

RECEIVED

AUG 07 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

)

A.

Subcase

67-14790

(Insert water right number)

Case No. 39576)

)

)

)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

David F. Robidoux

Address:

1827 Deer Creek Rd.

Weiser, ID 83672

Daytime Phone: (208) 549-0619

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

David F. Robidoux

Address:

1827 Deer Creek Rd.

Weiser, ID 83672

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

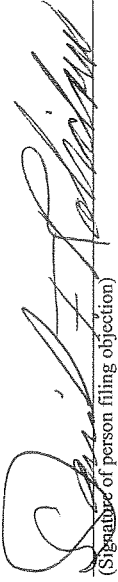
1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: 6/1/1898
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
☐ This water right Should not exist.
☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): This land was settled by Henry Evins in October 1897. By June 1, 1898 he had 10 acres under cultivation including an orchard and alfalfa hay, both requiring irrigation. The land was patented October 1, 1906 under the Homestead Act. See attached official records and notarized testimony from Mr. Evins and other witnesses.

F. VERIFICATION (must be completed)

State of Idaho)
County of Washington) ss.
David F Robidaux
(Name of person filing objection), duly sworn, upon oath, deposes and says:

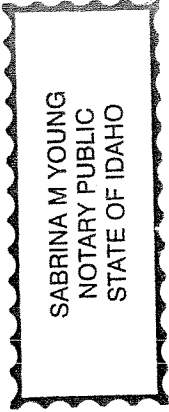
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

Aug. 6, 2007
Sabrina M Young
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: Dec. 6, 2012



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on Aug 6th, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name:

David F. Roberson

Address:

1827 Deer Creek Rd
Wilder ID 83672 #

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Signature of objector or attorney
mailing on Objector's behalf

POOR QUALITY ORIGINAL

RECEIVED

AUG 07 2PM '11

DEPARTMENT OF
WATER RESOURCES

Homestead deed from U.S.
Govt to Henry Evans

INSTRUMENT NO 6710

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

Homestead Certificate No 2850

Application 5907

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, 1906, "to secure homesteads to actual settlers on the Public Domain," and the acts supplemental thereto, the claim of Henry A. Evans has been established and duly consummated in conformity to law, for the West half of the South East quarter of the North East quarter of the South East quarter and the South East quarter of the North East quarter of Section thirty six in Township thirty four North of Range five East of Boise Meridian in Idaho, containing one hundred and thirty 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 Henry A. Evans the tract of Land above described.

TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said Henry A. Evans and to his heirs and assigns forever; subject to any rental and other water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN WITNESS WHEREOF, Theodore Roosevelt President of the United States of America, here caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand at the City of Washington, the fifth day of August, in the year of our Lord one thousand nine hundred and five, and of the Independence of the United States the four hundred and thirty-sixth.

(Seal of the
General Land Office)

By the President: T. Roosevelt

By F. K. Mc Kern, Secretary

C. E. Evans, Recorder of the General Land Office.

Witness my hand and the Seal of the
General Land Office, this 5th day of August, 1905.

Filed for record at request of Richard A. Jackson at 1:25 o'clock P. M. October 1, 1905.

By: W² 26, 26 76

Frank M. Smith

Ex-Officio Recorder

By: Harvey Smith, Deputy

36-13-5

T13N, R5W, Sec 36
W¹/₂ SE¹/₄, NE¹/₄ SE¹/₄, SE¹/₄ NE¹/₄

Final Certificate No. 2050Application No. 6907

HOMESTEAD.

Department of the Interior,

UNITED STATES LAND OFFICE,

Boise, IdahoJanuary 27, 1904

It is hereby certified That, pursuant to the provisions of Section No. 2291,

Revised Statutes of the United States, Henry S. Grisehas made payment in full for West Half of South East
Quarter, North East Quarter of South East
Quarter, and South East Quarter of North
East Quarter Patent to certain persons, accordingof Section No. Twenty Six (36), in Township No. Twelve (3) North of
Range No. Five (5) West of the Boise PrincipalMeridian Idaho, containing 160 100 acres.

Now, therefore, be it known, That on presentation of this certificate to the

COMMISSIONER OF THE GENERAL LAND OFFICE, the said Henry S.Grise shall be entitled to a patent for the tract of land

above described.

Henry S. Grise
Register.

No. 1.-HOMESTEAD.

Land Office at _____

I, Harry J. Syme, of Bonneville, Idaho, 1
 who made Homestead Application No. 6907 for the
2nd 1/4 Sec. 4 and 10th 1/4 Sec. 4, T. 36, R. 5, N. 20, E. 1, 1904

do hereby give notice of my intention to make final proof to establish my
 claim to the land above described, and that I expect to prove my residence
 and cultivation before Frank C. Smith, Clerk of the District Court
 at Heiser, Idaho, on January 25, 1904,

by two of the following witnesses:

John W. Gardley, of Bonneville, Idaho,
David W. Michael, of Bonneville, Idaho,
Joseph A. Moore, of Bonneville, Idaho,
George A. Walton, of Bonneville, Idaho,
Harry J. Syme
 (Signature of Claimant.)

