

RECEIVED
SEP 22 2003

Department of Water Resources

Names of Parties Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural Resources Division

R. LEE LEININGER
Attorney, U.S. Dept. of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
Ph.: (303) 312-7322 FAX: (303) 312-7379

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

) Subcase Numbers: 35-12996, 43-10957,
) 43-10997, 43-11005, 43-11052, 43-11054,
) 43-11056, 43-11058, 43-11069, 43-11071,
) 43-11158, 43-11160, 43-11166, 43-11172,
) 43-11268, and 43-11272
)
) **AFFIDAVIT OF FREDRIC W. PRICE**
)

State of Idaho)
) ss.
County of Ada)

I Fredric W. Price, being of lawful age, and having first been duly sworn, state the
following:

PAGE 1 - **AFFIDAVIT OF FREDRIC W. PRICE; SUBCASE NUMBERS: 35-12996, 43-10957,
43-10997, 43-11005, 43-11052, 43-11054, 43-11056, 43-11058, 43-11069, 43-11071, 43-11158,
43-11160, 43-11166, 43-11172, 43-11268, and 43-11272**

1. My present position is that of Water Rights Specialist for the United States, Department of Interior, Bureau of Land Management (hereinafter "BLM"), Idaho State office. My current responsibilities include coordinating the BLM's efforts for the Snake River Basin Adjudication (hereinafter "SRBA") in Idaho. In that capacity, I provide guidance and technical support to the State Director, Field Office Managers, and technical specialists in BLM field offices, particularly those specialists working in water rights and related issues. I develop agency policy on water issues and in other programs affected by water rights, such as the range management and realty programs. I also review, interpret and analyze water rights claims for preparing opinions, recommendations, objections and other SRBA documents to the Department of Justice.

2. I have been employed by the BLM since 1982 in the following positions:

- a. Eleven and a half years in various positions within the Rangeland Firefighting Program at the BLM, Shoshone Field Office. I spent 12 months working on that office's water rights team to develop and create 5,500 BLM claims;
- b. Since August of 1993 as a Water Rights Specialist in the BLM, State Office;

3. My experience with water rights is as follows:

- a. My eleven and a half years in BLM's fire program required that I have the ability to understand and interpret maps, legal land descriptions, and Range Improvement Project Files. I was routinely required to:
 - travel to remote fire locations with just a map;
 - map the position and extent of fires for which I was responsible;
 - locate, construct and maintain range improvements (including but not limited to: spring developments, pipelines and fences), and to supplement

the range improvement project files.

- I taught several courses to new employees in interpreting maps and BLM Master Title Plats (hereinafter "MTP"), as well as, in the use of a compass.
- In my work with the BLM, I have been responsible for tasks requiring an ability to interpret: maps, legal land descriptions, and water claims, including the preparation, mapping and review of 5,500 SRBA water right claims for BLM.
- In my work with the BLM, I have reviewed hundreds of Range Improvement Project Files for the purpose of locating the project, to determine when it was constructed, whether it was completed, whether it is still functional, to identify candidates for filing SRBA water claims, and to capture certain types of projects into the Geographic Information Systems (i.e. computer mapping system).

b. As a Water Rights Specialist in the BLM State Office, it is my responsibility to provide guidance and direction to Idaho BLM offices in all matters relating to water rights, and make recommendations to the Department of Justice. My experience with water rights in my present position is as follows:

- I develop policy for BLM across several programs to deal with water issues, such as the range management and realty programs.
- I have reviewed tens of thousands of legal land descriptions represented in Points of Diversion (hereinafter "POD") and Places of Use (hereinafter "POU") that were published in SRBA Director's Reports to determine land

ownership by comparing those land descriptions to BLM's Master Title Plats and Historical Indexes. I have reviewed hundreds of deeds to determine who owned what land descriptions.

- I've prepared over a thousand revised water right descriptions for use with the SRBA Standard Form 5 (hereinafter "SF-5") to resolve objections involving the BLM.
- I provide advice, guidance and direction to BLM field office personnel as to investigating and preparing claims, how to interpret water rights and how they relate to other water rights.
- For hundreds of subcases, I have made determinations whether multiple claims exist for the same source and what the nature of their relationship is to each other.
- I have reviewed hundreds of Range Improvement Project Files for the purpose of locating the project, to determine when it was constructed, whether it was completed, if it is still functional, who contributed to the construction and in what amounts, and to determine whether water is present and in what amounts.
- I developed the investigative criteria to be used for BLM field offices to investigate water sources for claims preparation and for objection purposes. I have reviewed thousands of BLM claim files and field investigations conducted by BLM. I have also performed investigations of water rights in the field.

– I routinely provide technical assistance, reports, recommendations and opinions to the Department of Justice concerning all the above matters.

4. I have gained extensive knowledge of, and experience with, a wide range of government files, documents, records management, records retention, and archives since starting work for BLM in 1982. I have reviewed and interpreted hundreds of Master Title Plats and Historical Indexes. I also have extensive knowledge of, and experience with, the official business records of BLM associated with its water right claim filings in the SRBA, including but not limited to: BLM water right claim files, BLM water right field investigations, Master Title Plats, Historical Indexes, and Control Document Indexes (hereinafter "CDI").

5. The Master Title Plat (hereinafter "MTP") is an official business record of BLM. The MTP is the United States' official Record of Title. It is a graphic display of township survey data, and is drafted from information abstracted, compiled, and composed from the latest approved U.S. Government Survey Plats, survey field notes, and protraction diagrams. It describes the locations of United States property, aliquot parcels, and government surveyed "lots."

The Historical Index (hereinafter "HI") is an official business record of the United States that maintains a time line of events occurring on United States' property.

6. At the request of counsel for the United States, I have reviewed the official business records of the BLM and Idaho Department of Water Resources (hereinafter "IDWR") for the captioned subcases, and verified that the above captioned subcases were located on unreserved federal public domain lands as of April 17, 1926, and these lands currently remain under Department of Interior administration.

//

7. At the request of counsel for the United States, I was asked to determine whether there were any attempts to homestead or otherwise acquire fee title to the lands described by the Points of Diversion identified in the captioned subcases. The official business records of BLM that I reviewed were the BLM SRBA claim files, MTPs and HIs. Based upon my review, I was able to determine that there were no attempts to homestead or otherwise acquire fee title to the lands described by Points of Diversion identified in the captioned subcases, except where noted below. The homestead entries identified below were initiated under the authority of different homestead acts. The provisions of such homestead acts were effectively repealed in 1934 by the Taylor Grazing Act, and repealed in actuality in 1976 by the Federal Land Policy and Management Act (FLPMA). **Each homestead entry listed below failed and was subsequently canceled or relinquished.**

a. **Subcase 43-11160:** A Stockraising Homestead Entry (hereinafter "SRHE") was filed, pursuant to the Act of 12/29/1916, by William Hart Udy on 12/13/1920 for 640 acres of public land. The United States assigned serial number H-022566 to this application. The SRHE was subsequently relinquished on 5/12/1921. **This homestead entry was not active on 04-17-1926.**

b. **Subcase 43-11268:** A Homestead Entry (hereinafter "HE") was filed, pursuant to the Act of 6/17/1910, by Robert G. Hall on 7/22/1921 for 320 acres of public land. The United States assigned a serial number BL-039111 to this application. The HE was subsequently cancelled on 9/22/1926. **This homestead entry was active on 04-17-1926.**

//

//

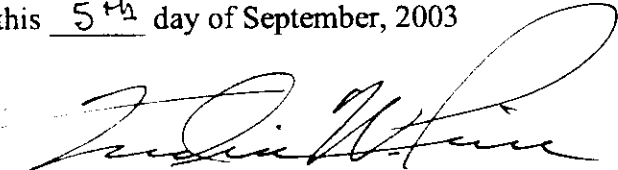
//

8. The Idaho State Office of BLM does not store historic land entry applications on site. The records are only retained for a certain period of time and then are sent to the record centers. At the request of counsel for the United States, I submitted a request on August 22, 2003 to have a copy of the serial case files, identified below, sent to me from the National Archives for the Pacific NW Region located in Seattle, Washington.

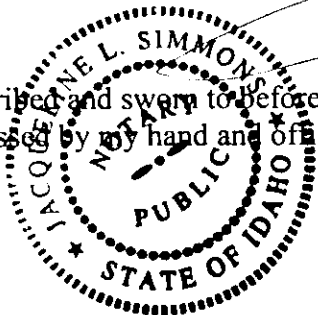
a. I do hereby certify that Attachment 1 to this affidavit is a true and correct copy of the entire Stock-Raising Homestead Entry File H-022566 that was initiated by William Hart Udy on December 13, 1920.

b. I do hereby certify that Attachment 2 to this affidavit is a true and correct copy of the entire Homestead Entry File BL-039111 that was initiated by Robert G. Hall on July 22, 1921.

