

Notes

11/17/06 Rec'd Homestead documents from Vic Conrad for Raymond Hall, N $\frac{1}{2}$ SW Sec. 22; Kennington SWSE Sec 21.

12/5/06 Gave patent information for G. Raymond Hall & Kennington to Candice McHugh to take back to Boise for Nick.

Harvey Kennington
US PATENT 042933

LEGAL DESCRIPTION: S1/2SE1/4 Sec. 21; NE and SENW of Sec. 28, N1/2 of Sec 27; SESE Sec 22 all within T9S, R46E, B.M.

Dec 1, 1927	Water Hole Affidavit. Serial number 042933 by G Harvey Kennington on the above referenced land swore that there are no water holes or water on said lands except: A small spring on NWNW sec. 27 which flows I estimate about 10 gallons a minute; also Rock reek runs through the SENW sec 28, and a canal runs through a portion of NE sec 28, which canal is owned by other parties. That there is plenty of water for range stock on lands adjacent to this entry, and the fencing of the same will not deprive said range stock from water. G. Raymond Hall and James B Bruce also swore the same.
Dec 1, 1927	Depose of on application no. 042933. "That he has examined each and every legal subdivision of said lands, and there is no water hole and no water on said entry except the following: A small spring on NWNW sec 27, which flows I estimate about ten gallons of water per minute; also Rock creek runs through the SENW sec. 28 and a canal runs through a portion of NE sec. 28, which canal is owned by other parties. That there is plenty of water for range stock on lands adjacent to this entry, and the fencing of the same will not deprive said range stock from water" G. Raymond Hall and James B Bruce also swore the same.
Dec 3, 1927	US Dept. of Interior: Stock-raising homestead entry-Original serial number 042933. Applied 12-29-1916 for land listed above.
Aug 16, 1934	Register's Final Certificate Homestead. Authorized by "C" 8-9-34 Act 12-29-16 Patent number 042933
June 22, 1934	US Dept. of Interior: Favorable Report. Character of land: level to rough. About 20 acres in the SWSE sec 21 is cultivated and wild hay raised up it. Too marshy to farm. Avout ¼ of the entry could be dry farmed, but most suitable for grazing. Land is located on Crow Creek in Caribou County. Cultivation: Entryman cutsxabout 20 acres of wild hay and has about 10 acres of dry land alfalfa in the SWSE Sec. 21. Other material facts: There is a nice stream of water in the NE sec 28. There is also a salt water seep or spring in the SESE sec. 21. This entry was examined and reported by Special agent Joyce on

Sept. 20, 1933 and Oct. 24, 1933. A reexamination was requested by the Director's letter of Dec 4, 1934.

Dec 4, 1934	A reexamination was requested by the Director on stockraising homestead entry of G. Harvey Kennington, Blackfoot 042933
Jan 12, 1933	Stock Raising Homestead Final proof: Testimony of Claimant: 20 acres of hay. (1929-32):
Jan 12, 1933	Testimony of Witness: Fred Beyeler:
Jan 12, 1933	Testimony of Witness: Mathew Alleman:
Sept 11, 1928	Notice of Intention to make proof by Jan. 11 th , 1933 on entry 042933.
Sept 11, 1928	Notice of publication on entry 042933 for the above listed legal description.

G. RAYMOND HALL
US PATENT 1098440

LEGAL DESCRIPTION: W1/2W1/2 Sec. 15; SW and SWSE of Sec. 22,
all within T9S, R46E, B.M.

May 2, 1929	Water Hole Affidavit. Serial number 044243 by G. Raymond Hall on the above referenced land swore that there are no water holes or water on said lands except: Small stream running through NWNW sec. 15; and small spring in W1/2SW sec. 22, and small salty spring in same land. That none of said water are used or needed for range stock or watering purposes. That said first mentioned spring flows about 10 gallons a minute; and the second mentioned spring runs about five gallons a minute.
Nov 18, 1930	Depose of G. Raymond Hall on application no. 044243. "That he has examined each and every sub-division of said lands and that the same contain no hot springs or any springs, the water of which posses curative properties, and none such springs within a quarter of a mile of said lands." Fred Beyler and A.W. Jones also swore the same.
Dec 8, 1930	Depose of G. Raymond Hall on application no. 044243. "That he has examined each and every sub-division of said lands and that the same contain no hot springs or any springs, the water of which posses curative properties, and none such springs within a quarter of a mile of said lands." A.E. Thiel and A.W. Jones also swore the same.
Nov 22, 1937	US Dept. of Interior: Stock-raising homestead serial number 044243. Rolling to hilly grazing land, containing no merchantable timber and stone; appears essentially non-mineral in character. 25 acres cultivated to forage crops on the N1/2NW1/4 (N1/2SW1/4?) of section 22.
Jan 10, 1938	Register's Final Certificate Homestead. Authorized by "C" TVM of Dec. 6, 1937. Patent number 1098440.
July 1, 1931	US Dept. of Interior: Board of Equitable Adjudication. Final date of proof 1-8-1936. Proof outside of land district. No specific legal description given.
Nov 22, 1935	Notice of Intention to make proof for G. Raymond Hall on Stock raising homestead entry Serial number 044243.

