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FEB 22 2006

DEPARTMENT OF
WATER RESOURCES

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW

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BOISE, IDAHO 83701-2836

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February 22, 2006

HAND DELIVERED

Steve Robischon, Technical Support Section
Adjudication Bureau
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Priority of Water Right, SRBA Claim No. 3-4002

Dear Mr. Robischon:

In a letter dated July 22, 2005, to the Lucich Family LP regarding the above claim you asked for documentation to support the priority claim of June 1, 1915. I had previously corresponded with you informing you that we would submit the proof once we obtained documentation from the Homestead Entry Files. I now have that information.

The land owned by the Lucich Family LP was part of two homestead patents, one by John Amon to the E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and U.S. Government Lot 4 of Sec. 2, T 9N., R. 5W., B.M., Payette County, Idaho. The other patent was Elizabeth Patterson for U.S. Government Lots 1, 2 and 3 of Sec. 2, T 9N., R. 5W., B.M., Payette County, Idaho. Since the patents were issued, Union Pacific's Oregon Short Line Railroad laid the tracks for its main line through the property. As a result, the property lying to the west of the tracks is one ownership and the property lying to the east of the tracks is in another ownership. The Lucich Family LP owns the land on the west side of the tracks. The land it owns is as follows:

All of U.S. Government Lot 4 and those portions of U.S. Government Lots 1, 2, 3, the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2 which lie west of the right-of-way for the Oregon Short Line Railroad, all in T 9N., R. 5W., B.M., Payette County, Idaho.

I have enclosed with this letter the following copies with respect to the Amon Patent:

- Sworn testimony of Clinton Glascock dated January 12, 1886. Mr. Glascock states that eight acres was in cultivation for the five previous seasons and that Mr. Amon settled on the land in October 1880.

- Sworn testimony of Poindexter Dawson dated January 12, 1886. Mr. Dawson states that eight acres were in cultivation for three seasons to his knowledge.
- Sworn testimony of John Amon dated January 12, 1886. Mr. Amon states that eight acres were in cultivation for the five prior seasons (first crop was in 1881); his house was built in October, 1880, he established that as his actual residence and he constructed corrals, a well, cellar and two miles of fencing.

With respect to the patent issued to Elizabeth Patterson I have enclosed the following copies:

- Sworn statement of Poindexter P. Dawson dated December 19, 1887. Mr. Dawson stated that he knew Elizabeth Patterson for over two years prior to her death and that the land was used for farming and haying and that Mr. Amon did the plowing for Ms. Patterson. Six acres were "broke and plowed". She moved there in October 1881.
- Sworn testimony of Clinton Glascock dated December 19, 1887. Mr. Glascock stated that six acres was "broke and plowed" and that she raised wheat, barley, corn and vegetables and raised some crop each season and that she commenced living on the land in 1881.
- On behalf of Elizabeth Patterson, John Amons sworn statement of December 19, 1887, stated that she moved onto the property in the fall of 1881 and remained there until her death in approximately 1884. He states that she raised some crop six seasons. The first three years perhaps three acres and since that time six acres was in cultivation.

None of the foregoing statements state whether irrigation water was applied or not. However, to raise the crops, irrigation would have been necessary. Also, none of the claimants statements stated where on the patented property the cultivation occurred. However, it would be presumed to have occurred on that portion of the property which would have been the westerly most portion and that portion now owned by the Lucich Family LP since that would be the easiest to irrigate.

I have also enclosed the original of the Affidavit of Dorothy M. Baker. Mrs. Baker and her now deceased husband, Robert L. Baker, began residing on the property in February, 1937, and continued to farm the property until it was sold to the Lucich Family LP. The Affidavit recites that water was pumped from the Snake River to the property and that the pump and pumping structure were old at that time and had obviously been used to irrigate the farm for many years prior to that date.

Steve Robischon, Technical Support Section
February 22, 2006
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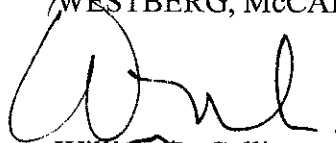
I have also enclosed a copy of the August 1975 Claim to a Water Right filed with the Department by Robert L. Baker. Mr. Baker states that the water was first used on the property in 1915.

Based upon the enclosures from the Homestead Entry Files 14 acres would have been in cultivation with water being used since 1881 or 1882. Therefore, the priority for that part of the right should be changed to that year for that number of acres. The Affidavit of Robert Baker on his Claim to a Water Right filed with the Department would justify a 1915 priority for 70 acres. Also, the Affidavit of Dorothy Baker would support a claim to a priority not later than February 1937 to 71 acres.

If this letter and the proof creates any additional questions, please contact me.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.



William D. Collins

WDC:mrs
enclosures
cc: Lucich Family LP

JOHN AMON
HOMESTEAD ENTRY FILE

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

Clinton Glascock being called as witness in support of the Homestead entry
of John Amos for SE 1/4, T. 3 N. 1/4, S. E. 1/4, Lot 14 Sec. 2
TP 9 N R 3 W, testifies as follows:

Ques. 1—What is your occupation and where is your residence?

Ans. occupation Farmer P. O. Union Washington Co Idaho

Ques. 2—Have you been well acquainted with John Amos, the claimant, in
this case ever since he made his homestead entry No. 1112.

Ans. Yes sir I have

Ques. 3—Was claimant qualified to make said entry? (State whether the settler was a citizen of the United States,
over the age of twenty-one years, or the head of a family, and whether he ever made a former homestead entry.)

