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Denver • Boise
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eroboise@eroresources.com

RECEIVED
DEC 23 2004
DEPARTMENT OF
WATER RESOURCES

December 21, 2004

Carter Fritschle
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: Water Right No. 78-4002B

Dear Carter:

Some months back, you and I discussed the investigation of water right claims in the south fork of the Salmon River basin. As I indicated to you during our conversation I have been retained by Mr. J.W. Whitman to provide you with whatever information you need for your recommendation to the adjudication court with regard to water right no. 78-4002B. The primary reason that Mr. Whitman asked me to provide you this information is that he is at least in part an absentee landowner and it is difficult to predict when he will be on the property. The property is at a very long gated road, which demands that someone be at the site if an examination is necessary. However, as you and others in the Department have indicated, if sufficient information is available to you, you may find it unnecessary to conduct a field examination. Hopefully this information will be sufficient for you but if not please contact me and I will try to provide you with the additional information required.

I visited the Whitman property personally in August and September 2004. The first investigation was a reconnaissance survey of Mr. Whitman's ranch, his irrigation facilities, and the irrigated land. The second trip was on September 15, 2004 at which time I returned to the site equipped to take measurements of slope and ditch geometry as well as photographs of the ranch property and irrigated lands in an effort to determine present and historical ditch configurations and capacities. Ditch configuration measurements were taken with an engineering tape measure, and level and slope was determined using a standard surveyors level instrument which is able to be observed in one of the photographs provided as a part of this packet. Ditch capacities were calculated by Mr. Dave Shaw, Professional Engineer and Principal of ERO Resources Corp., using the Mannings formula for elliptical channels. Measurements were taken both in existing and historical ditches in an effort to determine minimum capacities. At the time of the measurements, significant rain had fallen and I was unable to reach the actual diversion point from Elk Lake Creek, which is shown on the enclosed portion of the topographic map. However, if in the future it is necessary to obtain an exact location of the points of diversion and you need photographs, I can obtain that later during the summer of 2005. I believe, however, the locations of the points of diversion as shown on the topographic map are accurate. During our discussion you indicated that you thought it would be relatively easy to determine the irrigated acreage using your satellite imagery database. Obviously that

would be much easier than field measurements and probably more accurate. Hopefully such measurements from imagery will be adequate.

Also during our discussion you provided me with some suggestions and the absolute need of some sort of evidence of priority. I have contacted the U.S. Department of Interior Bureau of Land Management (BLM) offices throughout this region as well as accessing the BLM database through the internet and have been in contact with the Idaho County Assessors Office. In all cases the individuals I spoke to clearly felt that since the land was developed under the Homestead Act that it had been cultivated and irrigated at least as of the date of entry since one requirement of the Homestead Act was that land had to be cultivated and improved. The Idaho County Assessors Office staff told me that they knew of no land in their area developed under the Homestead Act of 1862 that was not cultivated and used as farmland in its original development. Mr. Fred Price, water rights specialist for the BLM, provided me with information from the BLM records and indicated that with regard to this particular land that the initial patent, number 3575, was issued in 1907 pursuant to the Federal Act of April 21, 1820. That act did not have a farming requirement and was a purchase directly from the federal government. However, the other three patents, which cover most of the ranch land, were issued between 1910 and 1919 pursuant to the act of May 20, 1862. That act allows transfer of title from the federal government to an individual only if they meet the requirement in section 6 which is "that said entry is made for the purpose of actual settlement and cultivation." It seems to me based on the patents and the requirements of the Homestead Act at least, that a priority date of as early of 1904 (the date of entry) or somewhere between 1910 and 1919 is reasonable. However, I will keep looking for additional information regarding priority and if I find any new information it will be provided.

Carter, I have enclosed as much information as I can with regard to this water right, which I believe should provide you with the information that you need. However, if you do need additional materials I would appreciate it if you would call me directly and I will see what I can obtain. I will be in Cascade at home until the 2nd or 3rd of January at telephone number (208) 382-6611. After that you should be able to reach me at (208) 484-9339. It will be difficult to reach me by mail since between January 3rd and April 15th I will be traveling in warmer areas. Again, thank you for your assistance in this matter and I look forward to working with you in the future.

Sincerely yours,

Dictated and edited by Sherl Chapman
and mailed in his absence in order
to avoid delay.

Sherl L. Chapman

SLC:sw

Encl.

cc: J.W. Whitman

I. Water Right Claim

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 78-4002B
Date Received: 10/27/1989
Receipt No: C012567
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

J W WHITMAN INC
10 VILLAGE CENTER DR
READING PA USA 19607

Phone: (610) 775-3351

2. Date of Priority: 06/01/1898

3. Source: ELK CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
22N	01E	26	NE NW NW	IDAHO	
22N	01E	23	SE NE SW	IDAHO	

5. Description of diverting works:

CONCRETE HEADGATES WITH DITCHES

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	4/15 10/15	2.8	
STOCKWATER	1/01 12/31	0.03	

7. Total Quantity Appropriated is:
2.83 C.F.S.

8. Total consumptive use:

"420.0 Acres Feet Per Annum"

9. Non-irrigation uses:

"Stock / 75 Head of Cattle"

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	01E	22	NE	SE	IRRIGATION	18
			SE	SE	IRRIGATION	38
			NE	SE	STOCKWATER	
			SE	SE	STOCKWATER	
Section Acres						56
22N	01E	23	NW	SW	STOCKWATER	
			SW	SW	STOCKWATER	
			NW	SW	IRRIGATION	15
			SW	SW	IRRIGATION	18
Section Acres						33
22N	01E	26	NW	NW	IRRIGATION	10
			NW	NW	STOCKWATER	
Section Acres						10
22N	01E	27	NE	NE	STOCKWATER	
			SE	NE	STOCKWATER	
			NE	NE	IRRIGATION	38
			SE	NE	IRRIGATION	3
Section Acres						41
Total Acres						140

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DB 8/10/2004

OWNERSHIP CHANGED BY LH 10/8/97.

15. Basis of Claim: Statutory Claim

II. Ownership Documents



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 10-1-97

LEGAL DESCRIPTION OF PROPERTY: Township 22N Range 1E
Section , 1/4 of 1/4 of 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .

(SEE
ATTACHMENTS)

If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s) Assigned by IDWR: A-78-04002B

☒ Name and Address of Former Owner/Claimant(s)(Seller): Idaho Holdings, J.S. Lausmann, Mg. Partner
P.O. Box 1608
Medford, Oregon 97501

☒ New Owner/Claimant (Purchaser): J.W. Whitman, Inc,
10 Village Center Drive

☒ New Mailing Address: Reading, PA 19607

☒ New Telephone Number: (610) 775 - 3351

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☒ Attach proof of ownership, describe proof attached: WARRANTY DEED DATED 9/29/97; QUIT CLAIM DEED DATED 9/29/97
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s): J.W. Whitman Pres. Date 5/11/98

Date _____

☐ Signature of Former Owner/Claimant(s): _____ Date _____

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

COMPUTER 11
INDEXED 11
TRACTED 11
FILMED 11
ASSESSOR 11

396324

WARRANTY DEED

For Value Received, IDAHO HOLDINGS PARTNERSHIP; CLIFTON A. POWELL AND ROBERTA G. POWELL, HUSBAND AND WIFE; JERRY S. LAUSMANN AND DONNIS O. LAUSMANN, HUSBAND AND WIFE

the Grantors, do hereby grant, bargain, sell and convey unto
J.W. WHITMAN INC., A PENNSYLVANIA CORPORATION

whose address is: 10 VILLAGE CENTER DRIVE,
READING, PENNSYLVANIA 19507-3397

the Grantee, the following described premises, to-wit:

SEE ATTACHED AS EXHIBIT "A"

TOGETHER WITH ANY AND ALL WATER AND MINERAL RIGHTS APPERTAINING
THERETO.

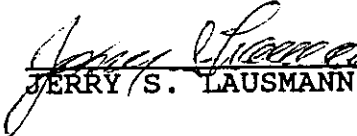
TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 1997 taxes and assessments and easements shown of record and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 9/29/97

IDAHO HOLDINGS PARTNERSHIP


JERRY S. LAUSMANN, GENERAL PARTNER

CLIFTON A. POWELL


JERRY S. LAUSMANN

ROBERTA G. POWELL


DONNIS O. LAUSMANN

State of OREGON)
) ss
County of JACKSON)

On the 29th day of September, A.D. 1997, before me
Sharon R. DuBois a notary public in and for
said state, personally appeared Jerry S. Lausmann known to me to
be one of the partners in the partnership of Idaho Holdings
Partnership and the partner or one of the partners who subscribed
said partnership name to the foregoing instrument, and acknowledged
to me that he executed the same in said partnership name.

Sharon R. DuBois
Notary Public
Residing at: Central Point, OR
Commission Expires:



State of OREGON)
) ss
County of JACKSON)

On the 29th day of September 1997 before me,
Sharon R. DuBois
a notary public in and for said State, personally appeared
JERRY S. LAUSMANN AND DONNIS O. LAUSMANN
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

Sharon R. DuBois
Notary Public
Residing at: Central Point, OR
Commission Expires:



State of)
) ss
County of)

On the day of , 1997 before me,

a notary public in and for said State, personally appeared
CLIFTON A. POWELL AND ROBERTA G. POWELL
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

Notary Public
Residing at:
Commission Expires:

WARRANTY DEED

For Value Received, IDAHO HOLDINGS PARTNERSHIP; CLIFTON A. POWELL AND ROBERTA G. POWELL, HUSBAND AND WIFE; JERRY S. LAUSMANN AND DONNIS O. LAUSMANN, HUSBAND AND WIFE

the Grantors, do hereby grant, bargain, sell and convey unto
J.W. WHITMAN INC., A PENNSYLVANIA CORPORATION

whose address is: 10 VILLAGE CENTER DRIVE,
READING, PENNSYLVANIA 19507-3397

the Grantee, the following described premises, to-wit:

SEE ATTACHED AS EXHIBIT "A"

TOGETHER WITH ANY AND ALL WATER AND MINERAL RIGHTS APPERTAINING
THERETO.

