

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
-vs-		)	
		)	No. 976 - Civil
Certain Lands in Hopping Heights,		)	
McNulty Addition to the City of Tulsa,		)	
Tulsa County, Oklahoma, and First National		)	
Bank of St. Louis, et al.,	Respondents.	)	

ORDER CONFIRMING STIPULATED VALUATIONS

Now on this 28 day of August, 1943, this cause came on to be heard and the Court, having been fully advised in the premises, finds that a written stipulation has been entered into by and between the petitioner and the owners of the land, fixtures and personal property involved in this proceeding, whereby the value of all the property taken by the petitioner is fixed at the sum of \$85,000.00. The Court finds that said stipulated value should be confirmed.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the stipulated value of \$85,000.00, for the land, fixtures and personal property involved in this proceeding be, and the same is hereby, confirmed and approved by the Court, and the value of the land, fixtures and personal property be, and the same is hereby, fixed at the total sum of \$85,000.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner, the United States of America, deposit the further sum of \$9,500.00 with the Clerk of the Court with interest at the rate of 6 percent per annum on said sum of \$9,500.00 from the 15th day of May, 1943, until the date of payment of said funds into the registry of the Court.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 28 1943  
H. P. Warfield, Clerk  
U. S. District Court AC

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
-vs-		)	
		)	CIVIL NO. 1024
CERTAIN PARCELS OF LAND IN CRAIG COUNTY,		)	
OKLAHOMA, containing approximately 56.7		)	
acres, more or less; and Gordon W. Gaddis,		)	
et al.,	Defendants.	)	

ORDER GRANTING LEAVE TO FILE AMENDMENT NO. II TO PETITION FOR  
CONDEMNATION

NOW, on this 27th day of August, 1943, there coming on for hearing the application of the petitioner, United States of America, for leave to file an AMENDMENT NO. II to its petition herein, and the court being fully advised in the premises finds that the application should be granted,



IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

REGULAR JANUARY 1943 TERM

MONDAY, AUGUST 30, 1943

633

(2) In said Petition and Declaration of Taking a statement of the authority under which and the public use for which said lands were taken is set forth.

(3) The Petition and Declaration of Taking were filed at the request of the Secretary of War of the United States, the person duly authorized by law to acquire the lands described in said documents for the purposes herein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceedings.

(4) A proper description of the lands sought to be taken, sufficient for the identification thereof is set out in said Declaration of Taking and Petition for Condemnation; and a statement of the estate or interest in said lands taken for said public use is set out therein.

(5) A statement is contained in said Declaration of Taking of the sum of money estimated by the acquiring authority to be just compensation for the lands taken, in the amount of Two Thousand and No/100 Dollars (\$2,000.00), and said sum was deposited in the Registry of this Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking.

(6) A statement is contained in said Declaration of Taking that the estimated amount of compensation for the taking of said property in the opinion of the Secretary of War of the United States will probably be within any limits prescribed by Congress on the price to be paid therefor.

(7) And the Court having fully considered the Petition for Condemnation, the Declaration of Taking, the Act of Congress approved February 26, 1931 (46 Stat. 1421, 40 U.S.C. Sec. 258a), and Acts supplementary thereto and amendatory thereof, and the Act of Congress approved August 18, 1890 (26 Stat. 316), as amended by the Acts of Congress approved July 2, 1917 (40 Stat. 241), April 11, 1918 (40 Stat. 518; 50 U.S.C., Sec. 171) and March 27, 1942 (Public Law 507-77th Congress) and July 2, 1942 (Public Law 649 - 77th Congress), is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it.

IT IS, THEREFORE, CONSIDERED BY THE COURT, AND IT IS THE ORDER, JUDGMENT AND DECREE OF THE COURT that the full fee simple title, for public utilities, for railroads and for pipe lines, in and to the following described lands was vested in the United States of America upon the filing of said Declaration of Taking and the depositing in the Registry of this Court of the said sum of Two Thousand and No/100 Dollars (\$2,000.00), and said lands are deemed to have been condemned and taken for the use of the United States, and the right to just compensation for the same thereby vested in the persons entitled thereto, the amount of said compensation to be ascertained and awarded in this proceeding and established by judgment herein pursuant to law.

The lands aggregate 2.5 acres, more or less, and are described as follows, to-wit:

Tract No. 2

Lot Twenty-two (22), Aerial Heights Subdivision of Tulsa County, Oklahoma, except a strip of land 25 feet wide off East end of said Lot, heretofore dedicated to the public for streets, containing 2.5 acres, more or less, according to the recorded plat thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America be, and it is hereby, granted leave to take full and complete possession of said lands on the 13th day of Sept., 1943.

This cause is held open for such other and further orders, judgments and decrees as may be necessary.

Entered this 30 day of Aug., 1943.

ENDORSED: Filed Aug 30 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

ROYCE H. SAVAGE  
JUDGE

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Petitioner for Condemnation,

-vs-

CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA, containing approximately 281.30 acres, more or less, and William H. Kneeland, An Incompetent, et al., Defendants.

CIVIL NO. 1069

JUDGMENT ON DECLARATION OF TAKING

This cause coming on to be heard upon the motion of the petitioner, the United States of America, to enter a judgment on the Declaration of Taking filed in the above entitled cause on the 30th day of August, 1943, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof and of the condemnation petition filed herein, said Declaration of Taking, and the statutes in such cases made and provided, and it appearing to the satisfaction of the Court;

FIRST: That the United States of America is entitled to acquire property by eminent domain for the purposes as set out and prayed in said petition;

SECOND: That the United States of America is entitled to acquire property by eminent domain for the purposes as set out and prayed in said petition;

SECOND: That a petition in condemnation was filed at the request of the Administrator of the Federal Works Agency, the authority empowered by law to acquire the lands described in said petition, and also, under the authority of the Attorney General of the United States;

THIRD: That said petition and Declaration of Taking state the authority under which, and the public use for which said lands were taken; that the Administrator of the Federal Works Agency is the person duly authorized and empowered by law to acquire such lands as are described in the petition, for the construction of public works and in connection with the Grand River Dam Project; and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings.

FOURTH: That a proper description of the land sought to be taken, sufficient for identification thereof, is set out in said Declaration of Taking;

FIFTH: That said Declaration of Taking contains a statement of the estate or interest in said lands taken for said public use;

SIXTH: That a plan map showing the land taken is incorporated in said Declaration of Taking;

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, in the amount of \$7,655.57, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

EIGHTH: That a statement is contained in said Declaration of Taking that the amount of the ultimate award of compensation for the taking of said property, in the opinion of said Administrator of the Federal Works Agency will be within any limits prescribed by Congress as to the price to be paid therefor;

IT IS THEREFORE, On this 30th day of August, 1943, ORDERED, ADJUDGED AND DECREED

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

MONDAY, AUGUST 30, 1943

635

by this Court that a perpetual easement to inundate, submerge, and flow; to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings, fences and other improvements, and to enter upon from time to time in the performance of said acts, for use in connection with the Grand River Dam Project, upon and over the lands, situate, lying and being in the County of Delaware, State of Oklahoma, and more particularly described as follows, to-wit:

TRACT NO. 1 (6 - FW-615)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 18, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 15.2 acres.

TRACT NO. 2 (6 - FW-616)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  and all that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  of Sec. 18, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 28.5 acres.

TRACT NO. 3 (6 - FW-616-A)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 18, T 24 N, R, 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, containing less than 0.1 acre.

TRACT NO. 4 (6 - FW-617 Revised)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  of Sec. 18, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 24.9 acres, subject to the rights of the K. O. & G. Railway Company, if any, in and to 2.1 acres K. O. & G. R. RL right-of-way.

TRACT NO. 5 (6 - FW 618)  
Flowage Easement

All that part of the W $\frac{1}{2}$  NE $\frac{1}{4}$  of Sec. 18, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 4.0 acres.

TRACT NO. 6 (6 - FW-619)  
Flowage Easement

All that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  of Sec. 18, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

MONDAY, AUGUST 30, 1943

Authority, containing approximately 20.3 acres.

TRACT NO. 7 (6 - FW 620)  
Flowage Easement

All that part of the  $S\frac{1}{2}$   $SE\frac{1}{4}$  of Sec. 7, T 24 N,  
R 22 E of the Indian Base and Meridian in Delaware  
County, Oklahoma, lying below Elevation 757 Sea Level  
Datum, containing approximately 2.3 acres.

TRACT NO. 8 (6 - FW 621)  
Flowage Easement

All that part of the  $S\frac{1}{2}$   $SW\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 17, T 24 N,  
R 22 E of the Indian Base and Meridian in Delaware  
County, Oklahoma, lying below Elevation 757 Sea Level  
Datum, containing approximately 4.8 acres.

TRACT NO. 9 (6 - FW-622 Revised)  
Flowage Easement

All that part of the  $NW\frac{1}{4}$   $SW\frac{1}{4}$ , and all that part of the  
 $NE\frac{1}{4}$   $SW\frac{1}{4}$ , and all that part of the  $SW\frac{1}{4}$   $SW\frac{1}{4}$  of Sec. 17,  
T 24 N, R 22 E of the Indian Base and Meridian in  
Delaware County, Oklahoma, lying below Elev. 757 Sea Level  
Datum, except that portion owned by the Grand River  
Dam Authority, containing approximately 44.6 acres, subject  
to the rights of the K. O. & G. Railway Company, if any,  
in and to 2.9 acres K. O. & G. R. R. Right-of-way.

TRACT NO. 10 (6 - FW-624 Revised)  
Flowage Easement

All that part of the  $SE\frac{1}{4}$   $NW\frac{1}{4}$ , and all that part of  
the  $SW\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 17, T 24 N, R 22 E of the Indian Base  
and Meridian in Delaware County, Oklahoma, lying below  
Elev. 757 Sea Level Datum, except that portion owned by  
the Grand River Dam Authority, containing approximately  
3.7 acres, subject to the rights of the K. O. & G. Railway  
Company, if any, in and to 0.2 acres K. O. & G. right-

of-way.

TRACT NO. 11 (6 - FW-625 Revised)  
Flowage Easement

All that part of the  $E\frac{1}{2}$   $NE\frac{1}{4}$   $NW\frac{1}{4}$ , and all that part of  
the  $W\frac{1}{2}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 17, T 24 N, R 22 E of the Indian  
Base and Meridian in Delaware County, Oklahoma, lying  
below Elev. 757 Sea Level Datum, except that portion owned  
by the Grand River Dam Authority, containing approximately  
8.6 acres, subject to the rights of the K. O. & G. RAILWAY  
COMPANY, if any, in and to 0.9 acre K. O. & G. right-  
of-way.

TRACT NO. 12 (6 - FW 626)  
Flowage Easement

All that part of the  $SE\frac{1}{4}$   $SW\frac{1}{4}$  of Sec. 8, T 24 N, R  
22 E of the Indian Base and Meridian in Delaware County,  
Oklahoma, lying below Elevation 757 Sea Level Datum, containing approximately  
0.8 acre.

TRACT NO. 13 (6 - FW-627)  
Flowage Easement

All that part of the  $W\frac{1}{2}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$ , less the west 20 feet thereof, in Sec. 8, T 24 N, R 22 E, of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, containing approximately 5.2 acres.

TRACT NO. 14 (6 - FW 630)  
Flowage Easement

All that part of Lots 5, 6 and 13 in Block 4 in the original Townsite of Cleora, County of Delaware, State of Oklahoma, lying below Elevation 757 Sea Level Datum, together with all that part of the streets, avenues, and alleys adjacent to said lots, lying below Elevation 757 sea level datum.

TRACT NO. 15 (6 - FW 656)  
Flowage Easement

All that part of Lots 1 to 5 inclusive in Block 23 in the original Townsite of Cleora, County of Delaware, State of Oklahoma, lying below Elevation 757 Sea Level Datum, together with all of that part of the streets, avenues, and alleys adjacent to said lots, lying below Elevation 757 Sea Level Datum.

TRACT NO. 16 (6 - FW 659 Revised)  
Flowage Easement

All that part of the  $E\frac{1}{2}$   $SE\frac{1}{4}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$ , less a tract of land described as follows:  
"Beginning at a point 192.0 feet north of the SE corner of the  $SE\frac{1}{4}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$ :  
thence west 80.0 feet; thence north 273.0 feet;  
thence east 80.0 feet; thence south 273.0 feet to the point of beginning, containing 1/2 acre, more or less",  
all in Sec. 8, T 24 N, R 22 E of the Indian Base and meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, containing less than 0.1 acre.

TRACT NO. 17 (6 - FW-660 Revised)  
Flowage Easement

All that part of the west 20.0 feet of the  $W\frac{1}{2}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 8, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, containing approximately 0.1 acre.

TRACT NO. 18 (6 - FW-661 Revised)  
Flowage Easement

All that part of the  $N\frac{1}{2}$   $SE\frac{1}{4}$   $SE\frac{1}{4}$  lying north and west of the K. O. & G. R. R. R/W and all that part of the  $E\frac{1}{2}$   $NE\frac{1}{4}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$ , less the west 3 acre thereof in Sec. 8, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 5.7 acres, including said R. R. right-of-way, if any, that is incident to the ownership of said land.

TRACT NO. 19 (6 - FW-662 Revised)  
Flowage Easement

All that part of the  $E\frac{1}{2}$   $SE\frac{1}{4}$   $SE\frac{1}{4}$ , lying east and south of the K. O. & G. R. R. R/W in Sec. 8, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 5.2 acres, including said R. R. right-of-way, if any, that is incident to the ownership of said land.

TRACT NO. 20 (6 - FW-664 Revised)  
Flowage Easement

All that part of the  $NW\frac{1}{4}$   $SW\frac{1}{4}$  less the south 16 feet thereof in Sec. 9, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 8.8 acres, subject to the rights of the K. O. & G. Railway Company, if any, in and to 1.0 acre K. O. & G. R. R. Right-of-way.

TRACT NO. 21 (6 - FW-665)  
Flowage Easement

All that part of the  $NE\frac{1}{4}$   $SW\frac{1}{4}$ , and all that part of the south 16 feet of the  $NW\frac{1}{4}$   $SW\frac{1}{4}$  of Sec. 9, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, containing approximately 13.2 acres.

TRACT NO. 22 (6 - FW 666)  
Flowage Easement

All that part of the  $NW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 9, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, containing approximately 4.6 acres.

TRACT NO. 23 (6 - FW 667)  
Flowage Easement

All that part of the  $S\frac{1}{2}$   $SW\frac{1}{4}$  of Sec. 9, and all that part of the  $N\frac{1}{2}$   $NW\frac{1}{4}$  of Sec. 16, all in T 24 N, R 22 E,

of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 46.6 acres.

TRACT NO. 24 (6 - FW 669)  
Flowage Easement

All that part of the  $S\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 16, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 13.3 acres.

TRACT NO. 25 (6 - FW 670)  
Flowage Easement

All that part of the  $S\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 17, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 14.8 acres.