Ans. I think him qualified and a citizen of the United States and at the head of a family I don't think he ever made former Homestead entry

Ques. 4—When did claimant settle upon the homestead and at what date did he establish actual residence thereon?
(Describe the dwelling and other improvements, giving total value thereof.)

Ans. Claimant settled on Homestead in Oct 1880 and established actual residence same time. House 12 by 28 feet Corral 2 mile fencing Broke land &c Valued at \$ 600.00

Ques. 5—Have claimant and family resided continuously on the homestead since first establishing residence thereon?
(If settler is unmarried, state the fact.)

Ans. Yes sir they have resided continuously on Homestead the settler is married Has wife and no children

Ques. 6—For what period or periods has the settler been absent from the land since making settlement, and for
what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. he has not been absent for any period

Ques. 7—How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon?

Ans. Cultivated Eight acres raised crop five seasons

Ques. 8—Are there any indications of coal, salines, or minerals of any kinds on the homestead? (If so, describe
what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. No indications to my knowledge

Ques. 9—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. not to my knowledge

Ques. 10—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfect-
ing this entry?

Ans. I am not interested and think he has acted in good faith

Clinton Glascock
mark

I HEREBY CERTIFY that the witness is a person of respectability; that the foregoing testimony was read to him
before being subscribed, and was sworn to before me this 12 day of January, 1886

(SEE NOTE ON FOURTH PAGE)

A. L. Richardson Clerk

By J. M. Hart Deputy

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

Poydexter Dawson being called as witness in support of the Homestead entry
of John Armon for 8 1/2 Sec 34 1/2 Sec 35 1/2 Sec 36 1/2 Sec 37 1/2 Sec 38
T.P. 9 N.R. 5 W., testifies as follows:

Ques 1—What is your occupation and where is your residence?

Ans Occupation farmer P.O. Heise Washington Co Idaho

Ques 2—Have you been well acquainted with John Armon, the claimant, in
this case ever since he made his homestead entry No. 15121?

Ans I have been acquainted with claimant 3 1/2 years

Ques 3—Was claimant qualified to make said entry? (State whether the settler was a citizen of the United States,
over the age of twenty-one years, or the head of a family, and whether he ever made a former homestead entry.)

Ans I think him well qualified to citizen of the United States
and at the head of a family never made former Homestead
entry to my knowledge

Ques 4—When did claimant settle upon the homestead and at what date did he establish actual residence thereon?

(Describe the dwelling and other improvements, giving total value thereof.)

Ans I do not see only by hear say he was living there
when I first saw him House 12 by 28 feet corral well
cellar 2 miles from Brookland &c Valued at \$6.00.

Ques 5—Have claimant and family resided continuously on the homestead since first establishing residence thereon?

(If settler is unmarried, state the fact.)

Ans Yes as far as my acquaintance with him
the settler is married

Ques 6—For what period or periods has the settler been absent from the land since making settlement, and for
what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans he has not been absent to my knowledge

Ques 7—How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon?

Ans Cultivated 8 acres raised crop 3 seasons to my knowledge

Ques 8—Are there any indications of coal, salines, or minerals of any kinds on the homestead? (If so, describe
what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans none to my knowledge more Val for agricultural

Ques 9—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans not to my knowledge

Ques 10—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfect-
ing this entry?

Ans I am not interested & think he has acted in good faith

Poydexter Dawson

I HEREBY CERTIFY that the witness is a person of respectability; that the foregoing testimony was read to him
before being subscribed, and was sworn to before me this 12 day of January, 1886.

(SEE NOTE ON FOURTH PAGE)

A. L. Richardson Clerk

By J. M. Hart Deputy

HOMESTEAD PROOF—TESTIMONY OF CLAIMANT.

John Amon being called as a witness in his own behalf in support of homestead entry No. 1112, for E/4 S E/4 T 5 S R/4 Sec 27 P 9 N R 5 W testifies as follows:

Ques 1.—What is your name—written in full and correctly spelled—your age, and post-office address?

Ans. Name John Amon age 32 years P O
Winn Washington County Idaho

Ques 2.—Are you a native of the United States, or have you been naturalized?

Ans. I am Native Born

Ques 3.—When was your house built on the land and when did you establish actual residence therein? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)

Ans My house was built in Oct 1880. I established actual residence
same time. House 2 Rooms 12 by 14 feet each Corral with cattle
fencing 2 miles broke land &c Valued at \$ 800.00

Ques 4.—Of whom does your family consist; and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)

Ans My family consist of wife have resided continuously
on Homestead since settlement

Ques 5.—For what period or periods have you been absent from the homestead since making settlement, and for what purpose; and if temporarily absent, did your family reside upon and cultivate the land during such absence?

Ans have not been absent for any period.

Ques 6.—How much of the land have you cultivated and for how many seasons have you raised crops thereon?

Ans Cultivated 8 acres raised crop 5 seasons

Ques 7.—Are there any indications of coal, salines, or minerals of any kind on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans No indications to my knowledge

Ques 8.—Have you ever made any other homestead entry? (If so, describe the same.)

Ans No sir I have not

Ques 9.—Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom and for what purpose?

Ans No sir I have not

John Amon

I HEREBY CERTIFY that the foregoing testimony was read to the claimant before being subscribed, and was sworn to before me this 12 day of January, 1886

A L Richardson Clerk

By J M Hart Deputy

NOTE.—If naturalized, the claimant must file a certified copy of his certificate of naturalization. In a commuted homestead a foreign-born claimant, if not naturalized, must file a certified copy of his declaration of intention. In making proof, the party must surrender his original duplicate receipt, or file affidavit of its loss.

