

11/14/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-2137

NAME AND ADDRESS: ERIK F STORLIE
3217 HUMBOLDT AVE SOUTH
MINNEAPOLIS MN 55408

TAMARA L KAISER
3217 HUMBOLDT AVE SOUTH
MINNEAPOLIS MN 55408

SOURCE: BIG HAT CREEK
HAT CREEK

TRIBUTARY: HAT CREEK
TRIBUTARY: SALMON RIVER

QUANTITY: 0.840 CFS

PRIORITY DATE: 01/11/1960

POINT OF DIVERSION:

T17N R20E S3 SESWSW Within LEMHI County
T17N R20E S8 NENWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.840 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T17N R20E S10	NWSW	9.00	T17N R20E S10	SESW	17.00
T17N R20E S10	SWSE	10.00	T17N R20E S15	NWNE	6.00

42 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

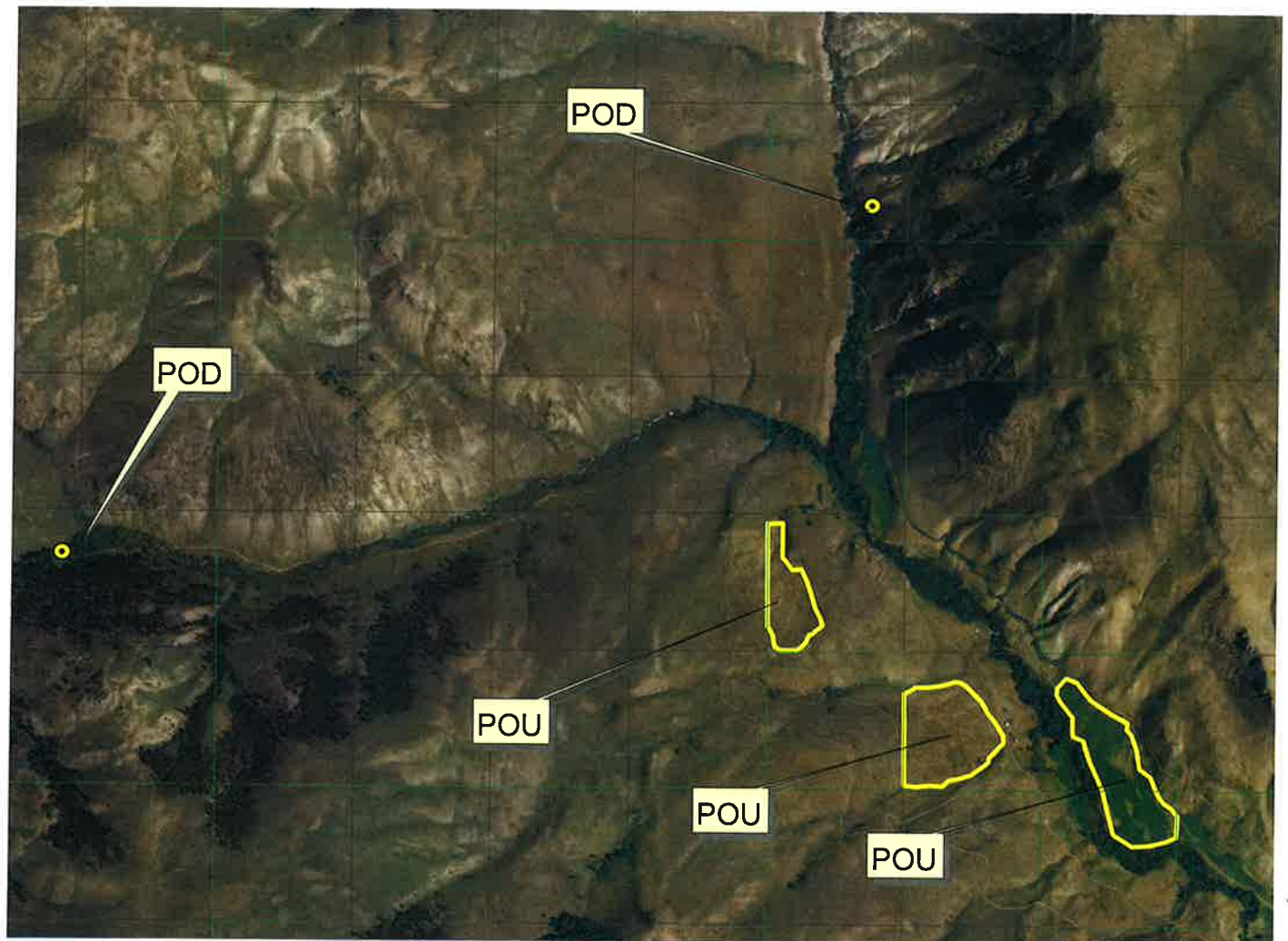
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

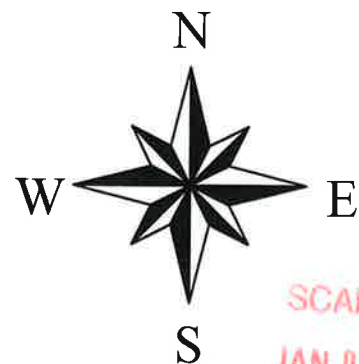
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

75-2137



- Lemhi taxlots
- GCDB17N20E GCDB
- Foster.shp
- Pou.shp
- Pod.shp
- Administrative BasinsAdminbas.shp



SCANNED
JAN 08 2008

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 75-2137

Licensed Date: 10/16/1979
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
MAY 23 2005
DEPARTMENT OF
WATER RESOURCES

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
75-10231-P.D.			75-04200-AJ		
75-04198-P.D.					
75-02137-AJ					
75-04199-AJ					

RECEIVED
from W.A.
JUN 23 2005
Department of Water Resources

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) FRED F. CRABTREE
4. New Owner/Claimant(s) P.O. Box 24 Ellis Idaho 83235
ERIK F. STORLIE TAMARA L. KAISER
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 3217 Humboldt Ave South
- City, State and ZIP Code Minneapolis Minnesota 55408
- New Telephone Number (612) 822-8555
5. Date you acquired the property March 1, 2005

COPY

SCANNED
JAN 08 2008

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) E. G. F. Short
(include title if applicable) Tamara L. Kaiser

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

COPY

SCANNED

JAN 08 2008

MAY 18, 1994

FRED E CRABTREE
RT 1 BOX 88L
KOOSKIA ID 83539

RE: CHANGE OF OWNERSHIP FOR A75-04199, A75-10231, A75-04200,
A75-04198 AND A75-02137

Dear Mr. Crabtree:

The request for Change of Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is the typed Notice(s) with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notice for your records.

Respectfully submitted,

Sharla Cox
Adjudication Secretary

CC: WOODROW M CONKLIN
HC 62 BOX 1040
ELLIX ID 83235

MICROFILMED
NOV 18 1996

SCANNED
JAN 08 2008

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 75-2137

(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: Erik F. Storlie and Tamara L. Kaiser

Address: 3217 Humboldt Avenue South
Minneapolis, Minnesota 55408

Daytime Phone: 612-822-8555

Name & Address of Attorney, if any:

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

Name: Erik F. Storlie and Tamara L. Kaiser

Address: 3217 Humboldt Avenue South
Minneapolis, Minnesota 55408

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: see addendum
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: see addendum
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: see addendum
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): see addendum

Addendum to Objection Form, Water Right License 75-2137 – Hat Creek**D.****Objection to #3 Quantity**

should be:

The rights listed below are limited to a total combined diversion rate of
2.64 cfs.

Combined right Nos.: 75-2137, 75-4199, and 75-4200, not the recommended 2.33.

Objection to #5 Point of Diversion

should be:

Keep as recommended: T17N R20E S3 SESWSW Within Lemhi County

Keep as recommended: T17N R20E S8 NWNESE Within Lemhi County

Add – omitted in recommendation: T17N R20E S10 SWSWNW Within Lemhi County

Add – omitted in recommendation: T17N R20E S10 SWSWSE Within Lemhi County

Objection to #9 Place of use:

Should be:

Keep as recommended: SWNW 5.4

Keep as recommended: NESW 0.5

Keep as recommended: SESW 27.0

Add 3.0 acres: NWSW = 11.8

Add 0.4 acres: SWSE = 14.4

Add 0.2 acres: NWNE = 14.2

The combined total of acres irrigated in a single season should be

73.3 acres

in Combined Rights nos.: 75-2137, 75-4199, and 75-4200, not the recommended 69.7.

E.**Reasons Supporting Objection to #3 Quantity**

The IDWR recommendations for combined rights 75-2137, 75-4199, and 75-4200 total
2.64 cfs.

Reasons Supporting Objection to #5 Point of Diversion:

The additional two diversions are on the ground, are the earliest on the ranch, and are in use or in lease to the IDWR for bull trout habitat. They have been seen and located by geopositioning by Mr. Bob Foster of the IDWR in August of 2007.

Reasons Supporting Objection to #9 Place of Use:

SWSE

Should be 14.4 based on the IDWR recommendations for Claims 4199 and 4200.

NWNE

Should be 14.2 based on IDWR recommendations for Claims 4199 and 4200

2137 - 4

NWSW

Should be 11.8 acres.

The large irrigated field runs further south than shown in the IDWR aerial photograph, which omits 3+ acres that run almost to the southern boundary of NWSW before the terrain drops down into the ravine that holds McGuire Springs. These acres show up clearly on aerial photographs taken when the field was under irrigation.

That large field should be 11.2, not 8.2 acres (the 8.8 acres recommended minus the 0.6 acres recommended by the IDWR in Claim 4200 in NWSW). The 11.2 plus 0.6 gives a total in NWSW of 11.8.

SCANNED
JAN 08 2008

F. VERIFICATION (must be completed)

State of Minnesota)
)ss.
County of Hennepin)

Erik F. Storlie & Tamara L. Kaiser, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

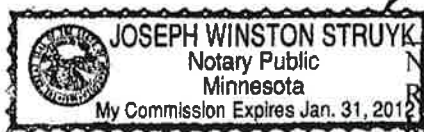
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Erik F. Storlie Tamara L. Kaiser
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

September 27, 2007



Notary Public for

Residing at:

My Commission Expires:

Minnesota

Hennepin

Jan 31, 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 September 28 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: Erik F. Stortie and Tamara L. Kaiser
Address: 3217 Humboldt Avenue South
Minneapolis Minnesota 55408

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

Erik F. Stortie

Tamara L. Kaiser

Signature of objector or attorney
mailing on Objector's behalf

11/20/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-2137

ERIK F STORLIE
3217 HUMBOLDT AVE SOUTH
MINNEAPOLIS MN 55408
Telephone Number: (612) 822-8555

TAMARA L KAISER
3217 HUMBOLDT AVE SOUTH
MINNEAPOLIS MN 55408
Telephone Number: (612) 822-8555

RECEIVED

DEC 13 2006

IDWR/North

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

NOTE OVERLAP WITH 4199 + 4200 for all but some fields in SESW and the field in NWSW

2. Describe the changes you wish to make in the proposed recommendation:

For all overlapping areas, change to reflect IDWR recommendations and our changes noted on Notice of Error Forms for 4199 and 4200.

3. Give a brief explanation as to why you disagree with these portions:

There is discrepancy in the IDWR recommendations for overlapping areas. Overlap is potentially confusing. IDWR recommendations with our changes reflect the situation accurately.

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/3/06 SIGNATURE: Tamara L. Kaiser

Please print your name: Tamara L. Kaiser

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

SCANNED

OCT 03 1997

RECEIVED

FEB 04 1997

Department of Water Resources

ATTENTION ADJUDICATION BUREAU

Could you please change my mailing
address to FRED CRABTREE
P.O. Box 24
ELLIS, IDAHO 83235

My Water claim numbers are

A75-04199, A75-10231, A75-04200,
A75-04198, A75-02137

Thank You

Fred Crabtree

940-0874

'A' records changed 02-04-97. & 'R' records.

105

SCANNED

JAN 08 2008



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
MAY 16 1994

DATE OF CLOSING: Jan. 3, 1994

LEGAL DESCRIPTION OF PROPERTY: Township 17N Range 20 E. Department of Water Resources
Section 8, NW 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____, BM: Eastern District Office
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) A75-04199, A75-10231, A75-04200, A75-04198, A75-02137
Assigned by IDWR: _____
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Woodrow M. Conklin
HC 62, Box 1040
Ellix, ID 83235
- ☐ New Owner/Claimant (Purchaser): Fred E. Crabtree
- ☐ New Mailing Address: Rt. 1, Box 88L
Kooskia, ID 83539
- ☐ New Telephone Number: (208) 926 - 0804
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Fred E. Crabtree Date 1/3/94
- ☐ Signature of Former Owner/Claimant(s): Woodrow M. Conklin Date 1-3-94

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

FOR IDWR USE ONLY:

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

Further Action Needed:

Further Action Taken
Date: _____ By: _____

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

Claim Numbers of Split, if any:

MICROFILMED

NOV 18 1996

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

SCANNED

JAN 08 2008

RECEIVED
NOV 04 2005
DEPARTMENT OF
WATER RESOURCES

Documents for Adjudication

Water Claims 4199 and 4200, Licensed Right 2137, and Decreed Springs 10231 and 4198

Several documents are currently on file at the Department of Water Resources regarding the water claims and rights related to Hat Creek Ranch, PO Box 37, Ellis, Idaho 83235. They are not included here. The documents refer to the following:

1. 75-2137 License
2. 75-4199 Claim
3. 75-4200 Claim
4. 74 10231 Spring Decreed
5. 75- 4198 Spring Decreed

Enclosed, please find several documents designed to corroborate priority dates for use of water for irrigation at Hat Creek Ranch.

1. Statement By Erik F. Storlie and Tamara L. Kaiser Regarding Water Claims 2137,4198,4199,4200,10231 on Hat Creek Ranch and attached map. This document delineates facts on the ground, background, priority dates claimed, and requested amendments.

2 Materials regarding two patents in the name of Helen McGuire. These documents show that the McGuire Family applied for two patents, one under the Homestead Act and one under the Desert Land Act, in 1959 and obtained the homestead 1963 and the desert land patent in 1967.

3. Mining Claim documents. These documents show that the McGuire family (Helen, Bill and Lee) were filing claims on and around this property in 1938 and is therefore documentation that they were in the area, indeed living there. The following claims (numbered in the margins) are directly on the property:

#1. "1/2 Northwest of south Gulch on Big Hat Creek in Unorganized Mining District, Lemhi county, State of Idaho..."

#2. "6 miles up Big Hat Creek about 1/2 mile south of the West Fork of Big Hat Creek on the west side in Unorganized mining District in the County of Lemhi, State of Idaho..."

#4. "6 miles up Big Hat Creek about 600 feet West of Main Hatt (sic) Creek"

#5. "6 and 1/4 miles up big Hat Creek about 1/4 mile south of the West Fork of Hat Creek..."

#3 is also a claim by the McGuire Family, in the general area, closer to Little Hat Creek and not on the property in question. #'s 6 and 7 are also claims by the McGuire Family near Crooks Canyon and not on the property in question.

SCANNED

NOV 07 2005

4. Newspaper articles regarding death and burial of Lyle David Earle McGuire.

These articles, from the *Lemhi Recorder Herald*, Wednesday, July 24, 1935, are about the death of Lyle David Earle McGuire, son of Mr. and Mrs. James McGuire, and brother of William and Lee McGuire and Anna Miller. He was killed at the age of 16 and buried on his ranch up Hat Creek. One of the articles states that he was farming several acres of land which he had rented from his father.

These articles are proof that the McGuires were not only living on the land before 1935, but ranching it. It is important to note here that **there are two graves on the Hat Creek property, one of which is Dave's and one of which contains the ashes of his brother Bill**, proving that the ranch referred to in the paper is indeed the property in question.

5. Copy of an affidavit signed and notarized by Helen McGuire Perez. (We have the original in our possession). Mrs. Perez is the granddaughter of Helen and Lyle (referred to as "James" in the *Lemhi Recorder Herald*) McGuire. Her mother was Ann Miller and she married William McGuire, her maternal uncle. She states that her grandparents moved to Hat Creek Ranch in 1930, when Bill was 2 years old. Mrs. Perez first came to the ranch in 1952 to visit her grandparents and saw irrigation happening at the time. She lived there permanently from 1957 until 1970 or 72, at which time she and her husband sold the ranch to pay for their daughter's burn injuries. She stated that the upper east irrigated field was called "Dave's field" because that was the field rented to Dave before he died in 1935.

She also stated that the fields marked "A," "B", "C", "F" and "Barnyard" were all started by her grandparents.

6. Copies of aerial photos, held by Alberstons Library at Boise State University and accompanying letter from Alan Virta , Head, Special Collections, Albertsons Library. The photos are dated September 13, 1946. We are sending you a copy of GS CI 36-28 as well as an enlargement of that photograph, which focuses on Hat Creek. We have higher quality copies of these photos, called "special collection photos" in our possession. The photos show diversions "4" (irrigating fields "A" and "B") and "2" (irrigating fields "F" and "Barnyard"). We have indicated the ditches by an arrow in green ink.

7. 1914 Survey Plat by the BLM. This plat shows a cabin owned by "R Overture" placed right in the area of field "C" mentioned above. Overture must have irrigated this field to support his livestock.

8. Copy of an affidavit signed and notarized by Fred Crabtree. (We have the original in our possession). Mr. Crabtree, former owner of Hat Creek Ranch, bought the property from the Conklin family and sold it to us. His statement discloses information he obtained from the former owner of the property currently owned by Preston Dixon, which borders the Hat Creek Ranch. The statement supports our argument that field "C" has been in use since 1890, the priority date for decreed spring #10231.

