

**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**

CIVIL CASE NUMBER: 79576

Claim ID: 11-7515

Date Received: 11/27/23

Receipt No: P000632

Claim Fee: 550.00 By: MB

RECEIVED

NOV 27 2023

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

IDWR/Preston

Please type or print clearly

1. Name of claimant(s) Peg Leg Irrigation Company Inc. Phone (208) 390-1332
Mailing address PO Box 243 Montpelier Idaho Zip 83254
Street or Box City State
Email address (optional) justin.skinner@nutrien.com
2. Date of priority: (Only one per claim) 4/15/1878 (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. RP14S45E084900
Additional points of diversion, if any: _____
If available, GPS Coordinates Black Otter Canal Diversion
- 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.

Diversion from Bear River is through the Black Otter Canal headgate. Peg Leg rights are diverted through this diversion and then branch off in T14S R45E S7 SWNW into the Peg Leg Ditch. To deliver stockwater during the off-season, the headgate is left open partially to allow adequate flow to carry water down the ditch.

6. Water is claimed for the following purposes:

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

For Stockwater purposes from 10-01 to 04/15 amount 5.00 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5.00 (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 - estimate 1000 head of cattle

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	

Service Area (see Attachment 1)

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

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. See the Attachment 3 memorandum regarding "Stock water claims to accompany irrigation claims based on rights decreed in the Terrell Decree of 1924," by Bryce A. Contor for a more detailed discussion.

The statutory claim identifies a limited place of use for stockwater. However, the lands of the patrons extends beyond the initial claimed boundary. This claim proposes to use the service area boundary of the irrigation company to represent locations stockwater has been delivered as of 2021..

Peg Leg does not own the lands within the place of use, but represents the patrons who receive the water under these rights. Many patrons provided affidavits verifying of the stockwater use. See Attach 2.

The diversion rate proposed in this claim is likely not the actual quantity of water that passes the head gate when only stockwater is being delivered. There is no current method of measurement. It is acknowledged that this value must be evaluated during the adjudication process to more accurately represent the actual diversion.

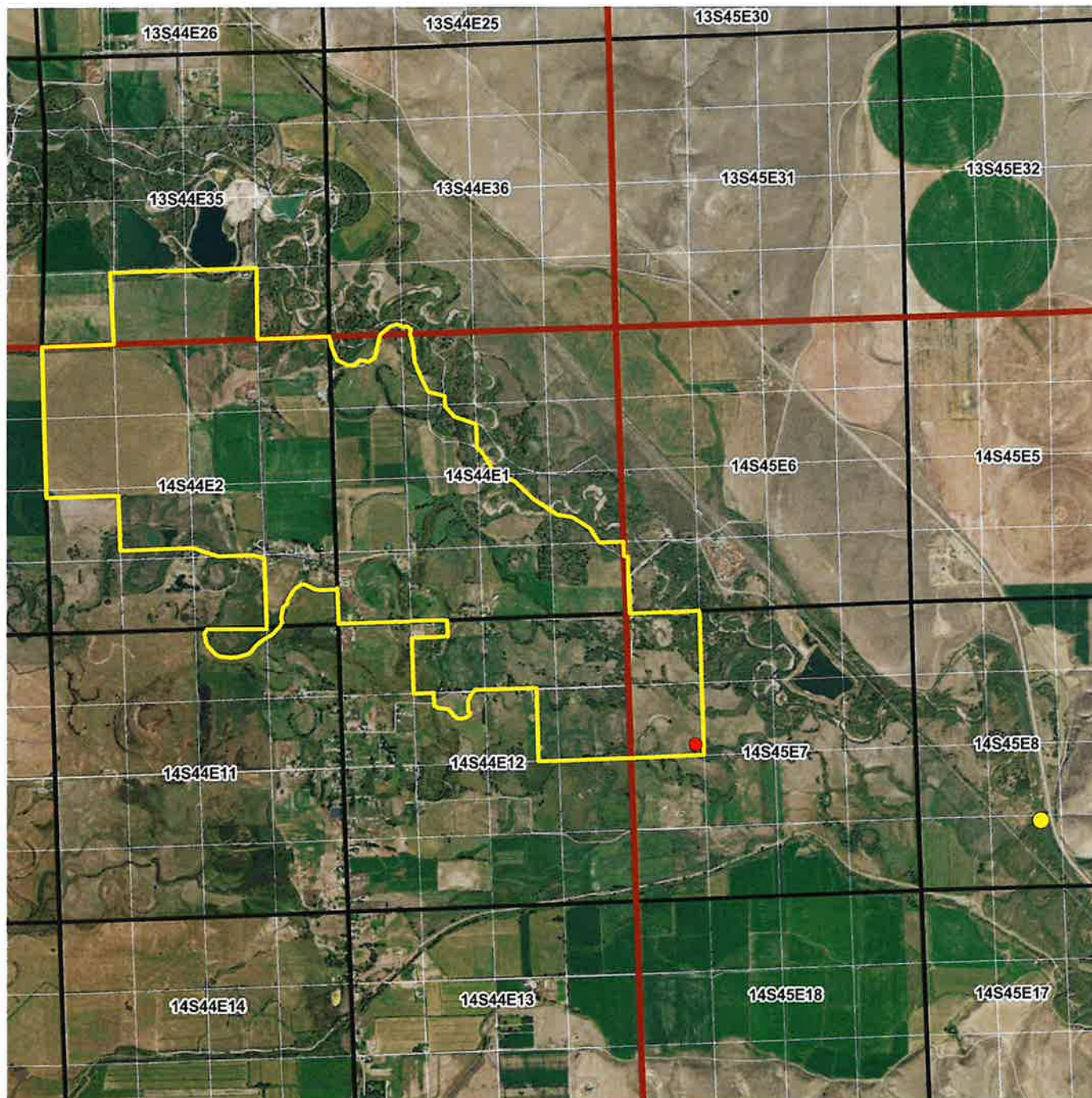
Name of claimant(s) Peg Leg Irrigation Company Inc. Claim ID _____

Claim Map

Based on WR Number: 11-7515

Claimant: Peg Leg Irrigation Company Inc.

Claim No: _____



2,700 1,350 0 2,700 Feet



- Peg Leg Headgate
- Claim POD (Black Otter Canal)
- Service Area Boundary
- Townships
- PLSS Sections
- QQ



Date Created: 11/21/2023

Base Map: USDA NAIP 2021

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

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 11-7515

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.

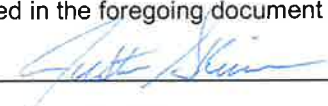
Signature of Claimant (s) _____ Date: _____

_____ 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 Peg Leg Irrigation Company Inc. _____
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  Date 11/27/2023

Printed Name of Authorized Agent Justin Skinner

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) Peg Leg Irrigation Company Inc. Claim ID _____

Attachment 1

Place of Use List

Claimant: Peg Leg Irrigation Company Inc.

