

**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 BEAR RIVER BASIN WATER SYSTEM**

RECEIVED

DEC 05 2023

CIVIL CASE NUMBER: 79576

Claim ID: 11-7501

Date Received: 12/2/23

Receipt No: P000680

Claim Fee: 4050.00 By: MB

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

IDWR/Preston

Please type or print clearly

1. Name of claimant(s) Black Otter Irrigation Company Phone (208) 681-4794
Mailing address PO Box 68 Dingle ID 83233
Street or Box City State
Email address (optional) ipsencattlecompany@yahoo.com
2. Date of priority: (Only one per claim) 4/15/1877 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Bear River
which is tributary to (b) Great Salt Lake
4. a. Location of point of diversion is: Township 14S, Range 45E, Section 8,
SE 1/4 of SW 1/4, Govt. Lot _____, BM, County of Bear Lake
Parcel no. _____
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Black Otter Canal with rock diversion dam and concrete headgate on Bear River.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Stockwater purposes from 1/01 to 12/31 amount 20 or _____

For Wildlife purposes from 1/01 to 12/31 amount 20 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 20 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Stockwater - 7,280 head of range cattle; Wildlife - 10,000 waterfowl

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Place of use is within Black Otter Service Area

Parcel no(s). _____ Total number of acres irrigated NA

10. In which county(ies) are lands listed above as place of use located? Bear Lake

11. Do you own the property listed above as place of use? Yes () No (☒)
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

13. Remarks (Include an explanation of the priority date selected):

Priority date is based upon the Terrell Decree, as described more fully in Attachment 1. Memorandum dated July 31, 2023 Re: Stock water claims to accompany irrigation claims based on rights decreed in the Terrell Decree of 1924.

Claimant is the owner of the water rights delivered through the Black Otter Canal and serves patrons, who are the underlying land owners.

Attachment 2: Supplemental POU List.

Water is delivered through the Black Otter system year round to provide water to patrons for stock and wildlife. Affidavits from patrons supporting off-season stockwatering use were provided with the original statutory claim in 2002 and are located within the water right backfile of 11-7501. In addition, Attachment 3 includes a map of parcels that use stockwater and affidavits from current patrons identifying stockwater use year-round. The use of this right for stockwater during the irrigation season does not increase the total diversion from the Black Otter headgate and is not cumulative with the irrigation water rights.

Name of claimant(s) Black Otter Irrigation Company Claim ID _____

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License () Permit () Decree (☒)

Court 5th Jud. District Decree Date March 7, 1924 Plaintiff v. Defendant Pres-Mont. Irr. vs. Dingle Irr.

If applicable provide IDWR Water Right Number 11-7501

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System 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: 3

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

President _____ of Black Otter Irrigation Company
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Mark Ipsen Date 12-5-23

Printed Name of Authorized Agent Mark Ipsen

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) _____, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Name of claimant(s) Black Otter Irrigation Company Claim ID _____

Attachment 1



Memorandum

From: Bryce A. Contor, Principal Hydrologist
To: Bear River Basin Adjudication Claim Files
Date: July 31, 2023

Re: Stock water claims to accompany irrigation claims based on rights decreed in the Terrell Decree of 1924

A March 7, 1924 decree between the Preston-Montpelier Irrigation Company, plaintiff, and Dingle Irrigation Company and others, defendants, in the District Court of the Fifth Judicial District of Idaho is commonly known as the "Terrell Decree." Based on a stipulation adopted as "findings of fact," with "conclusions of law being waived," it established water rights subsequently numbered by Idaho Department of Water Resources (IDWR) as 11-0895 through 11-0953. With three exceptions, these rights were authorized to be diverted from the Bear River upstream of the "Stewart Dam," which is the point of diversion for the Rainbow Canal that diverts the Bear River into a canal that eventually delivers water to Bear Lake. One exception is that the Black Otter right 11-0908 is authorized for diversion from Black Otter Slough instead of the Bear River. The other two exceptions are the Points of Diversion (PODs) for 11-0909 and 11-0953, both for the West Fork Irrigation Company. The POD for 11-0909 is described in a quarter-quarter section that is distant from the Bear River, both in modern maps and in the 1873 and 1888 Government Land Office surveys. The POD for 11-0953 is not described, but it requires release of water from the "Wardboro Dam," presumably to be conveyed downstream in the river to be diverted from the West Fork Irrigation Company POD under 11-0909.

The Terrell Decree does not explicitly establish rights for stock water. This memo outlines an exploration of the underlying data and records and offers an interpretation of the meaning of 11-0953 and its implication for Bear River Basin Adjudication claims for stock water use under the Terrell Decree. It also considers historical factors separate from the Decree.

1) Local parlance and understanding at the time of the Decree

The 1899 version of Idaho Code 42-111 defined "domestic purposes" to include "water for the household, and a sufficient amount for the use of domestic animals kept with and for the use of the household."¹ In 1899, pre-dating widespread use of automobiles and agricultural tractors, this would have included not only dairy animals, meat animals and poultry for the household, but horses, mules and/or oxen for transportation and for agricultural power uses.

The Dietrich Decree² preceded the Terrell Decree by three years and had an adjacent geographical jurisdiction. Whether or not its vocabulary was directly adopted by Judge Terrell, it is illustrative of local parlance from the same era. It first indicates that irrigation rights "include the right to divert and use water for irrigation, culinary, domestic and agricultural uses connected therewith, throughout the irrigation season."³ The next paragraph indicates that explicitly-decreed rights for domestic use include water for "watering stock and culinary purposes" and finally the Decree clarifies⁴ that irrigation rights explicitly include provision for domestic uses outside the irrigation season.

It appears that livestock watering was redundantly provided in 1920; by 42-111 as it then existed, by the Dietrich Decree reiteration that domestic uses include stock watering, without the household-animals restriction, and by specifying that that both *irrigation* and *agricultural uses* are provided by an irrigation right. While Dietrich does not enumerate what non-irrigation agricultural uses would be, it seems reasonable that livestock watering would have been considered an authorized non-irrigation agricultural use of water. In other words, per Idaho Code 42-111 and per the Dietrich Decree, the local parlance in 1924 would have assumed that Domestic uses and Irrigation uses both include stock watering.

2) Internal evidence in the Terrell Decree

The Terrell Decree is silent on stock water, but as discussed above, it is highly probable that both Irrigation and Domestic uses were taken to include stock water usage.

Terrell has an explicit provision for domestic uses under a provision later numbered as right 11-0953:

*"[T]here shall be allowed to pass by the Wardboro Dam in Bear River five cubic feet per second of water at all times for the use of the West Fork Irrigation Company for culinary and domestic purposes."*⁵

¹ Givens Pursley Water Law Handbook, January 20, 2023, footnote 151 on page 71.

² Case 203 in Equity in the District Court of the United States for the District of Idaho, Eastern Division, between Utah Power and Light Company, plaintiff, and Last Chance Canal Company Limited and others, defendants.

³ 4th paragraph of Section 3 under Heading 1.

⁴ 5th paragraph of Section 3 under Heading 1..

⁵ First paragraph under right 11-0953

Unfortunately, the location of the Wardboro Dam is never specified, and the decreed POD for West Fork Irrigation seems to be a mistake. The record appears to support the following interpretations:

a) Location of the Wardboro dam

The 1967 U.S. Geological Survey Montpelier, Idaho 7.5-minute topographic quadrangle maps a small community named "Wardboro" just north of the Bear River about one-half mile upstream of the Stewart Dam. A sign on the railroad observed in 2023 indicates "Wardboro" at about the same location. Figure 1 and Figure 2 show the front and back of a historical photograph provided by the Ream Crockett canal water users in the spring of 2023.



Figure 1. Historical photo of Wardboro Dam.

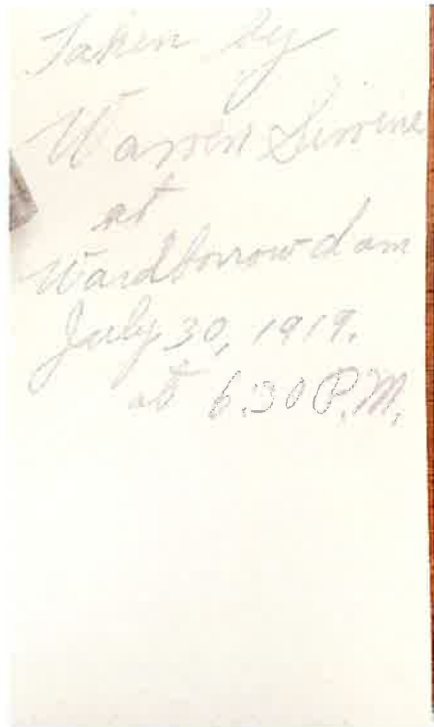
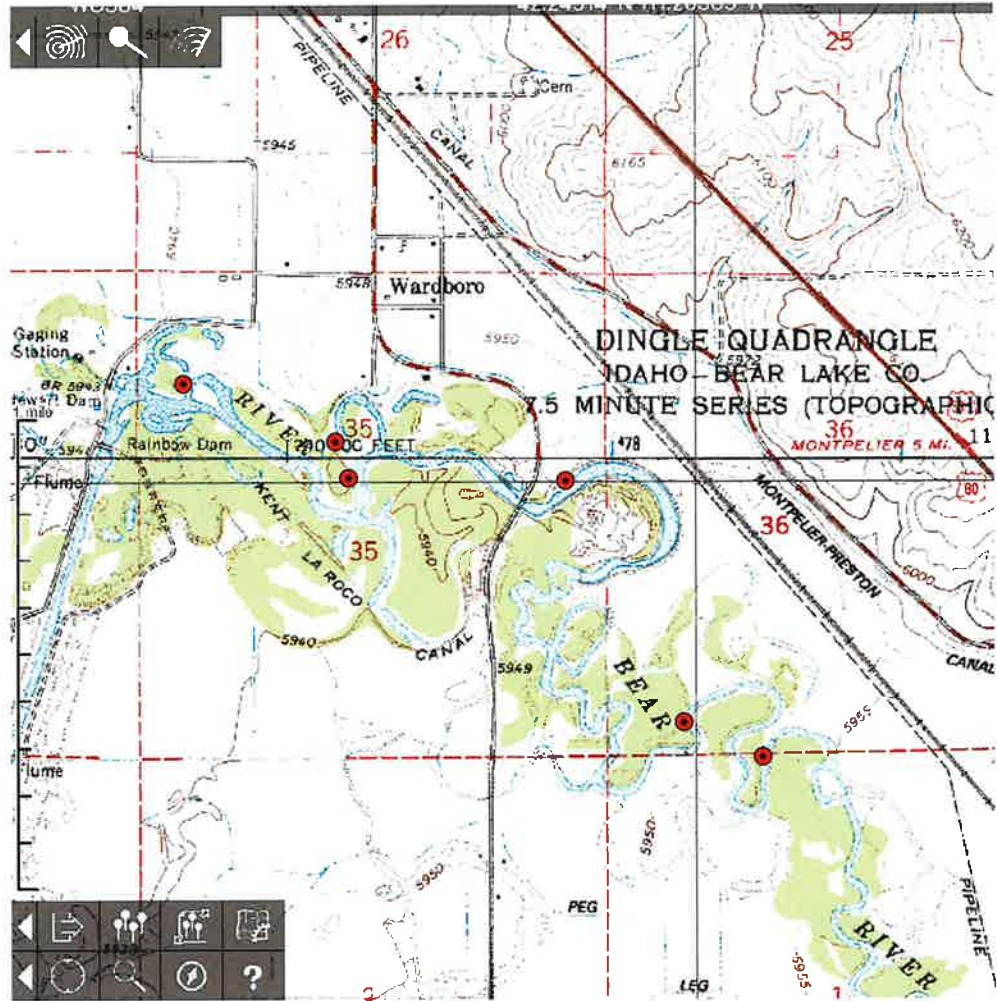


Figure 2. Notation on the back of the photo shown in Figure 1.

The photo shows water flowing from left to right across the Wardboro Dam with hills clearly visible in the background. Unless the negative had been reversed during printing, this means that the Wardboro Dam was on a location on the river where water flowed to the south or southwest. Because the geographical extent of the Dietrich Decree starts at Stewart Dam just downstream of the town of Wardboro, the Geographic Information System (GIS) search was limited to locations upstream of Stewart Dam. Because the dam was identified by the name "Wardboro" and not "Dingle," the search was limited to locations downstream of Dingle. Figure 3 shows the candidate locations identified from the 1960s-era topo maps, which are nearer in time to the date of the decree than are available aerial images. Some of these candidates assume that what is a side channel or oxbow on the map could have been the main channel in the early 1900s.

Candidate Locations - Wardboro Dam



660 0 660 Feet

● Possible Wardboro Dam

Base Map: USGS Montpelier &
Dingle Topo Maps

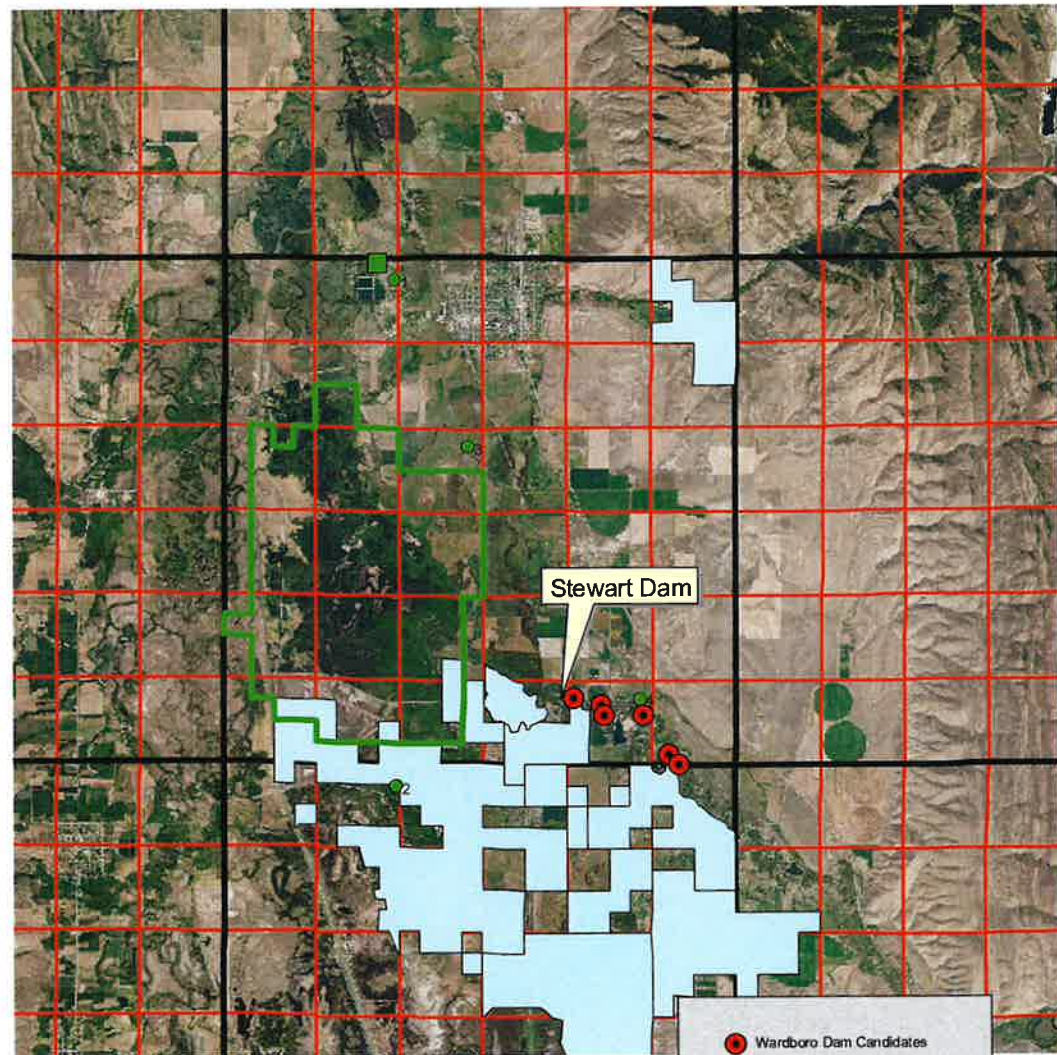
Date Created: 7/31/2023

Figure 3. Possible locations of Wardboro Dam.

b) Location of the West Fork Irrigation POD

Figure 4 shows the decreed POD for 11-0909 for West Fork Irrigation, along with four candidates for alternate POD locations. It also shows the Places of Use (POUs) for West Fork Irrigation and for the other Dingle-area Terrell Decree users. The POU shown on the hillside east of Montpelier must be a mistake; it is for right 11-0904, which is diverted from the Bear River at substantially lower elevation. Setting aside this mistake, all other Terrell Decree POUs are topographically upstream of the West Fork Irrigation POU.