Dated this 5th day of September, 2003


Fredric W. Price

Subscribed and sworn to before me this 5th day of September, 2003.
Witnessed by my hand and official seal.



Jacqueline L. Simmons
Notary Public for State of Idaho
Residing at: Idaho
My Commission Expires: 4-7-2005

CERTIFICATE OF SERVICE

I certify that on Sept 18, 2003, I served a true and correct copy of foregoing **AFFIDAVIT OF FREDRIC W. PRICE; SUBCASE NUMBERS: 35-12996, 43-10957, 43-10997, 43-11005, 43-11052, 43-11054, 43-11056, 43-11058, 43-11069, 43-11071, 43-11158, 43-11160, 43-11166, 43-11172, 43-11268, and 43-11272** upon the following individuals by placing the document in the United States Mail in Denver, CO, postage paid, and addressed as follows:

1. Original to:

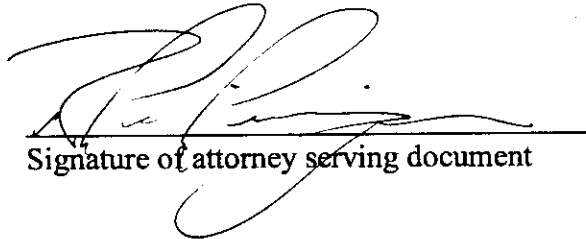
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Div
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098



Signature of attorney serving document

ATTACHMENT 1

SUBCASE: 43-11160

Stockraising Homestead Entry File

File Number: H-022566

Date Initiated: 12-13-1920

Applicant: William Hart Udy

Date Relinquished: 05-21-1921

This entry was not active on 04-17-1926.

COPY

National Archives - Pacific NW Region
6125 Sand Point Way, NE
Seattle, WA 98115

Record Group NO. 49

Additional Information Bureau of Land Management
RTP File

Box # 1041; Fd: 022506 - 022573

DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE

RECEIVED
U. S. LAND OFFICE
HAILEY, IDAHO
MAY 12 1921

Entry Cancelled on 10-1-21

Malta, Cassia Co. Idaho
(Place.)

May 11-1921
(Date.)

1 P.M.
(Time.)

RELINQUISHMENT OF ENTIRE CLAIM

I hereby relinquish to the United States all my right, title, and interest in and to, Entry No. *D22566*, made at *the Hailey*
(Name Land Office where entry was made.)

Idaho Land Office the land being described as follows:

W²NW⁴, - W²SW⁴ section 11 - E², - E²SW⁴, - E²NW⁴ Section *10*,

Township *13 South*, Range *25 East* Boise Meridian.
Recorder's Receipt No-1997820 - made under act of Dec 29, 1916

Witnesses:

William Hart Oddy
(Signature.)

(Name and address.)

(Name and address.)

Acknowledged before me this *11th* day of

May, 1921

Frank Riblett

M. S. Commissioner
(Official designation of officer.)

The relinquishment accompanying a REPAYMENT APPLICATION must be executed before the Register or Receiver, or before an officer qualified to take acknowledgments of deeds.

Other relinquishments may be accepted if the signature is attested by two witnesses.

Relinquishments of homestead entries can not be accepted if the entryman be dead unless executed by the statutory successors named in Sec. 2291, R. S. Where no widow survives and the relinquishment is executed by the heir or heirs, a corroborated affidavit must be attached setting forth the names of all the heirs, and their relationship to the entryman.

RELINQUISHMENT OF PORTION OF ENTRY

I hereby relinquish to the United States all my right, title, and interest in and to the following-described land:

Section _____,

Township _____, Range _____, Meridian, being part of

the land embraced in Entry No. _____, made at _____

(Name Land Office where entry was made.)

Witnesses:

(Signature.)

(Name and address.)

(Name and address.)

Acknowledged before me this _____ day of

_____, 19

Affidavit of Fredric W. Price

Attachment 1 Page 11

State of Idaho **ORIGINAL STOCK-RAISING HOMESTEAD ENTRY.**

Office BAILEY, IDAHO.
Date FEB 26 1917
Hour 9 A.M.

Fees \$ 10.50 Act of December 29, 1916)
Comm. \$ 24
U.S. LAND OFFICE, Hailey, Idaho

DEPARTMENT OF THE INTERIOR

022566

SERIAL No. 1997820
APPLICATION AND AFFIDAVIT RECEIPT No. 38-10-12-39

I, William Hart Udy (male), a resident of Albion, Cassia County, Idaho, do hereby apply

to enter under the act of December 29, 1916, (Public No. 290, 64th Congress), subject to the reservation to the United States of all coal and other minerals in the land, together with the right to prospect for, mine, and remove the same;

The W¹/₂NW¹/₄, W¹/₂SW¹/₄ Section 11 and the E¹/₂, and E¹/₂SW¹/₄, E¹/₂NW¹/₄

Section 10

Township 13 South, Range 25 East, Boise Meridian, containing 640 acres, within the Hailey, Idaho land district;

and I do solemnly swear that I am not the proprietor of more than 160 acres of land in any State or Territory; that I am a native born

citizen of the United States, and am single and over the age of 21 years

that this application is honestly and in good faith made for the purpose of actual settlement, use, and improvement by the applicant and not for the benefit of any other person, persons, or corporation; that I will faithfully and honestly endeavor to comply with all the requirements of law as to settlement and improvements necessary to acquire title to the land applied for; that I am not acting as agent for any person, corporation, or syndicate in making this entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered or any part thereof, nor the timber thereon; that I do not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for myself, and that I have not, directly or indirectly, made, and will not make, any agreement or contract, in any way or manner, with any person or persons, corporation, or syndicate, whatsoever, by which the title which I may acquire from the Government of the United States will inure in whole or in part to the benefit of any person except myself. I have not heretofore made any entry under the timber and stone, desert land, or pre-emption laws,

I have not heretofore made a homestead entry.

I further state that the land is not occupied and improved by any Indian; that that it does not contain merchantable timber, and no timber

is not susceptible of irrigation from any known source of water supply

Posted 3-14-21 in Vol. 72, p. 218, by JML, Div. "O".

Examined and passed W.V.N. "O" APR 4 1921

Dec 13, 1920

Allowed

Affidavit of Fredric W. Price

Reproduced at the National Archives-Pacific AK Region

~~except the following areas:~~

(Give the subdivisions and areas of the lands, if any, susceptible of irrigation.)

and does not contain any water hole or other body of water needed or used by the public for watering purposes; that the land is chiefly valuable for grazing and raising forage crops.

William Hart Udy
(Sign here, with full Christian name.)

~~NOTE~~ NOTE.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense. (See Sec. 125, U. S. Criminal Code, below.)

I HEREBY CERTIFY that the foregoing affidavit was read ~~by~~ by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known ~~(or has been satisfactorily identified before me)~~

~~by~~ _____);
(Give full name and post-office address.)

that I verily believe affiant to be a qualified applicant and the identical person hereinbefore described; and that said affidavit was duly subscribed and sworn to before me, at my office, in Albion

(Town.)

Cassia County, Idaho

(County and State)

Hailey, Idaho

_____ land district, this 23rd day of February, 1917

George Cox

U.S. Commissioner.

(Official designation of officer.)

We, M.C. Udy, _____, of Albion, Idaho

and Samuel Perrins, _____, of Albion, Idaho, do solemnly swear that we are well acquainted with the above-named affiant and the lands described, and personally know that the statements made by him relative to the character of the said lands are true.

M.C. Udy
Samuel Perrins

I HEREBY CERTIFY that the foregoing affidavit was read ~~by~~ by affiants in my presence before affiants affixed signatures thereto; that affiants are to me personally known ~~(or have been satisfactorily identified before me)~~

~~identified before me by~~ _____);

and that said affidavit was duly subscribed and sworn to before me at Albion, Idaho this 23rd day of February, 1917

George Cox

U.S. Commissioner

(Official designation of officer.)

UNITED STATES LAND OFFICE at

Hailey, Idaho

Dec 13, 1920

I hereby certify that the foregoing application is for surveyed land of the class which the applicant is legally entitled to enter under the act of December 29, 1916; that there is no prior valid adverse right to the same, and has this day been allowed.

Bernard P. Gray
Register.

UNITED STATES CRIMINAL CODE.

Sec. 125. Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath, state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than two thousand dollars and imprisoned not more than five years.

c27b

Affidavit of Fredric W. Price

RECEIVED

C-306 UNOFFICIAL FORM

Coyote Publishing Company,
Colony, Wyoming.