SCANNED

NOV 07 2005

9. **Copy of an affidavit signed and notarized by Fred Crabtree. (We have the original in our possession).** In this document, Mr. Crabtree testifies to the arrangement he had since 1993 with the former owners of the current Dixon property regarding the shared irrigation ditch (which we have referred to as "Diversion 4" in our enclosed statement). The arrangement between the two properties, which, according to the statement, had been in effect since 1966, was that every 10 days Mr. Crabtree would have the water for 7 and the neighbors for 3. Mr. Crabtree also states that it was understood that the Hat Creek Ranch had the senior water rights.

SCANNED

NOV 07 2005

**Summary of Information Regarding
Water Claims 2137, 4198, 4199, 4200, 10231
At Hat Creek Ranch, T17N, R20E, Lemhi County, Idaho
Owned by Erik F. Storlie and Tamara L. Kaiser**

Facts on the Ground

Background

Priority Dates Claimed

Corrections and Additions Requested

(See map attached):

Diversions

There are four irrigation diversions (labeled 1-4 on the accompanying map and, with the ditches, drawn in green ink), two off the south side of the West Fork of Big Hat Creek, one on the west side of Big Hat Creek (after the confluence of the West Fork and the North Fork), and one on the east side of the North Fork.

Diversion 1 – Included in both Claim 4199 (priority 5/1/1889) and Licensed Claim 2137 (priority 1/11/1960).

The Diversion originates on the south side of the West Fork in NE/NW/SE of Section 8, over a mile from the property, and is currently leased in part to the U.S. Fish and Wildlife. The two upper fields (fields D and E in the accompanying map) are not being irrigated. The ditch can also be used to irrigate field F, the barnyard, and field C.

Helen Perez states that her husband began the irrigation of fields D and E in about 1960.

Diversion 2 – Should be added to Claim 4199 (priority 1930)

The Diversion originates on the south side of the West Fork in NW/SW/NW of Section 10 and supplies water to field F and the barnyard when Diversion 1 is shut down in compliance with the current Fish and Wildlife lease.

Helen Perez states that this ditch was opened in the early 1930's by her grandparents. Portions of it are visible in an aerial photograph taken in 1946. A 1930's style log and sod-roofed cattle barn and cattle ramp still stand in the barnyard. Helen Perez's grandmother had also staked a number of mining claims on and in the vicinity of the ranch in the 1930's, perhaps to head off other claims being filed before she could complete the homestead patents.

Note: this diversion is not included in the paperwork that we have access to. We assume that the McGuires intended to replace it by Diversion 1. However, we will continue to use Diversion 2 to irrigate field F, the barnyard, and possibly field C. This will be necessary if we continue to lease water from Diversion 1.

Diversion 3 – Should be added to Claim 4199 with a priority date of 1890. Field C should also include 2-3 irrigated acres that lie in NW/NW/NE of Section 15.

The diversion originates on the west side of Big Hat Creek in NE/SE/SW of Section 10. It's a short ditch, only a few hundred feet long, that irrigates field C.

SCANNED

NOV 07 2005

Helen Perez states that field C was irrigated in the early 1930's by her grandparents. Diversion 3 was surely used then, as it required little work to maintain and has a better water supply, drawing from the main flow of Big Hat Creek rather than from the West Fork.

However, BLM records show that in 1914 an R. Overture was living in his cabin near field C and our decreed domestic spring, Claim 10231 (priority 1890). He must have opened the ditch prior to 1914 in order to graze the livestock that would make living up Hat Creek possible.

Note: this diversion is not included in the paperwork that we have access to. However, the ease with which it irrigates field C demonstrates that it is probably the earliest ditch on the property.

Diversion 4 – Claim 4200 and licensed Claim 2137 should have a priority of 1930. The diversion originates on the east side of the North Fork in SWSW of Section 3 and supplies water to fields A and B.

Helen Perez states that her grandparents opened this ditch in the early 1930's. She saw fields A and B under irrigation when she first visited the ranch in 1952. Confirmation of her knowledge is found in a news report from *The Lemhi Recorder* (7/24/1935) that describes the death of her first husband Bill's brother Dave on the ranch. Dave is buried in a family cemetery still present on the ranch. The story states that Dave, age 16, was renting from his father a field on which to begin farming. Helen says that field is field A, always called "Dave's Field."

In later years, the ditch was extended to serve the adjoining ranch downstream now owned by Preston Dixon. Fred Crabtree states that during his ownership it was understood that his place had always had the senior water right and that every ten days, he got seven days of water and the ranch downstream got three.

Aerial photos from 1946 show portions of this ditch.

Springs

McGuire Springs – Decreed

Claim 4198, SWSW, Section 10. Priority: 5/1/1956

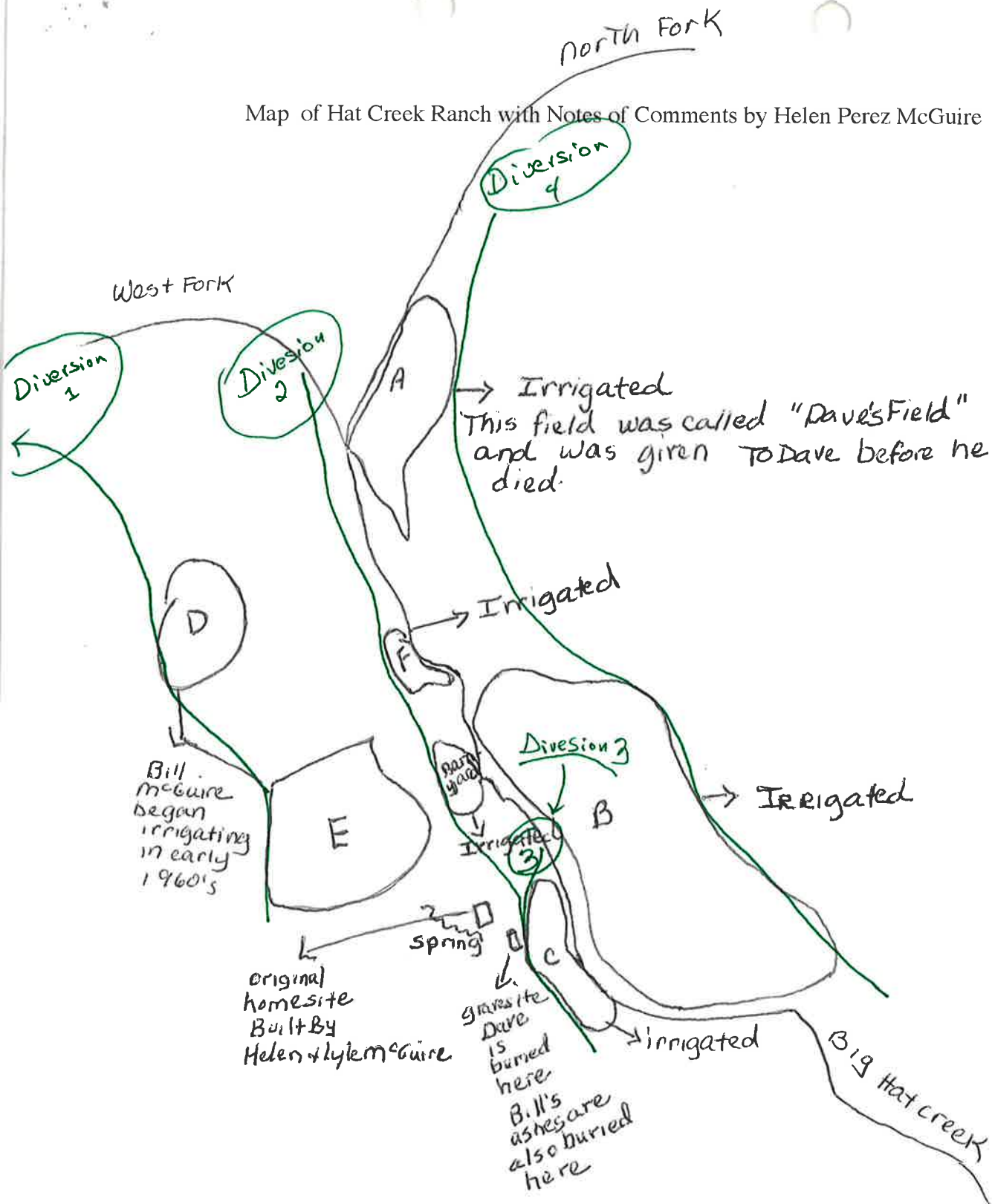
Spring – Decreed

Claim 10231, SESW, Section 10. Priority: 6/1/1890

SCANNED

NOV 07 2005

Map of Hat Creek Ranch with Notes of Comments by Helen Perez McGuire



Helen McGuire Perez

Date

SCANNED

NOV 07 2005

NOTICE OF PLACER LOCATION

KNOW ALL MEN BY THESE PRESENTS, That I, John Seaman Agent for Bert Dawes of Olympia, County of Thurston, State of Wash claim by right of discovery and location the Garnet No. 1 placer claim, containing 20 acres, (or 1500 feet in length by 600 feet in width) situate in Dahlenega Mining District, Lemhi County, State of Idaho, and is bounded and described as follows, to-wit: Beginning at the Stake and Corner No. 1, where this notice is posted, whence 600 ft. easterly to corner #2, thence 1500 north to corner No. 3 and running thence westerly to corner #4 thence 600 ft. southerly to corner No. 1 the place of beginning This claim is bordered on the south by Garnet No 2 placer claim. This claim is on Three Mile Creek to the place of beginning.
Date of discovery Oct. 12, 1950
Staked and located Oct. 21, 1950
Date of Certificate , 19

STATE OF IDAHO.)
COUNTY OF LEMHI,) ss.

Bert Dawes, by John Seaman (Agent) Locator.

I, John Seaman (Agent) do solemnly swear that I am a citizen of the United States of America (or have declared my intention to become such) and that I am acquainted with the mining ground described in this notice of location and herewith called the Garnet #1 placer claim; that the ground and claim therein described, or any part thereof, has not to the best of my knowledge and belief, been located according to the laws of the United States and of this State, save as mentioned in the within notice, or if so located that the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws, and that I have opened up new ground to the extent of 100 cubic feet, as required by the laws of the State of Idaho.

Subscribed and sworn to before me this 23 day of Oct. A. D. 1950.
John Seaman (Agent)
W. W. Simmonds Co. Rec.
By Lena Heidt, Deputy

Recorded at the request of John Seaman at 20 minutes past 2 o'clock P. M., Oct. 23, 1950 in book H of Mining Claims, page 37 Records of Dahlenega District, Lemhi County, Idaho

Transferred October 24, 1950 Book 3 Mining Claims, Page 543
W. W. Simmonds, County Recorder
By Lena Heidt Deputy

Fee \$1.00 Co. Paid
By Dorothy McFrederick, Deputy

----- Instrument No. 72626 -----
PLACER MINING LOCATION NOTICE

NOTICE IS HEREBY GIVEN, that Bill I. McGuire the undersigned citizen of the United States of America, conforming to the mining laws, thereof and of the State of Idaho, and the local rules, regulations and customs of miners, has this 20 day of October, A. D. 1950, located and do hereby claim 20 acres of Placer Mining ground, situate, lying and being 6 miles up Big Hat Creek about one half mile south of the West Fork of Big Hat Creek on the west side in Unorganized mining District, in the County of Lemhi and State of Idaho, particularly described as follows, to-wit:

Commencing at the discovery monument, which is the first corner of the claim said document being corner No. 1 upon which this notice is posted; thence in a Northern direction 1500 feet to corner monument No. 2, the second corner of the claim; thence in a Western direction 300 feet to corner monument No. 3, the third corner of the claim; thence in a southern direction 1500 feet to corner monument No. 4, the fourth corner monument of the claim; thence in a Eastern direction 300 feet to corner No. 1, the place of beginning. The said corner monument No. 1, upon which this notice is posted, is situated about 2640 feet in a South direction from the West Fork of Big Hat Creek on the West side of Big Hat Creek

The adjoining claims are
The corner monuments Nos. 2, 3, and 4 aforesaid are marked upon the side facing corner monument No. 1, the discovery monument, with the name of the claim and the corner which each of said monuments represent and all of said monuments are at least four inches in diameter and at least four feet high above the ground.
Discovered on the 20 day of October, A. D. 1950
Located on the 20 day of October, A. D. 1950

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

Bill I McGuire) Locators and Claimants

I, Helen McGuire, Agent do solemnly swear that I am a citizen of the United States of America (or have declared by intention to become such) and that I am acquainted with the mining ground described in this notice of location and herewith called the Big Hat Placer Claim; that the ground and claim therein described, or any part thereof, has not to the best of my knowledge and belief been located according to the laws of the United States and of this State, or if so located the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws, and that I have made an excavation upon said claim not less than one hundred cubic feet for the purpose of prospecting the same, as required by the laws of Idaho, and that all stakes and monuments or trees marking boundaries of said claim are in proper place and position.

Subscribed and sworn to before me this 25th day of October, A. D. 1950
Helen McGuire, Agent
W. W. Simmonds, County Recorder
By Dorothy McFrederick, Deputy

(SEAL)
STATE OF IDAHO,)
County of Lemhi,) ss.

I hereby certify that this instrument was filed for record at request of Helen McGuire at 10 Minutes past 1 o'clock P. M., this 25th day of October, A. D. 1950 in my office, and duly recorded in book 3 of Mining Claims, at page 543.
W. W. Simmonds, County Recorder

SCANNED
NOV 7 2005

PLACER MINING LOCATION NOTICE

NOTICE IS HEREBY GIVEN, that Bill I. McGuire the undersigned citizen of the United States of America, conforming to the mining laws, thereof and of the State of Idaho, and the local rules, regulations and customs of miners, has this 21 day of October, A. D. 1950, located and do hereby claim 20 acres of Placer Mining ground, situate, lying and being 3 miles up Big Hat Creek Where Little Hat Creek Enters Big hat Creek. in Unorganized mining District, in the County of Lemhi and State of Idaho, particularly described as follows, to-wit:

Commencing at the discovery monument, which is the first corner of the claim said document being corner No. 1 upon which this notice is posted; thence in a South West direction 300 feet to corner monument No. 2, the second corner of the claim; thence in a South East direction 1500 feet to corner monument No. 3, the third corner of the claim; thence in a North East direction 300 feet to corner monument No. 4, the fourth corner monument of the claim; thence in a North West direction 1500 feet to corner No. 1, the place of beginning.

The said corner monument No. 1, upon which this notice is posted, is situated about 25 feet in a South West direction from the forks of Big & Little Hat Creek

The adjoining claims are

The corner monuments Nos. 2, 3, and 4 aforesaid are marked upon the side facing corner monument No. 1, the discovery monument, with the name of the claim and the corner which each of said monuments represent and all of said monuments are at least four inches in diameter and at least four feet high above the ground.

Discovered on the 21 day of October, A. D. 1950

Located on the 21 day of October, A. D. 1950

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

Bill I. McGuire) Locators and Claimants

I, Helen McGuire, Agent do solemnly swear that I am a citizen of the United States of America (or have declared by intention to become such) and that I am acquainted with the mining ground described in this notice of location and herewith called the Little Hat Placer Claim; that the ground and claim therein described, or any part thereof, has not to the best of my knowledge and belief been located according to the laws of the United States and of this State, or if so located the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws, and that I have made an excavation upon said claim not less than one hundred cubic feet for the purpose of prospecting the same, as required by the laws of Idaho, and that all stakes and monuments or trees marking boundaries of said claim are in proper place and position.

Subscribed and sworn to before me this 25th day of October, A. D. 1950

Helen McGuire, Agent
W. W. Simmonds, County Recorder
By Dorothy McFrederick, Deputy

(SEAL)
STATE OF IDAHO,)
County of Lemhi,) ss.

I hereby certify that this instrument was filed for record at request of Helen McGuire at 11 Minutes past 1 o'clock P. M., this 25th day of October, A. D. 1950 in my office, and duly recorded in book 3 of Mining Claims, at page 544.

W. W. Simmonds, Ex-Officio Recorder
Lemhi County, Idaho

Fees, \$2.00 Paid

By Dorothy McFrederick, Deputy

----- Instrument No. 72649 -----
PLACER MINING LOCATION NOTICE

NOTICE IS HEREBY GIVEN, That E. E. Osborne and Frances M. Osborne the undersigned citizens of the United States of America, conforming to the mining laws, thereof and of the State of Idaho, and the local rules, regulations and customs of miners, have this 20th day of October, A. D. 1950, located and hereby claim 20 acres of Placer Mining ground, situate, lying and being on the West side of the Salmon River in Township 23 North, Range 21, E.B.M., in Lemhi County, Idaho in Boyle Creek mining District, in the County of Lemhi and State of Idaho, particularly described as follows, to-wit:

Commencing at the discovery monument, which is the Northwest corner of the claim said document being corner No. 1 upon which this notice is posted; thence in a Southerly direction 600 feet to corner monument No. 2, the Southwest corner of the claim; thence in an Easterly direction 1500 feet to corner monument No. 3, the Southeast corner of the claim; thence in a Northerly direction 600 feet to corner monument No. 4, the Northeast corner monument of the claim; thence in a Westerly direction 1500 feet to corner No. 1, the place of beginning.

The said corner monument No. 1, upon which this notice is posted, is situated about 250 feet in a Westerly direction from the Salmon River

The adjoining claims are the "Last Chance" Claim

The corner monuments Nos. 2, 3, and 4 aforesaid are marked upon the side facing corner monument No. 1, the discovery monument, with the name of the claim and the corner which each of said monuments represent and all of said monuments are at least four inches in diameter and at least four feet high above the ground.

