

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4199

WATER RIGHT NUMBER: 75-4199

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FRED E CRABTREE PO BOX 24 ELLIS, ID 83235 (208)926-0804

Priority Date: 05/01/1889
Basis: Statutory Claim
Status: Water Supply Bank Active

<u>Source</u>	<u>Tributary</u>
WEST FORK BIG HAT CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.500 CFS	
STOCKWATER	1/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	1.500 CFS	

Location of Point(s) of Diversion
WEST FORK BIG HAT CREEK NW1/4NE1/4SE1/4 Sec. 8, Twp 17N, Rge 20E, B.M.
LEMHI County

Place of Use
IRRIGATION Within LEMHI County

T17N R20E S10	SWNW	10.0	T17N R20E S10	NESW	5.0
T17N R20E S10	NWSW	25.0	T17N R20E S10	SESW	20.0
T17N R20E S10	SWSE	3.0			

Total Acres: 63

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. RIGHT # 75-02137 COVERS SOME OF THE SAME ACREAGE.

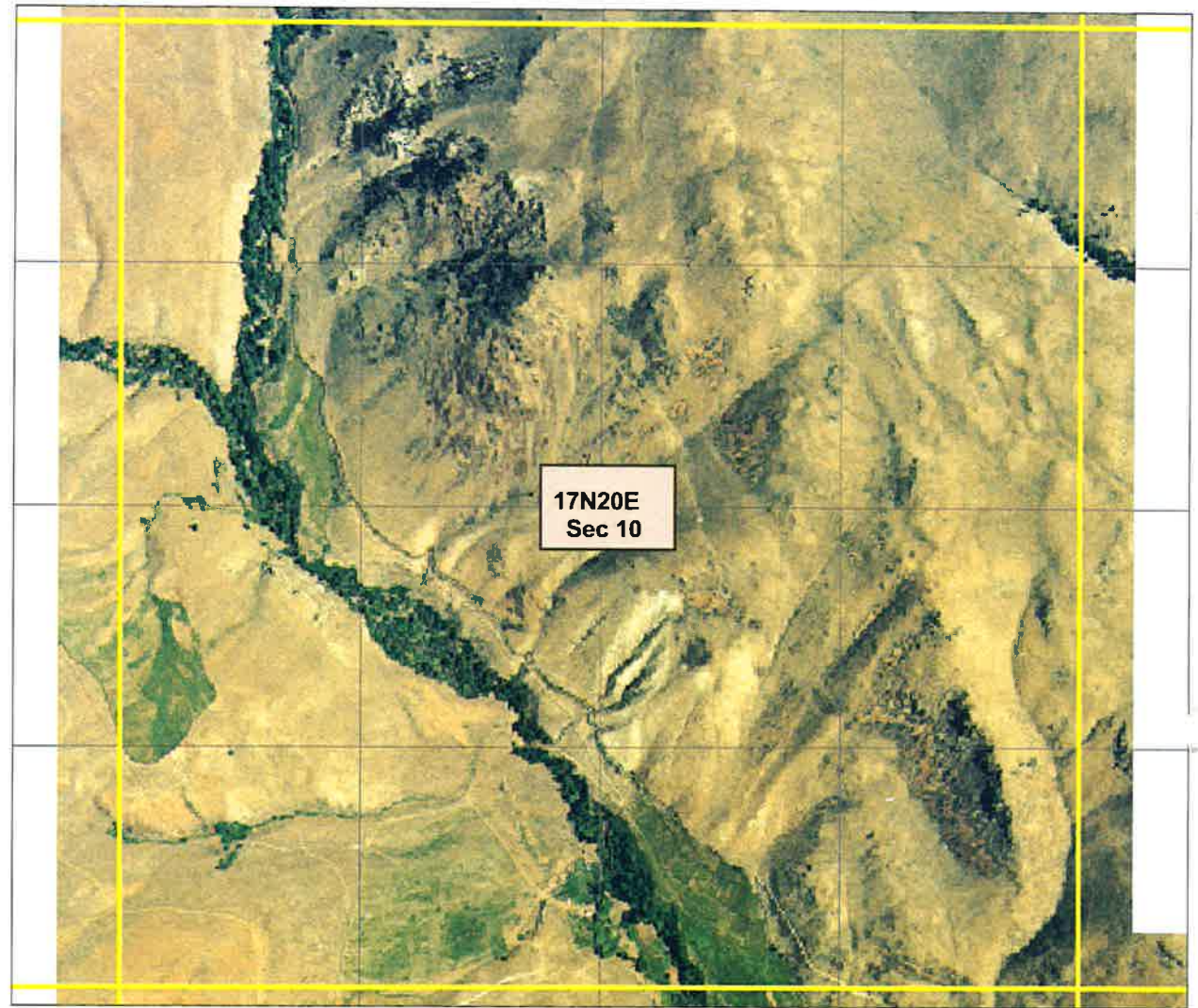
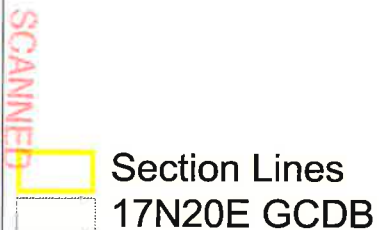
Idaho Department of Water Resources



Adjudication Claim Number: **75-4199**



Legend



0 0.4 0.8 Miles

A scale bar with markings for 0, 0.4, and 0.8 miles.