(SEE NOTE ON FOURTH PAGE)

HOMESTEAD PROOF.

LAND OFFICE AT

Bona W. Smith

Original Application No. *1113*

Final Certificate No. *469*

Approved:

Marion C. Smith, Register.

W. E. Brewster, Receiver.

(4-369.)

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

ARTICLE XX—CRIMES—CH 4

SEC. 5392 Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. [See § 1750.]

No. 469
 District, Pose City
 No. of acres, 159 90 100
 Errors in description,
 Date of Settlement,
 " " Residence, Oct-80
 " " Entry, Nov. 15-80
 " " Proof, Jan'y 12-86
 " Advertis'd, " " "
 " of Certificate, " " "
 Officer taking proof, Clk Dist Court
 No. of weeks advertised, 6
 Improvements, House 2 rooms 12' x 14'
lath; Corral, well, cellar
2 miles fencing, making &c
 Value of \$600
 Acres broken, 8
 " in crop, 8 No. of seasons, 5
 Kind of crops, Wheat
 Residence claimed, 5 yrs. 3 mos
 Military or Naval service, 0
 No. of absences, 0
 Total duration, 11
 Cause,
 Native-born—Naturalized,
 Supplemental proof,
 Claimant's family, Wife
 REMARKS:

Recommendation, tabulate, suspend,
 Examined 13 day of June, 1887
 (5152-10 M) o 6-149 Wife
 Examiner

**ELIZABETH PATTERSON
HOMESTEAD ENTRY FILE**

HOMESTEAD, PRE-EMPTION, AND COMMUTATION PROOF.

TESTIMONY OF WITNESS.

(The testimony of two witnesses, taken separately, in addition to the testimony of claimant, is required in each case.)
(The testimony of witnesses must be taken at the same time and place and before the same officer as claimant's final affidavit.)
The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise

Question 1.—What is your true name (christian and surname), given in full, your age, residence, and present post-office address?
(Give description of land on which you reside, quarter-section, township, and range.)

Answer. *Pendexter P. Dawson age 46 years Residence about 7 miles South of prison on Snake River P O Hilder Idaho I live on School Section 36 T P 10 N R 5 W*

Ques. 2.—What is your present occupation, and where and by whom have you been employed since....., the date of claimant's alleged settlement on said tract?

Ans. *farming not been employed by any one*

Ques. 3.—Are you related to claimant or in any way interested in this claim, or are you connected with him in business of any kind?

Ans. *no sir none*

Ques. 4.—How far from the residence of claimant, on said tract, do you reside, and how long have you lived there?

Ans. *I live 2 miles distant lived there over five years*

Ques. 5.—Give the names and residence of two or more persons living nearer to the claimant of this tract than yourself. If none are nearer than you, give the names of two or more next nearest, and state the land on which they reside.

Ans. *John Carroll lives on 36 Sec 7 P 10 N R 5 W
G. G. Gray lives on Sec 1 T P 10 N R 5 W*

Ques. 6.—How long have you known....., the claimant, for whom you appear as a witness, where has he been living since you first knew him up to the present time, and is he the identical person he represents himself to be?

Ans. *I knew her over 2 years before her death*

Ques. 7.—Are you well acquainted with the land embraced in this claim? Give correct description thereof; also state the extent of your knowledge, and how you know what you affirm.

Ans. *yes sir I am it is Lots 1-2 & 3 Sec 2 T P 9 N R 5 W*

I know it by government survey

Ques. 8.—How often have you been on this tract of land since claimant's alleged settlement thereon, at what time or times, and when did you last see him on the land?

Ans. *perhaps 20 times I saw her there three times just before death*

Ques. 9.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. *no sir*

Ques. 10.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land

Ans. *farming or Prairie*

Ques. 11.—Are there any indications of coal, minerals, or salines on this land?

Ans. *none to my knowledge*

Ques. 12.—Is it within any stock range or fence or other inclosure? If so, give the names of the parties owning or in any manner controlling such inclosure or range

Ans. *no sir it is not*

Ques. 13.—If the land is timber land, state whether the timber, or any portion thereof, and what portion, if any, has been cut or removed, and by whom?

Ans.

no timber what ever

Ques. 14.—What is this land used for, and who (if any one) besides the claimant is in any manner interested in or uses or controls the land or claims the timber thereon?

Ans.

farming & Haying

Ques. 15.—What has been claimant's occupation since you first knew him, and where has he been employed, and by whom?

Ans.

farming generally
not built by any one to my knowledge

Ques. 16.—Has he had any other living or boarding place than on this land during the existence of his present claim? If so, state where he has been living or stopping

Ans.

no in not to my knowledge
up to his death

Ques. 17.—Does claimant's family reside on said land? When did they move thereon? How long have they lived there, and do they still reside thereon? If not, where do they reside?

Ans.

no family

Ques. 18.—Has claimant's family been absent from said land since moving there? If so, state how often, how long each time, and the cause of said absence or absences

Ans.

no family to be absent

Ques. 19.—State in full and in detail all the facts within your knowledge as to claimant's actual residence upon this claim; when and how often you have seen him upon the land; what were the evidences that he actually lived on the tract; how long he has lived there, and whether he lives there now

Ans.

I seen him living there before death afterward
seen Mr. Arman living there a great many
times. I have seen him plowing working
and eating there.

Arman lived there over three years after death of E. Patterson

Ques. 20.—If claimant has been absent from said land since his alleged settlement, state fully how often, when, how long each time, and for what purpose.