Discovered on the 20th day of October, A. D. 1950

Located on the 20th day of October, A. D. 1950

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

E. E. Osborne) Locators and
Frances M. Osborne) Claimants

We, E. E. Osborne and Frances M. Osborne do solemnly swear that I am a citizen of the United States of America (or have declared by intention to become such) and that I am acquainted with the mining ground described in this notice of location and herewith called the FRANCES BELL Placer Claim; that the ground and claim therein described, or any part thereof, has not to the best of my knowledge and belief been located according to the laws of the United States and of this State, or if so located the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws, and that I have made an excavation upon said claim not less than one hundred cubic feet for the purpose of prospecting the same, as required by the laws of Idaho, and that all stakes and monuments or trees marking boundaries of said claim are in proper place and position.

E. E. Osborne

SCANNED

NOV 17 1955

PLACER MINING LOCATION NOTICE

NOTICE IS HEREBY GIVEN, that Lee McGuire the undersigned citizen of the United States of America, conforming to the mining laws, thereof and of the State of Idaho, and the local rules, regulations and customs of miners, has this 30 day of October, A. D. 1950, located and do hereby claim 20 acres of Placer Mining ground, situate, lying and being 6 miles up Big Hat Creek about 600 feet West of Main Hatt Creek. The name of claim is the Locust in Unorganized mining District, in the County of Lemhi and State of Idaho, particularly described as follows, to-wit:

Commencing at the discovery monument, which is the first corner of the claim said document being corner No. 1 upon which this notice is posted; thence in a South West direction 1500 feet to corner monument No. 2, the second corner of the claim; thence in a North West direction 300 feet to corner monument No. 3, the third corner of the claim; thence in a North East direction 1500 feet to corner monument No. 4, the fourth corner monument of the claim; thence in a South East direction 300 feet to corner No. 1, the place of beginning.

The said corner monument No. 1, upon which this notice is posted, is situated about 2640 feet in a South direction from from the West Fork of Big Hat Creek on the West side of the Creek.

The adjoining claims are

The corner monuments Nos. 2, 3, and 4 aforesaid are marked upon the side facing corner monument No. 1, the discovery monument, with the name of the claim and the corner which each of said monuments represent and all of said monuments are at least four inches in diameter and at least four feet high above the ground.

Discovered on the 29 day of October, A. D. 1950

Located on the 30 day of " , A. D. 1950

Lee McGuire) Locators and
Claimants

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

I, Lee McGuire do solemnly swear that I am a citizen of the United States of America (or have declared by intention to become such) and that I am acquainted with the mining ground described in this notice of locaton and herewith called the Locust Placer Claim; that the ground and claim therein described, or any part thereof, has not to the best of my knowledge and belief been located according to the laws of the United States and of this State, or if so located the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws, and that I have made an excavation upon said claim not less than one hundred cubic feet for the purpose of prospecting the same, as required by the laws of Idaho, and that all stakes and monuments or trees marking boundaries of said claim are in proper place and position.

Subscribed and sworn to before me this 2nd day of November, A. D. 1950

W. W. Simmonds, County Recorder
By Dorothy McFrederick Deputy

(SEAL)

STATE OF IDAHO, County of Lemhi) ss.

I hereby certify that this instrument was filed for record at request of Lee McGuire at - Minutes past 2 o'clock P. M., this 2nd day of November A. D. 1950 in my office, and duly recorded in book 3 of Mining Claims, at page 546.

W. W. Simmonds, Ex-Officio Recorder
Lemhi County, Idaho

Fees, \$2.00 Paid

By Dorothy McFrederick, Deputy

----- Instrument No. 72658 -----
PLACER MINING LOCATION NOTICE

NOTICE IS HEREBY GIVEN, that Lee McGuire the undersigned citizen of the United States of America, conforming to the mining laws, thereof and of the State of Idaho, and the local rules, regulations and customs of miners, has this 30 day of October, A. D. 1950, located and do hereby claim 20 acres of Placer Mining ground, situate, lying and being 6 & $\frac{1}{2}$ miles up Big Hat Creek about $\frac{1}{4}$ mile south of the West fork of Hat Creek, being on the bottom of said Creek. The name of the claim is the Bushwald in Unorganized mining District, in the County of Lemhi and State of Idaho, particularly described as follows, to-wit:

Commencing at the discovery monument, which is the first corner of the claim said document being corner No. 1 upon which this notice is posted; thence in a Westerly direction 300 feet to corner monument No. 2, the second corner of the claim; thence in a southerly direction 1500 feet to corner monument No. 3, the third corner of the claim; thence in a Easterly direction 300 feet to corner monument No. 4, the fourth corner monument of the claim; thence in a Northerly direction 1500 feet to corner No. 1, the place of beginning.

The said corner monument No. 1, upon which this notice is posted, is situated about 1320 feet in a Southerly direction from the West Fork of Big Hat Creek, on the bottom of the Creek about 250 feet West of said Creek.

The adjoining claims are

The corner monuments Nos. 2, 3, and 4 aforesaid are marked upon the side facing corner monument No. 1, the discovery monument, with the name of the claim and the corner which each of said monuments represent and all of said monuments are at least four inches in diameter and at least four feet high above the ground.

Discovered on the 29 day of October, A. D. 1950

Located on the 30 day of " , A. D. 1950

Lee McGuire) Locators and
Claimants

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

I, Lee McGuire do solemnly swear that I am a citizen of the United States of America (or have declared by intention to become such) and that I am acquainted with the mining ground described in this notice of locaton and herewith called the Bushwald Placer Claim; that the ground and claim therein described, or any part thereof, has not to the best of my knowledge and belief been located according to the laws of the United States and of this State, or if so located the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws, and that I have made an excavation upon said claim not less than one hundred cubic

SCANNED

NOV 17 2

Subscribed and sworn to before me this 2nd day of November, A. D. 1950

(SEAL)

W. W. Simmonds, County Recorder
By Dorothy McFrederick, Deputy

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

I hereby certify that this instrument was filed for record at request of Lee McGuire at 1 Minutes past 2 o'clock P. M., this 2nd day of November, A. D. 1950 in my office, and duly recorded in book 3 of Mining Claims, at pages 546-7.

W. W. Simmonds, Ex-Officio Recorder
Lemhi County, Idaho

Fees, \$2.00 Paid

By

Instrument No. 72675

Deputy

NOTICE OF QUARTZ LOCATION

TO WHOM IT MAY CONCERN:

Notice is hereby given, that Frank Blades Gibbonsville, Ida. citizen of the United States of America (or ha declared h intention to become such), of the age of twenty-one years, did on the 1st day of October, 1950 discover a vein or lode of Quartz or rock in place, bearing gold, silver, or other precious metals or valuable deposits, within the limits of the hereinafter described claim, do this 1st day of October, 1950, hereby under and in accordance with the Revised Statutes of the United States (Chapter VI Title XXXII) and laws of the State of Idaho Ridge lode No. 1 MINING CLAIM. That said claim extends 500 linear feet in a Easternly direction along said vein or lode from the point of discovery, and 1000 linear feet in a Westernly direction along said vein or lode from the point of discovery; and extends 300 feet on the Northern side from the middle of said ledge and 300 feet on the Southern side from the middle of said ledge. That said point of discovery is shown by a certain tunnel and is 1000 linear feet in a Northern direction from mouth of Slaughterhouse gulch. Old tunnel & cave at end of road on ridge about $\frac{1}{2}$ mile from ranch house

The adjoining claims are: Ridge lode No. 2

That said claim is situate in the Yellow Jacket Mining District, in the County of Lemhi, State of Idaho.

LOCATOR (Frank Blades

STATE OF IDAHO)
County of Lemhi,) ss.

I, Florence L. Moats, Agent do solemnly swear that I am a citizen of the United States of America (or have declared my intention to become such) and that I am acquainted with the mining ground described in this notice of location and herewith called the Ridge No. 1 ledge, lode or claim, that the ground and claim therein described, or any part thereof, has not to the best of my knowledge and belief been located according to the laws of the United States and of this State, or if so located that the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws, and that I have opened new ground to the extent or depth of ten feet as required by the laws of Idaho.

Subscribed and sworn to before me this 7th day of November, A. D. 1950

(SEAL)

Florence L. Moats Agt.
W. W. Simmonds, County Recorder
By Dorothy McFrederick, Deputy

STATE OF IDAHO)
County of Lemhi,) ss.

I hereby certify that this instrument was filed for record at request of Florence L. Moats at - minutes past 3 o'clock P. M., this 7th day of November, A. D. 1950 in my office, and duly recorded in book 3 of Mining Claims, at page 547.

W. W. Simmonds, Ex-Officio Recorder
Lemhi County, Idaho

Fees, \$2.00 Paid

By

Dorothy McFrederick, Deputy

SCANNED

NOV 07 2005

PLACER MINING LOCATION NOTICE

NOTICE IS HEREBY GIVEN, that Helen B. McGuire the undersigned citizen of the United States of America, conforming to the mining laws, thereof and of the State of Idaho, and the local rules, regulations and customs of miners, has this 26 day of Sept, A.D. 1952, located and do hereby claim 20 acres of Placer Mining ground, situate, lying and being one half mile South West of Cronks Canyon on the west side of the main Salmon River about 37 miles South of Salmon, Ida. in Unorganized mining District, in the County of Lemhi and State of Idaho, particularly described as follows, to-wit:

Commencing at the discovery monument, which is the first corner of the claim said document being corner No. 1 upon which this notice is posted; thence in a Northern direction 2000 feet to corner monument No. 2, the second corner of the claim; thence in a South East direction 300 feet to corner monument No. 3, the third corner of the claim; thence in a Southern direction 700 feet to corner monument No. 4, the fourth corner monument of the claim; thence in a South West direction 1200 feet to corner No. 1, the place of beginning.

The said corner monument No. 1, upon which this notice is posted, is situated about 100 feet in a North West direction from the main Salmon River about $\frac{1}{2}$ mile South of Cronks Canyon.

This Claim shall be known as the Tonk Placer Claim.

The adjoining claims are None

The corner monuments Nos. 2, 3, and 4 aforesaid are marked upon the side facing corner monument No. 1, the discovery monument, with the name of the claim and the corner which each of said monuments represent and all of said monuments are at least four inches in diameter and at least four feet high above the ground.

Discovered on the 5 day of Sept, A.D. 1952

Located on theday of.....,A.D. 19...

Helen McGuire) Locators and Claimants

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

I, Helen McGuire do solemnly swear that I am a citizen of the United States of America (or have declared by intention to become such) and that I am acquainted with the mining ground described in this notice of location and herewith called the Tonk Placer Claim; that the ground and claim therein described, or any part thereof, has not to the best of my knowledge and belief been located according to the laws of the United States and of this State, or if so located the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws, and that I have made an excavation upon said claim not less than one hundred cubic feet for the purpose of prospecting the same, as required by the laws of Idaho, and that all stakes and monuments or trees marking boundaries of said claim are in proper place and position.

Helen McGuire

Subscribed and sworn to before me this 6th. day of October, A.D. 1952

((SEAL))

W. W. Simmonds
County Recorder.

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

I hereby certify that this instrument was filed for record at request of Helen McGuire at - Minutes past 3 o'clock P.M., this 6th. day of October, A.D. 1952 in my office, and duly recorded in book 4 of Mining Claims, at page 526.

W. W. Simmonds
Ex-Officio Recorder
Lemhi County, Idaho

2.00 Paid

SCANNED
NOV 07 2005

PLACER MINING LOCATION NOTICE

NOTICE IS HEREBY GIVEN, that Bill I. McGuire the undersigned citizen of the United States of America, conforming to the mining laws, thereof and of the State of Idaho, and the local rules, regulations and customs of miners, has this 29 day of June, A.D. 1951, located and do hereby claim 20 acres of Placer Mining ground, situate, lying and being one half mile Southwest of Cronks Canyon on the west side of the main Salmon River about 37 miles South of Salmon, Ida. in Unorganized mining District, in the County of Lemhi and State of Idaho, particularly described as follows, to-wit:

Commencing at the discovery monument, which is the first corner of the claim said document being corner No. 1 upon which this notice is posted; thence in a Northern direction 2000 feet to corner monument No. 2, the second corner of the claim; thence in a South East direction 300 feet to corner monument No. 3, the third corner of the claim; thence in a Southern direction 700 feet to corner monument No. 4, the fourth corner monument of the claim; thence in a South West direction 1200 feet to corner No. 1, the place of beginning.

The said corner monument No. 1, upon which this notice is posted, is situated about 100 feet in a North West direction from the main Salmon River, about 1/2 mile South of the mouth of Cronks Canyon.

The adjoining claims are None

The corner monuments Nos. 2, 3, and 4 aforesaid are marked upon the side facing corner monument No. 1, the discovery monument, with the name of the claim and the corner which each of said monuments represent and all of said monuments are at least four inches in diameter and at least four feet high above the ground.

Discovered on the 20 day of June, A.D. 1951

Bill I. McGuire) Locators and
) Claimants

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

I, Helen McGuire do solemnly swear that I am a citizen of the United States of America (or have declared by intention to become such) and that I am acquainted with the mining ground described in this notice of location and herewith called the Lucky Strike Placer Claim; that the ground and claim thereindescribed, or any part thereof, has not to the best of my knowledge and belief been located according to the laws of the United States and of this State, or if so located the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws, and that I have made an excavation upon said claim not less than one hundred cubic feet for the purpose of prospecting the same, as required by the laws of Idaho, and that all stakes and monuments or trees marking boundaries of said claim are in proper place and position.

Helen McGuire.

Subscribed and sworn to before me this 2nd day of July, A.D. 1951

((SEAL))

W. W. Simmonds, County Recorder

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

By Lois E. Stevens Deputy

I hereby certify that this instrument was filed for record at request of Helen McGuire at 30 minutes past 3 o'clock P.M., this 2nd day of July, A.D. 1951 in my office, and duly recorded in book 3 of Mining Claims, at page 613.

W. W. Simmonds
Ex-Officio Recorder
Lemhi, County, Idaho

By Lois E. Stevens
Deputy

Fee, \$2.00 Paid

SCANNED

NOV 07 2005

DER HERALD

PAPER OF LEMHI COUNTY AND THE CITY OF SALMON

COUNTY, IDAHO, WEDNESDAY, JULY 24, 1935

DAIRYING

Lemhi County
future for dairy
stock. Low
climate, pure wa

Pests



BOY DIED FROM KICK BY HORSE

Funeral Held on Hat Creek Took Victor
Last Friday

Lyle David Earl McGuire died last Thursday evening following injuries which he received the day before when kicked by a horse. He grabbed the horse by the mane to hold him and the animal whirled and kicked him with both feet in the abdomen. Death was believed to have been due to internal hemorrhage.

Lyle, who was sixteen years of age, made his home with his parents who are ranching about four miles up Hat creek. He was farming several acres of land which he had rented from his father. He was born Nov. 3, 1918 at Garland, Mont. He and his parents have lived in this county for several years.

He is survived by his parents, Mr. and Mrs. James L. McGuire, two brothers Lee and William; two sisters Mrs. Anna Miller of Garland, Mont. and Mrs. Alice Windlots of Katspelt, Mont.

Funeral services were held at the home on Friday, July 19. Mrs. Margaret Wells conducted the service and she and Mrs. Judy Wells sang. W. C. Doebler assisted with the burial which was made on the McGuire ranch.

Salmon ball game of the defeating Victor first inning visitors as Sal. The balance of break between Six hits, no errors were ten runs. Sal. fourth, 1 in the Victor scored the fourth.

Swift allowed Blasts for 13 last two innings one hit.

Go to Salmon w Sunday to p team of M. guma will n an evening working out to get ready They plan to two scalps

Salmon Ju ed Mackay have played that the roun mon river ed off. The were defeat

ANNOUNCES
TELOPE HUNT

HEAVY RAINS
DAMAGE ROADS

Pahsimeroi for Traffic Blocked on 93 Above
n Days Salmon Saturday

CANNING KITCHEN

SCANNED
NOV 17 2005

FOR SALE AND WANT ADS.

Mine, silver-lead-gold,
30 years; timber, lakelet,
Economically accessible.
Owner, daughter of or
Address Box 362 Salmon,
Recorder Herald. 15-1f

Lumber, both rough and
done, at mill or deliver.
Small. Northfork. 52-1f.

Local and long distance.
The man. Rates reasonable.
Stout, near Fred Nei-
7f.

NOTICE
General used truck tires and
for trade. NED SMITH.
15-1f.

TO RENT: Good fences,
water. See E. B. Randolph.
12-1f.

BRING: Furniture, auto-
m. Jessie H. Swainson, P.
Salmon, Idaho. 14-1f-pp

NOTICE
needed to handle your stock
ore hauling short or long
me figure with you.
NED SMITH. 15-1f.

150 acres, fenced; 4-room
table, chicken coop. Am-
100 acres. Approximately
standing. Pasture will sup-
cattle until fall. Priced for
\$2200; \$600 down, balance
offer open but two weeks.
investigate. 16-2

5 room house on east
set, including chicken
water and lights. See
16-2

160 acres, woven wire
cabin and log stable. Not
Bottom pasture 40 acres.
domestic use and gardens.
for pasture. Good cheap
suitable for some

IRON CREEK

Mrs. David Schultz was in town last
Wednesday evening.
John Waddington and Alvin Cole-
man were visitors at the Benjamin
ranch Wednesday of last week.

Ranger Robertson and Jimmy Wad-
dington returned from the Hat creek
fire late last Wednesday evening. Ben
McNamar brought them down. He
took Mr. Robertson on into town and
remained over night, returning home
Thursday morning.