Prepared by M. Van Bussum
On Tuesday, May 10, 2005
1988 Aerial Photography

JAN 0 8 2006

Idaho Department of Water Resources



SRBA Claim:

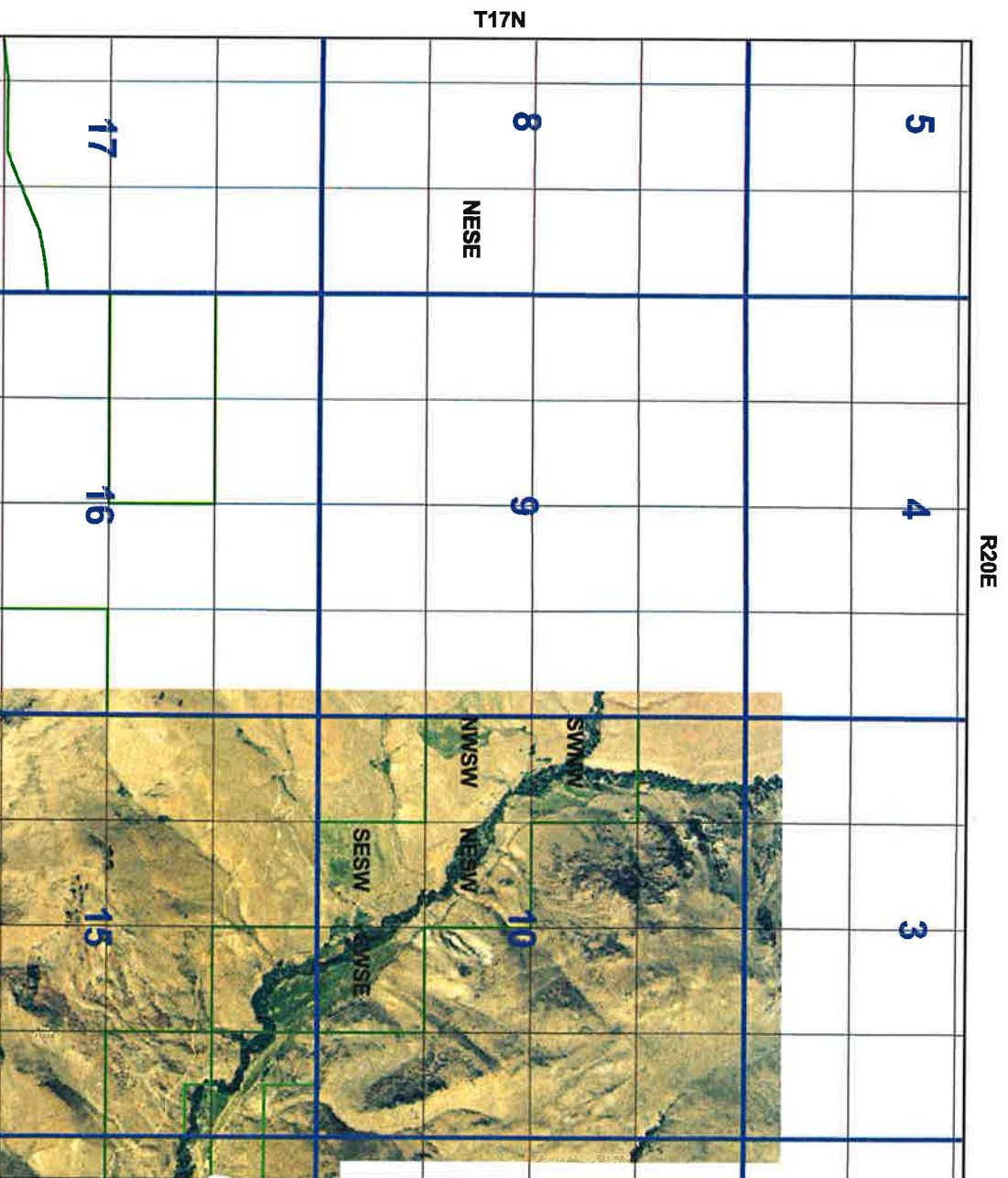
75-4199

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



Prepared by R. Brown
On Friday, May 19, 2006
1987/88 Aerial Photography

IAN 0 8 2008

75-4199



0.1 0 0.1 0.2 0.3 Miles

LEGEND

- Lemhi taxlots
- Township/Range
- Sections
- QQ

IMAGE 1988 True Color

Prepared By: Danielle Favreau, 9/2/05, IDWR/IWWRI

3

2

SCANNED
JAN 06 2009

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17N20E

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RECEIVED

JAN 25 2003

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Subcase 75-4199

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:
This diversion has existed since 1930 and
has been observed by Bob Foster of the IDWR
but was not specified in any of the previous
claims.

VERIFICATION (Must be completed)

State of Minnesota

County of Hennepin

Erik F Storlie

Tamara L Kaiser, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

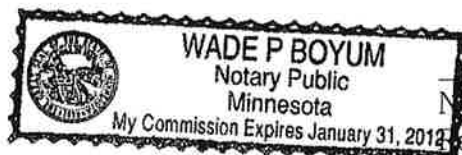
Erik F. Storlie

Tamara L Kaiser

Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on January 19th, 2008
(Insert Date)



W P B
Notary Public for Minnesota
Residing at Wells Fargo Bank, N.A.
My Commission expires: 01-31-2012

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

call "C" and others call "i". In English units these coefficients are expressed as cubic feet per square foot per day or simply feet per day.