TRACT NO. 26 (6 - FW 671)  
Flowage Easement

All that part of the NE $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of NE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 17, T 24 N, R 22 E, of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.9 acres.

be, and the same are hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein, pursuant to law; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America be, and it is hereby vested with a perpetual easement upon and over the lands hereinabove described for the uses and purposes herein stated.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession or having any right, title or interest in and to the lands hereinabove described, surrender and deliver up possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquired on or before the 7th day of September, 1943, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

ROYCE H. SAVAGE  
JUDGE OF THE UNITED STATES DISTRICT COURT  
IN AND FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

ENDORSED: Filed Aug 30 1943  
H. P. Warfield, Clerk  
U. S. District Court

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

REGULAR JANUARY 1943 TERM

MONDAY, AUGUST 30, 1943

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

United States of America,	Libelant,	)
		)
vs.		)
		) No. 1070 CIVIL
One 1941 Ford Coupe Automobile, Motor No.		)
18-6,268,682, and approximately 82 gallons		)
of assorted taxpaid intoxicating liquors		)
seized therein; James W. Newton,	Claimant.	)

ORDER FOR MONITION

NOW on this 30 day of August, 1943, it appearing to the Court that the said 1941 Ford Coupe automobile, motor No. 18-6,268,682, with approximately eighty-two (82) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point on United States Highway No. 66 about one (1) mile South of the town of Afton, in Ottawa County, State of Oklahoma, Northern Judicial District of Oklahoma and within the jurisdiction of this Court, on July 19, 1943, by Edren S. Burns and Troy S. Cleland, Investigators, Alcohol Tax Unit, by virtue of authority of their said office, and in accordance with the provisions of law in such case made and provided, while said automobile was being used by James W. Newton for transportation of such intoxicating liquors from Joplin, in the State of Missouri, into the State of Oklahoma and to the afore said described point of seizure; it further appearing that thereupon said property was appraised at more than Five hundred dollars ( \$500.00) whereupon libelant has instituted libel action herein and requests issuance of monition notifying claimant James W. Newton, and all other interest persons, unless notice thereof be waived, of the pendency of such libel action.

IT IS, THEREFORE, ORDERED that monition issue as prayed for in said libel and that same be served upon James W. Newton, unless notice thereof be waived, and any other person that might claim any interest in said automobile and intoxicating liquors, requiring them to appear in said court on or before twenty (20) days after personal service thereof, and to show cause, if any they have why said automobile and intoxicating liquors should not be forfeited to libelant under provisions of Section 224, Title 27, U. S. Code Annotated, and in accordance with the provisions of law relating to seizures, forfeitures and disposition of property and proceeds for violation of the Internal Revenue Laws of the United States.

IT IS FURTHER ORDERED that the United States Marshal for the Northern District of Oklahoma be so directed to detain the above described automobile in his possession until further order of this Court and to make his return herein as provided by law.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 30 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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Court adjourned to August 31, 1943

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

TUESDAY, AUGUST 31, 1943

On this 31st day of August, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

IN RE: ~~BANKRUPTCY~~ DIVISION AND REFEREE

O R D E R

At Tulsa in the Northern District of Oklahoma on the 31st day of August, 1943, comes on for consideration by the Court the appointment of the Referee in Bankruptcy for the Northern Judicial District of Oklahoma and it appearing that Maurice F. Ellison, the present Referee in Bankruptcy for said District should be re-appointed Referee in Bankruptcy for the Northern District of Oklahoma for the period of two years,

IT IS THEREFORE ORDERED that Maurice F. Ellison be re-appointed Referee in Bankruptcy for each of the Counties within the Northern Judicial District of Oklahoma effective at the close of business September 2, 1943 for a period of two (2) Years and that said Maurice F. Ellison shall take the oath of office prescribed for Judges of the United States Courts and shall execute and file with the Clerk of this Court a good and sufficient bond to the United States of America in the penal sum of Five Thousand (\$5,000.00) Dollars; said bond to be conditioned for the faithful discharge and performance by said referee of all duties pertaining to his said office for the term of the appointment herein made.

ROYCE H. SAVAGE  
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Aug 31 1943  
H. P. Warfield, Clerk  
U. S. District Court

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN DISTRICT  
OF THE STATE OF OKLAHOMA

ANNA WASSON,

Plaintiff, )

vs. )

No. 981 )

ALL AMERICAN BUS LINES, INC., A  
Corporation,

Defendants. )

ORDER DISMISSING ACTION WITH PREJUDICE

Now on this 31st day of August, 1943, this cause came on to be heard on the motion of the plaintiff to dismiss this action. The plaintiff appeared by her attorneys and the defendant appeared by its attorneys, and it appearing to the Court that the parties hereto have fully compromised and settled all of the issues involved in this action, and that by the terms of said



SIXTH: That a plan map showing the land taken is incorporated in said Declaration of Taking;

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, in the amount of \$3,938.95, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

EIGHTH: That a statement is contained in said Declaration of Taking that the amount of the ultimate award of compensation for the taking of said property, in the opinion of said Administrator of the Federal Works Agency will be within any limits prescribed by Congress as to the price to be paid therefor;

IT IS THEREFORE, on this 31st day of August, 1943, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement to inundate, submerge, and flow; to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings, fences and other improvements, and to enter upon from time to time in the performance of said acts, for use in connection with the Grand River Dam Project, upon and over the lands, situate, lying and being in the County of Delaware, State of Oklahoma, and more particularly described as follows, to-wit:

TRACT NO. 1 (22 FW 385)  
Flowage Easement

All that part of Lots 6, 7, and 8 in Block D in the Townsite of Lakoma Park, Delaware County, Oklahoma, as shown on the plat and dedication filed on the 3rd day of December, 1941, in the office of the County Clerk of Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.4 acre.

TRACT NO. 2 (22 FW 386)  
Flowage Easement

All that part of Lots 9, 10 and 11 in Block D in the Townsite of Lakoma Park, Delaware County, Oklahoma, as shown on the plat and dedication filed on the 3rd day of December, 1941, in the office of the County Clerk of Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.2 acre.

TRACT NO. 3 (22 FW 388)  
Flowage Easement

All that part of Lots 1, 2, 3, and 4 in Block J in the Townsite of Lakoma Park, Delaware County, Oklahoma, as shown on the plat and dedication filed on the 3rd day of December, 1941, in the office of the County Clerk of Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.6 acre, together with all that part of the streets, avenues, and alleys adjacent to said lots, lying below Elev. 757 Sea Level Datum.

TRACT NO. 4 (22 FW-405)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 23, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.9 acre.

TRACT NO. 5 (22 FW 433-Revised)  
Flowage Easement

All that part of the  $SE\frac{1}{4} NE\frac{1}{4}$ , and all that part of the  $NW\frac{1}{4} SE\frac{1}{4}$ , and all that part of the  $W\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$ , and all that part of the  $NE\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$  of Sec. 13, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 7.7 acres.

TRACT NO. 6 (22 FW 434-Revised)  
Flowage Easement

All that part of the  $SE\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$ , and all that part of the  $E\frac{1}{2} E\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4}$ , and all that part of the  $SE\frac{1}{4} SE\frac{1}{4}$  less the SE 1.0 acre thereof, in Sec. 13, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.4 acre.

TRACT NO. 7 (22 - FW 438)  
Flowage Easement

All that part of the West 3.37 acres of the NW 8.37 acres of Lot 4, and all that part of the SW 8.38 acres of Lot 4 in Sec. 7, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing less than 0.1 acre.

TRACT NO. 8 (28 FW 476)  
Flowage Easement

All that part of the  $S\frac{1}{2} SW\frac{1}{4} SW\frac{1}{4}$  of Sec. 8, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.9 acres.

TRACT NO. 9 (22 - FW 478)  
Flowage Easement

All that part of the  $N\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4} SW\frac{1}{4}$  of Sec. 8, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SE corner of said  $N\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4} SW\frac{1}{4}$ , thence westerly along the south boundary of said  $N\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4} SW\frac{1}{4}$  a distance of 593.8 feet to a point 68.4 feet east of the SW corner thereof; thence N 23° 13' E 304.3 feet; thence N 4° 30' W 1.9 feet to a point 50 feet south of the north boundary of said  $N\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4} SW\frac{1}{4}$ ; thence easterly parallel to said north boundary a distance of 472.8 feet to a point in the east boundary of said  $N\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4} SW\frac{1}{4}$ , 50 feet south of the NE corner thereof; thence southerly along said east boundary a distance of 281.1 feet to the point of beginning, lying below Elev. 758 Sea Level Datum, containing approximately 0.6 acre.

TRACT NO. 10 (28 FW 479)

Flowage Easement

All that part of the  $N\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 8, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the NE corner of said  $N\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , thence southerly along the east boundary of said  $N\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  a distance of 50 feet; thence westerly parallel to the north boundary of said  $N\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  a distance of 472.8 feet; thence N 4° 30' W 50.2 feet to a point on the north boundary of said  $N\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 185.7 feet east of the NW corner thereof; thence easterly along said north boundary a distance of 476.5 feet to the point of beginning, lying below Elev. 758 Sea Level Datum, containing approximately 0.1 acre.

TRACT NO. 11 (28 - FW 481 Rev.)

Flowage Easement

All that part of the  $N\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 8, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the NW corner of said  $N\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , thence easterly along the north boundary of said  $N\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  a distance of 185.7 feet; thence S 42° 37' W 267.8 feet to a point on the west boundary of said  $N\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  134.8 feet north of the SW corner thereof; thence northerly along said west boundary a distance of 196.3 feet to the point of beginning, lying below Elev. 758 Sea Level Datum, containing approximately 0.2 acre.

TRACT NO. 12 (28 FW 483)

Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 8, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.4 acre.

TRACT NO. 13 (28 FW 484-A)

Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 7, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing less than 0.1 acre.

TRACT NO. 14 (28 FW 485)

Flowage Easement

All that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the N 200 feet of the W $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 7, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.8 acres.

TRACT NO. 15 (28 FW 486)  
Flowage Easement

All that part of the  $N\frac{1}{2}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 7, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.9 acre.

TRACT NO. 16 (28 FW - 487)  
Flowage Easement

All that part of the  $S\frac{1}{2}$   $NE\frac{1}{4}$   $SW\frac{1}{4}$ , and all that part of the  $N\frac{1}{2}$   $SE\frac{1}{4}$   $SW\frac{1}{4}$  of Sec. 7, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.0 acre.

TRACT NO. 17 (28 FW 488)  
Flowage Easement

All that part of the  $SW\frac{1}{4}$   $NW\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 8, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.7 acres.

TRACT NO. 18 (28 FW 489)  
Flowage Easement

All that part of the  $N\frac{1}{2}$   $S\frac{1}{2}$   $NW\frac{1}{4}$  of Sec. 8, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 758 Sea Level Datum, containing approximately 0.5 acre.

TRACT NO. 19 (28 FW 490)  
Flowage Easement

All that part of the  $SE\frac{1}{4}$   $NW\frac{1}{4}$   $NW\frac{1}{4}$ , and all that part of the  $NE\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 8, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 4.0 acres.

TRACT NO. 20 (28 FW 492)  
Flowage Easement

All that part of the  $NW\frac{1}{4}$   $NW\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 8, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the NE corner of said  $NW\frac{1}{4}$   $NW\frac{1}{4}$   $NW\frac{1}{4}$ , thence southerly along the east boundary thereof a distance of 200 feet; thence westerly parallel to the north boundary of said  $NW\frac{1}{4}$   $NW\frac{1}{4}$   $NW\frac{1}{4}$  a distance of 468.3 feet; thence N.  $20^{\circ}$   $23'$  W 214.7 feet to a point in the north boundary

of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  119.0 feet east of the NW corner thereof; thence easterly along said north boundary a distance of 542.2 feet to the point of beginning, lying below Elev. 757 Sea Level Datum, containing less than 0.1 acre.

TRACT NO. 21 (28 FW 494)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 6, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.3 acre.

TRACT NO. 22 (28 FW 495)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  and all that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the S $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 7, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.8 acres.

TRACT NO. 23 (28 FW 496)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 7, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.2 acre.

TRACT NO. 24 (28 FW 497)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 7, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.2 acres.

TRACT NO. 25 (28 FW 498)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 7, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.1 acres.

TRACT NO. 26 (28 FW 499)  
Flowage Easement

All that part of the SE 10.0 acres of Lot 1 and all that part of the E 26.65 acres of Lot 2 in Sec. 7, T 24, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.7 acres.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

TUESDAY, AUGUST 31, 1943

TRACT NO. 27 (38 FW 500)  
Flowage Easement

All that part of the West 20 rods of Lot 2 in Sec. 7, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.9 acres.

TRACT NO. 28 (28 FW 568)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of Lot 5, and all that part of the S. 20.0 acres of Lot 3, in Sec. 6, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 24.4 acres.

TRACT NO. 29, (28 FW 943)  
Flowage Easement

All that part of the E 22.30 acres of Lot 2, less that part of the SW 2 square acres lying Southwest of U. S. Highway 59, and all that part of the W 22.16 acres of Lot 1, less a strip of land 40 feet in width off the east side of said W 22.16 acres of Lot 1, all in Sec. 6, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 18.6 acres.

be, and the same are hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein, pursuant to law; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America, be and it is hereby vested with a perpetual easement upon and over the lands hereinabove described for the use and purposes herein stated.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession or having any right, title or interest in and to the lands hereinabove described surrender and deliver up possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquired on or before the 8th day of September, 1943, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

ROYCE H. SAVAGE  
JUDGE OF THE UNITED STATES DISTRICT  
COURT IN AND FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

ENDORSED: Filed Aug 31 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to September 1, 1943

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

WEDNESDAY, SEPTEMBER 1, 1943

649

On this 1st day of September, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

MISCELLANEOUS - ORDER APPOINTING OFFICIAL COURT STENOGRAPHER.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

In re: Appointment of  
Official Court Stenographer

O R D E R

In accordance with Rule 80, Sub-division (b), of the Rules of Civil Procedure for the District Courts of the United States, adopted by the Supreme Court of the United States pursuant to the Act of Congress of June 19, 1934, Chapter 651, Laurence E. Lindsay is hereby designated as Official Court Stenographer for the United States District Court for the Northern Judicial District of the State of Oklahoma, and shall be entitled to charge for his services fees as provided by the Rules of this Court now in force and effect.

DATED at Tulsa, Oklahoma, this 1st day of September, A. D., 1943.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Sep 1 1943  
H. P. Warfield, Clerk  
U. S. District Court

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT  
OF OKLAHOMA

In re: Use of the Files of this Court  
by the Official Court Stenographer

O R D E R

For the purpose of expediting the business of the Court, and for good cause shown,

IT IS HEREBY ORDERED that Laurence E. Lindsay, the Official Court Stenographer, this day appointed, shall be permitted by the Clerk to withdraw the files in any case from the office of the Clerk, upon tendering receipt therefor.

Dated at Tulsa, Oklahoma, this 1st day of September, A. D. 1943.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Sep 1 1943  
H. P. Warfield, Clerk  
U. S. District Court

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

The City of Drumright, Oklahoma, a )  
Municipal Corporation, ex rel )  
Leonard Versluis Complainant, )  
v. ) Civil Action No. 929  
Ruth Alexander, et al., Defendants. )

O R D E R

On this 1st day of September, 1943, the court finds that return has been filed that the following persons are not inhabitants of or found within this district, persons and that notice by publication should be issued directing such absent defendants to appear, plead, answer or demur to the Complaint filed in this cause:

- |  |                                   |
|--|-----------------------------------|
| Wesley Alexander   | Ethel Blackstock                  |
| E. Wolfe   | Cora Mayfield                     |
| Paul Bellatte  | W. A. Shattuck                    |
| Oklahoma Tank Company  | J. M. Langan                      |
| Sarah Ann Tinker   | George T. Felsey                  |
| H. K. Bartlett   | Wm. Foerster                      |
| Geo. C. Gardner  | Montford Jones                    |
| John W. Briggs   | W. K. Mumford                     |
| W. Clark Murray  | H. E. Thomas                      |
| Roy L. Cohen   | R. L. Holifield                   |
| D. A. Graham   | Lizzie Batement                   |
| Marion P. Bateman  | John Bateman                      |
| J. W. Jennings   | H. H. Cravens, Mrs. H. H. Cravens |
| Lydia Cravens, and if dead, their heirs, executors,<br>administrators, devisees, trustees or assigns,<br>if any, |                                   |

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the above set forth absent defendants shall appear, plead, answer or demur by the 15th day of October, 1943, and since personal service is not practicable, notice by publication shall be had signed by the Clerk of this Court by publishing the notice once a week for six (6) consecutive weeks in the Drumright Journal a newspaper published in Drumright, Oklahoma.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Sep 1 1943  
H. P. Warfield, Clerk  
U. S. District Court LN



IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

REGULAR JANUARY 1943 TERM

WEDNESDAY, SEPTEMBER 1, 1943

SECOND: That a petition in condemnation was filed at the request of the Administrator of the Federal Works Agency, the authority empowered by law to acquire the land described in said petition, and also, under the authority of the Attorney General of the United States;

THIRD: That said petition and Declaration of Taking state the authority under which, and the public use for which said lands were taken; that the Administrator of the Federal Works Agency is the person duly authorized and empowered by law to acquire such lands as are described in the petition, for the construction of public works and in connection with the Grand River Dam Project; and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings.