U. S. LAND OFFICE
HAILEY, IDAHO.

CONSENT TO AMENDMENT

Date APR 27 1917
Hour _____

STOCK-RAISING
HOMESTEAD ENTRY

(Act of December 29, 1916)

DEPARTMENT OF THE INTERIOR

U. S. LAND OFFICE Hailey, Idaho, No. 022566

I hereby consent to the amendment of my application to make home-
stead entry for _____

W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 11 and E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec

_____ Section 10,

Township 13 South, Range 25 East, Boise Meridian,
by the insertion therein of the following:

"Application made subject to the reservation to the United States
of all coal and other minerals in the land, together with the right
to prospect for, mine, and remove the same, as provided by the act of
December 29, 1916 (Public, No. 290)."

I do solemnly swear that the land applied for does not contain
any water hole or other body of water needed or used by the public
for watering purposes, and that the land is chiefly valuable for
grazing and raising forage crops.

William Hart Price
(Sign here, with full Christian name.)

Note.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense.
(See Sec. 125 U. S. Criminal Code—over.)

I HEREBY CERTIFY that the foregoing affidavit was read ~~to~~ by affi-
ant in my presence before affiant affixed signature thereto; that affiant
is to me personally known (~~xxxxxx xxxxxxxx xxxxxxxx xxxxxxxx xxxxxxxx~~)

~~xxxxxx~~

(Give full name and post-office address.)

that I verily believe affiant to be a qualified applicant and the identical
person hereinbefore described; and that said affidavit was duly sub-

scribed and sworn to before me, at my office, in Albion (Town.)

Cassia County, Idaho, within the Hailey, Idaho
(County and State)

_____ land district, this 21st day
of April, 19 17

George Cook

U. S. Commissioner
(Official designation of officer.)

Affidavit of Fredric W. Price

CORROBORATING AFFIDAVITS

We, M.C. Udy, of Albion, Idaho,
 and Samuel Perrins, of Albion, Idaho,
 do solemnly swear that we are acquainted with the above-named applicant
 and the lands which he now applies to enter, and personally know that
 the statements made by him relative to the character of said lands
 are true.

M.C. Udy
 (Signature of witness.)

Samuel Perrins
 (Signature of witness.)

I HEREBY CERTIFY that the foregoing affidavit was read ~~over~~ by af-
 fiants in my presence before affiants affixed signatures thereto; that
 affiants are to me personally known (~~xxx have been satisfactorily iden-~~
~~xxxxxx the xxxxxxxx~~);

and that said affidavit was duly subscribed and sworn to before me at
Albion, Idaho this 21st day of April, 1917

George Cook

U.S. Commissioner.

(Official designation of officer.)

UNITED STATES CRIMINAL CODE.

SEC. 125. Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than two thousand dollars and imprisoned not more than five years.

J102

C.C.

RECEIVED
U. S. LAND OFFICE
HAILEY, IDAHO

DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE HAILEY IDAHO

Date May 23 1917
Hour

Serial No. 022566

CONSENT TO AMEND

I HEREBY CONSENT to the amendment of my application to make
homestead entry for

$W\frac{1}{2}NW\frac{1}{4}, W\frac{1}{2}SW\frac{1}{4}$ Sec 11,

$E\frac{1}{2}, E\frac{1}{2}SW\frac{1}{4}, E\frac{1}{2}NW\frac{1}{4}$ Section 10 Township 13 S Range 25 East
Boise Meridian, by the insertion therein of the following:

" Application made subject to the reservation to the United
States of all coal and other minerals in the land, together with the
right to prospect for, mine and remove the same, as provided by the act
of December 29th, 1916 (Public No 290)"

I do solemnly swear that the land applied for does not
contain any water hole or other body of water needed or used by the
public for watering purpose, and that the land is chiefly valuable
for grazing and raising forage crops.

William Hart Udy

We, M.C. Udy and Samuel Perrins
of Albion, Idaho do solemnly swear that we are well acquainted with
the above named affiant and the lands described, and personally know
that the statements made by him relative the character of said lands
are true.

Wm. H. Udy
Samuel Perrins

I HEREBY CERTIFY that the foregoing affidavit was read by
affiants in my presence before affiants affixed signatures thereto;
that affiants are to me personally known, and that said affidavit was
duly subscribed and sworn to before me at Albion, Idaho this 19 day
of May 1917.

George Carr
U.S. Commissioner.

Petition for Designation
Under Act of Dec. 29, 1916.

Serial No. 022566

4-007D.

LLC.

TO BE ATTACHED TO THE FACE OF EACH PETITION FOR DESIGNATION
(Not to be furnished in Duplicate)

AAE

U. S. Land Office, Hailey, Idaho, June 25, 1917

Name of petitioner William Hart Udy, of Albion, Idaho

Description of land which petitioner asks be designated: W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$

Sec. 11, E $\frac{1}{2}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$

Section 10

Township 13 South Range 25 East, Boise Meridian.

Serial number of suspended application: 022566 Embracing

same

(If the same as above, insert "Same.")

Section _____

Township _____, Range _____ East, Boise Meridian.

Serial number of original entry, if above describes an application for
additional entry: _____ Embracing

Township _____, Range _____ East, Boise Meridian.

If the application is for a second entry, it should be forwarded with the
Petition for Designation.

72

28

Posted In

SEP 19 1917

J. A. S. O.

Affidavit of Fredric W. Price

Attachment 1 Page 17

JUN 25 1917

PETITION FOR DESIGNATION

STOCKRAISING HOMESTEAD LAW. (Act of December 29th. 1916)
(Made in Duplicate.)

To the Secretary of the Interior :

I, William Hart Udy of Albion, Idaho, having made application for Original Entry under the Act of December 29th. 1916 (Stockraising Homestead Law) for the W $\frac{1}{2}$ NW $\frac{1}{4}$, - W $\frac{1}{2}$ SW $\frac{1}{4}$, -- Section 11, E $\frac{1}{2}$, - E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 10-- Township 13 South of Range 25 East of the Boise Meridian ..

respectfully ask that all of said lands be designated as stockraising lands and subject to entry under the Act of December 29th. 1916

Referring to the lands contained in ~~the above entry~~ and my present application I do solemnly swear that there are no streams, springs or ~~bodies~~ bodies of water or irrigation ditches, on or adjacent to said lands, except that there is an irrigation ditch running through the said lands but the same belongs to another party and is decreed water and could not be used in the said stream not filling the decree, ~~at~~ water for stockwatering purposes to be obtained from the said stream from which the said ditch is diverted.

That there are no wells on or near the said lands and that no portion of the said lands is under irrigation or susceptible of irrigation and that no attempt has ever been made to irrigate the same under the desert land laws.

That I have not filed notice of water appropriation or acquired the right to the use of water for any purpose and that there are no trees or timber of any kind upon any of the said lands

That the figures inserted below represent the approximate acreage of each legal subdivision falling in the general class as indicated at heads of columns. Any blank space indicates that none of that subdivision is considered as of the class shown in heading.