Land Office at Boise, Idaho
Dec 10, 1903

Notice of the above application will be published in the _____
Idaho, printed at Idaho
 which I hereby designate as the newspaper published nearest the land described
 in said application.

Harry J. Syme
 Register.

NOTICE TO CLAIMANT.—Give time and place of proving up, and name and title of the officer before whom proof is to be made; also give names and post-office address of four neighbors, two of whom must appear as your witnesses.

HOMESTEAD PROOF—TESTIMONY OF CLAIMANT.

Henry A. Erma, being called as a witness in his own behalf in support of homestead entry, No. 6907, for N.E. 1/4 Sec. 16, T. 4 N., R. 5 W., testifies as follows:

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

Ans. Henry A. Erma, Age 36 years, Address, Bourne, Idaho.

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

Ans. Yes, born in Kansas.

Ques. 3.—Are you the identical person who made homestead entry, No. 6907, at the place, Idaho, land office on the 2nd, day of

Ans. Yes, November 1903, and what is the true description of the land now claimed by you?
Ans. Yes, N.E. 1/4 Sec. 16, T. 4 N., R. 5 W., Dec. 36, 1903, R. 5 W. 1/4.

Ques. 4.—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. House built & established actual residence in October 1897. House is 12 x 26, one story, 2 rooms, barn, smoke house & other out buildings, about 45 acres in cultivation, orchard of 7000 fruit trees, 30000 bushels of grain, and 10000 bushels of hay, also fence around another field of about 25 acres a well, total value of improvements at least \$1000.

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 unmarried, state the fact.)

Ans. Wife and three children. Self and family have resided continuously upon the land since first establishing residence thereon.

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. None.

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

Ans. 15 acres in 1898, 25 1/2 in 1899, 25 1/2 in 1900, 25 1/2 in 1901, 25 1/2 in 1902, 25 1/2 in 1903, about 45 acres in 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 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2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 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2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2989, 2990, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 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3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, 3429, 3430, 3431, 3432, 3433, 3434, 3435, 3436, 3437, 3438, 3439, 3440, 3441, 3442, 3443, 3444, 3445, 3446, 3447, 3448, 3449, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3458, 3459, 3460, 3461, 3462, 3463, 3464, 3465, 3466, 3467, 3468, 3469, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3496, 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3560, 3561, 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, 3579, 3580, 3581, 3582, 3583, 3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3592, 3593, 3594, 3595, 3596, 3597, 3598, 3599, 3600, 3601, 3602, 3603, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613, 3614, 3615, 3616, 3617, 3618, 3619, 3620, 3621, 3622, 3623, 3624, 3625, 3626, 3627, 3628, 3629, 3630, 3631, 3632, 3633, 3634, 3635, 3636, 3637, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3647, 3648, 3649, 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3675, 3676, 3677, 3678, 3679, 3680, 3681, 3682, 3683, 3684, 3685, 3686, 3687, 3688, 3689, 3690, 3691, 3692, 3693, 3694, 3695, 3696, 3697, 3698, 3699, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3708, 3709, 3710, 3711, 3712, 3713, 3714, 3715, 3716, 3717, 3718, 3719, 3720, 3721, 3722, 3723, 3724, 3725, 3726, 3727, 3728, 3729, 3730, 3731, 3732, 3733, 3734, 3735, 3736, 3737, 3738, 3739, 3740, 3741, 3742, 3743, 374

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

David M. Michael, being called as witness, in support of the Homestead entry of Henry J. Davis for NE 1/4, Sec 26, T34N, R37W, B2M., testifies as follows:

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

Answer. David M. Michael, Agubayua, Idaho, Acorn, Idaho.

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

Ans. Yes.

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. Ordinary farming land. Part of it too rough rocky for cultivation.

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

Ans. In the month of October, 1897, settled upon and established actual residence at the same time.

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

Ans. Yes.

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. None.

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

Ans. About 10 acres the first season (1898) has added about 2000 acres since season and now has about 40 acres under cultivation. Raised crops of wheat.

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

Ans. Wheat, stable, outbuildings, well, orchard of 70 to 80 trees, year old fruit trees, 3000 fence around 44 acres, another fence around about 25 acres. Also 445 acres under cultivation. Total value all improvements, at least \$1000.

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. Not to my knowledge.

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

Ans. Not that I know of. — I think not.

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, to the first, Yes to the last.

(Sign plainly with full christian name.)

David M. Michael

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 January, 1904, at my office at Merice, in Washington County, Idaho.

[SEE NOTE ON FOURTH PAGE.]

Frank Q. Smith

(Clerk District Court)

(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.)