FOURTH: That a proper description of the land sought to be taken, sufficient for identification thereof, is set out in said Declaration of Taking;

FIFTH: That said Declaration of Taking contains a statement of the estate or interest in said lands taken for said public use;

SIXTH: That a plan map showing the land taken is incorporated in said Declaration of Taking;

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, in the amount of \$1,163.70, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

EIGHTH: That a statement is contained in said Declaration of Taking that the amount of the ultimate award of compensation for the taking of said property, in the opinion of said Administrator of the Federal Works Agency will be within any limits prescribed by Congress as to the price to be paid therefor.

IT IS THEREFORE, ON this 1st day of September, 1943, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement to inundate, submerge, and flow; to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial, structures, buildings, fences and other improvements, and to enter upon from time to time in the performance of said acts, for use in connection with the Grand River Dam Project, upon and over the lands situate, lying and being in the County of Delaware, State of Oklahoma, and more particularly described as follows, to-wit:

TRACT NO. 1 (23 FW 437)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.0 acres.

TRACT NO. 2 (23 FW 501)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.3 acres.

TRACT NO. 3 (23 FW 502)  
Flowage Easement

All that part of the  $N\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$ , and all that part of the  $NE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the NE corner of said  $N\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$ , thence southerly along the east boundary of said  $N\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$  to the SE corner thereof; thence westerly along the south boundaries of said  $N\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$ , and said  $NE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$  a distance of 1490.0 feet to a point 495.9 feet east of the SW corner thereof of said  $NE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$ ; thence N  $16^{\circ} 54'$  E 93.3 feet; thence N  $16^{\circ} 45'$  E 159.0 feet; thence N  $10^{\circ} 15'$  E 140.2 feet; thence N  $15^{\circ} 42'$  E 151.1 feet; thence N  $29^{\circ} 48'$  E 158.7 feet to a point in the north boundary of said  $N\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$ ; thence easterly along the north boundary of said  $N\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$  a distance of 1272.4 feet to the point of beginning, lying below Elev. 757 Sea Level Datum, containing approximately 9.5 acre.

TRACT NO. 4 (23 FW 503)  
Flowage Easement

All that part of the  $NE\frac{1}{4} NE\frac{1}{4}$ , and all that part of the  $NE\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority containing approximately 0.8 acre.

TRACT NO. 5 (23 FW 504)  
(23 FW 505)  
(23 FW 506)  
Flowage Easement

All that part of the  $NE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point in the north boundary of said  $NE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$  and 99.6 feet west of the NE corner thereof, thence S  $32^{\circ} 07'$  W 121.5 feet; thence S  $18^{\circ} 18'$  W 282.8 feet; thence S  $27^{\circ} 19'$  W 115.2 feet; thence S  $40^{\circ} 40'$  W 244.5 feet; thence N  $56^{\circ} 23'$  W 149.1 feet; thence N  $11^{\circ} 38'$  W 126.2 feet; thence N  $3^{\circ} 58'$  E 156.1 feet; thence N  $2^{\circ} 07'$  E 146.1 feet; thence N  $12^{\circ} 25'$  W 144.1 feet; to a point in the north boundary of said  $NE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$  and 45.6 feet east of the NW corner thereof; thence easterly along said north boundary a distance of 526.8 feet to the point of beginning, lying below Elev. 757 Sea Level Datum, which includes all that part of the lots, streets, avenues, alleys and public grounds designated as Wards Subdivision, as shown by the Dedication plat made by William H. Wards and Grace Wards and filed in the County Clerk Office of Delaware County, Oklahoma, on the 20th day of October, 1941, lying below Elev. 757 Sea Level Datum, containing approximately 1.1 acres.

## TRACT NO. 6 (23 FW 507)

## Flowage Easement

All that part of the SW $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.3 acre.

## TRACT NO. 7 (23 FW 508)

## Flowage Easement

All that part of the W $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.9 acres.

## TRACT NO. 8 (23 FW 509)

## Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.3 acres.

## TRACT NO. 9 (23 FW 510)

## Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 1.0 acre.

## TRACT NO. 10 (23 FW 511)

## Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority.

## TRACT NO. 11 (23 FW 512)

## Flowage Easement

All that part of the N $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.6 acre.

## TRACT NO. 12 (23 FW 513)

## Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.3 acre.

TRACT NO. 13 (23 FW 514)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.8 acre.

TRACT NO. 14 (23 FW 515)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.2 acre.

TRACT NO. 15 (23 FW 516)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.2 acre.

TRACT NO. 16 (23 FW 517)  
Flowage Easement

All that part of the S $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 11; and all that part of the W $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 12, all in T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.3 acres.

TRACT NO. 17 (23 FW 518)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 12, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.7 acre.

TRACT NO. 18 (23 FW 519)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 11, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.0 acre.

TRACT NO. 19 (23 FW 520)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

REGULAR JANUARY 1943 TERM

WEDNESDAY, SEPTEMBER 1, 1943

$N\frac{1}{2}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$ , and all thatpart of the  $NW\frac{1}{4}$   $SE\frac{1}{4}$   $SE\frac{1}{4}$ , and all that part of the west 460.0 feet of the  $NE\frac{1}{4}$   $SE\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 11, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 1.4 acres.

6

TRACT NO. 20 (23 FW 521)  
Flowage Easement

All that part of the  $SW\frac{1}{4}$   $SE\frac{1}{4}$   $NE\frac{1}{4}$ , and all that part of the  $N\frac{1}{2}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 11, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.0 acre.

TRACT NO. 21 (23 FW 522)  
Flowage Easement

All that part of the  $S\frac{1}{2}$   $NE\frac{1}{4}$   $NW\frac{1}{4}$   $SE\frac{1}{4}$ , and all that part of the  $E\frac{1}{2}$   $NE\frac{1}{4}$   $SW\frac{1}{4}$ , and all that part of the  $SE\frac{1}{4}$   $NW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 11 T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.0 acre.

5

TRACT NO. 22 (23 FW 524)  
Flowage Easement

All thatpart of the  $SW\frac{1}{4}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 11, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.9 acre.

TRACT NO. 23 (23 FW 526)  
Flowage Easement

All that part of the  $SE\frac{1}{4}$   $SE\frac{1}{4}$   $SW\frac{1}{4}$  of Sec. 11, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 747 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.2 acre.

TRACT NO. 24 (23 FW 528)  
Flowage Easement

All that part of the  $SW\frac{1}{4}$   $SE\frac{1}{4}$   $SW\frac{1}{4}$  of Sec. 11, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 747 Sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.8 acre.

TRACT NO. 25 (23 FW 529)

Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 11, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.3 acre.

TRACT NO. 26 (23 FW 530)

Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 11, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.4 acre.

TRACT NO. 27 (23 FW 531)

Flowage Easement

All that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 11, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.3 acres.

TRACT NO. 28 (23 FW 532)

Flowage Easement

All that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 11, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 1.1 acres.

TRACT NO. 29 (23 FW 533)

Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 11, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 1.0 acre.

TRACT NO. 30 (23 FW 534)

Flowage Easement

All that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 10, and all that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 11, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.8 acres.

TRACT NO. 31 (23 FW 535)

Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 11, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.4 acre.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

WEDNESDAY, SEPTEMBER 1, 1943

TRACT NO. 32 (23 FW 536)

Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 11, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.5 acre.

TRACT NO. 33 (23 FW 537)

Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and all that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 11, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority containing approximately 1.8 acres.

TRACT NO. 34 (23 FW 538)

Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 10, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 4.6. acres.

TRACT NO. 35 (23 FW 539)

Flowage Easement

All that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 3, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.9 acre.

TRACT NO. 36 (23 FW 540)

Flowage Easement

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 3, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.2 acres.

TRACT NO. 37 (23 FW 541)

Flowage Easement

All that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 2, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing less than 0.1 acre.

TRACT NO. 38 (23 FW 542)

Flowage Easement

All that part of Lot 4, and all that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 2, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam

containing approximately 3.2 acres.

TRACT NO. 39 (23 FW 543)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 3, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 4.8 acres.

TRACT NO. 40 (23 FW 544)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 3, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.7 acre.

TRACT NO. 41 (23 FW 545)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 3, T 24n, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 2.2 acres.

TRACT NO. 42 (23 FW 546)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 3, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.7 acre.

TRACT NO. 43 (23 FW 547)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 3, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.4 acres.

TRACT NO. 44 (23 FW 549)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 3, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.3 acres.

TRACT NO. 45 (23 FW 550)  
Flowage Easement

All that part of the North  $19\frac{1}{2}$  chains of the  $SW\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 3 T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.1 acres.

TRACT NO. 46 (23 FW 552)  
Flowage Easement

All that part of Lot 3 in Sec. 3, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.5 acres.

TRACT NO. 47 (23 FW 563)  
Flowage Easement

All that part of Lot 1, and all that part of the south 10.00 acres of the NE 13.74 acres of Lot 3, and all that part of the SE 10.00 acres of Lot 2, and all that part of the  $SE\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 2, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 9.1 acres.

TRACT NO. 48 (23 FW 564)  
Flowage Easement

All that part of the North 3.74 acres of the NE 13.74 acres of Lot 2 in Sec. 2, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.1 acre.

TRACT NO. 49 (23 FW 565)  
Flowage Easement

All that part of the North 27.34 acres of Lot 4, in Sec. 1, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.6 acre.

TRACT NO. 50 (23 FW 566)  
Flowage Easement

All that part of the South 20.00 acres of Lot 4, and all that part of the  $S\frac{1}{2}$   $NW\frac{1}{4}$  and all that part of the  $SW\frac{1}{4}$   $NE\frac{1}{4}$ , and all that part of the  $SW\frac{1}{4}$   $SE\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 1, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 14.3 acres.

TRACT NO. 51 (23 FW 567)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 1, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.4 acres.

TRACT NO. 52 (23 FW 753)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 10, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.3 acre.

be, and the same are hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein, pursuant to law; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America be, and it is hereby vested with a perpetual easement upon and over the lands hereinabove described for the uses and purposes herein stated.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession or having any right, title or interest in and to the lands hereinabove described surrender and deliver up possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquired on or before the 8 day of Sept., 1943, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

ROYCE H. SAVAGE  
JUDGE OF THE UNITED STATES DISTRICT  
COURT IN AND FOR THE NORTHERN DISTRICT  
OF OKLAHOMA

ENDORSED: Filed Sep 1 1943  
H. P. Warfield, Clerk  
U. S. District Court AC

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

WEDNESDAY, SEPTEMBER 1, 1943

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	Petitioner for Condemnation,	)
-vs-		)
CERTAIN PARCELS OF LAND IN OTTAWA COUNTY, OKLAHOMA, containing approximately 70.2 acres, more or less; and C. J. Nicholson, et al.,	Defendants.	)

CIVIL NO. 1073

JUDGMENT ON DECLARATION OF TAKING

This cause coming on to be heard upon the motion of the petitioner, the United States of America, to enter a judgment on the Declaration of Taking filed in the above entitled cause on the 1st day of September, 1943, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof, and of the condemnation petition filed herein, said Declaration of Taking, and the statutes in such cases made and provided, and it appearing to the satisfaction of the Court;

FIRST: That the United States of America is entitled to acquire property by eminent domain for the purposes as set out and prayed in said petition;

SECOND: That a petition in condemnation was filed at the request of the Administrator of the Federal Works Agency, the authority empowered by law to acquire the lands described in said petition, and also, under the authority of the Attorney General of the United States;

THIRD: That said petition and Declaration of Taking state the authority under which, and the public use for which said lands were taken; that the Administrator of the Federal Works Agency is the person duly authorized and empowered by law to acquire such lands as are described in the petition, for the construction of public works and in connection with the Grand River Dam Project; and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings.

FOURTH: That a proper description of the land sought to be taken, sufficient for identification thereof, is set out in said Declaration of Taking;

FIFTH: That said Declaration of Taking contains a statement of the estate or interest in said lands taken for said public use;

SIXTH: That a plan map showing the land taken is incorporated in said Declaration of Taking;

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, in the amount of \$2,860.40, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

EIGHT: That a statement is contained in said Declaration of Taking that the amount of the ultimate award of compensation for the taking of said property, in the opinion of the said Administrator of the Federal Works Agency will be within any limits prescribed by Congress as to the price to be paid therefor;

IT IS THEREFORE, on this 1st day of September, 1943, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement to inundate, submerge, and flow; to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings, fences and other improvements, and to enter upon from time to time in the

performance of said acts, for use in connection with the Grand River Dam Project, upon and over the lands situate and being in the County of Ottawa, State of Oklahoma, and more particularly described as follows to-wit:

TRACT NO. 1 (14 - FW-842)  
Flowage Easement

All that part of the  $\frac{1}{2}$  SE $\frac{1}{4}$  of Sec. 2, and all that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  W $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 1, all in T 25 N, R 22 E of the Indian Base and Meridian in Ottawa County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that part owned by the Grand River Dam Authority, containing approximately 49.2 acres.

TRACT NO. 2 (14 - FW-843)  
Flowage Easement

All that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$ , and all that part of Lot 1, and all that part of the E. 20.10 Acres of Lot 2 in Sec. 2, T 25 N, R 22 E of the Indian Base and Meridian in Ottawa County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 17.1 acres.

TRACT NO. 3 (14 - FW-843 A)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 1, T 25 N, R 22 E of the Indian Base and Meridian in Ottawa County, Oklahoma, lying below Elev. 757 Sea level datum, containing less than 0.1 acre.

TRACT NO. 4 (14 - FW-844)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 2, T 25 N, R 22 E of the Indian Base and Meridian in Ottawa County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 2.3 acres.

TRACT NO. 5 (14 - FW-845)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 2, T 25 N, R 22 E of the Indian Base and Meridian in Ottawa County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 1.3 acres.

TRACT NO. 6 (14 - FW-846)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 35, T 25 N, R 22 E of the Indian Base and Meridian in Ottawa County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.2 acre.

be, and the same are hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

WEDNESDAY, SEPTEMBER 1, 1943

ascertained and awarded in this proceeding and established by judgment herein, pursuant to law; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America be, and it is hereby vested with a perpetual easement upon and over the lands hereinabove described for the uses and purposes herein stated.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession or having any right, title or interest in and to the lands hereinabove described surrender and deliver up possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquired on or before the 8th day of September 1943, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

ROYCE H. SAVAGE  
JUDGE OF THE UNITED STATES DISTRICT  
COURT IN AND FOR THE NORTHERN DISTRICT  
OF OKLAHOMA

ENDORSED: Filed Sep 1 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Petitioner for Condemnation,

-vs-

CERTAIN PARCELS OF LAND, RIGHTS-OF-WAY,  
EASEMENTS AND TRACKAGE, IN DELAWARE AND  
OTTAWA COUNTIES, STATE OF OKLAHOMA, and  
Kansas, Oklahoma & Gulf Railway Company,  
a corporation, et al.,

Defendants.

