

AUG 27 2004

DEPARTMENT OF
WATER RESOURCES

To: IDWR
From: Stan & Trish Dowton

Subject: **Proof of Priority for Statutory Claims**

Our property consists of two ranches that we refer to as the Furey Ranch and the Boggeman Ranch. Attached to this note are the patent records from the Public Lands Office for all our property. On the patent records, we have recorded either F or B to denote which ranch the patent refers to. Almost all the land is the result of two Homestead Entries and one old Desert Land Entry.

As far as the homestead entries are concerned. You will, of course, remember the rules. You made an entry and had five years to take it to patent. You had to build a house, live on the homestead at least 6 months of the year, and fence it. You had an option to purchase the property from the government at the end of 3 years for \$1.25/acre. Almost no one exercised the option; however, since, for the most part they didn't have the money and if they purchased it, they had to start paying property taxes.

Just a little history to set the scene. Wilson Ellis was one of the three original settlers of Pahsimeroi Valley. In 1878 he moved to the mouth of Pahsimeroi Valley and settled on what is now the Sydney Dowton Ranch. The town of Ellis and Ellis Creek were named after him. His son, George A. Ellis, ran cattle with his father and homesteaded across the river from his folks. George was married to Mary Helen Johnson Ellis. James M. Shoup married Amnelia Ellis, one of Wilson Ellis' daughters.

Most of the Boggeman Ranch is from the original homestead of James M. Shoup. This property was patented 6/11/1895. That means Mr. Shoup filed the entry in 1890. Since none of this property is river bottom or "subby", the only way he could produce anything was by irrigating it. We claim 6/11/1890 as priority for these lands.

Most of the Furey Ranch is from a Desert Land Entry also by Mr. Shoup. It is our understanding that under the DLE act, you made a nominal payment (we think \$0.50/acre) then had 5 years to "prove up" on the land. To take the land to patent, you had to provide proof that 40% of each legal subdivision in your claim was irrigated and that the system was in place to irrigate all remaining irrigable land. This DLE was patented August 27, 1898. So, the entry was made in 1893. We claim August 27, 1893 for the initiation of irrigation on the lands.

The remainder of the Furey Ranch is from the original Homestead Entry of George A. Ellis. This land was patented February 24, 1900. This would mean that the entry was filed in 1895. We claim February 24, 1895 as a priority date on this land.

The remainder of the Boggeman Ranch is from a Homestead Entry in 1907 and from cash purchases of public domain lands that were not good enough to homestead. Lot 4, S26 T16N R20E is from the homestead of William James patented August 26, 1907. We claim August 26, 1902 on this land.

NENE S35 T16N R20E is from a cash purchase by Mary H. Ellis (the wife of George A.) on February 20, 1913. Since the property all irrigates from the same ditch out of P-5, we suspect, but can't prove, that the irrigable land was developed with the George Ellis homestead. We claim a priority of February 24, 1895 on this land.

The final parcel was purchased from the BLM by Jack Furey in 1965. Most of the land is on the "Furey Hill" and is now owned by Doug Parkinson. The irrigated part below the Custer County Road that we own was developed with the ground adjacent to it. We claim August 26, 1902 on this land.

73-4013 A

73-4014 A

73-4033 A

73-4012 A

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Accession/Serial #: IDIDAA 046027 BLM Serial #: IDIDAA 046027

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Note: This record has not been checked against the Legal Land Patent. We don't have an electronic image for this document.