W. E. and Edward Benjamin were
business visitors in town last Thurs-
day.

Chancey Stroud was treated to a
surprise last Thursday morning when
on arising he discovered, as he sup-
posed, a tramp asleep on his living
room couch. But when he sought to
arouse the fellow to order him out he
found it to be only Jimmy Wadding-
ton who had returned about midnight
from the Hat creek fire, and too drit-
ty and weary to go properly to bed
had flung himself on the couch and
was sleeping the sleep of utter ex-
haustion. Later Jimmy secured the
use of the Stroud car for a trip to
town for groceries and equipment and
at 2:30 Friday morning he left for
the lookout at Sheephorn peak where
he will be on duty the rest of the
summer.

Bill McNamar returned from the
fire Friday evening. On Saturday he
secured his equipment and on Sunday
he and Mrs. McNamar left for the
lookout on LaSal mountain back of
Ten-Mile. He spotted a fire as soon as
he reached there and reported it as
soon as the radio equipment could be
set up.

Dave Lambeth has surely been busy
with his pack outfit lately packing
outfits to and from the fire and get-
ting the lookouts established at Sheep-
horn and La Sal. Yesterday he left
again for the scene of the fire to
bring in Walter Waetzig who has been
faithfully there since the fire started.
Walter, too, will be on lookout for
the rest of the summer at some point
down the river.

The Hat creek fire has been de-
finitely under control for all of the

ed.
Annice Waddington is at home
again after spending a couple of
weeks with Mrs. McNamar.

The small items that we jotted down
so happily for news the early part of
last week seem somewhat small and
unimportant to us now but we have
submitted them nevertheless and per-
haps the reading of them will tend to
some extent divert our minds from
the tragedies that have stalked our
district.

The first occurred last Wednesday
morning at the McGuire ranch when
Dave, the oldest of the McGuire boys
was kicked in the abdomen by a vic-
ious horse and succumbed a few hours
later. A doctor was hastily summoned
but the boy was dead before the doc-
tor could reach there. This was a lad
of sixteen or seventeen years. Not well
known to us as the McGuire place is
quite remote but he did at one time
attend school, riding cheerfully the
nine long miles from the King ranch
where they then lived and the chil-
dren who knew him liked him. We
understand that the body was laid
away at the ranch. We feel deeply
sorry for these neighbors who have
lost a son.

We wish to extend our sympathy to
those who were damaged so greatly
by the cloudburst of Saturday evening.
The storm came on suddenly about
five-thirty o'clock, raged for perhaps
an hour and when it died away our
community was in a sorry plight.
ditches and gardens were wiped out as
completely as if they had never been.
communication lines and water sup-
ply was cut off, roads were blocked in
every direction, sheds, fences and
buildings were washed down, chickens
and turkeys killed, hay and grain
swept away. Some of the neighbors
were ill from the shock, exposure and
exertion, woodpiles were under water
and there was nothing with which to
start a fire, many were marooned in
town and along the highway sick with
fear of what might be taking place at
home, water and mud stood knee deep
over everything and the evening
chores were performed with the great-
est of difficulty. Yet when we were
able to contact these people we heard
little complaint. Mostly concern was
felt over some neighbor who was re-
ported to have fared worse. It seems

CHURCH
Morn
12:30
10:00
11:00
7:30
Solidity
Mrs. E.
Mrs. E.
trip to
points
Mrs.
were to
unday
Sand
acted to
of the
M.
Marion
with E.
Dore
then
mon
O.P.
cally
Mrs.
S.
Sund
SCANNED
NOV 7 2005

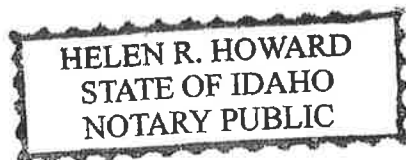
**Statement by Helen Perez McGuire regarding
Hat Creek Ranch, Lemhi County, Idaho.**

1. My grandparents Helen and Lyle (referred to as James in the July 24, 1935 Lemhi Recorder Harold) McGuire moved to Hat Creek Ranch in 1930. Their son, Bill, born in 1928. was 2 years old at the time.
2. My mother, Ann Miller, was Bill's sister. I married Bill McGuire in 1961.
3. I first came to Hat Creek Ranch in 1952 at the age of 9 with my parents Ann and Dan Miller. I saw fields "A," "B", "C", "F" and the "Barnyard" (shown on attached map of the property) being irrigated at that time. Fields "F" and "Barnyard" were being irrigated from the ditch which is just west of Hat Creek under the cliff. My grandparents said that all three fields were started the first year they were there.
4. My husband, Bill McGuire, began irrigating fields "D" and "E" in the early 1960's.
5. My grandmother tried to homestead for several decades before succeeding in the 1960's.
6. My husband, Bill McGuire, gave my brother, Mike Miller, his home (built on the site of the current airport on Preston Dixon's land) in about 1964 or 1965. At that point there was only about 1/2 acre of irrigated land (part of field "B") on that property. The Millers then created the fields currently on that property.
7. I came to live at Hat Creek Ranch in 1957, and lived there until we sold the ranch in 1970 or 72 to pay for the costs of my daughter's burn injuries.
8. Field "A" was called "Dave's field" because it was the field that Bill's brother Dave was farming when he died. He is buried on the property. My husband Bill's ashes are buried next to Dave's grave on the property.
9. I have pictures of my grandfather with a scythe on the fields in question and pictures of the old house next to the graveyard. If I can find them, I will give copies of those pictures to Tamara Kaiser, who currently owns the property with her husband, Erik Storlie.

Helen McGuire Perez 9-30-05

Helen McGuire Perez

date



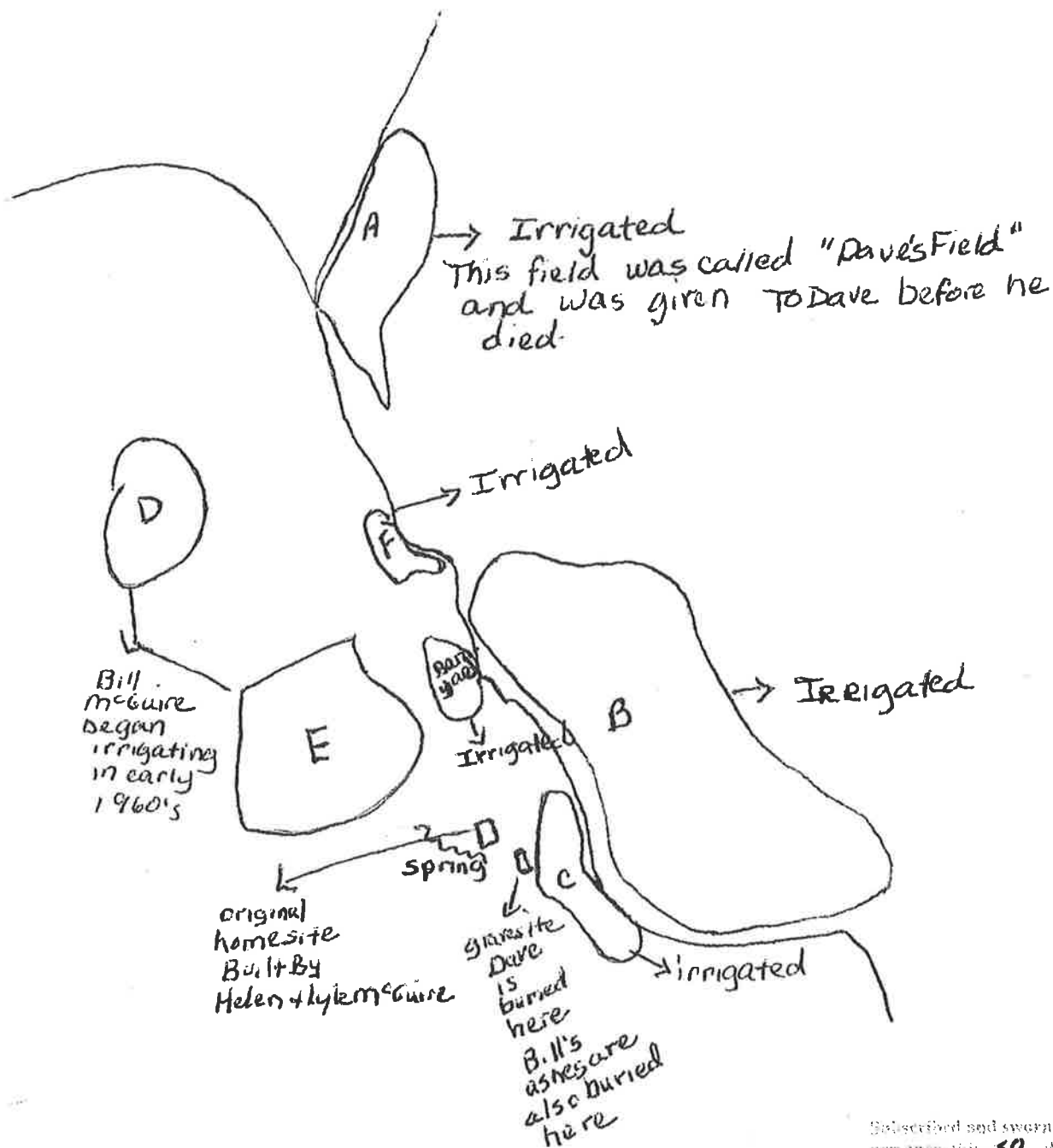
Subscribed and sworn to before me by my presence, this 30 day of Sept 2005, a Notary Public in and for the County of Custer State of Idaho
Helen R. Howard
(Signature) Notary Public

My commission expires 3/20/10

SCANING

NOV 07 2005

Map of Hat Creek Ranch with Notes of Comments by Helen Perez McGuire



Subscribed and sworn to before me this 30 day of Sept 2005, a Notary Public in and for the County of CUSTER State of IDAHO
Helen R. Howard
Notary Public
My Commission expires 3/20 10

Helen McGuire Perez
Helen McGuire Perez

9-30-05
Date

HELEN R. HOWARD
STATE OF IDAHO
NOTARY PUBLIC

NOV 17 2005

August 1, 2005

Tamara Kaiser
P.O. Box 37
Ellis, ID 83235

Dear Ms. Keiser:

Enclosed are photocopies of seven aerial photos dated September 13, 1946, which were indexed for Township 17 N, Range 20 E. Portions of the photos seem to cover the western edge of Range 21, also. There are two series: photos 36-27, 36-28, and 36-29; and, north of them, photos 36-60, 36-59, 36-58, and 36-57. The photos overlap a great deal. If you set them out on a table, you can shingle them to make one mosaic view. They appear to be mainly the drainage of Hat Creek and Big and Little Hat Creeks. The Salmon River and U.S. 93 (actually in Range 21 E) are on the extreme right of 36-27 and 36-60, which are the two easternmost photos in these series. I've marked the direction of North.

Unfortunately, these appear to have been taken at quite a high altitude, so it may be impossible to locate the details you are looking for.

I hope these are helpful to some extent.

Sincerely,



Alan Virta
Head, Special Collections
(208) 426-3958
avirta@boisestate.edu

*Are these
sketches?
are they in file?
Do they have
a viewer?*

SCANNED
NOV 17 2005

9-13-46

36-28

GS-CI



→ Z

SCANNED
NOV 07 2005

Photo number: **GS CI 36-28**

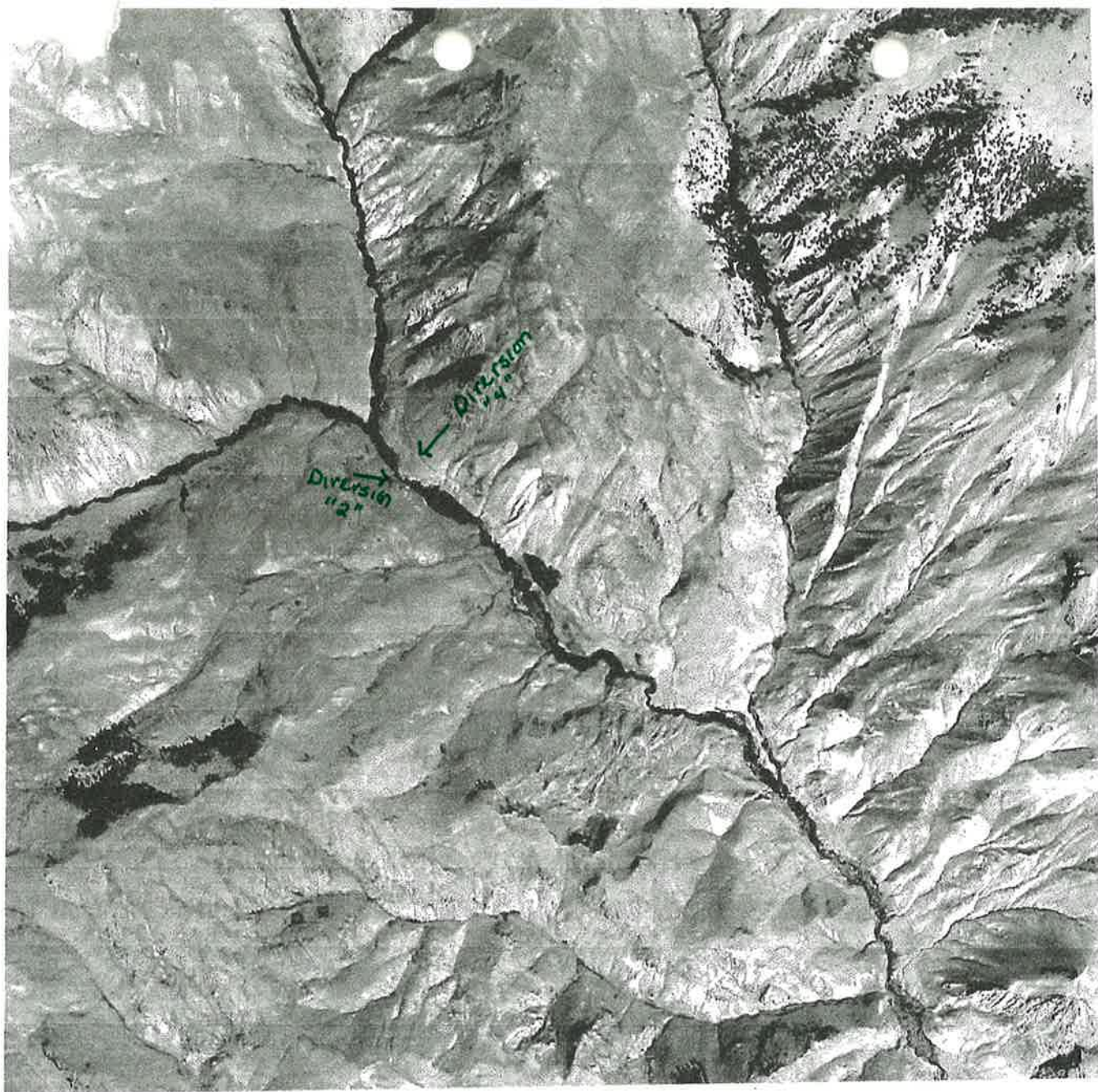
Reproduced from the
photo collection at
Boise State University Library.

This photo may not be
copied again or published
without written permission
from the

Special Collections Dept.
Boise State University Library
Boise, Idaho 83725

SCANNED

NOV 17 2005



Enlargement of 36-28

SCANNED
NOV 07 2005

This is what Ed Tolman, owner of ~~the~~ South Gulch property (110 acres) on Hat Creek told me about the water rights and dates on my property (Big Hat Ranch).

(miller place) Ed Tolman bought the place at South Gulch in 1966 but knew the McQuines & Millers for years prior, having been in the area since the early 1930's.

He said that McQuines brought the place ~~from~~ from another man who had been homesteading on the place. Ed Tolman showed me where the original home site was (in the 4 acre flat along Hat Creek, below the present day house). He said this was the 1st field irrigated (about 1889) He said that the man who sold me the Place (Woodrow Conklin) was wrong to say all the fields were 1889. As far as he knew, it was only the field along the creek that was 1889. Which makes sense because it would have been easy to irrigate (being level with creek).

(Where the Fish screen was
~~was~~ installed

(from the ~~W~~ FK Hat Creek)

The next fields to be irrigated were
the fields on the east side of hat ~~the~~ creek
(across from present day house, water
claim #04200-1010411) and the small field
around the present day house and barn,
with 6 acre field about $\frac{1}{4}$ upstream
served by the ditch ~~out~~ and
pipe out of the W. FK Hat Creek #
He seemed to think these projects were
done in the early 1900's 1920 or so.
The ditch presently being leased by the State
#02137 was the last ditch dug to
service the fields upon the hill about
the present day house. The McQuires moved in,
then years later, their cousins the Millers
homesteaded next door up South Gulch.

FRED CRABTREE

Fred Crabtree

Heather Anderson 8/9/2005
Notary Public

My Commission Expires May 18th 2011



SCANNED

NOV 7 2005

In the years that I, Fred Crabtree, owned the Hat Creek Ranch, the arrangement I had with Rex Tolman and Ed Corbett, who adjoined downstream and with whom I shared an irrigation ditch, was that every ten days, I would take water for seven days, they would take water for three days. This was the sharing arrangement that had gone on with the previous owners of Hat Creek Ranch since Ed Corbett had bought the south gulch property in 1966. He watered both properties for twenty years before I purchased Hat Creek in 1993. This is how he explained the existing arrangement to me. It was also understood between us that I was the holder of the senior water rights.

Signed

x Fred Crabtree
Fred Crabtree

Date

Oct 18, 05

Marilyn Zalochi
NOTARY PUBLIC for the State of Montana
Residing at Miles City, Montana
My Commission Expires March 16, 2008

SCANNED

NOV 07 2005

75-04199, 05-01-1889

75-04200, 05-01-1889

POUs:

T17N, R20E, S10, SWSE
 NESW
 SESW

The above described POUs were acquired pursuant to patent from the U.S.