Based on Water Right Nos: 11-902, 11-903, 11-904

Twp	Rng	Sec	QQ	Gov. Lot	Service Area Acres
13S	44E	35	SWSW		1.1
		35	SESW		39
		35	SWSE		40
		36	SWSW	5	1.1
		36	SESW	5	0.5
14S	44E	1	SWNE	2	2.3
		1	NENW		9.2
		1	NENW	10	1.4
		1	NWNW		0.4
		1	NWNW	10	31
		1	SWNW		40
		1	SENW		10
		1	SENW	4	26
		1	NESW	3	40
		1	NWSW		40
		1	SWSW		40
		1	SESW		40
		1	NESE	1	8.2
		1	NWSE	2	33
		1	SWSE		40
		1	SESE		1.6
		1	SESE	1	39
		2	NENE	1	40
		2	NWNE	2	40
		2	SWNE		40
		2	SENE		40
		2	NENW	3	40
		2	NWNW	4	40
		2	SWNW		40
		2	SENW		40
		2	NESW		35
		2	NWSW		4.1
		2	NESE		40
		2	NWSE		39
		2	SESE		25
		11	NENE		0.7
		11	NWNE		11
		12	NENE		40
		12	NWNE		40
		12	SWNE		11
		12	SENE		40
		12	NENW		36
		12	SENW		5.7
14S	45E	6	SWSW	7	1.6
		7	NWNW	1	41
		7	SWNW	2	41
					1214.9

Attachment 2

Many of the patrons of Peg Leg met with Rocky Mountain Environmental Associates, Inc. to discuss and document their water use from Peg Leg Irrigation Co. Not all patrons were available to meet and provide details. Those who were available filled out and signed an affidavit verifying their history with the property, their irrigation uses, and their stockwater uses. Not all patrons specifically stated their stockwater uses. The map within this attachment represents the parcels owned by the patrons that specifically stated their stockwater use. Even though not all patrons represented in their affidavits, if they signed one, that stockwater was used, it appears that the practice is generally to allow stock to drink directly from the Peg Leg ditch, or associated ponds fed by the ditch. Therefore, it can be assumed that, at the least, the properties in which the Peg Leg ditch flows, utilize the ditch for stockwater. This claim assumes that all properties may use the Peg Leg ditch to deliver stockwater during the offseason and the claimed place of use is the service area boundary.

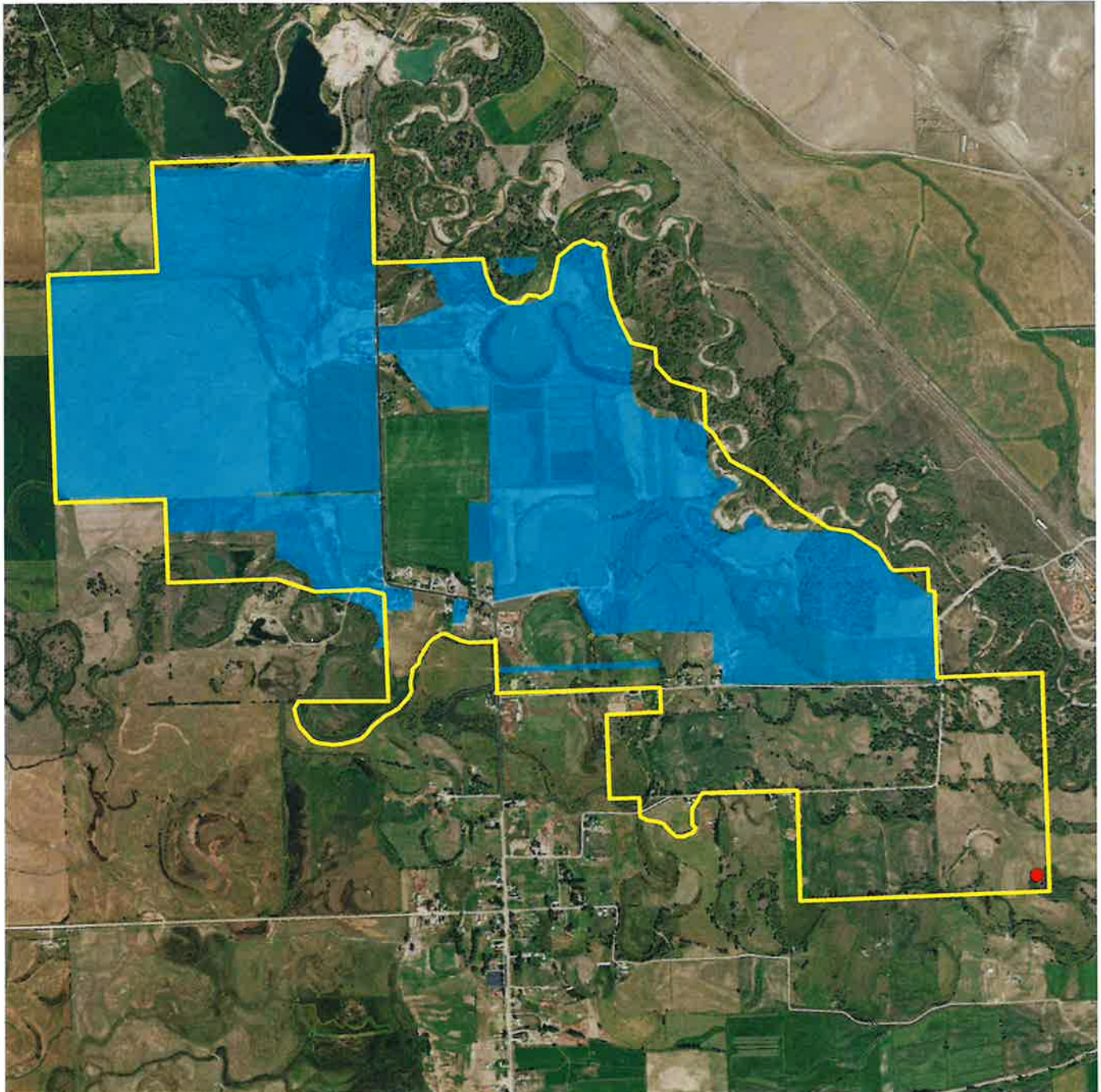
This attachment includes a map and a copy of the affidavits that were obtained from the patrons.

Identified Parcels on which Stockwater is used

Based on WR Number: 11-7515

Claimant: Peg Leg Irrigation Company Inc.

Claim No: _____



1,750 875 0 1,750 Feet



Date Created: 11/21/2023

- Peg Leg Headgate
- ▭ Service Area Boundary
- ▭ Identified Stockwater Uses



Base Map: USDA NAIP 2021

Affidavit of Dianne Nite
for Irrigation in Peg Leg Island Irrigation Co.
Bear Lake County, Idaho

My name is Dianne Nite. 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 Nite in 2000 and this was his family's ranch. I've helped him irrigate the property since we were married until 2021 when he passed.

The attached map is titled Peg Leg Island Irrigation Co. Page(s) B1, C1, Master. 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 Peg Leg Island Irrigation Co.

Areas marked in green I irrigated myself or witnessed being irrigated since 2000-2021.
Areas marked in blue 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 through a pump in the ditch that delivers water into a sprinkler system. Property B has lost access to the ditch due to neighbor interference but all canal shares are current in the hopes of restoring connectivity.
I affirm that this statement is correct and that I myself have done and seen the things I have described.

