureau of Reclamation then BOR can abandon the water right.

Let me know if you have any questions. Thank you.



Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

From: Pozzanghera, Casey <casey.pozzanghera@idfg.idaho.gov>
Sent: Thursday, February 8, 2024 10:38 AM
To: IDWR File <file@idwr.idaho.gov>
Subject: Water Right Abandonment

To Whom it May Concern,

The Idaho Department of Fish and Game (IDFG) would like to abandon Water Right #65-4908. According to Idaho Department of Water Resources (IDWR) records, this water right has a point of use within the boundary of property currently titled to IDFG. Although IDWR records indicate that this water right is held by a Patrick O'Leary, it appears the records were never updated to reflect current ownership. I have attached a chain of title for the property to evidence that this WR was not reserved in any deed in the chain of title (O'Leary's name never appeared in the chain of title either).

Please reach out with any questions.

Thank you,

Casey Pozzanghera
Natural Resource Program Coordinator- Lands/Mitigation
Idaho Department of Fish & Game
600 S. Walnut Street, P.O. Box 25
Boise, Idaho 83707
(208) 287-2713



Hersley, Jean

From: Pozzanghera, Casey
Sent: Thursday, February 8, 2024 10:38 AM
To: IDWR File
Subject: Water Right Abandonment
Attachments: Notice of Abandonment of Water Right 65 4908_Signed_02072024.pdf; Water_right_65-4908_Details.pdf; Chain of Title Chain of Deeds_GloriaFord.pdf

To Whom it May Concern,

The Idaho Department of Fish and Game (IDFG) would like to abandon Water Right #65-4908. According to Idaho Department of Water Resources (IDWR) records, this water right has a point of use within the boundary of property currently titled to IDFG. Although IDWR records indicate that this water right is held by a Patrick O'Leary, it appears the records were never updated to reflect current ownership. I have attached a chain of title for the property to evidence that this WR was not reserved in any deed in the chain of title (O'Leary's name never appeared in the chain of title either).

Please reach out with any questions.

Thank you,

Casey Pozzanghera
Natural Resource Program Coordinator- Lands/Mitigation
Idaho Department of Fish & Game
600 S. Walnut Street, P.O. Box 25
Boise, Idaho 83707
(208) 287-2713