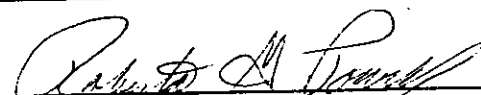
TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 1997 taxes and assessments and easements shown of record and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 9-29-87

IDAHO HOLDINGS PARTNERSHIP

JERRY S. LAUSMANN, GENERAL PARTNER


CLIFTON A. POWELL


ROBERTA G. POWELL

JERRY S. LAUSMANN

DONNIS O. LAUSMANN

State of)
) ss
County of)

On the _____ day of _____, A.D. 1997, before me
_____ a notary public in and for
said state, personally appeared Jerry S. Lausmann known to me to
be one of the partners in the partnership of Idaho Holdings
Partnership and the partner or one of the partners who subscribed
said partnership name to the foregoing instrument, and acknowledged
to me that he executed the same in said partnership name.

Notary Public
Residing at:
Commission Expires:

State of)
) ss
County of)

On the _____ day of _____, 1997 before me,
_____ a notary public in and for said State, personally appeared
JERRY S. LAUSMANN AND DONNIS O. LAUSMANN
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

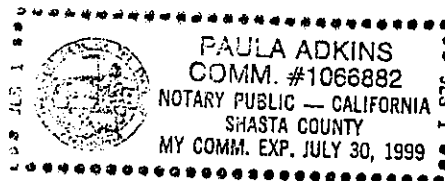
Notary Public
Residing at:
Commission Expires:

State of California)
) ss
County of Shasta)

On the 29th day of September, 1997 before me, Paula Adkins

a notary public in and for said State, personally appeared
CLIFTON A. POWELL AND ROBERTA G. POWELL
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

Paula Adkins
Notary Public
Residing at:
Commission Expires:



File No. 12358

SCHEDULE C

Parcel 1:

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 22: S½NE¼, SE¼
Section 23: SW¼NW¼, W½SW¼, SE¼SW¼ west of Main Elk Creek
Section 26: NW¼NW¼ West of Main Elk Creek
Section 27: NE¼NE¼, SE¼NE¼ North of Elk Creek

LESS AND EXCEPTING the following parcels:

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 23: Tax No. 81: That part of the SW¼NW¼ which is defined as follows: Beginning at the N 1/16th corner between Sections 22 and 23, which corner lies S.0°28'19"E., 1,323.058 feet from the NW corner of said Section 23, thence S.74°14'32"E., 671.438 feet; thence S.15°11'03"E., 104.811 feet; thence S.10°11'03"E., 367.122 feet; thence S.34°38'23"E., 400.449 feet; thence S.81°45'01"E., 365.354 feet to the east line of the SW¼NW¼; thence N.0°17'55"W., 1,013.442 feet to the NE corner of said SW¼NW¼; thence N.89°25'27"W., 1,322.550 feet back to the point of beginning.

ALSO LESS

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Sections 23 and 26: Tax No. 72: Beginning at the Section corner common to Sections 22, 23, 26 and 27; thence East 165 feet to the Real Point of Beginning; thence South 264 feet to an iron pin; thence West 165 feet to an iron pin on the section line common to Sections 26 and 27; thence South 528 feet along the Section line to an iron pin; thence East 495 feet to an iron pin; thence North 264 feet to an iron pin; thence East 82.5 feet to an iron pin; thence North 528 feet to an iron pin; thence East 82.5 feet to an iron pin; thence North following the Westerly side of the Elk Lake Road approximately 528 feet to an iron pin; thence West 330 feet to an iron pin; thence South 264 feet to an iron pin; thence West 165 feet to an iron pin; thence South 264 feet to an iron pin, which is the Real Point of Beginning.

continued....

File No. 12358

SCHEDULE C - continued:

Parcel 2:

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 23: Tax No. 80: Those parts of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and
NE $\frac{1}{4}$ SW $\frac{1}{4}$ which are described by a survey as follows:
Beginning at the West $\frac{1}{4}$ corner of said Section 23,
thence S.89°33'53"E., 1,318.497 feet to the SW corner of
the SE $\frac{1}{4}$ NW $\frac{1}{4}$,
thence N.0°17'55"W., 306.314 feet to the initial point of
beginning on the West line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$,
thence S.81°45'01"E., 182.832 feet;
thence N.16°03'36"E., 543.239 feet;
thence N.21°22'18"E., 550.049 feet to a point on the
North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$,
thence N.21°22'18"E., 118.601 feet;
thence N.46°12'14"E., 750.222 feet;
thence S.56°05'24"E., 93.929 feet;
thence S.14°59'29"W., 231.318 feet;
thence S.45°45'21"W., 82.410 feet;
thence S.2°47'31"W., 234.922 feet;
thence S.35°48'28"W., 82.060 feet to the North line of
SE $\frac{1}{4}$ NW $\frac{1}{4}$;
thence S.35°48'28"W., 100.298 feet;
thence S.1°38'37"E., 429.598 feet;
thence S.28°59'17"W., 378.956 feet;
thence S.30°23'09"E., 237.862 feet;
thence S.18°03'21"E., 283.547 feet to the North line of
the NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence S.18°03'21"E., 17.783 feet;
thence S.11°14'14"E., 215.132 feet;
thence S.13°30'34"W., 239.374 feet;
thence S.0°33'45"W., 349.694 feet;
thence S.8°19'07"W., 205.150 feet;
thence S.35°22'04"W., 186.870 feet;
thence S.15°40'12"W., 162.131 feet to the South line of
the NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence N.89°43'22"W., 802.330 feet to the SW corner of
NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence N.0°08'25"E., 1,325.488 feet to the NW corner of
NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence N.0°17'55"W., 306.314 feet back to the initial
point of beginning.

continued....

File No. 12358

SCHEDULE C - continued:

ALSO LESS

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 27: Tax No. 76: Beginning at the Section corner common to
Sections 22, 23, 26 and 27, Township 22 North, Range 1
East, B.M.,
thence South 2,020 feet to a point on the North side of
the Elk Creek Road on the Section line;
thence S.60°W. along the North side of the Elk Creek Road
250 feet to a point, the Real Point of Beginning;
thence N.60°W., 200 feet to a point;
thence North 218 feet to a point;
thence S.60°E., 200 feet to a point;
thence South 218 feet to the True Point of Beginning.

ALSO LESS

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 27: Tax No. 78: Beginning at the Section corner common to
Sections 22, 23, 26 and 27 of said Township and Range,
thence South 2,020 feet to a point on the North side of
the Elk Creek Road on the Section line, which is the True
Point of Beginning;
thence S.60°W. along the North side of the Elk Creek Road
250 feet to a point;
thence North 295.75 feet to a point;
thence N.60°E., 250 feet to a point on the Section line;
thence South along the section line 295.75 feet to the
True Point of Beginning.

ALSO LESS

ELK CREEK HYDROELECTRIC PROJECT POWERHOUSE
Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 27: Part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ more particularly described as
follows: Beginning at the 1/16th corner common to
SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27,
thence N.00°34'17"W., 80 feet to the true point of
beginning, of said powerhouse parcel,
thence N.00°34'17"W., 140 feet,
thence East 130 feet,
thence South 140 feet,
thence West 130 feet, back to the True Point of
Beginning.

continued....

File No. 12358

SCHEDULE C - continued:

(Parcel 2 - continued)

LESS THE FOLLOWING DESCRIBED PARCEL:

ELK CREEK HYDROELECTRIC PROJECT DIVERSION

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Section 23: Part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ more particularly described as follows: Beginning at the North 1/16th corner between sections 22 and 23,
thence S.89°25'27"E., 1854.221 feet,
thence N.21°22'18"E., 118.601 feet,
thence N.46°12'14"E., 750.222 feet, to the True Point of Beginning of said intake parcel,
thence East 220 feet,
thence South 140 feet,
thence West 220 feet,
thence North 140 feet back to the point of beginning.

Parcel 3:

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Section 26: Tax No. 77: Beginning at the section corner common to Sections 22, 23, 26 and 27, Twp. 22 N., Rge. 1 E., B.M.,
thence South along the section line 1,320 feet to a point on the section line which is the True Point of Beginning,
thence East 250 feet to a point,
thence South 276 feet, more or less, to a point on the existing fence line,
thence S.83°W. along the existing fence line 255 feet, more or less, to a point on the section line,
thence North 312.50 feet, more or less, to the True Point of Beginning.

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Section 26: Tax No. 79: Beginning at the section corner common to sections 22, 23, 26 and 27, Twp. 22 N., Rge. 1 E., B.M.,
thence South along the section line 1,320 feet, more or less, to a point on the South West corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 26, Twp. 22 N., Rge. 1 E., B.M.,
thence 250 feet due East to the True Point of Beginning,
thence East 550 feet, more or less, to the center of Elk Creek,
thence Southwesterly along the centerline of Elk Creek 150 feet, more or less, to the North existing fence line of the Sigurd A. Ulstad property,
thence S.75°W., along the North existing fence line 528 feet, more or less, to the Easterly boundary fence line of the W.M. Roberts property,
thence North 279 feet, to the True Point of Beginning.

