

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

67-4259)

State of Idaho)
County of _____)

RECEIVED

SEP 16 2005

AFFIDAVIT

Department of Water Resources

Dale Fisk being first duly sworn,
deposes and says: _____

I wrote the book "Landmarks - A General
History of the Council, Idaho Area". Pages
185-194 are about Starkey Hot Springs.

All the information on these pages are footnoted,
with source references cited. There are 74 footnotes
in this section, citing area newspapers, legal
documents, personal interviews, etc.

All of the information in my book is as accurate
as I could make it, and is true to the best of
my knowledge.

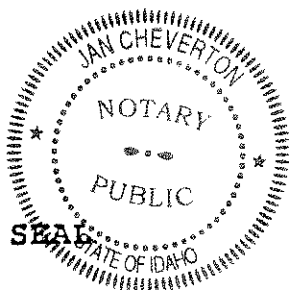
Dale L. Fisk
(Signature)

Subscribed and sworn to before me this
day 8 of Sept, 192005

Jan Cheverton
(Notary Public)

Residing at Council Bluffs

My Commission Expires 11-4-25





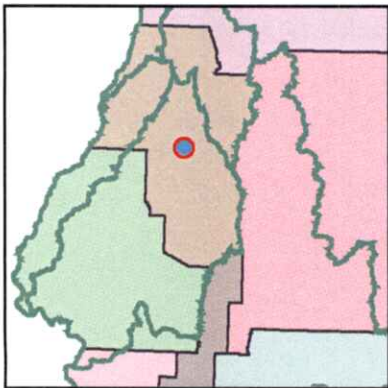
Idaho Department of Water Resources

Adjudication Claim Number: **67-4259**

T18N R01W

Legend

- Section Lines
- Quarter Quarters



Adams County
IDWR Basin 67



0 0.2 0.4 Miles

Prepared by D. Narsavage
On Thursday, September 1, 2005
1987 Aerial Photography

Starkey

Hot water gushes out of the ground on a rocky bench, across the river and about a quarter of a mile north of the present pool here. Before the arrival of settlers, the crusted minerals on the rocks around what later would become known as Starkey Hot Springs provided a well-used deer lick.¹²⁹⁴ Hot water dissolves minerals faster than cold water, and leaves deposits on surfaces which it contacts. These deposits often attract wildlife who have a taste for them. Because of this, Indians found good hunting near hot springs. They also used hot springs for food preparation and bathing. Some hot springs were regarded as important ritual sites.¹²⁹⁵

Dr. T.J. Sherwood, an elderly man, was the first known owner of the hot springs property, in the 1890s. Sherwood, and his son Tom, built a large wooden "bathtub" and set up a tent around it for use by the few patrons who risked driving over the rough wagon trail to get there. The trail forded the Weiser River at least nine times between the hot springs and the West Fork.¹²⁹⁶

The first newspaper mention of Sherwood's hot springs was in 1894: "The Hot Springs are getting to be quite a health and pleasure resort."¹²⁹⁷

Dr. Sherwood gave medical treatments of some kind that probably involved the natural hot water.¹²⁹⁸ In those days people believed in the curative powers of the mineral waters from hot springs. Many Council Valley people journeyed as far as the Hot Lake Sanitarium near La Grande, Oregon for "treatment." The hot water especially brought temporary relief then, as it does now, to sufferers of rheumatism and

arthritis.¹²⁹⁹

Dr. Sherwood died in 1898, and sometime later Tolbert Biggerstaff managed the hot springs.¹³⁰⁰ The first recorded mention of "The Biggerstaff Hotsprings" is in 1902, when the Council Journal reported that eight-year-old Ernest McMahan was taken there to be treated for rheumatism.¹³⁰¹ Biggerstaff didn't actually own the property until he purchased it from the U.S. Government in January of 1904.¹³⁰² It would appear that Dr. Sherwood had made an effort to homestead the site but died before he could get a patent on it. It must have then reverted back to the government, and then was sold to Biggerstaff.

Biggerstaff sold the hot springs to George Steward of Indian Valley in 1904.¹³⁰³ In the contract, Biggerstaff retained ownership of the 100 X 100 foot piece of land from which the hot water flowed.¹³⁰⁴ Whatever the reason for this,



Doctor Richard S. Starkey, M.D.

his plans went awry after Biggerstaff died and his heirs neglected to pay the taxes. The small piece of ground then reverted to being a part of the original property.¹³⁰⁵

Immediately after buying the hot springs from Biggerstaff, Steward sold out to Dr. Richard S. Starkey, M.D., and his wife Anna, of Spokane, Washington.¹³⁰⁶ Dr. Starkey was a graduate of both medical and dental college. His specialties were "the treatment of private diseases, all pulmonary affections, and alcoholic and drug diseases."¹³⁰⁷ He had practiced in Philadelphia and Spokane before coming to Idaho.¹³⁰⁸

Dr. Starkey immediately set about to turn the hot springs into a true "health and pleasure resort." On a terrace on the hillside about fifty feet south west of the main spring, and about 200 vertical feet below it, he built a 40' X 60' "sanitarium." While it was being built, the Council Advance newspaper reported:

*When finished, each room will be equipped with electric lights, and hot and cold water, giving to every guest the conveniences of a metropolitan hotel while enjoying the rustic delights of life in the heart of the forest—far from the mad swirl of the busy world. Below the sanitarium, five terraces are being built which will be filled with flowers and shrubbery irrigated from the springs above. Below the terraces is the main plunge through which a living stream of water continually flows. Below the plunge the river runs—a helter skelter, mad-cap stream that's filled with gamey trout.*¹³⁰⁹

In the first few months of work, Dr. Starkey spent \$10,000 on his resort. The sanitarium had twenty rooms and three stories, with an "open ward" on the top floor. Electricity was not yet one of the hotel's amenities, but it did have the very rare luxury of hot and cold running water.¹³¹⁰ The "plunge bath" measured about 20' X 40' with sides consisting of a horizontal logs, lined on the inside with vertical tongue and groove boards. At the north end of the pool was a small log building with several dressing rooms.¹³¹¹

Most of the improvements to the resort were to be financed by selling lots in a townsite that Dr. Starkey platted on the hillsides around the sanitarium on either side of Warm Springs Creek and Cold Springs Creek. Other sources of income were outlined in the December, 1905 issue of Idaho Magazine:

In connection with the Sanitarium, the doctor will organize an association whose object will be to furnish recreation and pleasure during the summer months. The membership fee of this organization will be \$1.00, and for the rental of ground for camping purposes, for fuel and the use of the plunge bath, \$1.00 more per week only will be the assessment. Meals will be served to such campers for 25 cents each. If the members sleep and dine at the Sanitarium, the rates will be but \$1.00 per day, bathing privileges included.

Starkey petitioned the Postal Department and was granted a post office at the sanitarium. It was called "Evergreen" when it opened in

February 1906. Dr. Starkey was the first postmaster.¹³¹² The name for the new office didn't last long. That May it was renamed "Starkey."¹³¹³ When the P&IN Railroad extended the rails north from Council that year it named this spot along the tracks "Hot Springs."¹³¹⁴ Railroad surveyors used the meadows along the river as a campground when they laid out the path for the railroad grade.¹³¹⁵

More amenities of civilization appeared at Starkey that year (1906). Frank Harp opened a barber shop at the Sanitarium, and a dance pavilion was built.¹³¹⁶ Dr. Starkey was busy enough with other work that he turned the post office over to Hannah Ketcham.¹³¹⁷ Hannah had only recently taken charge of the Council post office, but resigned to take over the one at Starkey.¹³¹⁸

By that fall Dr. Starkey was already thinking about building a hotel on the south side of the river, closer to the tracks and more easily reached than the lodgings at the hillside sanitarium.¹³¹⁹

The public records of the events concerning Starkey between 1906 and 1912 are sorely lacking. The next indication of the stirrings there is in March of 1912, when an electric generation plant was being installed.¹³²⁰ A thirty foot wide dam was built across Warm Springs Creek to power the generator. The Council paper reported: *"The buildings, bath rooms and plunge are wired for light; will have electric heat . . ."*¹³²¹ It is interesting to note that electric lines didn't reach Council until three years later (1915), and didn't reach Starkey until at least the 1940s.

That same year (1912) Dr. Starkey started digging the first version of the

present pool on the south side of the river. It was to measure 40' X 80' and be 14 feet deep at the deeper end.¹³²² In 1913 a big, new, two-story dance pavilion was constructed a short distance southwest of the pool, and dances were held every Saturday night during the summer.¹³²³

Regardless of the improvements made at the hot springs, people would not flock to it if they could not easily travel to the resort. The railroad was the favored means of getting there, partly because the only wagon road was still the old trail that criss-crossed the river by means of fords that were very rough and not usually passable until almost mid summer. By 1912 there was a demand for a means of egress for wagons and the few automobiles then in the region. It was then that Dr. Starkey began a campaign to get a decent road built to his establishment. He fought the county commissioners for several years to get the job done. He even hired contractors and paid to have part of the road built himself.¹³²⁴

On September 1, 1913 there was a big Labor Day celebration at Starkey, with music by the Council Concert Band, shooting matches, a big barbecue, a bucking contest, and a dance in the new pavilion.¹³²⁵ It was that winter that Dr. Starkey started using the natural hot water to heat the hotel by installing steam radiators.¹³²⁶