Dianne Nite _____ 3-22-23
(name) (date)

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

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



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

Fred K Nate
WD# 165765
23 Dec 1998
WD# 165838

T-1566

Janet Humpherys
WD# 130832
12 Apr 1983

T-1575

T-1587

T-8255

T-5308

Justin Skinner, et ux
WD# 229970
30 Aug 2019

T-2837

T-4815

JUT Holdings, LLC
WD# 221055
3 Nov 2015
WD# 221056
3 Nov 2015

T-1619

T-1560
Fred K Nate
WD# 165765
23 Dec 1996
WD# 165838

Nate-Dingle Ranch, LLC
QCD# 206086
5 Nov 2009

T-3236

Darcy K Linford
WD# 214432
8 Mar 2013

T-1581

Wayne Skinner, Trustee
WD# 209590
28 Mar 2011

T-1568

Jimmy D Lloyd, etux; F
A/U 228132; 13 Nov 21

Jimmy D Lloy
WD# 221527
22 Jan 2016

Nate-Dingle Ranch, LLC
QCD# 206086
5 Nov 2009

T-156

T-6530

Stephen Nabo
WD# 142931
15 Feb 1990

50.08 Acres

Affidavit of Todd Lloyd
for Irrigation in Peg Leg Island Irrigation Co.
Bear Lake County, Idaho

My name is Todd Lloyd. I am 49 years old and I have been acquainted with the irrigation I have marked on the attached map since 1978. I know about this irrigation because I moved pipe on this land since I was six, for my grandpa. I have run it myself and irrigated it every yr since 2017.

The attached map is titled Peg Leg Island Irrigation Co. Page(s) B2 & C2 The handwritten ~~set~~ red marks and notations are mine, and I have initialed the map in the upper right. These identified acres receive water via the Peg Leg Island Irrigation Co.

Areas marked red I irrigated myself in 2017 - 2022
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. _____

Grandpa ran cattle and sheep that drank from the ditches. My cattle and sheep also drink from the ditches.

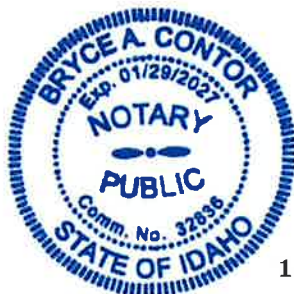
I affirm that this statement is correct and that I myself have done and seen the things I have described.

Todd Lloyd
(name)

3-31-23
(date)

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

This document was acknowledged before me by Todd Lloyd
on March 21, 2023.



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

Affidavit of Russell D. Cook
for Irrigation in Peg Leg Island Irrigation Co.
Bear Lake County, Idaho

My name is Russell D. Cook. I am 74 years old and I have been acquainted with the irrigation I have marked on the attached map since 1948. I know about this irrigation because I have been on this property since birth + irrigated with my Dad, and since his passing, I've owned this property and irrigated the property.

The attached map is titled Peg Leg Island Irrigation Co. Page(s) C-2. The handwritten marks and notations are mine, and I have initialed the map in the Property. These identified acres receive water via the Peg Leg Island Irrigation Co.

Areas marked _____ I irrigated myself in _____
Areas marked Diagonal I irrigated myself in using a pump that redirects Peg Leg water from the Slough-
not irrigated between 2016 and June 14, 2021 because

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

I leased the property to Todd Lloyd in (2015) approx but still maintained ditches and help irrigate said property

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

Russell D. Cook
(name)

March 21, 2023
(date)

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

This document was acknowledged before me by Russell D. Cook
on March 21, 2023.



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

Affidavit of Darcy K. Linford
for Irrigation in Peg Leg Island 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 Since Childhood I know about this irrigation because I have seen irrigation water on this ground since my childhood by my parents. I also currently irrigate as availability provide on this property.

The attached map is titled Peg Leg Island Irrigation Co. Page(s) C1. The handwritten marks and notations are mine, and I have initialed the map in the Top. These identified acres receive water via the Peg Leg Island Irrigation Co.

Areas marked Red (B) I irrigated myself in 2021.

Areas marked Red (A) I irrigated myself in 1990's 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. Due to ditches being removed by neighbors.

Two shores are maintained and current in hopes of restored delivery of water. Area B is grazed by cattle and watered from ditch when available or well when no water in ditch.

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

Darcy K. Linford
(name)

3-21-23
(date)

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

This document was acknowledged before me by Darcy K Linford
on March 21, 2023.



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

Affidavit of Paul Keetch
for Irrigation in Peg Leg Island Irrigation Co.
Bear Lake County, Idaho

My name is Paul Keetch. I am 85 years old and I have been acquainted with the irrigation I have marked on the attached map since childhood know about this irrigation because grew up by area owned until 1962 yr.
I bought the Ranch 1962 - & split it then by where
Povits

The attached map is titled Peg Leg Island Irrigation Co. Page(s) A1-B1. The handwritten marks and notations are mine, and I have initialed the map in the right property. These identified acres receive water via the Peg Leg Island Irrigation Co.

Areas marked red I irrigated myself in 1962 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. _____

stock water at Pound - water from Kent & Wallace Co. &
Peg Leg Co.

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

Paul Keetch
(name)

21 Mar 23
(date)

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

This document was acknowledged before me by Paul Keetch
on March 21, 2023.



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

Affidavit of Dennis Bird
for Irrigation in Peg Leg Island Irrigation Co.
Bear Lake County, Idaho

My name is Dennis Bird. I am 91 years old and I have been acquainted with the irrigation I have marked on the attached map since all my life. I know about this irrigation because I grew up on this property and helped my dad irrigate the farm. My grandparents homesteaded the property.

The attached map is titled Peg Leg Island Irrigation Co. Page(s) 12 + D2. The handwritten marks and notations are mine, and I have initialed the map in the property. These identified acres receive water via the Peg Leg Island Irrigation Co.

Areas marked in blue boundary I irrigated myself on through my son Eldon Bird in 2021 and years previous since owning the 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. _____

Stock water from the Peg Leg ditch that runs through my property.

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

Dennis L Bird
(name)

(date)

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

This document was acknowledged before me by Dennis Bird
on March 21, 2023.



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

Affidavit of Darlene Cornia
for Irrigation in Peg Leg Island Irrigation Co.
Bear Lake County, Idaho

My name is Darlene Cornia. I am 64 years old and I have been acquainted with the irrigation I have marked on the attached map since 1962. I know about this irrigation because I lived with Grandma and Woody on the place. I watched them flood irrigate. We got the place in 2020 and we haven't been able to irrigate it because the ditch was closed in.

The attached map is titled Peg Leg Island Irrigation Co. Page(s) . The handwritten marks and notations are mine, and I have initialed the map in the TOP right corner. These identified acres receive water via the Peg Leg Island Irrigation Co.

Areas marked Green watch Grandma & Woody I irrigated myself in irrigate
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.

They always had stock that drank from the ditch.

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

Darlene Cornia
(name)

3-21-23
(date)

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

This document was acknowledged before me by Darlene Cornia
on March 21, 2023.