END OF SCHEDULE C

Schroeder & Lezamiz
Law Offices, LLP
447 West Myrtle
Post Office Box 267
Boise, Idaho 83701-0267

JOHN T. SCHROEDER
MARGARET M. LEZAMIZ
W. ALAN SCHROEDER*

*Admitted in Idaho & Washington
*E-MAIL rangelow@micron.net

ELAINE E. ANDERSON
Certified Lawyer's Assistant

TELEPHONE (208) 384-1627
TELECOPY (208) 384-1833

May 11, 1998

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Notice of Claim to a Water Right No. A78-04002B - J.W.
Whitman, Inc.

Dear IDWR:

Please notify me or advise of all matters related to this
claim unless or until otherwise informed in writing.

Very truly yours,

SCHROEDER & LEZAMIZ

By W. Alan Schroeder
W. Alan Schroeder

cc: Colette Meyer, Esq.
America Plaza, Suite 400
1070 E. Indiantown Road
Jupiter, Florida 33477

Filed and recorded at the request of Blaine County Title
at 1:35 o'clock P M this 22nd day of Oct 1927

By _____
Deputy

Paul Gehring
Ex-Officio Auditor and Recorder
Blaine County, Idaho

Fee \$ 24.00

M/Vault

396325

QUITCLAIM DEED

COMPUTER 1 1
INDEXED 1 1
TRACTED 1 1
FILMED 1 1
REPRODUCTION 1 1

For Value Received, IDAHO HOLDINGS PARTNERSHIP; CLIFTON A. POWELL
AND ROBERTA G. POWELL, HUSBAND AND WIFE; JERRY S. LAUSMANN AND
DONNIS O. LAUSMANN, HUSBAND AND WIFE

hereby conveys, releases, remises and forever quits claim unto
J.W. WHITMAN, INC. A PENNSYLVANIA CORPORATION

whose address is : 10 VILLAGE CENTER DRIVE
READING, PENNSYLVANIA 19507-3397

the following premises, to wit:

SEE ATTACHED AS EXHIBIT "A"

This property is also known as the Diversion Site and Power Plant
parcels.

Dated: 9/29/97
IDAHO HOLDINGS PARTNERSHIP


JERRY S. LAUSMANN, GENERAL PARTNER

CLIFTON A. POWELL


JERRY S. LAUSMANN

ROBERTA G. POWELL

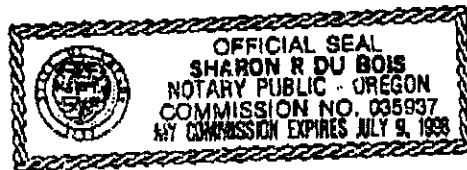

DONNIS O. LAUSMANN

Notary Public
Residing at:
Commission Expires:

State of Oregon)
County of Jackson) ss

On the 29th day of September, A.D. 1997, before me
Sharon R. DuBois a notary public in and for
said state, personally appeared Jerry S. Lausmann known to me to
be one of the partners in the partnership of Idaho Holdings
Partnership and the partner or one of the partners who subscribed
said partnership name to the foregoing instrument, and acknowledged
to me that he executed the same in said partnership name.

Sharon R. DuBois
Notary Public
Residing at: Central Point, OR
Commission Expires:



State of Oregon)
County of Jackson) ss

On the 29th day of September, 1997 before me,
Sharon R. DuBois
a notary public in and for said State, personally appeared
JERRY S. LAUSMANN AND DONNIS O. LAUSMANN
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

Sharon R. DuBois
Notary Public
Residing at: Central Point, OR
Commission Expires:



State of)
County of) ss

On the day of , 1997 before me,
a notary public in and for said State, personally appeared
CLIFTON A. POWELL AND ROBERTA G. POWELL
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

Notary Public
Residing at:
Commission Expires:

QUITCLAIM DEED

For Value Received, IDAHO HOLDINGS PARTNERSHIP; CLIFTON A. POWELL
AND ROBERTA G. POWELL, HUSBAND AND WIFE; JERRY S. LAUSMANN AND
DONNIS O. LAUSMANN, HUSBAND AND WIFE

hereby conveys, releases, remises and forever quits claim unto
J.W. WHITMAN, INC. A PENNSYLVANIA CORPORATION

whose address is : 10 VILLAGE CENTER DRIVE
READING, PENNSYLVANIA 19507-3397

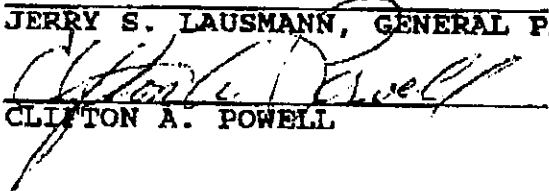
the following premises, to wit:

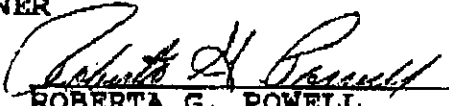
SEE ATTACHED AS EXHIBIT "A"

This property is also known as the Diversion Site and Power Plant
parcels.

Dated: 9-29-92
IDAHO HOLDINGS PARTNERSHIP

JERRY S. LAUSMANN, GENERAL PARTNER


CLIFTON A. POWELL


ROBERTA G. POWELL

JERRY S. LAUSMANN

DONNIS O. LAUSMANN

Notary Public
Residing at:
Commission Expires:

State of)
) ss
County of)

On the _____ day of _____, A.D. 1997, before me
a notary public in and for
said state, personally appeared Jerry S. Lausmann known to me to
be one of the partners in the partnership of Idaho Holdings
Partnership and the partner or one of the partners who subscribed
said partnership name to the foregoing instrument, and acknowledged
to me that he executed the same in said partnership name.

Notary Public
Residing at:
Commission Expires:

State of)
) ss
County of)

On the _____ day of _____, 1997 before me,
a notary public in and for said State, personally appeared
JERRY S. LAUSMANN AND DONNIS O. LAUSMANN
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

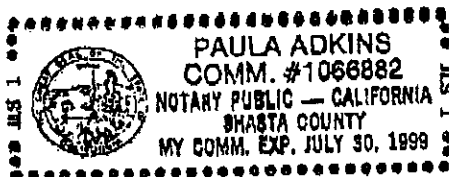
Notary Public
Residing at:
Commission Expires:

State of California)
) ss
county of Shasta)

On the 29th day of September, 1997 before me, Paula Adkins

a notary public in and for said State, personally appeared
CLIFTON A. POWELL AND ROBERTA G. POWELL
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

Paula Adkins
Notary Public
Residing at:
Commission Expires:



ELK CREEK HYDROELECTRIC PROJECT DIVERSION

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Section 23: Part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ more particularly described as follows: Beginning at the North 1/16th corner between sections 22 and 23,
 thence S. 89° 25' 27" E., 1854.221 feet,
 thence N. 21° 22' 18" E., 118.601 feet,
 thence N. 46° 12' 14" E., 750.222 feet, to the True Point of Beginning of said intake parcel,
 thence East 220 feet,
 thence South 140 feet,
 thence West 220 feet,
 thence North 140 feet back to the point of beginning.

ELK CREEK HYDROELECTRIC PROJECT POWERHOUSE

Township 22 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Section 27: Part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ more particularly described as follows: Beginning at the 1/16th corner common to SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27,
 thence N. 00° 34' 17" W., 80 feet to the true point of beginning, of said powerhouse parcel,
 thence N. 00° 34' 17" W., 140 feet,
 thence East 130 feet,
 thence South 140 feet,
 thence West 130 feet, back to the True Point of Beginning.

Filed and recorded at the request of Idaho City Title
 at 1:35 o'clock P M this 22nd day of Oct 1997

By _____
 Deputy

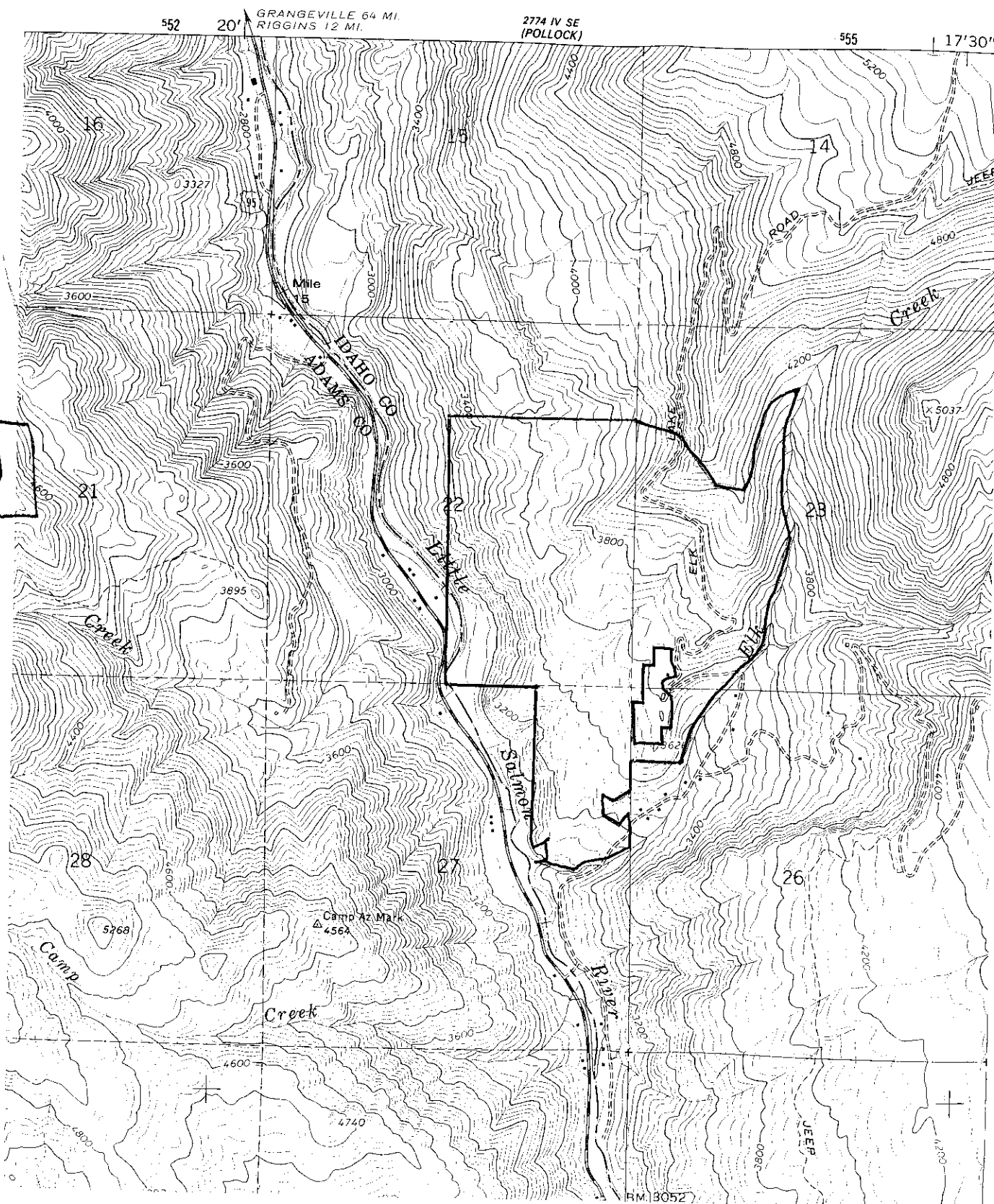
Ex-Officio Auditor and Recorder
 Idaho County, Idaho