Ans.

have not been absent until death
taken her away

Ques. 21.—State in detail the character of the improvements; what they consisted of, and when they were made; the value of each distinct improvement, fully describing the same; also whether they were made by the claimant or by some other person.

Ans. House Valued \$ 50.00 Cellar \$ 20.00
 well \$ 20.00 (6 acres Barke land) 300 rods
 Fencing \$ 150.00 Cornal \$ 10.00
 Total \$ 270.00

Ques. 22.—Give the size, construction, and material of claimant's house on said tract, and also state whether the same is habitable during all seasons of the year.

Ans. Lumber House 12 by 14 feet
 it is habitable all seasons

Ques. 23.—What is this land worth, and was it ever offered for sale?

Ans. it is worth with the improvements \$ 900.00

Ques. 24.—When did claimant commence living upon this land?

Ans. in October 1881

Ques. 25.—How much of said land has been broken, how much plowed since being broken, and how much put into crop each season? State kind of crops raised, their value, and number of seasons crops were raised.

Ans. Barke & plowed 6 acres
 Raised Wheat Corn Barly & Vegetables
 do not as value them

Ques. 26.—Is said land in crops this season, or has it been prepared for cropping the coming season?

Ans. it was in crop this season
 and prepared for crop coming season

Ques. 27.—Do you believe that claimant intends to continue his residence on this land after making final proof, or does he intend to remove therefrom?

Ans. I believe he did up to his death.

Ques. 28.—Do you know how the claimant has resided there, as you have heretofore stated?

Ans. no sir as family the adams family
 is tending the said tract

For Decker P. Adams

[Signature of witness.]

U. S. LAND OFFICE,

, 18

I HEREBY CERTIFY that _____ personally appeared before me; that he is a credible witness, and is personally known to me (or has been satisfactorily identified before me by _____), and that each question in the foregoing deposition was orally propounded to the said _____ and the foregoing answers severally given by him thereto before he signed the same and after being sworn according to law; that I have called his attention to the laws and penalties against false swearing; and that the foregoing deposition was sworn to and subscribed before me this _____ day of _____, A. D. 18

Register (or Receiver)

SPECIAL CERTIFICATE

(To be used in all cases when proof is made before a clerk of court or judge of probate.)

Territory of Idaho
County of Washington } ss:

I *Case Broderick* District Judge in and for *Washington Co.*, do hereby certify that the claimant *Elizabeth Patterson* and his witnesses *Clinton Hancock*, *F. Brundette P. Dawson* in this proof were identified by *J. M. Hart* to be the identical persons named in the published notice herein

That before proceeding to take the proof and testimony I read to the claimant and to each of the witnesses Section 5392 of the Revised Statutes of the United States and explained to each of them the import and meaning thereof

That each of the printed questions in the testimony was read to said claimant and to each of said witnesses, and their respective answers thereto were by me reduced to writing and read to each respectively, and was there and then by them subscribed and sworn to before me

That said proof and affidavits were taken and made between the hours of eight A. M. and six o'clock P. M. on the *19th* day of *Dec.*, 1887, at my office at *Hailey, Idaho*, in said *County & Territory*

That no protest or objection of any kind against said proof has been made or filed in my office by any person

Given under my hand and official seal this *19th* day of *Dec.*, 1887

Case Broderick
District Judge

We hereby certify that the within and foregoing testimony of claimant and witnesses has been carefully examined by us before transmittal to the General Land Office

H. C. Brantlett
 Register
 Receiver

TESTIMONY OF WITNESS.

[4-369 b.]

Pre D. S. No. _____

Orig. Hd. No. *1384* T. C. No. *578*

NAME OF CLAIMANT,

Mrs. Elizabeth Patterson

LAND OFFICE AT _____

Case Broderick

Approved:

Case Broderick
H. C. Brantlett
 Register,
 Receiver.

[803-50 M.]

HOMESTEAD, PRE-EMPTION, AND COMMUTATION PROOF.

TESTIMONY OF WITNESS.

(The testimony of two witnesses, taken separately, in addition to the testimony of claimant, is required in each case.)

(The testimony of witnesses must be taken at the same time and place and before the same officer as claimant's final affidavit.)

The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise

Question 1.—What is your true name (christian and surname), given in full, your age, residence, and present post-office address? (Give description of land on which you reside, quarter-section, township, and range.)

Answer *Clinton Glascock age 50 years P O Union Washington County Idaho I live on Lot 2 Sec 26 T P 10 N R 5 W*

Ques. 2.—What is your present occupation, and where and by whom have you been employed since....., the date of claimant's alleged settlement on said tract?

Ans *farming no one has employed me*

Ques. 3.—Are you related to claimant or in any way interested in this claim, or are you connected with him in business of any kind?

Ans *no sir*

Ques. 4.—How far from the residence of claimant, on said tract, do you reside, and how long have you lived there?

Ans *2 miles distant lived there 12 years*

Ques. 5.—Give the names and residence of two or more persons living nearer to the claimant of this tract than yourself. If none are nearer than you, give the names of two or more next nearest, and state the land on which they reside

Ans *John Carroll lives on Schell Sec 36 T P 10 N R 5 W
James Henson lives on Sec 1 T P 9 N R 5 W*

Ques. 6.—How long have you known....., the claimant, for whom you appear as a witness, where has he been living since you first knew him up to the present time, and is he the identical person he represents himself to be?