Candidate Locations - 11-0909 POD



Date Created: 7/31/2023

Base Map: 2021 USDA NAIP

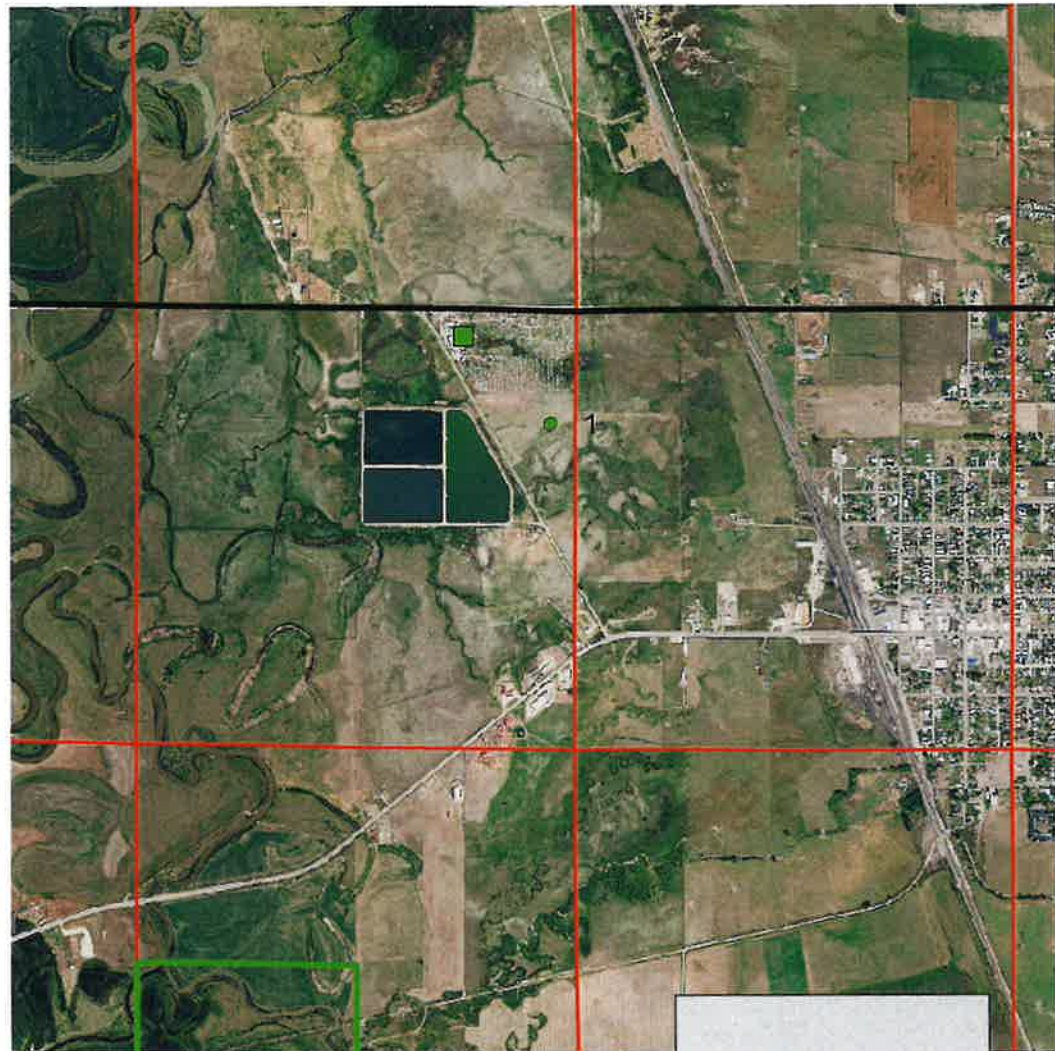
Figure 4. Candidate locations for POD for 11-0909, West Fork Irrigation.

i) Decreed location and candidate 1

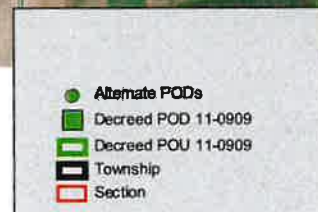
Candidate 1 differs from the Decreed location only in the bearing taken from the quarter-section corner per the metes and bounds description in the Decree. Figure 5 shows that neither the Decreed location nor Candidate 1 have obvious surface connection to the Bear River, and generally are downstream or at least downhill of Stewart Dam. Since the Dietrich Decree governs the river downstream of Stewart Dam and the Terrell Decree does not purport to supersede Dietrich, these locations are unlikely.

In addition, these two candidates are topographically downhill of the decreed POU, which also is improbable.

Candidate Location Detail - 11-0909 POD



1320 0 1320 2640 Feet



Base Map: 2021 USDA NAIP

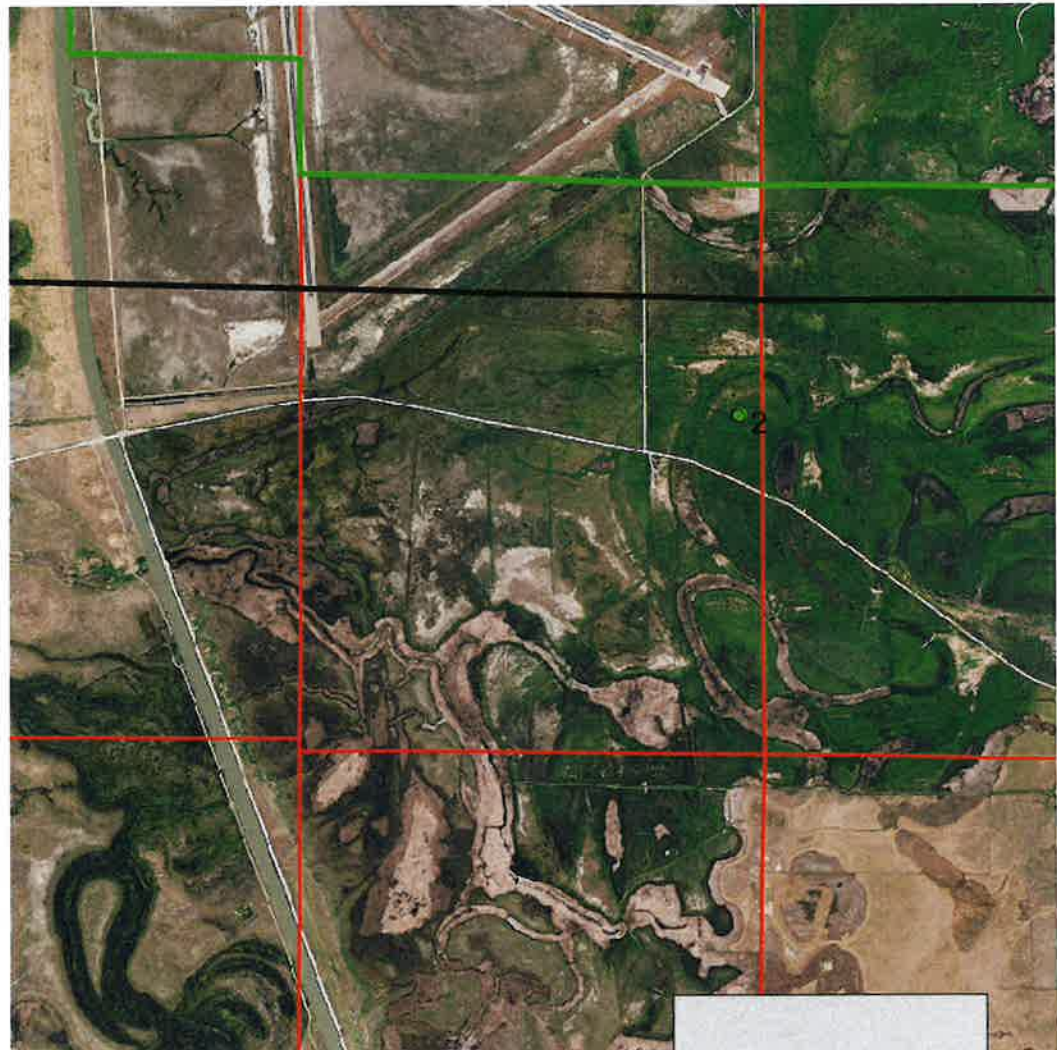
Date Created: 7/31/2023

Figure 5. Detail location of Decreed location and Candidate 1.

ii) Candidate 2

Figure 6 illustrates Candidate 2, which uses the same section and metes and bounds as Candidate 1, but in Township 14 South instead of Township 13 South. It is topographically uphill of the POU, but is not near the Bear River.

Candidate Location Detail - 11-0909 POD



Date Created: 7/31/2023

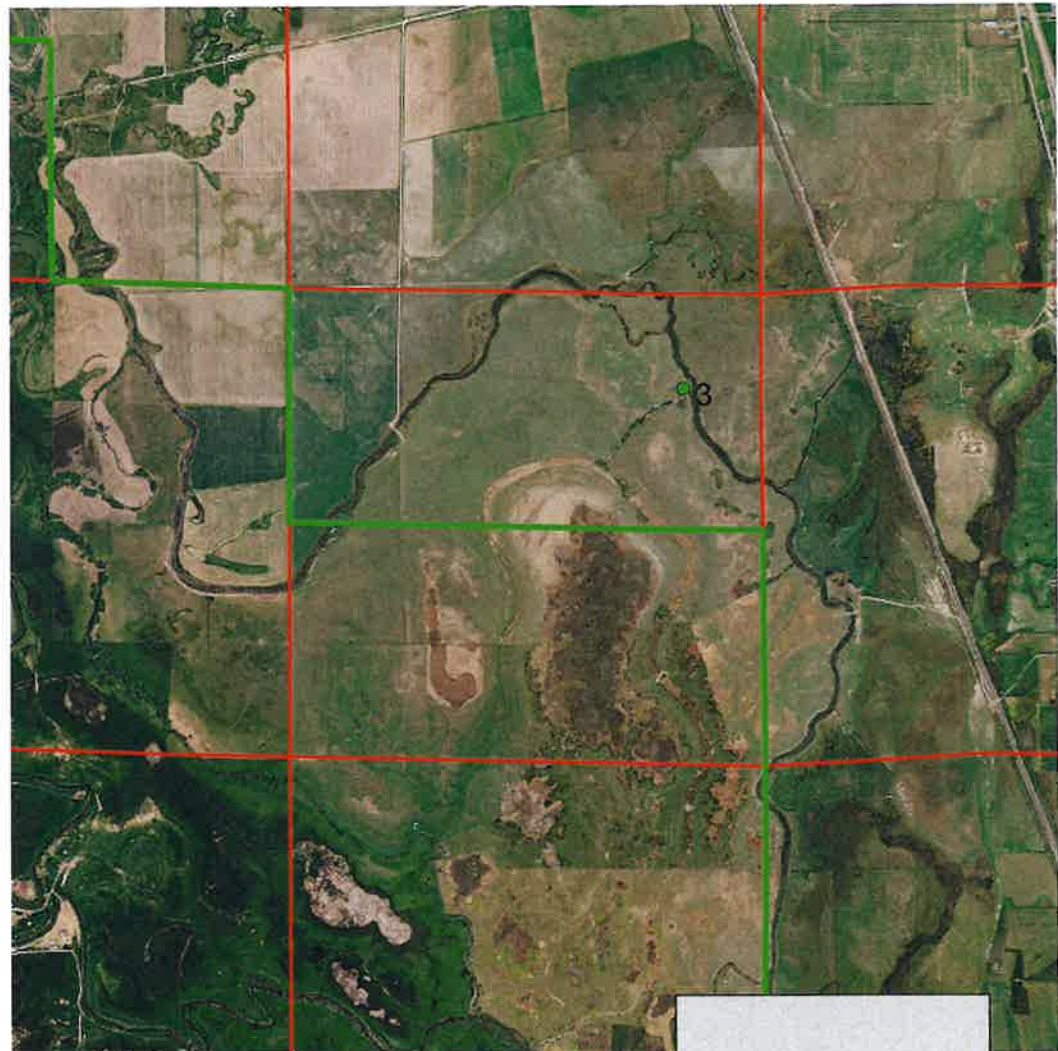
Base Map: 2021 USDA NAIP

Figure 6. Detail location of Candidate 2.

iii) Candidate 3

Candidate 3 was obtained by using the Decreed location, but substituting Section 15 for Section 5, on the possibility that a digit was omitted in the Decree. It is shown in Figure 7 and Figure 8.

Candidate Location Detail - 11-0909 POD



1320 0 1320 2640 Feet

- Alternate PODs
- Decreed POD 11-0909
- Decreed POU 11-0909
- Township
- Section



Base Map: 2021 USDA NAIP

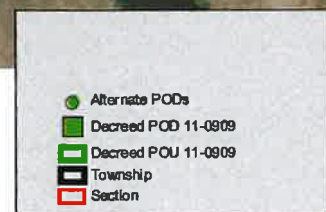
Date Created: 7/31/2023

Figure 7. Detail of Candidate 3.

Candidate Location Detail - 11-0909 POD



100 0 100 200 Feet



Date Created: 7/31/2023

Base Map: 2021 USDA NAIP

Figure 8. Detail of Candidate 3 with GoogleEarth insert.

Candidate 3 appears to actually represent an active diversion, and topographically it makes some sense. However, it is downstream of the Stewart Dam, so there is a jurisdictional difficulty with the Dietrich Decree. There also is a practical difficulty; the Dietrich Decree authorized diversion of the entirety of the river at Stewart Dam, so the only available supply would have been leakage at Stewart and springs or other tributaries between Stewart and the POD. From the image it appears that these mechanisms do generate divertible quantities of water, but that leaves open the question of what would have been the purpose of requiring bypass at Wardboro Dam.

iv) Candidate 4

Substituting "Section 25" for "Section 5" would place the POD on a dry hillside, so that possibility was not considered. Figure 9 shows the result of substituting "Section 35" for "Section 5."

Candidate Location Detail - 11-0909 POD



1320 0 1320 2640 Feet

- Wardboro Dam Candidates
- Alternate PODs
- Decreed POD 11-0909
- Township
- Section

N

Date Created: 7/31/2023

Base Map: 2021 USDA NAIP

Figure 9. Detail of Candidate 4.

Candidate 4 is above Stewart Dam, below some of the Wardboro Dam candidates, and topographically uphill of the decreed POU. However, no active POD appears near the candidate location.

v) Conclusion regarding West Fork Irrigation POD

The Decreed location, Candidate 1 and Candidate 2 are rejected based on distance from the Bear River. The Decreed location and Candidate 1 are further rejected because they are outside the geographic scope of the Terrell Decree.

Candidate 3 appears to be an active diversion, and except for being downstream from Stewart Dam it seems reasonable. Candidate 4 appears to fit all the historical requirements but does not appear to be an active diversion.