Fee \$ 15.00

m/Vault



R1E



III. BLM Land Patent Documents – Internet



Bureau of Land Management - General Land Office Records

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Land Patent Details

[? Quick Help](#) [✓ Bookmark](#)[Home](#) > [Land Patent Search](#) > [Results List](#) > [Land Patent Details](#)**Accession/Serial #:** IDIDAA 031839 **BLM Serial #:** IDIDAA 031839[← print](#)[/ Patent Description](#) [\ Legal Land Description](#) [M Document Image](#) [M Certified Copy](#) [\](#)

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

Names

Patentee: JOHN H CLAY

Survey

State: IDAHO**Acres:** 80**Metes/Bounds:** No

Title Transfer

Issue Date: 12/19/1907**Land Office:** Idaho**Cancelled:** No**U.S. Reservations:** Yes**Mineral Reservations:** No**Authority:** April 24, 1820: Sale-Cash Entry (3 Stat. 566)

Document Numbers

Document Nr.: 3575**Accession/Serial Nr.:** IDIDAA 031**BLM Serial Nr.:** IDIDAA 031[Home](#) | [Search Land Patents](#) | [Visitors Center](#) | [FAQ](#) | [View Cart](#) | [Contact Us](#) | [Help](#)



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Land Patent Details

[? Quick Help](#) [✓ Bookmark](#)[Home](#) > [Land Patent Search](#) > [Results List](#) > [Land Patent Details](#)**Accession/Serial #:** IDIDAA 031839 **BLM Serial #:** IDIDAA 031839[◀ prev](#)[/ Patent Description](#) [/ Legal Land Description](#) [/ Document Image](#) [/ Certified Copy](#) [/](#)

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

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties
E½SE	22/	22-N	1-E	No	Boise	ID	Idaho

Note: Legal land descriptions can be used to help find the precise location of the land. For more information, please see description of the [Rectangular Survey System](#).

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Boise 06271.

4-1008-R

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Boise, Idaho,**
has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,
"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of
Claude J. Hendricks
has been established and duly consummated, in conformity to law, for the **west half of the northwest quarter**
and the west half of the southwest quarter of Section twenty-three in Town-
ship twenty-two north of Range one east of the Boise Meridian, Idaho, con-
taining one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described;
TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of
the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and
rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws,
and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the
authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made
Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **FOURTH**

(SEAL)

day of **MARCH** In the year of our Lord one thousand
nine hundred and **FIFTEEN** and of the Independence of the

United States the one hundred and **THIRTY-NINTH.**

By the President:

By

Woodrow Wilson
M. P. Leary Secretary,
L. B. Lamar
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **461238**

6-6177

1381729

The United States of America,

On all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Boise, Idaho,**
has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,
"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of
Rufus A. Hendricks
has been established and duly consummated, in conformity to law, for the **northwest quarter of the north-**
west quarter of Section twenty-six in Township twenty-two north of Range
one east of the Boise Meridian, Idaho, containing forty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described;
TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of
the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and
rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws,
and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the
authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made
Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **THIRTEENTH**

(SEAL)

day of **AUGUST** in the year of our Lord one thousand
nine hundred and **FOURTEEN** and of the Independence of the
United States the one hundred and **THIRTY-NINTH.**

By the President:

By

Woodrow Wilson,
M. K. Gulick, Assistant Secretary,
John O'Connell,
Acting Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **425603**

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **BOISE, IDAHO,**
has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,
"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of
JOHNIE M. SLAY
has been established and duly consummated, in conformity to law, for the **EAST HALF OF THE NORTHEAST QUARTER**
AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION TWENTY-SEVEN IN TOWN-
SHIP TWENTY-TWO NORTH OF RANGE ONE EAST OF THE BOISE MERIDIAN, IDAHO, CON-
TAINING ONE HUNDRED SIXTY ACRES,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described;
TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of
the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and
rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws,
and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the
authority of the United States.

IN TESTIMONY WHEREOF, I, **WILLIAM M. TAFT**

President of the United States of America, have caused these letters to be made
Patent, and the seal of the General Land Office to be hereunto affixed,

GIVEN under my hand, at the City of Washington, the **TWENTY-SECOND**
day of **SEPTEMBER** In the year of our Lord one thousand
nine hundred and **TEN** and of the Independence of the
United States the one hundred and **THIRTY-FIFTH.**

By the President:

By

W. H. Taft
H. P. Le Roy Secretary,
H. W. Thompson
Recorder of the General Land Office.

(SEAL)

RECORD OF PATENTS: Patent Number

153577

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Boise, Idaho,** has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Maurice J. M. Fagan** has been established and duly consummated, in conformity to law, for the west half of the southeast quarter, the northeast quarter of the southwest quarter, the southeast quarter of the northwest quarter, the south half of the northeast quarter, and the southeast quarter of the southeast quarter of Section twenty-three and the southwest quarter of the southwest quarter of Section twenty-four in Township twenty-two north of Range one east of the Boise Meridian, Idaho, containing three hundred twenty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson,**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the SEVENTH

day of MAY In the year of our Lord one thousand nine hundred and TWENTY and of the Independence of the United States the one hundred and FORTY-FOURTH.

By the President: *Woodrow Wilson*
 By *W. P. LeRoy*, Secretary.
E. P. C. Samson,
 Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **748429**

9-1001

1257 438

(SEAL)

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Boise, Idaho,** has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Frank E. Hendricks** has been established and duly consummated, in conformity to law, for the **southeast quarter of the southwest quarter of Section twenty-three and the east half of the northwest quarter and the southwest quarter of the northwest quarter of Section twenty-six in Township twenty-two north of Range one east of the Boise Meridian, Idaho,** containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **THIRTEENTH** day of **AUGUST** In the year of our Lord one thousand nine hundred and **EIGHTEEN** and of the Independence of the United States the one hundred and **FORTY-THIRD**.

By the President: *Woodrow Wilson*
By *W. P. Le Roy* Secretary.
S. B. Samuels
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **644263**

The United States of America,

Us all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho,

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,

"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

Chester A. Hendricks

has been established and duly consummated, in conformity to law, for the south half of the northeast quarter and the west half of the southeast quarter of Section twenty-two in Township twenty-two north of Range one east of the Boise Meridian, Idaho, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson,

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the SEVENTH

(SEAL)

day of NOVEMBER In the year of our Lord one thousand

nine hundred and EIGHTEEN and of the Independence of the

United States the one hundred and FORTY-THIRD.

By the President:

By

Woodrow Wilson
W. P. Le Roy Secretary.
S. P. C. Samson
 Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number 653121

Sec 26

United States

To

Rufus A. Hendricks.

Boise 06272

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Rufus A. Hendricks, has been established and duly consummated in conformity to law, for the

northwest quarter of the northwest quarter of Section twenty-six in Township twenty-two north of Range one east of the Boise Meridian, Idaho, containing forty acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described;

TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed. Given under my hand, at the City of Washington, the Thirteenth day of August, in the year of our Lord one thousand nine hundred and Fourteen and of the Independence of the United States the one hundred and Thirty-ninth.

" United States "
" General Land Office. "

Recorded: Patent Number 425803

By the President: Woodrow Wilson

By M. K. Gulick, Assistant Secretary

John O'Connell, Acting Recorder of the General Land

State of Idaho }
County of Idaho } ss.

Filed for record in the office of the Recorder of Idaho County, at the request of A. E. Lucas on the 28 day of Jan. A. D. 1915 at 9 o'clock A. M.

Fee. \$1.00.

John P. Eimers, County Recorder.

584

19451.

455

Oct.15, 1910

HD.

Boise 085.

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, greeting;

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Johnie H. Clay, has been established and duly consummated, in conformity to law, for the East half of the Northeast quarter of the East half of the Southeast quarter of Section Twenty seven, in Township Twenty two North, Range One East of the Boise Meridian, Idaho, containing one hundred sixty acres, as shown to the official plat of the Survey of the said land, returned to the General Land Office by the Surveyor General;

NOW KNOW YE, that there is, therefore granted by the United States, unto the claimant, the tract of land above described; To have and to hold the said tract of land with the appurtenances thereof, unto the said claimant, and to the heirs and assigns of said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs in connection with such water rights as may be recognized and acknowledged by the local laws and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, William H. Taft, President of the United States of America, have caused these letters to be made patent and the seal of the General Land Office hereunto affixed.