The following table of "C" values is from American Civil Engineering Practice:²⁵

<u>Kind of Material</u>	<u>Loss per Day</u> (in feet)
Cemented gravel and hardpan with sandy loam	0.34
Clay and clay loam	0.41
Sandy loam	0.66
Volcanic ash	0.68
Volcanic ash with some sand	0.98
Sand and volcanic ash or clay	1.20
Sandy soil with some rock	1.68
Sandy and gravelly soil	2.20
Concrete lining	0.33

The following table of "i" values is taken from the California Department of Water Resources Inspection Manual for use with the Etcheverry formula.

<u>Kind of Material</u>	<u>Loss per Day</u> (in feet)
Impervious clay loam	0.25 - 0.35
Medium clay loam underlaid with hardpan at depth of not over 2 to 3 ft. below bed	0.35 - 0.50
Ordinary clay loam, silt soil or lava ash loam	0.50 - 0.75
Gravelly clay loam, sandy clay loam, cemented gravel, sand or clay	0.75 - 1.00
Sandy loam	1.00 - 1.50
Loose sandy soils	1.50 - 1.75
Gravelly sandy soils	2.00 - 2.50
Porous sandy soils	2.50 - 3.00
Very gravelly soils	3.00 - 6.00

"C" and "i" are identical factors and the tables above could be used interchangeably to assist in assigning a factor for a described soil. Both of them use soil descriptions different from those now used in the National Cooperative Soil Survey. Some judgement is required in selecting coefficients.

²⁵ Abbett, Robert W., American Civil Engineering Practice, John Wiley & Sons, Inc., New York, 1956, Vol. II, pp. 17-31, 17-32.

SRBA

DIRECTORS REPORT 75-02137

[Return to SRBA Home Page](#)

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 75-02137

Name and Address: ERIK F STORLIE
TAMARA L KAISER
3217 HUMBOLDT AVE SOUTH
MINNEAPOLIS, MN 55408

Source: BIG HAT CREEK Tributary: HAT CREEK
NORTH FORK HAT CREEK Tributary: HAT CREEK

Quantity: .84 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

Diversion Point: T17N R20E S03 SESWSW Within Lemhi County
S08 NWNESE

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-01 TO 10-31	.84 CFS

Place of Use:	Irrigation	Within Lemhi County
	T17N R20E S10	SWNW 5.4 NESW 0.5
		NWSW 8.8 SESW 27
		SWSE 14
	S15	NWNE 14
	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.

SRBA

DIRECTORS REPORT 75-04199

[Return to SRBA Home Page](#)

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 75-04199

Name and Address: ERIK F STORLIE
TAMARA L KAISER
3217 HUMBOLDT AVE SOUTH
MINNEAPOLIS, MN 55408

Source: BIG HAT CREEK Tributary: HAT CREEK

Quantity: .84 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
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: 05-01-1889

Diversion Point: T17N R20E S08 NWNESE Within Lemhi County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-01 TO 10-31	.84 CFS
	Stockwater	01-01 TO 12-31	.03 CFS

Place of Use:	Irrigation	Within Lemhi County
	T17N R20E S10	NESW 0.5 SESW 5.9
		SWSE 3.4
	S15	NWNE 6.5
	16.3 Acres Total	

Stockwater
Same as Other Use

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

Case No. 39576

A. Subcase 75-4199
(Insert water right number)

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

Addendum to Objection Form, Water Right 75-4199 – 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:

Omit: T17N R20E S8 NWNESE Within Lemhi County (not the correct diversion)

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

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

Objection to #9 Place of use:

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 #5 Point of Diversion:

The diversion in NWNESE belongs to the 1960 license 75-2137 and would not be used to irrigate the recommended 16.3 acres except at times when most of the west side of Hat creek was being irrigated under 75-2137. These 16.3 acres would be irrigated from the SWSWNW and SWSWSE, which 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 #9 Place of Use:

Corrections to 75-2137.

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 E. Storlie & 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 E. Storlie

Tamara L. Kaiser
Signature of objector or attorney
mailing on Objector's behalf

Documents for Adjudication

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

RECEIVED
NOV 04 2005
DEPARTMENT OF
WATER RESOURCES

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.

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.

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

From BLM

75-04199, 05-01-1889

75-04200, 05-01-1889

POUs:

T17N, R20E, S10, SWSE
 NESW
 SESW

The above described POU's 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.

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 **Lehi** 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-

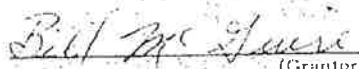
provements, or for other business pertaining to the use and maintenance thereof, and shall be appurtenant to said public land.

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)

113252

DEPT. OF THE INTERIOR

JAN 23 1970

LAND MANAGEMENT
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

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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 form 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.

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.

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. 333, 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. 333, 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.

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.