Nov 22, 1935

Notice for Publication from the Dept. of Interior for G. Raymond Hall, has filed notice of intention to make three-year proof, to establish claim to the land above described on 4th day of January 1936.

Jan 8, 1937

Stock Raising Homestead Final proof: Testimony of Claimant: 25 acres has been harvested for hay for winter feed. (1931): Broke and cultivated 25 acres and planted same to grass and alfalfa. Home was built April 6, 1931.

Jan 8, 1937

Testimony of Witness: Fred Beyeler: States the same thing as the claimant about the 25 acres.

Jan 8, 1937

Testimony of Witness: Joseph O Tolman: States the same thing as the claimant about the 25 acres.

24-4015 & 4-4016. 10/5/06.

Bagley homestead the property.

1-26-1903. Posted Notice for Both Rock Ck.
& Crow Creek.

Each for 250 miner's inches.

Posted Notice:

POU: SE NW Sec. 21 T9S R46E.
E 1/2 SW
NW SE.
S 1/2 NE
NE SE.

SW NW Sec. 22 T9S R46E.

The above described Legal description was Listed.
on both posted Notices for Crow Ck. & Rock Ck.

J.R. Simplot mostly claimed POU in Sections 15 & 22.

Is there another Posted Notice to cover the lands in
Sections 15 & 22.

- Moved POU?

- when was the current land combined?

Statutory claim 24-4015: Filed 3-13-1979.

by Alfred E. Sorenson. for irrigation of 156 acres
in sections 15 & 22. Only 27 acres in the SW NW
is covered under the Posted Notice.

T5053. reduced acres to 142.

How do we now get 156 acres in the SRBA?

Statutory claim 24-4016 Filed 3-13-1979.
by Alfred E. Sorenson.

Bird, Cindy

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Thursday, November 02, 2006 9:02 AM
To: Bird, Cindy
Subject: RE: PODS for the Hartman Ranch

Thank you Cindy. I forwarded this map to our ranch manager and have requested a call to review the Crow Creek points of diversion together. As we discussed yesterday, I made a complete copy of the patent application files for patent no. 4066 (William Bagley) and patent no. 4067 (Cyrenus Bagley) for you. I will place them in the mail to your attention today.

We are checking with Alliance Title in Pocatello (Bannock County) to see if we can find out where the original posted notices are filed. As you know Caribou County was once part of Bannock County, and we found the transcribed postings in the Bannock County Courthouse. I do not yet know where the original postings are kept.

Also, as you requested, I am researching the patents issued for the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 22 and will place the order for those application files. Under a separate email I will forward the patent no.(s) covering this land when I complete my research this morning.