The most reasonable conclusion is that Candidate 4 represents the POD location at the time of the Decree, and that Candidate 3 represents an accomplished change in POD that occurred sometime after the Decree and before the 2021 aerial image. If this is the correct interpretation, it means that leakage at Stewart Dam and/or springs and tributaries provide enough water to satisfy the needs at the POD.

vi) "Meadow Rights" vs. "Agricultural Rights" in the Terrell Decree

The Decree distinguishes between "Agricultural Rights" for lands "which have been irrigated and cultivated for the production of crops" and "Meadow Rights" for lands "along the Bear River producing what is commonly called 'wild hay' or 'meadow grass.'" In both cases, cropping and harvesting imply livestock for motive power, dating back to the decreed priority dates. In the case of "Meadow Rights," direct grazing and/or harvesting of large quantities of hay imply production of livestock for sale in addition to livestock for household uses and for motive power.

3) Government Land Office Survey Information

Townships 13 South and 14 South, Ranges 43 East and 44 East, were surveyed in 1873 and 1888. Inventory of land use was not a purpose of these surveys, though sometimes details on human infrastructure and/or land use are provided on the maps or in the field notes. Rocky Mountain Environmental Associates, Inc. (RMEA) obtained the maps and field notes of both surveys. The only helpful indications were in the 1873 survey notes. One was a notation that a certain line bears "from a corral," and the other was that some areas were indicated to include "a fair amount of farmland," which in 1873 necessarily meant livestock power for drawing farming implements.

Two patent files were obtained for farms/ranches in the general area, and are attached. The 1898 "Homestead Proof - Testimony of Witness" documents for the James Anderson patent

indicate that improvements include a "stable" and a "corral," both directly indicating livestock. They also indicate that the use of the land is "hayland" and that a "stackyard" is present. These indirectly indicate agricultural production, and in 1898 it is highly likely that most or all of the motive power for agriculture was draft animals. The "Homestead Proof - Testimony of Claimant" is consistent.

The 1886 "Homestead Proof - Testimony of Witness" and "Homestead Proof - Testimony of Claimant" documents indicate "stables, sheds, fencing" and that in the Claimant's absence the family has "resided and cultivated the land." The testimony of John A Sutton indicated that the Claimant "Has raised crops for 8 seasons," which would date agricultural production and associated draft animal use back to 1878. The Claimant testified that he had "raised crops for ten years," which would put the start of draft animal use in 1876.

4) Conclusions

The primary conclusion of the information presented above is that livestock and therefore stock watering would have been integral parts of the agricultural operations dating back to the decreed priority dates. Given the descriptions of the Terrell Decree, general land types, and current practices, it is likely that these predominantly were livestock operations, and current numbers of livestock likely are representative of original practice.

Also supported is a notion that the Terrell Decree implicitly meant to authorize this integral stock watering practice, again supporting the decreed priority dates as the priority dates for stock water use.

The most reasonable explanation for the explicit allowance for a domestic-water bypass for West Fork Irrigation is that of all the PODs authorized by the Terrell Decree, only its POD was below the Wardboro Dam. The interpretation is that it was deemed necessary to require enough bypass that West Fork Irrigation could enjoy the same domestic uses that the other users could enjoy. The explanation for omission of a similar allowance for other users is that there was no need for a bypass provision for PODs that were upstream of the Wardboro Dam. Further, the provision labeled as right 11-0953 does not authorize *diversion*; it only requires bypass of water, presumably to be diverted downstream as authorized under 11-0909. Even though 11-0953 requires *bypass* for culinary and domestic purposes, 11-0909 does not mention these explicitly, again supporting the notion that these are implicit in the decreed rights.

Dear Patron:

We regret that the enclosed photocopies are the best we were able to obtain using our normal reproduction process. This is caused primarily by the age and faded conditions of some of the documents from which these copies are made.

BEST AVAILABLE COPY



Final Certificate No. 2377

Homestead Application No. 3359

~~Patent to certain reservation according~~
~~to proviso to the Act of Aug. 30, 1890~~

LAND OFFICE

48

Blanchford, Idaho

January 21, 1898.

Sect. 18, Town. 14 S, Range 44 E

341

DIV. C, List No. 12

Approved March 21, 1898,

W. H. R. Co., Clerk,

Division "C"

Patented April 18, 1898

Recorded, Vol. 16, page 364

77-9-1161

(4-196.)

HOMESTEAD.

Land Office at BLACKFOOT, IDAHO.

January 21, 1898.

FINAL CERTIFICATE.

No. 2377

APPLICATION,

No. 3359

It is hereby certified That, pursuant to the provisions of Section No. 2291, Revised Statutes of the United States, James Anderson has made payment in full for East 1/2 of the Northwest quarter and lots seven and eight **THE ACT ACCORDING TO THE PROVISIONS OF THE ACT OF AUGUST 30TH, 1890.**

of Section No. 18, in Township No. 14 South, of Range No. 44 East, of the 13 ¹³ Principal Meridian Idaho, containing One hundred sixty four 8/100 acres.

Now, therefore, be it known, That on presentation of this Certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said James Anderson shall be entitled to a Patent for the Tract of Land above described.

Lorenzo R. Thomas,
Register.

(4-140.)

Final Receiver's Receipt No. 2377

Application No. 3359

HOMESTEAD.

Receiver's Office, Blackfoot Idaho

January 21, 1896

Received of James Anderson the sum
of Six dollars 00 cents,

being the balance of payment required by law for the entry of the
E 2 of the NW 1/4 and Gato River and Eight

of Section 16 in Township 14 South of Range 44 East
containing one hundred and sixty four ^{84₁₀₀} acres, under Section 2291 of the
Revised Statutes of the United States.



George B Rogers
Receiver.

\$1.25 Testimony fee received. Number of written words, 781

Rate per 100 words 22 1/2 cents.

0-1

6 1/2 NW 1/4 Sec 18, T14S, R44E.

CHIK

HOMESTEAD.

APPLICATION

No. 3359

Land Office at

BLACKFOOT, IDAHO.

July 5th, 1897I, James Anderson, of Paris, Bear
Lake Co., Idaho, do hereby apply to enter, under Section 2289,Revised Statutes of the United States, the E²NW⁴ and Lots
7+8 of Section 18, in Township 14 S of
Range 4th East 1st M., containing 164 8⁴ 100 acres.James Mark Anderson
his

Land Office at

Blackfoot, Idaho

July 5, 1897

I.

Perry J. Anson

REGISTER OF THE LAND OFFICE.

do hereby certify that the above application is for Surveyed Lands of the class
which the applicant is legally entitled to enter under Section 2289, Revised
Statutes of the United States, and that there is no prior valid adverse right
to the same.Perry J. Anson

Register.

[4-007.]

No. 3359

HOMESTEAD APPLICATION.

James Anderson

Paris, Idaho

July, 1892

Sect. 18, Town 14S, Range 44E

6-304

For Eileen Per Cash
Entry No. 1166

1600

78-114

FINAL HOMESTEADS.

Register and Receiver's Report.

H. E. 33 59 F. C. 2377 District BLACKFOOT,

1. Was proof prematurely made? *Ans.* Yes
(Instructions 1.)
2. Was proof made after 7 years from date of entry? *Ans.* No
If so, did you apply Instructions 2? *Ans.* Yes
3. State No. of weekly insertions of published notice. *Ans.* Six
Was notice definite as to time, place, and officer to take the proof? *Ans.* Yes
Was proof taken (a) by officer advertised? *Ans.* Yes
Was proof taken (b) on day advertised? *Ans.* Yes
Was proof taken (c) at place advertised? *Ans.* Yes
Was land properly described in published notice? *Ans.* Yes
Were names of witnesses properly published? *Ans.* Yes
(See Instructions 3.)
4. Was officer legally qualified to take the proof? *Ans.* Yes
(See Instructions 4.)
5. Was all the proof taken before the same officer? *Ans.* Yes
6. Has he properly signed and attested the proof papers? *Ans.* Yes
7. Have you signed all necessary papers? *Ans.* Yes
8. Are names of claimant and witnesses properly signed to all the papers? *Ans.* Yes
9. Do they agree with published notice? *Ans.* Yes
10. Have you compared description and names in the original proof and final entry papers and found them correct? *Ans.* Yes
11. Are proof of publication and posting of notice correct? *Ans.* Yes
(No interlineations or erasures of published notice will be permitted.
Fernandez, 6 L. D., 379.)
12. Are any papers lost, not dated, not signed, or sealed, if necessary? *Ans.* No
13. Was any witness substituted? *Ans.* No
14. Are all absences fully explained? *Ans.* Yes
15. If claimant fully naturalized, are original papers furnished?
Ans. Yes
If not, did officer taking proof certify a copy of original papers (not a copy of a copy)? *Ans.* Yes
16. Was residence established within 6 months from date of entry?
Ans. Years before
If not, require reason for failure, and if sufficient excuse is given, issue certificate, as in other cases.
(Nilson vs. St. P., M. & M. Ry., 6 L. D., 567.)
17. Have you any doubt of claimant's having complied in good faith with the law? *Ans.* No
18. Have you any reliable information outside of the record which casts suspicion on this entry? *Ans.* No

(See Certificate on back.)

CIRCULAR OF INSTRUCTIONS
TO
REGISTERS AND RECEIVERS
FOR TAKING AND PASSING ON FINAL PROOF.

RULE 1.—PREMATURE FINAL PROOF.

Reject all Final Proofs prematurely made, viz:

In Pre-emptions and Commuted Homesteads, before the expiration of 6 months from date of establishing a bona fide residence.

In Final Homesteads, before the expiration of 5 years from date of entry, except: 1. Where residence is allowed before entry, (Act June 14, 1878, Act May 14, 1880.) 2. Where credit is allowed for military or naval service. Secs. 2304-5-6 and 2291, R. S. U. S.

In Timber Cultures.—1. Before the expiration of 8 years from date of entry. 2. Before the expiration of 8 years from the date when the total number of trees, seeds, and cuttings required by law are planted.

Cir. July 12, 1887, Sec. 23.

In Timber and Stone Entries, before the expiration of 60 days publication, as required by law, (10 weekly insertions.)

20 Stat., 89, Sec. 3; Cir. '84, p. 97; 2 L. D., 709; 4 L. D., 282.

In all cases, before the expiration of the time of publication and the day fixed.

See Rule 3.

RULE 2.—LAPSED FINAL PROOF.

When final proof is taken (or offered) after lapse of statutory period, viz:

In Final Homesteads, after 7 years from date of entry.

In Timber Cultures, after 13 years from date of entry.

In Desert Entries, after 3 years from date of entry.

Require affidavit of party *making proof* of real *cause* of delay, withhold certificate, and forward all papers to this office for action.

NOTE.—In Pre-emption and Commuted Homesteads the above rule does not apply.

RULE 3.—PUBLISHED NOTICE OF FINAL PROOF.

~~§~~ The Register alone is responsible for the correctness of published notice. Act March 3, 1879. ~~§~~

Thirty days publication of notice (6 weekly insertions) of intention to make proof is required in—

Pre-emptions, Commuted Homesteads, and Final Homesteads, Act March 3, 1879; Cir. March 20, 1883.

Timber Cultures. Cir. July 12, 1887, Sec. 23.

Desert Entries. Cir. June 28, 1887, Sec. 13.

Town-sites. Cir. July 9, 1886, Sec. 12.

Timber and Stone Entries. Sixty days, (10 weekly insertions.)
Cir. July 12, 1887, Sec. 10.

The notice must contain—

(a) Correct description of land sought to be entered, and kind of entry to be made. Act March 3, 1879. (b) Correct names of witnesses and post-office address. Act March 3, 1879. (c) The *exact* day (not a holiday) when, and (d) the exact place *where*, proof is to be taken. (e) The officer's name and official designation who is to take proof.

c, d, e, Jacob Semer case, 6 L. D., 345; Lent case, 6 L. D., 110; Sherlock case, 6 L. D., 155.

NOTE.—C, d, e, must be unambiguous and not alternative, as in the Jacob Semer case (6 L. D., 345), viz: "before a Judge or Clerk of Court of Record."

NOTE 2.—All proof must be taken before the same officer: *Provided* pending cases, and those wherein notice of intention to submit proof has been published under a different practice, will not be affected by this requirement.

RULE 4.—OFFICERS AUTHORIZED TO TAKE FINAL PROOF.

In Preemption and Commuted Homesteads—

Register and Receiver; Clerk of County Court; Clerk of Court of Record. 21 Stat., 169; Cir., March 30, 1886.

In Timber Culture and Desert Entries—

Register and Receiver; Judge, or Clerk of Court of Record. T. C. Cir., July 12, 1887, Sec. 24; Desert Cir., June 28, 1887, Sec. 7.

In Final Homesteads—

Register and Receiver; Judge of Court of Record; Clerk of Court of Record (only) when Judge is absent. This fact must be certified by Clerk. Act March 3, 1877.

In Timber and Stone Entries and Town-sites—

Register and Receiver alone can take the proof. T. & S. Cir., July 16, 1887, Sec. 11; Town-site Cir., July 9, 1886; R. S., 2337.

NOTE.—Judges and Notaries Public can not take Preemption and Commuted Homestead Proof, except Probate Judges, who are *ex officio* their own clerks, and so certify. Cir., Oct. 27, 1884; Cir., March 30, 1886; 3 L. D., 154.

Judges, Clerks, and Notaries can not take proof in Timber and Stone Entries. Clerks can not take Final Homestead Proof unless Judge is absent, and they so certify.

RULE 5.

Registers and Receivers will approve no case, neither accept payment nor issue final certificate and receipt thereon, until the foregoing requirements are complied with. *Provided*, in exceptional cases of hardship, when non-compliance is no fault of claimant and his good faith appears, and no one protests against the entry, you will withhold certificate and receipt, and forward papers and explanatory affidavits to this office by special letter for instructions.

S. M. STOCKSLAGER,
Commissioner.

Approved:

WM. F. VILLAS,
Secretary.

Jan. 1, 1889.

CERTIFICATE.

We, the undersigned Register and Receiver, do hereby certify that the foregoing report was made after careful examination, and that the same is correct.

Lorenzo R. Thomas, Register.

Henry B. Rogers, Receiver.

January 21, 1898

CERTIFICATE AS TO POSTING OF NOTICE.

Land Office at BLACKFOOT, IDAHO.

Jan 21, 1878

I, Lorenzo R. Thomas, Register, do hereby
certify that a notice, a printed copy of which is hereto attached, was
by me posted in a conspicuous place in my office for a period of
thirty days, I having first posted said notice on the 6
day of Aug., 1897.

Lorenzo R. Thomas,
Register.

AFFIDAVIT OF PUBLICATION.

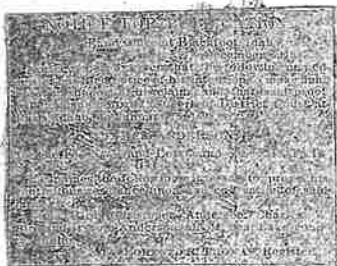
STATE OF IDAHO,
COUNTY OF BEAR LAKE.

I, EDITH WALLIS, DO SOLEMNLY SWEAR THAT I AM ASSISTANT
MANAGER OF THE POST, A WEEKLY NEWSPAPER OF GENERAL PUBLICATION, PUB-
LISHED ONCE EACH WEEK AT PARIS, BEAR LAKE COUNTY, IDAHO; THAT THE
NOTICE HERETO ATTACHED, AND WHICH IS A PRT OF THIS AFFIDAVIT, AND A
PART OF THE PROOF OF PUBLICATION, WAS PUBLISHED IN SAID NEWSPAPER FOR
SIX CONSECUTIVE WEEKS, FIRST PUBLICATION HAVING BEEN MADE ON THE 6TH
DAY OF DECEMBER, 1897; THAT SAID NOTICE WAS PUBLISHED IN THE ENTIRE
ISSUE OF EVERY REGULAR NUMBER OF SAID PAPER DURING SAID PERIOD OF
PUBLICATION, AND THAT SAID NOTICE WAS PUBLISHED IN THE NEWSPAPER AND
NOT IN A SUPPLEMENT.

Edith Wallis

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12TH DAY OF JAN-

JARY, 1898.



James H. Wallis
United States Commissioner

Ed. H. G.

NOTICE FOR PUBLICATION.

Land Office at Blackfoot, Idaho,
December 6, 1897.

Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before the Clerk of District Court at Pocatello, Idaho, on January 15, 1898, viz:

JAMES ANDERSON,

of the E $\frac{1}{2}$ NW $\frac{1}{4}$ and Lots 7 and 8, Sec. 18, Twp. 14, S. R. 44 E.

He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz:

John B. and Christopher Anderson, Charles V. Sted and Emma Anderson, all of Bear Lake county, Idaho.

LORENZO R. THOMAS, Register.

No. 1.--HOMESTEAD.

Land Office at Blackfoot, Idaho
Dec. 6th, 1897.

I, James Anderson, of Paris, Bear Lake Co. Idaho
 who made Homestead Application No. 3359 for the
E² NW⁴ and Lots 7 and 8 Sec 18, T² S. 14 E. R. 44 E.

do hereby give notice of my intention to make final proof to establish my
 claim to the land above described, and that I expect to prove my residence
 and cultivation before the Clerk of District Court
 at Paris, Idaho on Jan'y 15th, 1898.
 by two of the following witnesses:

Alma Bird, of Bear Lake Co.
Christopher Anderson, of ""
Charles V. Bird, of ""
Myrum Anderson, of ""

James Anderson
 (Signature of Claimant.)

Land Office at BLACKFOOT, IDAHO.

Dec. 6, 1897.

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

Forrester R. Thomas.
 Register.

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

James Anderson, of Paris, Bear Lake Co. Idaho, being first duly sworn deposes and says that he is the identical person who made N. E. No 3359, at the Blackfoot Idaho, Land Office, on the 5th day of July, 1892, for E² N² W² and Lots 7 and 8, Sec. 18, T² P. 14 S. R. 44 E.; that he has lost his duplicate Receiver's receipt and after diligent search is unable to find the same.

Witness to mark: ^{his} G. S. G. Paris, Idaho James^{mark} Anderson
Subscribed and sworn to before me at my
office in Paris, Bear Lake Co Idaho, this
15th day of January A. D. 1898.

G. S. G.

Clerk of the District Court 5th Judicial
District of the State of Idaho, in and for
Bear Lake County.

27
Affidavit
of
James Anderson

NON-MINERAL AFFIDAVIT.

This affidavit can be sworn to only on personal knowledge, and cannot be made on information and belief.
The non-mineral affidavit accompanying an entry of public land must be made by the party making the entry, and only before the officer taking the other affidavits required of the entryman.

UNITED STATES LAND OFFICE,

, 18

James Anderson, being duly sworn according to law, deposes
and says that he is the identical person who is an applicant
for Government title to the E 2 NW 1/4 and S 1/4 Sec. 18, Tp. 14 S. R.
44 E.

that he is well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that his personal knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to his knowledge, any placer, cement, gravel, or other valuable mineral deposit; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title to mineral land, but with the object of securing said land for agricultural purposes, and that his post-office address is

Paris, Bear Lake County, Idaho
Witness to mark; G. Spongliere his
Paris, Idaho James T. Anderson
mark

I HEREBY CERTIFY that the foregoing affidavit was read to affiant in my presence before he signed his name thereto;
that said affiant is to me personally known (or has been satisfactorily identified before me by _____
_____) and that I verily believe him to be a credible person and the person he represents himself
to be, and that this affidavit was subscribed and sworn to before me at my office in Paris, Bear Lake Co. Idaho
within the Blackfoot, Idaho land district, on this 15th day of
January, 18 98

G. Spongliere

Clerk of the District Court 5th Judicial
District of the State of Idaho, in and for
Bear Lake County.

NOTE.—The officer before whom the deposition is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law:

REVISED STATUTES OF THE UNITED STATES. TITLE LXX.—CRIMES.—CHAP. 4.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See § 1759).

NON-MINERAL AFFIDAVIT.

This affidavit can be sworn to only on personal knowledge, and cannot be made on information and belief.
The non-mineral affidavit accompanying an entry of public land must be made by the party making the entry, and only before the officer taking the other affidavits required of the entryman.

UNITED STATES LAND OFFICE,

18

James Anderson, being duly sworn according to law, deposes
and says that he is the identical person who is an applicant
for Government title to the Sec 14 NW and Lots 7+8 sec 18
Tp. 14 S. R. 44 East 34m. containing
16484 100 acres

that he is well acquainted with the character of said described land, and with each and every legal sub-
division thereof, having frequently passed over the same; that his personal knowledge of said land is such
as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within
the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin,
or copper, or any deposit of coal; that there is not within the limits of said land, to his knowledge, any
placer, cement, gravel, or other valuable mineral deposit; that no portion of said land is claimed for
mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is
worked for mineral during any part of the year by any person or persons; that said land is essentially non-
mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title
to mineral land, but with the object of securing said land for agricultural purposes, and that his post-office
address is Paris, Bear Lake Co. Idaho

James Anderson
his mark

I HEREBY CERTIFY that the foregoing affidavit was read to affiant in my presence before he signed
his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before
me by _____), and that I verily believe him to be a credible per-
son and the person he represents himself to be, and that this affidavit was subscribed and sworn to before

me at my office in Paris, Idaho, within the Blackfoot, Idaho
land district, on this second day of July, 18 92

Springberg
Chief of District Court, Bear Lake Co. Idaho

NOTE.—The officer before whom the deposition is taken should call the attention of the witness to the following sec-
tion of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testi-
fies falsely, to prosecute him to the full extent of the law:

REVISED STATUTES OF THE UNITED STATES. TITLE LXX.—CRIMES.—CHAP. 4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in
which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify
truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and con-
trary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and
shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than
five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such
time as the judgment against him is reversed. (See §1750.)

RECEIVER'S RECEIPT, No. 3359APPLICATION, No. 3359

HOMESTEAD.

Receiver's Office, BLACKFOOT, IDAHOJuly 5-2, 1892Received of James Anderson the sum
of Sixteen dollars _____ cents;

being the amount of fee and compensation of Register and Receiver for the

entry of E² N W⁴ and Lots 7 & 8_____ of Section 18 in
Township 14 South of Range 44 East, under
Section No. 2290, Revised Statutes of the United States.W. B. Davidson

Receiver.

\$16.00

NOTE.—It is required of the homestead settler that he shall reside upon and cultivate the land embraced in his homestead entry for a period of five years from the time of filing the affidavit, being also the date of entry. An abandonment of the land for more than six months works a forfeiture of the claim. Further, within two years from the expiration of the said five years he must file proof of his actual settlement and cultivation, failing to do which, his entry will be canceled. If the settler does not wish to remain five years on his tract, he can, at any time after fourteen months, pay for it with cash or land warrants, upon making proof of settlement and of residence and cultivation from date of filing affidavit to the time of payment.

See note in red ink, which Registers and Receivers will read and EXPLAIN THOROUGHLY to person making application for lands where the affidavit is made before either of them.

Timber land embraced in a homestead or other entry not commuted, may be cleared in order to cultivate the land and improve the premises, but for no other purpose. If, after clearing the land for cultivation, there remains more timber than is required for improvement, there is no objection to the entry appearing of the same. But the question whether the land is being cleared of its timber for settlement or as a speculation of profit which is liable to be raised at any time. If the timber is cut and removed for any other purpose it will subject the entry to cancellation, and the person who cut it will be liable to suit and for recovery of the value of said timber, and also to criminal prosecution under Section 2241 of the Revised Statutes.

HOMESTEAD AFFIDAVIT.

Land Office at _____

I, James Anderson, of Paris, Idaho, 1892
 having filed my application No. 3359, for an entry under section 2289, Revised Statutes of the

United States, do solemnly swear that I am not the proprietor of more than one hundred and sixty acres
 of land in any State or Territory; that I am a native born citizen of

the U.S. (born in Utah Terr), over the age of
21 years. I have not made a Homestead
Entry before

that my said 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 I will faithfully
 and honestly endeavor to comply with all the requirements of law as to settlement, residence, and culti-
 vation necessary to acquire title to the land applied for; that I am 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 I do not
 apply to enter the same for the purpose of speculation, but in good faith to obtain a home for myself, and
 that I have 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 I
 might acquire from the Government of the United States should inure in whole or in part to the benefit
 of any person except myself, and further, that since August 30, 1890, I have not entered under the land
 laws of the United States, or filed upon, a quantity of land, agricultural in character, and not mineral,
 which, with the tracts now applied for, would make more than three hundred and twenty acres.

I settled upon this land in the
summer of 1887 his
James Mark Anderson

Sworn to and subscribed before me this 2nd day of July, 1892

Esparberg
Clerk of District Court Ben Lake Co, Idaho

* Here insert statement that affiant is a citizen of the United States, or that he has filed his declaration of intention to become
 such, and that he is the head of a family, or is over twenty-one years of age, as the case may be. It should be stated whether appli-
 cant is native-born or not, and if not, a certified copy of his certificate of naturalization, or declaration of intention, as the case may be,
 must be furnished. (See page 45, circular of January 1, 1889.)

† Here add an exception, if any, of land settled upon prior to August 30, 1890, giving date of settlement commenced, and des-
 cribing improvements, and that the party has not heretofore made any entry under the homestead laws. c-4

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

Christopher Anderson, being called as witness in support of the Homestead entry of James Anderson for E. 1/4 Sec 18, T. 24 N., R. 10 E., testifies as follows:

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

Answer. Christopher Anderson, 58 years, Paris, Idaho

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

Ans. Yes; Yes.

Ques. 3.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. No; No; No.

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

Ans. Hayland

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

Ans. In 1888, in July 1892

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

Ans. Yes. Claimant is unmarried

Ques. 7.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. None

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

Ans. About 50 acres; 10 seasons

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

Ans. Dwelling house, stack yard, shed & stable, corral, Value \$2500

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes).

Ans. No

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

Ans. Not to my knowledge

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

Ans. No; Yes.

(Sign plainly with full christian name.)

Christopher Anderson

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed, and was sworn to before me this 15th day of January, 1898, at my office at Paris, in Blaine County, Idaho.

[SEE NOTE ON FOURTH PAGE.]

Sproulling
Clerk of the District Court, 5th Judicial
District of the State of Idaho, in and for
Blaine County.

(The testimony of witnesses must be taken at the same time and place, and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

entry of Nyrum Anderson, being called as witness in support of the Homestead
entry of Gamco Anderson for 62 NW 1/4 and Lots 7 and 8, Sec. 18 T. 142 N. R. 146., testifies as follows:

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

Answer. Nepheria Anderson, 21 years, Ames, Idaho

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

Ans. Yes; Yes.

Ques. 3.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. No; No; No.

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

Ans. Hayland

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

Ans. Jan 1888; in July 1892

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

Ans. Yes, the claimant is unmarried

Ques. 7.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. None.

Ques. 8.—How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon? *64 acres 1 season*

Ans. About 50 acres; 10 acres less.

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

Ans. Dwelling house, stack yard, shed stable, corral,
value \$2,000

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes)

Ans. No

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

Ans. Not that I know of

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

Ans. No; Yes.

(Sign plainly with full christian name.)

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed, and was sworn to before me this 15th day of January, 1898, at my office at Pais, in Blaine Lake County, Idaho.

[SEE NOTE ON FOURTH PAGE.]

Clerk of the District Court 5th Judicial
District of the State of Idaho, in and for
Bear Lake County.

(The testimony of witnesses must be taken at the same time and place, and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)

HOMESTEAD PROOF—TESTIMONY OF CLAIMANT.

James Anderson, being called as a witness in his own behalf in support of homestead entry, No. 3359, for E2NW4 and lots 7 and 8, Sec. 18, T4N. R. 44E. testifies as follows:

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

Ans. James Anderson, 30 years, Paris, Idaho

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

Ans. Yes; Utah

Ques. 3.—Are you the identical person who made homestead entry, No. 3359, at the Blackfoot, Idaho land office on the 5th day of

January, July 1892, and what is the true description of the land now claimed by you?

Ans. Yes; E2NW4 and lots 7 and 8, Sec. 18, T4N. R. 44E.

Ques. 4.—When was your house built on the land and when did you establish actual residence therein? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)

Ans. In 1888; in July 1892. Log dwelling house, track yard, shed stable, corral, value \$200.00

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

Ans. I am unmarried. Yes

Ques. 6.—For what period or periods have you been absent from the homestead since making settlement, and for what purpose; and if temporarily absent, did your family reside upon and cultivate the land during such absence?

Ans. None

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

Ans. About 5 acres; 10 seasons

Ques. 8.—Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade and business?

Ans. No; no; no

Ques. 9.—What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality, and for what purpose it is most valuable.

Ans. Hayland; Clay soil, most valuable for growing hay

Ques. 10.—Are there any indications of coal, salines, or minerals, of any kind, on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. No

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

Ans. No

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

Ans. No

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

Ans. No

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

Ans. None

Witness to mark: George H. King, Paris, Idaho

(Sign plainly with full christian name.)

James T. Anderson
mark

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

I HEREBY CERTIFY that the foregoing testimony was read to the claimant before being subscribed and was sworn to before me this 15th day of January 1898, at my office at Paris, Ben Lake County, Idaho.
[SEE NOTE BELOW.]
G. Sponberg
Clerk of the District Court, District of the State of Idaho, in and for Ben Lake County.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

TITLE LXX.—CRIMES.—Chapter 4.

Sec. 5392.—Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, wilfully, and contrary to such oath, states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (Sec. § 1750.)

(4-339.)
HOMESTEAD PROOF.
LAND OFFICE AT
BLACKFOOT, IDAHO.
Original Application No. 3359
Final Certificate No. 2977
Approved: Louisa R. Thomas, Register.
Gregory B. Rogers, Receiver.

FINAL AFFIDAVIT REQUIRED OF HOMESTEAD CLAIMANTS.

SECTION 2291 OF THE REVISED STATUTES OF THE UNITED STATES.

I, James Anderson, having made a Homestead entry of the E27N1W4 and
Lots 1 and 8, Section No. 18 in Township No. 14d.
of Range No. 44E., subject to entry at Blackfoot, Idaho
under section No. 2289 of the Revised Statutes of the United States, do now apply to perfect my claim thereto
by virtue of section No. 2291 of the Revised Statutes of the United States; and for that
purpose do solemnly swear that I am a native born
citizen of the United States; that I have made actual settlement
upon and have cultivated and resided upon said land since the — day of July 18 92
to the present time; that no part of said land has been alienated, except as provided in section 2288 of the Revised
Statutes, but that I am the sole bona fide owner as an actual settler; that I will bear true allegiance to the Government
of the United States; and, further, that I have not heretofore perfected or abandoned an entry made under the homestead
laws of the United States, except and that owing to the long distance and expenses I am unable to
make this affidavit at the District Land office
(Sign plainly with full christian name) James Anderson
Witness to mark: G. Sponberg, Clerk of District Court in and for Ben Lake County, Idaho
do hereby certify that the above affidavit was subscribed and sworn to before me this 15th day of
January 1898, at my office at Paris, in Ben Lake County,
Idaho.
G. Sponberg
Clerk

DELIVERY FORMAT: Electronic Transfer

NATIONAL ARCHIVES ORDER FOR COPIES
OF LAND ENTRY FILES

1. FILE TO BE SEARCHED: General Land Entry File

2. NAME OF ENTRYMAN (Last, First, and Middle
names):

Anderson James

3. LAND LOCATED IN STATE OF :

Idaho

4. APPROXIMATE DATE OF ENTRY:

Before 1908

5. PRE-1908 GENERAL LAND ENTRY FILES:

5a. SECTION NUMBER:

18

5b. TOWNSHIP NUMBER:

14S

5c. RANGE NUMBER:

44E

6. TYPE OF GENERAL LAND ENTRY:

Homestead Act

POST-1908 GENERAL LAND ENTRY FILES:

7. PATENT FINAL
CERTIFICATE OR
DOCUMENT NUMBER: 2377

8. TYPE OF GENERAL LAND ENTRY:

Blackfoot

9. SERIAL PATENT NUMBER:

BOUNTY LAND
WARRANT:

10. YEAR OF AUTHORIZING WARRANT:

11. WARRANT
NUMBER:

12. NUMBER OF ACRES:

Comments:

Page no. 364. Homestead Certificate no. 2377. Applicatoin 3359.