GIVEN under my hand at the city of Washington, the Twenty second day of September in the year of our Lord one thousand nine hundred and ten, and of the Independence of the United States the one hundred and Thirty fifth.

United States General " "
Land Office. " "

By the President: Wm. H. Taft

By W. P. LeRoy, Secretary

H. W. Sanford, Recorder of the General Land Office.

Recorded; Patent Number 153577

STATE OF IDAHO ss
County of Washington

I hereby certify that this instrument was filed for record in the office of the Recorder of Idaho County at the request of A. R. Lucas at 9 o'clock A.M. this 31st day of December A.D. 1910 in Book 14 of Deeds at page 132.

Frank E. Smith, Recorder

STATE OF IDAHO ss
County of Idaho

Filed for record in the office of the Recorder of Idaho County at the request of A. R. Lucas on the 7 day of Jan. A.D. 1911 at 9:30 o'clock A.M.

J. I. Overman, County Recorder

By J. R. White, Deputy

Fee, \$1.00

Sec 23

43817 ✓

Boise 06271

United States }
To }
Claude J. Hendricks }

THE UNITED STATES OF AMERICA,
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Claude J. Hendricks has been established and duly consummated in conformity to law, for the west half of the northwest quarter and the west half of the southwest quarter of section twenty-three in Township Twenty-two North of Range one east of the Boise Meridian, Idaho, containing one hundred sixty acres, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the United States unto the said claimant the tract of Land above described; To Have and To Hold the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

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

GIVEN under my hand, at the City of Washington, the fourth day of March in the year of our Lord one thousand nine hundred and fifteen and of the Independence of the United States the one hundred and thirty-ninth.

United States General Land Office.

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary.

L. Q. C. Lamar, Recorder of the General Land Office.

RECORDED: Patent Number 461838

STATE OF IDAHO)
County of Idaho) ss.

Filed for record in the office of the Recorder of Idaho County, at the request of Claude J. Hendricks on the 25 day of April A. D. 1916, at 9 o'clock A. M.

Fee \$1.00

John P. Eimers, County Recorder.

9222

43758 ✓

John H. Clay et ux
To
William A. Hendricks

THIS INDENTURE, Made this twenty-seventh day of August
in the year of our Lord nineteen hundred and fifteen
between John H. Clay and Jessie L. Clay, his wife, of Riggins, County of Idaho, State
of Idaho, the parties of the first part, and William A. Hendricks, of New Meadows,
County of Adams, State of Idaho, the party of the second part.,

WITNESSETH, That the said parties of the first part, for and in consideration
of the sum of Twelve Hundred And No/100 Dollars, lawful money of the United States
of America, to them in hand paid by the said party of the second part, the receipt
whereof is hereby acknowledged, have granted, bargained, and sold and by these presents
do grant, bargain, sell, convey and confirm unto the said party of the second part,
and to his heirs, and assigns forever, all the following described real estate, sit-
uated in Idaho County, State of Idaho, to-wit:

The East one-half of the Southeast quarter of Section twenty-two (22) in Town-
ship Twenty-two (22) North, of Range One (1), East Boise Meridian, containing 80
acres, according to the Survey of the Surveyor General, be the same more or less,
with all water, water-rights, irrigating ditches, canals, flumes and reservoirs.

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

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

In witness Whereof, the said parties of the first part have hereunto set their
hands and seals the day and year first above written.

Signed, Sealed and Delivered in the John H. Clay (Seal)
presence of: Clinton Reeves. (I.R. \$1.50) Jessie L. Clay (Seal)

STATE OF IDAHO)
 ; ss.
County of Idaho)

On this 30th day of Aug. in the year 1915, before me, Kest-
ner F. Pinnell, a Notary Public in and for said County, personally appeared John H.
Clay and Jessie L. Clay husband and wife, known to me to be the persons whose names
are subscribed to the within instrument, and acknowledged to me that they executed
the same.

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

" Kestner F. Pinnell, Notary Public "
" Idaho County, Idaho. "

Kestner F. Pinnell, Notary Public.

STATE OF IDAHO)
 ; ss.
County of Idaho)

I hereby certify that this instrument was filed for

IV. BLM Documents
From Fred Price USDO I BLM



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:
7250 (933b)

December 14, 2004

Mr. Cheryl Chapman
444 Hilltop Road
Cascade, Idaho 83611

Dear Mr. Chapman:

This letter is a follow up a conversation we had over the phone today concerning Patents issued by the U.S. for places of use (POUs) asserted under water right claim number 78-04002B. I was able to locate copies of four Patents (enclosed) associated with the claimed POUs, but none of the Patents were as old as the 1898 date of priority asserted in the water right claim.

The oldest Patent (3575) was issued 12-19-1907 pursuant to the Act of April 21, 1820. Cash Entries did not have a farming requirement. The applicant just bought the land on a first come first serve basis.

The other three Patents (461238, 425603, and 153577) were issued between 1910 and 1919 pursuant to the Act of May 20, 1862. This type of Homestead Entry had a requirement to prove residence upon the entry, or cultivation, or some physical improvements during a three to five year proof period.

I hope you find this information helpful. If there are any questions concerning this request, please contact me at the above address or call (208) 373-3831.

Sincerely,

Fred Price
Water Rights Specialist

Enclosures:

Cash Entry Patent 3575 issued 12-19-1907
Act of 04-21-1820

Homestead Entry Patent 461238 issued 03-04-1919
Homestead Entry Patent 425603 issued 08-14-1914
Homestead Entry Patent 153577 issued 09-22-1910
Act of 05-20-1862

78-04002B, 06-01-1898 priority date claimed

T22N, R01E, S22, NESE, SESE

CE Pat 3575 issued **12-19-1907** to John H. Clay

pursuant to the Act of 04-21-1820, no homestead requirements, just buy it.

T22N, R01E, S23, NWSW, SWSW

HE Pat 461238 issued **03-04-1919** to Claude J. Hendricks

pursuant to the Act of 05-20-1862, 5 years to prove residence or cultivation.

HE Application B-06271 allowed 08-25-1909, proof filed 12-17-1914.

T22N, R01E, S26, NWNW

HE Pat 425603 issued **08-14-1914** to Rufus A. Hendricks

pursuant to the Act of 05-20-1862, 3 years to prove residence or cultivation.

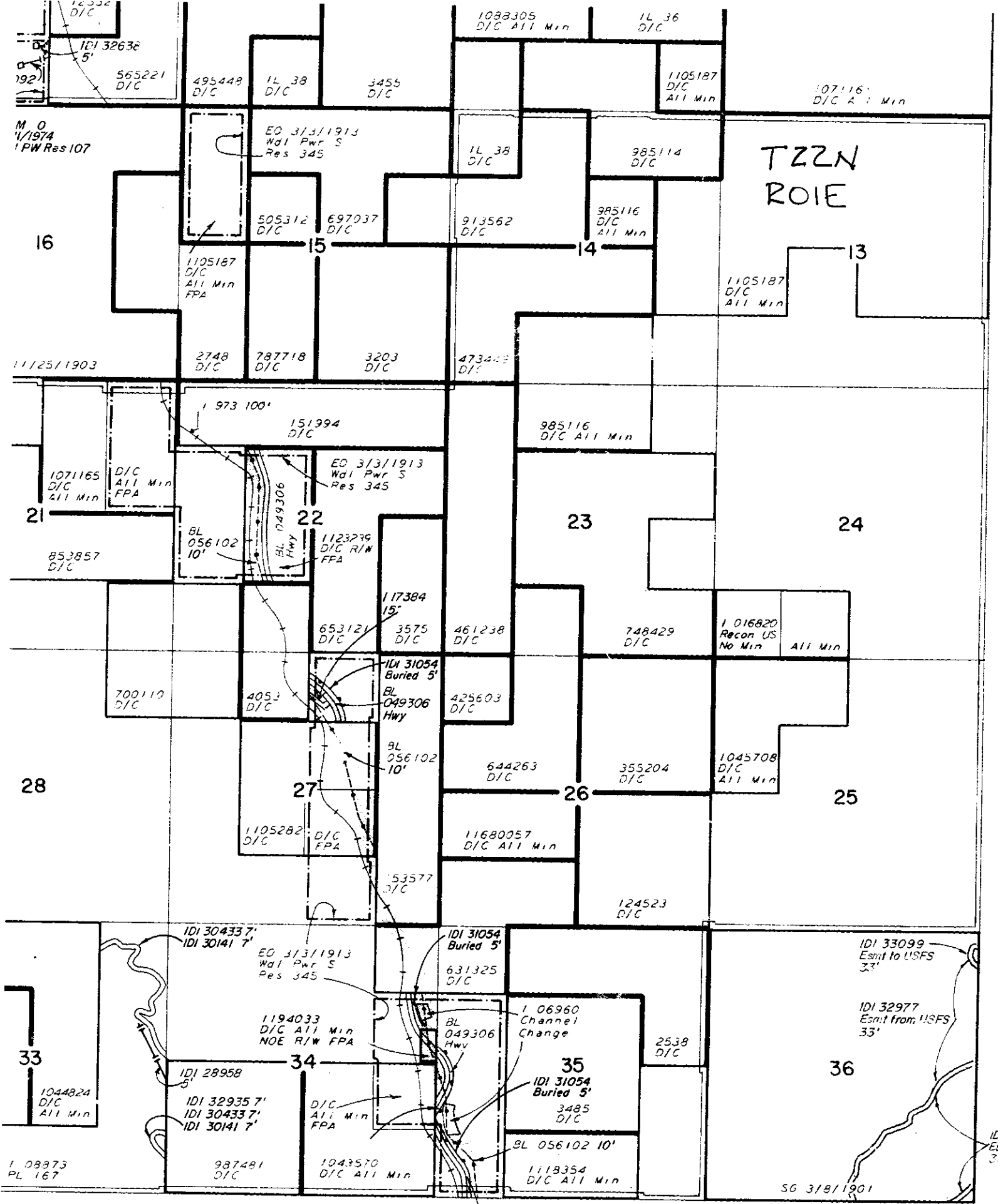
HE Application B-06272 allowed 08-25-1909, proof filed 03-27-1914.