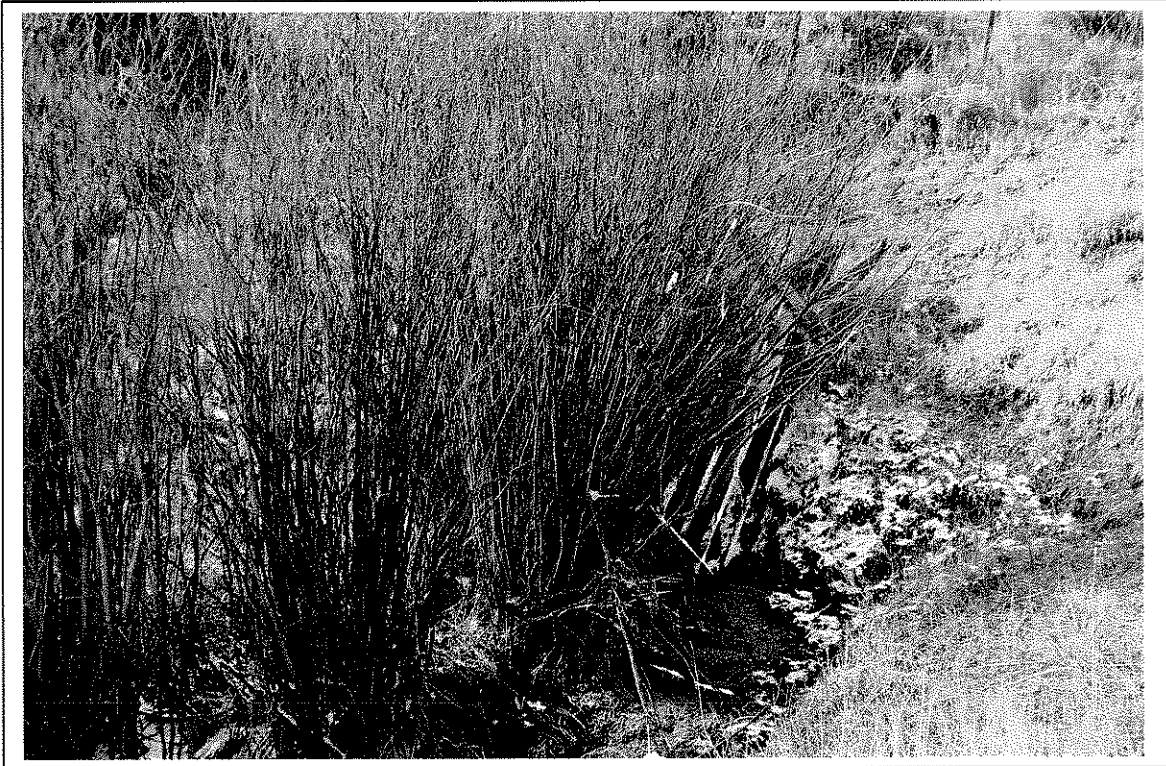
Thank you.

From: Bird, Cindy [mailto:Cindy.Bird@idwr.idaho.gov]
Sent: Wednesday, November 01, 2006 4:55 PM
To: Conrad, Vic
Subject: PODS for the Hartman Ranch

11/2/2006

24- 10013.

JR SIMPLOT



IMG 1493

Photo number

Photo Rename

11/10/2006

Date

2:23

Time

AM

PM

CB

Domestic spring that is piped to two homes on the old Hartman place. GPS file:

DOMSIM. Domestic Simplot. Time: 13:50 N42° 37.780' W111°05.112' 11/10/2006

The above referenced decree was decreed
in 1999. The pod & prn was decreed in the
Wrong QQ Looking North at Spring. Accompanied
by Jed Nield

Pod should be SENE NW Sec 21. NOT NESE NW Sec. 21.
Pod should also be in the SWNE for both
domestic and stock water.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 24-10013

WATER RIGHT NUMBER: 24-10013

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BOX RANCH PARTNERSHIP C/O W E HARTMAN PO BOX 3416 1694 EASTMAN AVE VENTURA, CA 93006 (805)642-0121
Original Owner	BOX RANCH INC PO BOX 454 AFTON, WY 83110 (307)886-5286

Priority Date: 05/01/1903

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
DOMESTIC	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.060 CFS	

Location of Point(s) of Diversion

SPRING NE1/4SE1/4NW1/4 Sec. 21, Twp 09S, Rge 46E, B.M.
CARIBOU County

*SE/NE NW*Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	46E	21			<i>S</i>					<i>X</i>									

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	46E	21			<i>D</i>					<i>X</i>									

2/12/1999 Decreed.

Bird, Cindy

From: Conrad, Vic [Vic.Conrad@simplot.com]
Sent: Monday, November 13, 2006 8:40 AM
To: Bird, Cindy
Subject: RE: STOCK WATER

Cindy,

In addition to water right nos. 24-4015, 24-4016, 24-4017 and 24-10689, decree nos. 24-10011, 24-10012 and 24-10013 for stock water and domestic use (24-10013 is stock & domestic) were also acquired by Simplot from Hartman. I think water right no. 24-10013 was an attempt to describe the right to divert water from the spring for the domestic uses in the homes. The POD and the POU's are so close to the boundaries of the 40 acre subdivisions I am wondering if the description on the partial decree for 24-10013 is wrong? Or if we need to amend the decree to properly describe the locations shown on the image you sent? Did you GPS these locations? (in which case I assume the GPS coordinates are more accurate than the claim).