CIVIL NO. 1074

JUDGMENT ON DECLARATION OF TAKING

This cause coming on to be heard upon the motion of the petitioner, the United States of America, to enter a judgment on the Declaration of Taking filed in the above entitled cause on the 1st day of September, 1943, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof, and of the condemnation petition filed herein, said Declaration of Taking, and the statutes, in such cases made and provided, and it appearing to the satisfaction of the Court;

FIRST: That the United States of America is entitled to acquire property by eminent domain for the purposes as set out and prayed in said petition;

SECOND: That a petition in condemnation was filed at the request of the Administrator of the Federal Works Agency, the authority empowered by law to acquire the lands, rights of way, easements and trackage described in said petition, and also under the authority of the Attorney General of the United States;

THIRD: That said petition and Declaration of Taking state the authority under which, and the public use for which said lands, rights-of-way, easements and trackage were taken;

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

WEDNESDAY, SEPTEMBER 1, 1943

that the Administrator of the Federal Works Agency is the person duly authorized and empowered by law to acquire such lands, rights-of-way, easements and trackage, as are described in the petition, for the construction of public works and in connection with the Grand River Dam Project; and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings.

FOURTH: That a proper description of the lands, rights-of-way, easements and trackage sought to be taken, sufficient for identification thereof, is set out in said Declaration of Taking; ?

FIFTH: That said Declaration of Taking contains a statements of the estate or interest in said lands taken for said public use;

SIXTH: That a plan map showing the lands, rights-of-way, easements and trackage taken is incorporated in said Declaration of Taking;

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, rights-of-way, easements and trackage, in the amount of \$186,735.00, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, at the time of the filing of said Declaration of Taking;

EIGHTH: That a statement is contained in said Declaration of Taking that the amount of the ultimate award of compensation for the taking of said property, in the opinion of said Administrator of the Federal Works Agency will be within any limits prescribed by Congress as to the price to be paid therefor;

IT IS THEREFORE, on this 1st day of September, 1943, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement to inundate, submerge and flow, for use in connection with the Grand River Dam Project, upon and over the lands, rights-of-way, easements and trackage, situated lying and being in the Counties of Delaware and Ottawa, State of Oklahoma, to-wit:

All of that part of the Kansas, Oklahoma & Gulf Railway Company's lands, rights-of-way, easements, and trackage, in Delaware and Ottawa Counties, State of Oklahoma, lying below Elevation 755 Sea Level, as referred to the Grand River Dam Datum (which is based upon U. S. Coastal Geodetic Survey as of 1937), subject only to the rights of the Grand River Dam Authority, if any,

be, and the same are hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein, pursuant to law; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America be, and it is hereby vested with a perpetual easement upon and over the lands, rights-of-way, easements and trackage hereinabove described for the uses and purposes herein stated.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession or having any right, title or interest in and to the lands, rights-of-way, easements and trackage hereinabove described, surrender and deliver up possession of said lands, rights-of-way, easements and trackage, subject only to the rights of the Grand River Dam Authority, if any, to the United States of America for the purpose of exercising all of the rights and privileges herein acquired, on or before the 8th day of September 1943, and this cause is held open for such other and

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

WEDNESDAY, SEPTEMBER 1, 1943

further orders judgments and decrees as may be necessary in the premises.

ROYCE H. SAVAGE  
JUDGE OF THE UNITED STATES DISTRICT  
COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

ENDORSED: Filed Sep 1 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

-----  
Court adjourned to September 2, 1943

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

THURSDAY, SEPTEMBER 2, 1943

On this 2nd day of September, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court :  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

MISCELLANEOUS - OATH OF REFEREE IN BANKRUPTCY.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

OATH OF OFFICE

I, Maurice F. Ellison, do solemnly swear that I will administer justice without respect to persons, and to do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Referee in Bankruptcy, according to the best of my ability and understanding, agreeably to the Constitution and laws of the United States;

SO HELP ME GOD.

MAURICE F. ELLISON

Subscribed and sworn to before me this 2 day of Sept., 1943.

ROYCE H. SAVAGE  
Judge of the United States District Court  
for the Northern District of Oklahoma

ENDORSED: Filed Sep 2 1943  
H. P. Warfield, Clerk  
U. S. District Court

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IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
-vs-		)	
		)	No. 1053 Civil
9.50 acres of land, more or less,		)	
situate in Tulsa County, Oklahoma,		)	
and the City of Tulsa, a municipal		)	
Corporation, et al.,	Respondents.	)	

ORDER APPOINTING COMMISSIONERS

Now on this 7 day of September, 1943, the above cause comes on for hearing upon the motion of the United States of America for an order appointing commissioners in said cause. And it appearing to the Court that the United States of America has the power and authority to acquire by eminent domain the lands hereinafter described, and that the acquisition of said lands is necessary to the United States of America for use in connection with the establishment of the Modification Center No. 16, Tulsa Aircraft Assembly Plant, Oklahoma, and for such other uses as may be authorized by Congress or by Executive Order, under and by reason of the Acts of Congress as set forth in the Petition for Condemnation and Declaration of Taking filed herein.

Petitioner has heretofore instituted proceedings for the taking of said lands herein involved and hereinafter described by eminent domain.

It further appears that it is necessary, convenient and expedient in the furtherance of justice that commissioners be appointed to appraise said real estate at this time without further delay.

Said lands are described as follows:

TRACT NO. 3

A tract of land in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirteen (13), Township Twenty (20) North, Range Thirteen (13) East of the Indian Meridian, described as follows:

BEGINNING at a point on the South line of said Southeast Quarter (SE $\frac{1}{4}$ ) 690 feet East of the Southwest corner thereof; thence Northerly a distance of 866 feet; thence Easterly a distance of 1290 feet to a point on the West line of the East Half of the East Half of the Southeast Quarter (E $\frac{1}{2}$  E $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section Thirteen (13); thence Southerly along the West line of said Subdivision of a distance of 66 feet to a point; thence Westerly 440 feet; thence along a curve to the left for a distance of approximately 450 feet; thence Southwesterly a distance of 500 feet; thence along a curve to the right for a distance of 270 feet; thence West 10 feet to the point of beginning, containing 9.50 acres, more or less.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that T. G. Grant of the City of Tulsa, Tulsa County, Oklahoma; Kenneth Crouch of the City of Tulsa, Tulsa County, Oklahoma; and Arthur Newlin of the City of Tulsa, Tulsa County, Oklahoma, disinterested freeholders of said district, and not interested in any like question, be, and they are hereby, appointed as commissioners to forthwith

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

THURSDAY, SEPTEMBER 2, 1943

inspect said real property hereinabove described, and consider the fair, cash, market value of said real estate, and estate therein taken, and award said fair, cash, market value to the respondents in this cause.

Said Commissioners are hereby authorized, empowered and directed to forthwith take the oath prescribed by law, and to immediately inspect said property as provided by law, and file their report herein.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Sep 7 1943  
H. P. Warfield, Clerk  
U. S. District Court

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
vs.		)	
		)	No. 1067 - Civil
2.5 acres of land, more or less,		)	
situate in Tulsa County, Oklahoma,		)	
and Heirs of Eunice Bennett, deceased, et al,		)	
	Respondents.	)	

O R D E R

Now on this 2nd day of September, 1943, it being made to appear to the Court that the petitioner has filed its Petition for Condemnation in the above styled matter, and that it is necessary that notices be served on various parties claiming an interest in and to said land;

NOW, THEREFORE, IT IS HEREBY ORDERED AND DIRECTED that notices, as attached hereto, be served upon each of the parties named as respondents herein by the United States Marshals for the Eastern, Northern and Western Districts of Oklahoma, and that said Marshals make their returns hereon within ten (10) days from this date.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Sep 2 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN DISTRICT  
OF OKLAHOMA

UNITED STATES OF AMERICA,	Petitioner for Condemnation, )	
	)	
-vs-	)	
CERTAIN PARCELS OF LAND IN DELAWARE	)	CIVIL NO. 1075
COUNTY, OKLAHOMA, containing approximately	)	
214.30 acres, more or less; and Lucy A.	)	
Wallace, et al.,	Defendants. )	

JUDGMENT ON DECLARATION OF TAKING

This cause coming on to be heard upon the motion of the petitioner, the United States of America, to enter a judgment on the Declaration of Taking filed in the above entitled cause on the 2nd day of September, 1943, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof, and of the condemnation petition filed herein, said Declaration of Taking, and the statutes in such cases made and provided, and it appearing to the satisfaction of the Court:

FIRST: That the United States of America is entitled to acquire property by eminent domain for the purposes as set out and prayed in said petition;

SECOND: That a petition in condemnation was filed at the request of the Administrator of the Federal Works Agency, the authority empowered by law to acquire the lands described in said petition, and also, under the authority of the Attorney General of the United States;

THIRD: That said petition and Declaration of Taking state the authority under which, and the public use for which said lands were taken; that the Administrator of the Federal Works Agency is the person duly authorized and empowered by law to acquire such lands as are described in the petition, for the construction of public works, and in connection with the Grand River Dam Project; and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings.

FOURTH: That a proper description of the land sought to be taken, sufficient for identification thereof, is set out in said Declaration of Taking;

FIFTH: That said Declaration of Taking contains a statement of the estate or interest in said lands taken for said public use;

SIXTH: That a plan map showing the land taken is incorporated in said Declaration of Taking;

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, in the amount of \$8,641.75, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

EIGHT: That a statement is contained in said Declaration of Taking that the amount of the ultimate award of compensation for the taking of said property, in the opinion of said Administrator of the Federal Works Agency will be within any limits prescribed by Congress as to the price to be paid therefor;

IT IS THEREFORE on this 2nd day of September, 1943, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement to inundate, submerge, and flow; to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

THURSDAY, SEPTEMBER 2, 1943

structures, buildings, fences and other improvements, and to enter upon from time to time in the performance of said acts, for use in connection with the Grand River Dam Project, upon and over the lands, situate, lying and being in the County of Delaware, State of Oklahoma, and more particularly described as follows, to-wit:

TRACT NO. 1 (24 FW 554)  
Flowage Easement

5

All that part of the W. 15.75 acres of Lot 9, in Sec. 34, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.8 acres.

TRACT NO. 2 (24 FW 555)  
Flowage Easement

All that part of the E 21.65 acres of Lot 9, and all that part of Lot 10, and all that part of the W 2.0 acres of Lot 11 in Section 34, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 13.0 acres.

TRACT NO. 3 (24 FW 556)  
Flowage Easement

All that part of the W 15.10 acres of Lot 5, and all that part of the E 40.0 acres of Lot 11 in Sec. 34, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 6.1 acres.

TRACT NO. 4 (24 FW 558)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 34, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.5 acres.

TRACT NO. 5 (24 FW 559)  
Flowage Easement

All that part of the E 20.0 acres of Lot 5 in Sec. 34, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.0 acre.

TRACT NO. 6 (24 FW 560)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and all that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 35, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.8 acres.

TRACT NO. 7 (24 FW 561)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 35, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.3 acres.

TRACT NO. 8 (24 FW 562)  
Flowage Easement

All that part of the W $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 35, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.7 acres.

TRACT NO. 9 (24 FW 572)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 36, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 10.9 acres.

TRACT NO. 10 (24 FW 574)  
Flowage Easement

All that part of the W $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 36, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.7 acres.

TRACT NO. 11 (24 FW 575)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 36, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 29.4 acres.

TRACT NO. 12 (24 FW 576)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 36, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 8.9 acres.

TRACT NO. 13 (24 FW 577)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 35, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 9.5 acres.

TRACT NO. 14 (24 FW 579)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 26, and all that part of the N $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 35, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.0 acres.

TRACT NO. 15 (24 FW 580)  
Flowage Easement

All that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 35, T 25 N, R 23 E less the following described tract of land:

"Beginning at the northwest corner of S $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 35-25-23, thence East 242 feet; thence south to the 750' contour line; thence in a northwesterly direction with the 750' contour to a point in the west boundary of S $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , thence north along the west boundary to the point of beginning"

in Sec. 35, T 25 N, R 23 E of the Indian Base and Meridian, in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.7 acre.

TRACT NO. 16 (24 FW 581)  
Flowage Easement

All that part of a strip of land described as follows:

"Beginning at the northwest corner of S $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 35, T 25 N, R 23 E of thence East 242 feet; thence South to the 750' contour line; thence in a northwesterly direction with the 750' contour to a point in the west boundary of S $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , thence north along the west boundary to the point of beginning"

in Sec. 35, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.3 acre.

TRACT NO. 17 (24 FW 582)  
Flowage Easement

All that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the

SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 26, T 25 N, R 23 E of the Indian Base and Meridian, Cherokee Survey, in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 19.7 acres.

TRACT NO. 18 (24 FW 583)  
Flowage Easement

All that part of the E $\frac{1}{2}$  of Lot 3, and all that part of the W $\frac{1}{2}$  of Lot 2, and all that part of the W $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 26, T 25 N, R 23 E of the Indian Base and Meridian, Cherokee Survey, in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 5.1 acres.

TRACT NO. 19 (24 FW 584)  
Flowage Easement

All that part of the E $\frac{1}{2}$  of Lot 4, and all that part of the E $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , of Sec. 26, T 25 N, R 23 E, of the Indian Base and Meridian in Cherokee Survey in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 13.4 acres.

TRACT NO. 20 (24 FW 586)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 26, T 25 N, R 23 E of the Indian Base and Meridian, Cherokee Survey, in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 6.4 acres.

TRACT NO. 21 (24 FW 587)  
Flowage Easement

All that part of the W $\frac{1}{2}$  of Lot 4, and all that part of the W $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 26, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 7.3 acres.

TRACT NO. 22 (24 FW 599)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 26, T 25 N, R 23 E of the Indian Base and Meridian in Cherokee Survey, in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.9 acre.

TRACT NO. 23 (24 FW 600)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 26, T 25 N, R 23 E of the Indian Base and Meridian, Cherokee Survey,

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

REGULAR JANUARY 1943 TERM

THURSDAY, SEPTEMBER 2, 1943

in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.5 acre.

TRACT NO. 24 (24 FW 601)  
Flowage Easement.

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 26, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.2 acres.

TRACT NO. 25 (24 FW 604)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 25, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.8 acre.

TRACT NO. 26 (24 FW 605)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , less the west 417.42 feet of the north 522.42 feet thereof, in Sec. 36, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.6 acres.

TRACT NO. 27 (24 FW 606)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 36, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.5 acres.

TRACT NO. 28 (24 FW 608)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , except a tract of land described as follows: "Beginning at a point on the east boundary of N $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  where the contour line of the property of G.R.D.A. begins, thence South 140 feet; thence west 100 feet; thence north to the 750' contour line; thence following said 750' contour line back east to the point of beginning", in Sec. 36, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.0 acre.

TRACT NO. 29 (24 FW 609)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 36, T 25 N, R 23 E described as follows, to-wit:

"Beginning at a point on the east boundary of  $N\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4}$  where the contour line of the property of G.R.D.A. begins, thence south 140 feet; thence west 100 feet; thence north to the 750' foot contour line; thence following said 750' contour line back east to the point of beginning"

in Sec. 36, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.1 acre.

TRACT NO. 30 (24 FW 610)  
Flowage Easement

All that part of the  $SE\frac{1}{4} NE\frac{1}{4}$  of Sec. 36, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.9 acres.

TRACT NO. 31 (24 FW 611)  
Flowage Easement

All that part of the  $NE\frac{1}{4} SE\frac{1}{4}$  of Sec. 36, T. 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 6.1 acres.

TRACT NO. 32 (24 FW 986)  
Flowage Easement

All that part of the  $SE\frac{1}{4} SE\frac{1}{4}$  of Sec. 25, T 25 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 4.3 acres.