Patent 1232315

Issued on 06-17-1963

Pursuant to Chapter 5, Title 32 of the Revised Statutes of the U.S., aka The Homestead Act of 05-20-1862.

Homestead Entry I-011110

Application filed 11-17-1959

Final proof filed 05-02-1963

THE HOMESTEAD ACT:

AMOUNT OF LAND: The maximum quantity of land which could be entered was one quarter Section (160 acres) of land if it was the type having a minimum price of \$1.25/acre or less (almost always the case in West Florida), or 80 acres of land if it was the type having a minimum price of \$2.50/acre. The entire quantity of land had to be in one body and not spread around. For those who already owned land which they resided on, they could homestead land contiguous to their land, so long as the total of their previously owned land and the contiguous land being homesteaded did not exceed 160 acres.

5 YEAR REQUIREMENT: A patent certificate could be obtained by the homesteader after continuously residing on and cultivating the land for 5 years. To obtain the patent, the homesteader had to file another affidavit attesting to the original requirements, plus having met the 5 year requirement and a statement that no part of the land had been sold, given away or otherwise alienated. Affidavits from two witnesses to the above effect were also required. And, of course, an additional fee was required. If the homesteader was not a U.S. citizen at the time of his original application, he must have become one before being issued a Homestead Patent. The patent certificate must have been applied for within 2 years of completing the 5 year residency and cultivation requirement.

An amendment to the Act in 1912 reduced the requirement to 3 years.

Idaho 011110

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Land Office at **Boise, Idaho,**
is now deposited in the Bureau of Land Management, whereby it appears that, according to the provisions of Chapter 5, Title 32 of the Revised Statutes of the United States and legislation supplemental thereto, the claim of **Helen B. McGuire**

has been established and duly consummated, in conformity to law, for the following described land:

Boise Meridian, Idaho.

T. 17 N., R. 20 E.,

**Sec. 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$.**

The area described contains 160.00 acres,
according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:

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

There is reserved to the United States a right-of-way for a road, fifty feet in width, extending twenty-five feet on each side of the center line of the presently existing road on the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the **SEVENTEENTH** day of **JUNE** in the year of our Lord one thousand nine hundred and **SIXTY-THREE** and of the Independence of the United States the one hundred and **EIGHTY-SEVENTH**.

(SEAL)

For the Director, Bureau of Land Management.

By *Elizabeth B. Hucker*

Chief, Patents Section.

Patent Number 1222315

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SUBMIT IN TRIPLICATE

GRANT OF EASEMENT AND RIGHT-OF-WAY

Bill McGuire

grantor,

to the United States of America, Department of the Interior, Bureau of Land Management, grantee:

WITNESSETH:

That for and in consideration of the agreement by the grantee pursuant to the acts of June 28, 1934 (43 U.S.C. 315, *et seq.*), as amended, April 27, 1935 (16 U.S.C. 590a), and July 14, 1952 (66 Stat. 597) to construct the following improvements:

Access road into the Hat Creek area.

the grantor does hereby grant, bargain, convey, and confirm unto the United States of America, an easement and right-of-way over the tract, lot, piece, or parcel of land situated, lying and being in the County of **Lenhi** State of **Idaho**, more particularly described as follows:

Access across S. W. Side of NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, T. 17 N., R. 20 E.

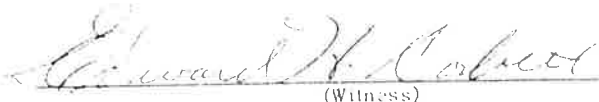
The easement and right-of-way hereby granted is for the full, free, unrestricted and quiet use and enjoyment by the grantee of the land of the grantor occupied by the said improvements for any and all purposes deemed necessary or beneficial for, or in connection with, the control, administration, or use of the public land surrounding or adjacent to the land herein described, which may be properly grazed from, serviced by or used in connection with the said land and improvements, including the right of ingress and egress to, from, and over the land of the grantor by the grantee, its officers, agents, permittees, allottees, and licensees for the purpose of repairing, renewing, or using the said im-

provements, or for other business pertaining to the use and maintenance thereof, and shall be appurtenant to said public land.

This grant shall be effective so long as the easement shall be actually used for the aforesaid purposes, and all rights hereunder shall revert to the grantor when and in the event the use thereof shall be discontinued or abandoned by the grantee of which due notice shall be given to the grantor by the grantee. Upon termination or abandonment of this easement, the grantee may at its option and within a reasonable time, remove any improvements constructed by it on the land hereunder.

IN WITNESS WHEREOF, the grantor has hereunto set

hand and seal, this day of


(Witness)


(Grantor)

SCANNED

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Montana

) ss:

COUNTY OF Blaine

On the 22nd day of November, 1969, personally came before me, a notary public in and for said County and State, the within-named Bill McLean to me personally known to be the identical person described in and who executed the within and foregoing instrument and acknowledged to me that he executed the same as free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

Margaret L. Ferguson
Notary Public in and for the

State of Montana

Residing at Clare, Montana

Seal

My commission expires: June 7, 1970

113252

DEPT. OF THE INTERIOR

JAN 23 1970

AGREEMENT

SALT LAKE, UTAH

State of Idaho
County of Lemhi

Recorded at the

Bureau of Land Management

January 14 1970

at 55 minutes past 3 o'clock

P. M. in File of

Agreements Records of Lemhi
County, Idaho

Eleanor Aldous
County Recorder

By *Marguerite Butler*
Deputy

\$2.00 Paid

INDEXED

and County

to me

ement and

ed purposes

19

CARDED

(Kind of entry and acts)		(Serial No.)
Homestead Application, Sec. 2289		011110
(Name and address)		Idaho 011110
Helen B. McGuire P. O. Box 52 6 Ellis, Idaho		
(Description of land)		
T. 17 N., R. 20 E., B.M., Idaho Sec. 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$		
6-7-63 EC issued - Res. 6, 17 - Reserved to the U.S. R/W for road 50' in width - 25' each side of center line of existing road on the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10 NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15		Lemhi County 160 acres
DATE	ACTION TAKEN	
November 17, 1959	Application filed in duplicate. Rect. #836243 - \$16.00 filing fee and commision. cc of SR to GS and DM.	
5-5-61	Case file transferred to Director by L + M.	
2-22-61	Case file returned to LO from Director	
7-19-61	Allowed.	
2-21-63	Notice of Intention to Make Proof filed	
3/5/63	Proof set for 4-26-63	
4-15-63	Notice for publication filed	
5-2-63	Final proof testimony filed, fee paid 25 th , Receipt #840216.179	
6-20-63	Patent no. <u>1232315</u> Dated <u>6-17-63</u> Received <u>6-19-63</u> Mailed <u>6-20-63</u> (wv)	

SCANNED

NOV 17 2005

each of such quarter-section shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same. And the seat of justice for such counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

SEC. 2287. Any bona-fide settler under the homestead or pre-emption laws of the United States who has filed the proper application to enter not to exceed one quarter-section of the public lands in any district land-office, and who has been subsequently appointed a register or receiver, may perfect the title to the land under the pre-emption laws by furnishing the proofs and making the payments required by law, to the satisfaction of the Commissioner of the General Land-Office.

Where claimant of entry becomes register or receiver.

20 April, 1871, c. 21, s. 16, v. 17, p. 10.

SEC. 2288. Any person who has already settled or hereafter may settle on the public lands, either by pre-emption, or by virtue of the homestead law or any amendments thereto, shall have the right to transfer, by warranty against his own acts, any portion of his pre-emption or homestead for church, cemetery, or school purposes, or for the right of way of railroads across such pre-emption or homestead, and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads.

Right of transfer of settlers under homestead or pre-emption laws for certain public purposes.

Act of 3 Mar., 1873, c. 266, v. 17, p. 602.

CHAPTER FIVE.

HOMESTEADS.

- | | |
|--|---|
| <p>Sec.
2289. Who may enter certain unappropriated public lands.
2290. Mode of procedure.
2291. Certificate and patent, when given and issued.
Proof of residence.
False swearing, penalty for.
2292. When rights inure to the benefit of infant children.
2293. Persons in military or naval service, when and before whom to make affidavit.
2294. When persons may make affidavit before clerk of court.
2295. Record of applications.
2296. Homestead lands not to be subject to prior debts.
2297. When lands entered for homestead revert to Government.
2298. Limitation of amount entered for homestead.
2299. Existing pre-emption rights not impaired.
2300. What minors may have the privileges of this chapter.
2301. Payment before expiration of five years, rights of applicant.
2302. No distinction on account of race or color, &c.
2303. What lands disposed of only as homesteads.</p> | <p>Sec.
2303. Repeal of section and further disposition of lands.
2304. Soldiers' and sailors' homestead.
2305. Deduction of military and naval service from time, &c.
2306. Persons who have entered less than 160 acres, rights of.
2307. Widows and minor children of persons entitled to homestead, &c.
2308. Actual service in the Army or Navy equivalent to residence, &c.
2309. Who may enter by agent.
2310. Chiefs, &c., of Stockbridge Munsees, homestead rights of.
2311. Exemptions of homestead of Stockbridge Munsees.
2312. Stockbridge Munsees becoming citizens.
2313. Unsold lands of the Ottawa and Chippewa Indians, how opened for homestead.
2314. Selection from inors under preceding section.
2315. Bona-fide settlers on above lands prior to, &c.
2316. Certain lands to be patented to Indians making selection.
2317. Cultivation of trees on homestead tracts.</p> |
|--|---|

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section or a less quantity of unappropriated public lands, upon which such person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in con-

Who may enter certain unappropriated public lands.

20 May, 1862, c. 75, s. 1, v. 12, p. 392.
11 Feb., 1874, c. 25, v. 18, p. 15.
13 Mar., 1874, c. 55, v. 18, p. 22.

22 June, 1874, c. 400, v. 18, p. 194.
 23 Feb., 1875, c. 99, v. 18, p. 334.
 3 Mar., 1875, c. 131, ss. 15, 16, v. 18, p. 420.

21 April, 1875, c. 72, v. 19, p. 35. 3 Mar., 1877, c. 127, v. 19, p. 405.

Mode of procedure.

20 May, 1862, c. 75, s. 2, v. 12, p. 392.
 21 Mar., 1864, c. 38, s. 2, v. 13, p. 35.
 21 June, 1866, c. 127, s. 2, v. 14, p. 67.
 22 June, 1874, c. 394, v. 18, p. 192.
 3 Mar., 1875, c. 131, ss. 15, 16, v. 18, p. 420.

SEC. 2290. The person applying for the benefit of the preceding section shall, upon application to the register of the land-office in which he is about to make such entry, make affidavit before the register or receiver that he is the head of a family, or is twenty-one years or more of age, or has performed service in the Army or Navy of the United States, and that such application is made for his exclusive use and benefit, and that his entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; and upon filing such affidavit with the register or receiver, on payment of five dollars when the entry is of not more than eighty acres, and on payment of ten dollars when the entry is for more than eighty acres, he shall thereupon be permitted to enter the amount of land specified.

Certificate and patent, when given and issued.

21 June, 1866, c. 127, s. 2, v. 14, p. 67.
 18 June, 1874, c. 308, v. 18, p. 81.

SEC. 2291. No certificate, however, shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry; or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight, and that he, she, or they will bear true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law. [That the proof of residence, occupation, or cultivation, the affidavit of non-alienation, and the oath of allegiance,

Proof of residence, &c.

3 Mar., 1877, c. 122, v. 19, p. 403.

required to be made by section twenty-two hundred and ninety-one of the Revised Statutes, may be made before the judge, or, in his absence, before the clerk, of any court of record of the county and State, or district and Territory, in which the lands are situated; and if said lands are situated in any unorganized county, such proof may be made in a similar manner in any adjacent county in said State or Territory; and the proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register or receiver of the proper land-district; and the same shall be transmitted by such judge, or the clerk of his court, to the register and the receiver, with the fee and charges allowed by law to him; and the register and receiver shall be entitled to the same fees for examining and approving said testimony as are now allowed by law for taking the same. That if any witness making such proof, or the said applicant making such affidavit or oath, swears falsely as to any material matter contained in said proof, affidavits, or oaths, the said false swearing being willful and corrupt, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register.]

False swearing, penalty for.

When rights inure to the benefit of infant children.

21 June, 1866, c. 127, s. 2, v. 14, p. 67.

SEC. 2292. In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office-fees and sum of money above specified.

SEC. 2293. In case of any person desirous of availing himself of the benefits of this chapter; but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land-office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

Persons in military or naval service, when and before whom to make affidavit.

21 Mar., 1864, c. 38, s. 4, v. 13, p. 35.

SEC. 2294. In any case in which the applicant for the benefit of the homestead, and whose family or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land-office, it may be lawful for him to make the affidavit required by law before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the register and receiver.

When persons may make affidavit before clerk of court.

21 Mar., 1864, c. 38, s. 3, v. 13, p. 35.
22 June, 1874, c. 394, v. 18, p. 192.

SEC. 2295. The register of the land-office shall note all applications under the provisions of this chapter, on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

Record of applications.

20 May, 1862, c. 75, s. 3, v. 12, p. 393.

SEC. 2296. No lands required under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

Homestead lands not to be subject to prior debts.

20 May, 1862, c. 75, s. 4, v. 12, p. 393.—*Seymour v. Saunders*, 3 Dill., 437.

SEC. 2297. If, at any time after the filing of the affidavit, as required in section twenty-two hundred and ninety, and before the expiration of the five years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the register of the land-office, that the person having filed such affidavit has actually changed his residence, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government.

When lands entered for homestead revert to Government.

20 May, 1862, c. 75, s. 5, v. 12, p. 393.
28 Dec., 1874, c. 10, v. 18, p. 294.
21 April, 1876, c. 72, v. 19, p. 36.

SEC. 2298. No person shall be permitted to acquire title to more than one quarter-section under the provisions of this chapter.

Limitation of amount entered for homestead.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

SEC. 2299. Nothing contained in this chapter shall be so construed as to impair or interfere in any manner with existing pre-emption rights; and all persons who may have filed their applications for a pre-emption right prior to the twentieth day of May, eighteen hundred and sixty-two, shall be entitled to all the privileges of this chapter.

Existing pre-emption rights not impaired.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

SEC. 2300. No person who has served, or may hereafter serve, for a period not less than fourteen days in the Army or Navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this chapter on account of not having attained the age of twenty-one years.

What minors may have the privileges of this chapter.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of section twenty-two hundred and eighty-nine, from paying the minimum price for the quantity of land so entered, at any time before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases directed by law, on making proof of settlement and cultivation as provided by law, granting pre-emption rights.

Payment before expiration of five years; rights of applicant.

20 May, 1862, c. 75, s. 8, v. 12, p. 393.

No distinction on account of race or color, &c.

SEC. 2302. No distinction shall be made in the construction or execution of this chapter, on account of race or color; nor shall any mineral lands be liable to entry and settlement under its provisions.

21 June, 1866, c. 127, s. 1, v. 14, p. 67.—*Morton v. Nebraska*, 21 Wall., 660.

What lands disposed of only as homesteads.

21 June, 1866, c.

127, s. 1, v. 14, p. 67.

4 July, 1876, c.

165, v. 19, p. 73.

3 Mar., 1877, c.

108, v. 19, p. 377.

Disposition of lands in certain States.

SEC. 2303. [*All the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, shall be disposed of in no other manner than according to the terms and stipulations contained in the preceding provisions of this chapter.*] [That section two thousand three hundred and three of the Revised Statutes of the United States, confining the disposal of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida to the provisions of the homestead law, be, and the same is hereby, repealed: *Provided*, That the repeal of said section shall not have the effect to impair the right, complete or inchoate, of any homestead settler, and no land occupied by such settler at the time this act shall take effect, shall be subject to entry, pre-emption, or sale: *And provided*, That the public lands affected by this act, shall be offered at public sale, as soon as practicable from time to time, and according to the provisions of existing law, and shall not be subject to private entry until they are so offered.]

Soldiers' and sailors' homestead.

8 June, 1872, c.

338, s. 1, v. 17, p.

333.

SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February thirteen, eighteen hundred and sixty-two, and every seaman, marine, and officer who has served in the Navy of the United States, or in the Marine Corps, during the rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter-section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work, not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead, and filing his declaratory statement, within which to make his entry and commence his settlement and improvement.

Deduction of military and naval service from time, &c.

8 June, 1872, c.

338, s. 1, v. 17, p.

333.

SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

Persons who have entered less than 160 acres, rights of.

8 June, 1872, c.

338, s. 2, v. 17, p.

333.

SEC. 2306. Every person entitled, under the provisions of section twenty-three hundred and four, to enter a homestead who may have heretofore entered, under the homestead laws, a quantity of land less than one hundred and sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.

Widow and minor children of persons entitled to homestead, &c.

8 June, 1872, c.

338, s. 3, v. 17, p.

333.

SEC. 2307. In case of the death of any person who would be entitled to a homestead under the provisions of section twenty-three hundred and four, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvements therein contained; but if such person died during his term of enlistment, the whole term of his enlistment shall be deducted from the time heretofore required to perfect the title.

SEC. 2308. Where a party at the date of his entry of a tract of land under the homestead laws, or subsequently thereto, was actually enlisted and employed in the Army or Navy of the United States, his services therein shall, in the administration of such homestead laws, be construed to be equivalent, to all intents and purposes, to a residence for the same length of time upon the tract so entered. And if his entry has been canceled by reason of his absence from such tract while in the military or naval service of the United States, and such tract has not been disposed of, his entry shall be restored; but if such tract has been disposed of, the party may enter another tract subject to entry under the homestead laws, and his right to a patent therefor may be determined by the proofs touching his residence and cultivation of the first tract and his absence therefrom in such service.

Actual service in the Army or Navy equivalent to residence, &c.