Or do you think it best to file a new claim for this? I do not want to clutter your record with a new claim, but will do so if you think that is the right approach.

Also,

In connection with your statement below, I am interpreting this to mean that we should amend our claims for 24-4015, 24-4016 and 24-4017 to describe stockwater in the same places of use as the irrigation places of use? I will call to confirm that I am interpreting this correctly.

From: Bird, Cindy [mailto:Cindy.Bird@idwr.idaho.gov]
Sent: Saturday, November 11, 2006 4:23 PM
To: Conrad, Vic
Subject: STOCK WATER

hi Vic,

A wanted to also mention stock watering. You guys might want to consider filing on it so you would have a stock right documented to eliminate futher problems.

Cindy

11/13/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 24-10012

WATER RIGHT NUMBER: 24-10012

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BOX RANCH PARTNERSHIP C/O W E HARTMAN PO BOX 3416 1694 EASTMAN AVE VENTURA, CA 93006 (805)642-0121
Original Owner	BOX RANCH INC PO BOX 454 AFTON, WY 83110 (307)886-5286

Priority Date: 05/01/1903

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SAGE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	4/01 to 11/01	0.030 CFS	
<u>Total Diversion:</u>		0.030 CFS	

Location of Point(s) of Diversion

SPRING	SW1/4NE1/4SE1/4	Sec. 8,	Twp 09S,	Rge 46E, B.M.
CARIBOU County				

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	46E	8													X				

Conditions of Approval:

1. 100 HEAD RANGE CATTLE 2116
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 24-10011

WATER RIGHT NUMBER: 24-10011

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BOX RANCH INC PO BOX 454 AFTON, WY 83110 (307)886-5286
Current Owner	BOX RANCH PARTNERSHIP C/O W E HARTMAN PO BOX 3416 1694 EASTMAN AVE VENTURA, CA 93006 (805)642-0121

Priority Date: 05/01/1903

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	POISON CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	4/01 to 11/01	0.030 CFS	
<u>Total Diversion:</u>		0.030 CFS	

Location of Point(s) of Diversion

SPRING	SE1/4NW1/4SW1/4	Sec. 10, Twp 09S, Rge 46E, B.M.
CARIBOU County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	46E	10											X						

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. 100 HEAD RANGE CATTLE 2121
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

11/1/06 : one conversation

Vic Conrad: JR Simplot (Hartman Ranch).

1. Will send me the testimony documents for the Bagley Homestead property.
2. Vic will get me the information on when Mr. Hall purchased the Hartman Ranch. Vic agreed that the "Hall Ditch" would not of irrigated the Hall land in section 16.
3. Vic will order the homestead documents for the N $\frac{1}{2}$ SW of Sec. 22. tomorrow.
Hall 1937.
4. He will find out from the ranch manager the difference in the Crow crk diversions that Bryce GPS'd.
5. also Vic will order the patent information on SWSE of Section 21.
6. He will try to get the original Posted Notice for Bagley's on Crow crk to see if there was a transcription error on the PoD.

Cindy TODO:

1. Send Vic a .jpg of Bryce's PoD's.
3. calculate the number of acres under each source per map, acres QQ to amend their claims.

	A	B	C	D	E	F
1	J. R. Simplot Company					
2	Revised Estimated Place of Use					
3	Water Right Nos. 24-4015, 24-4016, 24-4017 and 24-10689					
4						
5				Acres Irrigated from the following Source(s)		
6	Township and Range	Section	¼¼	Sage Creek	Rock Creek	Crow Creek
7	T.9S R.46E	15	SESW	0	0	10
8			SWSE	0	12	12
9			SESE	0	0	2.6
10		21	SWNE	35	0	0
11			SENE	20	0	1.4
12			SENW	18	0	0
13			NESW	4.1	29	0
14			SESW	0	30	0
15			NESE	20	19	0
16			SWSE	0	11	0
17			NESE	2	32	0
18			NWNE	0	25	1
19			NENW	0	12	28
20			NWNW	0	0	17
21			SWNW	1	2	32
22			SENW	0	35	2
23			SWNE	0	5	0
24			NWSW	0	15	2
25			NESW	0	6.6	0
26			Total	100.1	233.6	108
27		Total Claimed Acres		161	165.4	142
28		Total Acres This Estimate		441.7		
29		Total Acres Claimed		468.4		
30		Difference (claimed)		(26.70)		

Nothing irrigated	
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7.15-1904 24-405

Samuel Cozier
26 acres 1836

24-4016
80-100 AC.
7-15-1964 (1286)
william
cizier 760 AC.