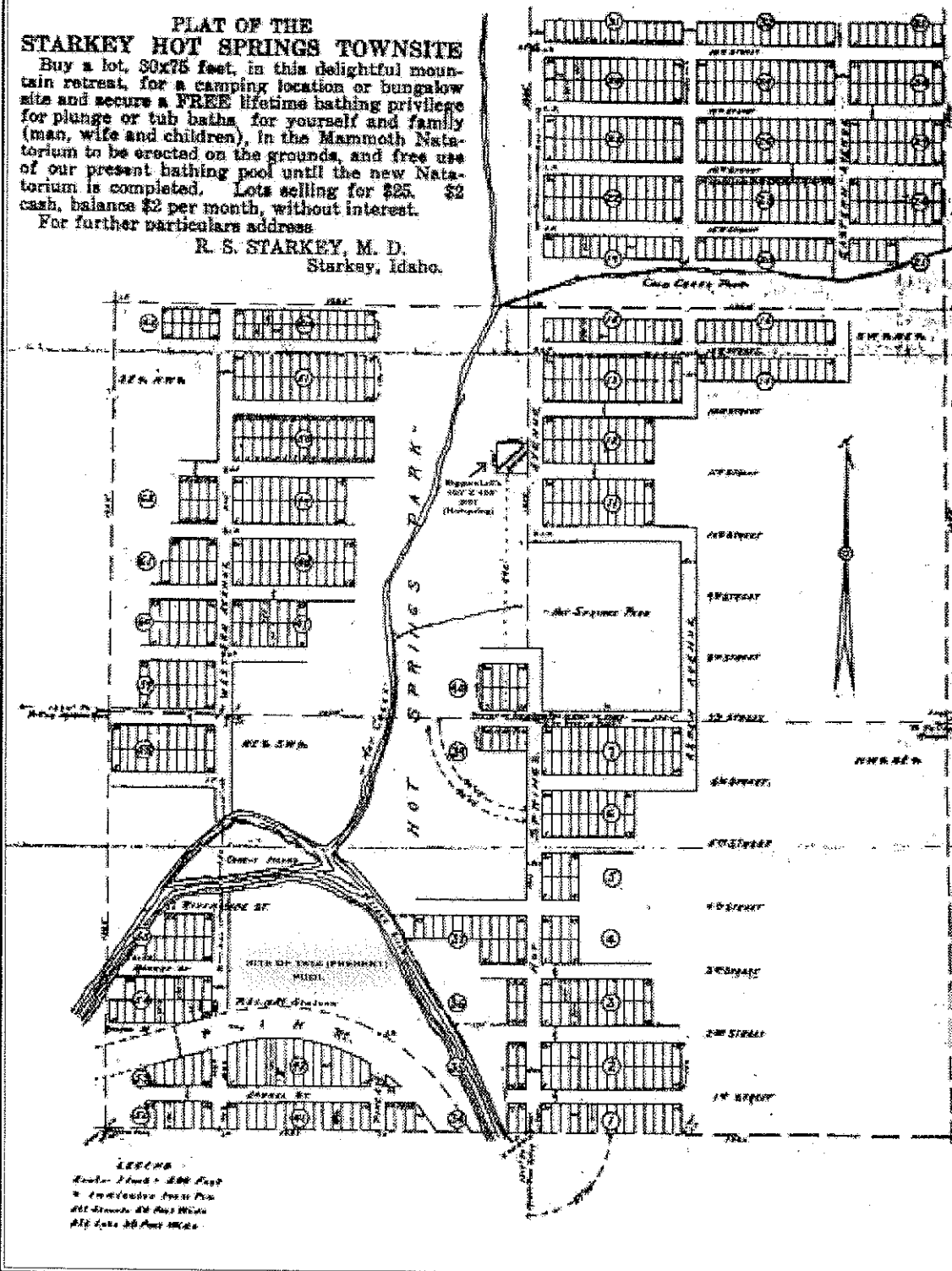
In 1914, two years after it was started, the new pool was completed. It was twelve feet deep instead of the planned 14 feet, and was made with cement.¹³²⁷ It opened in September of 1914.¹³²⁸ That fall the County finally started construction of a new road to Starkey, beginning at the end of the

PLAT OF THE STARKEY HOT SPRINGS TOWNSITE

Buy a lot, 30x75 feet, in this delightful mountain retreat, for a camping location or bungalow site and secure a FREE lifetime bathing privilege for plunge or tub baths for yourself and family (man, wife and children), in the Mammoth Natatorium to be erected on the grounds, and free use of our present bathing pool until the new Natatorium is completed. Lots selling for \$25. \$2 cash, balance \$2 per month, without interest.

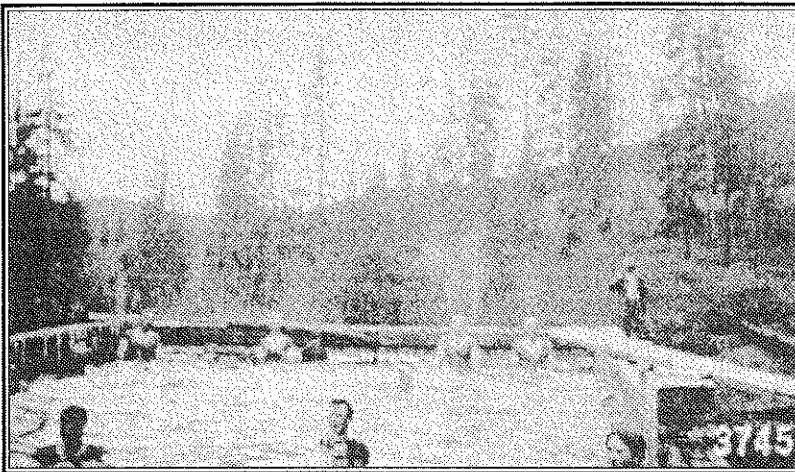
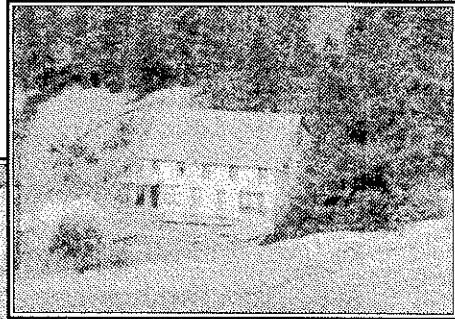
For further particulars address