CARD

(Kind of entry and note)		(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, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ <i>SW$\frac{1}{4}$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.	
3-8-61	<i>Consent to reservation filed.</i>	
2-8-61	<i>Appeal filed from decision of 2-8-61</i>	
3-17-61	<i>fee paid, 5⁰⁰ Receipt # 837280.m</i>	
11-20-61	<i>Case file transferred to Director on appeal.</i>	
11-24-61	<i>Application rejected to NE$\frac{1}{4}$SE$\frac{1}{4}$ Sec. 9 & NW$\frac{1}{4}$, Sec. 10, 17 N. R. 20 E.</i>	
3-15-62	<i>Notice of appeal filed, fee paid, 5⁰⁰, Receipt # 838748.m</i>	
3-20-62	<i>Case file transferred to Director on appeal.</i>	
4-4-62	<i>Director's decision affirmed the Manager's rejection of this appln.</i>	
6-12-62	<i>Transmitted to Secy. on appeal 6-8-62.</i>	

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.

Localities in which act to apply.

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—

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.

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.
Associations.	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.
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 year 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.	

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

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.

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, 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.

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.

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

Correction of clerical errors.

Sales, etc., of lands after final entry.

Sioux Reservation, Vol. 23, p. 888.

Payments in advance, R. S., sec. 2301, p. 421, amended.

Payment.

Procedure, R. S., sec. 2290, p. 420, amended.

Maximum.

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

*Proviso.
Limit.*

*Purchases for trade,
etc., in Alaska.*

*Proviso.
Adverse claimants.*

*Payment for sur-
veys.*

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

Surveys.

*Approval of sur-
veys, etc.*

Patents.

*Mineral, etc., lands,
reserved.*

*Fish culture sta-
tions.*

Missionary stations.

Seal Islands.

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.

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.

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.

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.

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.

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 Kadiak 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

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.

Provido.

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

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 from stake No 2-- 900 ft in a Northern 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

Helen B. McGuire
W. W. Simmonds, County Recorder
By Margaret Shoup, Deputy

(SEAL)

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

PLACER MINING LOCATION NOTICE

NOTICE IS HEREBY GIVEN, that BILL I. McGUIRE, a citizen of the United States of America, conforming to the mining laws, thereof and of the State of Idaho, and located and do hereby claim 20 acres of Placer Mining Ground, situated, 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 North 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.

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

BILL I. McGUIRE (Locators and Claimants)

STATE OF IDAHO,
County of Lemhi,
ss.

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 it so located the same has been abandoned or forfeited by 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, Agent
Subscribed and sworn to before me this 25th day of October, A. D. 1950
W. W. Stummonds, County Recorder
By Dorothy McFriedrich, Deputy

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 54.

W. W. Stummonds, Ex-Officio Recorder
Lemhi County, Idaho
Deputy

INSTRUMENT NO. 72649
BY *[Signature]*
Lemhi County, Idaho
Deputy

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 located and do hereby claim 20 acres of Placer Mining Ground, situated, 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 Northwest 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 Southeast corner of the claim; thence in a North East direction 1500 feet to corner monument No. 3, the Southeast corner of the claim; thence in a North East direction 300 feet to corner monument No. 4, the Northeast corner 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 250 feet in a West 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.

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

E. E. Osborne (Locators and Claimants)

STATE OF IDAHO,
County of Lemhi,
ss.

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 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 it so located the same has been abandoned or forfeited by 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

(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 Dorothy McFrederick, Deputy
Instrument No. 72675

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 has declared his 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

7

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 adjoining claims are None

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

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

Helen McGuire.

(((SEAL)))

STATE OF IDAHO,
County of Lemhi

} ss.
}

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.

Fee, \$2.00 Paid

By Rosa E. Stevens Deputy

FOR SALE AND WANT ADS.

Mine, silver-lead-gold,
50 years; timber, lakelet,
Economically accessible.
Owner, daughter of or
Address Box 362 Salmon,
Recorder Herald. 15-4f

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

Local and long distance.
ble man. Rates reasonable.
Stout, near Fred Nel-
7f.

NOTICE
veral used truck tires and
le or trade. NED SMITH.
15-1f.

TO RENT: Good fences,
water. See E. B. Randolph.
12-4f.

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

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

100 acres, fenced; 4-room
stable, 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
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 / Colo-
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 drow-
dy 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-
tious 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