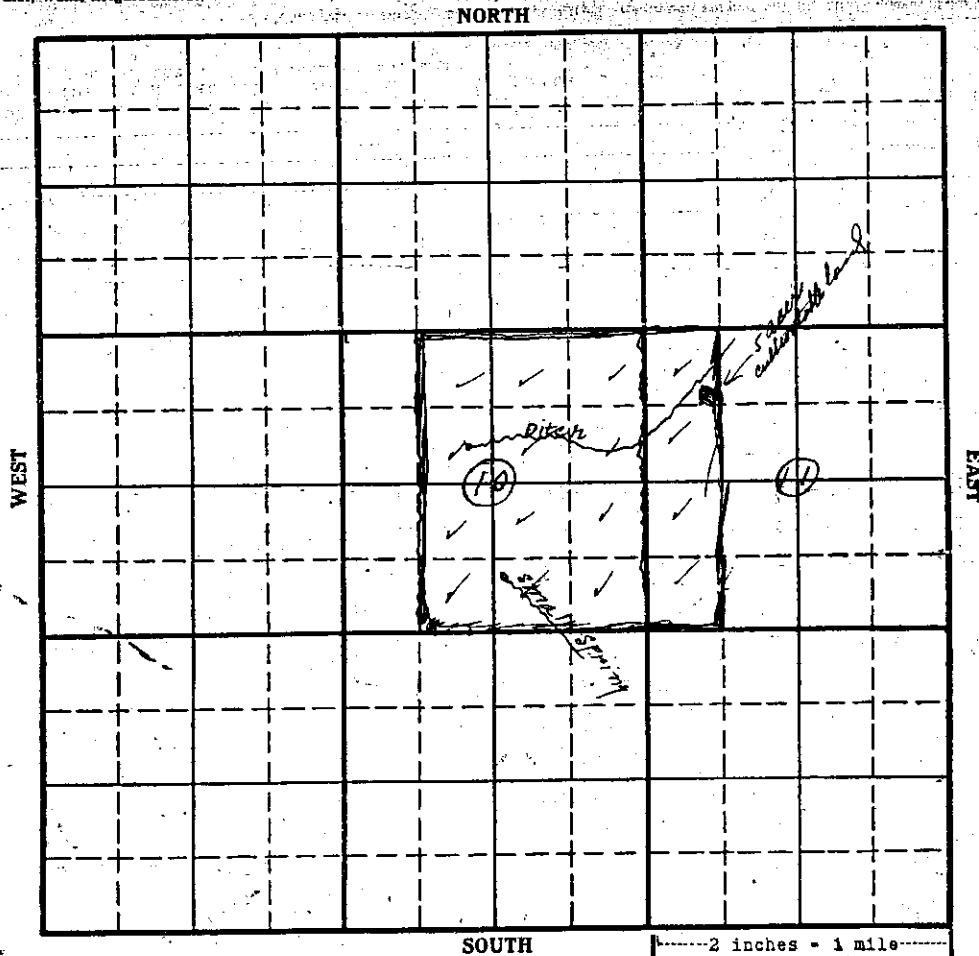
Subdivision of Section	Section number	Now under irrigation	Susceptible of irrigation	Has been or is now cultivated	Susceptible of cultivation	Containing merchantable timber	Feet of saw timber	Timber not merchantable	Containing sage brush	Open grass lands	Containing mesquit etc.	Containing greasewood etc.	Rocky wastes	Alkali flats	Sand dunes
NW $\frac{1}{4}$ NW $\frac{1}{4}$	11	0	0	0	5	0	0	0					35		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	11	0	0	0		0	0	0					40		
NW $\frac{1}{4}$ SW $\frac{1}{4}$	11	0	0	0	0	0	0	0					40		
SW $\frac{1}{4}$ SW $\frac{1}{4}$	11	0	0	0	0	0	0	0					40		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	10												40		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	10												40		
NE $\frac{1}{4}$ SE $\frac{1}{4}$	10												40		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	10												40		
NW $\frac{1}{4}$ NE $\frac{1}{4}$	10												40		
NW $\frac{1}{4}$ SE $\frac{1}{4}$	10												40		
SW $\frac{1}{4}$ NE $\frac{1}{4}$	10												40		
SW $\frac{1}{4}$ SE $\frac{1}{4}$	10												40		
NE $\frac{1}{4}$ NW $\frac{1}{4}$	10												40		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	10												40		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	10												40		
SE $\frac{1}{4}$ SW $\frac{1}{4}$	10												40		
Rocky wastes all afford some pasture															

That the said lands are suitable for grazing purposes during the summer season of the year and I estimate that about 100 head of cattle can be maintained thereon throughout the year

That the land has not been used for grazing except as a public ~~range~~ range.

That no attempt has ever been made to cultivate any of the said lands

(Mark the boundaries of the land on the accompanying plot and indicate by a small circle and the words "corner found" any government corners which applicant used in determining location of lands, also indicate all streams, springs, or bodies of water, wells, irrigated lands, cultivated lands, timbered lands, etc.)



is to me personally known and that said affidavit was duly subscribed and sworn to before me this 22d. day of June 1917 at Malta, Idaho

Frank Reblett

U. S. Commissioner

We, the undersigned, solemnly swear that we are well acquainted with the affiant and the aforesaid lands described in the foregoing affidavit and that the statements therein made are true.

Matthews L. Clay
Charles W. Biggs

Subscribed and sworn to before me this 22d. day of June, 1917

Frank Reblett

U. S. Commissioner.

That the said lands are suitable for grazing purposes during the summer season of the year and I estimate that about 100 head of cattle can be maintained thereon throughout the year

That the land has not been used for grazing except as a public ~~range~~ range.

That no attempt has ever been made to cultivate any of the said lands

(Mark the boundaries of the land on the accompanying plot and indicate by a small circle and the words "corner found" any government corners which applicant used in determining location of lands, also indicate all streams, springs, or bodies of water, wells, irrigated lands, cultivated lands, timbered lands, etc.)

NORTH

Prepared by G.C.

C-707 UNOFFICIAL FORM

Coyote Publishing Co.
Colon, Wyoming

PETITION FOR DESIGNATION
Stock-raising Homestead Law
(Act of December 29, 1916.)

DEPARTMENT OF THE INTERIOR

U. S. LAND OFFICE AT

Hailey, Idaho

No:

222566

William Hart Ridy

I hereby certify that the foregoing affidavit was read by affiant in my presence before affiant affixed signature thereto and that affiant is to me personally known and that said affidavit was duly subscribed and sworn to before me this 22d. day of June 1917 at Malta, Idaho

Frank Reblett

U. S. Commissioner

We, the undersigned, solemnly swear that we are well acquainted with the affiant and the aforesaid lands described in the foregoing affidavit and that the statements therein made are true.

Matthew L. Eldy

Charles W. Biggs

Subscribed and sworn to before me this 22d. day of June, 1917

Frank Reblett

U. S. Commissioner.

GENERAL LAND OFFICE

(Lead Office)

Serial No.

022564

Send Patent to _____

Appearance by _____

Approved for Patenting _____, 19____ (Initials.)

List No. _____

Patent No. _____

Dated _____, 19____

ACTION TAKEN

Petition for Designation
referred to Geological Survey.

UG 3 - 1917

7/29/41, relinquishment Noted in 'Q' APP

ATTACHMENT 2

SUBCASE: 43-11268

Homestead Entry File

File Number: BL-039111

Date Initiated: 07-22-1921

Applicant: Robert G. Hall

Date Cancelled: 09-22-1926

PAGE 1 - ATTACHMENT 2, AFFIDAVIT OF FREDRIC W. PRICE; SUBCASE NUMBERS:
35-12996, 43-10957, 43-10997, 43-11005, 43-11052, 43-11054, 43-11056, 43-11058, 43-11069,
43-11071, 43-11158, 43-11160, 43-11166, 43-11172, 43-11268, and 43-11272

COPY

National Archives - Pacific NW Region
6125 Sand Point Way, NE
Seattle, WA 98115

Record Group NO. 49

Additional Information Bureau of Land Management
RIP Files

Box # 334; Fd: A ~~2206~~ 39111

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

Joe R. Thompson
(Signature or name of addressee)

(Signature of addressee's agent)

Date of delivery *10-6-1926*

Form 3311 GOVERNMENT PRINTING OFFICE 16-111

4-075.

JSC

DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE

Blackfoot, Idaho.

November 10, 1926.

Joe R. Fitzsimmons

vs.

Robert A. Hall

Involving

Preference right contest 3118

The Commissioner of the General Land Office.

Sir:

By letter of 9-22-26, you canceled Hd. entry 039111 and accorded contestant preference right of entry.

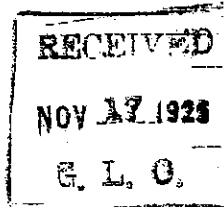
We have the honor to report that we notified the contestant of the decision of your office, by registered letter at record address, Malta, Idaho, on Sept. 27, 1926. The letter was received by the contestant.

~~The party~~

~~the decision of your office within the time allowed him~~

We herewith transmit evidence of service ~~and~~

Respectfully,



PLJ J. J. J. J.

, Register.

, Receiver

6-1917

Register

Contest 3118

4-351.

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,

Blackfoot, Idaho.

(Place.)

September 27, 1926.

(Date.)

CANCELLATION NOTICE.

Joe R. Fitzsimmons,

Malta, Idaho.

Sir:

You are hereby notified that homestead entry Entry,
No. 039111, embracing the S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$.

Section 20
Township 14 S., Range 26 East Boise Meridian.

has been canceled by the Commissioner of the General Land Office
under your contest against Robert A. Hall

and that the said land will be subject to your preferred right
to make entry thereof within thirty days from receipt of this
notice; but, if you fail to enter the land within that time, it
will become subject to entry thereafter by the first qualified
applicant, without further notice to you. It will be necessary
for you to pay \$1.00 cancellation fee.

Very respectfully,

Register.

ADDRESS ONLY THE COMMISSIONER OF THE GENERAL LAND OFFICE

4-070

72 2

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON

September 22, 1926.

IN REPLY PLEASE REFER TO

Blackfoot 039111 "C" JEC

ENTRY CANCELED

Joe R. Fitzsimmons.