8 June, 1872, c. 338, s. 4, v. 17, p. 333.

SEC. 2309. Every soldier, sailor, marine, officer, or other person coming within the provisions of section twenty-three hundred and four, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in pre-emption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law.

Who may enter by agent.

8 June, 1872, c. 338, s. 5, v. 17, p. 334.

SEC. 2310. Each of the chiefs, warriors, and heads of families of the Stockbridge Munsee tribes of Indians, residing in the county of Shawana, State of Wisconsin, may, under the direction of the Secretary of the Interior, enter a homestead and become entitled to all the benefits of this chapter, free from any fee or charge; and any part of their present reservation, which is abandoned for that purpose, may be sold, under the direction of the Secretary of the Interior, and the proceeds applied for the benefit of such Indians as may settle on homesteads, to aid them in improving the same.

Chiefs, &c., of Stockbridge Munsees, homestead rights of.

3 Mar., 1865, c. 127, s. 4, v. 13, p. 562.

SEC. 2311. The homestead secured, by virtue of the preceding section, shall not be subject to any tax, levy, or sale; nor shall it be sold, conveyed, mortgaged, or in any manner incumbered, except upon the decree of the district court of the United States, as provided in the following section.

Exemption of homestead of Stockbridge Munsees.

3 Mar., 1865, c. 127, s. 4, v. 13, p. 562.

SEC. 2312. Whenever any of the chiefs, warriors, or heads of families of the tribes mentioned in section twenty-three hundred and ten, having filed with the clerk of the district court of the United States a declaration of his intention to become a citizen of the United States, and to dissolve all relations with any Indian tribe, two years previous thereto, appears in such court, and proves to the satisfaction thereof, by the testimony of two citizens, that for five years last past he has adopted the habits of civilized life; that he has maintained himself and family by his own industry; that he reads and speaks the English language; that he is well disposed to become a peaceable and orderly citizen; and that he has sufficient capacity to manage his own affairs; the court may enter a decree admitting him to all the rights of a citizen of the United States, and thenceforth he shall be no longer held or treated as a member of any Indian tribe, but shall be entitled to all the rights and privileges, and be subject to all the duties and liabilities to taxation of other citizens of the United States. But nothing herein contained shall be construed to deprive such chiefs, warriors, or heads of families of annuities to which they are or may be entitled.

Stockbridge Munsees becoming citizens.

3 Mar., 1865, c. 127, s. 4, v. 13, p. 562.

SEC. 2313. The unoccupied lands in the reservation made for the Ottawa and Chippewa Indians, of Michigan, by the treaty of July thirty-one, eighteen hundred and fifty-five, shall be open to homestead entry for six months from the tenth day of June, eighteen hundred and seventy-two, by Indians only of those tribes, who have not made selections or purchases under the treaty, including such members of the tribes as have become of age since the expiration of the ten years named in the treaty; and every Indian so entitled shall be permitted to make his homestead entry, at the local land-office, within such six months, of not exceeding one hundred and sixty acres, or one quarter-section of minimum, or eighty acres of double minimum land, on making proper

Unsold lands of the Ottawa and Chippewa Indians, how opened for homestead.

10 June, 1872, c. 424, s. 2, v. 17, p. 381.

3 Mar., 1875, c. 188, v. 18, p. 516.
23 May, 1876, c. 105, v. 19, p. 55.

proof of his right, under such rules as may be prescribed by the Secretary of the Interior.

Selection for minors under preceding section.

10 June, 1872, c. 424, s. 2, v. 17, p. 381.

3 Mar., 1875, c. 188, v. 18, p. 516.

23 May, 1876, c. 105, v. 19, p. 55.

Bona-fide settlers on above lands prior to, &c.

10 June, 1872, c. 424, s. 3, v. 17, p. 381.

3 Mar., 1875, c. 188, v. 18, p. 516.

23 May, 1876, c. 105, v. 19, p. 55.

Certain lands to be patented to Indians making selection.

10 June, 1872, c. 424, s. 4, v. 17, p. 381.

3 Mar., 1875, c. 188, v. 18, p. 516.

23 May, 1876, c. 105, v. 19, p. 55.

Cultivation of trees on homestead tracts.

3 Mar., 1873, c. 277, s. 4, v. 17, p. 606.

13 Mar., 1874, c. 55, v. 18, p. 21.

3 Mar., 1875, c. 151, v. 18, p. 481.

3 Mar., 1875, c. 188, v. 18, p. 516.

20 May, 1876, c. 102, v. 19, p. 54.

SEC. 2314. The collector of customs for the district in which such land is situated, is authorized, and it is made his duty, to select for such minor children as would be entitled, under the preceding section, as the heirs of any Indian.

SEC. 2315. All actual, permanent, bona-fide settlers on any of such lands who settled prior to the first day of January, eighteen hundred and seventy-two, shall be entitled to enter either under the homestead laws or to pay for at the minimum or double minimum price, as the case may be, not exceeding one hundred and sixty acres of the former or eighty acres of the latter class of land on making proof of his settlement and continued residence before the expiration of six months from the tenth day of June, eighteen hundred and seventy-two.

SEC. 2316. All selections of such lands by Indians heretofore made and regularly reported and recognized as valid and proper by the Secretary of the Interior and Commissioner of Indian Affairs, shall be patented to the respective Indians making the same; and all sales heretofore made and reported, where the same are regular and not in conflict with such selections, or with any other valid adverse right, except of the United States, are confirmed, and patents shall issue thereon as in other cases according to law.

SEC. 2317. Every person having a homestead on the public domain, under the provisions of this chapter, who, at the end of the third year of his residence thereon, shall have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good, thrifty condition, for each and every sixteen acres of such homestead, shall, upon due proof of the fact by two credible witnesses, receive his patent for such homestead.

CHAPTER SIX.

MINERAL LANDS AND MINING RESOURCES.

- | | |
|---|--|
| <p>Sec.
2318. Mineral lands reserved.
2319. Mineral lands open to purchase by citizens.
2320. Length of mining-claims upon veins or lodes.
2321. Proof of citizenship.
2322. Locators' rights of possession and enjoyment.
2323. Owners of tunnels, rights of.
2324. Regulations made by miners. Tunnels, cost of, how treated.
2325. Patents for mineral lands, how obtained.
2326. Adverse claim, proceedings on.
2327. Description of vein-claims on surveyed and unsurveyed lands.
2328. Pending applications; existing rights.
2329. Conformity of placer-claims to surveys, limit of.
2330. Subdivision of ten-acre tracts, maximum of placer locations.
2331. Conformity of placer-claims to surveys, limitation of claims.
2332. What evidence of possession, &c., to establish a right to a patent.
2333. Proceedings for patent for placer-claim, &c.
2334. Surveyor-general to appoint surveyors of mining-claims, &c.
2335. Verification of affidavits, &c.</p> | <p>Sec.
2336. Where veins intersect, &c.
2337. Patents for non-mineral lands, &c.
2338. What conditions of sale may be made by local legislature.
2339. Vested rights to use of water for mining, &c., right of way for canals.
2340. Patents, pre-emptions, and homesteads, subject to vested and accrued water-rights.
2341. Mineral lands in which no valuable mines are discovered, open to homesteads.
2342. Mineral lands how set apart as agricultural lands.
2343. Additional land districts and officers, power of the President to provide.
2344. Provisions of this chapter not to affect certain rights.
2345. Mineral lands in certain States excepted.
2346. Grants of lands to States or corporations not to include mineral lands.
2347. Entry of coal-lands.
2348. Pre-emption of coal-lands.
2349. Pre-emption claims of coal-land to be presented within sixty days, &c.
2350. Only one entry allowed.
2351. Conflicting claims.
2352. Rights reserved.</p> |
|---|--|

POUs:

T17N, R20E, S10, SWNW
 NWSW

The above described POUs were acquired pursuant to patent from the U.S.

Patent 11-67-0105

Issued on 01-18-1967

Pursuant to Act of 03-03-1877 (19 Stat. 377), as amended by the Act of 03-03-1891 (26 Stat. 1096), aka The Desert Land Act of 03-03-1877.

Homestead Entry I-011127

Application filed 12-01-1959

Final proof filed 11-07-1966

DESERT LAND ENTRY

The lands must be surveyed, unreserved, unappropriated, non-mineral, non-timber, and incapable of producing an agricultural crop without irrigation. The lands must be suitable for agricultural purposes and more valuable for that purpose than for any other. The tracts of land must be sufficiently close to each other to be managed satisfactorily as an economic unit.

Each year for three years from the date your application is approved, you must account for the money you spend on improvements to reclaim, irrigate, and cultivate the lands.

You must submit statements of two credible witnesses who can testify to the expenditures made for improvements on your desert-land entry during the preceding year. You must submit itemized statements showing the manner in which the expenditures were made. At the end of the third year you must submit a map or plan showing the character and extent of the improvements placed on the desert-land entry.

SCANNED

NOV 07 2005

Idaho 011127

The United States of America

To all to whom these presents shall come, Greeting:

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

is now deposited in the Bureau of Land Management, whereby it appears that full payment has been made by the claimant **Heirs of Helen B. McGuire,**

according to the provisions of the Act of Congress approved March 3, 1877 (19 Stat. 377), as amended by the Act of March 3, 1891 (26 Stat. 1096), for the following-described land:

Boise Meridian, Idaho.

T. 17 N., R. 20 E.,

Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 80 acres,

according to the official plat of the survey of the said land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said claimant **■** and to the heirs of the said claimant **■** the land above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant **■** and to the heirs and assigns of the said claimant **■** forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States.

This patent is issued subject to a reservation to the United States for a perpetual right-of-way 25 feet on each side of the centerline of the existing road across the tract, for public access and use, in accordance with the Consent to Reservation dated March 6, 1961, and filed in case record, Idaho 011127.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

[SEAL]

GIVEN under my hand, in **Boise, Idaho**
the **EIGHTEENTH** day of **JANUARY** in the year
of our Lord one thousand nine hundred and **SIXTY-SEVEN**
and of the Independence of the United States the one hundred
and **NINETY-FIRST.**

By

Orval

Manager, Idaho Land Office

Patent Number **11-67-0105**

SCANNED

NOV 07 2005

CARDED

(Kind of entry and acts)		(Serial No.)
Desert Land Application, Act 3-3-1877		011127
(Name and address)		Idaho 011127
Helen B. McGuire P. O. Box 52 Ellis, Idaho		
(Description of land)		
T. 17 N., R. 20 E., B. M., Idaho Sec. 9, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, NE$\frac{1}{4}$NW$\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ <i>SW$\frac{1}{4}$</i>		
		Lemhi County 80 160 acres
DATE	ACTION TAKEN	
December 1, 1959	Application filed in duplicate. Rect. # 836273 - \$55.00 filing fee and 1st payment of 1/5. cc of SR to GS and DM.	
3-3-61	Consent to reservation filed.	
"	Appeal filed from decision of 2-8-61	
3-8-61	fee paid, 5 ⁰⁰ Receipt # 837280.mg	
3-17-61	Case file transferred to Director on appeal.	
11-20-61	sett. from	
11-24-61	Application rejected to NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9 & NW NW, Sec. 10, T. 17 N. R. 20 E.	
3-15-62	Notice of appeal filed, fee paid, 5 ⁰⁰ , Receipt # 838748.mg	
3-20-62	Case file transferred to Director on appeal.	
4-4-62	Director's decision affirmed the Manager's rejection of this appen.	
6-12-62	Transmitted to Sec'y. on appeal 6-8-62.	

SCANNED

16-53987-2

NOV 07 2005

DATE

ACTION TAKEN

5-22-64

Secretary's decision A-29591
affirmed the rejection of 80 acres
and remanded the case for
allowance of 80 acres, all else
being regular.
accused.

8-7-1964

8-14-64

Refunded 20⁰⁰ mg.

9-7-65

Annual proof accepted for 3 years.

9-19-66

Proof set for Nov. 2, 1966 at 1:30 p.m.

11-7-66

Annual proof filed

1-17-67

7 C. Issued. Reserve 6 (ditches & canals)
17 (road r/w).

1-20-67

Patent no. 11-67-0165

Dated Jan. 17, 1967

Case file to GSA Federal Records Center, Seattle, Wash.

AUG 10 1967

FRC Cont. Inv. No. ~~36583~~ X 138419Accession No. ~~68~~ 7275

CASE FILE TO GSA FEDERAL
RECORDS CENTER, SEATTLE, WA

MAY 2 1978

FRC Container No. Bay 70611

Accession No. 49480045

FRC No. 156594-694

CHAP. 107.—An act to provide for the sale of desert lands in certain States and Territories—

March 3, 1877.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for any citizen of the United States, or any person of requisite age "who may be entitled to become a citizen, and who has filed his declaration to become such" and upon payment of twenty five cents per acre—to file a declaration under oath with the register and the receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land not exceeding one section, by conducting water upon the same, within the period of three years thereafter, *Provided however* that the right to the use of water by the person so conducting the same, on or to any tract of desert land of six hundred and forty acres shall depend upon bona fide prior appropriation: and such right shall not exceed the amount of water actually appropriated, and necessarily used for the purpose of irrigation and reclamation: and all surplus water over and above such actual appropriation and use, together with the water of all, lakes, rivers and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining and manufacturing purposes subject to existing rights. Said declaration shall describe particularly said section of land if surveyed, and, if unsurveyed, shall describe the same as nearly as possible without a survey. At any time within the period of three years after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the additional sum of one dollar per acre for a tract of land not exceeding six hundred and forty acres to any one person, a patent for the same shall be issued to him. *Provided,* that no person shall be permitted to enter more than one tract of land and not to exceed six hundred and forty acres which shall be in compact form.

Desert lands may be purchased.

Declaration.

Right to use water.

Water on public lands to be free.

Contents of declaration.

Perfection of title.

Limit to quantity of land purchasable.

Desert lands defined.

SECTION 2. That all lands exclusive of timber lands and mineral lands which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands, within the meaning of this act, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the land office in which said tract of land may be situated—

Localities in which act to apply.

SECTION 3. That this act shall only apply to and take effect in the States of California, Oregon and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico and Dakota, and the determination of what may be considered desert land shall be subject to the decision and regulation of the Commissioner of the General Land Office.

Approved, March 3, 1877.

CHAP. 108.—An act in relation to the Hot Springs reservation in the State of Arkansas.

March 3, 1877.

Ante, p. 356.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of section five of an act of June eleventh, eighteen hundred and seventy, in relation to the Hot Springs reservation of Arkansas, as provides for the appointment of a receiver by the court, be, and the same is hereby, repealed: *Provided,* That nothing in this section shall be construed to affect the right of the United States to collect and receive rents already due.

1870, ch. 126, 16 Stat., 149.

Law for receiver of Hot Springs, Ark., repealed. Rights reserved.

SEC. 2. That it shall be the duty of the President of the United States upon the passage of this act, to appoint three discreet, competent, and disinterested persons, who shall constitute a board of commissioners, any two of whom shall constitute a quorum, who are hereby authorized

Commissioners to lay out Hot Springs reservation.

one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed six dollars per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Michigan shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior and the Postmaster-General the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least forty feet on each side, including streets and alleys.

Approved, March 3, 1891.

Examination.
Hearings.

Report.

Determination of location.

Compensation of commissioners.

Proviso.

Treasury member.

Advertising, etc., expenses, immediately available.

Appropriation for plans, etc., available on approval of site.

No expenditure until valid title, etc., pass.

Balance for construction, etc.

Open space.

CHAP. 561.—An act to repeal timber-culture laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,' approved June fourteenth, eighteen hundred and seventy eight, and all laws supplementary thereto or amendatory thereof, be, and the same are hereby, repealed: *Provided*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all bona fide claims lawfully initiated before the passage of this act may be perfected upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this act had not been passed: *And provided further*, That the following words of the last clause of section two of said

March 3, 1891.

Timber culture laws repealed.

Vol. 20, p. 113.

Provisos.
Existing rights preserved.

Number of trees per acre.

SCANNED

NOV 7 2005

Period of cultivation.	act, namely, "That not less than twenty-seven hundred trees were planted on each acre," are hereby repealed: <i>And provided further</i> , That in computing the period of cultivation the time shall run from the date of the entry, if the necessary acts of cultivation were performed within the proper time: <i>And provided further</i> , That the preparation of the land and the planting of trees shall be construed as acts of cultivation, and the time authorized to be so employed and actually employed shall be computed as a part of the eight years of cultivation required by statute: <i>Provided</i> , That any person who has made entry of any public lands of the United States under the timber-culture laws, and who has for a period of four years in good faith complied with the provisions of said laws and who is an actual bona fide resident of the State or Territory in which said land is located shall be entitled to make final proof thereto, and acquire title to the same, by the payment of one dollar and twenty five cents per acre for such tract, under such rules and regulations as shall be prescribed by the Secretary of the Interior, and registers and receivers shall be allowed the same fees and compensation for final proofs in timber-culture entries as is now allowed by law in homestead entries: <i>And provided further</i> , That no land acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the final certificate therefor.
Acts of cultivation.	
Bona fide settlers for four years may make final proof.	
Payment.	
Lands not liable for prior debts.	
Desert lands.	SEC. 2. That an act to provide for the sale of desert lands in certain States and Territories, approved March third, eighteen hundred and seventy-seven, is hereby amended by adding thereto the following sections:
Vol. 19, p. 377, amended.	
Plan of proposed irrigation, etc.	SEC. 4. That at the time of filing the declaration hereinbefore required the party shall also file a map of said land, which shall exhibit a plan showing the mode of contemplated irrigation, and which plan shall be sufficient to thoroughly irrigate and reclaim said land, and prepare it to raise ordinary agricultural crops, and shall also show the source of the water to be used for irrigation and reclamation. Persons entering or proposing to enter separate sections, or fractional parts of sections, of desert lands may associate together in the construction of canals and ditches for irrigating and reclaiming all of said tracts, and may file a joint map or maps showing their plan of internal improvements.
Associations.	
Minimum expenditure to acquire patent.	SEC. 5. That no land shall be patented to any person under this act unless he or his assignors shall have expended in the necessary irrigation, reclamation, and cultivation thereof, by means of main canals and branch ditches, and in permanent improvements upon the land, and in the purchase of water rights for the irrigation of the same, at least three dollars per acre of whole tract reclaimed and patented in the manner following: Within one year after making entry for such tract of desert land as aforesaid the party so entering shall expend not less than one dollar per acre for the purposes aforesaid: and he shall in like manner expend the sum of one dollar per acre during the second and also during the third year thereafter, until the full sum of three dollars per acre is so expended. Said party shall file during each year with the register proof, by the affidavits of two or more credible witnesses, that the full sum of one dollar per acre has been expended in such necessary improvements during such year, and the manner in which expended, and at the expiration of the third year a map or plan showing the character and extent of such improvements. If any party who has made such application shall fail during any year to file the testimony aforesaid the lands shall revert to the United States, and the twenty-five cents advanced payment shall be forfeited to the United States, and the entry shall be cancelled. Nothing herein contained shall prevent a claimant from making his final entry and receiving his patent at an earlier date than
Distribution of amount.	
Proof.	
Forfeiture.	
Earlier reclamations.	

hereinbefore prescribed, provided that he then makes the required proof of reclamation to the aggregate extent of three dollars per acre: *Provided*, That proof be further required of the cultivation of one-eighth of the land.