Item#	Item Description	Quantity Ordered	Quantity Balance	Quantity Fulfilled	Total Amount \$
FORM84	Land Entry File	1	0	1	\$50

**This is your packing slip. An invoice requiring payment
is included, if applicable.**

For issues or questions regarding your completed order you may contact
TrustFundSupport@nara.gov. Please review NARA's return policy available
under the FAQ section on <https://eservices.archives.gov/orderonline> before
initiating your request.

Order Information (NARA use only):

Service Ticket # : E11-844723079E

Customer Name: Bryce Contor

Customer Email: bryce.mea@gmail.com

Order Date: 07/31/2023 11:37:46

Prepared By: RDT1F

Unit Phone:

E11-844723079E
Bryce Contor
482 Constitution Way
Suite 303
Idaho Falls, ID 83402
USA

RDT1F

Mail
Immediately



Dear Patron:

We regret that the enclosed photocopies are the best we were able to obtain using our normal reproduction process. This is caused primarily by the age and faded conditions of some of the documents from which these copies are made.

BEST AVAILABLE COPY



Final Certificate No. 477

Homestead Application No. 275

Weyman S. Humphreys
LAND OFFICE

Oxford Idaho
AT
apl 22d, 1886

Sect. 11 S. 14, Town 14 S, Range 43 East

Recorded for prob. & reference to
B. of R. July 29. 1886, by S.E. Van Hook.
Div. C. C.

Approved....., 1886,

....., Clerk,

Division

Patented Apr 18, 1887, No. 94

Recorded, Vol. 1, page 462

78-41

HOMESTEAD.

Land Office at

Oxford Idaho

apl 22d, 1886

FINAL CERTIFICATE,

No. 4713

APPLICATION,

No. 275

It is hereby certified That, pursuant to the provisions of Section No. 2291, Revised Statutes of the United States, Hyrum T Humphreys has made payment in full for Sr SW 1/4 Sec 11 - and N 2
SW 1/4 -

of Section No. 14, in Township No. 14 South, of Range No. 43 East, of the Boise Principal Meridian, containing 160 100 acres.

Now, therefore, be it known, That on presentation of this Certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said Hyrum T Humphreys shall be entitled to a Patent for the Tract of Land above described.

Frank W Beane

Register.

FINAL RECEIVER'S RECEIPT, No. 477APPLICATION, No. 275

HOMESTEAD.

Receiver's Office, Offord, Idaho
April 22nd, 1886.Received of Wesley L. Humphreys the sum
of \$1 dollars _____ cents,
being the balance of payment required by law for the entry of S² S^W 4
Sec 11 and N² N^W 4of Section 14 in Township 14. S. of Range 43. E.
containing 160 acres, under Section 2291 of the
Revised Statutes of the United States.\$6.00
100

[12925-100 M.]

John Montgomery
Receiver.

HOMESTEAD.

APPLICATION

No. 275

Land Office at

Oxford, S. T.
March, 30th, 1881

I, Hyrum T. Humphreys, of Pear Lake
Co. Idaho, do hereby apply to enter, under Section 2289,
 Revised Statutes of the United States, the South $\frac{1}{2}$ of the S.W. $\frac{1}{4}$ of Sec. 11. and
the N. $\frac{1}{2}$ of N.W. $\frac{1}{4}$ of Section 14, in Township 14 S. of
 Range 43 E., containing 160 acres.

Hyrum T. Humphreys

Land Office at

Oxford, S. T.
March, 30th, 1881

I, August Quadenhausen, REGISTER OF THE LAND OFFICE,
 do hereby certify that the above application is for Surveyed Lands of the class
 which the applicant is legally entitled to enter under Section 2289, Revised
 Statutes of the United States, and that there is no prior valid adverse right
 to the same.

August Quadenhausen
 Register.

No. 275

HOMESTEAD APPLICATION.

James C. Humphreys

March 30th, 1881.

Secd. 14, Town 46, Range 43E

91-41

NON-MINERAL AFFIDAVIT.

COUNTY OF Bear Lake, }
Ter. OF Idaho } ss.

Hyrum T. Humphrey, being duly sworn according to law, deposes and says that he is the identical Hyrum T. Humphrey who is an applicant for Government title to the South Half of the S. W. quarter of Sec. 11 and the North Half of the N. W. quarter of Sec. 14. Township 14 N. Range 4 E. East Boise Meridian that he is well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that his knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to his knowledge, any placer, cement, gravel, or other valuable mineral deposit; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title to mineral land, but with the object of securing said land for agricultural purposes.

Hyrum T. Humphrey

Subscribed and sworn to before me this 23rd day of March, A. D. 1881, and I hereby certify that the foregoing affidavit was read to the said Hyrum T. Humphrey previous to his name being subscribed thereto; and that deponent is a respectable person, to whose affidavit full faith and credit should be given.

Wm. B. Frews Clerk Dist. Court
per W. H. Cage Deputy

HOMESTEAD.

[AFFIDAVIT.]

Land Office at

Oxford, Vt.
March 30th 1881.

I, Cyrus J. Humphreys, of Bear Lake County
 having filed my application, No. 275, for an entry under
 Section No. 2289, Revised Statutes of the United States, do solemnly swear
 that I am a naturalized citizen of the
United States, the head of a family, and
above the age of twenty one years and that I have
bona fide improvements and reside and have made settlement on
said described tract of land
 that said application, No. 275, is made for the purpose of actual
 settlement and cultivation; that said entry is made for my own exclusive
 benefit, and not directly or indirectly for the benefit or use of any other
 person or persons whomsoever; and that I have not heretofore had the benefit
 of the homestead laws. nor have I heretofore made, abandoned or
perfected any Entry under the laws of
the United States
Cyrus J. Humphreys

Sworn to and subscribed this 23rd day
 of March 1881, before

Wm B. Thues Clerk of the Court
W. Hoge Deputy of the Land Office.

NOTE.—If this affidavit be acknowledged before the Clerk of the Court, as provided for by Sec. 2294, U. S. Revised Statutes, the Homestead party must expressly state herein that he or some member of his family is residing upon the land applied for, and that bona fide improvement and settlement have been made. He must also state why he is unable to appear at the Land Office.

Territory of Idaho
County of Bear Lake } ss.

Cyrus J. Humphrey being
duly sworn deposes and says that he
is an applicant for H. C. No 275
for $P \frac{1}{2}$ of the S. W. $\frac{1}{4}$ of Sec. 11 and the
N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of Sec. 14. Township
14 S. Range 43 E. Boise Meridian, that
the great distance to the Land Office at
Oxford; the high mountains intervening
and great depth of snow at this season
of the year prevents him from making
the said Entry in person, and further
deponent says not.

Subscribed

and sworn to before
me this 23rd day of March
1881.

Cyrus J. Humphrey

Wm. B. Thors Clerk Dist. Court
per W. Hage Deputy

RECEIVER'S RECEIPT, No. 275

APPLICATION, No. 275

HOMESTEAD.

Receiver's Office,

Oxford, Idaho
March 30th, 1881.

Received of Myron D. Humphreys the sum
of Sixteen dollars cents;

being the amount of fee and compensation of Register and Receiver for the
entry of the South half of the South West quarter of Section 11,
and the North half of the North West quarter
of Section Fourteen in
Township Fourteen South of Range Forty-three East under
Section No. 2290, Revised Statutes of the United States.

A. H. Eason,
Receiver.

\$ 16.00

NOTE.—It is required of the homestead settler that he shall reside upon and cultivate the land embraced in his homestead entry for a period of five years from the time of filing the affidavit, being also the date of entry. An abandonment of the land for more than six months works a forfeiture of the claim. Further, within two years from the expiration of the said five years he must file proof of his actual settlement and cultivation, failing to do which, his entry will be canceled. If the settler does not wish to remain five years on his tract, he can, at any time after six months, pay for it with cash or land warrants, upon making proof of settlement and cultivation from date of filing affidavit to the time of payment.

ELECTRO'S.

Notice for Publication.

LAND OFFICE, OXFORD, Idaho.

February 27, 1886.

NOTICE is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before W. N. B. Shepherd, Dep. Clerk at Paris, Bear Lake County, Idaho Territory, on April 19, 1886, viz: Hyrum T. Humphreys on H. E. Nr. 275 for the S2 SW4, Sec. 11 and N2 NW4, Sec. 14—14S—43 E.

He names the following witnesses to prove his continuous residence upon, and cultivation of, said land, viz:

H. C. C. Rich, Samuel J. Rich, James Collings, Jr., John A. Sutton, Sr., all of Bear Lake County.

FRANK W. BEANE,

Register

AFFIDAVIT OF PUBLICATION.

TERRITORY OF IDAHO, }
COUNTY OF BEAR LAKE } S.S.

Fred M. J. Goshel, do solemnly swear that I am the *Foreman* of the SOUTHERN IDAHO INDEPENDENT, a weekly newspaper of general circulation, published once each week at *Paris, Bear Lake County, Idaho Territory*; that the notice attached hereto and which is a part of this affidavit, and a part of the proof of publication was published in said newspaper for *six* consecutive weeks, first publication having been made on the *5th* day of *March*, 188*6*, that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and that the notice was published in the newspaper, and not in a supplement.

Sworn and subscribed before me, this *19th* day of *April*, A. D. 188*6*.

Notice for Publication.
LAND OFFICE, OXFORD, Idaho.
February 27, 1886.
NOTICE is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before W. N. B. Shepherd, Dep. Clerk at Paris, Bear Lake County, Idaho Territory, on April 18, 1886, viz: Hiram T. Humphreys 60 B. E. Nr 275 for the S2 SW4, Sec. 11 and N2 NW4, Sec. 14-148-43, 52.
He names the following witnesses to prove his continuous residence upon, and cultivation of, said land, viz:
H. C. G. Rahn, Samuel T. Rahn, James Collier, J. J. A. Sutton, Sr., all of Bear Lake County.
FRANK W. BEANE, Register.

I, FRANK W. BEANE, Register, do hereby certify that a notice, a printed copy of which is hereunto annexed, was by me posted in a conspicuous place in my office for a period of thirty days, I having posted said notice on the *27th* day of *Feb*, A. D. 188*6*.

Frank W. Beane

HOMESTEAD PROOF.

Final Affidavit Required of Homestead Claimants.

SECTION 2291 OF THE REVISED STATUTES OF THE UNITED STATES.

I, Harmon T. Humphreys, having made a Homestead entry of the SE 1/4 of SW 1/4 Sec. 11 & NE 1/4 of NW 1/4 Section No. 14 in Township No. 14 S. of Range No. 43 E., subject to entry at Ogden Idaho under section No. 2289 of the Revised Statutes of the United States, do now apply to perfect my claim thereto by virtue of section No. 2291 of the Revised Statutes of the United States; and for that purpose do solemnly swear that I am a citizen of the United States; that I have made actual settlement upon and have cultivated said land, having resided thereon since the 20th day of September, 1879, to the present time; that no part of said land has been alienated, except as provided in section 2288 of the Revised Statutes, but that I am the sole *bona fide* owner as an actual settler; that I will bear true allegiance to the Government of the United States; and further, that I have not heretofore perfected or abandoned an entry made under the homestead laws of the United States.

I, Harmon T. Humphreys
S. H. Hays, Clerk of District Court of 3rd Jud^{ts}
District of Idaho, do hereby certify that the above affidavit was subscribed
 and sworn to before me this 19th day of April, 1886, and that
 the judge of said Court is now absent
S. H. Hays Clerk
 By W. M. Shepherd Deputy

Electros.

Final Homestead Affidavit.

UNDER SECTION 2291, R. S.

Application No. 275

Final Certificate No. 476

Land Office at Oxford Idaho

April 27th, 1886

In the District Court,

of the Third Judicial District,

in and for the

County of Beau Lake Territory of Idaho

Present: Hon M. E. Hollister Judge.

In the matter of the Application of

Hypnum Humphrey

In Open Court,

An Alien,

this 7th day of June 1885

To become a Citizen of the United States of America. as yet of said Term

It appearing to the satisfaction of this Court, by the oaths of

W. H. Maguire and J. C. Rich

citizens of the United States of America, witnesses for that purpose, first duly sworn and

examined, that Hypnum Humphrey

a native of Great Britain

has resided within the limits and under the jurisdiction of the United States five years, at

least, last past, and within the jurisdiction of Idaho for one year, at least, last past; and that during all of said time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and it also appearing to the Court, by competent evidence, that the said applicant has heretofore, and more than two years since, and in due form of law, declared his intention to become a citizen of the United States; and having now here, before this Court, taken an oath that he will support the Constitution of the United States of America, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever, and particularly to

Victoria Queen of Great Britain & Ireland

It is therefore Ordered, Adjudged and Decreed, that the said

Hypnum Humphrey be, and is hereby admitted and declared to be a Citizen of the United States of America.

M. E. Hollister Judge.

Signature:

Office of the Clerk of the District Court, in and for

the County of Beau Lake, Territory of Idaho } ss.

I, S. H. Hays Clerk of the District Court, in and for the County of Beau Lake, Territory of Idaho, said Court being a Court of Record, having a common law jurisdiction, and a Clerk and Seal, do certify that the above is a true copy of the act of Naturalization of

Hypnum Humphrey as the same appears upon the Records of said Court now in my office at Paris

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said Court, this 19th day of April in the year of our Lord one thousand eight hundred and eighty six and in the year of our Independence the one hundred and twelfth

S. H. Hays Clerk,
By Mrs. Hays Deputy Clerk.

District Court,
Territory of Idaho
County of Bear Lake

Act of Naturalization

James Humphreys

Receiver's Duplicate Receipt No.

275

Application No.

275

HOMESTEAD.

Receiver's Office,

Oxford, Idaho,
March 30th, 1881.

RECEIVED of Kyrum T. Humphreys the sum
 of Sixteen dollars cents;
 being the amount of fee and compensation of Register and Receiver for the
 entry of 1/2 of Sec. 11 and 1/2 of Sec. 14 of Section Fourteen in
 Township Fourteen South of Range Forty-three East, under
 Section 2290, Revised Statutes of the United States.

A. H. Estlin
 Receiver.

\$16.00

NOTE.—It is required of the homestead settler that he shall reside upon and cultivate the land embraced in his homestead entry for a period of five years from the time of filing the affidavit, being also the date of entry. An abandonment of the land for more than six months works a forfeiture of the claim. Further, within two years from the expiration of the said five years he must file proof of his actual settlement and cultivation, failing to do which, his entry will be canceled. If the settler does not wish to remain five years on his tract, he can, at any time after six months, pay for it with cash or land warrants, upon making proof of settlement and cultivation from date of filing affidavit to the time of payment.

NON-MINERAL AFFIDAVIT.

COUNTY OF Bear Lake
 Territory OF Idaho

Hyman T. Humphrey being duly sworn according to law, deposes
 and says that he is the identical person who is an applicant

for Government title to the S. $\frac{1}{2}$ of S. W. $\frac{1}{4}$ Sec. 4 + N. $\frac{1}{2}$ of N. W. $\frac{1}{4}$
 Sec. 14 T. 14 S. of R. 43 East Boise Meridian.

that he is well acquainted with the character of said described land, and with each and every legal subdivision thereof, having frequently passed over the same; that his knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not, to his knowledge, within the limits thereof, any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to his knowledge, any placer, cement, gravel, or other valuable mineral deposit; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land, and that his application therefor is not made for the purpose of fraudulently obtaining title to mineral land, but with the object of securing said land for agricultural purposes.

H. T. Humphrey
 Deponent

Subscribed and sworn to before me this 19 day of April, A. D. 1886

and I hereby certify that the foregoing affidavit was read to the said H. T. Humphrey
 previous to his name being subscribed thereto; and that deponent is a respectable person to whose affidavit
 full faith and credit should be given.

S. H. Hays
 Clerk of 3rd Judicial Dist. Idaho
W. B. Stephens
 Deputy

776 d.

(4-847.)