T22N, R01E, S27, NENE, SENE

HE Pat 153577 issued **09-22-1910** to Johnie H. Clay

pursuant to the Act of 05-20-1862, 3 to 5 years to prove residence or cultivation.

HE Application 085 proof filed 09-04-1908.



The United States of America,

On all to whom these presents shall come, Greeting:

Certificate No. 3875.

WHEREAS,

JOHN H. CLAY

has deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at Boise, Idaho, whereby it appears that full payment has been made by the said John H. Clay

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the east half of the southeast quarter of Section twenty-two in Township twenty-two north of Range one east of the Boise Meridian, Idaho, containing eighty acres,

according to the Official Plat of the Survey of the said lands, returned to the GENERAL LAND OFFICE by the Surveyor General, which said Tract has been purchased by the said John H. Clay:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said John H. Clay

and to his heirs, the said Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereto belonging, unto the said John H. Clay and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof I, Theodore Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

(SEAL)

GIVEN under my hand, at the City of Washington, the nineteenth day of December, in the year of our Lord one thousand nine hundred and seven and of the Independence of the United States the one hundred and thirty-second.

By the President: Theodore Roosevelt

By D. V. Wicks, Assistant Secretary.

Recorder of the General Land Office.

IDAHO

566

STATUTE II.

April 24, 1820.

Act of March 3, 1819, ch. 92.
Act of March 24, 1821, ch. 12.
Act of March 3, 1823, ch. 57.
Public sale of lands in half quarter sections, after 1st July, 1820.

At private sale, in entire, half, quarter, or half quarter sections.

Act of Feb. 11, 1803, ch. 14.

Fractional sections, less than 160 acres, to be sold entire.

Proviso.

No credit on sales of public lands, after 1st July, 1820.

Purchasers at private sale to produce a receipt for the money before entry.

Price of lands 1 dollar 25 cts. per acre after 1st July, 1820.

No sales for less than 1 dollar 25 cts. per acre.

Lands offered at public sales, and unsold, subject to private sale, at 1 dollar 25 cts. per acre. Exceptions.

Lands reverted, &c. to be offered at public, before private sales.

Sale of lands

CHAP. LI. — *An Act making further provision for the sale of the public lands.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the first day of July next, all the public lands of the United States, the sale of which is, or may be authorized by law, shall, when offered at public sale, to the highest bidder, be offered in half quarter sections; and when offered at private sale, may be purchased, at the option of the purchaser, either in entire sections, half sections, quarter sections, or half quarter sections; and in every case of the division of a quarter section, the line for the division thereof shall run north and south, and the corners and contents of half quarter sections which may thereafter be sold, shall be ascertained in the manner, and on the principles directed and prescribed by the second section of an act entitled, "An act concerning the mode of surveying the public lands of the United States," passed on the eleventh day of February, eighteen hundred and five; and fractional sections, containing one hundred and sixty acres, or upwards, shall, in like manner, as nearly as practicable, be sub-divided into half quarter sections, under such rules and regulations as may be prescribed by the Secretary of the Treasury; but fractional sections, containing less than one hundred and sixty acres, shall not be divided, but shall be sold entire: *Provided*, That this section shall not be construed to alter any special provision made by law for the sale of land in town lots.

SEC. 2. *And be it further enacted*, That credit shall not be allowed for the purchase money on the sale of any of the public lands which shall be sold after the first day of July next, but every purchaser of land sold at public sale thereafter, shall, on the day of purchase, make complete payment therefor; and the purchaser at private sale shall produce, to the register of the land office, a receipt from the treasurer of the United States, or from the receiver of public moneys of the district, for the amount of the purchase money on any tract, before he shall enter the same at the land office; and if any person, being the highest bidder, at public sale, for a tract of land, shall fail to make payment therefor, on the day on which the same was purchased, the tract shall be again offered at public sale, on the next day of sale, and such person shall not be capable of becoming the purchaser of that or any other tract offered at such public sales.

SEC. 3. *And be it further enacted*, That from and after the first day of July next, the price at which the public lands shall be offered for sale, shall be one dollar and twenty-five cents an acre; and at every public sale, the highest bidder, who shall make payment as aforesaid, shall be the purchaser; but no land shall be sold, either at public or private sale, for a less price than one dollar and twenty-five cents an acre; and all the public lands which shall have been offered at public sale before the first day of July next, and which shall then remain unsold, as well as the lands that shall thereafter be offered at public sale, according to law, and remain unsold at the close of such public sales, shall be subject to be sold at private sale, by entry at the land office, at one dollar and twenty-five cents an acre, to be paid at the time of making such entry as aforesaid; with the exception, however, of the lands which may have reverted to the United States, for failure in payment, and of the heretofore reserved sections for the future disposal of Congress, in the states of Ohio and Indiana, which shall be offered at public sale, as hereinafter directed.

SEC. 4. *And be it further enacted*, That no lands which have reverted, or which shall hereafter revert, and become forfeited to the United States for failure in any manner to make payment, shall, after the first day of July next, be subject to entry at private sale, nor until the same shall have been first offered to the highest bidder at public sale; and all such

lands which shall have reverted before the said first day of July next, and which shall then belong to the United States, together with the sections, and parts of sections, heretofore reserved for the future disposal of Congress, which shall, at the time aforesaid, remain unsold, shall be offered at public sale to the highest bidder, who shall make payment therefor, in half quarter sections, at the land office for the respective districts, on such day or days as shall, by proclamation of the President of the United States, be designated for that purpose; and all lands which shall revert and become forfeited for failure of payment after the said first day of July next, shall be offered in like manner at public sale, at such time, or times, as the President shall by his proclamation designate for the purpose: *Provided*, That no such lands shall be sold at any public sales hereby authorized, for a less price than one dollar and twenty-five cents an acre, nor on any other terms than that of cash payment; and all the lands offered at such public sales, and which shall remain unsold at the close thereof, shall be subject to entry at private sale, in the same manner; and at the same price with the other lands sold at private sale, at the respective land offices.

SEC. 5. *And be it further enacted*, That the several public sales authorized by this act, shall, respectively, be kept open for two weeks, and no longer; and the registers of the land office and the receivers of public money shall, each, respectively, be entitled to five dollars for each day's attendance thereon.

SEC. 6. *And be it further enacted*, That, in every case hereafter, where two or more persons shall apply for the purchase, at private sale, of the same tract, at the same time, the register shall determine the preference, by forthwith offering the tract to the highest bidder.

APPROVED, April 24, 1820.

reverted, &c.
before the 1st
July, 1820, and
reserved sec-
tions.

Sale of lands
reverting, &c.
after 1st July,
1820.

All lands un-
sold at public,
may be entered
at private sale.

Public sales
for two weeks.

Preference to
be given to the
highest bidder.

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Boise, Idaho,** has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Claude J. Hendricks** has been established and duly consummated, in conformity to law, for the **west half of the northwest quarter and the west half of the southwest quarter of Section twenty-three in Township twenty-two north of Range one east of the Boise Meridian, Idaho, containing one hundred sixty acres,**

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **FOURTH** day of **MARCH** in the year of our Lord one thousand nine hundred and **FIFTEEN** and of the Independence of the United States the one hundred and **THIRTY-NINTH.**

By the President:

Woodrow Wilson
M. R. Le Roy Secretary,
L. L. B. Lamar
 Recorder of the General Land Office.

(SEAL)

RECORD OF PATENTS: Patent Number **461238**

06271

KIND:

Homestead

SERIAL No.

NAME						DATE.	NOTATIONS.
CLAUDE J. HENDRICKS						12/28/14	Proof filed had before Lucas 12/14/14
New Meadows						11/11/11	Receipt 14733
Idaho						12/26/14	F.C. issued & proof filed for G.L.O.
W ² NW ⁴ , W ² SW ⁴						3/12/13	Patent No. 461238 dated 3/4/13
SECTION 23							4 notified
TOWNSHIP 22 N.							3-17-15
RANGE 1 E.							Patent to Anna at New Meadows
AREA 160							
DATE.	NOTATIONS.						
May 12/1909	Receipt 48994. Suspended pending						
	instruction from H.L.O. re W.L.O.						
	Darin 200 Ad. re H.L.O. 9887						
Aug. 25/1909	Entry allowed money applied						
6/22/1912	Circular 125 sent						
10/29/14	Notice of intention to make 5 yr proof						
	Proof set before Lucas at Meadows						
	filed Dec 14/14 - "Meadows Eagle"						
12/2/14	"No Protest" by L.F.D.						
12/17/14	Proof filed had before Lucas 12/14/14						
" " "	Receipt 1473290 - \$ 11 ²⁰ , \$ 5 ²⁰ Levy,						
" " "	Suspended for Proof Pub.						
12/2/14	W note for Proof Pub.						
12/2/14	W note for Publication filed						

The United States of America,

To all to whom these presents shall come. Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Boise, Idaho,**
has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,
"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of
Rufus A. Hendricks

has been established and duly consummated, in conformity to law, for the **northwest quarter of the north-**
west quarter of Section twenty-six in Township twenty-two north of Range
one east of the Boise Meridian, Idaho, containing forty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described;
TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of
the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and
rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws,
and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the
authority of the United States.