SEC. 6. That this act shall not affect any valid rights heretofore accrued under said act of March third, eighteen hundred and seventy-seven, but all bona-fide claims heretofore lawfully initiated may be perfected, upon due compliance with the provisions of said act, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this act had not been passed; or said claims, at the option of the claimant, may be perfected and patented under the provisions of said act, as amended by this act, so far as applicable; and all acts and parts of acts in conflict with this act are hereby repealed.

SEC. 7. That at any time after filing the declaration, and within the period of four years thereafter, upon making satisfactory proof to the register and the receiver of the reclamation and cultivation of said land to the extent and cost and in the manner aforesaid, and substantially in accordance with the plans herein provided for, and that he or she is a citizen of the United States, and upon payment to the receiver of the additional sum of one dollar per acre for said land, a patent shall issue therefor to the applicant or his assigns; but no person or association of persons shall hold by assignment or otherwise prior to the issue of patent, more than three hundred and twenty acres of such arid or desert lands but this section shall not apply to entries made or initiated prior to the approval of this act. *Provided, however*, That additional proofs may be required at any time within the period prescribed by law, and that the claims or entries made under this or any preceding act shall be subject to contest, as provided by the law, relating to homestead cases, for illegal inception, abandonment, or failure to comply with the requirements of law, and upon satisfactory proof thereof shall be canceled, and the lands, and moneys paid therefor, shall be forfeited to the United States.

SEC. 8. That the provisions of the act to which this is an amendment, and the amendments thereto, shall apply to and be in force in the State of Colorado, as well as the States named in the original act; and no person shall be entitled to make entry of desert land except he be a resident citizen of the State or Territory in which the land sought to be entered is located."

SEC. 3. That section twenty-two hundred and eighty-eight of the Revised Statutes be amended so as to read as follows:

SEC. 2288. Any bona fide settler under the pre-emption, homestead, or other settlement law shall have the right to transfer, by warranty against his own acts, any portion of his claim for church, cemetery, or school purposes, or for the right of way of railroads, canals, reservoirs, or ditches for irrigation or drainage across it; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to his claim."

SEC. 4. That chapter four of title thirty-two, excepting sections twenty-two hundred and seventy-five, twenty-two hundred and seventy-six, twenty-two hundred and eighty-six, of the Revised Statutes of the United States, and all other laws allowing pre-emption of the public lands of the United States, are hereby repealed, but all bona fide claims lawfully initiated before the passage of this act, under any of said provisions of law so repealed, may be perfected upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests, as if this act had not been passed.

SEC. 5. That sections twenty two hundred and eighty-nine and twenty-two hundred and ninety, in said chapter numbered five of

Proviso.
Proof of cultivation.

Valid rights not affected.

Vol. 19, p. 377.

Patents to issue on proof, within four years.

Additional payment.

Limit.

Proviso.

Additional proofs.

Act applicable to Colorado.

Resident citizens only may enter.

Transfers before patent, for public purposes.

R. S., sec. 2288, p. 419, amended.

Pre-emption laws repealed.

R. S., secs. 2257-2274, 2277-2285, 2287-2288, pp. 414-419, repealed.

Perfection of bona fide claims.

Homesteads.

the Revised Statutes, be, and the same are hereby, amended, so that they shall read as follows:

Entries.
R. S., sec. 2289, p.
419, amended.

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one-quarter section, or a less quantity, of unappropriated public lands, to be located in a body in conformity to the legal subdivisions of the public lands; but no person who is the proprietor of more than one hundred and sixty acres of land in any State or Territory, shall acquire any right under the homestead law. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

Maximum.

Procedure.
R. S., sec. 2290, p. 420,
amended.
Contents of affidavit.

SEC. 2290. That any person applying to enter land under the preceding section shall first make and subscribe before the proper officer and file in the proper land office an affidavit that he or she is the head of a family, or is over twenty-one years of age, and that such application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons or corporation, and that he or she will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that he or she is not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that he or she does not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for himself, or herself, and that he or she has not directly or indirectly made, and will not make, any agreement or contract in any way or manner, with any person or persons, corporation or syndicate whatsoever, by which the title which he or she might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person, except himself, or herself, and upon filing such affidavit with the register or receiver on payment of five dollars when the entry is of not more than eighty acres, and on payment of ten dollars when the entry is for more than eighty acres, he or she shall thereupon be permitted to enter the amount of land specified."

Payment.

Payments in ad-
vance.
R. S., sec. 2301, p. 421,
amended.

SEC. 6. That section twenty-three hundred and one of the Revised Statutes be amended so as to read as follows:

"SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who shall hereafter avail himself of the benefits of section twenty-two hundred and eighty nine from paying the minimum price for the quantity of land so entered at any time after the expiration of fourteen calendar months from the date of such entry, and obtaining a patent therefor, upon making proof of settlement and of residence and cultivation for such period of fourteen months," and the provision of this section shall apply to lands on the ceded portion of the Sioux Reservation by act approved March second, eighteen hundred and eighty-nine, in South Dakota, but shall not relieve said settlers from any payments now required by law.

Sioux Reservation.
Vol. 25, p. 888.

Correction of clerical errors.

SEC. 7. That whenever it shall appear to the Commissioner of the General Land Office that a clerical error has been committed in the entry of any of the public lands such entry may be suspended, upon proper notification to the claimant, through the local land office, until the error has been corrected; and all entries made under the preemption, homestead, desert-land, or timber-culture laws, in which final proof and payment may have been made and certificates issued, and to which there are no adverse claims originating prior to final entry

Sales, etc., of lands
after final entry.

SCANNED

NOV 07 2005

and which have been sold or incumbered prior to the first day of March, eighteen hundred and eighty-eight, and after final entry, to bona-fide purchasers, or incumbrancers, for a valuable consideration, shall unless upon an investigation by a Government Agent, fraud on the part of the purchaser has been found, be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale or incumbrance: *Provided*, That after the lapse of two years from the date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead, timber-culture, desert-land, or pre-emption laws, or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor.

Proviso.
Patent after two years.

SEC. 8. That suits by the United States to vacate and annul any patent heretofore issued shall only be brought within five years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within six years after the date of the issuance of such patents. And in the States of Colorado, Montana, Idaho, North Dakota and South Dakota, Wyoming, and in the District of Alaska and the gold and silver regions of Nevada, and the Territory of Utah, in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon, it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes, and has not been transported out of the same; but nothing herein contained shall apply to operate to enlarge the rights of any railway company to cut timber on the public domain: *Provided*, That the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section.

Suits to annul patents, to be brought in five or six years.
Ante, p. 1093.

Timber depredations in mining localities.

Railway companies.
Proviso.
Rules, etc.

SEC. 9. That hereafter no public lands of the United States, except abandoned military or other reservations, isolated and disconnected fractional tracts authorized to be sold by section twenty-four hundred and fifty-five of the Revised Statutes, and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public sale.

Public lands not to be sold at public sale.

R. S., sec. 2455, p. 449.

SEC. 10. That nothing in this act shall change, repeal, or modify any agreements or treaties made with any Indian tribes for the disposal of their lands, or of land ceded to the United States to be disposed of for the benefit of such tribes, and the proceeds thereof to be placed in the Treasury of the United States; and the disposition of such lands shall continue in accordance with the provisions of such treaties or agreements, except as provided in section 5 of this act.

Indian agreements not changed.

Ante, p. 1096.

SEC. 11. That until otherwise ordered by Congress lands in Alaska may be entered for town-site purposes, for the several use and benefit of the occupants of such town sites, by such trustee or trustees as may be named by the Secretary of the Interior for that purpose, such entries to be made under the provisions of section twenty-three hundred and eighty-seven of the Revised Statutes as near as may be; and when such entries shall have been made the Secretary of the Interior shall provide by regulation for the proper execution of the trust in favor of the inhabitants of the town site, including the survey of the land into lots, according to the spirit and intent of said section twenty-three hundred and eighty-seven of the Revised Statutes, whereby the same results would be reached as though the entry had been made by a county judge and the disposal of the lots in such town site and the proceeds of the sale thereof had been prescribed

Alaska town sites.

Trustees.

R. S., sec. 2387, p. 437.

Proviso.
Limit.

by the legislative authority of a State or Territory: *Provided*, That no more than six hundred and forty acres shall be embraced in one townsite entry.

Purchases for trade,
etc., in Alaska.

SEC. 12. That any citizen of the United States twenty-one years of age, and any association of such citizens, and any corporation incorporated under the laws of the United States, or of any State or Territory of the United States now authorized by law to hold lands in the Territories now or hereafter in possession of and occupying public lands in Alaska for the purpose of trade or manufactures, may purchase not exceeding one hundred and sixty acres to be taken as near as practicable in a square form, of such land at two dollars and fifty cents per acre: *Provided*, That in case more than one person, association or corporation shall claim the same tract of land the person, association or corporation having the prior claim by reason of possession and continued occupation shall be entitled to purchase the same; but the entry of no person, association, or corporation shall include improvements made by or in possession of another prior to the passage of this act.

Proviso.
Adverse claimants.

Payment for sur-
veys.

SEC. 13. That it shall be the duty of any person, association, or corporation entitled to purchase land under this act to make an application to the United States marshal, ex officio surveyor-general of Alaska, for an estimate of the cost of making a survey of the lands occupied by such person, association, or corporation, and the cost of the clerical work necessary to be done in the office of the said United States marshal, ex officio surveyor-general; and on the receipt of such estimate from the United States marshal, ex officio surveyor-general, the said person, association, or corporation shall deposit the amount in a United States depository, as is required by section numbered twenty-four hundred and one, Revised Statutes, relating to deposits for surveys.

R. S., sec. 2401, p. 440.

Surveys.

That on the receipt by the United States marshal, ex-officio surveyor-general, of the said certificates of deposit, he shall employ a competent person to make such survey, under such rules and regulations as may be adopted by the Secretary of the Interior, who shall make his return of his field notes and maps to the office of the said United States marshal, ex-officio surveyor-general; and the said United States marshal, ex officio surveyor-general, shall cause the said field notes and plats of such survey to be examined, and, if correct, approve the same, and shall transmit certified copies of such maps and plats to the office of the Commissioner of the General Land Office.

Approval of sur-
veys, etc.

That when the said field notes and plats of said survey shall have been approved by the said Commissioner of the General Land Office, he shall notify such person, association, or corporation, who shall then, within six months after such notice, pay to the said United States marshal, ex officio surveyor-general, for such land, and patent shall issue for the same.

Patents.

Mineral, etc., lands,
reserved.

SEC. 14. That none of the provisions of the last two preceding sections of this act shall be so construed as to warrant the sale of any lands belonging to the United States which shall contain coal or the precious metals, or any town site, or which shall be occupied by the United States for public purposes, or which shall be reserved for such purposes, or to which the natives of Alaska have prior rights by virtue of actual occupation, or which shall be selected by the United States Commissioner of Fish and Fisheries on the island of Kodiak and Afognak for the purpose of establishing fish-culture stations. And all tracts of land not exceeding six hundred and forty acres in any one tract now occupied as missionary stations in said district of Alaska are hereby excepted from the operation of the last three preceding sections of this act. No portion of the islands of the Pribylov Group or the Seal Islands of Alaska shall be subject to sale under this act; and the United States reserves, and there shall

Fish culture sta-
tions.

Missionary stations.

Seal Islands.

be reserved in all patents issued under the provisions of the last two preceding sections the right of the United States to regulate the taking of salmon and to do all things necessary to protect and prevent the destruction of salmon in all the waters of the lands granted frequented by salmon.

Salmon fisheries.

SEC. 15. That until otherwise provided by law the body of lands known as Annette Islands, situated in Alexander Archipelago in Southeastern Alaska, on the north side of Dixon's entrance, be, and the same is hereby, set apart as a reservation for the use of the Metlakahla Indians, and those people known as Metlakahlians who have recently emigrated from British Columbia to Alaska, and such other Alaskan natives as may join them, to be held and used by them in common, under such rules and regulations, and subject to such restrictions, as may be prescribed from time to time by the Secretary of the Interior.

Annette Islands reserved for Metlakahla Indians.

SEC. 16. That town-site entries may be made by incorporated towns and cities on the mineral lands of the United States, but no title shall be acquired by such towns or cities to any vein of gold, silver, cinnabar, copper, or lead, or to any valid mining claim or possession held under existing law. When mineral veins are possessed within the limits of an incorporated town or city, and such possession is recognized by local authority or by the laws of the United States, the title to town lots shall be subject to such recognized possession and the necessary use thereof and when entry has been made or patent issued for such town sites to such incorporated town or city, the possessor of such mineral vein may enter and receive patent for such mineral vein, and the surface ground appertaining thereto: *Provided*, That no entry shall be made by such mineral-vein claimant for surface ground where the owner or occupier of the surface ground shall have had possession of the same before the inception of the title of the mineral-vein applicant.

Town-site entries on mineral lands not to include mining rights.

Mining claims.

Proviso.
Prior right of surface owner.

SEC. 17. That reservoir sites located or selected and to be located and selected under the provisions of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes," and amendments thereto, shall be restricted to and shall contain only so much land as is actually necessary for the construction and maintenance of reservoirs; excluding so far as practicable lands occupied by actual settlers at the date of the location of said reservoirs and that the provision of "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes," which reads as follows, viz: "No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry, or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws," shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not to include lands entered or sought to be entered under mineral land laws.

Limit on reservoir sites.
Vol. 25, p. 526.

Lands of actual settlers.

Maximum land entries not to include mining claims.
Ante, p. 391.

SEC. 18. That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company formed for the purpose of irrigation and duly organized under the laws of any State or Territory, which shall have filed, or may hereafter file, with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and fifty feet on each side of the marginal limits thereof; also the right to take, from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That

Rights of way to ditch companies.

Proviso.

Not to interfere with
Government occupa-
tion.
Approval.

no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the Department of the Government having jurisdiction of such reservation, and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories.

Maps to be filed.

SEC. 19. That any canal or ditch company desiring to secure the benefits of this act shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Approval.

Damages.

Applicable to all
canals, etc.

SEC. 20. That the provisions of this act shall apply to all canals, ditches, or reservoirs, heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps herein provided for. If such ditch, canal, or reservoir, has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the register of the land office where said land is located, a map of the line of such canal, ditch, or reservoir, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats heretofore filed shall have the benefits of this act from the date of their filing, as though filed under it: *Provided*, That if any section of said canal, or ditch, shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir, to the extent that the same is not completed at the date of the forfeiture.

Proviso.

Forfeiture for non-
completion.

Use only for canal.

SEC. 21. That nothing in this act shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch.

Disposal of land of
Dakota Central Rail-
road Company.

Vol. 25, p. 893.

SEC. 22. That the section of land reserved for the benefit of the Dakota Central Railroad Company on the west bank of the Missouri River, at the mouth of Bad River, as provided by section sixteen of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder and for other purposes," approved March second, eighteen hundred and eighty-nine, shall be subject to entry under the town-site law only.

For town sites.

Entries on Osage
lands confirmed.

SEC. 23. That in all cases where second entries of land on the Osage Indian trust and diminished reserve lands in Kansas, to which at the time there were no adverse claims, have been made and the law complied with as to residence and improvement, said entries be, and the same are hereby, confirmed, and in all cases where persons were actual settlers and residing upon their claims upon said Osage Indian trust and diminished reserve lands in the State of Kansas on the ninth day of May, eighteen hundred and seventy two, and who have made subsequent pre-emption entries either upon public or upon said Osage Indian trust and diminished reserve lands, upon which there were no legal prior adverse claims at the time, and the

law complied with as to settlement, said subsequent entries be, and the same are hereby, confirmed.

SEC. 24 That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

Forest reservations.

Approved, March 3, 1891.

CHAP. 562.—An act to amend section forty-seven hundred and eighty-seven of the Revised Statutes of the United States.