TRACT NO. 33 (24 FW 987)  
Flowage Easement

All that part of the  $E\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$ , and all that part of the  $NW\frac{1}{4} SE\frac{1}{4}$  and all that part of the  $S\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$  of Sec. 25, T 25 N, R 23 E of the Indian Base and Meridian in Cherokee Survey, in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 10.0 acres.

TRACT NO. 34 (24 FW 988)  
Flowage Easement

All that part of the  $N\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$  of Sec. 25, T 25 N, R 23 E of the Indian Base and Meridian in Cherokee Survey, in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 1.8 acres.

TRACT NO. 35 (24 FW 989)  
Flowage Easement

All that part of Lot 2, and all that part of the  $NE\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$ , and all that part of the  $SW\frac{1}{4} NE\frac{1}{4}$  of Sec. 25, T 25 N, R

23E of the Indian Base and Meridian, Cherokee Survey, in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 16.1 acres.

TRACT NO. 36 (24 FW 991)  
Flowage Easement

All that part of the E $\frac{1}{2}$  of Lot 4, and all that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 25, T 25 N, R 23 E of the Indian Base and Meridian Cherokee Survey, in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 14.0 acres.

be, and the same are hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein, pursuant to law; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America be, and it is hereby vested with a perpetual easement upon and over the lands hereinabove described for the uses and purposes herein stated.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession or having any right, title or interest in and to the lands hereinabove described, surrender and deliver up possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquired on or before the 9th day of September, 1943, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

ROYCE H. SAVAGE  
JUDGE OF THE UNITED STATES DISTRICT COURT  
IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

ENDORSED: Filed Sep 2 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

-----  
Court adjourned to September 3, 1943

REGULAR JANUARY 1943 TERM TULSA, OKLAHOMA FRIDAY, SEPTEMBER 3, 1943

On this 3rd day of September, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, SEPTEMBER 3, 1943

677

On this 3rd day of September, A. D. 1943, it being made to appear that Jack Campbell and Walter Perry Dornaus are duly qualified for admission to the bar of the Court, the oath prescribed by law is administered and said attorneys are declared admitted to the Bar.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

SAM COOPER, JOHN COOPER, KIZZIE KELLY, )  
JOHN R. MILLER, L. O. LYTLE, and ROY T. )  
WILDMAN, a co-partnership doing business )  
under the name and ~~Style~~ of Miller, )  
Lytle & Wildman, and George H. Jennings, )  
Plaintiffs, )

vs. )

No. 273 Civil )

Edward Tecumseh, Effie Tecumseh, Mable )  
Tecumseh, Ida Tecumseh, Mary Tecumseh, )  
Isreal Tecumseh, Rosella Charles nee )  
Kelly, Amos Tiger, Josephine Tiger and )  
William Tiger, a minor, Defendants. )

ORDER CONFIRMING MARSHALL'S SALE

Now on this 3rd day of September, 1943, the above matter comes on to be heard before the Court on the motion of plaintiffs to confirm the sale made by the United States Marshall for this District of the following described Lots and Lands situated in Tulsa County, Oklahoma, to-wit:

The Southwest Quarter (SW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Twenty-five (25), Township Seventeen (17) North, Range Thirteen (13) East, less right of way of the State of Highway No. 64 covering about 6.7 acres more or less, and subject to an agriculture lease for the year 1943 to Mr. Joe Salker.

The Court, having examined the judgment on partition, heretofore rendered herein, the alias order of sale as upon execution in partition, the appraisal of said land as made by the appraisers in partition, the notice of sale and proof of publication of same, the return of the United States Marshall on said alias order of sale as upon execution in partition, the motion of the plaintiffs to confirm said sale and all of the proceedings had and done by the United States Marshall in conducting said sale, -

The Court finds that said lands were appraised in partition at the sum of One Hundred Twenty-five (\$125.00) Dollars per acre, that there is approximately 33 and 1/3 acres included in said tract to be sold exclusive of the right of way of the State Highway No. 64, as above referred to. That the said acreage may be slightly more or less than above stated.

The Court further finds that the United States Marshall for the Northern District of Oklahoma was by this Court ordered to sell said land at public auction to the highest and best bidder therefor, after giving notice according to law of the time and place of such sale. And that, thereafter the Clerk of this Court issued an alias order for the sale of said lands as upon execution in partition, and that, thereafter, said United States Marshall did execute said alias order for the sale of said lands as upon execution in partition and did cause notice of the time and place of said sale to be published for more than thirty (30) days in the Tulsa Daily Legal News, all as is provided

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, SEPTEMBER 3, 1943

by law and as provided in the notice of sale; and that at the time and place, therein mentioned in said notice of sale, the said United States Marshall did offer for sale to the highest and best bidder for cash in hand pursuant to said order of sale as upon execution in partition and said notice of sale, and did sell said lands to Fred W. Steiner for the sum of Thirty Seven Hundred Dollars (\$3700.00) which sum was duly paid to said United States Marshall. All of which proceedings more fully appear by the return of said Marshall filed herein.

The Court further finds that the said sum of Thirty-seven Hundred Dollars (\$3700.00), so paid by the said Fred W. Steiner at said sale, was the highest and best bid for said lands, and that the same is more than two-thirds of the appraised value of said lands, and is the reasonable market value of said land, and that the said bid of the said Fred W. Steiner was the highest and best bid obtainable at said sale.

The Court further finds that the said United States Marshall did give the notice of said sale as required by law, and did in the conduct of said sale in all respects proceed according to law. That there has not been any objections filed to said sale and that the proceedings and conduct of said sale by said United States Marshall should be and the same is hereby in all respects approved by this Court, and that said sale should be in all respects confirmed.

THEREFORE, IT IS BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that the plaintiff's motion to confirm said sale so made by the United States Marshall is hereby in all respects sustained. That all of the proceedings had and done by the said United States Marshall leading up to said sale and his conduct at said sale and the said sale to the said Fred W. Steiner for the said sum of \$3700.00 be and the same is hereby in all respects approved and confirmed. That the said United States Marshall for the Northern District of Oklahoma is hereby ordered and directed to make, execute, sign and deliver to the said Fred W. Steiner his Marshall's deed, therein conveying to the said Fred W. Steiner the purchaser at said sale, all of the right, title and interest of both plaintiffs, and defendants in and to said lands, and said United States Marshall is further ordered to hold the moneys received from said sale in his hands subject to the further order of this Court for the distribution of the proceeds thereof.

ROYCE H. SAVAGE  
United States District Judge for the Northern District of Oklahoma

ENDORSED: Filed Sep 3 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA

Sam Cooper, John Cooper, Kizzie Kelly, John R. Miller, )  
L. O. Lytle and Roy T. Wildman, a co-partnership doing )  
business under the name and style of Miller, Lytle & )  
Wildman, and George H. Jennings, Plaintiffs, )

vs.

No. 273 Civil

Edward Tecumseh, Effie Tecumseh, Mable Tecumseh, )  
Ida Tecumseh, Mary Tecumseh, Isreal Tecumseh, )  
Rosella Charles nee Kelly, Amos Tiger, Josephier Tiger )  
and William Tiger, a minor, Defendants. )

ORDER FOR DISTRIBUTION OF FUNDS IN THE HANDS OF THE MARSHALL

Now on this 3rd day of September, 1943, this cause came regularly on its order for

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

679

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, SEPTEMBER 3, 1943

hearing on the motion of the plaintiffs for distribution of the funds in the hands of the United States Marshall for the Northern District of Oklahoma, on his sale of the lands involved in this action, being the sum of \$3700.00, which he holds subject to distribution by order of this Court. The plaintiffs appearing by John R. Miller, one of the attorneys for plaintiffs herein,

The Court, having examined the motion for distribution and all the proceedings had and done in this cause, finds that said sale so made by the said Marshall has been duly confirmed by this Court and that the said United States Marshall received the sum of Thirty-seven Hundred Dollars (\$3700.00) as the proceeds of said sale, and that the motion of plaintiffs for distribution should be and the same is hereby sustained.

NOW, THEREFORE, IT IS BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that the said United States Marshall shall pay all costs of this action including the costs accrued in the District Court within and for Tulsa County, State of Oklahoma, where this action was originally filed. That the said United States Marshall shall reimburse the ones who advanced said costs in the filing of said suit in said District Court.

That after the payment of all costs, including costs of sale and all proceedings had herein, the said United States Marshall shall make distribution of the net proceeds of said sale in manner and form as follows, to-wit:

To Miller, Lytle & Wildman,	17½% thereof,
George H. Jennings,	17½% thereof,

and that the residue be paid to the Superintendent of the Five Civilized Tribes Agency to be distributed as follows:

1/13th to Sam Cooper,  
1/13th to Walter Adelman, Executor of the Estate of John Cooper, deceased,  
1/13th to Kizzie Kelly,  
1/13th to Edward Tecumseh,  
1/13th to Effie Tecumseh,  
1/13th to Mable Tecumseh,  
1/13th to Ida Tecumseh,  
1/13th to Mary Tecumseh,  
1/13th to Israel Tecumseh,  
1/13th to Rosella Charles, nee Kelly,  
1/13th to Amos Tiger,  
1/13th to Josephine Tiger, and  
1/13th to William Tiger, a minor.

That said money be paid by said United States Marshall to the Superintendent of the Five Civilized Tribes for distribution to the above-named persons in the proportion set forth.

For all of which judgment is now rendered and order made.

ROYCE H. SAVAGE  
Judge of the United States District  
Court for the Northern District of  
Oklahoma.

ENDORSED: Filed Sep 3 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA

Sam Cooper, John Cooper, Kizzie Kelly,  
John R. Miller, L. O. Lytle and Roy T.  
Wildman, a co-partnership doing business  
under the name and style of Miller,  
Lytle & Wildman, and George H. Jennings,  
Plaintiffs,

vs.

No. 273 Civil

Edward Tecumseh, Effie Tecumseh, Mable  
Tecumseh, ~~Ida Tecumseh, Mary Tecumseh,~~  
Isreal Tecumseh, Rosella Charles Nee  
Kelly, Amos Tiger, Josephine Tiger and  
William Tiger, a minor, Defendants.

ORDER FOR DISTRIBUTION OF FUNDS IN THE HANDS OF THE MARSHALL

Now on this 3rd day of September, 1943, this cause came regularly on in its order for hearing on the motion of the plaintiffs for distribution of the funds in the hands of the United States Marshall for the Northern District of Oklahoma, on his sale of the lands involved in this action being the sum of \$3700.00, which he holds subject to distribution by order of this Court. The plaintiffs appearing by John R. Miller, one of the attorneys for plaintiffs herein.

The Court, having examined the motion for distribution and all the proceedings had and done in this cause, finds that said sale so made by the said Marshall has been duly confirmed by this Court and that the said United States Marshall received the sum of Thirty-seven Hundred (\$3700.00) Dollars as the proceeds of said sale, and that the motion of plaintiffs for distribution should be and the same is hereby sustained.

NOW, THEREFORE, IT IS BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED, That the United States Marshall shall distribute said fund in the following order, to-wit:

1. To the payment of the Printer's fees for advertising the sale at which said land was sold, which was advertised by and money to be paid to the Tulsa Daily Legal News in sum of \$24.00.
2. To the payment of the costs in this action accrued in this Court in the sum of \$171.65
3. To the payment of the costs in the District Court of Tulsa County, State of Oklahoma, where this action was originally filed, in Case No. 67583, styled "Sam Cooper, et al. vs. Edward Tecumseh, et al., and from which Court this case was transferred to this Court, said costs shall be paid to Cal Crum, Court Clerk, Tulsa County, Oklahoma, in the sum of \$25.00
4. That after the payment of all of said costs, above specified, the United States Marshall shall make distribution of the net proceeds of said sale in the manner and form as follows, to-wit:
  - a. To Miller, Lytle & Wildman 17 1/2% thereof,  
To George H. Jennings, 17 1/2% thereof,
  - b. And that the residue be paid to the Superintendent of the Five Civilized Tribes Agency to be distributed as follows;

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, SEPTEMBER 3, 1943

- 1/13th to Sam Cooper,
- 1/13th to Walter Adelman, Executor of the Estate of John Cooper, deceased,
- 1/13th to Kizzie Kelly,
- 1/13th to Edward Tecumseh,
- 1/13th to Effie Tecumseh,
- 1/13th to Mable Tecumseh,
- 1/13th to Ida Tecumseh,
- 1/13th to Mary Tecumseh,
- 1/13th to Israel Tecumseh,
- 1/13th to Rosella Charles, nee Kelly,
- 1/13th to Amos Tiger,
- 1/13th to Josephine Tiger and
- 1/13th to William Tiger, a minor.

That said money be paid by said United States Marshall to the Superintendent of the Five Civilized Tribes for distribution to the above named persons in the proportion set forth.

For all of which judgment is now rendered and order made.

ROYCE H. SAVAGE  
JUDGE of the United States District Court  
for the Northern District of Oklahoma

ENDORSED: Filed Sep 8 1943  
H. P. Warfield, Clerk  
U. S. District Court H

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

City of Sapulpa, Oklahoma, a Municipal Corporation, ex rel Brandon Barringer, et al.,  
 Plaintiffs, ) No. 494 - C  
 vs. )  
 )  
 1ST TRACT: W. S. Glasby, et al., )  
 Defendants. )

O R D E R

Now on this the 3rd day of September, 1943, this matter came regularly on for hearing on the motion of the plaintiffs to set aside the judgment herein on the 22nd day of August, 1942, and to tract 37 only, and to enter judgment as prayed for in said motion and the plaintiffs appeared by their attorney, W. R. Withington, and the defendants through their attorneys being duly notified of the hearing of same but making no appearance and there being no objection to said motion,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that said motion should be and the same is hereby sustained.

AND IT FURTHER ORDERED, ADJUDGED AND DECREED that the judgment entered in this cause on the 22nd day of August, 1942, be and the same is hereby corrected and judgment is rendered for the sum of \$125.00 covering the assessments on Lot 4, Block 8, Forrest Park Addition to the City of Sapulpa, shown as Item 1 in said 37th Tract, and for \$125.00 covering the assessments on Lot 5 in Block 8, Forrest Park Addition to the City of Sapulpa, Oklahoma, and upon payment of said sum of \$250.00 to the Court Clerk of this Court, he is directed to show said judgment paid and satisfied in full, and remit same to the City Treasurer of Sapulpa, Oklahoma, and upon receipt of said amount said City Treasurer of

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, SEPTEMBER 3, 1943

Sapulpa, Oklahoma, is directed to show all assessments against Lots 4 and 5 in Block 8, Forrest Park Addition to the City of Sapulpa fully paid and cancel the same.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Sep 3 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

COLUMBUS BELL STEVENS, Plaintiff, )  
)  
vs. )  
) No. 876 Civil  
)  
Sinclair Prairie Oil Company, )  
The Atlantic Refining Company, )  
Arch H. Hyden, Administrator with will )  
annexed of the estate of Sarah C. )  
Getty, deceased, et al., Defendants. )

O R D E R

This cause came on for hearing on this 3rd day of September, 1943, upon the amended motion of Cinda Monahwee, Joe Smith, William Smith and Addie Kimbrew to intervene, filed herein on the 19th day of August, 1943; and the motion of Cinda Monahwee, William Smith, Joe Smith, Hille McCuller, Rhina Bear, California Fixico, Winey Bluford, Sunday Bluford, Johnson Bluford, Thomas Bluford, Charley Bluford, Louis Bluford, Eddie Bluford, Massey Bluford and Ida Bluford King for leave to intervene as defendants, filed herein on the 6th day of August, 1943.

THE applicants appeared by their respective attorneys, R. S. Gable, G. C. Spillers, and Charles W. Wortman. The defendant, Sinclair Prairie Oil Company, appeared by its attorneys, Ralph W. Garrett, Robert L. Imler and John H. Miley. The defendant, Atlantic Refining Company, appeared by its attorneys, Chas. B. Cochran; and Arch H. Hyden, Administrator with will annexed of the estate of Sarah C. Getty, deceased, appeared by his attorney, C. H. Rosenstein;

And the Court, having heard said motions and being fully advised, is of the opinion that said motions, and each of them, should be denied.