Ans *have known her since 1881 up to her death she lived there*

Ques. 7.—Are you well acquainted with the land embraced in this claim? Give correct description thereof; also state the extent of your knowledge, and how you know what you affirm

Ans *yes sir it is Lots 1-2 & 3 Sec 2 T P 19 N R 5 W*

Ques. 8.—How often have you been on this tract of land since claimant's alleged settlement thereon, at what time or times, and when did you last see him on the land?

Ans *many times he has been there about 3 years ago*

Ques. 9.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans *no sir*

Ques. 10.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land

Ans *farming land or farming*

Ques. 11.—Are there any indications of coal, minerals, or salines on this land?

Ans *no sir none to my knowledge*

Ques. 12.—Is it within any stock range or fence or other inclosure? If so, give the names of the parties owning or in any manner controlling such inclosure or range.

Ans *no sir*

Ques. 13.—If the land is timber land, state whether the timber, or any portion thereof, and what portion, if any, has been cut or removed, and by whom?

Ans. *no timber*

Ques. 14.—What is this land used for, and who (if any one) besides the claimant is in any manner interested in or uses or controls the land or claims the timber thereon?

Ans. *farming Haying &c
no one but the Administrator*

Ques. 15.—What has been claimant's occupation since you first knew him, and where has he been employed and by whom?

Ans. *farming
by no one*

Ques. 16.—Has he had any other living or boarding place than on this land during the existence of his present claim? If so, state where he has been living or stopping

Ans. *She did not up to her death*

Ques. 17.—Does claimant's family reside on said land? When did they move thereon? How long have they lived there, and do they still reside thereon? If not, where do they reside?

Ans. *no family*

Ques. 18.—Has claimant's family been absent from said land since moving thereon? If so, state how often, how long each time, and the cause of said absence or absences

Ans. *no family to be absent*

Ques. 19.—State in full and in detail all the facts within your knowledge as to claimant's actual residence upon this claim; when and how often you have seen him upon the land; what were the evidences that he actually lived on the tract; how long he has lived there, and whether he lives there now

Ans. *I have seen her there many a time
living I see her all the time while she lived
she lived there over two years
she is dead*

Ques. 20.—If claimant has been absent from said land since his alleged settlement, state fully how often, when, how long each time, and for what purpose

Ans. *was not been absent during her life
from date of entry*

Ques. 21.—State in detail the character of the improvements; what they consist of, and when they were made; the value of each distinct improvement, fully describing the same; also whether they were made by the claimant or by some other person.

Ans. *House Valued \$50.00 Cellar \$20.00*
Well \$30.00 Corral \$20.00 Barbed Land \$20.00
Fencing \$150.00
Total \$280.00

Ques. 22.—Give the size, construction, and material of claimant's house on said tract, and also state whether the same is habitable during all seasons of the year

Ans. *Lumber House 12 by 14 feet*

Ques. 23.—What is this land worth, and was it ever offered for sale?

Ans. *it is worth with the improvements \$1300.00*

Ques. 24.—When did claimant commence living upon this land?

Ans. *in fall of 1881*

Ques. 25.—How much of said land has been broken, how much plowed since being broken, and how much put into crop each season? State kind of crops raised, their value, and number of seasons crops were raised

Ans. *6 acres Broken & plowed*
Can't say how much put in crop each season
Raised Wheat Barley Corn Vegetables &c
Raised some crop each season

Ques. 26.—Is said land in crops this season, or has it been prepared for cropping the coming season?

Ans. *it was ready for coming season*

Ques. 27.—Do you believe that claimant intends to continue his residence on this land after making final proof, or does he intend to remove therefrom?

Ans. *I think he did up to his death*

Ques. 28.—Do you believe that claimant's family reside on said land at the present time? You will explain how you know he has resided there, as you have heretofore stated

Ans. *no family was a single person*

[Signature of witness]

his
Clinton J. Glascock
mark

U. S. LAND OFFICE,

, 18

I HEREBY CERTIFY that _____ personally appeared before me; that he is a credible witness, and is personally known to me (or has been satisfactorily identified before me by _____), and that each question in the foregoing deposition was orally propounded to the said _____ and the foregoing answers severally given by him thereto before he signed the same and after being sworn according to law; that I have called his attention to the laws and penalties against false swearing; and that the foregoing deposition was sworn to and subscribed before me this _____ day of _____, A D 18

Register (or Receiver)

SPECIAL CERTIFICATE

(To be used in all cases when proof is made before a clerk of court or judge of probate)

Secretary of Idaho
County of Washington } ss:

I, *Case Bradenick* District Judge in and for *Washington Co.*, do hereby certify that the claimant *Elizabeth Patterson* and his witnesses *Clinton Gossett*, *Bondexter P. Dawson* in this proof were identified by *J. M. Hook* to be the identical persons named in the published notice herein

That before proceeding to take the proof and testimony I read to the claimant and to each of the witnesses Section 5392 of the Revised Statutes of the United States and explained to each of them the import and meaning thereof

That each of the printed questions in the testimony was read to said claimant and to each of said witnesses, and their respective answers thereto were by me reduced to writing and read to each respectively, and was there and then by them subscribed and sworn to before me

That said proof and affidavits were taken and made between the hours of eight A. M. and six o'clock P. M. on the *19th* day of *Dec.*, 1887, at my office at *Keiser Idaho* in said *County, Territory*

That no protest or objection of any kind against said proof has been made or filed in my office by any person

Given under my hand and official seal this *19th* day of *December*, 1887.