R. S. STARKEY, M. D.
Starkey, Idaho.



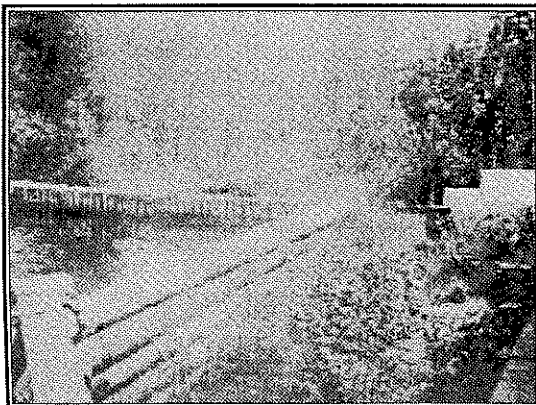
Dr. Starkey's grand plans for his resort included home sites along the steep hillsides around his sanitarium.

72034 Right: Looking west at Dr. Starkey's original sanitarium. The first log pool, shown in the photos below, is visible on the near side of the sanitarium. The source of the hot water is outside the right edge of the photo.

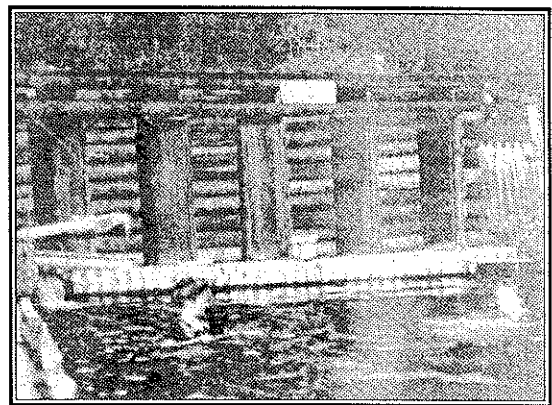


Above: Looking north at Dr. Starkey's original resort, 1911. The hot water came out of the hillside beyond the sanitarium. A concrete dam spanned Warm Springs Creek (out of sight, down to left) to supply electricity. (Photo courtesy of US Forest Service)

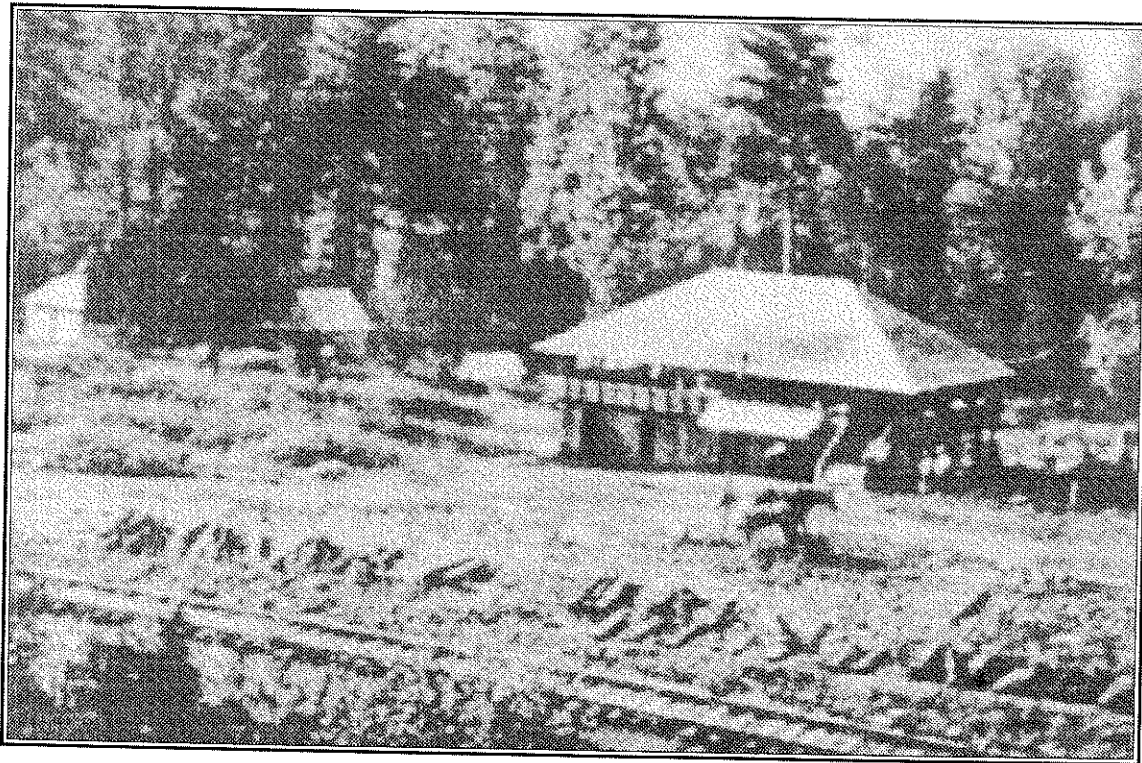
Left: Looking at the south end of the first log pool — Forest Ranger meeting, 1911. (Photo courtesy of US Forest Service)



00110 — Similar view as center photo, but with the camera moved to the west.