IN TESTIMONY WHEREOF, I,

Woodrow Wilson

President of the United States of America, have caused these letters to be made
Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **THIRTEENTH**
day of **AUGUST** in the year of our Lord one thousand
nine hundred and **FOURTEEN** and of the Independence of the
United States the one hundred and **THIRTY-NINTH.**

By the President:

By

Woodrow Wilson,
M. K. Gulick, Assistant Secretary,

John O'Connell
Acting Recorder of the General Land Office.

6627

Acq. Mar 2, 1889 Sec. 6

Additional to #18 The Dalles, Oregon

SERIAL No.

KIND: Homestead

Rufus A. Hendrichs
New Meadows
Idaho

DATE.

NOTATIONS.

DESCRIPTION OF LAND.

NW⁴ NW⁴

SECTION.

26

TOWNSHIP.

22 N

RANGE.

1 E.

AREA.

40

8/21/14

Patent 710425603, dated Aug 13

9/4/14

1914 received. Patent satisfied
Patent to claim at
New Meadows

DATE.

NOTATIONS.

May 12 1909

Receipt 48995. Suspended for instruction
from B. L. O. in re 2nd H. application
from L. O. Davis. (see B. L. O. 9887)

May 12 1909

Consent of naturalization filed

May 12 1909

Entry allowed. money applied

May 12 1909

Circular 125 sent.

May 12 1909

App. to make 3-year proof

May 12 1909

before A. B. Lucas March 25, 1914

May 12 1909

Publication in Meadows Eagle

May 12 1909

"Abstract" by Field Division.

May 12 1909

All publications filed.

May 12 1909

Proof filed before Lucas 3/15/14

May 12 1909

Circular 1042032-15th 3rd 1914, added

May 12 1909

Circular 1042032-15th 3rd 1914, added

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **BOISE, IDAHO,**
has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,
"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

JOHNNIE H. CLAY

has been established and duly consummated, in conformity to law, for the **EAST HALF OF THE NORTHEAST QUARTER
AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION TWENTY-SEVEN IN TOWN-
SHIP TWENTY-TWO NORTH OF RANGE ONE EAST OF THE BOISE MERIDIAN, IDAHO, CON-
TAINING ONE HUNDRED SIXTY ACRES,**

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described;
TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of
the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and
rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws,
and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the
authority of the United States.

IN TESTIMONY WHEREOF, I,

WILLIAM H. TAFT

President of the United States of America, have caused these letters to be made
Patent, and the seal of the General Land Office to be hereunto affixed.

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

TWENTY-SECOND

day of

SEPTEMBER

in the year of our Lord one thousand

nine hundred and

TEN

and of the Independence of the

United States the one hundred and

THIRTY-FIFTH.

By the President:

By

W. H. Taft
M. D. Leary
H. W. Langford

Secretary,

Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number

153577

KIND:

Homestead 5817

SERIAL No.

0 81 ✓

Johnie N. Clay

NAME

Meadows, Idaho

ADDRESS

DATE

1910
Oct 24/10

NOTATIONS.

Patent made for me by Clay
Meadows Idaho

E 2 1/4 Sec 28

DESCRIPTION OF LAND

SECTION

27

TOWNSHIP

23 N

RANGE

1 E

AREA

160

1910

NOTATIONS.

July 3 Appl. make proof Adv. ordered Meadows Bayle

Proof before Lucas Aug. 19/08

Aug 24 Proof filed before Lucas Meadows 8/19/08

RECEIPT NO. 46,085

" 28 Proof suspended Protested. and
supplemental affi. as to residence

Sept 4 Supplemental affi. filed

" Proof filed 9/11/08

" 4 Final Com. held. per Lucas. No 1st 1/2

File 16 1910 " 12/10 auction. Per

" " Certificates notified to pay 6

Feb 23 1910 Receipt 420085. Adv. to Final Cert. issued

Oct 17 " Patent 152572 recd. - appl. not satisfied

The Homestead Act authorized unrestricted settlement on public lands to all settlers, requiring only residence, cultivation, and some improvement of a tract of 160 acres. Any person was eligible who was head of a family or had reached the age of 21, who was a citizen or intended to become one, and who did not own as much as 160 acres. After living on the land and farming it for 6 months, he could buy the homestead at \$1.25 an acre. But after 5 continuous years, he could apply for & receive a patent or title to the 160 acres for a filing fee of \$15. Originally passed by Congress on May 20th, the Homestead Act was later amended to increase area limitations under certain conditions. Subsequent liberalizations of the act were in accord with prevailing philosophy that public lands should be given free to bona fide farmers and stockmen, whose homesteads would ultimately become permanent settlements. While the once-vital act served its original purpose of stimulating settlement of the Nation, it was destined for an active life of only about 70 years--when there no longer were enough public lands suitable for homesteading and capable of supporting a farm family.

V. Homestead Act of 1862

Settlement Family History -- Bethune, Colorado -- German Russian Settlement
Developed by: Nathan Krämer -- Blair, Nebraska

Homestead Act of 1862

Summary

The Homestead Act of 1862 was passed by the U.S. Congress. It provided for the transfer of 160 acres (65 hectares) of unoccupied public land to each homesteader on payment of a nominal fee after five years of residence; land could also be acquired after six months of residence at \$1.25 an acre. The government had previously sold land to settlers in the West for revenue purposes. As the West became politically stronger, however, pressure was increased upon Congress to guarantee free land to settlers. Several bills providing for free distribution of land were defeated in Congress; in 1860 a bill was passed in Congress but was vetoed by President Buchanan. With the ascendancy of the Republican party (which had committed itself to homestead legislation) and with the secession of the South (which had opposed free distribution of land), the Homestead Act, sponsored by Galusha A. Grow, became law. In 1976 it expired in all the states but Alaska, where it ended in 1986.

THIRTY-SEVENTH CONGRESS
 Sess. II Ch. 75 1862

Chap. LXXV. -- An Act to secure Homestead to actual Settlers on Public Domain.

Be It enacted by the Senate and House of Representatives of the United States of America in assembled, That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government or given aid and comfort to its enemies, shall, from and after the first January, eighteen hundred and sixty-three, be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which said person may have filed a preëmption claim, or which may, at the time the application is made, be subject to preëmption at one dollar and twenty-five cents, or less, per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivision of the public lands, and after the same shall have been surveyed: Provided, That any person owning and residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

SEC. 2. *And be it further enacted,* That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one year or more

SEC. 3. *And be it further enacted,* That the register of the land office shall note all such applications on the tract books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. *And be it further enacted,* That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt of debts contracted prior to the issuing of the patent therefor.

SEC 5. *And be it further enacted,* That if, at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence or abandoned the said land for more than six months at any time, then and in that event the land so entered shall revert to the government.

SEC. 6. *And be it further enacted,* That no individual shall be permitted to acquire title to more than one quarter section under the provision of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provision into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provision of this act that they are now entitled to receive when the same quantity of land is entered with money, one half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the

Homestead Act of 1862

of age, or shall have performed service in the army or navy of the United States, and that he has never borne arms against the Government of the United States or given aid and comfort to its enemies, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person or person whomever; and upon filing the said affidavit with register or receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified: *Provided, however,* That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry; or, if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death; shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he has borne true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided for by law; *And provided further,* That in case of the death of both father and mother, leaving an infant child or children, under twenty-one years of age, the right and fee shall enure to the benefit of said infant child or children; and the executor, administrator or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicile, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

person to whom it may be issued; but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver; *Provided,* That nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing preemption rights. *And provided, further,* That all persons who may have filed their applications for a preemption right prior to the passage of this act, shall be entitled to all privileges of this act: *Provided, further,* That no person who has served, or may hereafter serve, for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years.