Local office report of July 23, 1926.

vs.

Contest No. 5116.

Robert A. Hall.

Register and Receiver,

Blackfoot, Idaho.

Gentlemen:

You have transmitted the record in the above-entitled contest under date noted in the caption hereof, together with evidence of service of copies of all affidavits and notices required.

The contestant charged, in substance, that contestee had not complied with the law under which the entry was made. The charges were sufficient to put contestee under the necessity of defending against them.

The contestee has failed to serve and file answer to the charges, which are therefore taken as confessed by default. You recommended the entry be canceled.

Accordingly, the entry is canceled and the case is hereby closed. Make proper notations on your records and advise contestant of the preferred right of entry accorded by statute.

Very respectfully,



Acting Assistant Commissioner.

Affidavit of Fredric W. Price

4-072 g

DEPARTMENT OF THE INTERIOR

UNITED STATES LAND OFFICE

Blackfoot, Idaho,

(Place)
July 23, 1926.

(Date)

Commissioner of

General Land Office.

Sir:

We transmit herewith all the papers in the contest of
Joe R. Fitzsimmons

vs. Robert A. Hall

involving homestead Entry No. 039111, made
July 22, 1921 for S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19, S $\frac{1}{2}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ Sec. 20, T. 14 S., R. 26 E., B. M.

Notices were issued March 13, 1926
and proof of due service of a copy of the contest affidavit and
notice upon the contestee was filed by the contestant on
June 12, 1926

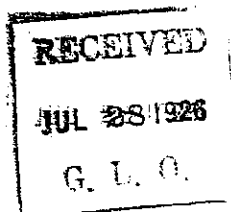
The contestee has failed to file answer within the time al-
lowed, and we therefore recommend the cancellation of the entry.

Both parties have been notified by registered mail of the
action taken.

Very respectfully,

Phyllis Ruston
Register.

Receiver:



RECEIVED
U. S. LAND OFFICE
BLACKFOOT, ID.
MAR 13 1926
NEW S. A. P.

APPLICATION TO CONTEST

[NOTE.—This application must be filed in duplicate.]

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.

Serial No. 039111

Contest No. 3118

I, the undersigned, Joe R. Fitzsimmons, residing at
Malta, Cassia County, Idaho, being duly sworn, upon my oath state: That I
am well acquainted with the tract of land embraced in Homestead entry entry, Serial No. 039111,
Blackfoot, made on July 22, 1921, by Robert A. Hall,
whose present place of residence is Sebastopol, Cal. Box 431 RT-3, State of
Mrs M. E. Hall, for the NE 1/4, S 1/4 NW 1/4 Sec. 20 S 1/4 NE 1/4 Sec 19
Section 26 E, Township 14 S, Range
Boise Meridian, and know the present condition of the same; that said
land is Arid and
in character; that in so far as I know the said entry is the only proceeding now pending for the acquisition of title
to said land except That said entry man has never established residence, never
that said lived on this land, never having built a house, or made any other
(Here state fully the grounds of the contest.)
improvements, excepting inclosing said land with a fence. And has never
cleared, broke or cultivated any of the said land.

and that said absence from the land was not due to the entryman's em-
ployment in the military or naval organizations of the United States or
the National Guard of any of the several States;)
that I claim an interest in or desire and intend, if permitted to do so, to acquire title to the said land under the
provisions of Homestead law law, and state the following

facts which show my qualifications to do so: I am not under the age of twenty-one years, I am a citizen of the
United States, or have declared my intention to become such, I have not heretofore made any entry which would
disqualify me from making entry under the above-mentioned law, I have not since August 30, 1890, acquired title
to, nor am I now claiming under any of the agricultural land laws, an amount of land which, together with the
land described above, or the part thereof which I desire to enter, will exceed in the aggregate 320 acres, and I
am not the proprietor of more than 160 acres of land in any State or Territory; and I further swear that this
contest is not being collusively or speculatively initiated, but is being instituted and will be diligently prosecuted
in good faith for the sole privilege of acquiring title to said land or some part thereof in my own and sole interest.

I, therefore, ask that I be permitted to prove the allegations made in this affidavit at such time and place as
may be named therefor, and that after proving said allegations, and my payment of all the costs incurred in this
proceeding, I be permitted to make entry of laid lands or a part thereof under the laws above specified.

I desire that all papers affecting this contest be served upon me at the following address: Malta Cassia
County, Idaho.

Joe R. Fitzsimmons
(Signature)

Affidavit of Fredric W. Price

I hereby certify that the foregoing affidavit was subscribed and sworn to before me by the affiant named therein, after it had been read ~~to~~ by him, in my presence, in Malta, Cassia Co., Idaho on this 11th day of March, 1926, 1926, he, the said affiant, being well known to me to be the same person he therein represents himself to be, or having been fully made known to me as

such person by Frank Ribblett who is well known to me.

Frank Ribblett

U. S. Commissioner
(Official designation.)

Also appeared at the same time and place, Fred C. Vosburgh, residing at Malta, Cassia Co., Idaho and

residing at (Post-office address), who, being duly sworn, deposes and says That they are acquainted with the tract described in the above affidavit, and know from personal knowledge and observation that the statements therein made are true.

Fred C. Vosburgh

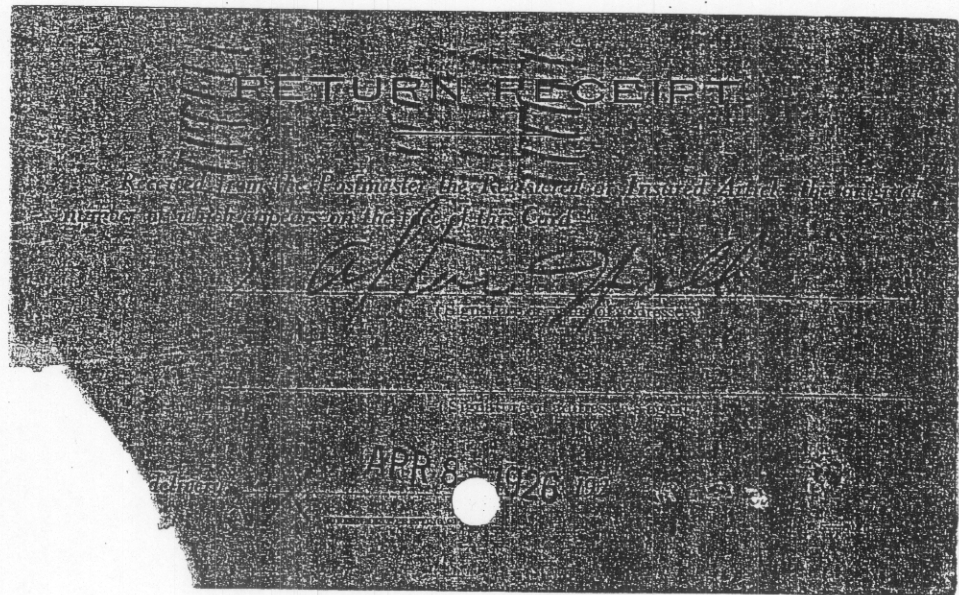
I HEREBY CERTIFY that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known (or have been satisfactorily identified before me by (Name of person identifying affiant)); and that the said affidavit was duly subscribed before me at Malta, Cassia Co., Idaho this 11th day of March, 1926.

Frank Ribblett
U. S. Commissioner.
(Official designation.)

Note.—If the application is filed by a person not seeking to acquire title to or claiming an interest in the land, or by one who does not show his qualifications as an entryman, it must be referred to the Chief of Field Division.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INSTRUCTIONS TO COMPLET



State of Idaho

SS.

County of Cassia

0.3118
U.S. LAND OFFICE
BLACKFOOT, IDAHO
JUN 12 1926
MON 9 A. M.

Joe R. Fitzsimmons of Malta, Cassia County, State of Idaho, being duly sworn, deposes and says, that he is the same person who made----- application to contest Homestead Entry Serial No. 039111 -~~xxx~~ Blackfoot made on July 22, 1921 by Robert A. Hall ^{now} of Oakland or Sebastopol, Calif. for ~~xxxx~~ N E $\frac{1}{4}$ - S $\frac{1}{2}$ N W $\frac{1}{4}$ Sec. 20.--- S $\frac{1}{2}$ N E $\frac{1}{4}$ Sec. 19, - Twp. 14 S. R. 26 E.B.M.---

That such application to make said contest was sent to the Blackfoot, Idaho U.S. Land Office and in return said land office sent affiant ----- one copy of a notice of contest which ^{with a copy of the application to contest} was sent to the defendant by the affiant and contestant by registered mail and received by the defendant as shown by the attached Registry Return Receipt card.-- There being but one copy of this notice of contest affiant had no copy to retain and to either use ~~xx~~ itself or to make copies. There fore cannot furnish an exact copy of the notice of contest.-----

The ~~affiant~~ defendant is located in Oakland California as shown by the attached card and by a letter affiant has in his possession written by the said defendant and contestee asking for permission to remove the fence if he could not sell it to the contestant that he would make--- arrangements to remove the fence if the contestant the said Joe R. Fitzsimmons did not buy it. That said defendant and contestee has ~~failed to make any answer to the said notice~~ failed to make any answer to the said notice. That said defendant is generally known in Idaho as ~~Afton Hall~~. - Joe R. Fitzsimmons

Subscribed and sworn to before me this 8th. day of June, 1926.