120 irrigated Ac.

22 80 - Sage Crk.

40 - Crow Crk.

Purchased 1604 acres. Stephen
Green. 1-5-03 Patent

Hall 1937

 -720-

1956 120 acres irrigated

 80 sage creek

 40 Crow Creek

1926 No water flows onto the land

Prepared by C Bird
11-1-00

Based on Land Patents, affidavits,

JR Simplot T9S R46E.

Photo's submitted 7-25-64.

Department Photo. 10-16-56.

11/1/06 10:46 AM Vic Conrad - left a message.

24-4015 POD'S. are these correct?

Bruepe didn't find one in the SW SW NW?

He located POD'S 2 - { SW NENW Sec. 22 #56.
CROW CRK: * irrigation { NENW Sec 22 #58.

- direct to Pond crow. crk. { 1 - NW NESW Sec. 21 } #55.
1 - NE NWSE Sec. 21 } #59.
1 - SW

Did Peterson's submitted evidence?
Raymond Peterson

Peterson & Son's.

— Sage. cik.!

— Posted Notice Kevin Toner.



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 W. Center St. Soda Springs, Idaho 83276

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 15, 2006

VIC CONRAD
JR SIMPLOT CO
PO BOX 27
BOISE, ID USA 83707

REF: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIMS 24-4015, 24-4016 AND
24-4017

Subject: BASIN 24 DIRECTOR'S REPORT

Dear Vic,

I've enclosed copies of the recommendations and layouts for your claims to water in the SRBA on the above referenced rights. Since Mr. Hartman's transfers to construct ponds on the property were approved by the Department in 1997 the SRBA recommendations had to mirror the transfers. Your company will have to file transfers after the objection period is over which will be 60 days to fix what Mr. Hartman actually did on the ground so that the water rights match what is actually occurring.

On the right for Sage Creek you will see that it doesn't include the property north of the road. During my field exam of the property it was determined that the land above the road was irrigated from again another pond created by Mr. Hartman. This pond has no water right so you will also need to take care of this with either a transfer or possibly a new application for permit since it wasn't developed until the 90's.

I have also included a copy of the GPS information on the spring used in the homes. I believe the water right is 24-10013. You have two options on this. You can ask the court to set aside the partial decree to fix the legal description or file a transfer to fix it. If you choose to file a transfer you can also fix the ownership information as well. The other two rights 24-10011 and 24-10012 will still need to have ownership changes done on them.

If you have any questions please don't hesitate to give me a call at 547-3993 or you can contact Lyle at 525-7161 to inquire about the changes in your water rights.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure(s): Preliminary Director's Reports and layouts on 24-4015, 4016 and 4017.
GPS information on 24-10013

CC: Lyle Swank, Eastern Regional Manager (no attachments)



J.R. SIMPLOT COMPANY ONE CAPITAL CENTER 999 MAIN STREET SUITE 1300
P.O. BOX 27 BOISE, IDAHO 83707 (208) 336-2110 FAX (208) 389-7515

CORPORATE HEADQUARTERS

November 9, 2006

Cindy E. Bird
Adjudication Bureau
State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, ID 83276

Re: IDWR Water Right Nos. 24-4015, 24-4016 and 24-4017.

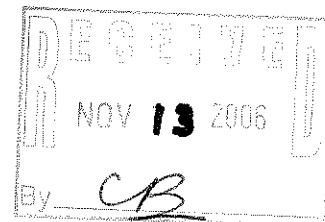
Dear Cindy:

Enclosed for filing in the Snake River Basin Adjudication are amendments to the above referenced water rights.