H
F
Church
Morning

Last

EX
10:00
11:00
7:30
Sunday

Mrs.
Mrs. E.
Trip 15
points

Mrs.
were to
Friday

Sami
acted as
of the

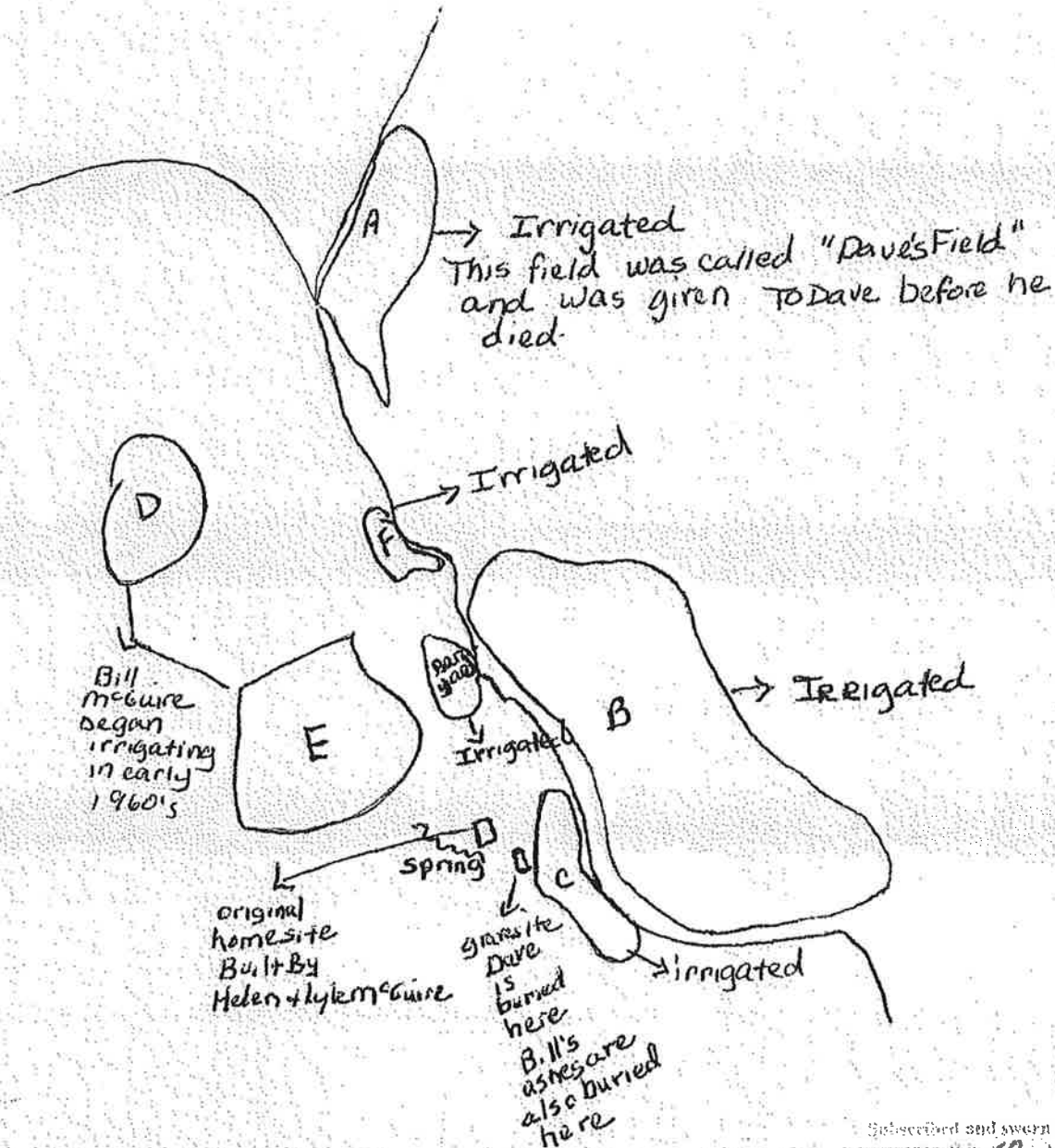
Mary
Marion
with her

Daniel
their
man the
O. E.
cabin

Senae
Sunday

N

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



Helen McGuire Perez
Helen McGuire Perez

9-30-05
Date

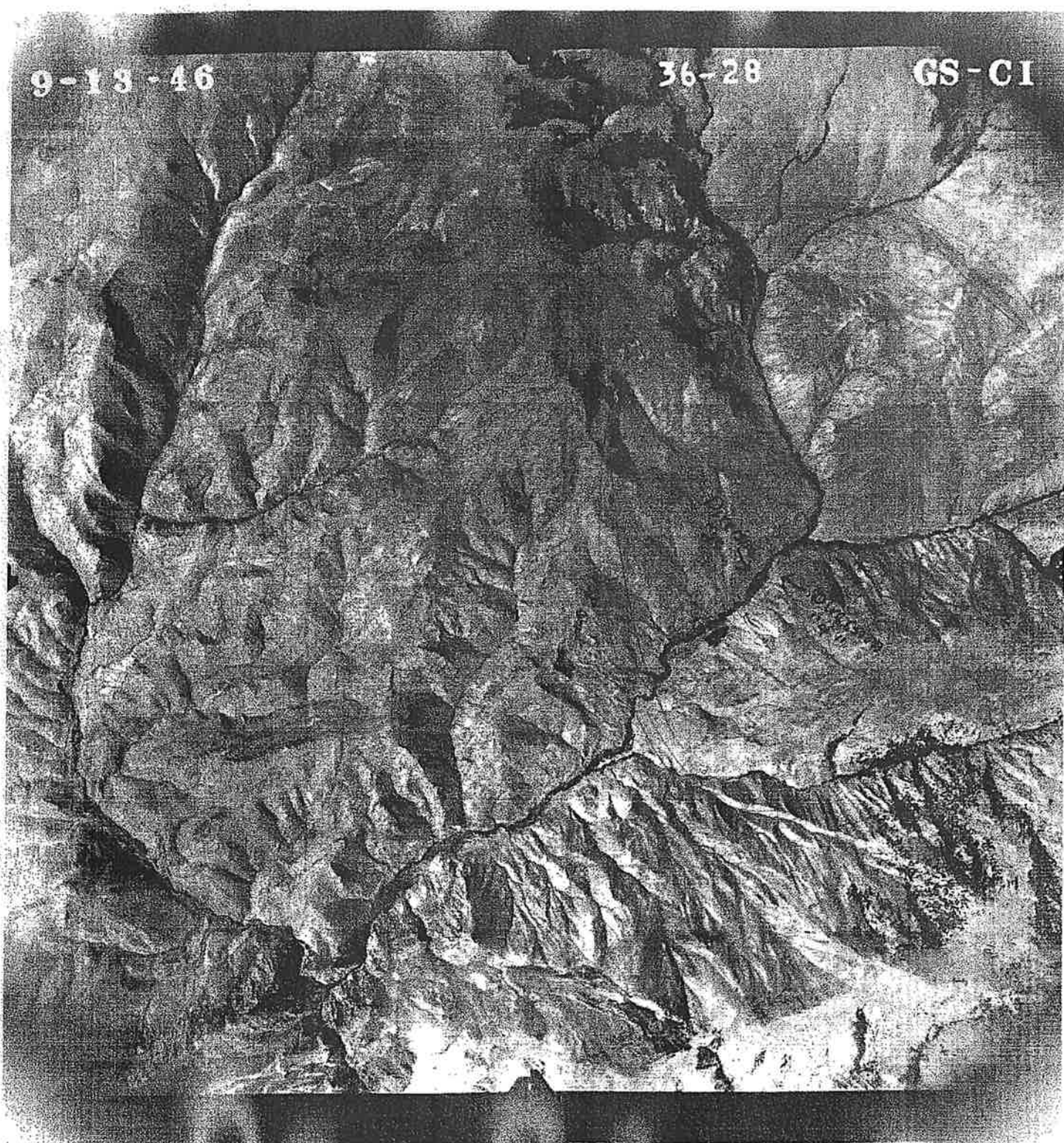
Subscribed and sworn to before me in my presence this 30 day of Sept 2005, a Notary Public in and for the County of Custer State of IDAHO
Helen R. Howard
(Signature) Notary Public
My commission expires 5/20/10