No. 477
 District, Oxford
 No. of acres, 160
 Errors in description, None

Date of Settlement, Sept. 20
 " " Residence, Sept. 20
 " " Entry, Oct. 30
 " " Proof, Apr. 19
 " Advertised, "
 " of Certificate, "
 Officer taking proof, Leopold Count
 No. of weeks advertised, 9
 Improvements, Brick H. Stable Sheds
Corrals Fencing Cisterns

Value of \$2000.
 Acres broken, 80
 " in crop, 80 No. of seasons 10
 Kind of crops, Not Stated
 Residence claimed, Apr. 6m. 29
 Military or Naval service, None
 No. of absences, None
 Total duration, —
 Cause, —
 Native-born—Naturalized, None
 Supplemental proof, None
 Claimant's family, Wife & 4 children

REMARKS:

Recommendation, tabulate, suspend,
 Examined 20 day of Feb, 188 8
Dr. J. A. G. A. W.

HOMESTEAD PROOF.—TESTIMONY OF WITNESS.

Samuel J. Rich being called as witness in support of the Homestead entry of Myrum T. Humphreys for S. 2 of S. 10 & Sec. 11 and N. 2 of N. 10 & Sec. 14 T. 14 S. 10 E. 43 E., testifies as follows:

Ques. 1.—What is your occupation and where is your residence?

Ans. Farmer Paris, Bear Lake Co. Idaho

Ques. 2.—Have you been well acquainted with Myrum T. Humphreys, the claimant, in this case ever since he made his homestead entry No. 275?

Ans. Yes

Ques. 3.—Was claimant qualified to make said entry? (State whether the settler was a citizen of the United States, over the age of twenty-one years, or the head of a family, and whether he ever made a former homestead entry.)

Ans. Yes. He was a citizen of the United States, over the age of 21 years and the head of a family. He never made a former Homestead Entry to my knowledge

Ques. 4.—When did claimant settle upon the homestead and at what date did he establish actual residence thereon?

(Describe the dwelling and other improvements, giving total value thereof.)

Ans. Settled upon the homestead in the summer of 1879. He established actual residence in September 1879. A brick dwelling house containing 6 rooms, Stables, Sheds, Fencing, water ditches. Value of said improvements is \$2000

Ques. 5.—Have claimant and family resided continuously on the homestead since first establishing residence thereon?

(If settler is unmarried, state the fact.)

Ans. Yes

Ques. 6.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. He has never been absent from the homestead at any period not to exceed 1 month, during such absence his family have resided and cultivated the land

Ques. 7.—How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon?

Ans. Eighty acres. Eight seasons

Ques. 8.—Are there any indications of coal, salines, or minerals of any kinds on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. None whatever

Ques. 9.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. No, not to my knowledge

Ques. 10.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. No. I think he has acted in entire good faith

Samuel J. Rich

I HEREBY CERTIFY that the witness is a person of respectability; that the foregoing testimony was read to him before being subscribed, and was sworn to before me this 19th day of April, 1886, and that the judge of the District Court Bear Lake County Idaho Territory is now absent.

(SEE NOTE ON FOURTH PAGE.)

S. H. Hayes Clerk of District Court
Bear Lake County Idaho Territory
By W. M. Shippard Deputy

HOMESTEAD PROOF.—TESTIMONY OF WITNESS.

John A. Sutton being called as witness in support of the Homestead entry of *Myron T. Humphreys* for *S. 1/2 of S. 1/4 of Sec. 11 & N. 1/2 of S. 1/4 of Sec. 14. T. 14 S. 4 R. 43 E.*, testifies as follows:

Ques. 1.—What is your occupation and where is your residence?

Ans. *Blacksmith, Paris, Bear Lake Co. Idaho*

Ques. 2.—Have you been well acquainted with *Myron T. Humphreys*, the claimant, in this case ever since he made his homestead entry No. *273*?

Ans. *Yes*

Ques. 3.—Was claimant qualified to make said entry? (State whether the settler was a citizen of the United States, over the age of twenty-one years, or the head of a family, and whether he ever made a former homestead entry.)

Ans. *Yes. He was a citizen of the United States over the age of 21 years. He never made a former homestead entry that I am aware of*

Ques. 4.—When did claimant settle upon the homestead and at what date did he establish actual residence thereon?

(Describe the dwelling and other improvements, giving total value thereof.)

Ans. *He settled in the summer of 1879. He established actual residence thereon in September 1879. A 6 roomed Brick dwelling. Housed, Stables, Sheds, Fencing and Disches. Value of Improvements \$2000*

Ques. 5.—Have claimant and family resided continuously on the homestead since first establishing residence thereon?

(If settler is unmarried, state the fact.)

Ans. *They have*

Ques. 6.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. *He has never been absent, only two or three weeks at any one time for the purpose of Freight and other labor.*

Ques. 7.—How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon?

Ans. *About 80 acres. Has raised crops for 8 seasons*

Ques. 8.—Are there any indications of coal, salines, or minerals of any kinds on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. *No, not that I know of*

Ques. 9.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. *Not that I am aware of*

Ques. 10.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. *No. I think he has acted in entire good faith.*
John A. Sutton Sr

I HEREBY CERTIFY that the witness is a person of respectability; that the foregoing testimony was read to him before being subscribed, and was sworn to before me this *19th* day of *April*, 188*6*, and that the judge of the District Court for Bear Lake County, Idaho Territory is now absent.

(SEE NOTE ON FOURTH PAGE.)

S. J. Hays, Clerk of District Court
Bear Lake County, Idaho Territory
By Myron T. Humphreys, Deputy

HOMESTEAD PROOF.—TESTIMONY OF CLAIMANT.

Hypnum T. Humphreys being called as a witness in his own behalf in support of homestead entry No. 275, for *S. 14 of T. 1 N. 4 Sec. 11 & N. 1/2 of N. 1/4 Sec. 11* S. 14 T. 1 N. 4 Sec. 11 testifies as follows:

Ques. 1.—What is your name—written in full and correctly spelled—your age, and post-office address?

Ans. *Hypnum Thomas Humphreys 35 years of age, Paris Bear Lake Co. Idaho*

Ques. 2.—Are you a native of the United States, or have you been naturalized?

Ans. *Naturalized*

Ques. 3.—When was your house built on the land and when did you establish actual residence therein? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)

Ans. *In the Spring of 1879. Established actual residence in September 1879. A 6 roomed brick dwelling house, Stables, Sheds, Corral, Fencing, Water Ditch - to the value of \$2,000*

Ques. 4.—Of whom does your family consist; and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)

Ans. *Wife and four children. Idaho.*

Ques. 5.—For what period or periods have you been absent from the homestead since making settlement, and for what purpose; and if temporarily absent, did your family reside upon and cultivate the land during such absence?

Ans. *I have never been absent over three weeks at a time, and while absent my family remained on the homestead.*

Ques. 6.—How much of the land have you cultivated and for how many seasons have you raised crops thereon?

Ans. *About 80 acres - I have raised crops for ten years*

Ques. 7.—Are there any indications of coal, salines, or minerals of any kind on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. *No.*

Ques. 8.—Have you ever made any other homestead entry? (If so, describe the same.)

Ans. *No.*

Ques. 9.—Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom and for what purpose?

Ans. *No.*

H. T. Humphreys

I HEREBY CERTIFY that the foregoing testimony was read to the claimant before being subscribed, and was sworn to before me this *19th* day of *April*, 188*6*, and that the judge of the District Court for Bear Lake County Idaho Territory is now absent—
S. N. Hay, Clerk of District Court Bear Lake County Idaho Territory
By H. W. Chapman, Deputy

NOTE.—If naturalized, the claimant must file a certified copy of his certificate of naturalization. In a commuted homestead a foreign-born claimant, if not naturalized, must file a certified copy of his declaration of intention. In making proof, the party must surrender his original duplicate receipt, or file affidavit of its loss.

(SEE NOTE ON FOURTH PAGE.)

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

TITLE LXX.—CRIMES.—§ 4.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. [See § 1750.]

(4-389.)

HOMESTEAD PROOF.

LAND OFFICE AT

August Clark

Original Application No. *275*

Final Certificate No. *477*

Approved:

Frank W. Beane, Register.

Receiver.

DELIVERY FORMAT: Electronic Transfer

NATIONAL ARCHIVES ORDER FOR COPIES
OF LAND ENTRY FILES

1. FILE TO BE SEARCHED: General Land Entry File

2. NAME OF ENTRYMAN (Last, First, and Middle
names):

Humphreys Hyrum F

3. LAND LOCATED IN STATE OF :

Idaho

4. APPROXIMATE DATE OF ENTRY:

Before 1908

5. PRE-1908 GENERAL LAND ENTRY FILES:

5a. SECTION NUMBER:

7

5b. TOWNSHIP NUMBER:

14S

5c. RANGE NUMBER:

43E

6. TYPE OF GENERAL LAND ENTRY:

Homestead Act

7. PATENT FINAL
CERTIFICATE OR
DOUCMENT NUMBER: 477

8. TYPE OF GENERAL LAND ENTRY:

Blackfoot

POST-1908 GENERAL LAND ENTRY FILES:

9. SERIAL PATENT NUMBER:

BOUNTY LAND
WARRANT:

10. YEAR OF AUTHORIZING WARRANT:

11. WARRANT
NUMBER:

12. NUMBER OF ACRES:

Comments:

Middle initial may be "J." Page 462. Homestead Certificate no. 477. Application 275, Patent includes lands in Section 7 and in Section 14

Item#	Item Description	Quantity Ordered	Quantity Balance	Quantity Fulfilled	Total Amount \$
FORM84	Land Entry File	1	0	1	\$50

**This is your packing slip. An invoice requiring payment
is included, if applicable.**

For issues or questions regarding your completed order you may contact
TrustFundSupport@nara.gov. Please review NARA's return policy available
under the FAQ section on <https://eservices.archives.gov/orderonline> before
initiating your request.

Order Information (NARA use only):

Service Ticket # : E11-844725473E
Customer Name: Bryce Contor
Customer Email: bryce.mea@gmail.com
Order Date: 07/31/2023 11:46:23
Prepared By: RDT1F
Unit Phone:

E11-844725473E
Bryce Contor
482 Constitution Way
Suite 303
Idaho Falls , ID 83402
USA

RDT1F

Mail
Immediately



Attachment 2

Supplemental POU List

Black Otter Irrigation Co.

Claim Based on Water Right 11-908 and Beneficial Use Claims

TWP & RNG	SEC	NE				NW				SW				SE			
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
13S 44E	29											X					
	30															X	X
	31	X	X	X	X	X			X					X	X	X	X
	32	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	33							X		X	X	X	X	X	X	X	X
	34										X						
14S 44E	2											X	X			X	X
	3					X	X	X	X	X	X	X	X			X	X
						L3	L4										
	4	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		L1	L2			L3	L4										
	5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
		L1	L2			L3	L4				L5,7	L8	L6,9				
	6	X	X	X	X									X	X		X
		L1	L2											L10,11	L9		L10,14
	7	X			X												
		L9			L9												
	8	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
			L1,5	L2,10		L5	L6	L8	L9	L12	L13	L18	L18	L3,11	L3,11	L19	L4,20
	9	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	10	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	11	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
	15					X	X	X	X		X						
	16	X	X	X	X	X	X	X	X		X	X		X	X	X	X
	17	X	X	X	X	X			X	X			X	X	X	X	X
		L0,2	L0,3			L0,4											

Total Service Area Acres 6,089

Total Irrigated Acres 5,044

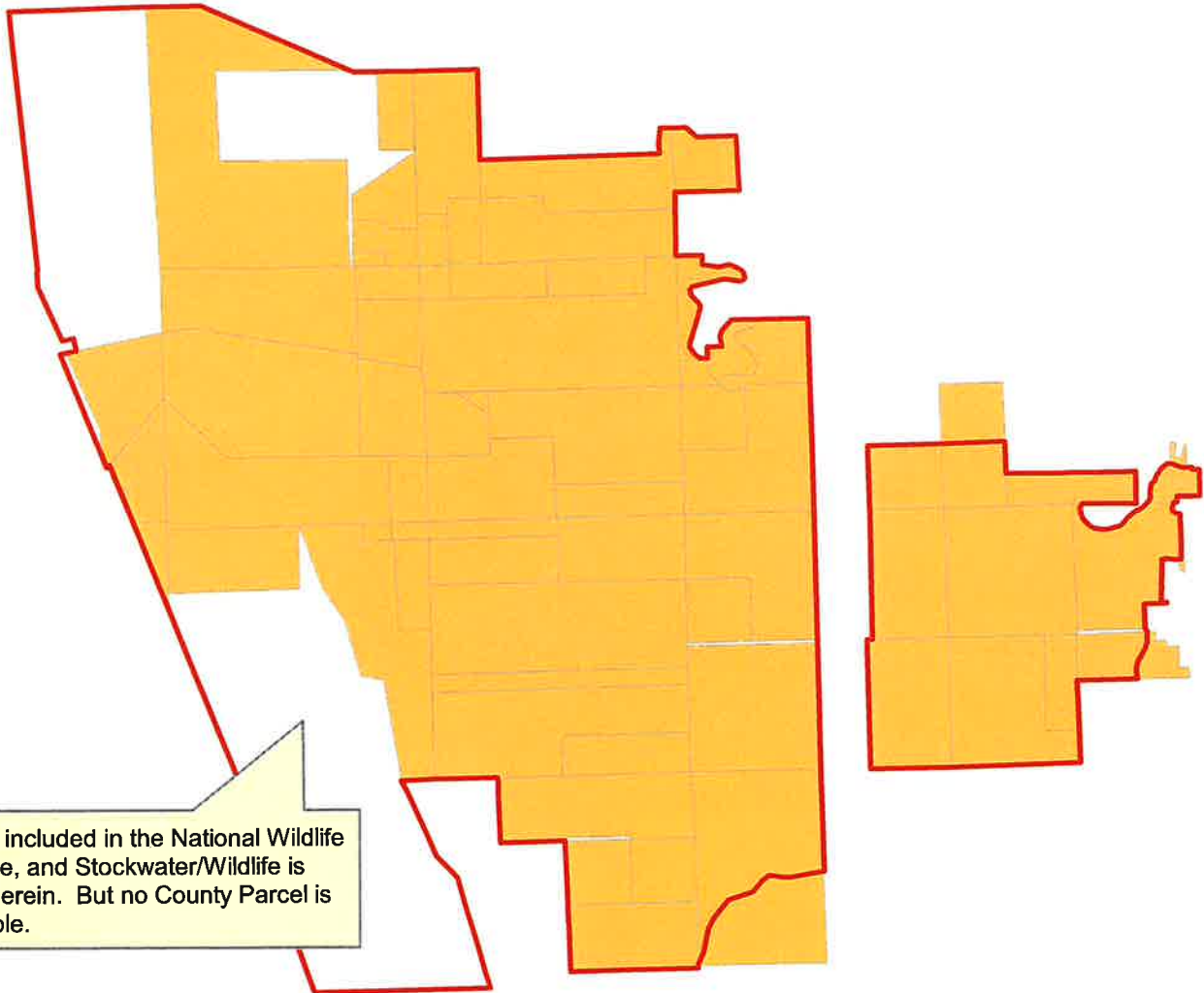
Attachment 3

Parcels owned by Stockwater Users

Based on WR Number: 11-7501

Claimant: Black Otter Irrigation Co.

Claim No: _____



3,600 1,800 0 3,600 Feet



Date Created: 11/17/2023

 Service Area Boundary
 Stockwater Users Parcels

Base Map: USDA NAIP 2021



Affidavit of Dianne Nate
for Irrigation in Grimmer Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is Dianne Nate. I am 74 years old and I have been acquainted with the irrigation I have marked on the attached map since 2000. I know about this irrigation because I married my husband Fred Nate in 2000 and this was his families ranch. I've helped him irrigate the property since we were married until 2021 when he passed.

The attached map is titled Grimmer Black Otter Irrigation Co. Page(s) D2, E2, F2. The handwritten marks and notations are mine, and I have initialed the map in the top of page. These identified acres receive water via the Grimmer Black Otter Irrigation Co.