Sincerely,

Vic Conrad
Land, Water & Asset Recovery

Enclosure





State of Idaho
DEPARTMENT OF WATER RESOURCES

15 W. Center St. Soda Springs, Idaho 83276

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 1, 2006

Vic Conrad
JR Simplot
PO Box 27
Boise, ID 83707

REF: Snake River Basin Adjudication (SRBA)
Claim 24-4015 and 24-4016

Subject: Evidence of Priority
NOE Reply

Dear Mr. Conrad,

After further review of your documents submitted as proof of priority for 24-4015 I have concluded that there is insufficient evidence to document the Bagley's "intent" to divert 250 miner's inches from Crow Creek. If you look at paragraph 2 where they describe the point of diversion as: "the North East corner of the North West Quarter of the North West quarter of section 21 in Township nine south of range 46 east of the Boise Meridian". This is not Crow Creek. It would be an unnamed source coming out of the mountain. So is the legal description correct? Is the source wrong? Without some additional documents to determine whether they carried through with their "intent" we can't recommend the priority date under this posted notice.

The posted notice submitted for 24-4016 is more consistent with Rock Creek. The point of diversion described under this posting does come out approximately on Rock Creek. However, they intended to construct a ditch about 40 rods long with a general course of the ditch is North-Westerly direction. So from the point of diversion to the intended place of use is 40 rods. This would put the ditch ending at the southern most property boundary of William Bagley if constructed in the North-Westerly direction as stated. Therefore, the land that was probably was irrigated under the Posted Notice would be the land in the SESW of section 21.

The land claimed in the N1/2 of the SW of section 22 and the Se of the SE of section 15 all within township nine south and 46 east of the Boise Meridian has no documents to support a priority date at all.

The testimony of Witnesses for the Cazier family only establishes that a portion of the land was irrigated but it doesn't describe by what source it's irrigated. More than likely Crow Creek which runs right through the homesteaded property probably irrigated it.

Therefore without further evidence to support the above referenced claims the preliminary recommendation will either stand for the director's report or the priority date will be advance to a 1964 date as per the photos submitted. You will have an opportunity to object to the recommendation and provide your documents to the SRBA court at that time. If you have any questions please don't hesitate to give me a call at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

CC: Nicholas Spencer, Attorney for IDWR (via email)
Ray Williams, Paralegal for IDWR. (via email)

Enclosure(s):

Notes

10/31/06 Posted Notice dated 1/26/1903,

1. Cyrenus J & William Bagley claim to use water of Crow Cr. to the extent of 250 miners inches.

2. Intend to divert at the point where a copy of notice was posted, more definitely described as a point near the NE corner of the NW quarter of the NW quarter, see 21 T9S, 46E.

letter from of Testimony of development of water?
what water?

Is the transcription wrong?

There appears to be an error in POU.
Can we assume an error in the POD?

11/11/06 Used convert 4015 as shape file to match transfer from 1997.

Simplest will have to file a new transfer to fix the POU & ponds.

Simplot

CORPORATE HEADQUARTERS

J.R. SIMPLOT COMPANY ONE CAPITAL CENTER
P.O. BOX 27 BOISE, IDAHO 83707 208/336-211

1 MAIN STREET SUITE 1300

FAX COVER LETTER

Transmittal Time:

TO: Nick Spencer and Cindy Bird	Fax No. 208-287-4888; 208-547-3939 6700	DATE: October 25, 2006
COMPANY: IDWR		No. of pages including cover sheet: 6
FROM: Vic Conrad	Direct Dial Number (208)389-7359	FAX NO. (208) 389-7333

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the transmission to us at the above address via the US Postal Service. Thank You.

RE: IDWR Water Right Nos. 24-4015 and 24-4016.

Message: In response to your question about additional information supporting when the places of use located in sections 15 and 22 were first irrigated, attached are the copies of the following patents:

U.S. Patent No. 4122 issued to Samuel Cazier on July 15, 1904: The land covered by this patent is described as the W $\frac{1}{2}$ SE $\frac{1}{2}$, SE $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 15 T.9S R.46E.

Attached to Patent no. 4122 is a copy of the Homestead Proof – Testimony of Witness signed by William Cazier on May 5, 1903. Please note in response to Question no. 8: How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon, Mr. Cazier responded as follows: "About 80 acres, every season since 1886"

Should you choose to prepare individual claims for each land entry, we will need to prepare a claim for this area with an 1886 priority date.

U.S. Patent No. 4123 issued to William H. Cazier on July 15, 1904: The land covered by this patent is described as the E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22 T. 9 S R. 46E.