HELEN R. HOWARD
STATE OF IDAHO
NOTARY PUBLIC

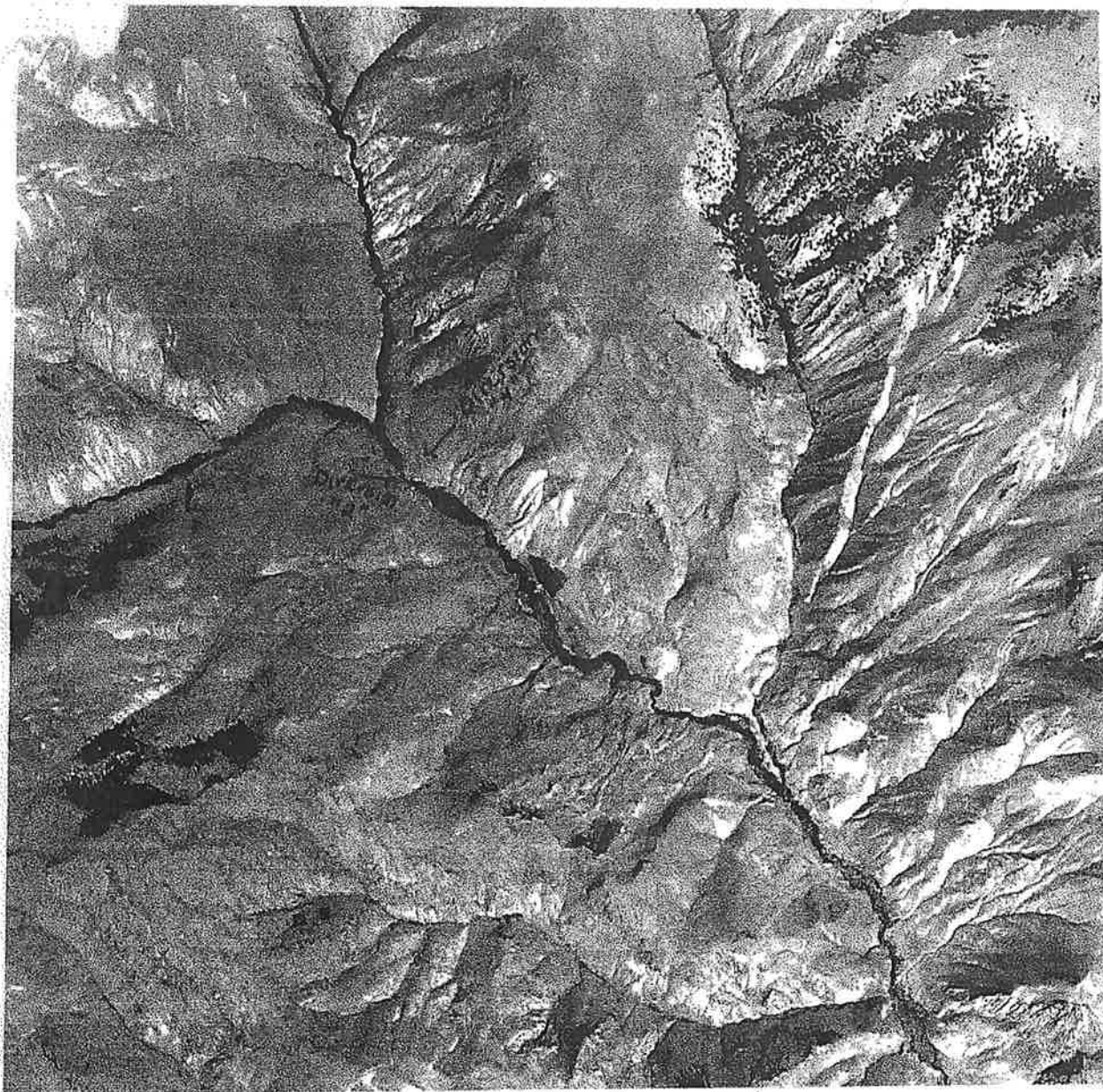
9-13-46

36-28

GS-CI



→ Z



Enlargement of 36-28

Copy of Notarized statement by Fred Crabtree

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 bought 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).