IT IS, THEREFORE, ORDERED that the application of Cinda Monahwee, Joe Smith, William Smith and Addie Kimbrew to intervene, and the motion of Cinda Monahwee, William Smith, Joe Smith, Hille McCuller, Rhina Bear, California Fixico, Winey Bluford, Sunday Bluford, Johnson Bluford, Thomas Bluford, Charley Bluford, Louis Bluford, Eddie Bluford, Massey Bluford, and Ida Bluford King for leave to intervene as defendants, be and the same are hereby denied.

Done and entered this the 3rd day of September, 1943.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Sep 3 1943  
H. P. Warfield, Clerk  
U. S. District Court ME



IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA  
REGULAR JANUARY 1943 TERM TULSA, OKLAHOMA FRIDAY, SEPTEMBER 3, 1943

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

H. W. STREIN AND HATTIE L. STREIN, Plaintiffs, )  
 )  
 ) No. 10,23 Civil  
 )  
SHELL OIL COMPANY, INC. a Corporation, DEVONIAN )  
OIL COMPANY, a corporation, and M. F. POWERS, )  
Defendants. )

JOURNAL ENTRY OF JUDGMENT

The motion of the plaintiffs to remand coming on for hearing on this the 3rd day of September, 1943, the Court finds that the defendants, Shell Oil Company, Inc., a corporation, and the Devonian Oil Company, a corporation, have been dismissed from this cause of action and that the remaining defendant, M. F. Powers, is a resident of the State of Oklahoma, and that there is no diversity of citizenship between the remainder parties to this action and that the said cause should be remanded to the District Court of Creek County, Oklahoma.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED That the above styled cause of action be and is hereby remanded to the District Court of Creek County, Oklahoma.

ROYCE H. SAVAGE  
UNITED STATES DISTRICT JUDGE FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

ENDORSED: Filed In Open Court  
Sep 3 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, )  
 )  
-vs- ) CIVIL NO. 1032  
 )  
CERTAIN PARCELS OF LAND IN MAYES COUNTY, )  
OKLAHOMA: and Willis Thompson, et al., Defendants. )

ORDER DISMISSING AS TO THE SOUTHWESTERN BELL TELEPHONE COMPANY, A CORPORATION, TRACT NO. 5 (1 FW 6 (Rev.) and TRACT NO. 6 (1 FW 6-A (Rev.))

NOW, on this the 3rd day of September, 1943, there coming on for hearing the motion of the defendant, Southwestern Bell Telephone Company, a corporation, to dismiss these proceedings, and the Court being fully advised in the premises finds that said defendant, Southwestern Bell Telephone Company, a corporation, held an easement for telephone purposes upon the lands designated and described as Tract No. 5 (1 FW 6 (Rev.) and Tract No. 6 (1 FW 6-A (Rev.) in the petition for condemnation filed herein; that said defendant has filed a disclaimer, disclaiming any right, title or interest in and to said tracts of land.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that these proceedings be dismissed as to the defendant, Southwestern Bell Telephone Company, a corporation; and that said defendant has no



IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, SEPTEMBER 3, 1943

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Petitioner for Condemnation, )
- vs - )
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, )
OKLAHOMA, containing approximately 124.0 )
acres, more or less, and Alta Foust, et al., )
Defendants. )

CIVIL NO. 1076

JUDGMENT ON DECLARATION OF TAKING

This cause coming on to be heard upon the motion of the petitioner, the United States of America, to enter a judgment on the Declaration of Taking filed in the above entitled cause on the 3 day of Sept., 1943, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof, and of the condemnation petition filed herein, said Declaration of Taking, and the statutes in such cases made and provided, and it appearing to the satisfaction of the Court:

FIRST: That the United States of America is entitled to acquire property by eminent domain for the purposes as set out and prayed in said petition;

SECOND: That a petition in condemnation was filed at the request of the Administrator of the Federal Works Agency, the authority empowered by law to acquire the lands described in said petition, and also, under the authority of the Attorney General of the United States;

THIRD: That said petition and Declaration of Taking state the authority under which, and the public use for which said lands were taken; that the Administrator of the Federal Works Agency is the person duly authorized and empowered by law to acquire such lands as are described in the petition, for the construction of public works and in connection with the Grand River Dam Project, and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings.

FOURTH: That a proper description of the land sought to be condemned sufficient for identification thereof, is set out in said Declaration of Taking;

FIFTH: That said Declaration of Taking contains a statement of the estate or interest in said lands taken for said public use;

SIXTH: That a plan map showing the land taken is incorporated in said Declaration of Taking;

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, in the amount of \$8,072.00, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

EIGHTH: That a statement is contained in said Declaration of Taking that the amount of the ultimate award of compensation for the taking of said property, in the opinion of said Administrator of the Federal Works Agency will be within any limits prescribed by Congress as to the price to be paid therefore.

IT IS THEREFORE, On this 3rd day of Sept., 1943, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement to inundate, submerge, and flow; to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings, fences and other improvements, and to enter upon from time to time in the performance of said acts, for use in connection with the Grand River Dam Project, upon and over the lands, situate, lying

and being in the County of Delaware, State of Oklahoma, and more particularly described as follows,  
to-wit:

TRACT NO. 1 (12 - FW-806)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  lying south and east of the  
relocated K. O. & G. R. R. R/W of Sec. 26, T 26 N, R 22 E of  
the Indian Base and Meridian in Delaware County, Oklahoma,  
lying below Elev. 757 Sea Level Datum, except that portion  
owned by the Grand River Dam Authority, containing approximately  
5.2 acres, including said R. R. R/W, if any, that is incident to  
the ownership of said land.

TRACT NO. 2 (12 - FW-808)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 26, T 25 N, R 22  
E of the Indian Base and Meridian in Delaware County, Oklahoma,  
lying below Elev. 757 Sea Level Datum, except that portion  
owned by the Grand River Dam Authority, containing less than  
0.1 acre.

TRACT NO. 3 (12 - FW-809)  
Flowage Easement

All that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 26, T 25 N, R 22  
E of the Indian Base and Meridian in Delaware County, Oklahoma,  
lying below Elev. 757 Sea Level Datum, except that portion  
owned by the Grand River Dam Authority, containing approximately  
1.3 acres.

TRACT NO. 4 (12 - FW-812)  
Flowage Easement

All that part of the N $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 26, T 25 N, R 22  
E of the Indian Base and Meridian in Delaware County, Oklahoma,  
lying below Elev. 757 Sea Level Datum, except that portion  
owned by the Grand River Dam Authority, containing less than  
0.1 acre.

TRACT NO. 5 (12 - FW-814)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 23, T 25 N, R 22 E of the Indian Base  
and Meridian in Delaware County, Oklahoma, lying below Elev.  
757 Sea Level Datum, except that portion owned by the Grand  
River Dam Authority, containing approximately 0.5 acre.

TRACT NO. 6 (12 - FW-815  
12 - FW-815 A)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 23, T 24 N, R 22  
E of the Indian Base and Meridian in Delaware County, Oklahoma,  
lying below Elev. 757 Sea Level Datum, (which includes all  
that part of the tracts and streets designated as The Miller  
Lake View Addition, as shown by dedication and plat made by

Lois Chamberlain Miller and filed in the County Clerk's Office of Delaware County, on the 6th day of October, 1941, lying below Elev. 757 Sea Level Datum) except that portion owned by the Grand River Dam Authority, containing approximately 0.5 acre.

TRACT NO. 7 (12 -- FW-817)  
 Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 23, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 4.7 acres.

TRACT NO. 8 (12 -- FW-816)  
 Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 23, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.7 acres.

TRACT NO. 9 (12 -- FW-817-A)  
 Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 23, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.7 acres.

TRACT NO. 10 (12 -- FW-818)  
 Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 23, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, and all that part of the N $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of sec. 22, particularly described as follows, to-wit:

Beginning at the NE corner of said N $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  thence southerly along the east boundary of said N $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  a distance of 308.6 feet;  
 Thence S 77° 57' W 3.4 feet; thence S 77° 53' W 237.4 feet;  
 thence N 81° 23' W 180.2 feet; thence N 57° 24' W 198.1 feet;  
 thence N 72° 53' W 155.5 feet; thence N 39° 19' W 288.5 feet  
 to a point in the north boundary of said N $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  377.7 feet east of the NW corner thereof;  
 thence easterly along said north boundary a distance of 938.6 feet to the point of beginning, lying below Elev. 757 Sea Level Datum.

All in T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, the total acreage being approximately 4.6 acres.

TRACT NO. 11 (12 - FW-819)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  in Sec. 22, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SE corner of said NE $\frac{1}{4}$  NE $\frac{1}{4}$ , thence westerly along the south boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  to the NE corner of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ;  
thence southerly along the east boundary of said NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  to the SE corner thereof;  
thence westerly along the south boundary of said NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  to the SW corner thereof;  
thence northerly along the west boundary of said NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  a distance of 552.9 feet;  
thence N. 63° 34' E 50.1 feet; thence N 53° 45' E 509.7 feet;  
thence N 66° 47' E 387.0 feet; thence N 84° 34' E 215.8 feet;  
thence S 78° 26' E 250.5 feet; thence S 53° 31' E 70.1 feet to a point in the east boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$ ;  
thence southerly along said east boundary a distance of 325.9 feet to the point of beginning, lying below Elev. 757 Sea Level Datum, containing approximately 1.9 acres.

TRACT NO. 12 (12 - FW-820)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 22, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.6 acre.

TRACT NO. 13 (12 - FW-821)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 22, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 9.1 acres.

TRACT NO. 14 (12 - FW-822)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 22, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 3.3 acres.

TRACT NO. 15 (12 - FW-823)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 22, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing less than 0.1 acre.

TRACT NO. 16 (12 - FW-824)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  in Sec. 22, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the NW corner of said NE $\frac{1}{4}$  NE $\frac{1}{4}$ , thence easterly along the north boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  a distance of 306.5 feet;  
thence S 45° 21' E 462.0 feet; thence S 44° 27' W 248.6 feet;  
thence S 17° 05' E 90.6 feet; thence S 50° 32' W 569.1 feet;  
thence S 37° 03' W 120.7 feet to a point in the west boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$ ;  
thence northerly along said west boundary 1040.3 feet to the point of beginning, lying below Elev. 757 Sea Level Datum, containing approximately 4.7 acres.

TRACT NO. 17 (12 - FW-828)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 23, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.1 acres.

TRACT NO. 18 (12 - FW-854)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 24, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 4.5 acres.

TRACT NO. 19 (12 - FW-855)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 24, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.2 acres.

TRACT NO. 20 (12 - FW-856)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 23, and all that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 24, all in T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 0.5 acre.

TRACT NO. 21 (12 - FW-857)

Flowage Easement

All that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 23, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.6 acre.

TRACT NO. 22 (12 - FW-857-A\*)

Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 24, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.2 acre.

TRACT NO. 23 (12 - FW 858)

Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 24 T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.2 acres.

TRACT NO. 24 (12 - FW-859)

Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 24, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum,

TRACT NO. 25 (12 - FW-860)

Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 24, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 3.3 acres, subject to the rights of the K. O. & G. Railroad Company, if any, in and to less than 0.1 acre relocated K. O. & G. R. R. right-of-way.

TRACT NO. 26 (13 - FW-825)

Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 15, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 2.0 acres.

TRACT NO. 27 (13 - FW-826)

Flowage Easement

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 16, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.1 acre.

TRACT NO. 28 (13 - FW - 827)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 14, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.1 acre.

TRACT NO. 29 (13 - FW-829)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , less the east 1089 feet of the north 800 feet thereof, and all that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 14, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 4.5 acres.

TRACT NO. 30 (13 - FW-830)  
Flowage Easement

All that part of the east 1089 feet of the north 800 feet of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 14, and all that part of the W $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 13, all in T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.0 acres.

TRACT NO. 31 (13 - FW-831)  
Flowage Easement

All that part of the E $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 13, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 2.4 acres.

TRACT NO. 32 (13 - FW-832)  
Flowage Easement

All that part of the W $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , of Sec. 13, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 0.3 acre.

TRACT NO. 33 (13 - FW-833)  
Flowage Easement

All that part of the N $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 13, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.3 acre.

TRACT NO. 34 (13 - FW-834)  
Flowage Easement

All that part of Lot 1 in Block 11, and all that part of Lots 26 and 27 in Block 5, and all that part of Lots 7 to 21 inclusive in Block 7, and all that part of Lots 23 to 36, inclusive in Block 7, and all that part of the Parksite, all as shown on the dedication plat of the Townsite of Indian Hills Camp situated in the E $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  and the SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 12, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum containing approximately 0.5 acre together with all that part of the streets, avenues and alleys adjacent to said lots and said parksite lying below Elev. 757 Sea Level Datum.

TRACT NO. 35 (13 - FW-834 "A")  
Flowage Easement

All that part of the Lot 22 in Block 7 as shown on the dedication plat of Indian Hills Camp, Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing less than 0.1 acre.

TRACT NO. 36 (13 - FW-835)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 12, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.2 acre.

TRACT NO. 37 (13 - FW-836)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 12, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 6.5 acres.

TRACT NO. 38 (13 - FW-837)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 12, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.2 acre.

TRACT NO. 39 (13 - FW-838)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 11, and all that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 12, all in T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.5 acres.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

REGULAR JANUARY 1943 TERM

FRIDAY, SEPTEMBER 3, 1943

TRACT NO. 40 (13 - FW-839)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 11, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 0.5 acre.

TRACT NO. 41 (13 - FW-840)  
Flowage Easement

All that part of the E $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 11, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 4.4 acres.

TRACT NO. 42 (13 - FW-841)  
Flowage Easement

All that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  of Sec. 11, and all that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, all in T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 14.3 acres.

TRACT NO. 43 (13 - FW-847)  
Flowage Easement

All that part of the S $\frac{1}{2}$  S $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 12, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.6 acres.

TRACT NO. 44 (13 - FW-848)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 12, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 4.4 acres.

TRACT NO. 45 (13 - FW-849)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 12, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.8 acres.

TRACT NO. 46 (13 - FW-850)  
Flowage Easement

All that part of the  $N\frac{1}{2}$  NE $\frac{1}{4}$ , and all that part of the  $N\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 13, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 7.5 acres.

TRACT NO. 47 (13 - FW-851)  
Flowage Easement

All that part of the  $S\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the  $NW\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 13, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.8 acres.

TRACT NO. 48 (13 - FW-852)  
Flowage Easement

All that part of the  $E\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the  $N\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 13, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 6.0 acres.

TRACT NO. 49 (13 - FW-853)  
Flowage Easement

All that part of the  $S\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 13, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.5 acres.

be, and the same are hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein, pursuant to law; and

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America be, and it is hereby vested with a perpetual easement upon and over the lands hereinabove described for the uses and purposes herein stated.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession or having any right, title or interest in, and to the lands hereinabove described, surrender and deliver up possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquired on or before the 10 day of Sept., 1943, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

ROYCE H. SAVAGE  
JUDGE OF THE UNITED STATES DISTRICT COURT IN  
AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

ENDORSED: Filed Sep 3 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

REGULAR JANUARY 1943 TERM

FRIDAY, SEPTEMBER 3, 1943

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, )  
vs. )  
SINCLAIR REFINING COMPANY, a corporation, Defendant. )  
No. 2575

O R D E R

On this 3rd day of September, 1943, the motion of the defendant to require plaintiff to attach to its bill of particulars a copy of the audit report referred to therein and made a part thereof by reference is sustained and plaintiff is directed to file such copy within thirty (30) days from this date, and it appearing that a copy of said audit report has been furnished to the defendant, it is ordered that the same be considered as having been filed and that defendant plead or answer within twenty days from this date.