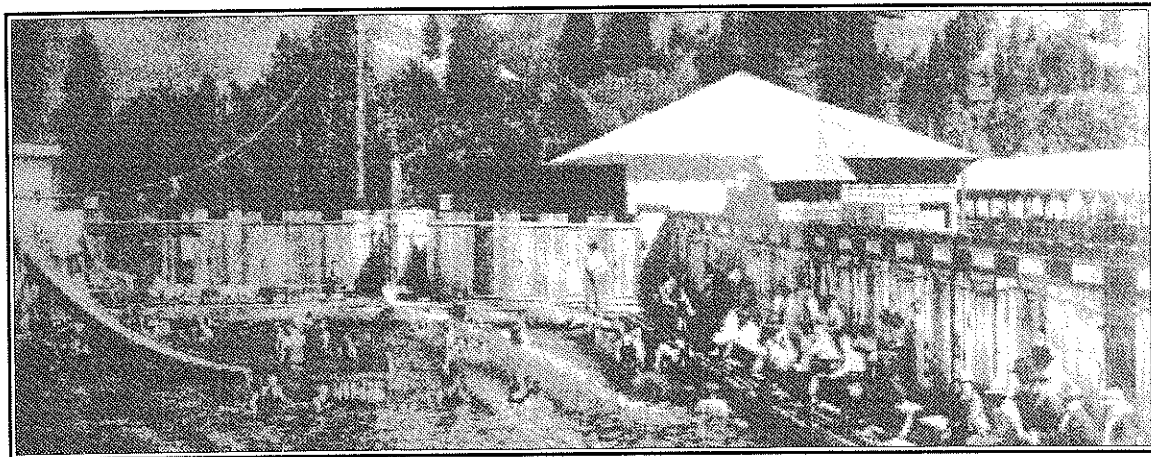
95466 — The first pool at Starkey, showing the dressing rooms at the north end.



00100 – Looking west at the dance pavilion, south of the hotel and pool.



00101 – Looking west at Starkey, probably in the late 1910s or early '20s. The Hotel is on the left. The pool seems to be covered with a tent-like affair. The depot is in the right foreground.

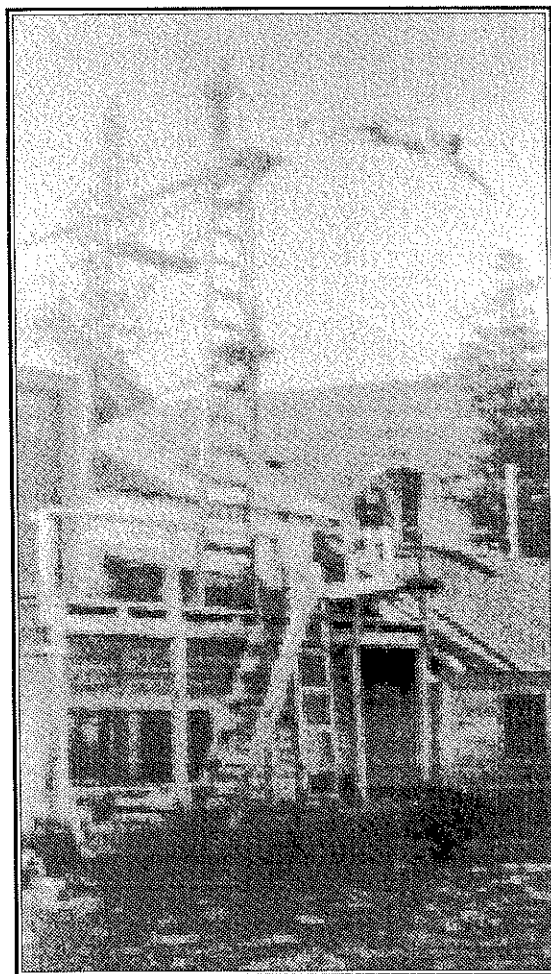


00179 – A composite photo showing the north end of the pool in the late 1910s or early '20s.

county road at Emsley Glenn's ranch about a mile north of Fruitvale. It was finished in the summer of 1915.¹³²⁹ Another addition to Starkey that year was a 12' X 12' railroad depot.¹³³⁰

One serious hitch in the arrangement of the Starkey property was that the hotel was still on the hillside north of the river, apart from all of the new attractions.¹³³¹ Fate would soon intervene to resolve this problem.

For some reason, after ten years of working to improve the resort, the Starkeys decided to sell out in 1915. The buyer was Reinhold Kleinschmidt (Albert's brother).¹³³² In late July, just days after the sale was made, Kleinschmidt and Dr. Starkey went to a big, public meeting in New Meadows. The meeting was to discuss building a railroad from New Meadows to Grangeville, and the Governor himself was scheduled to speak. In an effort to increase attendance at the meeting, the P&IN only charged half the usual fare to New Meadows.¹³³³ When the pair arrived back at the hot springs late that night, they met with a grim sight. The hotel had burned to the ground, along with all of Kleinschmidt's luggage.¹³³⁴



99482 This set of diving platforms, including one that looks about 25 feet or more from the water, stood braced against the old hotel (now the Lindsay's home) at the south end of the pool in the 1930s.