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

Affidavit of JERRY HUMPHERYS
for Irrigation in Peg Leg Island Irrigation Co.
Bear Lake County, Idaho

My name is JERRY HUMPHERYS. I am 66 years old and I have been acquainted with the irrigation I have marked on the attached map since ALL MY LIFE. I know about this irrigation because I GREW UP ON THE PLACE AND HELPED MY DAD. I HAVE DONE THE IRRIGATION SINCE THE 1970S.

The attached map is titled Peg Leg Island Irrigation Co. Page(s) C1. The handwritten BLACK marks and notations ~~are mine~~ ^{WERE DONE UNDER MY DIRECTION}, and I have initialed the map in the UPPER LEFT. These identified acres receive water via the Peg Leg Island Irrigation Co. "A" IS WATERED THE BEST IT CAN FROM THE DITCH. IT IS TOUGH TO WATER. "D" WATERS WELL.

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. _____

"E" AND "F" I SPRINKLE USING A DIESEL PUMP. THE HOUSE YARD IS WATERED FROM THE DITCH WHEN I CAN OR THE CULINARY WELL. "B" AND "C" HAVEN'T BEEN IRRIGATED FOR A WHILE - NOT SURE HOW LONG. HORSES WATER FROM THE DITCH.

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

Jerry Humphrys
(name)

21 MARCH 2022
(date)

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

This document was acknowledged before me by Jerry Humphreys Humphrys on March 21, 2023.



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

Affidavit of Justin Skinner

My name is Justin Skinner. I am 50 years old and I have been acquainted with the Irrigation I have marked on the attached map since 1985. I know about this Irrigation because I watched and helped irrigate from the time my father bought the property. I have purchased this property from my father and carried on irrigation and watering livestock since 1992.

The attached map is titled Peg Leg Island Irrigation Co. Pages B1, B2, C1 and C2. The hand written marks and notations are mine, and I have initialed the map in the top right corner. These identified acres receive water via the Peg Leg Island Irrigation Co.

Areas marked black on Pages B1, B2, and C2 and marked blue on Page C1 I irrigated myself every year since 1992.

Areas marked in green on page B1 and C1 marked Diane Nute has been observed by myself since 1992, ~~and~~ irrigated annually. Diane has paid her annual assessment every year.

My property, identified above, has had cattle graze after the second cutting every year. Cattle drink from the Peg Leg as they graze.

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

Justin Skinner 3-21-23

State of Idaho
County of Bear Lake

This instrument signed before me on 21 March 2023
by Justin Skinner



Bryce A. Contor
Notary Public

Attachment 3



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.

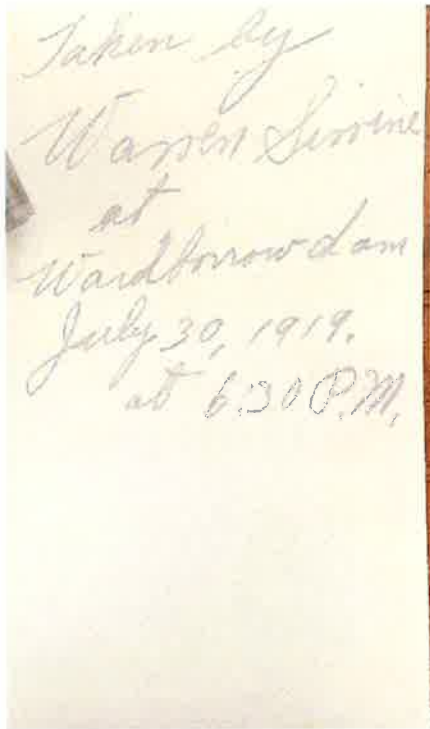
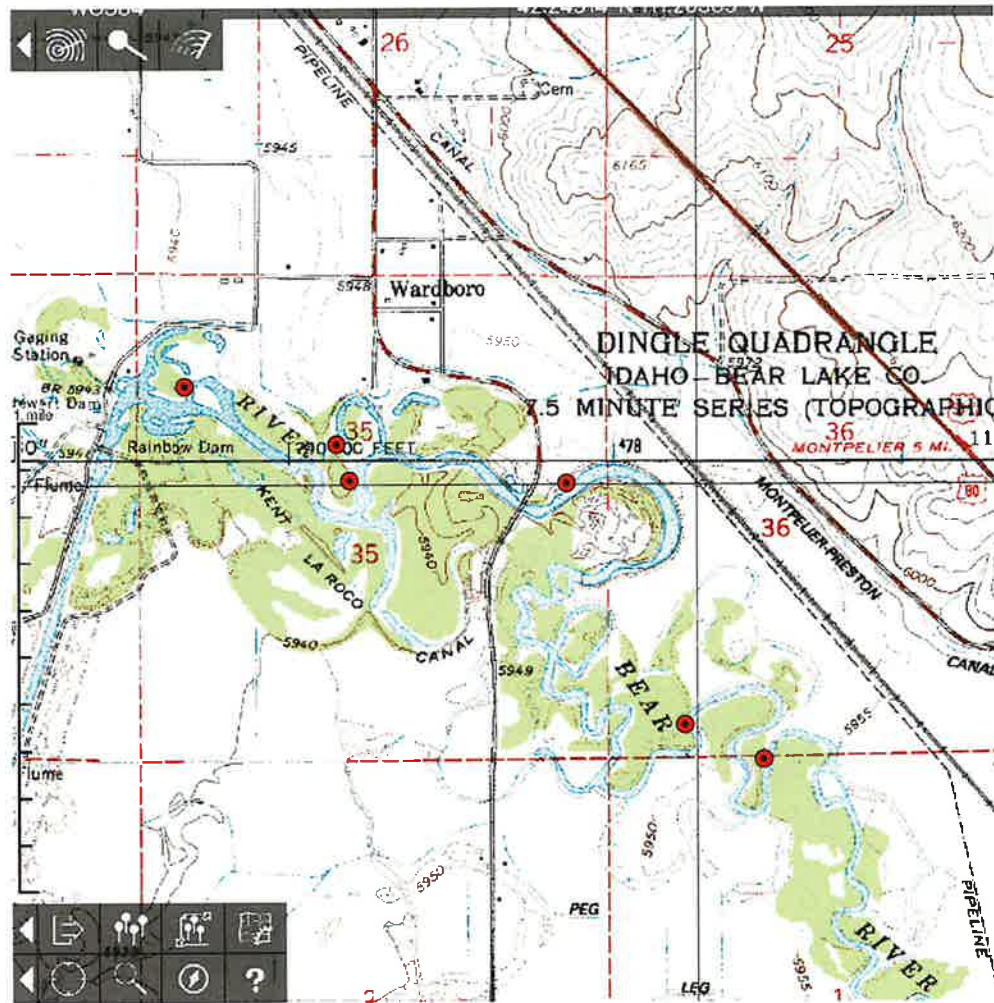


Figure 2. Notation on the back of the photo shown in Figure 1.