ROYCE H. SAVAGE  
J U D G E

ENDORSED: Filed Sep 8 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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Court adjourned to September 4, 1943

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

SATURDAY, SEPTEMBER 4, 1943

On this 4th day of September, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff, )  
v )  
FRED G. DRUMMOND, Defendant. )  
No. 805 Civil

JOURNAL ENTRY

This matter coming on for hearing this 4th day of September, and the plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the defen

appearing by his attorney Chas. R. Gray, and the Court being fully advised in the premises, and after having considered the evidence and the briefs filed by the parties to this action, finds the issues in favor of the defendant, as more particularly set out in the Findings of Fact and Conclusions of Law filed herein.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that plaintiff take nothing and that the defendant be discharged.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed In Open Court  
Sep 4 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

MATILDA L. McCARTY, Plaintiff,

vs.

The Heirs, executors, administrators,  
devisees, trustees, and assigns, immediate  
and remote, of Sallie Norton, nee Sapsucker,  
deceased, et al., Defendants.

CIVIL NO. 1020

ORDER DIRECTING ENTRY OF JUDGMENT

Now on this 31st day of August, 1943, this case having been fully tried, and the attorney, for the plaintiff having filed herein an affidavit as to military service of defendants; and the Court having inspected said affidavit, finds that same complies with the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and that it was not necessary to a point an attorney to represent and protect said defendants or to require plaintiff to file a bond conditioned to indemnify defendants, if in military service, and that judgment should be entered herein, it appearing to the Court that in all probability they are not in military service.

IT IS THEREFORE by the Court ordered and directed that judgment be entered herein.

ROYCE H. SAVAGE  
DISTRICT JUDGE

ENDORSED: Filed Sep 3 1943  
H. P. Warfield, Clerk  
U. S. District Court AC

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IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

SATURDAY, SEPTEMBER 4, 1943

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA

MATILDA L. McCARTY, Plaintiff,

vs.

THE HEIRS, EXECUTORS, ADMINISTRATORS, DEVISEES, TRUSTEES, AND ASSIGNS, IMMEDIATE AND REMOTE, OF Sallie Norton, nee Sapsucker, deceased; et al., Defendants.

CIVIL NO. 1020

J U D G M E N T

THEREFORE, upon the foregoing facts as found by the Court and the conclusions of law reached by the Court, it is by the Court ordered, adjudged, and decreed:

That Sallie Norton, nee Chuwalooky, nee Sapsucker, at her death, left as her sole and only heirs at law her husband, Fred Norton, and her son, Oscar (Vann) Chuwalooky, and no other heirs; and that the warranty deed covering the lands involved herein, dated January 7, 1919, executed by Sallie Horner, nee Sapsucker, and her then husband, Luther G. Horner, to A. E. Orr, and recorded in Book 246 at page 523 of the records of the County Clerk's office of Tulsa County, Oklahoma, be and the same is hereby cancelled, set aside, and held for naught.

That Victor A. Schiefflbusch, at his death, left as his sole and only heirs at law his wife, Julia R. Schiefflbusch, and his daughter, Elizabeth Jane Schiefflbusch, and no other heirs; and that the resale tax deed covering the lands involved herein, dated May 15, 1926, executed by the County Treasurer of Tulsa County, Oklahoma, to V. A. Schiefflbusch, and recorded in Book 587 at page 329 of the records of the County Clerk's office of Tulsa County, Oklahoma, be and the same is hereby cancelled, set aside, and held for naught.

That plaintiff's title to the lands involved herein, to-wit: the West Half of the Northeast Quarter of the Northwest Quarter of Section 35, Township 22 North, Range 13 East, in Tulsa County, Oklahoma, be and the same is hereby adjudged valid and perfect and her title to said land is hereby quieted in her as against all and each of the defendants and the intervener herein, and that the defendants and each of them and the intervener herein be and they are hereby barred and enjoined from setting up or claiming any right title or interest in or to said lands adverse to plaintiff's title thereto.

ROYCE H. SAVAGE DISTRICT JUDGE

ENDORSED: Filed Sep 3 1943 H. P. Warfield, Clerk U. S. District Court AC

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

699

REGULAR JANUARY 1943 TERM

SATURDAY, SEPTEMBER 4, 1943

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

FRANKIE TIBBENS, Executrix of the Estate  
of Floyd E. Tibbens, deceased, Plaintiff, )  
 )  
-vs- ) NO. 1063 Civil  
 )  
Levina Tibbens and Tibbens Oil Company, )  
a Delaware Corporation, Defendants. )

O R D E R

This cause came on regularly for hearing the 25th day of August, 1943, upon the motion of the plaintiff to remand this cause to the District Court of Creek County, Oklahoma. Plaintiff appeared by her attorney Saul A. Yager, and the defendant Tibbens Oil Company appeared by its attorneys Villard Martin and Robert J. Stanton. The Court heard the argument of counsel and took the matter under advisement.

Now on this 4th day of September, 1943, IT IS ORDERED that said motion to remand be, and the same is hereby, sustained, and that this cause, be and the same is remanded to the District Court of Creek County, Oklahoma.

IT IS FURTHER ORDERED that the Clerk of this Court transmit immediately to the Clerk of the District Court of Creek County, Oklahoma, a certified copy of this order, together with a certified transcript of all pleadings and motions filed herein since the removal of this case to this Court.

ROYCE H. SAVAGE  
DISTRICT JUDGE

ENDORSED: Filed Sep 3 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

PRENTISS M. BROWN, Administrator,  
Office of Price Administration, Plaintiff, )  
 )  
vs. ) CIVIL NO. 1065  
 )  
GEORGE CHIRIKOS, an individual, d/b/a  
Liberty Cafe, Defendant. )

JU D G M E N T

NOW, on this 4th day of September, 1943, this cause came on for trial at which time the same was regularly set for trial upon the application of the plaintiff for permanent injunction against the defendants herein, at which time plaintiff appeared by and through his attorneys, and defendant did not appear, and the Court having heard the statement of counsel and being fully advised of the premises, finds that said injunction should issue.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendant, his agents, servants, employees and all persons in active concert or participation with defendant, be and they are hereby enjoined from directly or indirectly, doing any acts in violation of Tulsa Order No. G-1 Under

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

SATURDAY, SEPTEMBER 4, 1943

General Order No. 50, of the Office of Price Administration, or from offering or attempting to do the same.

IT IS FURTHER ORDERED that defendant be required to pay the costs in this cause.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Sep 11 1943  
H. P. Warfield, Clerk  
U. S. District Court H

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

PRENTISS M. BROWN, Administrator, Office )  
of Price Administration, Plaintiff, )  
vs ) Civil No. 1068 -  
ASA G. ROSE AND CARRIE ROSE, Individuals, )  
Defendants. )

J U D G M E N T

NOW, on this 4th day of September, 1943, this cause came on for trial at which time the same was regularly set for trial upon the application of the plaintiff for permanent injunction against the defendants herein, at which time plaintiff appeared by and through his attorneys, Joe N. Shidler and A. M. Covington, and the defendants appeared in person, at which time a formal stipulation was presented, wherein it was agreed a permanent injunction should issue and the Court having heard the statement of counsel and being fully advised of the premises, finds said injunction should issue.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendants, their agents, servants, employees and all persons in active concert or participation with defendants, be and they are hereby, permanently enjoined from directly or indirectly, doing any acts in violation of Maximum Price Regulation No. 380, as amended, and the General Maximum Price Regulation, as amended, of the Office of Price Administration, or from offering or attempting to do the same.

IT IS FURTHER ORDERED that defendants be required to pay the costs in this cause, except the Court specifically finds that the defendants shall not be required to pay any costs for attorney or solicitors fee.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed In Open Court  
Sep 4 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

Court adjourned to September 7, 1943

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

REGULAR JANUARY 1943 TERM

TUESDAY, SEPTEMBER 7, 1943

On this 7th day of September, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

MISCELLANEOUS - BOND OF MAURICE F. ELLISON, REFEREE.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT  
OF OKLAHOMA

KNOW ALL MEN BY THESE PRESENTS, That we, Maurice F. Ellison, of Tulsa, Oklahoma, as Principal, and the Continental Casualty Company with home office in Chicago, Illinois, as Surety, are held and firmly bound unto the United States of America, in the sum of Five Thousand and No/100 Dollars, lawful money of the United States to be paid to the United States, for which payment, well and truly to be made, we bind ourselves, and our heirs, executors, administrators, successors or assigns, jointly and severally by these presents.

SIGNED and sealed this 2nd day of September, A. D. 1943.

THE CONDITION of this obligation is such, that

WHEREAS, the above named Maurice F. Ellison, was on the 2nd day of September, A. D. 1943, appointed Referee in Bankruptcy for said Court, and he, the said Maurice F. Ellison, has accepted said trust with all the duties and obligations pertaining thereto.

NOW, THEREFORE, If the said Maurice F. Ellison as aforesaid, shall obey such orders as said court may make in relation to said trust and shall faithfully and truly account for all monies, assets and effects of the said office which shall come into his hands and possession and shall in all respects faithfully perform all of his official duties as said Referee in Bankruptcy, then this obligation to be void; otherwise to remain in full force and virtue.

MAURICE F. ELLISON

Signed and Sealed in the presence of

IRENE WILKINSON  
M. M. EWING

CONTINENTAL CASUALTY COMPANY  
By MILDRED GLEASON  
Attorney-in-fact (CORPORATE SEAL)

APPROVED: ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Sep 7 1943  
H. P. Warfield, Clerk  
U. S. District Court

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

TUESDAY, SEPTEMBER 7, 1943

APPOINTMENT OF MR. HORACE L. FLURRY, AS SPECIAL ASSISTANT TO THE ATTORNEY GENERAL.

Washington, D. C.

May 17, 1943

Mr. Horace L. Flurry,  
Antitrust Division,  
Department of Justice

Dear Mr. Flurry:

As an attorney and counsellor at law you are hereby specially retained and appointed as a Special Assistant to the Attorney General under the authority of the Department of Justice, to assist in the trial of such cases as are referred to you or to the Department of Justice by the General Counsel or any regional attorney for the War Production Board, with recommendations for prosecution, and which are based upon violations of Section 2(a) of the Second War Powers Act (Pub. 507, 77th Cong., 2d sess., c. 199, Title III, approved March 27, 1942) by violations of any regulation, order, or directive of the War Production Board.

You are hereby expressly authorized and directed to commence prosecutions under this statute against any and all parties who have participated in the violation of this statute by presentation of informations charging such violations to any district courts of the United States having jurisdiction.

You are to serve without compensation other than that you are now receiving as a Special Assistant to the Attorney General. Subject to law and the regulations of the Department of Justice, you are allowed your actual and necessary traveling expenses and \$6.00 per diem in lieu of subsistence while absent from you designated headquarters on official business under this appointment.

Respectfully,

(s) Francis Biddle Attorney General

By the Attorney General:

/s/ James Rowe, Jr.,  
The Assistant to the Attorney General.

(SEAL)

I hereby certify that the foregoing is a true copy of the original thereof now in my office.

Attest: Sept. 6, 1943

GEO. W. PARKER, Clerk  
By Jeffie B. Maddox

Deputy

ENDORSED: Filed Sep 7 1943  
H. P. Warfield, Clerk  
U. S. District Court



IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

REGULAR JANUARY 1943 TERM

TUESDAY, SEPTEMBER 7, 1943

- per diem - four (4) days at \$5.25 per day	\$21.00
- mileage - 140 miles at five cents per mile	7.00
TOTAL	<u>108.00</u>
 T. H. GRANT - fees - four (4) days at \$20.00 per day	\$ 80.00
- per diem - four (3) days at \$5.25 per day	15.75
- mileage - none	
Total	<u>\$ 95.75</u>
 C. V. HAMILTON - fees - four (4) days at \$20.00 per day	80.00
- per diem - four (4) days at \$5.25 per day	21.00
- mileage (public transportation)	7.45
Total	<u>\$108.45</u>

IT IS FURTHER ORDERED that the petitioner, United States of America, cause to be paid the fees, per diem and mileage and as hereinabove allowed to said commissioners.

ROYCE H. SAVAGE  
J U D G E

ENDORSED: Filed Sep 7 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT  
OF OKLAHOMA

UNITED STATES OF AMERICA,	Petitioner,	)
		)
-vs-		)
		) No. 1053 - Civil
9.50 acres of land, more or less,		)
situate in Tulsa County, Oklahoma,		)
and the City of Tulsa, a Municipal		)
Corporation, et al.,	Respondents.	)

ORDER FIXING TITLE

Now on this 7 day of September, 1943, this cause came on to be heard pursuant to due notice given and the Court, having been fully advised in the premises, finds that the fee simple title, subject, however, to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines, was, at the time of taking by the petitioner, as to the following tract of land, vested as follows, to-wit:

Tract No. 3

A tract of land in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirteen (13), Township Twenty (20) North, Range Thirteen (13) East of the Indian Meridian, described as follows:

BEGINNING, at a point on the South line of said Southeast Quarter (SE $\frac{1}{4}$ ) 690 feet East of the Southwest corner thereof; thence Northerly a distance of 866 feet; thence Easterly a distance of 1290 feet to a point on the West line of the East Half of the East Half of the Southeast Quarter (E $\frac{1}{2}$  E $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section Thirteen (13); thence Southerly along the West line of said Subdivision a distance of 66 feet to a



IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

TUESDAY, SEPTEMBER 7, 1943

the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings.

FOURTH: That a proper description of the land sought to be taken, sufficient for identification thereof, is set out in said Declaration of Taking;

FIFTH: That said Declaration of Taking contains a statement of the estate or interest in said lands taken for said public use;

SIXTH: That a plan map showing the land taken is incorporated in said Declaration of Taking;

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, in the amount of \$5,123.90, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

EIGHT: That a statement is contained in said Declaration of Taking that the amount of the ultimate award of compensation for the taking of said property, in the opinion of said Administrator of the Federal Works Agency will be within any limits prescribed by Congress as to the price to be paid therefor;

IT IS THEREFORE, on this 7th day of September, 1943, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement to inundate, submerge, and flow; to cut and clear all timber therefrom and to remove or require the removal thereof of all obstructions, natural or artificial structures, buildings, fences and other improvements, and to enter upon from time to time in the performance of said acts, for use in connection with the Grand River Dam Project, upon and over the lands, situate, lying and being in the County of Delaware, State of Oklahoma, and more particularly described as follows, to-wit:

TRACT NO. 1 (27 - FW 439)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of Lot 1 in Section 18, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.2 acres.

TRACT NO. 2 (27 - FW 440)  
Flowage Easement

All that part of the W $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 18, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.7 acre.

TRACT NO. 3 (27 - FW 441)  
Flowage Easement

All that part of the N $\frac{1}{2}$  NE $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 18, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.5 acres.

TRACT NO. 4 (27 - FW 442)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of section 18, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority containing approximately 0.8 acre.

TRACT NO. 5 (27 - FW 443)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 17, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority containing approximately 0.8 acre.

TRACT NO. 6 (27 - FW 445)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 18, and all that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 17, all in T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, containing approximately 2.0 acres.

TRACT NO. 7 (27 - FW 446)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 18, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, containing approximately 0.1 acre.

TRACT NO. 8 (27 FW 447)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 17, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.2 acres.

TRACT NO. 9 (27 - FW 448)  
Flowage Easement

All that part of the W $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 17, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing less than 0.1 acre.

TRACT NO. 10 (27 - FW 449)  
Flowage Easement

All that part of the W $\frac{1}{2}$  SE $\frac{1}{4}$ , and all that part of

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

TUESDAY, SEPTEMBER 7, 1943

the NE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 17, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 4.6 acres.