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 Zaluski
NOTARY PUBLIC for the State of Montana
Residing at Miles City, Montana
My Commission Expires March 15, 2008

SCANNED

OCT 06 2001

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

SCANNED NOV 18 1996

JAN 08 2003



NEW PROPERTY OWNER
NOTICE CHANGE OF WATER RIGHT C

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 X 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:

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

MICROFILMED
NOV 18 1996

SCANNED

JAN 11 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 75-4199
(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 75-4199 -- 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:

Omit: T17N R20E S8 NWNESE Within Lemhi County (not the correct diversion)

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

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

Objection to #9 Place of use:

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 #5 Point of Diversion:

The diversion in NWNESE belongs to the 1960 license 75-2137 and would not be used to irrigate the recommended 16.3 acres except at times when most of the west side of Hat creek was being irrigated under 75-2137. These 16.3 acres would be irrigated from the SWSWNW and SWSWSE, which 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 #9 Place of Use:

Corrections to 75-2137.

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



Joseph Winston Struyk
 Notary Public for Minnesota
 Residing at: Hennepin
 Commission Expires: 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 E. Storie & 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 E. Storie

Tamara L. Kaiser

Signature of objector or attorney
mailing on Objector's behalf

1.39
1.94

Combined limit
= 2.33

+ 1.94 dist. lbs
 $69.7 (0.025/m) = 1.39$

$\frac{1.75 \text{ miles}}{1.0667}$
for 2 dist. lbs

1.0

4'

Wasser tell

2.64
96

84

84

16.3

24.7

16.3

24.7

69.7



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 10, 2005

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

RESPONSE DEADLINE
AUGUST 15, 2005

75-4199, 75-4200
Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. **Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.**

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

SCANNED
JAN 08 2008

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: 75-4199

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

SCANNED
DEC 13 2006

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):

source - 2 of 3 diversion points are missing

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

1. add a diversion point on Big Hat Creek West Fork
in SWNW

2. add a diversion point on West side of Hat Creek in
SWSE

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

The ditches exist, are in use and are among
the earliest on the property.

☐ 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

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 75-4199
Date Received: 4/24/1990
Receipt No: M006709
Received By:

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

1. Name of Claimant(s)

TAMARA L KAISER Phone: (612) 822-8555

3217 HUMBOLDT AVE SOUTH
MINNEAPOLIS MN USA 55408

and

ERIK F STORLIE Phone: (612) 822-8555

3217 HUMBOLDT AVE SOUTH
MINNEAPOLIS MN USA 55408

2. Date of Priority: 05/01/1930

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
17N	20E	10	SW	SW	NW	LEMHI	
17N	20E	8	NW	NE	SE	LEMHI	

5. Description of diverting works:

DAM, HEADGATE & DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1.5	
STOCKWATER	01/01	12/31	0.03	

Number of attachments: _____

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): Erik F. Skistvedt Tamara L. Kansen Date: 1/19/08

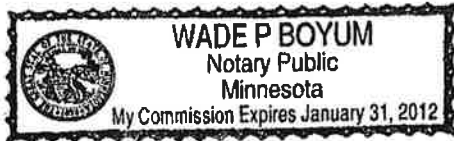
_____ Date: _____

State of ~~Idaho~~ Minnesota)
County of Hennepin) ss.

Subscribed and sworn (or affirmed) before me this 19th day
of January 2008

W. P. D.

Notary Public



Residing at Wells Fargo Bank, N.A.
My commission Expires 01-31-2012

SCANNED

OCT 10 2001

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: A75-04199

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

208-926-0804

83539

2. Date of Priority: MAY 1, 1889

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

4. Point of Diversion:

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

5. Description of diverting works:
DAM, HEADGATE & DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.500		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is 157.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
17N	20E	10	SW	NW		IRR	10.0
			NE	SW		IRR	5.0
			NW	SW		IRR	25.0

MICROFILMED

NOV 18 1996

A75-04199

Page 1

Date: 05/18/94

JAN 08 2008

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	20E	10	SE	SW	IRR	20.0
			SW	SE	IRR	3.0
Section Acres						63.0
Total Acres						63.0

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:
75-02137

14. Remarks:
RIGHT # 75-02137 COVERS SOME OF THE SAME ACREAGE.
CHANGE OF OWNERSHIP 5/18/94 SC

15. Basis of Claim: STATUTORY CLAIM

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: A75-04199

Date Received: 4/24/1990

Receipt No: MDD 6709

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W. M. CONKLIN 208-876-4464
Address: HC 62, BOX 1040
ELLIS, ID 83235

OR

Name: FLORENCE A. CONKLIN 208-876-4464
Address: HC 62, BOX 1040
ELLIS, ID 83235

2. Date of Priority: MAY 01, 1889

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

4. Point of Diversion:

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

5. Description of diverting works:
DAM, HEADGATE & DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.500		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is 157.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE.