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

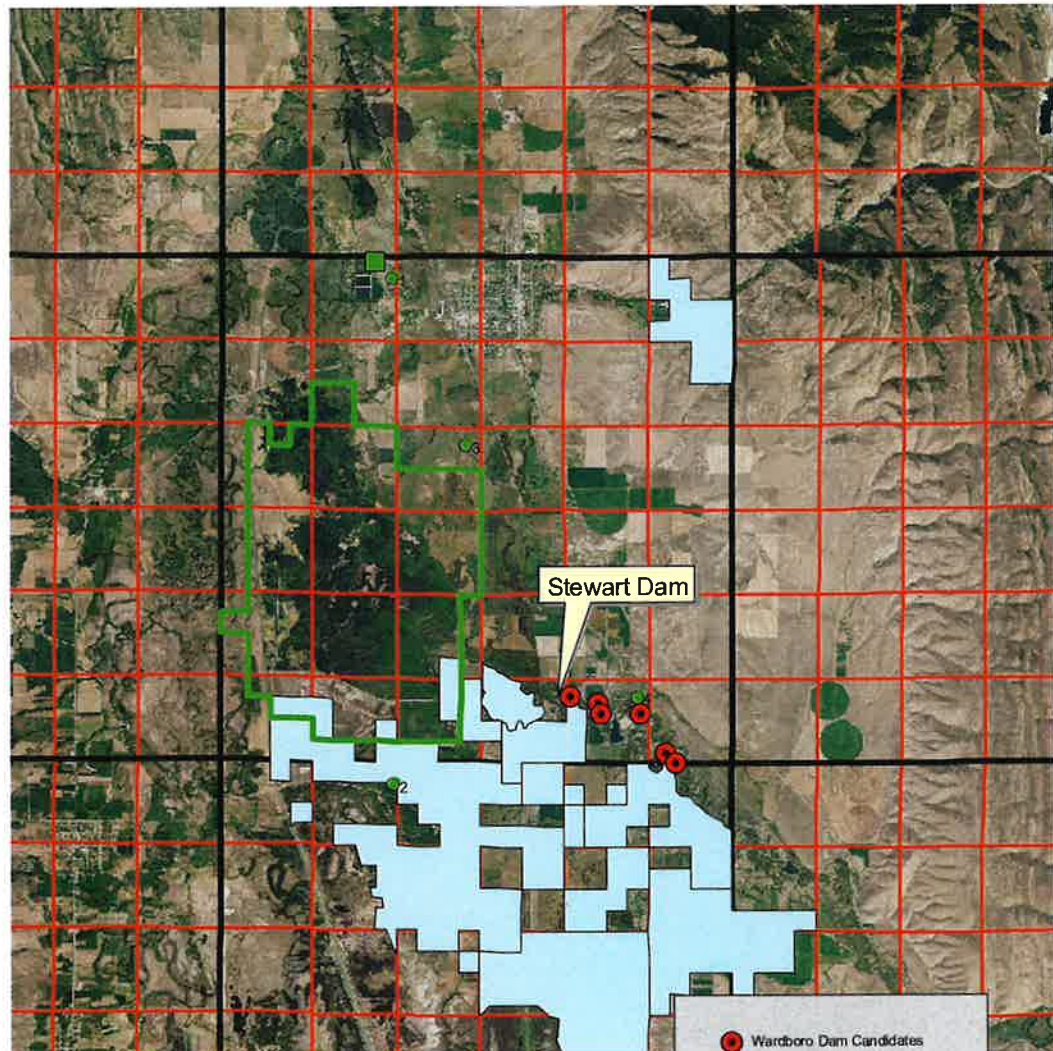
Date Created: 7/31/2023

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



1 0 1 2 3 Miles

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



Date Created: 7/31/2023

Base Map: 2021 USDA NAIP

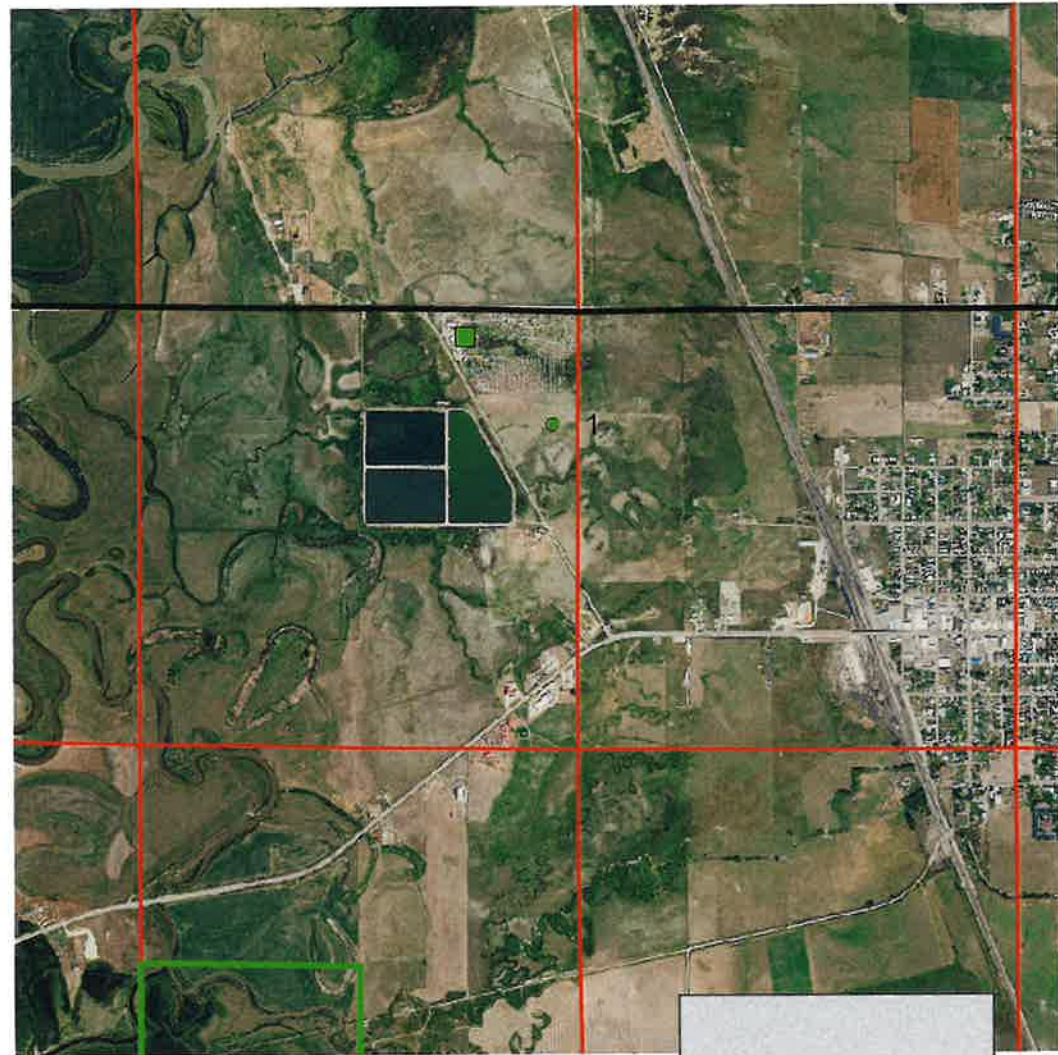
Figure 4. Candidate locations for POD for 11-0909, West Fork Irrigation.

