

Review Memo

Date: October 29, 2020
From: Craig Saxton
Re: Priority date for 87-11197

Claimed priority date is 12/31/1890.
The priority date explanation on the claim states:

“APPROXIMATE DATE PROPERTY FIRST HOMESTEADED AND WATER PUT TO BENEFICIAL USE,
FIRST HOUSE LATER REPLACED WITH CURRENT ONE.”

Patent Review: The claimed POU falls within property acquired under Patent No 2377 issued to Annie J. Daniels of Latah County in 12/1/1891 under the Land Act of 1820 (“1820 Act”). The 1820 Act allowed for purchase of public lands without having necessarily developed the property.

The patent date post-dates the claimed priority date. The issuance of the patent is not, in itself, evidence that domestic use was developed at the time the patent was issued.

Parcel Data: Year Built shown on tax lot records is 2009. The claim notes that the original home was replaced with the current home.

Aerial Photography: Aerial photography obtained from the USGS Earth Explorer website has photography dated 7-30-1947, that covers the claimed place of use:

1947, 07-30



1947 photo shows what appears to be a domestic residence/development.
Recommending priority date supported by the available aerial photography of 7-30-1947.

THE UNITED STATES OF AMERICA,

To all to whom these Presents shall come, Greeting:

CERTIFICATE

No. 2377

Idaho

Whereas

Annie J. Daniels of Latah County

has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Lewiston Idaho whereby it appears that full payment has been made by the said

Annie J. Daniels

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the North East quarter of the South East quarter, the South East quarter of the North East quarter, and the Lot numbered four of Section four in Township thirty eight North of Range five West of Boise Meridian in Idaho, containing one hundred and fifty-eight acres and ninety six hundredths of an acre

according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said Annie J. Daniels

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant unto the said Annie J. Daniels

and to her heirs, the said Tract above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said

Annie J. Daniels

and to her heirs and assigns forever; subject to any

vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof

I Benjamin Harrison

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the first

day of December, in the year of our Lord one thousand eight hundred and ninetyone, and of the Independence of the United States the one hundred and sixteenth

By the President:

Benjamin Harrison

By

W. M. Magrison, Secretary

J. R. Cornwell

Recorder of the General Land Office

ad interim

1893

L. S.