Case Bradenick
District Judge

We hereby certify that the within and foregoing testimony of claimant and witnesses has been carefully examined by us before transmittal to the General Land Office

Register

H. C. Brammiller

Receiver

TESTIMONY OF WITNESS.

[4-369 b.1]

P. D. S. No. *Cash No.*Orig. H. L. No. *1384 P. O. No. 578*

NAME OF CLAIMANT,

Elizabeth Patterson

LAND OFFICE AT

Keiser Idaho

Approved:

H. C. Brammiller Register.*H. C. Brammiller* Receiver.

[369-50 M.]

HOMESTEAD, PRE-EMPTION, AND COMMUTATION PROOF

TESTIMONY OF CLAIMANT.

Full and Specific Answers must be given to each Question. Evasive Answers will be Fatal to the Proof.

Elizabeth Patterson Deceased by *John Aman administrator*
claimant, being first duly sworn, testifies as follows:

Question 1—What is your correct name, your age, and occupation? If employed by any person, state by whom

Ans. *Elizabeth Patterson age 32 years to date no one*

Ques 2—What is your post-office address?

Ans. *Warren Washington County Idaho*

Ques 3—Are you the identical person who made pre-emption filing No. _____ (or homestead entry No. *1384*) at the *Bosse City* land office on the *8th* day of *December*, 188*7*, and

what is the true description of the land now claimed by you?

Ans. *it is the Lots 1-2 & 3 Sec 2 T P 9 N R 3 or*
she is the same person above named

Ques 4—Where did you live before settling upon this land, and what was your occupation?

Ans. *lived in Illinois. Common laborer*

Ques 5—Are you a citizen of the United States, or have you declared your intention to become such?

Ans. *Native Born*

(In case the party is of foreign birth, a copy of his declaration of intention to become a citizen or full naturalization certificate, officially certified, must be filed with the case. The latter is only required in final homestead entries.)

Ques 6—Are you interested in any other entry or filing than the one upon which you now seek to make proof?

Ans. *no Sir she was not*

Ques 7—Have you ever made a pre-emption filing for any other tract of land, or made any other homestead entry or filing or entry of any kind? (Answer each question separately, describe the land, and state what disposition you made of your claim.)

Ans. *none whatever*

Ques 8—Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade and business?

Ans. *no Sir*

Ques 9—What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality, and for what purpose it is most valuable.

Ans. *prairie and agricultural land*
most val for farming

Ques 10—Are there any indications of coal, salines, or minerals of any kind on the land? If so, describe what they are

Ans. *not to my knowledge*

Ques 11—If the land is timber land, state the kind, quality, and amount of timber thereon at date of initiating your claim, the amount still standing, how much has been cut and removed, and by whom, and whether the same has been disposed of, and to whom; also whether any other person than yourself has any interest in the timber, and if so, what kind of interest.

Ans. *no timber*

Ques. 12.—If the land is used for grazing purposes, state how and by whom it is so used, and whether it is within any stock range or fence or other inclosure, and who owns or controls the range or inclosure.

Ans.

*it is not used by any one
only myself as administrator*

Ques. 13.—When did you first make an actual personal settlement on this land? State what you did to make such settlement, and the character and value of the improvements you then placed upon the land.

Ans.

*in October 1881 Building house &c
Valued at \$3000*

Ques. 14.—Was the land occupied by any other person when you made such settlement? If so, state who lived there, and how you obtained possession.

Ans.

no one it was not

Ques. 15.—When did you actually move on this land and commence living permanently thereon?

Ans.

She moved there in fall of 1881

Ques. 16.—Where has been your actual personal residence and home during the whole time since the date of this filing or entry?

Ans.

on this present tract up to her death

Ques. 17.—Has your residence on the land now claimed been actual or constructive, continuous or at intervals? Explain what you mean by actual continuous residence.

Ans.

*it was continuous up to her death
some 3 years ago*

Ques. 18.—Have you resided or boarded elsewhere than on this land since commencing your residence thereon? If so, state when and where, how often, and for how long.

Ans.

She did not

Ques. 19.—When has been your last vote since establishing residence on this land, and where did you last vote, and how long have you voted there?

Ans.

She never voted

Ques. 20.—How many times have you been absent from said tract since you commenced actual residence thereon? Give the dates when each absence commenced and terminated, and the cause therefor.

Ans.

*She was not absent
until death made it*

Ques. 21.—If you have a family, and if not, whom does your family consist of?

Ans.

no family

Ques. 22.—Has any family resided with you on this claim? If so, state when they moved on the land, how long they have lived there, and whether they actually reside there still.

Ans.

no family

Ques. 23.—If your family has been absent any part of the time since moving on the land, state the causes for and the dates when each absence commenced and terminated.

Ans.

no family was single

Ques. 24.—When and by whom was your house built? Is it habitable at all seasons of the year?

Ans.

Built by John Arman as carpenter, yes sir

Ques. 25.—Did you and your family live in said house during all of each or any winter since the date of your filing or entry? If state the duration and causes of each absence.

Ans.

yes sir she did

Ques. 26.—If your family has not lived with you on this claim since the date of your filing or entry, state the causes therefor, where they did reside, and where they are now living

Ans.

no family to live with

Ques. 27.—Do you own any other residence house than the one now on your claim? If so, state where, and who occupies the same

Ans.

No Sir

Ques. 28.—Describe fully the house on this claim, giving value thereof; also describe fully all other improvements thereon of whatever kind, giving the value of each and total value of all improvements

Ans.