i) Decreed location and candidate 1

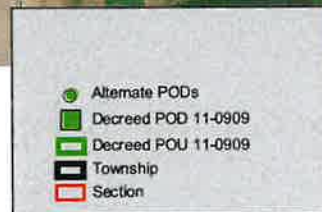
Candidate 1 differs from the Decreed location only in the bearing taken from the quarter-section corner per the metes and bounds description in the Decree. Figure 5 shows that neither the Decreed location nor Candidate 1 have obvious surface connection to the Bear River, and generally are downstream 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

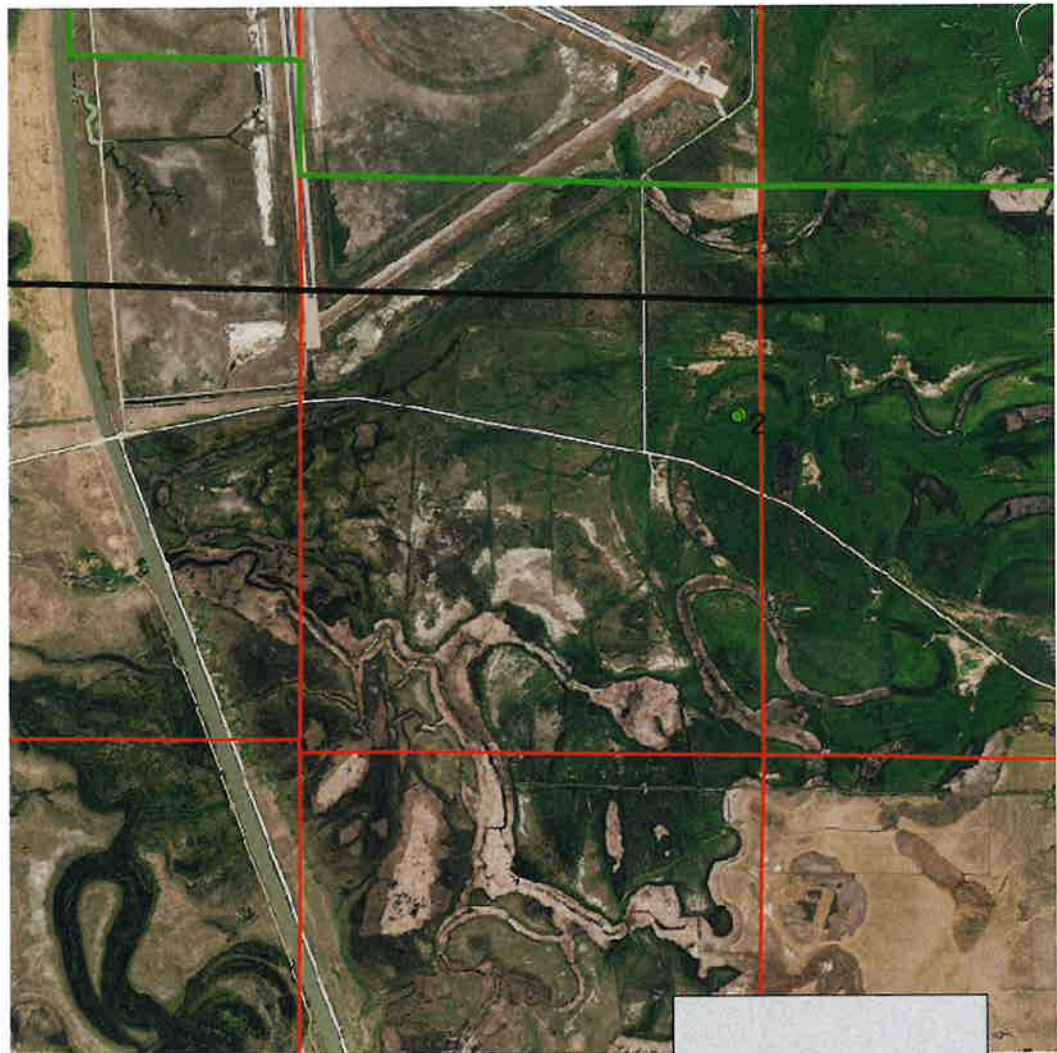
Date Created: 7/31/2023

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



1320 0 1320 2640 Feet

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



Base Map: 2021 USDA NAIP

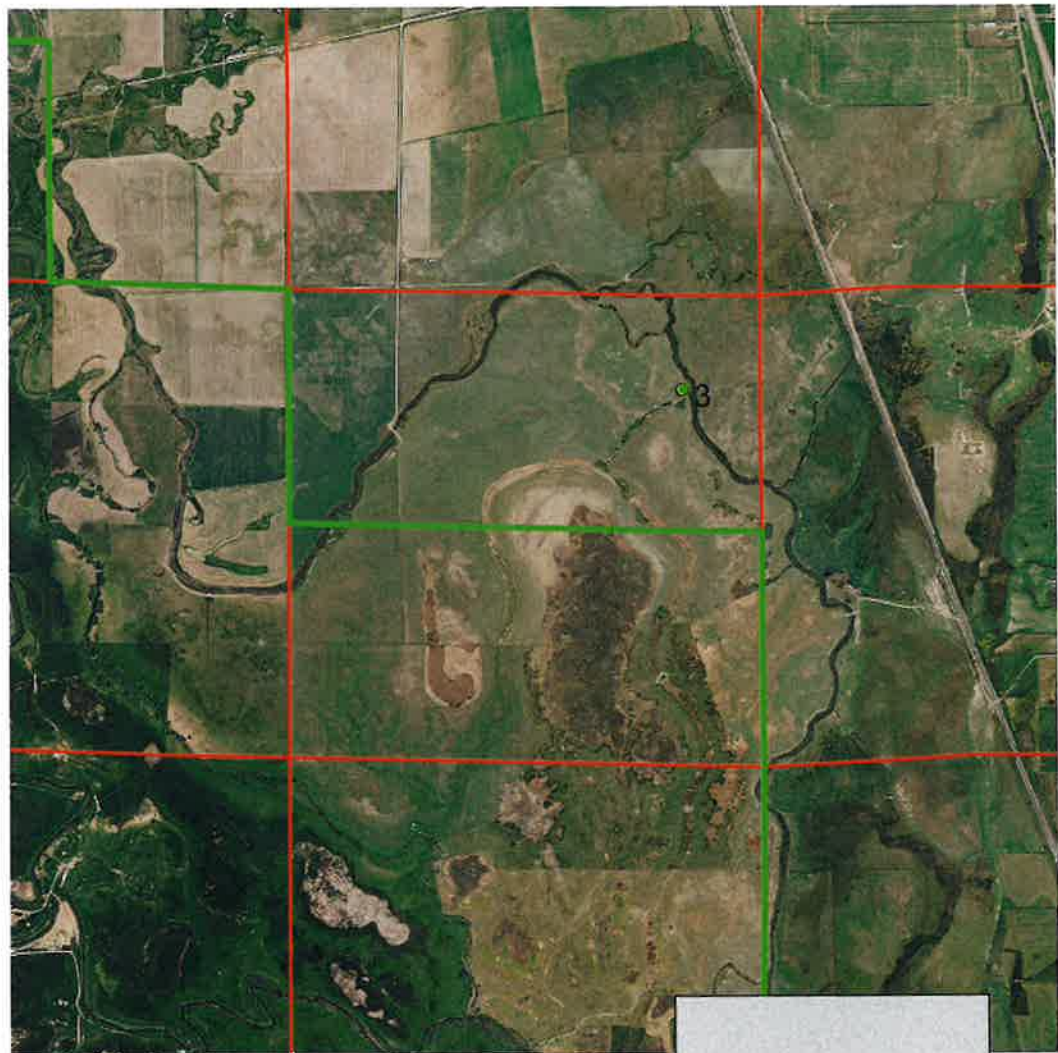
Date Created: 7/31/2023

Figure 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



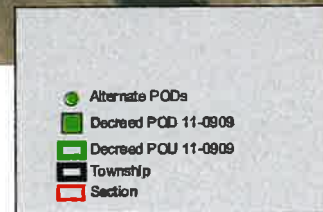
Date Created: 7/31/2023

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



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. 3559

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

LAND OFFICE

43

Blackfoot, Idaho

January 21, 1898.