Frank Riblett
U.S. Commissioner.

NOTICE OF CONTEST.

(For personal service.)

SERIAL NO. 059111

CONTEST NO. 1118

DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE.

Blackfoot, Idaho,

March 13, 1926.

To Robert A. Hall, of Malta, Idaho, Contestee:

You are hereby notified that Joe E. Pitschmann, who gives Malta, Idaho,

as his post-office address, did on March 13, 1926, file in this office his duly corroborated application to contest and secure the cancellation of your homesteaded Entry, Serial No. 059111

(Kind of entry.) made July 22, 1921, for

Section 20

Township 14 N., Range 26 E., Boise Meridian,

upon the grounds set forth in the copy of said application to contest which is attached to and made a part of this notice.

You are, therefore, further notified that the said allegations will be taken by this office as having been confessed by you, and your said entry will be canceled thereunder without your further right to be heard therein, either before this office or on appeal, if you fail to file in this office, within thirty days after the service of this notice, your answer, under oath, specifically meeting and responding to these allegations of contest, or if you fail within that time to file in this office due proof that you have served a copy of your answer on the said contestant, either in person or by registered mail. If this service is made by the delivery of a copy of your answer to the contestant in person, proof of such service must be either the said contestant's written acknowledgment of his receipt of the copy, showing the date of its receipt, or the affidavit of the person by whom the delivery was made stating when and where the copy was delivered; if made by registered mail, proof of such service must consist of the affidavit of the person by whom the copy was mailed, stating when and the post office to which it was mailed, and this affidavit must be accompanied by the postmaster's receipt for the letter.

You should state in your answer the name of the post office to which you desire future notices to be sent to you.

Register.

Receiver

PROOF OF PERSONAL SERVICE.

STATE OF _____
COUNTY OF _____

being first duly sworn, on his oath says, that he is over the age of 18 years;
that on _____, 19____, he served a copy of the above notice of contest, together with a copy of the affidavit of contest, by *

(Signature.)

Subscribed and sworn to before me _____, 19____

(Official designation.)

RECEIVED
U. S. LAND OFFICE
BLACKFOOT, IDAHO
MAR 19 1926
Hour 9 A M

APPLICATION TO CONTEST

[NOTE.—This application must be filed in duplicate.]

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.

Serial No. 039111

Contest No. 03118

I, the undersigned, Joe R. Fitzsimmons, residing at
Joe R. Fitzsimmons

Malta, Cassia County, Idaho.

being duly sworn, upon my oath state: That I
am well acquainted with the tract of land embraced in Homestead entry entry, Serial No. 039111

made on July 22, 1921, 1921, by Robert A. Hall

whose present place of residence is Sebastopol, Cal. Box 431 RT3, State of

Mrs M. E. Hall, for the NE 1/4 Sec. 20 S 1/4 NE 1/4 Sec. 19

Section 14S, Township 14S, Range

26E Boise Meridian, and know the present condition of the same; that said

land is Arid Land

in character; that in so far as I know the said entry is the only proceeding now pending for the acquisition of title

to said land except That said entry man has never established residence, never

lived on this land, never having built a house, or made any other

improvements, excepting inclosing said land with a fence. And has never

cleared, broke or cultivated any of the said land.

(and that said absence from the land was not due to the entryman's em-
ployment in the military or naval organizations of the United States

or the National Guard of any of the several States;)

that I claim an interest in or desire and intend, if permitted to do so, to acquire title to the said land under the

provisions of Homestead Law law, and state the following

facts which show my qualifications to do so: I am not under the age of twenty-one years, I am a citizen of the United States, or have declared my intention to become such, I have not heretofore made any entry which would disqualify me from making entry under the above-mentioned law, I have not since August 30, 1890, acquired title to, nor am I now claiming under any of the agricultural land laws, an amount of land which, together with the land described above, or the part thereof which I desire to enter, will exceed in the aggregate 320 acres, and I am not the proprietor of more than 160 acres of land in any State or Territory; and I further swear that this contest is not being collusively or speculatively initiated, but is being instituted and will be diligently prosecuted in good faith for the sole privilege of acquiring title to said land or some part thereof in my own and sole interest.

I, therefore, ask that I be permitted to prove the allegations made in this affidavit at such time and place as may be named therefor, and that after proving said allegations, and my payment of all the costs incurred in this proceeding, I be permitted to make entry of laid lands or a part thereof under the laws above specified.

I desire that all papers affecting this contest be served upon me at the following address: Malta Cassia

County, Idaho.

Joe R. Fitzsimmons
(Signature)

I hereby certify that the foregoing affidavit was subscribed and sworn to before me by the affiant named therein,
after it had been read to ~~or~~ by him, in my presence, in Malta Cassia County, Idaho.
on this 11th day of March, 1926, ~~19~~, he, the said affiant, being well
known to me to be the same person he therein represents himself to be, or having been fully made known to me as

~~some person by~~
~~who is well known to me~~
Frank Riblett
U. S. Commissioner.
(Official designation.)

Also appeared, at the same time and place, Fred C. Vosburgh, residing at
Malta, Cassia County, Idaho and
(Post-office address.)

residing at _____, who being duly sworn, depose and say ^{he is} That ~~they are~~
(Post-office address.)
acquainted with the tract described in the above affidavit, and know from personal knowledge and observation that the
statements therein made are true.

x Fred C Vosburgh

I HEREBY CERTIFY that the foregoing affidavit was read to ~~or~~ by affiant, in my presence before affiant affixed
signature thereto; that affiant ^{is} ~~are~~ to me personally known (or have been satisfactorily identified before me by
_____); and that the said affidavit was duly subscribed before me
at Malta, Cassia County, Idaho this 11th day of March, 1926, 19

Frank Riblett
U. S. Commissioner
(Official designation.)

Note.—If the application is filed by a person not seeking to acquire title to or claiming an interest in the land, or
by one who does not show his qualifications as an entryman, it must be referred to the Chief of Field Division.

RECORDED BY THE LAND OFFICE
DATE OF RECORDED BY THE LAND OFFICE

76673-11104-10-000000

DEPARTMENT OF THE INTERIOR.

UNITED STATES LAND OFFICE,

Hailey, Idaho.

Feb. 23, 1923

Walter H. Dean,)
vs)
Robert A. Hall)

Involving Enlarged Homestead Entry,
Serial 026861, made July 22, 1921,
for the S¹NE¹ Sec. 19 and the S¹NW¹:
& NE¹ Sec. 20, T 14 S, R 26 E B. M.

ABATED, CLOSED.

-----0-----

Copy of Docket Entries.

Nov. 18, 1922 Application to contest filed alleging that
said Robert A. Hall has never established resi-
dence on the said lands, and has never perform-
ed any acts of settlement only to break 4 or
5 acres of land and has abandoned the said
lands and is living remote from the same, hav-
ing never built any house or made any other
improvements, thus not complying with the
homestead laws.
(Naval, 7 Military clause included.)

Nov. 16, 1922 Notices for personal service issued.
Copy of Application to G. L. O.

Feb. 22, 1923 Over sixty days having elapsed and no proof
of personal service having been filed or
other action taken, the case is abated and
closed. All papers to G. L. O. with Feb-
ruary returns.

Wm. L. Angel

[MUST BE FILED IN DUPLICATE]

APPLICATION TO CONTEST

NOV 15 1922

DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE

Contest No.

026861

Hailey, Idaho.