Leaving Kleinschmidt to carry on the dream in which they had invested so much, the Starkeys moved to Seattle where the doctor returned to a more traditional medical practice.¹³³⁵

Kleinschmidt built a new kitchen, and set up a makeshift dining room on the dance floor at the pavilion to feed his guests.¹³³⁶ Before long he built a new hotel building at the southwest end of the pool. He also announced plans to rename the resort "Medicinal Hotsprings," but the title didn't stick.¹³³⁷ The name "Starkey" had become synonymous with the hot spring, and no other name has ever been accepted by the public.

In 1920, two Council business men bought Starkey from Kleinschmidt. One of the men was Leonard Griffith who owned the Council Pharmacy.¹³³⁸

The other partner in the purchase of Starkey was Dr. William Brown who by that time was already a local Landmark. Brown arrived in Salubria as a young man in 1892, with his bride, Emma, and their baby girl, Winifred.¹³³⁹ He was the 42nd doctor licensed in Idaho.¹³⁴⁰ In partnership with Eugene Lorton, he bought the Pioneer drug store from John Cuddy.¹³⁴¹ The couple had another daughter, Mildred, in 1897. Brown soon sold his interest in the drug store to Lorton, and in 1899 the family moved to the new town of Cuprum in the Seven Devils Mining District.¹³⁴² Dr. Brown had been hired by the railroad to tend to the men who were to build the expected rail line between the mines and Council.¹³⁴³ After the railroad's plans failed to materialize, the Brown family moved briefly to Decorah, and then settled at Landore.¹³⁴⁴

At each town, Dr. Brown and Emma operated a combination drug store / general store. The doctor was a jack of all trades. He was a medical doctor, licensed pharmacist (often concocting his own unique remedies), optometrist, postmaster (actually Emma officially held this title), and merchant.¹³⁴⁵ In 1912 Dr. Brown was elected to the state legislature for one term. In 1916 the Browns moved to Council and built the home that is still in use at 201 North Clarendon Street.¹³⁴⁶

For a few years, Dr. Brown attended to his practice while Griffith ran the hot springs.¹³⁴⁷ Soon after Griffith and Brown bought Starkey they held a "Water Carnival." It featured "tub races, sack races, lighted candle races and water polo" and a "Jitney Dance" afterward.¹³⁴⁸

Griffith apparently sold his interest to Brown about 1925.¹³⁴⁹ About this time, the Brown family started living at Starkey and managing the resort.¹³⁵⁰ The Doctor maintained his practice at his office in Council on Tuesdays and Fridays, and by appointment at the hot springs.¹³⁵¹

At least during the 1920s, Starkey was said to be the only resort of its kind in the state of Idaho.¹³⁵²

By 1928 Dr. Brown was nearing the age of 70. After a long and illustrious career, he and Emma decided to retire. They started spending their winters in Phoenix, Arizona. Their older daughter, Winifred, and her husband took over ownership of the hot springs property.¹³⁵³ Winifred was about 18 years old when the Browns bought Starkey, but she had never spent much, if any, time living there until now. She had embarked on a teaching career

until she met and married a man from San Francisco named Robert Lindsay, in 1922. They had made their home in California.¹³⁵⁴

The Lindsays immediately set out to completely reshape the facilities. The first thing they overhauled was the public entrance to the pool at the northeast end. They built a two-story structure, with dressing rooms and a lobby on the first floor, and second story balcony for spectators. Before this, spectators used to sit on benches right beside the pool. The result, in those days in which the smoker was the epitome of social elegance, was cigarette butts, matches, used pipe tobacco and other trash, in and around the pool. More

dressing rooms were built along the south side of the pool. They made the walls out of local rock instead of lumber. The old wooden walls had been damaged by early cars which, after flying down the steep entrance, didn't always have adequate brakes.¹³⁵⁵

The remodeling progressed well until one day the Lindsays found out their bank account had been frozen. This was in the fall of 1929 when the stock market crashed and officially began the Great Depression.¹³⁵⁶

In spite of the setback, the Lindsays continued to work, doing most of the labor themselves. They

hauled rock for the walls from a short distance up the road, and bricks from the old smelter near Winifred's girlhood home at Landore. The problem of cooling the 135 degree water to a more comfortable ninety degrees was accomplished by a new

method the Lindsays discovered: they sprayed the water out over the pool, and it was cooled by the air before it entered the pool.¹³⁵⁷

Some of the work was done by students from Northwest Nazarene College in Nampa for \$20 per month plus room and board and free swimming. A wood-shed, several cabins and a tennis court were constructed during this time, and a great deal of landscaping



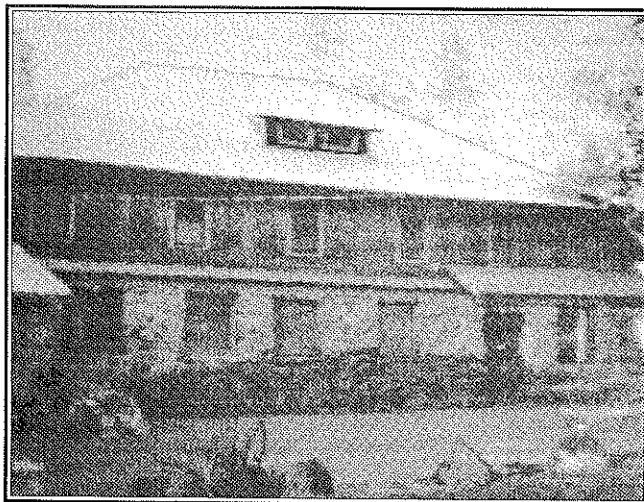
96149 – Dr. William Brown

was done. The Lindsays also remodeled the old hotel into a home for themselves.¹³⁵⁸