Sect. 18, Town 14 S, Range 4 E

341

Div. C, List No. 12

Approved March 21, 1898,

W. H. R. G., Clerk,

Division "C"

Patented April 18, 1898

Recorded, Vol. 16, page 364

70-114

(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 1/4 of the Northwest quarter and lots seven and eight of the Northwest quarter of Section No. 18, in Township No. 14 South, of Range No. 44 East, of the 13th Principal Meridian Idaho, containing One Hundred Sixty four 84/100 acres.
THE ACT OF AUGUST 30TH, 1890.

of Section No. 18, in Township No. 14 South, of Range No. 44 East, of the 13th Principal Meridian Idaho, containing One Hundred Sixty four 84/100 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 100 dollars 00 cents,

being the balance of payment required by law for the entry of the
62 of the NW 1/4 and Lots River and Right

of Section 18 in Township 14 South of Range 44 East
containing one hundred and sixty four ^{84/100} acres, under Section 2291 of the
Revised Statutes of the United States.



George B. Rogers
Receiver.

\$1.75 Testimony fee received. Number of written words, 781

Rate per 100 words 22 1/2 cents.

62 NW 1/4 Lot 2 Sec 18, T14S, R44E.

CHN

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 44 East 11th, containing 164 8¹/₂ acres.James Mark Anderson
hisLand 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

Secd. 18, Town, 14S, Range 84E

6-804

PM

For license per cash
Entry No. 1166

1600

78-114

FINAL HOMESTEADS.

Register and Receiver's Report.

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

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.
(Nelson vs. St. P., M. & M. R'y, 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 Preemption and Commuted Homesteads the above rule does not apply.

RULE 3.—PUBLISHED NOTICE OF FINAL PROOF.

~~The~~ 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. 18.

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 23, 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., 2387.

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. VILAS,
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, 1898

I, Loung 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 Apr., 1897.

Loung 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, PUBLISHED ONCE EACH WEEK AT PARIS, BEAR LAKE COUNTY, IDAHO; THAT THE
NOTICE HERETO ATTACHED, 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 8TH
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 Paulton, Idaho, on January 10, 1898, viz:

JAMES ANDERSON.

Section 11, New and Lots 7 and 8, See 18, Twp 14, S. R. 4 E.

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

Elma Berg, Christopher Anderson, Charles V. Girard, 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 Lot 7 and 8 Sec 18, Tp 14 S. R. 14 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 ""
Myron 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.

Samuel 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 E 2 N 4 W and Lots 7 and 8, Sec. 18, Twp.
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. Spongherg, 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. Spongherg

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

Applicant
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 62774th and Lots 7 and 8, Sec. 18, T. 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. Sponberg,
Paris, 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 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. Sponberg

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 § 1750).

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 17th and Lots 7+8 sec 18
Tp. 14 S. R. 44 East 8th M. containing
1648400 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

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 James Anderson), 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

Spangler
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.

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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 5th, 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.M. 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 recommended, 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 is a timber tract on the land, there is no objection to the settler (whether of the same or of any other purpose) to cut the timber to be used in building the house, and the person who cut it will be liable to suit for recovery of the value of said timber, and also to criminal proceedings under Section 2211 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 2269, 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

Spangberg
Clerk of District Court, Bear 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. o-4

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

Christopher Anderson, being called as witness in support of the Homestead entry of James Anderson for E 7 N 7 E 1/4 Sec. 18 T 4 S 10 N R 6 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. Quelling house, stack yard, shed & stable, corral, value \$250.00

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 Lake County, Idaho.

[SEE NOTE ON FOURTH PAGE.]

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

Nyrum Anderson, being called as witness in support of the Homestead entry of James Anderson for Section 8, Twp. 14 N., R. 10 W., Co. 1 N., testifies as follows:

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

Answer. Nyrum Anderson, 24 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; 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?

Ans. About 50 acres; 10 acres seasons

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

Ans. Dwelling house, stack yard, shed stable, corral, value \$25,000

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.)

Nyrum 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, 1895, at my office at Paris, in Bear Lake County, Idaho.

[SEE NOTE ON FOURTH PAGE.]

Aspenberg
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, Tp. 14S, 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, Tp. 14S, 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, stack 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 50 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: Ephraim, Pari, Idaho

(Sign plainly with full christian name.)

James T. Anderson
his 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, Blaine Lake County, Idaho.

[SEE NOTE BELOW.]

G. Spangler
Clerk of the District Court in and for
District of the State of Idaho, in and for
Blaine 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. (See § 1750.)

(4-389.)

HOMESTEAD PROOF.

LAND OFFICE AT
BLACKFOOT, IDAHO.

Original Application No. 2359

Final Certificate No. 2377

Approved:

Lorenzo R. Thomas, Register.

Gregg 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 E271W4 and
Lots 7 and 8 Section No. 18 in Township No. 14S.
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 an actual settler
a citizen of the United States; that I have made actual settlement
upon and have cultivated and resided upon said land since the 1st 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 expense I am unable to~~
~~make this affidavit at the District Land office~~ James his Anderson
(Sign plainly with full christian name.)
G. Spangler, Clerk of District Court in and for Blaine 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 Blaine Lake County,
Idaho

G. Spangler
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
DOUCMENT 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.rmea@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

Hayman S. Humphreys
LAND OFFICE

Oxford Idaho
april 27th, 1886

Sect. 11, Town 14, Range 73 East

Reason for not making the
B. of R. July 29, 1886, by S.E. Van Dine
Div. Co. Ex.

Approved _____, 1886

Clerk, _____

Division _____

Patented Apr 18, 1888, 94

Recorded, Vol. 1, page 462
78-41

HOMESTEAD.

Land Office at Oxford Idaho
apl 17d, 1886

FINAL CERTIFICATE,

No. 471

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 S W 4 Sec 11 - and N 2 W 4 -

of Section No. 14, in Township No. 14 South, of Range No. 43 East, of the Baise 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 J. Humphreys the sum
of \$1 dollars _____ cents,
being the balance of payment required by law for the entry of S² S¹ W⁴
Sub 11 and N² E⁴of 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
100John Montgomery
Receiver.

HOMESTEAD.