Areas marked in red I irrigated myself ~~in~~ or witnessed irrigated by my husband 2003-2021
Areas marked _____ I irrigated myself in _____ but not since then. These lands were not irrigated between 2016 and June 14, 2021 because

- a. water was not available, but the irrigation system was in place and maintained.
- b. these acres were taken out of production due to a recent change in land use.

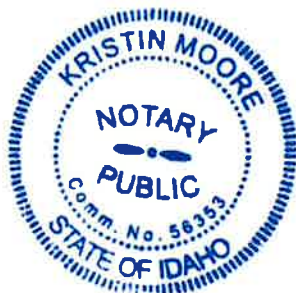
c.
The Black Otter runs yearround and I water stock from the ditch from Sep. - June.
Water comes in from the northeast corner and floods west and south till it hits the county road and it backs up and floods the whole property on NE.
Once this happens, water is released through culverts onto my property and it floods it entirely.
I affirm that this statement is correct and that I myself have done and seen the things I have described.

Dianne Nate
(name)

3-22-23
(date)

STATE OF IDAHO)
)ss.
County of Bear Lake)

This document was acknowledged before me by Dianne Nate
on March 22, 2023.



Kristin Moore
Notary Public for Idaho
My Commission Expires: Aug 1, 2028

Affidavit of Rex L. Payne
for Irrigation in Grimmatt Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is Rex L. Payne. I am 72 years old and I have been acquainted with the irrigation I have marked on the attached map since 2015. I know about this irrigation because I have been a Bear Lake County Commissioner for 8 1/2 yrs and have been assigned to the BL County Airport properties and operations.

The attached map is titled Grimmatt Black Otter Irrigation Co. Page(s) B2, C1, C2, D1, D2. The handwritten marks and notations are mine, and I have initialed the map in the top of page. These identified acres receive water via the Grimmatt Black Otter Irrigation Co.

Areas marked in Blue & irrigated myself in irrigated property.
Areas marked _____ I irrigated myself in _____ but not since then. These lands were not irrigated between 2016 and June 14, 2021 because

- ___ a. water was not available, but the irrigation system was in place and maintained.
- ___ b. these acres were taken out of production due to a recent change in land use.
- ___ c. property A is irrigated by opening

head gate and flooding property. Property B can be watered from both West Fork river and from Black Otter. Property C is sub irrigated from river uses.
I affirm that this statement is correct and that I myself have done and seen the things I have described.

Rex L. Payne 3/22/23
(name) (date)

STATE OF IDAHO)
) ss.
County of Bear Lake)

This document was acknowledged before me by Rex L. Payne
on March 22, 2023.



Kristin Moore
Notary Public for Idaho
My Commission Expires: Aug 1, 2028

Affidavit of Clay Lloyd
for Irrigation in Grimmett Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is Clay Lloyd. I am 40 years old and I have been acquainted with the irrigation I have marked on the attached map since 2021. I know about this irrigation because I purchased this property from Fred Nate + Dianne Nate, in 2021 and have irrigated the property myself also my dad use to work and irrigate this property when I was younger. I've witnessed it my whole life.
E2, E3, F3

The attached map is titled Grimmett Black Otter Irrigation Co. Page(s) . The handwritten marks and notations are mine, and I have initialed the map in the top of page. These identified acres receive water via the Grimmett Black Otter Irrigation Co.

Areas marked in blue I irrigated myself in 2021-22 or witnessed my dad in my youth.
Areas marked I irrigated myself in but not since then. These lands were not irrigated between 2016 and June 14, 2021 because

- a. water was not available, but the irrigation system was in place and maintained.
- b. these acres were taken out of production due to a recent change in land use.
- c.

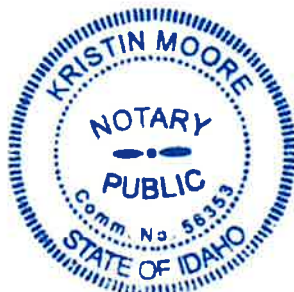
The Black Otter runs year round and I water stuck from the ditch from Sept. to June. Water comes in from the North east corner and floods west and south until it hits the county road and backs up and floods the entire property. Once this happens water is released through culverts onto property on south side of road and floods it entirely.
I affirm that this statement is correct and that I myself have done and seen the things I have described.

Clay Lloyd
(name)

3/22/23
(date)

STATE OF IDAHO)
)ss.
County of Bear Lake)

This document was acknowledged before me by Clay Lloyd
on March 22, 2023.



Kristin Moore
Notary Public for Idaho
My Commission Expires: Aug 1, 2028

Affidavit of CLAY LLOYD
for Irrigation in Grimmer Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is Clay Lloyd. I am 40 years old and I have been acquainted with the irrigation I have marked on the attached map since 2005. I know about this irrigation because I purchased it from my grandparents in 2005 and have irrigated it myself and before that witnessed my grandpa irrigating this property.

The attached map is titled Grimmer Black Otter Irrigation Co. Page(s) G4. The handwritten marks and notations are mine, and I have initialed the map in the Top of page. These identified acres receive water via the Grimmer Black Otter Irrigation Co.

Areas marked in blue I irrigated myself in 2005-2023
Areas marked _____ I irrigated myself in _____ but not since then. These lands were not irrigated between 2016 and June 14, 2021 because

- a. water was not available, but the irrigation system was in place and maintained.
- b. these acres were taken out of production due to a recent change in land use.
- c. _____

The water runs in from the west and through different ditches, and checked, where it backs up and floods entire property. It also runs year round to water stock from ditch from Sept. to June.
I affirm that this statement is correct and that I myself have done and seen the things I have described.

Clay Lloyd
(name)

3/22/23
(date)

STATE OF IDAHO)
)ss.
County of Bear Lake)

This document was acknowledged before me by Clay Lloyd
on March 22, 2023.



Kristin Moore
Notary Public for Idaho
My Commission Expires: Aug 1, 2028

Affidavit of Chad Keetch
for Irrigation in Grimmer Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is Chad & Jeff Keetch. I am 58 years old and I have been acquainted with the irrigation I have marked on the attached map since 1990. I know about this irrigation because we bought the land in 1990 me & brother irrigated the land 1990 to present.

The attached map is titled Grimmer Black Otter Irrigation Co. Page(s) B3 C3 C2. The handwritten marks and notations are mine, and I have initialed the map in the Black. These identified acres receive water via the Grimmer Black Otter Irrigation Co.

Areas marked Black I irrigated myself in 1990 to Present
Areas marked _____ I irrigated myself in _____ but not since then. These lands were not irrigated between 2016 and June 14, 2021 because

- a. ~~water was not available, but the irrigation system was in place and maintained.~~
- b. ~~these acres were taken out of production due to a recent change in land use.~~
- c. _____

Page 3 where Black Otter Head & subs areas on the map. & cattle drink sub-water from the Black Otter

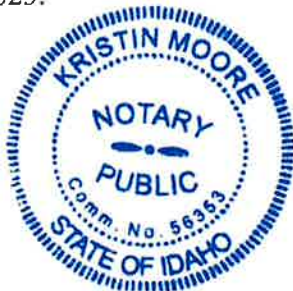
I affirm that this statement is correct and that I myself have done and seen the things I have described.

Chad Keetch
(name)

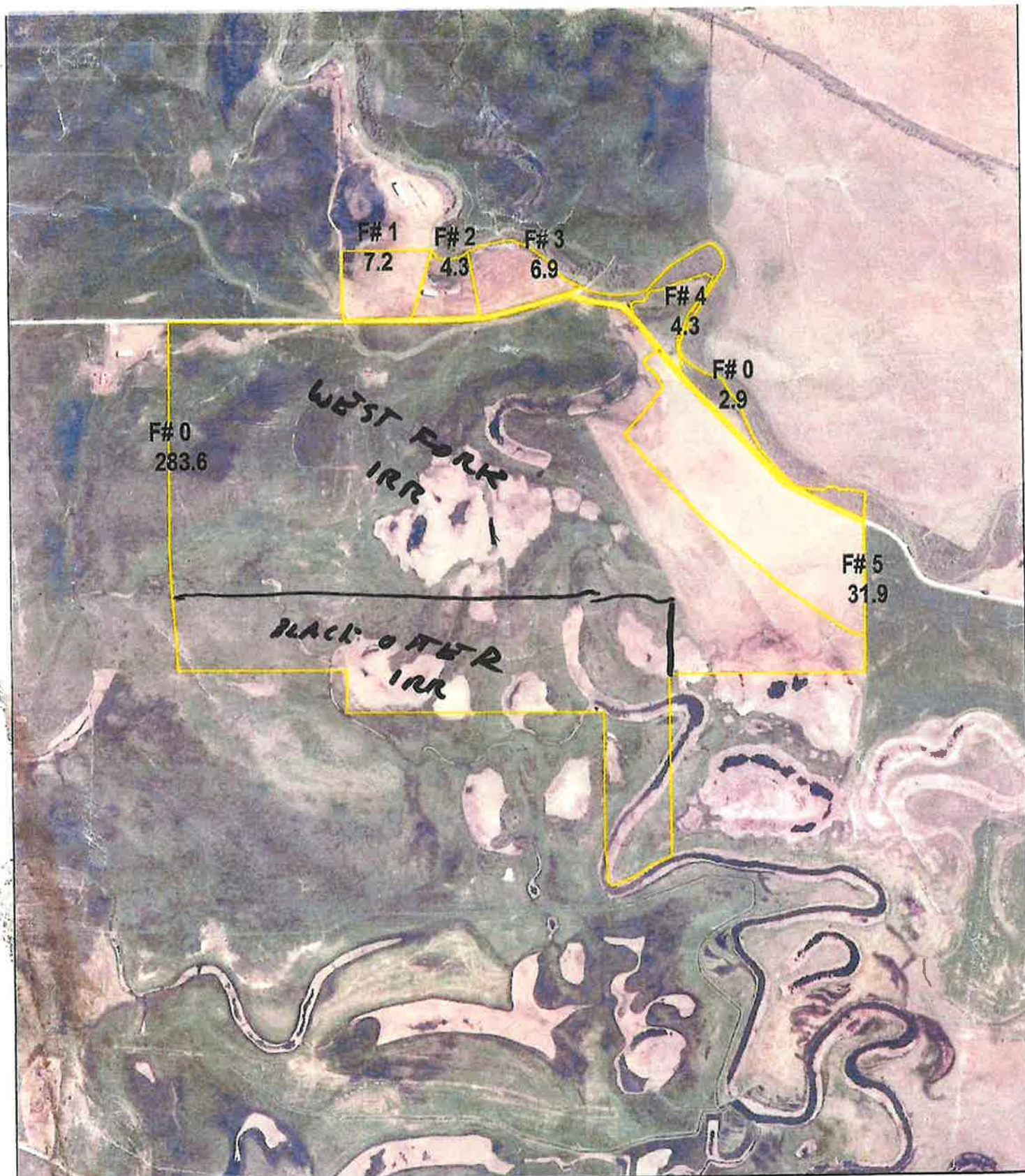
3-22-23
(date)

STATE OF IDAHO)
)ss.
County of Bear Lake)

This document was acknowledged before me by Chad Keetch
on March 22, 2023.



Kristin Moore
Notary Public for Idaho
My Commission Expires: Aug 1, 2028



Tract 4939
Farm 887

Chad Kell

Clu16007.shp

0.1 0 0.1 0.2 0.3 0.4 Miles



Map Printed: Oct 15, 2004

Affidavit of Roy Dunford
for Irrigation in Grimmatt Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is Roy Dunford, Ranch Mgr am 67 years old and I have been acquainted with the irrigation I have marked on the attached maps since 35 yrs. I know about this irrigation because I run the ranch and manage irrigation, and do irrigation.

The attached maps are titled "Tom Blotter Ranch North Map" and "Tom Blotter Ranch South Map" are titled Grimmatt Black Otter Irrigation Co. Page(s) . The handwritten marks and notations are mine, and I have initialed the map in the Bottom Left. These identified acres receive water via the Grimmatt Black Otter Irrigation Co.

Areas marked I irrigated myself in .
Areas marked I irrigated myself in but not since then. These lands were not irrigated between 2016 and June 14, 2021 because

a. water was not available, but the irrigation system was in place and maintained.
b. these acres were taken out of production due to a recent change in land use.
c. we are able to control water and irrigate the whole place. We open the east headgate and close the west culverts. If we don't close the culverts there is not enough build-up to push to the neighbors. When water builds up we open the culverts and push water on to airport, refuge, Nate and Lloyd.

I affirm that this statement is correct and that I myself have done and seen the things I have described.

Roy Dunford
(name)

3/22/23
(date)

STATE OF IDAHO)
)ss.
County of Bear Lake)

This document was acknowledged before me by Roy Dunford
on March 22, 2023.



Bryce A. Contor
Notary Public for Idaho
My Commission Expires: 1/29/2027

Affidavit of Wynn C. Wallentine
for Irrigation in Grimmatt Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is Wynn C. Wallentine. I am 73 years old and I have been acquainted with the irrigation I have marked on the attached map since I was born. I know about this irrigation because I was raised on this property and have helped my dad and grandpa farm. We used to harvest with horse teams when I was young. I purchased the property from my dad in 2006 and have operated it since.

The attached map is titled Grimmatt Black Otter Irrigation Co. Page(s) B2, C2. The handwritten marks and notations are mine, and I have initialed the map in the top. These identified acres receive water via the Grimmatt Black Otter Irrigation Co.

Areas marked in red boundary I irrigated myself from 2006 - present.
Areas marked _____ I irrigated myself in _____ but not since then. These lands were
not irrigated between 2016 and June 14, 2021 because
 a. water was not available, but the irrigation system was in place and maintained.
 b. these acres were taken out of production due to a recent change in land use.
 c. _____

The area marked with dashed lines are too high to receive water. Calving sheds and hay barn were built here. A culvert on the south side of property allows water to cross in a ditch for stockwater from October - June.
I affirm that this statement is correct and that I myself have done and seen the things I have described.

Wynn C. Wallentine
(name)

3-22-23
(date)

STATE OF IDAHO)
)ss.
County of Bear Lake)

This document was acknowledged before me by Wynn C. Wallentine
on March 22, 2023.



Kristin Moore
Notary Public for Idaho
My Commission Expires: Aug 1, 2028

Affidavit of Michael Robison
for Irrigation in Grimmer Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is Michael Robison. I am 43 years old and I have been acquainted with the irrigation I have marked on the attached map since 1992. I know about this irrigation because I've personally irrigated from these ditches

The attached map is titled Black Otter / Mike Robison map. The
 The handwritten marks and notations are mine, and I have initialed the map in the _____.
 These identified acres receive water via the Grimmnett Black Otter Irrigation Co.

Areas marked _____ I irrigated myself in _____.

Areas marked _____ I irrigated myself in _____ but not since then. These lands were not irrigated between 2016 and June 14, 2021 because _____

- ___ a. water was not available, but the irrigation system was in place and maintained.
 ___ b. these acres were taken out of production due to a recent change in land use.
 ___ c. _____

I've irrigated these places myself since I've been in Dingle since 1998. When I irrigate drain water goes in Lloyds to the South.

I affirm that this statement is correct and that I myself have done and seen the things I have described.

Mike De
(name)

3-21-2023
(date)

STATE OF IDAHO)
County of Bear Lake)ss.

This document was acknowledged before me by Michael Robison
on March 10, 2023.



Bryce A. Contor
Notary Public for Idaho
My Commission Expires: *1/29/2027*

Affidavit of Mark Ipsen
for Irrigation in Grimmer Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is MARK IPSEN. I am 63 years old and I have been acquainted with the irrigation I have marked on the attached map since 1983. I know about this irrigation because MY FATHER BOUGHT THIS PROPERTY FROM THE DARWIN WALLINGTON ESTATE ABOUT THAT TIME. I HAVE BEEN IRRIGATING THIS LAND EVER SINCE.

The attached map is titled Grimmer Black Otter Irrigation Co. Page(s) F3. The handwritten marks and notations are mine, and I have initialed the map in the TOP OF PAGE. These identified acres receive water via the Grimmer Black Otter Irrigation Co.