Names

Patentee: JAMES M SHOUP

Survey

State: IDAHO

Acres: 172.65

Metes/Bounds: No

Title Transfer

Issue Date: 6/11/1895

Land Office: Idaho

Cancelled: No

U.S. Reservations: Yes

Mineral Reservations: No

Authority: May 20, 1862: Homestead Entry Original (12 Stat. 392)

Document Numbers

Document Nr.: 588

Accession/Serial Nr.: IDIDAA 046027

BLM Serial Nr.: IDIDAA 046027

	Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
B	SESE	26/	16-N	20-E	No	Boise	ID	Custer	
B	NWNE	35/	16-N	20-E	No	Boise	ID	Custer	
B	NENW	35/	16-N	20-E	No	Boise	ID	Custer	
	6	26/	16-N	20-E	No	Boise	ID	Custer	
Remarks: LOT 6 OR SWSE QUARTER									
B	8	26/	16-N	20-E	No	Boise	ID	Custer	
Remarks: LOT 8 OF S HALF OF SW									

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Accession/Serial #: IDIDAA 046029 BLM Serial #: IDIDAA 046029

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Note: This record has not been checked against the Legal Land Patent. We don't have an electronic image for this document.

Names

Patentee: GEORGE A ELLIS

Survey

State: IDAHO

Acres: 160

Metes/Bounds: No

Title Transfer

Issue Date: 2/24/1900

Land Office: Idaho

Cancelled: No

U.S. Reservations: Yes

Mineral Reservations: No

Authority: May 20, 1862: Homestead Entry Original (12 Stat. 392)

Document Numbers

Document Nr.: 818

Accession/Serial Nr.: IDIDAA 046029

BLM Serial Nr.: IDIDAA 046029

	<u>Aliquot Parts</u>	<u>Sec./ Block</u>	<u>Township</u>	<u>Range</u>	<u>Fract. Section</u>	<u>Meridian</u>	<u>State</u>	<u>Counties</u>	<u>Survey Nr.</u>
	SESW	25/	16-N	20-E	No	Boise	ID	Custer	
F	NWNE	36/	16-N	20-E	No	Boise	ID	Custer	
	NENW	36/	16-N	20-E	No	Boise	ID	Custer	
F	SWSE	25/	16-N	20-E	No	Boise	ID	Custer	

Accession/Serial #: IDIDAA 046032 **BLM Serial #:** IDIDAA 046032

Note: This record has not been checked against the Legal Land Patent. We don't have an electronic image for this document.

Names

Patentee: WILLIAM JAMES

Survey

State: IDAHO

Acres: 155.2

Metes/Bounds: No

Title Transfer

Issue Date: 8/26/1907

Land Office: Idaho

Cancelled: No

U.S. Reservations: Yes

Mineral Reservations: No

Authority: May 20, 1862: Homestead Entry Original (12 Stat. 392)

Document Numbers

Document Nr.: 1392

Accession/Serial Nr.: IDIDAA 046032

BLM Serial Nr.: IDIDAA 046032

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
NWNE	26/	16-N	20-E	No	Boise	ID	Custer	
2	25/	16-N	20-E	No	Boise	ID	Custer	
Remarks: LOT 2 OR WEST HALF OF NW QUARTER								
1	26/	16-N	20-E	No	Boise	ID	Custer	
Remarks: LOT 1 OR EAST HALF OF NE QUARTER								
3	26/	16-N	20-E	No	Boise	ID	Custer	
Remarks: LOT 3 OR SWNE QUARTER								
B 4	26/	16-N	20-E	No	Boise	ID	Custer	
Remarks: LOT 4 OR WEST HALF OF SE QUARTER								

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Accession/Serial #: 316547 BLM Serial #: IDH 0001211

Names

Patentee: MARY H ELLIS

Survey

State: IDAHO

Acres: 200

Metes/Bounds: No

Title Transfer

Issue Date: 2/20/1913

Land Office: Hailey

Cancelled: No

U.S. Reservations: Yes

Mineral Reservations: No

Authority: April 24, 1820: Sale-Cash Entry (3 Stat. 566)

Document Numbers

Document Nr.: 01211

Accession/Serial Nr.: 316547

BLM Serial Nr.: IDH 0001211

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
S½NE	35/	16-N	20-E	No	Boise	ID	Custer	
N½SE	35/	16-N	20-E	No	Boise	ID	Custer	
B NENE	35/	16-N	20-E	No	Boise	ID	Custer	

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Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
W½SW	25/	16-N	20-E	No	Boise	ID	Custer	

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