Lumber house 12 by 14 feet \$ 75⁰⁰ Cellar \$ 20⁰⁰
Well \$ 20⁰⁰ Corrals \$ 30⁰⁰ Back land \$ 20⁰⁰
(fencing 300 rods) \$ 150⁰⁰
Total \$ 315⁰⁰

Ques. 29.—What farm implements do you own and use on this claim? State kind and number, and how long you have owned the same.

Ans.

Plow Harrow &c

Ques. 30.—What domestic animals and live stock do you own and keep on this claim? State kind and number of each kind

Ans.

None

Ques. 31.—State what articles of furniture of every kind you keep and use in your residence on this claim, and how long you have had them there.

Ans.

Bedstead Table Chairs &c

Ques. 32.—Have you any personal property or live stock of any kind elsewhere than on this claim? If so, describe the same, and state where the same is kept

Ans.

No Sir none

Ques. 33.—How many seasons have you raised crops on this land, and what kind of crops have you raised each season?

Ans.

raised corn crop six seasons

Ques. 34.—How many acres have you put in crops each year, and how much did you raise? State the amount in bushels of each kind

Ans.

the first 2 years perhaps 3 acres since that

Ques. 35.—Is the land in crop this year, or is it prepared for cropping the coming season? How much of the land is so chopped or prepared?

Ans.

It was in crop ready for coming season

Ques. 36.—Do you carry on any trade, profession, or business elsewhere than on this land? If so, state what business you have been engaged in while claiming this land, where it was carried on, and the distance from your claim

Ans.

no sir she did not

Ques. 37.—If you have been employed in working for others away from this claim since you established residence thereon, state when, where, and for whom, in what occupation or capacity, how long you have so worked, and where you staid and lived during that time.

Ans.

no sir she did not work
away from home

Ques 38.—Where are you assessed for taxes, personal, real estate, or license, and when and where have you paid taxes claiming this land?

Ans *at \$150.00 dollars*
in Ada County Idaho

Ques 39.—Are the improvements on this land assessed for taxes; if so, at what valuation? Have such taxes been paid; if so, when and by whom?

Ans *they was at \$150.00*
yes Sir paid

Ques 40.—What use is made of this land, and who, besides yourself and family, uses it or causes it to be used?

Ans *farming Haying &c.*
no one has had Control of it but the Administrator

Ques 41.—Have you sold, transferred, or mortgaged this land, or offered or agreed to sell or dispose of it, and at what price?

Ans *No Sir*

Ques 42.—Do you make this entry in the interest or for the benefit of any one else, or has any person other than yourself and family any interest, immediate or prospective, in this entry? If so, state for whom the entry is made

Ans *No Sir*

Ques 43.—Has any person paid your expenses for making this entry, or paid you wages or a salary on condition that you make said entry, or agreed to do so, or agreed to pay the entry money for you, or to pay the fees or commissions, with the agreement or understanding that you would deed the land after entry is made?

Ans *No Sir*

Ques 44.—Do you make this entry in good faith, for the exclusive purpose of a home and farm for yourself and family?

Ans *Yes Sir to my knowledge*

[Signature of claimant.]

John A. Auman
Administrator of Elizabeth Patterson Deceased

I HEREBY certify that each question in the foregoing deposition was orally propounded to the said *John A. Auman*

John A. Auman, and the foregoing answers severally given by him thereto before he signed the same and after

being sworn to the truth of the same, and the said *John A. Auman* is to me personally known (or satis-

fied by me) as the person he represents himself to be in making this

deposition, and that he is subject to the penalties against false swearing, and that the foregoing deposition was sworn to

and subscribed by me on the *17th* day of *December*, A. D. 1887.

Kearse Brudwick
District Judge

[4-369a.]

TESTIMONY OF CLAIMANT.

NAME OF CLAIMANT

DATE

NAME OF CLAIMANT

DATE

LAND OFFICE AT

NAME OF CLAIMANT

DATE

NAME OF CLAIMANT

DATE

**AFFIDAVIT
OF
DOROTHY M. BAKER**

STATE OF IDAHO)
) ss
County of Washington)

DOROTHY M BAKER, being first duly sworn on oath, deposes and states as follows:

1 I am presently a resident of Weiser, Idaho

2. I and my husband, Robert L Baker, who is now deceased, were, for many years, residents of Payette
County, Idaho, and resided on the land described below:

All of Lot 4 and those portions of Lots 1, 2, 3 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 2, T 9N.,
R 5W., B.M., Payette County, Idaho, which lies west of the right-of-way of the Oregon Shortline
Railroad.

3 I and Robert L. Baker were married February 9, 1937. We began residing on the above real property
in 2-9-37 and my husband farmed the property with my father-in-law and mother-in-law who had purchased
the real property a couple of years before 1937.

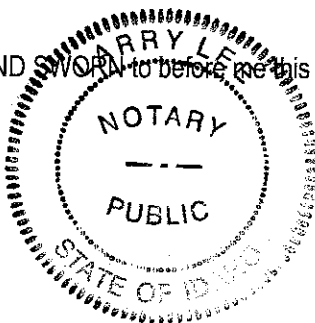
4 I and my husband farmed the property from when we first began to live on it through the year
2005.

5. When I and my husband moved onto the property there was a pump in the Snake River which pumped
water to irrigate the farm. There is and was approximately 71 acres of irrigated land which we irrigated with water
pumped from the Snake River. At the time we moved to the property, the pump and the pumping structure and
equipment were old and they obviously had been used to irrigate the farm for many years prior to the time we moved
onto the property.

DATED this 13 day of February, 2006

x Dorothy M. Baker
Dorothy M. Baker

SUBSCRIBED AND SWORN to before me this 13 day of February, 2006.