Areas marked IN RED I irrigated myself in 1983 TO PRESENT
Areas marked _____ I irrigated myself in _____ but not since then. These lands were not irrigated between 2016 and June 14, 2021 because

- a. ~~water was not available, but the irrigation system was in place and maintained.~~
- b. ~~these acres were taken out of production due to a recent change in land use.~~
- c. _____

WE START WATERING LIVESTOCK IN THE FALL. (ABOUT 10-1) IN EITHER ONE OF TWO SPOTS. ICE IS CHOPPED OUT EVERY DAY WHEN FEEDING COWS SOUTH EAST CORNER OF DITCH THAT ENTERS FROM EAST PROPERTY LINE.

I affirm that this statement is correct and that I myself have done and seen the things I have described.

Mark Ipsen
(name)

3-22-23
(date)

STATE OF IDAHO)
)ss.
County of Bear Lake)

This document was acknowledged before me by Mark Ipsen
on March 22, 2023.



Kristin Moore
Notary Public for Idaho
My Commission Expires: Aug 1, 2025

Affidavit of Randy Skinner
for Irrigation in Grimmer Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is Randy Skinner. I am 45 years old and I have been acquainted with the irrigation I have marked on the attached map since I was young. I know about this irrigation because currently leasing property and watered by Blackwater when subing or high water, or backed up water.

The attached map is titled Grimmer Black Otter Irrigation Co. Page(s) E5-F5. The handwritten marks and notations are mine, and I have initialed the map in the Top of Page. These identified acres receive water via the Grimmer Black Otter Irrigation Co.

Areas marked In Red I irrigated myself in 2021.
Areas marked _____ I irrigated myself in _____ but not since then. These lands were not irrigated between 2016 and June 14, 2021 because

- a. water was not available, but the irrigation system was in place and maintained.
- b. these acres were taken out of production due to a recent change in land use.
- c. _____

Property is watered at 3 points of entrance from Blackwater. water stands on low areas year round. stock is placed on property certain times of the year and water is used for them from the blackwater. High spots that are not watered are North and East side
I affirm that this statement is correct and that I myself have done and seen the things I have described.

(name)

(date)

STATE OF IDAHO)
)ss.
County of Bear Lake)

This document was acknowledged before me by Randy Skinner
on March 22, 2023.



Kristin Moore
Notary Public for Idaho
My Commission Expires: Aug 1, 2028

Affidavit of Dennis H. Smith
for Irrigation in Grimmett Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is Dennis Smith. I am 70 years old and I have been acquainted with the irrigation I have marked on the attached map since 2019 Parcel I know about this F3 irrigation because Purchase of Parcels F3 + 1/2 of F4
2020 F4 personally have move the cattle
and been part of the management of care and watering
of these parcels
The attached map is titled Grimmett Black Otter Irrigation Co. Page(s) . The handwritten marks and notations are mine, and I have initialed the map in the . These identified acres receive water via the Grimmett Black Otter Irrigation Co.

Areas marked I irrigated myself in .
Areas marked I irrigated myself in but not since then. These lands were not irrigated between 2016 and June 14, 2021 because

- a. water was not available, but the irrigation system was in place and maintained.
- b. these acres were taken out of production due to a recent change in land use.
- c.

F3 only watered when adjacent property is watered and
run off (Ipsen) F4 all watered minus stock yard + portion of
high ground also used for stock water from ditches.
I affirm that this statement is correct and that I myself have done and seen the things I have described.

Dennis H Smith
(name)

3/22/2023
(date)

STATE OF IDAHO)
)ss.
County of Bear Lake)

This document was acknowledged before me by Dennis H Smith
on March 22, 2023.



Bryce A. Contor
Notary Public for Idaho
My Commission Expires: 1/28/2027

Affidavit of Matthew Smith - in behalf of Double M
for Irrigation in Grimmatt Black Otter Irrigation Co. Livestock
Bear Lake County, Idaho

My name is Matthew Smith. I am 48 years old and I have been acquainted with the irrigation I have marked on the attached map since 2016. I know about this irrigation because of the previous owner, and because of the purchase of the property designated on map F4.
I have seen the irrigation of this property since the purchase of it and know how it is completed.

The attached map is titled Grimmatt Black Otter Irrigation Co. Page(s) . The handwritten marks and notations are mine, and I have initialed the map in the . These identified acres receive water via the Grimmatt Black Otter Irrigation Co.

Areas marked I irrigated myself in .
Areas marked I irrigated myself in but not since then. These lands were not irrigated between 2016 and June 14, 2021 because

- a. water was not available, but the irrigation system was in place and maintained.
- b. these acres were taken out of production due to a recent change in land use.
- c.

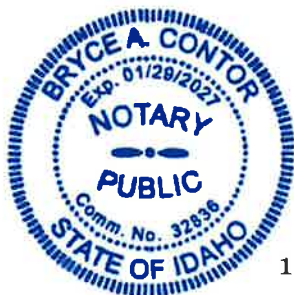
We are currently are not irrigating the corral area as well as the Northern part of our property due to failure of the canal company head gate. We pasture cattle on this piece and the cattle use this water also for stock water from approximately June - Nov.
I affirm that this statement is correct and that I myself have done and seen the things I have described.

Matthew Smith
(name)

3/22/23
(date)

STATE OF IDAHO)
)ss.
County of Bear Lake)

This document was acknowledged before me by Matthew Smith
on March 22, 2023.



Bryce A. Contor
Notary Public for Idaho
My Commission Expires: 1/29/2027

Affidavit of Troy Lloyd
for Irrigation in Grimmer Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is Troy Lloyd. I am 44 years old and I have been acquainted with the irrigation I have marked on the attached map since 5 yrs old. I know about this irrigation because I have ~~been~~ ^{was} born & raised here I have watered in myself about 5 yrs ago, when I was a kid I put the hay up & he helped water it.

The attached map is titled Grimmer Black Otter Irrigation Co. Page(s) F 5465. The handwritten marks and notations are mine, and I have initialed the map in the _____. These identified acres receive water via the Grimmer Black Otter Irrigation Co.

Areas marked _____ I irrigated myself in _____.
Areas marked _____ I irrigated myself in _____ but not since then. These lands were not irrigated between 2016 and June 14, 2021 because

- a. water was not available, but the irrigation system was in place and maintained.
- b. these acres were taken out of production due to a recent change in land use.
- c. _____

I water the whole place except the Dry ground. I use the ditch I marked in Red. I run a cow & calf operation which I use the Black Otter for water for cows

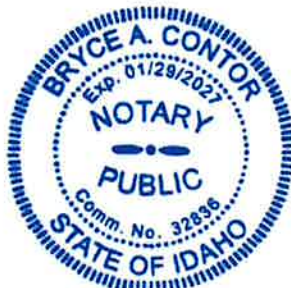
I affirm that this statement is correct and that I myself have done and seen the things I have described.

Troy Lloyd
(name)

3-22-23
(date)

STATE OF IDAHO)
)ss.
County of Bear Lake)

This document was acknowledged before me by Troy Lloyd
on March 22, 2023.



Bryce A. Contor
Notary Public for Idaho
My Commission Expires: 1/28/2027

Affidavit of Bryce Bunderson
for Irrigation in Grimmatt Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is BRYCE Bunderson. I am 50 years old and I have been acquainted with the irrigation I have marked on the attached map since 1980. I know about this irrigation because IT has been in my family as long as I have been away. I have been irrigating it since before the turn of the century.

The attached map is titled Grimmatt Black Otter Irrigation Co. Page(s) G3, 13. The handwritten marks and notations are mine, and I have initialed the map in the Topaul Borders. These identified acres receive water via the Grimmatt Black Otter Irrigation Co.

Areas marked Red I irrigated myself in 2021.

Areas marked X I irrigated myself in X but not since then. These lands were not irrigated between 2016 and June 14, 2021 because

- a. water was not available, but the irrigation system was in place and maintained.
- b. these acres were taken out of production due to a recent change in land use.
- c. _____

when not actively growing Hay, this land has historically been used for livestock production. water is supplied by the Black Otter. Water is used year round for these purposes.
I affirm that this statement is correct and that I myself have done and seen the things I have described.

Bryce Bunderson
(name)

3-22-23
(date)

STATE OF IDAHO)
)ss.
County of Bear Lake)

This document was acknowledged before me by Bryce Bunderson
on March 22, 2023.



Kristin Moore
Notary Public for Idaho
My Commission Expires: Aug 1, 2028

Affidavit of Norma Robison
for Irrigation in Grimmett Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is NORMA ROBISON. I am 82 years old and I have been acquainted with the irrigation I have marked on the attached map since 1998. I know about this irrigation because I AND MY FAMILY HAVE IRRIGATE THIS LAND SINCE WE BOUGHT IT IN 1998.

BILL ROBISON BLACK OTTER
UNDER MY DIRECTION

The attached map is titled Grimmett Black Otter Irrigation Co. Page(s) _____. The handwritten marks and notations are mine, and I have initialed the map in the UPPER LEFT. These identified acres receive water via the Grimmett Black Otter Irrigation Co.

OR MY FAMILY

Areas marked BLUE OUTLINE I irrigated myself in EVERY YR SINCE 1998.
Areas marked _____ I irrigated myself in _____ but not since then. These lands were not irrigated between 2016 and June 14, 2021 because

- a. water was not available, but the irrigation system was in place and maintained.
- b. these acres were taken out of production due to a recent change in land use.
- c. _____

BLUE OUTLINES IRR LANDS. ALL IRRIGATED - NO DRY SPOTS. RED IS DITCHES.
YELLOW IS CULVERTS AND WATER FLOW. WE RUN CATTLE AND THEY
DRINK BLACK OTTER WATER FROM DITCHES/SLOUGHS.

I affirm that this statement is correct and that I myself have done and seen the things I have described.

Norma Robison
(name)

Mar 23, 23
(date)

STATE OF IDAHO)
)ss.
County of Bear Lake)

This document was acknowledged before me by NORMA ROBISON
on March 22, 2023.



Bryce A. Contor
Notary Public for Idaho
My Commission Expires: 1/29/2027

Affidavit of _____
for Irrigation in Grimmer Black Otter Irrigation Co.
Bear Lake County, Idaho

My name is Darcy K. Linford. I am 56 years old and I have been acquainted with the irrigation I have marked on the attached map since Childhood. I know about this irrigation because Grandparents and Parents have operated on this ground since 1930's, I myself have seen and done the irrigation on this property.

The attached map is titled Grimmer Black Otter Irrigation Co. Page(s) E4, E5, F4, F5. The handwritten marks and notations are mine, and I have initialed the map in the irrigated lands. These identified acres receive water via the Grimmer Black Otter Irrigation Co.

Areas marked Blue I irrigated myself in Last 20 yr. (Every year)
Areas marked _____ I irrigated myself in _____ but not since then. These lands were not irrigated between 2016 and June 14, 2021 because -

- ☐ a. water was not available, but the irrigation system was in place and maintained.
- ☐ b. these acres were taken out of production due to a recent change in land use.
- ☒ c. Some area sub from canal, area also contains swales which are filled from ditches, in order move water, Cattle are also run on the property for grazing. There some water from Black Otter is used to water them.

I affirm that this statement is correct and that I myself have done and seen the things I have described.

Darcy K. Linford 3-22-23
(name) (date)

STATE OF IDAHO)
) ss.
County of Bear Lake)

This document was acknowledged before me by Darcy K Linford
on March 22, 2023.



Bryce A. Contor
Notary Public for Idaho
My Commission Expires: 1/29/2027

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DEC 05 2023

IDWR/Preston



Rocky Mountain
ENVIRONMENTALSM
ASSOCIATES, INC.

December 5, 2023

RMEA 23-0021

Idaho Department of Water Resources
Preston Field Office
325 East 600 South, Ste 300
Preston, Idaho 83263-4921

Re: Bear River Basin Adjudication Claims – Black Otter Irrigation Co.

Dear Ms. Marion Beck,

This letter accompanies a check for four Adjudication claims for the Black Otter Irrigation Company, which were transmitted electronically, along with GIS shapefiles to aid in review of the claims. Also attached are worksheets summarizing the fee calculations for a total fee of \$9,244.

In addition to responses to be provided to the claimant, please copy Rocky Mountain Environmental Associates, Inc. (RMEA) at kristin.rmea@gmail.com with a copy of the receipt and copies of the first pages of each claim, showing the numbers assigned by IDWR.

The claims filed are listed in the attached fee summary tables.

Please contact our office with any questions regarding these applications.

Thank you,

A handwritten signature in blue ink that reads "Kristin Moore".

Kristin Moore
Senior Water Rights Analyst

Enclosures: Check
 Fee Summary Tables

RECEIVED

DEC 05 2023

Claimant: Preston Black Otter Irrigation Co.

**Remember that only the first four de minimis stockwater claims require the \$25 fee.
Remember to round up to the whole dollar.**

Claim ID	\$ for Claim	Notes
11-908	\$5,094.00	All irrigated acres paid under this claim
1953 Priority	\$50.00	Acres paid under 11-908
1976 Priority	\$50.00	Acres paid under 11-908
11-7501	\$4,050.00	Stockwater & Wildlife 20 cfs each
Total	\$9,244.00	

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DEC 05 2023

IDWR/Preston

Claimant:
Claim ID:

Black Otter Irrigation Co.
11-7501

Instructions for Form No. 42-1409-1

Revised January 30, 2023

FILING FEES

Each claim submitted must include the filing fee. The filing fee for domestic and/or stockwater use claims diverting less than 13,000 gallons of water per day is \$25.00. However, if you are filing more than four (4) claims in which the only purpose of use listed is stockwater, only the first four (4) claims require the \$25.00 filing fee. All additional stockwater claims are fee exempt once the \$100.00 in filing fees has been paid for the first four (4) stockwater only claims filed after July 1, 2017.

The flat fee for filing all other claims filed is \$50.00 per claim. An additional variable filing fee based upon acreage, power generating nameplate capacity, cubic feet per second (cfs) amount, or an equivalent volume of storage water is required for claims for water uses other than domestic and/or stockwater uses diverting less than 13,000 gallons of water per day. Use Table 3 to calculate the variable fee. Add the calculated variable fee to the \$50.00 flat fee to determine the total fee for the claim. The exceptions are fire protection or ground water recharge which have a \$50.00 flat fee, and no variable fee.

Examples for a single claim to a water right with single source and same priority date

Single family domestic and stockwater use, less than 13,000 gallons per day in total \$25.00
100 acres irrigation, domestic and stockwater as above \$150.00
Fish propagation, 4.2 cfs \$92.00
Multiple family domestic, 1.6 cfs, irrigation of yards and gardens, 14 acres \$224.00

	Rate/Unit	Unit	# Units	\$ Amount
<i>De Minimis</i>	\$25 Claim			
<i>De Minimis</i> Stock (> 4th claim)	\$0 Claim			
<i>Non-De Minimis</i> Irrigation	\$50 Claim		1	\$50.00
Power Generation	\$1 Acre			
	\$3.50 KW of Capacity			
Aquaculture	\$10 cfs			
Dom. & Stock (>13k gpd), Municipal, industrial, commercial, mining, heating, cooling	\$100 cfs		20	\$2,000.00
Public instream flow, public lake level maintenance, wildlife	\$100 cfs		20	\$2,000.00
Fire protection	\$0 cfs			
Groundwater recharge	\$0 cfs or afa			

Total **\$4,050.00**

Duplicate this worksheet once for each claim.

Note:
Stockwater and Wildlife 20 cfs each

TABLE 3. VARIABLE FEE SCHEDULE		
Irrigation	\$1.00 per acre	Each acre is charged only once
Power generation	\$3.50 per kilowatt of capacity	Manufacturer's nameplate rating, or \$250,000.00, whichever is less
Aquaculture	\$10.00 per cfs	
Domestic stockwater use in excess of 13,000 gallons per day	\$100.00 per cfs	
Municipal, industrial, commercial, mining, heating, cooling	\$100.00 per cfs	
Public instream flow, public lake level maintenance, wildlife	\$100.00 per cfs	
Exceptions: No variable fee is charged for fire protection or ground water recharge.		