A75-04199

Page 1

Date: 04/24/90

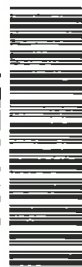
SCANNED

JAN 08 2008

MICROFILMED

DEC 15 1992

A7504199



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
17N	20E	10	SW		NW		IRR	10.0
			NE		SW		IRR	5.0
			NW		SW		IRR	25.0
			SE		SW		IRR	20.0
			SW		SE		IRR	3.0
							Section Acres	63.0
							Total Acres	63.0

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:
75-02137

14. Remarks:
RIGHT # 75-02137 COVERS SOME OF THE SAME ACREAGE.

15. Basis of Claim: STATUTORY CLAIM

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: _____

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 Conklin Date: 4/24/90

Date: _____

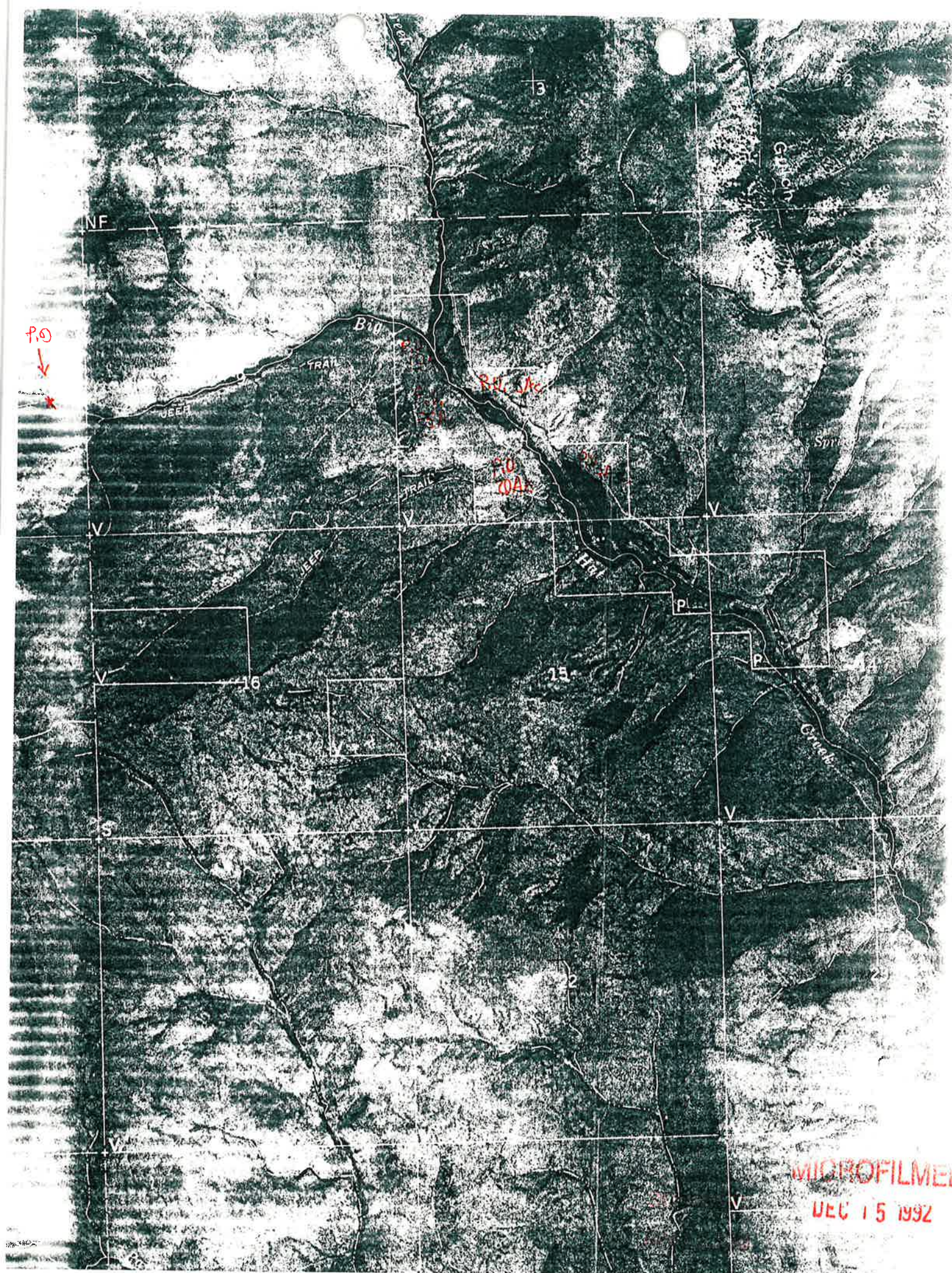
State of Idaho)
County of LEMHI) SS.

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

Forrest E. Luthy
Notary Public

Seal

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



MICROFILMED
DEC 15 1992

11/17/2006

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

RIGHT NUMBER: 75-4199

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

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: 05/01/1889

POINT OF DIVERSION:

T17N R20E S8 NWNESE 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
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T17N R20E S10	NESW	0.50	T17N R20E S10	SESW	5.90
T17N R20E S10	SWSE	3.40	T17N R20E S15	NWNE	6.50

STOCKWATER same as IRRIGATION

16.3 ACRES TOTAL

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 - Beneficial Use