Attached to Patent no. 4123 is a copy of the Homestead Proof – Testimony of Witness that was signed by William Cazier on May 5, 1903. Please note in response to Question no. 7: How much of the land have you cultivated each season and for how many seasons have you raised crops thereon, Mr. Cazier responded as follows: "From 80 to 100 acres. Raised crops every season." In response to Question No. 4, Mr. Cazier indicates he established his residence a ditch (1 mile long) etc. in 1886.

Should you decide that individual claims for each entry is appropriate, we will also need to prepare a second claim containing an 1886 priority date in addition for this homestead entry.

For those areas irrigated within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22 T.9S R.46E, I am ordering a copy of the patent application records from the U.S. National Archives in Washington DC. They should arrive in approximately 3 weeks which may then support a 3rd priority for the approximate 21 acres irrigated in this area.

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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 Blackfoot 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 William H. Bogies

has been established and duly consummated in conformity to law, for the East half of the North West quarter, the North West quarter of the North West quarter, and the South West quarter of the North East quarter of Section Twenty-two in Township nine South of Range forty six East of Boise Meridian in Idaho containing one hundred and sixty acres.

according to the Official Plat of the Survey of 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 William H. Bogies

the tract of Land above described. To have and to hold the said tract of Land with the appurtenances thereof unto the said William H. Bogies and to his heirs and assigns forever, subject to any vested and reserved water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and canals and 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 proprietors of a mine 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, through for ditches or canals constructed by the authority of the United States.

In testimony whereof, J. Theodore Roosevelt President of the United States of America, have caused this letter to be signed, sealed, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, the fifteenth day of July in the year of our Lord one thousand nine hundred and four and of the Independence of the United States the one hundred and twenty seventh.

By the President, J. C. Roosevelt

By L. M. M. Meade

L. H. Branch

Secretary

Recorder of the General Land Office

HOMESTEAD PROC - TESTIMONY OF CLAIMANT.

William H. Bagier, being called as a witness in his own behalf in support of homestead entry, No. 9006, for Sec. 22 in Twp. 9 S. R. 4 E. T. 2 N. testifies as follows:

Ques. 1.—What is your name, age, and post-office address?

Ans. William H. Bagier, age 39, Astoria, Oregon.

Ques. 2.—Are you a native born citizen of the United States, and if so, in what State or Territory were you born?

Ans. I am, born in Idaho.

Ques. 3.—Are you the identical person who made homestead entry, No. 9006, at the

Blackfoot land office on the 18th day of

December 1902, and what is the true description of the land now claimed by you?

Ans. I am, Sec. 22 in Twp. 9 S. R. 4 E. T. 2 N.

Ques. 4.—When was your home 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. In 1886. The same year. House 16x18, stables, sheds, stack yard, corral, milk house,

360 rods of fence, 1 mile of ditch \$480.00

Ques. 5.—Of whom does your family consist, and have you and your family resided continuously on the land since first establishing residence thereon? (If married, state the fact.)

Ans. Myself, wife and six children. We have

Ques. 6.—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 been absent not more than three months at a time, working means to improve the place. Part of time during absence family have lived and placed

Ques. 7.—How much of the land have you cultivated each season and for how many seasons have you raised crops thereon?

Ans. From 80 to 100 acres. Raised crops every season.

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. Black sandy loam, grazing and agriculture

Ques. 10.—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.

Ques. 11.—Have you ever made any other homestead entry? (If so, describe the same.)

Ans. No.

Ques. 12.—Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom and for what purpose?

Ans. No Sir.

Ques. 13.—Have you any personal property of any kind elsewhere than on this claim? (If so, describe the same, and state where the same is kept.)

Ans. No to speak of. Nearly all is on the place

Ques. 14.—Describe by legal subdivisions, or by number, kind of entry, and office where made, any other entry or filing (not mineral) made by you since August 30, 1890.

Ans. Have made no other entry.

(Sign plainly with full christian name.)

William H. Bagier

* (In case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or of his naturalization, or a copy thereof, certified by the officer taking this proof, must be filed with the case. Evidence of naturalization is only required in final (five-year) homestead cases.)

DO NOT WRITE IN THESE SPACES

I HEREBY CERTIFY that the foregoing testimony was read to the claimant before being subscribed and was sworn to before me this 14th day of May, 1903, at my office at Paris, Bear Lake County, Idaho.