Nov. 15, 1922

I, the undersigned, Walter H. Dean, residing at Malta, Cassia Co. Idaho, being duly sworn, upon my oath state: That I am well acquainted with the tract of land embraced in Homestead entry, Serial No. 026861, made on July 22, 1921, by Robert A. Hall, whose present place of residence is Pocatello, Bannock Co. Idaho, State of Idaho, for the S $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{4}$ Section 19, S $\frac{1}{2}$ N W $\frac{1}{2}$ and N E $\frac{1}{4}$ Section 20,

Section , Township 14 South, Range 26 East, Boise Meridian, and know the present condition of the same: that said land is arid in character; that in so far as I know the said entry is the only proceeding now pending for the acquisition of title to said land except

that said Robert A. Hall has never established residence on the said (Here state fully the grounds of the contest.) lands-- and has never performed any acts of settlement only to break 4 or 5 acres of land and has abandoned the said lands and is living remote from the same.--having never built any house or made any other improvements. thus not complying with the homestead laws.

(and that said absence from the land was not due to the entryman's employment in the military or naval organizations of the United States or the National Guard of any of the several States:)*

that I claim an interest in or desire and intend, if permitted to do so, to acquire title to the said land under the provisions of the

Enlarged Homestead Law. law, and state the following facts which show my qualifications to do so: I am not under the age of twenty-one years, I am a citizen of the United States, or have declared my intention to become such, I have not heretofore made any entry which would disqualify me from making entry under the above-mentioned law, I have not since August 30, 1890, acquired title to, nor am I now claiming under any of the agricultural land laws, an amount of land which, together with the land described above, or the part thereof which I desire to enter, will exceed in the aggregate 320 acres, and I am not the proprietor of more than 160 acres of land in any State or Territory; and I further swear that this contest is not being collusively or speculatively initiated, but is being instituted and will be diligently prosecuted in good faith for the sole privilege of acquiring title to said land or some part thereof in my own and sole interest.

I, therefore, ask that I be permitted to prove the allegations made in this affidavit at such time and place as may be named therefor, and that after proving said allegations, and my payment of all the costs incurred in this proceeding, I be permitted to make entry of said lands or a part thereof under the laws above specified.

I desire that all papers affecting this contest be served upon me at the following address: Malta, Cassia County, Idaho.

Walter H. Dean
(Signature.)

*Strike out this statement unless abandonment is alleged as one of the grounds for contest.

I hereby certify that the foregoing affidavit was subscribed and sworn to before me by the affiant named therein, after it had been read to ~~xxx~~ by him, in my presence, in Malta, Cassia County, Idaho. on this eighth day of November, 1922., ~~1921~~, he, the said

affiant, being well known to me to be the same person he therein represents himself to be, or having been fully made known to me as such person by ----- of ----- who is well known to me.

Frank R. Blitt

U.S. Commissioner.
(Official designation of officer.)

Also appeared, at the same time and place, Lemmon L. Wickel residing at Malta, Cassia County, Idaho., and Charles H. Shaw residing at Malta, Cassia County, Idaho., who being duly sworn, depose

and say that ~~they~~ ^{he} ~~are~~ acquainted with the tract described in the above affidavit, and know ~~(x)~~ from personal knowledge and observation that the statements therein made are true. being well acquainted with the said tract of land by personal observation and with the fact upon which the personal knowledge is based.

that the claimant Robert A. Hall never established residence and never maintained any settlement upon the said lands or built any house upon the same. ^{his} not having complied with the homestead laws. That he has ~~never~~ frequently passed over the said lands during the past two years and especially during the past few months with ~~my~~ ^{his} sheep.

Lemmon L. Wickel

(Sign with full Christian name.)

(Sign with full Christian name.)

I HEREBY CERTIFY that the foregoing affidavit was read to ~~xx~~ by affiants in my presence before affiants affixed signatures thereto; that affiants ~~are~~ ^{is} to me personally known ~~or~~ have been satisfactorily identified before me by -----); and that the said affidavit was duly subscribed before me at Malta, Cassia Co. Idaho this ninth ~~eight~~ th day of November, 1922.

Frank R. Blitt

U.S. Commissioner.
(Official designation of officer.)

NOTE.—If the application is filed by a person not seeking to acquire title to or claiming an interest in the land, or by one who does not show his qualifications as an entryman, it must be referred to the Chief of Field Division.

NOTICE OF CONTEST.

(For personal service.)

SERIAL NO. 1949

CONTEST NO. 026861

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.

Hailley, Idaho.

Nov. 16, 1922

To Robert A. Hall of Posatello, Idaho. Contestee:
245 South Main

You are hereby notified that Walter H. Dean, who gives Malta, Idaho

as his post-office address, did on Nov. 15, 1922, 191, file in this office his duly corroborated
application to contest and secure the cancellation of your Homestead Entry No. 026861
(Kind of entry.)

made July 22, 1921, for State Sec. 19 and the N.W. 1/4

Section 20

Township 14 South, Range 26 East Boise Meridian,
upon the grounds set forth in the copy of said application to contest which is attached to and made a part of this notice.

You are, therefore, further notified that the said allegations will be taken by this office as having been confessed by you, and your said entry will be canceled thereunder without your further right to be heard therein, either before this office or on appeal, if you fail to file in this office, within thirty days after the service of this notice, your answer, under oath, specifically meeting and responding to these allegations of contest, or if you fail within that time to file in this office due proof that you have served a copy of your answer on the said contestant, either in person or by registered mail. If this service is made by the delivery of a copy of your answer to the contestant in person, proof of such service must be either the said contestant's written acknowledgment of his receipt of the copy, showing the date of its receipt, or the affidavit of the person by whom the delivery was made stating when and where the copy was delivered; if made by registered mail, proof of such service must consist of the affidavit of the person by whom the copy was mailed, stating when and the post office to which it was mailed, and this affidavit must be accompanied by the postmaster's receipt for the letter.

You should state in your answer the name of the post office to which you desire future notices to be sent to you.

Register.

Receiver.

PROOF OF PERSONAL SERVICE.

STATE OF

COUNTY OF

that on

of contest, by

over the age of 18 years;

a copy of the affidavit

Subscribed and sworn to before me _____, 191

(Official designation.)

[MUST BE FILED IN DUPLICATE]

APPLICATION TO CONTEST

DEPARTMENT OF THE INTERIOR

UNITED STATES LAND OFFICE

RECEIVED

U. S. LAND OFFICE

HAILEY, IDAHO

DATE NOV 15 1922

Serial No. 149

Contest No. 026861

Hailey, Idaho.

Nov. 15, 1922



I, the undersigned, Walter H. Dean, residing at Malta, Cassia Co. Idaho, being duly sworn, upon my oath state: That I am well acquainted with the tract of land embraced in Homestead entry, Serial No. 026861, made on July 22, 1921, by Robert A. Hall, whose present place of residence is Pocatello, Bannock Co. Idaho, State of Idaho, for the S 1/2 N 1/2 E 1/4 Section 19, S 1/2 N W 1/4 and N E 1/4 Section 20, Township 14 South, Range 26 East, Boise Meridian, and know the present condition of the same; that said land is arid in character; that in so far as I know the said entry is the only proceeding now pending for the acquisition of title to said land ~~xxxxx~~

that said Robert A. Hall has never established residence on the said (Here state fully the grounds of the contest.) lands-- and has never performed any acts of settlement only to break 4 or 5 acres of land and has abandoned the said lands and is living remote from the same.--having never built any house or made any other improvements, thus not complying with the homestead laws. (and that said absence from the land was not due to the entryman's employment in the military or naval organizations of the United States or the National Guard of any of the several States:)* that I claim an interest in or desire and intend, if permitted to do so, to acquire title to the said land under the provisions of the Enlarged Homestead Law. law, and state the following facts which show my qualifications to do so: I am not under the age of twenty-one years, I am a citizen of the United States, or have declared my intention to become such, I have not heretofore made any entry which would disqualify me from making entry under the above-mentioned law, I have not since August 30, 1890, acquired title to, nor am I now claiming under any of the agricultural land laws, an amount of land which, together with the land described above, or the part thereof which I desire to enter, will exceed in the aggregate 320 acres, and I am not the proprietor of more than 160 acres of land in any State or Territory; and I further swear that this contest is not being collusively or speculatively initiated, but is being instituted and will be diligently prosecuted in good faith for the sole privilege of acquiring title to said land or some part thereof in my own and sole interest.

I, therefore, ask that I be permitted to prove the allegations made in this affidavit at such time and place as may be named therefor, and that after proving said allegations, and my payment of all the costs incurred in this proceeding, I be permitted to make entry of said lands or a part thereof under the laws above specified.

I desire that all papers affecting this contest be served upon me at the following address: Malta, Cassia County, Idaho.

Walter H. Dean
(Signature.)

*Strike out this statement unless abandonment is alleged as one of the grounds for contest.