The Lindsays hired a cook, and served meals at the hot springs. Starkey soon earned star billing in the national publication "Best Places to Eat" by Duncan Hines as the only restaurant Hines recommended in Idaho.¹³⁵⁹ Breakfast cost 50 cents, lunch was 60 cents, and dinner was 75 cents. These were not low prices during the Depression.¹³⁶⁰ In 1931 the legendary Senator William E. Borah stayed in the hotel and socialized over dinner with Adams County Senator, E.G. Van

Hoesen.¹³⁶¹

During the Depression, the Lindsays were probably the only people in the country who had a heated chicken house. It was, of course, heated with hot spring water that was piped through it.¹³⁶²



00109 – Former hotel, in the 1960s, when it was the Lindsays' home.

During the 1930s William and Emma Brown spent most of their time at their Phoenix home. The doctor didn't quite live to see the U.S. enter World War Two. Dr. William M. Brown, a true pioneer and Landmark, died in Phoenix in October of 1941 at the age of 81.¹³⁶³

Because Bob Lindsay had been an officer in World War One, when the U.S. entered the Second World War he was put in charge of drilling the "Home Guard" volunteer reserves, a local paramilitary unit. They practiced every Friday evening at the ball park in Council, and those who wanted extra practice met each Wednesday to drill at Starkey.¹³⁶⁴ In 1943 Bob was sent to Portland for Army duty, so Starkey was closed and his family went with him. The post office at the hot springs was also closed at this time, and never reopened.¹³⁶⁵

The Lindsays returned right after the war ended, and resumed operations of the hot springs.¹³⁶⁶ Winifred went back to her old profession, teaching at the high school in Council. When Bob died in the 1960s, Winifred was getting along in age, and didn't want to run the resort

by herself. She put Starkey up for sale.¹³⁶⁷

In an effort to keep the hot springs open to the public, a group calling themselves "The Starkey Recreational Association" was formed.

They spent more than

a year trying to come up with a way to purchase Starkey, but by 1968 it became evident that not enough money was available. During this time the Joseph Greer family managed the hot springs property. Finally in 1971 Chuck and Helen Lortz bought it.

Sometime in the 1970s the home that the Lindsays had converted from the old hotel burned down. The Lortzes built a green house on the old foundation.

The Lortzes opened Starkey to the public for a time, but encountered more problems than they wanted to deal with. Basically it was the old story of a few rude people who trashed the place with garbage and graffiti, depriving everyone else of the chance to enjoy what had become a local institution.¹³⁶⁸ At this writing Starkey is closed to the public except for summer swimming lessons and other very limited uses.