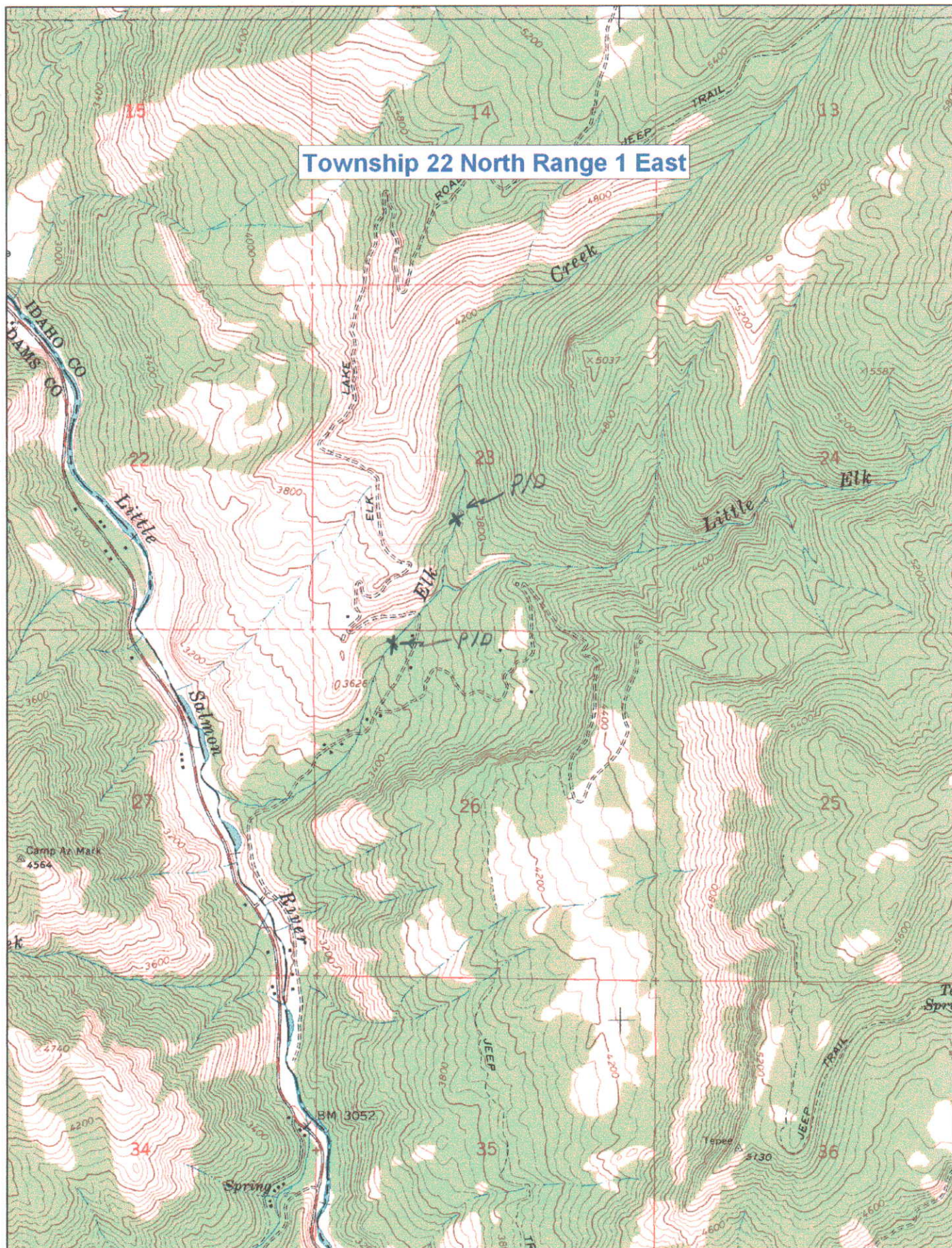
SEC. 7. *And be it further enacted,* That the fifth section of the act entitled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits, required or authorized by this act.

SEC. 8. *And be it further enacted,* That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefits of the first section of this act, from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefor from the government, as in other cases provided by law, on making proof of settlement and cultivation as provided by existing laws granting preemption rights

Approved, May 20, 1862.
Vol. XII Pub -- 50 page 393

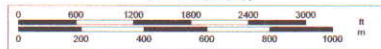
VI. Topo Map Showing P/D

Township 22 North Range 1 East



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Zoom Level: 13-1 Datum: NAD27

Scale 1 : 24,000
1" = 2000 ft



VII. Calculated Ditch Capacities

Open Channel Discharge Using Mannings Formula for an Elliptic Channel

$$Q = 1.486a^{5/3}s^{1/2}/(np^{2/3})$$

Where: Q = discharge in cfs
1.486 = dimensional constant
a = cross sectional area of channel in square feet = $3.14wd/4$
s = slope of channel in foot per foot
n = channel roughness coefficient
p = wetted perimeter in feet = $(3.14(w/2+d)/2)((64-3R^4)/(64-16R^2))$
w = top width of elliptic channel
d = depth of elliptic channel
 $R = (w/2-d)/(w/2+d)$

w = 5.5 feet
d = 1.58 feet
R = 0.27
a = 6.82 square feet
s = 0.004 foot per foot
n = 0.035
p = 6.92 feet
Q = 18.14 cfs

w = 5 feet
d = 1.67 feet
R = 0.20
a = 6.55 square feet
s = 0.0012 foot per foot
n = 0.035
p = 6.61 feet
Q = 9.58 cfs

w = 3.2 feet
d = 0.67 feet
R = 0.41
a = 1.68 square feet
s = 0.019 foot per foot
n = 0.035
p = 3.72 feet
Q = 5.81 cfs

**VIII. Photographs of Historical and Existing
Ditches and Irrigated Land**



Photo #7 - Irrigated land



Photo #8 - Irrigated land

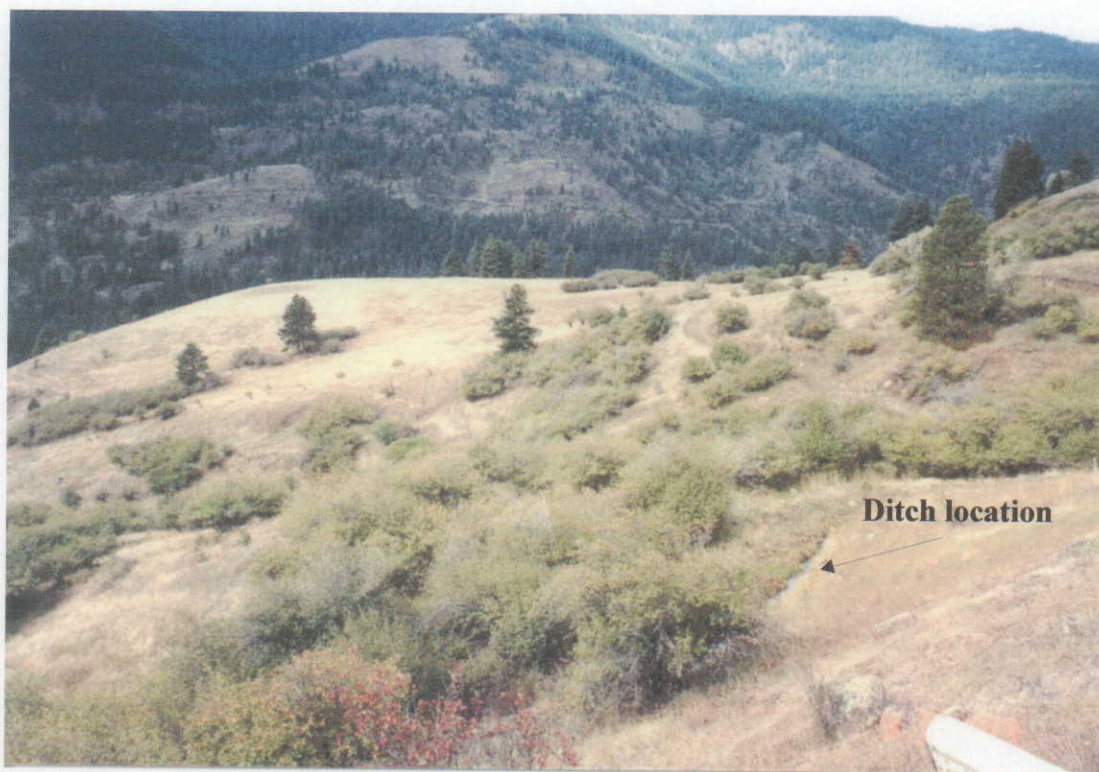


Photo #5 - Overview of irrigated land and ditch



Photo #6 - Measurement site #2

Photographs of historical and existing ditches and irrigated land.
September 15, 2004
Taken by Sherl L. Chapman



Photo #1 - Diversion box to main irrigation ditch. Not at P/D from creek.



Photo #2 - Measuring site #1 on primary
Irrigation ditch



Photo #3 - Overview of irrigated land from ditch site #1



Photo #4 - Overview of irrigated land

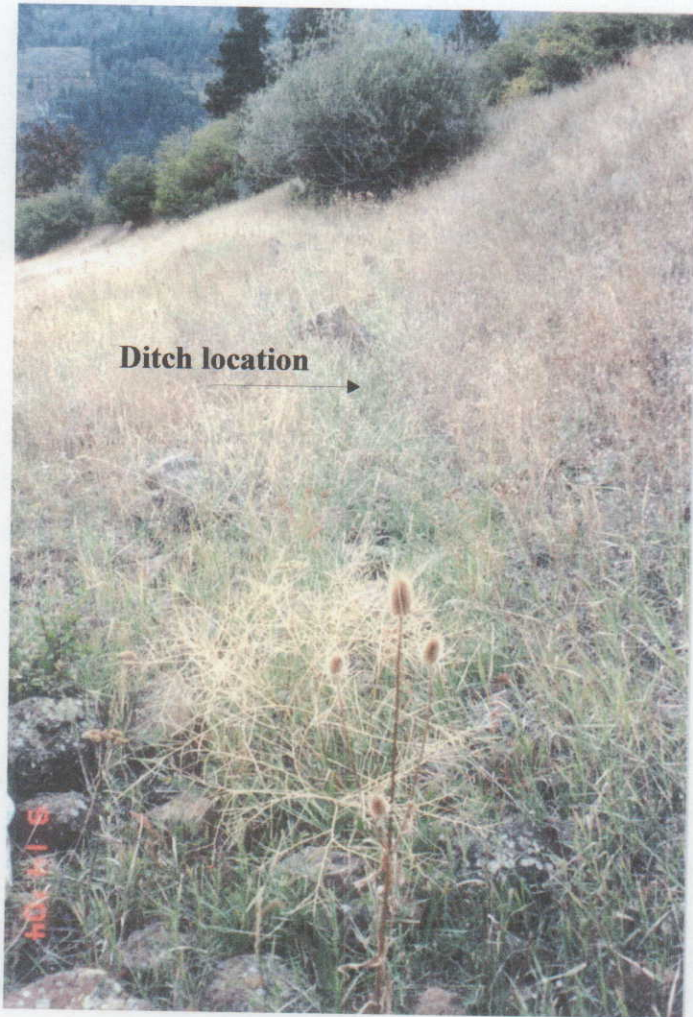


Photo #9 - Site #3, historical ditch



Photo #10 - Diversion from irrigation ditch to pasture