[Signature]
Notary Public for State of Idaho
Residing at: [Signature]
My Commission Expires: 1-2-11

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Robert LeRoy Baker (name of claimant)

of Rt. 1, Box 241, Payette, ID claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Snake River
 _____, tributary to: Columbia River

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount: 02.0 cfs Use: irrigation Period of Use: From 4-1 To 10-31

Amount _____ Use _____ Period of Use: From _____ To _____

Amount Use Period of Use: From To
(both dates inclusive)

(cfs, gpm or a/f) (dom., irr., stock, etc.) (both dates inclusive)

- (3) Total quantity of water claimed: 02.0 cubic feet per second or _____ acre feet
per annum and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1915

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE 1/4 SW 1/4 Sec 2 Twp 9 N Rge 2 W B M County of Payette

Additional points of diversion:

- B) Describe means of diversion of water: (pump and pipeline well diversion dam reservoir, length of ditch and field etc) Give sizes and capacities, be as specific as possible. 10 hp motor and pump from Snake River
into Ditches

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an 'X' in appropriate box to show location

[illegible]

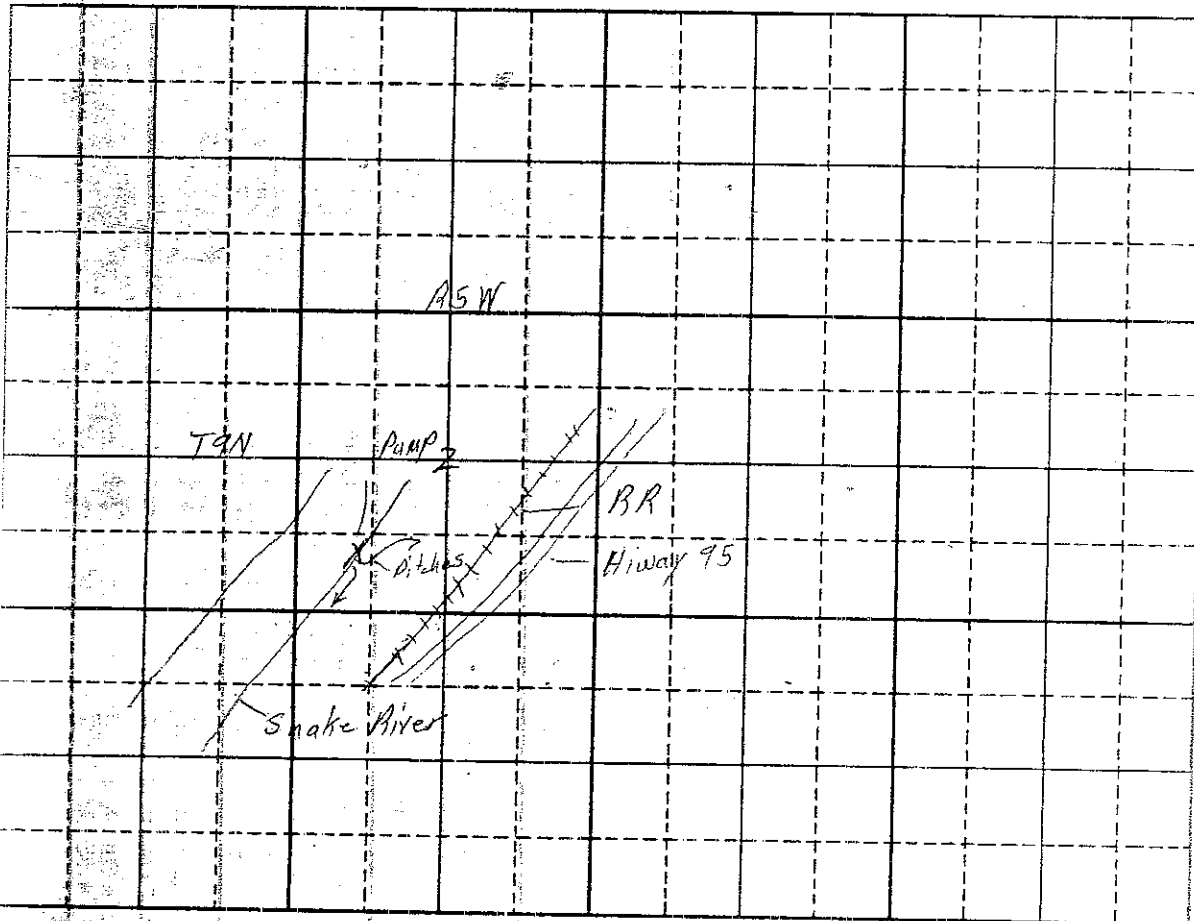
Total No of acres 75

- B If the water is used for other than irrigation, fully describe that use being as specific as possible: _____

- (7) If you are claiming water as a member of an organization list name of organization: _____

copy of this in Bank Deposit Box A4

(8) Remarks



Scale: 2 inches equal 1 mile

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Ada) ss

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 19th day of August

Robert L. Ry Baker
(Claimant)

Cathy L. Shaw
Notary Public

Residing at Boise, Id

My commission expires 12-26-78

For Department Use Only

Received by [Signature] Date 8/19/75 Exception filed by: _____ Forwarded to _____ Date _____
Prelim check by [Signature] Date 8/19/75 claimant by: _____
\$10.00 fee received by [Signature] Date 8/19/75 # 1276
Approved for publication by [Signature]
Published in _____
Dates _____