[SEE NOTE BELOW.]

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.

TITLE LXXI.—CRIMES.—Chapter 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, wilfully, 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. (Sec § 1750.)

(4-300.)

HOMESTEAD PROOF.

LAND OFFICE AT
BLACKFOOT, IDAHO.

Original Application No. 9006
Final Certificate No. 4173

Approved: James A. Thomas, Register.
John A. Peterson, Receiver.

FINAL AFFIDAVIT REQUIRED OF HOMESTEAD CLAIMANTS.

SECTION 2291 OF THE REVISED STATUTES OF THE UNITED STATES.

I, William H. Carier, having made a Homestead entry of the E 1/4, N 1/4, W 1/4, N 1/4 of Range No. 46 E. 2 N. W., Section No. 22, in Township No. 9 S. 2 N. W., under section No. 2299 of the Revised Statutes of the United States, do now apply to perfect my claim thereto by virtue of section No. 2291 of the Revised Statutes of the United States; and for that purpose do solemnly swear that I, William H. Carier, am a citizen of the United States; that I have made actual settlement upon and have cultivated and resided upon said land since the 1st day of Aug., 1886, to the present time; that no part of said land has been alienated, except as provided in section 2298 of the Revised Statutes, but that I am the sole bona fide owner as an actual settler; that I will bear true allegiance to the Government of the United States; and, further, that I have not heretofore perfected or abandoned an entry made under the homestead laws of the United States, except

(Sign plainly with full christian name.) William H. Carier
I, James E. Hart, of Paris Idaho, do hereby certify that the above affidavit was subscribed and sworn to before me this 15th day of May, 1903, at my office at Paris, in Bear Lake County, Idaho.

James E. Hart
Notary Public for the State of Idaho, in and for
Bear Lake County.

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 Blackfoot, Idaho

showing that, pursuant to the Act of Congress approved 27th May, 1862, "To secure Homesteads to actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Samuel Sawyer

has been established and duly announced in conformity to law, for the West half of the South East quarter and the South East quarter of the South West quarter of Section fifteen and the North West quarter of the North East quarter of Section twenty, Township Nine South of Range forty six East of Boise Meridian in Idaho, containing one hundred and sixty acres

according to the Official Plat of the Survey of 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 Samuel Sawyer

the title of Land above described: To have and to hold the said title of Land with the appurtenances thereof unto the said Samuel Sawyer and to his heirs and assigns forever, subject to any valid and record 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 United States to take or lease or contract 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 forever 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.

Given under my hand in the City of Washington, the fifteenth day of July, in the year of our Lord one thousand nine hundred and four, and of the Independence of the United States the one hundred and twenty seventh.

By the President, T. Roosevelt

L. M. M. Bear, Secretary

C. F. Brush, Register of the General Land Office

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HOMESTEAD PROOF—TESTIMONY OF WITNESS.

William H. Carier being called as witness in support of the Homestead entry of Samuel Carier for 1/4 Sec. 15, T. 4 N., R. 14 E., S. 14 N. testifies as follows: Dec 15 1884

Question 1.—What is your name, age, and post-office address?

Answer. William H. Carier age 39. Eastern Oregon

Ques. 2.—Are you well acquainted with the claimant in this case and the land embraced in his claim?

Ans. I am.

Ques. 3.—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.

Ques. 4.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral lands.

Ans. Black sandy loam. Grazing and farming land.

Ques. 5.—When did claimant settle upon the homestead and at what place did he establish actual residence thereon?

Ans. In the spring of 1886. The same year 1886.

Ques. 6.—Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. They have.

Ques. 7.—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. Absent not more than two weeks at a time. Making improvements. Family resided on the place during such absence.

Ques. 8.—How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon?

Ans. about 80 acres. Every season since 1886.

Ques. 9.—What improvements are on the land and what is their value?

Ans. House stables corral 300 rods of fences and miles of ditches. Value about \$500.

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind 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 that I know of. more valuable for agriculture.

Ques. 11.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. Not that I know of.

Ques. 12.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. No. I know he has.

(Sign plainly with full christian name.)

William H. Carier

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed, and was

sworn to before me this 25th day of May, 1903, at my office at Paris, in Bear Lake County, Idaho.

[SEE NOTE ON FOURTH PAGE.]

James E. Hooper

Notary of the District Court 5th Judicial

(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.)