I hereby certify that the foregoing affidavit was subscribed and sworn to before me by the affiant named therein, after it had been read to ~~xxx~~ ~~by~~ him, in my presence, in Malta, Cassia County, Idaho, on this eighth day of November, 1922, ~~xxx~~, he, the said affiant, being well known to me to be the same person he therein represents himself to be, ~~or having been truly made known to me as such by~~ ~~the~~ ~~of~~ ~~who~~ ~~is~~ ~~well~~ ~~known~~ ~~to~~ ~~me~~

Frank Riblett
U.S. Commissioner.

(Official designation of officer.)

Also appeared, at the same time and place, Lemmon L. Wickel residing at Malta, Cassia County, Idaho, and Charles H. Shaw residing at Malta, Cassia County, Idaho, who being duly sworn, depose

and say: That ~~xxx~~ ^{he} they ~~xxx~~ ^{are} acquainted with the tract described in the above affidavit, and know ~~(s)~~ from personal knowledge and observation that the statements therein made are true. ~~being well acquainted~~

(Here state the facts)

~~with the said tract of land by personal observation and with the fact upon which the personal knowledge is based.)~~
that the claimant Robert A. Hall never established residence and never maintained any settlement upon the said lands or built any house upon the same. not having complied with the homestead laws. That he has ~~never~~ frequently passed over the said lands during the past two years and especially during the past few months with ^{his} my sheep.

Lemmon L. Wickel

(Sign with full Christian name.)

(Sign with full Christian name.)

I HEREBY CERTIFY that the foregoing affidavit was read to ~~ex~~ ~~by~~ affiants in my presence before affiants affixed signatures thereto; that affiants ^{is} ~~are~~ to me personally known or have been satisfactorily identified before me by _____); and that the said affidavit was duly subscribed before me at Malta, Cassia Co. Idaho this ~~eight~~ ^{eight} ~~day~~ ^(th) day of November, 1922.

Frank Riblett
U.S. Commissioner.

(Official designation of officer.)

NOTE.—If the application is filed by a person not seeking to acquire title to or claiming an interest in the land, or by one who does not show his qualifications as an entryman, it must be referred to the Chief of Field Division.

Fees \$ 10
Comm (Orig) \$ 3
Excess \$
Comm (U.S.) \$
Per Mon \$
Test Fees \$
Interest \$

4-008

(Form approved by the Secretary of the Interior December 14, 1909.)

DEPARTMENT OF THE INTERIOR,

HOMESTEAD ENTRY.

(Act of June 17, 1910)

RECEIVED
U. S. LAND OFFICE
HAILEY, IDAHO

JUL 22 1921

99-77

U. S. LAND OFFICE

SERIAL No. 028851

APPLICATION AND AFFIDAVIT.

RECEIPT No. 2523115

I, Robert A. Hall (Male), a resident of
(Give full Christian name.) (Male or female.)
Malta, Cassia County, Idaho, do hereby apply
(Town, county, and State.)
to enter under the act of June 17, 1910 (36 Stat., 531), the

S 1/2 N E 1/2 Section 19, -- S 1/2 N W 1/2 and N E 1/2 Section 20,
Township 14 South, Range 26 East, Boise Meridian, containing
320 acres, within the Hailey, Idaho land district;

and I do solemnly swear that I am not the proprietor of more than 160

acres of land in any State or Territory; that I
(Applicant must state whether native born, naturalized, or has filed declaration of intention to become a citizen. If not native born, certified copy of naturalization or declaration of intention, as case may be, must be filed with this application.)

am a native born citizen of the United States, and

am over the age of twenty one years and an unmarried man.

(State whether the head of a family, married or unmarried, or over twenty-one years of age, and if not over twenty-one, applicant must set forth the facts which constitute him the head of a family.)

that my postoffice address is Malta, Cassia County, Idaho;
that this application is honestly and in good faith made for the purpose
of actual settlement and cultivation, and not for the benefit of any
other person, persons, or corporation; that I will faithfully and hon-
estly endeavor to comply with all the requirements of law as to settle-
ment, residence, and cultivation necessary to acquire title to the land
applied for; that I am not acting as agent of any person, corporation,
or syndicate in making this entry, nor in collusion with any person,
corporation, or syndicate to give them the benefit of the land entered,
or any part thereof, or the timber thereon; that I do not apply to enter
the same for the purpose of speculation, but in good faith to obtain a
home for myself, and that I have not directly or indirectly made, and
will not make, any agreement or contract, in any way or manner, with any
person or persons, corporation, or syndicate whatsoever, by which the
title which I may acquire from the Government of the United States will
inure in whole or in part to the benefit of any person except myself.
I have not heretofore made any entry under the homestead, timber and
stone, desert land, or preemption laws (~~except~~)

(Here describe former entry or entries by

section, township, range, land district, and number of entry; how perfected, or if not perfected state that fact.)

that I am well acquainted with the character of the land herein applied
for and with each and every legal subdivision thereof, having person-
ally examined same; that there is not to my knowledge within the limits
thereof any vein or lode of quartz or other rock in place bearing gold,
silver, cinnabar, lead, tin, or copper, nor any deposit of coal, placer,
cement, gravel, salt spring, or deposit of salt, nor other valuable
mineral deposit; that no portion of said land is claimed for mining pur-
poses under the local customs or rules of miners, or otherwise; that no
portion of said land is worked for mineral during any part of the year
by any person or persons; that said land is essentially non mineral land,
and that my application therefor is not made for the purpose of fraud-
ulently obtaining title to mineral land; that the land is not occupied
and improved by any Indian, that the lands applied for do not contain

merchantable timber, and no timber ~~except~~

(Here fully describe amount and kind of timber, if any.)

Posted 72 Sept 22, 1921

JUL 22 1921

Affidavit of Fredric W. Price

Attachment 2 Page 42

and that it is not susceptible of successful irrigation at a reasonable cost from any known source of water supply, ~~except for the irrigating purposes~~

~~That a Government map shows that this township~~
(Give the subdivisions and areas of the lands, if any, susceptible of irrigation.)
has been designated under the Enlarged Homestead law,

Robert A. Hall
(Sign here, with full Christian name.)

NOTE.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense. (See Sec. 125, U. S. Criminal Code, below.)

I HEREBY CERTIFY that the foregoing affidavit was read to ~~or by~~ affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known (~~or has been satisfactorily identified before me~~

by _____
(Give full name and post-office address.)

that I verily believe affiant to be a qualified applicant and the identical person hereinbefore described; and that said affidavit was duly sub-

scribed and sworn to before me, at my office, in Malta
(Town)
Cassia County, Idaho, within the Hailey, Idaho
(County and State)
land district, this 14th day
of July, 1921

Frank Riblett
N. S. Commissioner
(Official designation of officer.)

We, Chester J. Slater of Malta, Cassia Co., Idaho
and William Ellis, of Stevell, Cassia Co., Idaho
do solemnly swear that we are well acquainted with the above-named affiant and the lands described, and personally know that the statements made by him relative to the character of the said lands are true.

Chester J. Slater
William Ellis

I HEREBY CERTIFY that the foregoing affidavit was read to ~~or by~~ affiants in my presence before affiants affixed signatures thereto; that affiants are to me personally known (~~or have been satisfactorily identified before me by~~

and that said affidavit was duly subscribed and sworn to before me at Malta, Cassia Co., Idaho this 14th day of July, 1921

Frank Riblett
N. S. Commissioner
(Official designation of officer.)

UNITED STATES LAND OFFICE at Hailey-Idaho

July 22, 1921

I hereby certify that the foregoing application is for surveyed land of the class which the applicant is legally entitled to enter under the act of June 17, 1910; that there is no prior valid adverse right to the same, and has this day been allowed.

Bert R. Shroy
Register

UNITED STATES CRIMINAL CODE.

Sec. 125. Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath, state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than two thousand dollars and imprisoned not more than five years.

COYOTE PRINT.

Affidavit of Fredric W. Price

GENERAL LAND OFFICE

Serial No. 026861

Send Patent to

Appearance by _____

Approved for Patenting _____, 19____ (Twelve)

List No. _____

Patent No. _____

Dated _____, 19____

(Initials)

ACTION TAKEN[illegible]

GENERAL LAND OFFICE

BLACKFOOT Idaho

(Land Office)

Serial No. 039111

COMPLET	
Filed	3/18- 3-13- 1926
Dismissed and	
Finally Closed	192

9-22-26, entry canceled,
case closed, J.E.C.

Send Patent to _____

Appearance by _____

Approved for Patenting _____, 19____ (Initials)

List No. _____

Patent No. _____

Dated _____, 19____

ACTION TAKEN

22-26, To Register, entry canceled, case closed.
To "O" for notation, thence to "D" files. J.E.C. "C"

10/2/26 Noted. K.B.P. 10

11-27-26, no action necessary.
To "D" files. J.E.C. "C"