APPLICATION

No. 275 }

Land Office at Oxford, S. T.
March, 30th, 1881I, Hyrum T. Humphreys, of Pear Lake
C. 2^d Idaho, do hereby apply to enter, under Section 2289,Revised Statutes of the United States, the South ½ of the S. W. ¼ of Sec. 11, and
the N. ½ of N. W. ¼ of Section 14, in Township 14 S. of
Range 43 E., containing 160 acres.Hyrum T. HumphreysLand Office at Oxford, S. T.
March, 30th, 1881I, August Paddenhausen, 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 Paddenhausen
Register.

No. 275

HOMESTEAD APPLICATION.

James S. Humphreys

March 30th, 1881.

Sec. 14, Town 46, Range 43E

91-41

NON-MINERAL AFFIDAVIT.

COUNTY OF Bear Lake }
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. Fears Clerk Dist. Court
per W. H. Cagle Deputy

HOMESTEAD.

[AFFIDAVIT.]

Land Office at

Oxford, Vt.
March 30th 1881.

I, Hyrum T. 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 settlements 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
Hyrum T. Humphreys

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

Wm B. Thews Clerk Dist 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. 2204, 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 T. 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 T. Humphrey

Wm. B. Thurst ^{Deputy} Clerk
per W. H. Cagle 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. Eaton,
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, 1888.

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, 1888, 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 } SS.

Fred M. J. Goshel, do solemnly swear that I am the *Publisher* 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 *14* 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

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 29, 1886, viz: Hiram T. Humphreys on H. E. NE 275 for the S 2 SW 1, Sec. 11 and N 2 NW 1, Sec. 14-148-43 E.

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

H. C. Rink, Samuel J. Rink, James Collins, Jr., John 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 herewith 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 *July*, A. D. 188*6*.

Frank W. Beane

S. H. Hays, Clerk of
3rd Jud^g Dist. Idaho
By W. N. B. Shepherd
Deputy

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 Oxford 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, H. T. Humphreys
S. H. Hays, Clerk of District Court of 3rd
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 H. T. Humphreys Deputy

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 Bear Lake Territory of Idaho

Present: Hon M. E. Hollister Judge.

In the matter of the Application of

Hypnum Humphrey

An Alien,

To become a Citizen of the United States of America.

In Open Court,

June Term A.D. 1875

this 7th day of June 1875

as yet of our Term

It appearing to the satisfaction of this Court, by the oaths of H. Margess 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 Territory 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 Bear Lake Territory of Idaho ss.

I, S. H. Hays Clerk of the District Court,
in and for the County of Bear 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 twentieth

S. H. Hays Clerk,
R. M. Stephens Deputy Clerk.

District Court,
Territory of Idaho
County of Bear Lake

Act of Naturalization

James Humphreys

Receiver's Duplicate Receipt No. 275Application No. 275

HOMESTEAD.

Receiver's Office, Oxford, Idaho,
March 30th, 1881.

RECEIVED of Myron 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 Sec. 11 and 1/2 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. Eaton,
 Receiver.

\$16⁰⁰

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

Hyrum 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. 1/2 of S.W. 1/4 Sec. 11 & N. 1/2 of N.W. 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

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
By W. W. B. Stephens
Deputy

776 d.

(4-847.)

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

Date of Settlement, Sept. 20 '89
" " Residence, Nov. 30 '89
" " Entry, Apr. 19 '86
" " Proof, " " "
" " Advertis'd, " " "
" of Certificate, " " "

Officer taking proof, Leopold Count
No. of weeks advertised, 9
Improvements, Brick H. North Sheds
Corrals fencing ditches

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 & Children
REMARKS:

Recommendation, tabulate, suspend,
Examined 20 day of Feb., 188 8
Bragan

HOMESTEAD PROOF.—TESTIMONY OF WITNESS.

Samuel J. Rich being called as witness in support of the Homestead entry
of Myrum J. Humphreys for S. 2 of S. 11 & Sec. 11 and N. 2 of
N. 11 & Sec. 14 E. 14 S. 12 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 J. 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 es-
tablished 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 has
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 perfect-
ing this entry?

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

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. B. Shipman, Deputy

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

John A. Sutton Jr. being called as witness in support of the Homestead entry
of *Myron J. Humphreys* for *S. 2 of S. 4, E. 1 of Sec. 11 & N. 2 of N. 4, E. 1 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 J. 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. 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 house, stable, shed, fencing and dishes. 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 freighting 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 Jr.

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 *19* 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.)

ELECTRO'S.

*J. H. Hays, Clerk of District Court
Bear Lake County, Idaho Territory
By *W. B. 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 *½ of S. 14 & Sec. 11 & N. ½ of N. 14 Sec. 14 T. 14 S. 4 R. 43 E* 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 Cistern - to the value of \$2000*

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. H. May, Clerk of District Court Bear Lake County Idaho Territory

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.]

(4-369)

HOMESTEAD PROOF.

LAND OFFICE AT

Deford Idaho

Original Application No. *275*

Final Certificate No. *477*

Approved:

Frank W. Deane, 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
DOCUMENT 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.rmea@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



RECEIVED

NOV 27 2023

IDWR/Preston



Rocky Mountain
ENVIRONMENTALSM
ASSOCIATES, INC.

November 27, 2023

RMEA 22-0229

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

Re: Bear River Basin Adjudication Claims – Peg Leg Irrigation Company Inc.

Dear Ms. Marion Beck,

This letter accompanies a check for four Adjudication claims for the Peg Leg 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 \$1,567.

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 summary table.

Please contact our office with any questions regarding these applications.

Thank you,

A handwritten signature in cursive script that reads "Kristin Moore".

Kristin Moore
Senior Water Rights Analyst

Enclosures: Application for Permit
 Application for Transfer of 22-14026
 Application for Transfer of 22-10762
 Check #20402

RECEIVED

NOV 27 2023

Claimant: Preston Reg Irrigation Co. Inc.

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
11-902	\$917.00	Acres rounded to next whole acre
11-903	\$50.00	Same acres as 11-902 - no Acre fee
11-904	\$50.00	Same acres as 11-902 - no Acre fee
11-7515	\$550.00	
Total	\$1,567.00	

Claimant:
Claim ID:

Peg Leg Irrigation Co. Inc.
11-7515

	Rate/Unit	Unit	# Units	\$ Amount
<i>De Minimis</i>	\$25 Claim			
<i>De Minimis</i> Stock (> 4th claim)	\$0 Claim			
Non-De Minimis	\$50 Claim		1	\$50.00
Irrigation	\$1 Acre			
Power Generation	\$3.50 KW of Capacity			
Aquaculture	\$10 cfs			
Dom. & Stock (>13k gpd),	\$100 cfs		5	\$500.00
Municipal, industrial, commercial, mining, heating, cooling				
Public instream flow, public lake level maintenance, wildlife	\$100 cfs			
Fire protection	\$0 cfs			
Groundwater recharge	\$0 cfs or afa			
Total				\$550.00

Duplicate this worksheet once for each claim.

Note:

RECEIVED
NOV 27 2023
IDWR/Preston

Revised January 30, 2023

Instructions for Form No. 42, H09-1

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

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		