March 3, 1891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-seven hundred and eighty-seven of the Revised Statutes of the United States be amended by striking out the word "five" where it occurs therein, and inserting in lieu thereof the word "three" so that when amended said section will read as follows: Every officer, soldier, seaman, and marine who was disabled during the war for the suppression of the rebellion, in the military or naval service, and in the line of duty, or in consequence of wounds received or disease contracted therein, and who was furnished by the War Department since the seventeenth day of June, eighteen hundred and seventy, with an artificial limb or apparatus for resection, who was entitled to receive such limb or apparatus since said date, shall be entitled to receive a new limb or apparatus at the expiration of every three years thereafter, under such regulations as have been or may be prescribed by the Surgeon-General of the Army.

Artificial limbs, etc., to be furnished every three years.
R. S., sec. 4787, p. 929, amended.

Approved, March 3, 1891.

CHAP. 563.—An act to provide for the payment of bonds of the District of Columbia falling due July first, eighteen hundred and ninety-one and July first and twenty-sixth, eighteen hundred and ninety-two.

March 3, 1891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, is hereby directed to cause bonds to be prepared in sums of one hundred, five hundred, and one thousand dollars, to be designated as ten-year funding bonds of the District of Columbia, bearing interest at the rate of three and fifty hundredths per centum per annum, payable half yearly on the first days of July and January in each year. Such bonds shall be redeemable at pleasure after two years and payable ten years after the date of their issue. The principal and interest thereon shall be exempt from taxation by Federal, State, or municipal authority, and the faith of the United States is hereby pledged that the United States will, by proportional appropriations and by causing to be levied upon the property within said District such taxes as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the same at maturity; and the bonds shall have set forth and expressed on their face the above specified conditions, and the principal and interest thereon shall be made payable at the Treasury of the United States.

District of Columbia.

Issue of ten-year funding bonds.

Interest 3.50 per cent.

Redeemable after two, payable after ten years.

Not taxable.

Payment.

Said bonds shall be engraved and printed at the expense of the District of Columbia, shall be signed by the Treasurer of the United

Preparation, etc., of bonds.

NOTICE OF PLACER LOCATION

KNOW ALL MEN BY THESE PRESENTS, That HELEN B. McGUIRE, of Salmon, County of Lemhi, State of Idaho claim by right of discovery and location the BIG HAT CREEK placer claim, containing 20 acres, (or 1425 feet in length by 975 feet in width) situate 1/2 North West of South Gulch on Big Hat Creek in Unorganized Mining District, Lemhi County, State of Idaho, and is bounded and described as follows, to-wit: Beginning at the Stake and Corner No. 1, where this notice is posted, whence running 900 ft South Eastern Direction to stake No 2 -- Thence running 975 ft -- Eastern Direction to stake No 3-- Thence running 1425 ft Norther direction to stake No 4 and running thence 900 ft to place of beginning stake No 1

Date of discovery May 1st, 1938

Staked and located July 18th, 1938

STATE OF IDAHO,)
COUNTY OF LEMHI) SS.

Helen B. McGuire Locator

I, Helen B. McGuire do solemnly swear that I am a citizen of the United States of America (or have declared my intention to become such) and that I am acquainted with the mining ground described in this notice of location and herewith called the Big Hat Creek placer claim; that the ground and claim therein described, or any part thereof, has not to the best of my knowledge and belief, been located according to the laws of the United States and of this state, save as mentioned in the within notice, or if so located that the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws, and that I have opened up new ground to the extent of 100 cubic feet, as required by the laws of the State of Idaho.

Helen B. McGuire

Subscribed and sworn to before me this 25th day of July A. D. 1938

(SEAL)

W. W. Simmonds, County Recorder
By Margaret Shoup, Deputy

Recorded at the request of Helen B. McGuire at 35 minutes past 1 o'clock P M., July 25, 1938 in book Z of Mining Claims, page 292 Records of _____ District, Lemhi County, Idaho.

W. W. Simmonds
County Recorder

By Margaret Shoup Deputy

Fee: \$1.00

-----Instrument No. 50192-----

NOTICE OF PLACER LOCATION

KNOW ALL MEN BY THESE PRESENTS, That HELEN B. McGUIRE of Salmon, County of Lemhi, State of Idaho claim by right of discovery and location the Big Hat Creek Claim No 2 placer claim, containing 20 acres, (or 1450 feet in length by 900 feet in width) situate at Mouth of the South Fork on Big Hat Creek in Unorganized Mining District, Lemhi County, State of Idaho, and is bounded and described as follows, to-wit: Beginning at the Stake and Corner No. 1, where this notice is posted, whence Running from stake No 1--450 ft Eastern direction thence running 1200 ft in a North Western direction to stake No 3-- and South Western direction to Stake No 5. Thence running 1200 ft South Eastern direction to place of beginning.

Date of discovery May 15th, 1938

Staked and located July 18th, 1938

STATE OF IDAHO,)
COUNTY OF LEMHI) SS.

Helen B. McGuire Locator

I, Helen B. McGuire do solemnly swear that I am a citizen of the United States of America (or have declared my intention to become such) and that I am acquainted with the mining ground described in this notice of location and herewith called the Big Hat Creek No. 2 placer claim; that the ground and claim therein described, or any part thereof, has not to the best of my knowledge and belief, been located according to the laws of the United States and of this state, save as mentioned in the within notice, or if so located that the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws, and that I have opened up new ground to the extent of 100 cubic feet, as required by the laws of the State of Idaho.

Subscribed and sworn to before me this 25th day of July, A. D. 1938

W. W. Simmonds, County Recorder
By Margaret Shoup, Deputy

Recorded at the request of Helen B. McGuire at 36 minutes past 1 o'clock P M., July 25, 1938 in book Z of Mining Claims, page 292 Records of _____ District, Lemhi County, Idaho

W. W. Simmonds
County Recorder

By Margaret Shoup Deputy

Fee: \$1.00

? Exact location unclear

SCANNED

NOV 7 2005

WARRANTY DEED

RECEIVED

Order No.:307052789L-G

JUN 14 2005

FOR VALUE RECEIVED

Department of Water Resources

Fred Euel Crabtree, Jr. aka Fred Euel Crabtree aka Fred Crabtree, a single man

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Erik F. Storlie and Tamara L. Kaiser, as tenants in common with an 1/2 undivided interest each
whose current address is

3217 Humboldt Ave. South Minneapolis, MN 55408

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

TOWNSHIP 17 NORTH, RANGE 20 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO.

SECTION 10: SW1/4SE1/4, E1/2SW1/4, SW1/4NW1/4 AND NW1/4SW1/4.
SECTION 15: NW1/4NE1/4

AND ANY AND ALL INTEREST IN A RIGHT-OF-WAY FOR A ROAD, FIFTY FEET IN
WIDTH EXTENDING TWENTY-FIVE FEET ON EACH SIDE OF THE CENTERLINE OF THE
ROAD DESCRIBED IN THE PATENTS AS INSTRUMENT NOS. 102104 AND 115730, AND AS
RELEASED IN INSTRUMENT NOS. 236571 AND 236572, RECORDS OF THE COUNTY
RECORDER, LEMHI COUNTY, IDAHO AND WATER RIGHT NOS. 75-10231, 75-04198, 75-
02137, 75-04199 AND 75-04200, AND ANY UNKNOWN WATER RIGHTS APPURTENANT TO
THE PROPERTY DESCRIBED HEREIN.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns
forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in
fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions,
covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: Feb. 25, 05

Fred Euel Crabtree, Jr.

State of Idaho

County of Blaine

On this 25th day of February, in the year 2005 before me, a Notary Public in and for said state,
personally appeared Fred Euel Crabtree, Jr. known or identified to
me to be the person whose name is subscribed to the within instrument and acknowledged to me that Fred Euel Crabtree, Jr.
executed the same.

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



Melanie T. Davis
Notary Public for the State of Idaho
Residing at: 403 3rd Ave. North, Hailey, Idaho
Commission Expires: 11/17/2009

State of Idaho) SS No. 262036
County of Lemhi)

This instrument was filed for record at the request

of Alliance Title

at 2:10 o'clock p.m. 3/1/2005

and duly filed and indexed in the records of Lemhi

County

Terri J. Morton

Ex-Officio Recorder

By Brenda Antonio, Deputy

Fee 300

Return to AT

SCANNED

JUL 14 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 8, 2005

ERIK F STORLIE
TAMARA L KAISER
3217 HUMBOLDT AVE S
MINNEAPOLIS MN 55408

RE: Snake River Basin Adjudication (SRBA)
Incomplete Notice of Change of Water Right Ownership
Notices of Claim to a Water Right #75-2137, 75-4199 and 75-4200

Dear Claimants:

We are returning your Notice of Change of Water Right Ownership. Before we can process your ownership change, we need your assistance.

I have enclosed a copy of the instructions. We require proof of conveyance as requested in Item 2B. Additionally, since you irrigate more than 10 acres, please submit an Aerial Photo as requested in Item 2C.

Please return the signed ownership change form with the aerial survey to the attention of **Roxanne Brown** at this office.

Please call me toll-free at 1/800-451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Incomplete Ownership Change Form
Copy of Ownership Change Form Instructions

SCANNED

JUL - 8 2005

OCT 03 1991

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A75-02137**
Date Received: 4/24/1990
Receipt No: M006709
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: FRED E CRABTREE
Address: RT 1 BOX 88L
KOOSKIA ID 83539 208-926-0804

2. Date of Priority: JAN 11, 1960

3. Source: BIG HAT CREEK Trib. to: SALMON RIVER
BIG HAT CREEK, NORTH FORK SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	20E	3	SE	SW	SW		LEMHI
		8	NW	NE	SE		LEMHI

5. Description of diverting works:
DIV. DAM AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.840		

7. Total Quantity Appropriated is:
0.840 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
17N	20E	10	NE	SW		IRR	7.0
			SE	SW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	17.0
		15	NW	NE	IRR	25.0
					Section Acres	25.0
					Total Acres	42.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
A75-04199 & A75-04200

14. Remarks:
SOURCES ARE BIG HAT CK. & BIG HAT CK., N. FK., TRIB. SALMON R.
CHANGE OF OWNERSHIP 5/18/94 SC

15. Basis of Claim: LICENSE

Water Right Number: 28358

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A75-02137
Date Received: 4/24/1990
Receipt No: M206709
Received By: QES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W. M. CONKLIN
Address: HC 62, BOX 1040
ELLIS, ID

208-876-4464

OR

Name: FLORENCE A. CONKLIN
Address: HC 62, BOX 1040
ELLIS, ID

83235

208-876-4464

83235

2. Date of Priority: JAN 11, 1960

3. Source: BIG HAT CREEK
BIG HAT CREEK, NORTH FORK

Trib. to: SALMON RIVER
SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	20E	3	SE	SW	SW		LEMHI
		8	NW	NE	SE		LEMHI

5. Description of diverting works:
DIV. DAM AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.840		

7. Total Quantity Appropriated is:
0.840 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER INCIDENTAL TO IRRIGATION

A75-02137

Page 1

Date: 04/24/90

SCANNED

JAN 08 2008

MICROFILMED

DEC 15 1992

A7502137



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	20E	10	NE	SW		IRR	7.0
			SE	SW		IRR	10.0
					Section Acres		17.0
		15	NW	NE		IRR	25.0
					Section Acres		25.0
					Total Acres		42.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
A75-04199 & A75-04200

14. Remarks:
SOURCES ARE BIG HAT CK. & BIG HAT CK., N. FK., TRIB. SALMON R.

15. Basis of Claim: LICENSE
Water Right Number: 28358

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Florence A. Conklin Date: 4/24/90

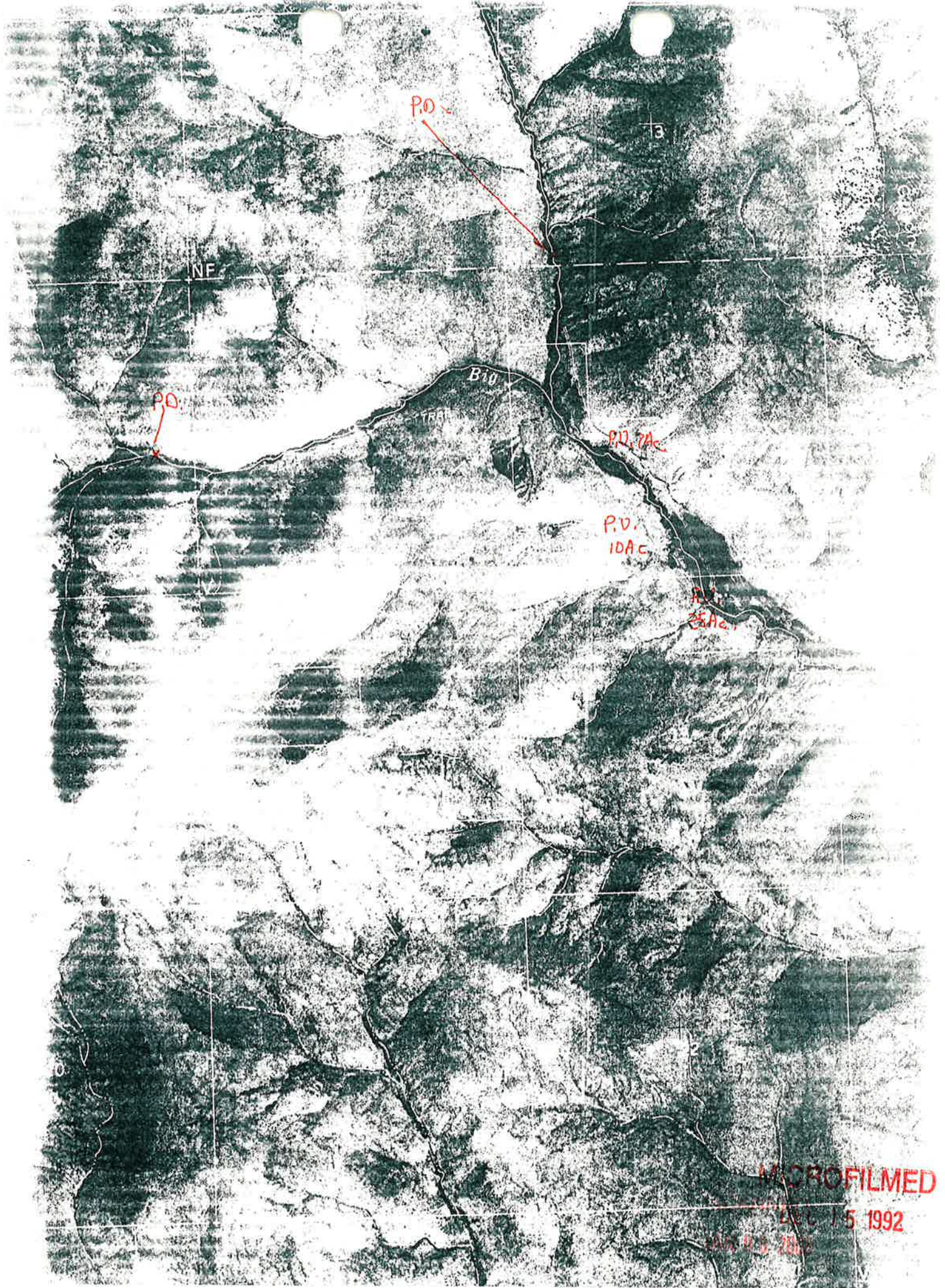
Date: _____

State of Idaho)
County of LEMHI) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of Apr 19 90

Seal

Forrest E. Luthy
Notary Public
Forrest E. Luthy, Notary Public
Residing at _____ Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994
My Commission Expires _____



NF

P.O.

13

Bio

P.O.

P.O. IAC

P.V.
IAC

R.I.
IAC

MICROFILMED

DEC 15 1992

100-103-2800

11/17/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-2137

NAME AND ADDRESS: ERIK F STORLIE
3217 HUMBOLDT AVE SOUTH
MINNEAPOLIS MN 55408

TAMARA L KAISER
3217 HUMBOLDT AVE SOUTH
MINNEAPOLIS MN 55408

SOURCE: BIG HAT CREEK
NORTH FORK HAT CREEK

TRIBUTARY: HAT CREEK
TRIBUTARY: HAT CREEK

QUANTITY: 0.840 CFS

The rights listed below are limited to a total combined diversion rate of 2.33 cfs.
Combined Right Nos.: 75-2137, 75-4199 & 75-4200.

PRIORITY DATE: 01/11/1960

POINT OF DIVERSION:

T17N R20E S3 SESWSW Within LEMHI County
T17N R20E S8 NWNESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF USE

04/01 10/31

QUANTITY

0.840 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T17N R20E S10	SWNW	5.40	T17N R20E S10	NESW	0.50
T17N R20E S10	NWSW	8.80	T17N R20E S10	SESW	27.00
T17N R20E S10	SWSE	14.00	T17N R20E S15	NWNE	14.00

69.7 ACRES TOTAL

This right is limited to the irrigation of 42 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 69.7 acres in a single irrigation season. Combined Right Nos.: 75-2137, 75-4199 & 75-4200.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 75-2137

WATER RIGHT NUMBER: 75-2137

Owner Type Name and Address
 Current Owner HELEN B MC GUIRE
 ELLIS, ID

Priority Date: 01/11/1960

Basis: License

Status: Active

Source Tributary
 BIG HAT CREEK HAT CREEK
 UNNAMED STREAM BIG HAT CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.840 CFS	
	<u>Total Diversion:</u>	0.840 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NW1/4NW1/4	Sec. 10, Twp 17N, Rge 20E, B.M.
LEMHI County		
BIG HAT CREEK	SW1/4NW1/4	Sec. 9, Twp 17N, Rge 20E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	20E	10									7.0							10.0	17.0
17N	20E	15	25.0																25.0

Total Acres: 42

Conditions of Approval:

1. SOURCES ARE BIG HAT CK. & BIG HAT CK., N. FK., TRIB. SALMON R.

Remarks:Comments:Dates and Other Information: