

STATE BOARD OF LAND COMMISSIONERS

April 16, 2024
Consent Agenda

Subject

DI600331, Disclaimer of Interest for the former bed of the Boise River, Canyon County, Idaho

Question Presented

Shall the Land Board approve Disclaimer of Interest DI600331?

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

Holbrook Maslen has applied for a disclaimer of interest for two parcels of accretion land totaling 0.0670 acres, more or less. These parcels are located within the original surveyed river meander lines of the Boise River adjacent to the applicant's deeded property in Government Lots 2 and 6 of Section 12, Township 4 North, Range 3 West (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, deeds, and tax documents, and determined that the disclaimer was ready to move forward (Attachments 2-3).

There are no permanent structures on these parcels, and they are not immediately adjacent to the Boise River. The Department recommends not requiring a 25-foot wide public use right-of-way due to this parcel's lack of adjacency to the Boise River.

Recommendation

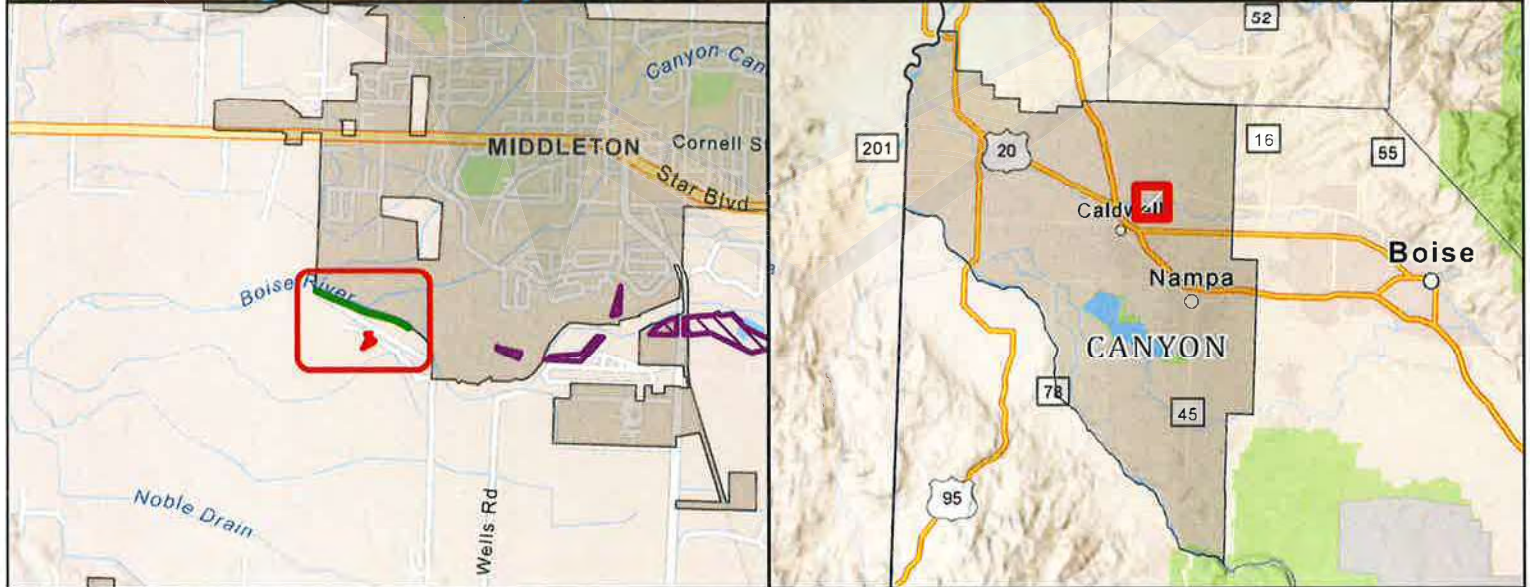
Direct the Department to issue a Disclaimer of Interest for two parcels totaling 0.0670 acres of the former bed of the Boise River, to Holbrook Maslen following his payment to the Department of the remaining processing fee of \$300.

Board Action

Attachments

1. Map
2. Deeds
3. Tax Records





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

DI600331
 Section 12 - T04N - R03W
 Canyon County
 2/12/2024



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.

2014-045352

RECORDED

12/18/2014 08:18 AM



CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=4 EHOWELL \$19.00
DEED
DEFORD LAW

QUITCLAIM DEED

(Correction deed to correct spelling of Grantee name from Malsen to Maslen)

For value received, **WILLIAM F. HUBLER** and **BETTY M. HUBLER**, husband and wife, hereinafter called the first party, does by these presents remise, release and forever QUITCLAIM unto **HOLBROOK MASLEN**, a married man, as his sole and separate property, hereinafter called the second party, of 120 Horizon Drive, Boise, ID 83702, and to his heirs and assigns, their interest, right, title and privilege to the following described real property, situated in Canyon County, State of Idaho, to wit:

See **Exhibit A**, attached hereto and incorporated herein by reference.

Subject to any:
Encumbrances of record

Together with all water, water rights, ditches and rights of way for ditches thereunto belonging or in anywise appertaining.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the second party, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said first party has hereunto set their hand and seal.

Date this 15th day of December, 2014.

WILLIAM F. HUBLER

BETTY M. HUBLER

 **Skinner Land
Survey Co. Inc.**
312 W. South Street
Grangeville, Idaho 83530
(208)983-2517 Grangeville
(208)454-0933 Nampa/Caldwell
WWW.SKINNERLANDSURVEY.COM
surveys@skinnerlandsurvey.com

Greg L. Skinner, PLS
Thomas J. Wellard, PLS
Rodney Kahle-Clark, PE

November 13, 2014

Legal Description for
Holbrook Maslen
Job No. JN0314

Parcel 2

This parcel is a portion of Government Lot 2 of Section 12, Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Southeast corner of Section 12 (SE Section Corner, Section 12), a found brass cap monument;

thence North 89° 34' 00" West along the south boundary of said Section 12 a distance of 478.00 feet to a found ¼ inch diameter pipe;

thence North 24° 39' 00" West a distance of 635.68 feet;

thence North 63° 31' 00" West a distance of 901.00 feet;

thence North 26° 29' 00" East a distance of 30.00 feet to the **TRUE POINT OF BEGINNING**, a found ½ inch diameter rebar;

thence continuing North 26° 29' 00" East a distance of 75.00 feet to a found ½ inch diameter rebar;

thence South 63° 31' 00" East a distance of 125.00 feet to a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 26° 29' 00" West a distance of 75.00 feet to a ½ x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence North 63° 31' 00" West a distance of 125.00 feet to the **TRUE POINT OF BEGINNING**, containing 0.215 acres, more or less, and being subject to any and all easements and rights-of-way of record.



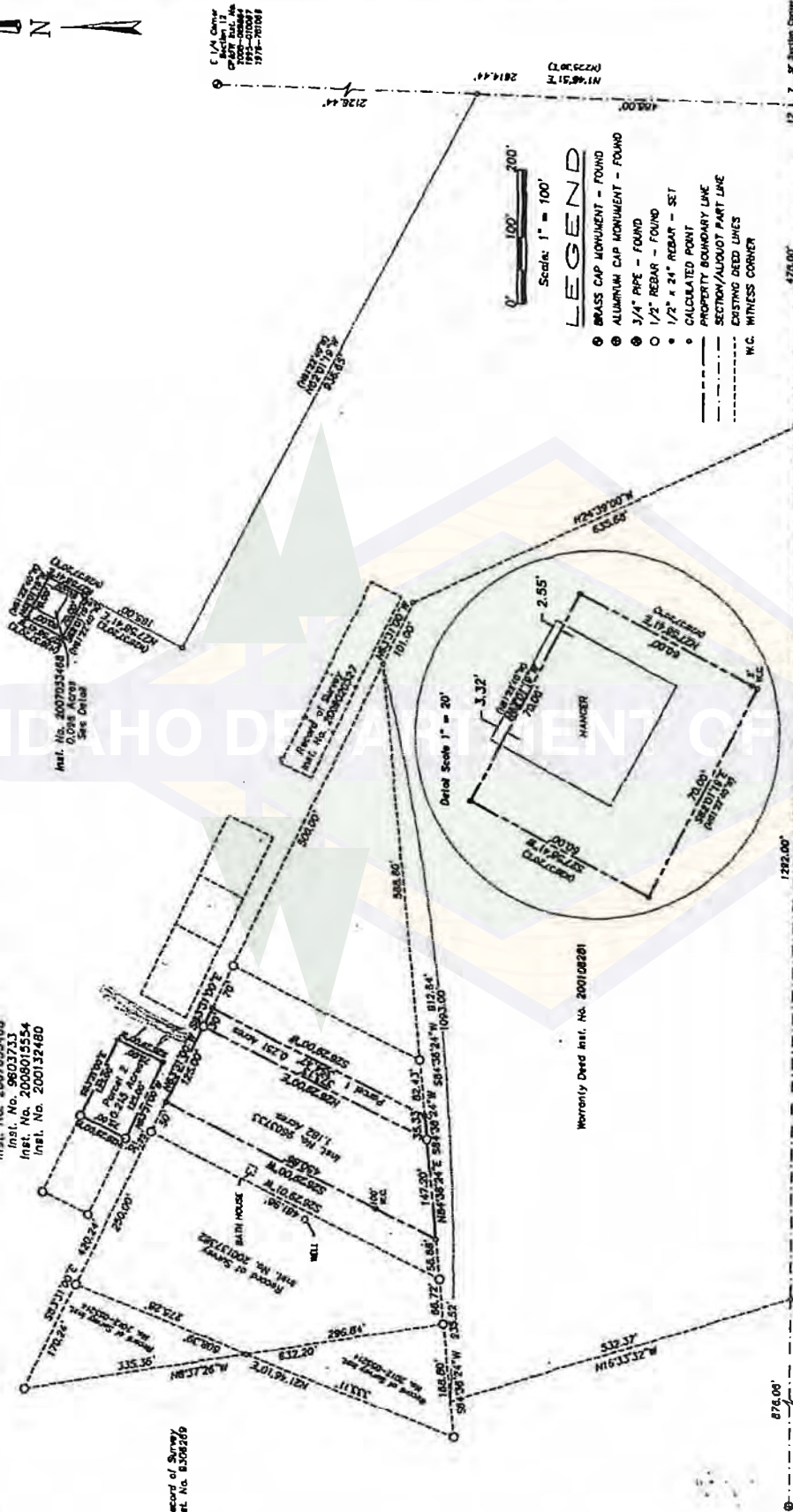
RECORD OF SURVEY

A PORTION OF GOVERNMENT LOTS 2, AND 8 OF SECTION 12,
TOWNSHIP 4 NORTH, RANGE 3 WEST, BOISE MERIDIAN,
CANYON COUNTY, IDAHO

Reference Surveys:
Inst. No. 200137382
Inst. No. 9306269
Inst. No. 9804401
Inst. No. 2009020527
Inst. No. 2012035214

Reference Details:
Inst. No. 2007034768
Inst. No. 9803733
Inst. No. 9803554
Inst. No. 200132480

Record of Survey
Inst. No. 8308285



Scale: 1" = 100'

LEGEND

- BRASS CAP MONUMENT - FOUND
- ALUMINUM CAP MONUMENT - FOUND
- 3/4" PIPE - FOUND
- 1/2" REBAR - FOUND
- 1/2" x 24" REBAR - SET
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION/ALLOUT PART LINE
- EXISTING DEED LINES
- W.C. WITNESS CORNER

HOLBROOK MASLEN

Survey Co. Inc.
312 N. South Street
Grangerville, Idaho 83430
Hampden/Idaho (808) 338-1817
WWW.SURVEYLANDSURVEY.COM



CERTIFICATION
I, Thomas J. Holbrook, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been prepared by me or under my direct supervision, that this map is an accurate representation of said survey, and that it is in conformity with the Corner Repealment Act, Idaho Code 55-1601 through 55-1612.

N83°34'00"W 2646.06'
BASIS OF BEARING

Warranty Deed Inst. No. 200124281

1/4 Corner
CANYON CO. IDAHO
1992-2008
1978-2018

12 7 SE Section Corner
CANYON CO. IDAHO
1992-2008
1978-2018

2014-045351

RECORDED

12/18/2014 08:17 AM



00141417201400453510040048

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=4 EHOWELL

\$19.00

DEED

DEFORD LAW

QUITCLAIM DEED

(Correction deed to correct spelling of Grantee name from Malsen to Maslen)

For value received, **HUB PROPERTY MANAGEMENT, LLC**, an Idaho limited liability company, hereinafter called the first party, does by these presents remise, release and forever QUITCLAIM unto **HOLBROOK MASLEN**, a married man, as his sole and separate property, hereinafter called the second party, of 120 Horizon Drive, Boise, ID 83702, and to his heirs and assigns, its interest, right, title and privilege to the following described real property, situated in Canyon County, State of Idaho, to wit:

See **Exhibit A**, attached hereto and incorporated herein by reference.

Subject to any:
Encumbrances of record

Together with all water, water rights, ditches and rights of way for ditches thereunto belonging or in anywise appertaining.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the second party, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said first party has hereunto set its hand and seal.

Date this 15 day of December, 2014.

HUB Property Management, LLC

BY: MANAGING MEMBER



Thomas J. Wellard, PLS
Rodney Clark, PE

May 16, 2023

Legal Description for
Holbrook
Job No. AU1422

Disclaimer C

This parcel is a portion of Accretion Lands of the Boise River adjacent to Government Lots 2 and 6 of Section 12 in Township 4 North, Range 3 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Southwest corner of the SE ¼ of Section 12, (S ¼ Corner, Section 12), a found aluminum cap monument;

thence South 88°58'21" East along the SE ¼ a distance of 501.07 feet to a point on the Northwesterly boundary of Government Lot 6;

thence traversing said Northwesterly boundary as follows:

North 24°20'39" East a distance of 554.40 feet;

North 61°35'39" East a distance of 358.48 feet to the **TRUE POINT OF BEGINNING**;

thence leaving said boundary bearing North 27°04'41" East a distance of 281.82 feet;

thence South 62°55'21" East a distance of 155.00 feet;

thence South 27°04'40" West a distance of 56.43 feet to a point on the Northwesterly boundary of Government Lot 6;

thence South 61°35'39" West along said Southwesterly boundary a distance of 273.54 feet to the **TRUE POINT OF BEGINNING**, said parcel being 0.602 acres more or less, and being subject to any and all easements and rights of way of record or implied.



QUITCLAIM DEED

FOR VALUE RECEIVED William F. Hubler and Betty M. Hubler
5103 Hubler Lane
Caldwell, Idaho 83605

do hereby convey, release, remise and forever quit claim

unto Holbrook Maslen

whose address is 1047 Arrowhead Dr.
Carson City, Nevada 89706
the following described premises, to-wit:

That part of Section 12, Township 4 North, Range 3,
West of Boise Meridian in Canyon County, Idaho. More particularly
decribed below;

Commencing at the South East Corner of said, Section 12,
Thence N 89° 34' 00" W a distance of 478.0 ft., Thence N 24° 31' 00" W
a distance of 635.68 ft., Thence N 63° 31' 00" W a distance of 701.00 ft.
to True Point of Beginning; Thence continuing N 63° 31' 00" W a
distance of 125 ft., Thence S 26° 29' 00" W a distance of 450.83 ft.,
Thence N 84° 36' 24" E a distance of 147.18 ft., Thence N 26° 29' 00" E
a distance of 373.13 ft. to TRUE POINT OF BEGINNING.

IDAHO DEPARTMENT OF LANDS

together with their appurtenances.

Dated: February 2, 1996

William F. Hubler
Betty M. Hubler

STATE OF IDAHO, COUNTY OF

On this 2 day of FEBRUARY, 1996,
before me, a notary public in and for said State, personally
appeared

William F. Hubler
Betty M. Hubler

known to me to be the persons who names
subscribed to the within instrument, and acknowledged to
me that they executed the same.

W. Hubler
Notary Public
Residing at Caldwell, Idaho
Comm. Expires

REQUEST BY
TYPE Acq FEE 5.00
CANYON COUNTY RECORDER
RECORDED
96 FEB 2 PM 1 53
9603733

PIONEER TITLE COMPANY
OF CANYON COUNTY

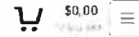
423 So. Kimball
Caldwell, Idaho 83605

100 - 10th Ave. South
Nampa, Idaho 83651



Tax Account | Public Access

TREASURER > TAX SEARCH > ACCOUNT



Return New Search Assessment Print

Account Information

PIN: 34754012 0

Owner: MASLEN HOLBROOK

AIN: 04N03W128444

TAG: 113-00

Mailing Address:
120 Horizon Dr Boise Id 83702

Tax Roll: Real Property

Legal Desc.:
12-4N-3W SE TX 14419 IN GOVT LT 2 IN
SWSE

Last updated: 6/25/2023 06:00:04 PM

Tax Bills Due

Total Payable: \$0.00

Pay Partial: \$0.00

Tax Charge History

Payment History

Select the "Tax Year" link to View Tax Assessment Values for the entire tax year.

Tax Year	PIN	Date Paid	Paid By	Receipt Number	Amount Paid
2022	347540-2 0	12/12/22	Holbrook Maslen	U22.32777	\$74.26
2021	34754012 0	7/22/22	Holbrook Maslen	U22.23526	\$93.42
2020	347540-2 0	12/8/20	Holbrook Maslen	U20.34228	\$94.66
2019	34754012 0	12/9/19	Maslen Holbrook	B19.21651	\$106.24
2018	34754012 0	11/20/18	Holbrook Maslen	U18.28029	\$116.10
2017	34754012 0	12/18/17	Holbrook Maslen	U17.33297	\$122.64
2016	34754012 0	12/16/16	Holbrook Maslen	U16.36692	\$64.40

IDAHO DEPARTMENT OF LANDS

Register Login



Tax Account | Public Access

TREASURER | TAX SEARCH | ACCOUNT

Shopping cart icon: \$0.00

Return | New Search | Assessment | Print

Account Information

PIN: 34756015 0

Owner: MASLEN HOLBROOK

AIN: 04N03W128860

TAG: 113-00

Mailing Address:
120 Horizon Dr Boise Id 83702

Tax Roll: Real Property

Legal Desc.:
12-4N-3W SE TX 95638 & TX 14418 IN
SWSE IN GOVT LT 6

Last updated: 6/25/2023 05:00:04 PM

Tax Bills Due

Total Payable: \$0.00

Pay Partial: \$ 0.00

Tax Charge History

Payment History

Select the "Tax Year" link to View Tax Assessment Values for the entire tax year.

Tax Year	PIN	Date Paid	Paid By	Receipt Number	Amount Paid
2022	34756015 0	12/12/22	Holbrook Maslen	U22.32777	\$1,240.72
2021	34756015 0	2/4/22	Holbrook Maslen	U22.3138	\$1,691.48
2020	34756015 0	5/24/21	Holbrook Maslen	U21.10313	\$910.82
2020	34756015 0	12/8/20	Holbrook Maslen	U20.34228	\$910.82
2019	34756015 0	12/9/19	Maslen Holbrook	B19.21531	\$2,012.12
2018	34756015 0	11/20/18	Holbrook Maslen	U18.28029	\$2,035.30
2017	34756015 0	12/18/17	Holbrook Maslen	U17.33297	\$2,150.46
2016	34756015 0	12/16/16	Holbrook Maslen	U16.36692	\$2,256.12