- 1270 Adams County Leader, July 16, 1915
 1271 Hazel Marks Harrington in The Record
 1272 Adams County records in courthouse vault
 1273 Phone conversation with Mel Ryals
 (Everett's son) May 21, 1995
 1274 Council Leader, Jan 29, 1909
 1275 Council Valley Museum photo #72075
 1276 Council Leader, May 5, 1910
 1277 Council Leader, Oct 30, 1912
 1278 Council Leader, Nov 27, 1912
 1279 Adams County Leader, Oct 21, 1921
 1280 Council Leader, Oct 19, 1911 & Adams
 County Leader, June 16, 1922 & Fruitvale
 Echo, Apr 24, 1912
 1281 Council Leader, Sept 10, 1915 & S.D.
 Standard, Sat. June 7, 1902
 1282 Dick Fisk & "I Remember" article by
 Ralph Finn in The Record, May __, 1978 &
Listen ! The Pine Trees Are Singing by
 Cary Davis George, p 127
 1283 Dick Fisk
 1284 Ibid
 1285 Dick Fisk & "I Remember" article by
 Ralph Finn in The Record, May __, 1978
 1286 Adams County Leader, Jan 11, 1929 &
 May 24, 1940 (Obituary of J.A. Finn)
 1287 Adams County Leader, July 31, 1931
 1288 Ibid
 1289 Ibid
 1290 Conversation with Harold Ryan, Jan 18,
 1994
 1291 Ibid
 1292 Ibid
 1293 Dick Fisk interview, 1994
 1294 Rose Freehafer essay & Charles Winkler
 oral interview transcript, courtesy of Idaho
 Oral History Center, Boise. Charley said in
 the early days, anyone could find deer at
 the hot springs if he just waited around that
 area.
 1295 Interpretive sign at a hot springs along
 Highway 21 near Lowman, Idaho.
 1296 Matilda Moser memoir, Diffendaffer p. 222
 1297 Idaho Citizen, Aug 3, 1894
 1298 Salubria Citizen, Feb 8, 1895 & Idaho
 Magazine, Dec. 1905 p. 37
 1299 Weiser Signal, Jan 28, 1905 & May 20,
 1908 and other issues.
 1300 My Roseberry by Cythia Pottenger p 39
 1301 Council Journal, May 15, 1902
 1302 Adams County Courthouse records, Deeds
 Patent Cash Entry, Book 1, p. 59
 1303 Weiser Signal, Dec 19. 1903 & Adams
 County Courthouse records, Deed book C,
 p. 373
 1304 Adams County Courthouse records, Deed
 book C, p. 458 - This was a quit claim deed
 for which Biggerstaff paid \$1.00 .
 1305 The Record, Sept. 19, 1979
 1306 Adams County Courthouse records, Deed
 book 1, p. 248 & Weiser Signal, Mar 22,
 1905
 1307 Idaho Magazine, Dec. 1905 p. 38
 1308 Ibid
 1309 The Weiser Semi-Weekly Signal, July 29,
 1905 - Taken from the Council
 Advance paper
 1310 Idaho Magazine, Dec. 1905 p. 37
 1311 Based on old photos
 1312 The Weiser Semi-Weekly Signal, Dec
 16, 1905 & Feb 7, 1906
 1313 The Weiser Semi-Weekly Signal, May 23,
 1906
 1314 Schell, p. 73 & 101 & The Weiser Semi-
 Weekly Signal, Feb 7, 1906
 1315 The Weiser Semi-Weekly Signal, Oct 7,
 1905
 1316 Weiser Signal, May 26, 1906 & Jun 23,
 1906
 1317 Weiser Signal, July 25, 1906 & Council
 Leader, May 1, 1914
 1318 The Weiser Semi-Weekly Signal, Apr 14,
 1906 & July 25, 1906
 1319 Weiser Signal, Sept 29, 1906
 1320 Council Leader, Mar 14, 1912
 1321 Council Leader, May 2, 1912
 1322 Council Leader, Weds. Oct 23, 1912
 1323 Council Leader, June 20, 1913 & July 11,
 1913
 1324 Fruitvale Echo, April 17, 1912
 1325 Council Leader, Friday, Aug 29, 1913
 1326 Council Leader, Nov 21, 1913
 1327 Council Leader, Aug 21, 1914
 1328 Council Leader, Sept. 11, 1914
 1329 Adams County Leader, April 18, 1912 -
 Oct 31, 1913 - Oct 16, 1914 and various
 issues 1912 through 1915 and Fruitvale
 Echo, various issues, especially April 17,
 1912
 1330 Interstate Commerce Commission, Bureau
 of Valuation report on the P.& I.N.
 Railroad, undated - from the National
 Archives. Technically, it was a "shelter
 shed", not a depot.

Homestead Certificate No. 2205. INSTRUMENT NUMBER 2943.

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at Boise, Idaho whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Tolbert B. Biggerstaff, has been established and duly consummated, in conformity to law for the

South half of the South West quarter of Section one and the South half of the South East quarter of Section two in Township seventeen North of Range one West of Boise Meridian in Idaho, containing one hundred and 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 Tolbert B. Biggerstaff the tract of Land above described: TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said

T O L B E R T B. B I G G E R S T A F F

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.

(SEAL) IN TESTIMONY WHEREOF, I Theodore Roosevelt, President of the UNITED STATES GENERAL United States of America, have caused these letters to be made LAND OFFICE. Patent, and the seal of the General Land Office to be hereunto affixed.

G I V E N under my hand, at the City of Washington, the nineteenth day of October, in the year of our Lord one thousand nine hundred and five, and of the Independence of the United States the one hundred and thirtieth.

By the President: T. Roosevelt,

By F. M. McKean, Secretary,

C. H. Brush, Recorder of the General Land Office.

Recorded Idaho, Vol. 61,
Page 129.

Recorded at the request of Mrs. T. B. Biggerstaff, at 50 minutes past 3 o'clock, P. M., this 28th day of November, A. D., 1913.

C. W. Holmes, Recorder.

Fees, \$1.00. By India C. Hess, Deputy.

6007-1864

373
Certificate No. 3551.

INSTRUMENT NUMBER 2944.

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

W H E R E A S Harriet E. Biggerstaff, of Washington County, Idaho, 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 H A R R I E T T E. B I G G E R S T A F F, 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

North East quarter of the North West quarter of Section twelve in Township seventeen North of Range one West of Boise Meridian in Idaho, containing forty 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 Harriett E. Biggerstaff.

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 Harriett E. Biggerstaff and to her 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, thereunto belonging, unto the said Harriett E. Biggerstaff, and to her 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.

(S E A L) IN TESTIMONY WHEREOF I, Theodore Roosevelt, President of the UNITED STATES GENERAL UNITED STATES OF AMERICA, have caused these letters to be made LAND OFFICE. Patent, and the seal of the General Land Office to be hereunto affixed.

G I V E N under my hand, at the City of Washington, the fifth day of October, in the year of our Lord one thousand nine hundred and six and of the Independence of the United States the one hundred and thirty-first.

By the President: T. Roosevelt,

By F. M. McKean, Secretary,

C. H. Brush, Recorder of the General Land Office.
Recorded, Idaho, Vol. 64, Page 143.

Recorded at the request of Mrs. T. B. Biggerstaff, at 54 minutes past 3 o'clock, P. M., this 28th day of November, A. D., 1913.

C. W. Holmes, Recorder.

By India C. Hess, Deputy.

Fees, \$1.00.

[illegible]