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

Joseph J. Moore, being called as witness in support of the Homestead entry of Henry A. Evans for N^o 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, testifies as follows:

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

Answer, Joseph J. Moore, Age 56 years, Address, Courne, Idaho,

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

Ans. Yes.

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 land.

Ans. Ordinary farming land. Part of it too rough & rocky for cultivation.

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

Ans. In the month of October 1897—Settled upon and established actual residence thereon at the same time.

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

Ans. Yes.

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. None.

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

Ans. We cultivated about ten acres in 1898, and has added a few acres nearly every year until the last two years he has had about 45 acres cultivated, raised crops by 45

Ques. 9.—What improvements are on the land and what is their value?
Ans. Houses, stable, outbuildings, well, an orchard of 70 or 80 trees, you also fruit trees, about 45 acres under cultivation. About wire fence around two fields, one of about 45 acres and one of about 25 acres. Little value of improvements fully \$1000.

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. Not to my knowledge.

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

Ans. Not that I know of. — I don't think he has.

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, to the first. — Yes to the last.

(Sign plainly with full christian name.)

Joseph J. Moore

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 January, 1904, at my office at Paris, in Washington County, Idaho.

[SEE NOTE ON FOURTH PAGE.]

Frank C. Smith
Clark District Court

(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.)

STATE OF IDAHO, ss.
County of Washington.

Henry D. Evins, being first duly sworn,

on his oath, deposes and says:

That he is, and was, at all the times hereinafter mentioned a citizen.

of the United States of America, and over the age of twenty-one years.

and a resident of near Bourne, in the County of Washington and State of

Idaho; That on or about the 15th. day of October, in the year 1897, he

settled upon the then unsurveyed public domain of the United States in

said County and State;

That ^{or} since his said settlement, and in about the year 1900, as this
affiant is informed by the Register of the United States Land Office,
at Boise City, Idaho, the said land so settled upon by affiant was surveyed by the Government of the United States and said land is now described in the said survey as follows.

The West half of the South East quarter, the North East quarter of the South East quarter and the South East quarter of the North East quarter of Section thirty-six in Township thirteen North, of Range five West of the Boise Meridian in Idaho.;

That since affiant's said settlement in October, 1897, he has continuously resided upon and cultivated the said described land to this date, and is now residing thereon and in the quiet, open and peaceable possession thereof;

That since said date of settlement by affiant upon said land, and prior to the survey thereof he has expended a large sum of money and labor in the improvement, reclamation, and cultivation of said land, to wit; about the sum of One Thousand Dollars, and had thereon, and now has improvements thereon to the value of One Thousand Dollars, to wit; a dwelling house, but houses, corrals, fifty acres under gence, irrigating ditches, forty acres in cultivation, consisting of alfalfa, grass and plow land for grain, and one half acre in orchard of four years growth;

That affiant settled upon said land with the intention of filing upon and claiming the same under the Homestead Laws of the United States as soon as the same should be surveyed and subject to such entry;

That affiant is and was entitled to the benefit of the Homestead laws of the United States, and has not exercised said right, except an attempt to file on said lands as hereinafter set forth;

That on or about the 10th. day of August, 1903, affiant for the first time received information that said described land had been surveyed and was subject to entry, and thereupon affiant immediately offered his homestead filing for the same in the United States Land Office at Boise City, Idaho, and that said filing has been rejected by the Register of the said Land Office on the ground that affiant's preference right has lapsed, and that the State of Idaho is now the owner thereof by operation of law;

That affiant's failure to file upon said lands in the time prescribed by law was not due to any failure on the part of affiant to comply with any of the provisions of the homestead laws as to settlement, residence and cultivation, or intention on his part to abandon the same, but was due to misinformation and ignorance as to the fact that said land had been surveyed and subject to entry;

That this affiant is a married man with a family consisting of wife and three children, and he is without other means than that which he has expended on the improvement of said land, and is unable to purchase said land from the State of Idaho at the price fixed by law;

Wherefore, in the furtherance of justice and equity this affiant asks that the State of Idaho take proper and necessary action to release said lands to the Government of the United States, to the end that this affiant may be allowed to file his homestead right thereon.

Henry Olson

Subscribed and sworn to before me this 8th. day of September, 1903.

A. H. Smith
Notary Public.

STATE OF IDAHO,) ss.
County of Washington.)

Leroy J. Barton and Harvey C. Jones, being each duly sworn, each for himself, deposes and says; that he is a citizen of the United States and over the age of twenty-one years, a resident of Washington County, State of Idaho; That he is well acquainted with Henry D. Evins and the tract of land described in his affidavit hereto attached, that he has ~~xxxxxxx~~ been acquainted with the said tract of land for more than ten years last past; that he has read the affidavit of the said Henry D. Evins hereto annexed and knows the contents thereof, and that the same is true of his own knowledge, and further that he has no interest present or prospective in the said lands.

Leroy J. Barton
Harvey C. Jones

Subscribed and sworn to before me this 8th. day of September, 1903.

E. H. Smith
Notary Public.