TRACT NO. 11 (27 - FW 451)  
Flowage Easement

All that part of the W $\frac{1}{2}$  NE $\frac{1}{4}$  of Sec. 20, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.3 acres.

TRACT NO. 12 (27 - FW 452)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  S $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 20, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.8 acres.

TRACT NO. 13 (27 - FW 453)  
Flowage Easement

All that part of the S $\frac{1}{2}$  S $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the E $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  N $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 20, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 6.5 acres.

TRACT NO. 14 (27 - FW 454)  
Flowage Easement

All that part of the W $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 20, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, containing approximately 0.4 acre.

TRACT NO. 15 (27 - FW 455)  
Flowage Easement

All that part of the S $\frac{1}{2}$  N $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 20, lying below Elevation 758 Sea Level Datum, and all that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 20, particularly described as follows, to-wit:  
Beginning at the NW corner of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , thence easterly along the north boundary of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 253.8 feet;

thence S 10° 41' W 672.3 feet to a point in the south boundary of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ;

thence westerly along said south boundary a distance of 126.1 feet to the SW corner of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ;

thence northerly along the west boundary of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  to the point of beginning, all in T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, the total acreage being approximately 16.7 acres.

TRACT NO. 16 (27 - FW 459)  
Flowage Easement

All that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 20, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 8.8 acres.

TRACT NO. 17 (27 - FW 460)  
Flowage Easement

All that part of the N $\frac{1}{2}$  NW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 21, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 7.7 acres.

TRACT NO. 18 (27 - FW 461)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  of Sec. 21, T 24 N, R 24 E, of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 34.3 acres.

TRACT NO. 19 (27 - FW 469)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  S W $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 16, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows: "Beginning at the SW corner of SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , thence east 495', thence North 330', thence West 495', thence South 330' to point of beginning", lying below Elevation 758 Sea Level Datum, containing approximately 0.1 acre.

TRACT NO. 20 (27 - FW 470)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 17, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.6 acres.

TRACT NO. 21 (27 - FW 471)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 17, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, containing approximately 1.5 acres.

TRACT NO. 22 (27 - FW 472)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 17, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below 758 Sea Level Datum, containing less than 0.1 acre.

TRACT NO. 23 (27 - FW 473)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 17, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.8 acres.

TRACT NO. 24 (27 - FW 474)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 17, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.5 acre.

TRACT NO. 25 (27 - FW 475)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 17, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.3 acre.

TRACT NO. 26 (27X-FW 462)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 22, T 24 N,

R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 25.7 acres.

TRACT NO. 27 (27X-FW 463)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 22, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 25.7 acres.

TRACT NO. 28 (27X-FW 464)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 22, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, containing approximately 24.6 acres.

TRACT NO. 29 (27 X FW 465)  
Flowage Easement

All that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 22, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, containing approximately 1.9 acres.

TRACT NO. 30 (27X-FW 466)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 22, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, containing less than 0.1 acres.

TRACT NO. 31 (27Y-FW 456)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 29, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, containing approximately 12.3 acres.

TRACT NO. 32 (27Y-FW 457)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 29, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 758 Sea Level Datum, containing approximately 0.2 acre.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA TUESDAY, SEPTEMBER 7, 1943

REGULAR JANUARY 1943 TERM

TRACT NO. 33 (27Y-FW 458)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 29, T 24 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below ~~258~~ Sea Level Datum, containing approximately 11.2 acres.

be, and the same are hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceedings and established by judgment herein, pursuant to law; and

~~BE IT FURTHER ORDERED, ADJUDGED AND DECREED~~ that the United States of America, be and it is hereby vested with a perpetual easement upon and over the lands hereinabove described for the uses and purposes herein stated.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession of having any right, title or interest in and to the lands hereinabove described, surrender and deliver up possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquired on or before the 14th day of September, 1943, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

ROYCE H. SAVAGE  
JUDGE OF THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

ENDORSED: Filed Sep 7 1943  
H. P. Warfield, Clerk  
U. S. District Court H.

Court adjourned to September 8, 1943

REGULAR JANUARY 1943 TERM TULSA, OKLAHOMA WEDNESDAY, SEPTEMBER 8, 1943

On this 8th day of September, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

REGULAR JANUARY 1943 TERM

IN THE UNITED STATES DISTRICT COURT WITHIN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

R. T. SAMPLES, Plaintiff, )  
 )  
-vs- ) No. 1033 Civil  
 )  
The Travelers Insurance Company, )  
Defendant. )

JOURNAL ENTRY OF JUDGMENT

Now on this this the 8th day of September, 1943, this matter came on to be heard upon the motion of the defendant herein for summary judgment.

Plaintiff appeared by his counsel, the Hon. E. M. Conner, and the defendant appeared by its counsel, R. D. Hudson.

The Court having heard the argument of counsel and being fully informed in the premises, finds that said motion for summary judgment should be in all things sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said motion for summary judgment filed on behalf of the defendant herein, be, and the same is hereby sustained, and

IT IS FURTHER ORDERED that plaintiff take nothing by his petition filed herein, and that the defendant have judgment for its costs herein expended.

ROYCE H. SAVAGE  
Judge of the United States District Court

ENDORSED: Filed Sep 9 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

PRENTISS M. BROWN, Administrator  
Office of Price Administration; Plaintiff, )  
 )  
vs. ) Civil No. 1064  
 )  
A RVEL REAGEN, an individual, Defendant. )

J U D G M E N T

NOW on this 8 day of Sept., 1943, this cause came on for trial at which time the same was regularly set for trial upon the application of the plaintiff for permanent injunction against the defendant herein, at which time plaintiff appeared by and through his attorneys, Joe N. Shidler, and A. M. Covington, and defendant appeared in person, at which time a formal stipulation was presented, wherein it was agreed a permanent injunction should issue and the Court having heard the statement of counsel and being fully advised of the premises, finds said injunction should issue.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendant, his agents, servants, employees, and all persons in active concert or participation with defendant, be and they are hereby permanently enjoined from directly or indirectly, doing any acts in violation of Maximum Price Regulation No. 148, as amended, Maximum Price Regulation No. 169, as amended, and Ration Order No. 16, as amended, of the Office of Price Administration, or from offering or attempting to do the same.



IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

715

REGULAR JANUARY 1943 TERM

FRIDAY, SEPTEMBER 10, 1943

amendment to said petition, and also under authority of the Attorney General of the United States;

THIRD: That said petition, and amendment thereto, state the authority under which and the public use for which said lands and personal property were taken; that the Administrator of the Federal Works Agency is the person duly authorized and empowered by law to acquire the estate in said lands and to make temporary use of the personal property located upon and used in connection with said lands as are described in the petition, and amendment thereto, for the safety and defense of the United States, for the prosecution of the war, and for the construction of public works; that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings;

FOURTH: That a proper description of the personal property temporarily used sufficient for the identification thereof is set out in said petition for condemnation, as amended, and designated as personal property located upon and used in connection with the lands described as Tract No. 7 (6 FW 635);

FIFTH: That the Administrator of the Federal Works Agency, through his duly authorized representative, has entered into an agreement and stipulation with the defendant, R. E. Reed, the owner of all of the personal property described under Tract No. 7 (6 FW 635), in the amendment to the petition in condemnation, thereby determining and fixing full and just compensation to be paid said defendant, in the sum of \$11.25;

SIXTH: that the Administrator of the Federal Works Agency, through his duly authorized representative, is duly authorized and empowered to enter into agreements and stipulations such as are referred to herein, fixing and determining the full just compensation to be paid for the taking of lands and the temporary use of personal property located upon and used in connection with said lands; that the defendant, R. E. Reed was the owner of said personal property at all times when the same was temporarily used by the petitioner;

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED that the sum of \$11.25 is full and just compensation for the loss of and damage to all personal property located upon and used in connection with the lands described in and designated in these proceedings as Tract No. 7 (6 FW-635), sustained by the owners, or those having any right, title or interest in and to said personal property, inclusive of every interest therein as the result of the flooding of said lands in May, 1943, by the petitioner in connection with the Grand River Dam Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner, United States of America deposit in the registry of this court the said sum of \$11.25 for the use and benefit of the owners and those having any right, title or interest in and to the personal property described under Tract No. 7 (6 FW 635), in the amended petition filed herein on the 13th day of August, 1943.

IT IS FURTHER ORDERED, that upon petitioner paying into the registry of this Court the said sum of \$11.25 the same shall be in full settlement of all damages or claims for damages, against the United States of America, occasioned by the temporary use of said personal property from the 18th day of May, 1943, until the 22nd day of May, 1943, inclusive, by the petitioner in connection with the Grand River Dam Project, and this judgment shall be fully satisfied.

ROYCE H. SAVAGE  
JUDGE OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

ENDORSED: Filed Sep 10 1943  
H. P. Warfield, Clerk  
U. S. District Court H

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

REGULAR JANUARY 1943 TERM

FRIDAY, SEPTEMBER 10, 1943

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Petitioner, )  
 )  
-vs- )  
 ) CIVIL NO. 1055  
CERTAIN PARCELS OF LAND IN THE TOWNSITE )  
OF CLEORA, DELAWARE COUNTY, OKLAHOMA, and )  
CERTAIN PERSONAL PROPERTY LOCATED THEREON )  
AND USED IN CONNECTION THEREWITH; AND R. F. )  
Clrich, et al., Defendants. )

~~JUDGMENT VESTING TITLE AND FIXING JUST COMPENSATION FOR~~  
PERSONAL PROPERTY, TRACT NO. 8 (6 FW 636)

NOW, on this 10th day of September, 1943, there coming on for hearing the application of the petitioner for judgment on stipulation as to personal property located upon and used in connection with the lands described and designated as Tract No. 8 (6 FW 636), and for an order fixing and determining the damages sustained, if any, to said personal property, occasioned by the temporary use of same from the 18th day of May, 1943, to the 22nd day of May, 1943, inclusive, by the United States of America, in connection with the Grand River Dam Project, and upon consideration thereof and the copy of said stipulation thereto attached, and of the condemnation petition and amendment thereto, and the statutes in such cases made and provided, and the Executive Order of the President of the United States, No. 8944, dated November 19, 1941, made pursuant to authority contained in the Act of June 10, 1920, 41 Stat. 1083, (U.S.C. Title 16, Sec. 809), and the Second War Powers Act of March 27, 1942 (50 U.S.C. Sec. 171-A), and it appearing to the satisfaction of the Court:

FIRST: That the United States of America is entitled to take and temporarily use said property for the purposes as set out and prayed in said petition as amended;

SECOND: That a petition in condemnation and amendment thereto, was filed at the request of the Administrator of the Federal Works Agency, the authority empowered by law to acquire the lands described in said petition, and to make temporary use of the personal property described in the amendment to said petition, and also under authority of the Attorney General of the United States;

THIRD: That said petition, and amendment thereto, state the authority under which and the public use for which said lands and personal property were taken; that the Administrator of the Federal Works Agency is the person duly authorized and empowered by law to acquire the estate in said lands and to make temporary use of the personal property located upon and used in connection with said lands as are described in the petition, and amendment thereto, for the safety and defense of the United States, for the prosecution of the war, and for the construction of public works; that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings;

FOURTH: That a proper description of the personal property temporarily used sufficient for the identification thereof is set out in said petition for condemnation, as amended, and designated as personal property located upon and used in connection with the lands described as Tract No. 8 (6 FW 636);

FIFTH: That the Administrator of the Federal Works Agency, through his duly authorized representative, has entered into an agreement and stipulation with the defendant, Alzena Barnett, the owner of all of the personal property described under Tract No. 8 (6 FW 636), in the amendment to the petition in condemnation, thereby determining and fixing full and just compensation to be paid said defendant, in the sum of \$63.25.

SIXTH: That the Administrator of the Federal Works Agency, through his duly



IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

REGULAR JANUARY 1943 TERM

FRIDAY, SEPTEMBER 10, 1943

in such cases made and provided, and the Executive Order of the President of the United States, No. 8944, dated November 19, 1941, made pursuant to authority contained in the Act of June 10, 1920, 41 Stat. 1083, (U.S.C. Title 16, Sec. 809), and the Second War Powers Act of March 27, 1942, (50 U.S.C. Sec. 171-A), and it appearing to the satisfaction of the Court:

**FIRST:** That the United States of America is entitled to take and temporarily use said property for the purposes as set out and prayed in said petition as amended;

**SECOND:** That a petition in condemnation and amendment thereto, was filed at the request of the Administrator of the Federal Works Agency, the authority empowered by law to acquire the lands described in said petition, and to make temporary use of the personal property described in the amendment to said petition, and also under authority of the Attorney General of the United States;

**THIRD:** That said petition, and amendment thereto, state the authority under which and the public use for which said lands and personal property were taken; that the Administrator of the Federal Works Agency is the person duly authorized and empowered by law to acquire the estate in said lands and to make temporary use of the personal property located upon and used in connection with said lands as are described in the petition, and amendment thereto, for the safety and defense of the United States, for the prosecution of the war, and for the construction of public works; that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings;

**FOURTH:** That a proper description of the personal property temporarily used sufficient for the identification thereof is set out in said petition for condemnation, as amended, and designated as personal property located upon and used in connection with the lands described in Tract No. 11 (6 FW 639);

**FIFTH:** That the Administrator of the Federal Works Agency, through his duly authorized representative, has entered into an agreement and stipulation with the defendant, Everett Adcox the owner of all of the personal property described under Tract No. 11 (6 FW 639), in the amendment to the petition in condemnation, thereby determining and fixing full and just compensation to be paid said defendant, in the sum of \$50.00;

**SIXTH:** That the Administrator of the Federal Works Agency, through his duly authorized representative, is duly authorized and empowered to enter into agreements and stipulations such as are referred to herein, fixing and determining the full just compensation to be paid for the taking of lands and the temporary use of personal property located upon and used in connection with said lands; that the defendant, Everett Adcox, was the owner of said personal property at all times when the same was temporarily used by the petitioner;

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the sum of \$50.00 is full and just compensation for the loss of and damage to all personal property located upon and used in connection with the lands described in and designated in these proceedings as Tract No. 11 (6 FW 636), sustained by the owners, or those having any right, title or interest in and to said personal property, inclusive of every interest therein as the result of the flooding of said lands in May, 1943, by the petitioner in connection with the Grand River Dam Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner, United States of America deposit in the Registry of this Court the said sum of \$50.00 for the use and benefit of the owner and those having any right, title or interest in and to the personal property described under Tract No. 11 (6 FW 639), in the amended petition filed herein on the 13th day of August, 1943.

IT IS FURTHER ORDERED that upon petitioner praying into the registry of this Court the said sum of \$50.00 the same shall be in full settlement of all damages or claims for damages, against the United States of America, occasioned by the temporary use of said personal property from the 18th day of May, 1943, until the 22nd day of May, 1943, inclusive, by the petitioner in connection with the Grand







IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

REGULAR JANUARY 1943 TERM

FRIDAY, SEPTEMBER 10, 1943

SIXTH: That the Administrator of the Federal Works Agency, through his duly authorized representative, is duly authorized and empowered to enter into agreements and stipulations such as are referred to herein, fixing and determining the full just compensation to be paid for the taking of lands and the temporary use of personal property located upon and used in connection with said lands; that the defendant, W. C. Thompson was the owner of said personal property at all times when the same was temporarily used by the petitioner;

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the sum of \$64.00 is full and just compensation for the loss of and damage to all personal property located upon and used in connection with the lands described in and designated in these proceedings as Tract No. 26 (6 FW 654), sustained by the owners, and or those having any right, title or interest in and to said personal property inclusive of every interest therein as the result of the flooding of said lands in May, 1943, by the petitioner in connection with the Grand River Dam Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner, United States of America deposit in the registry of this court the said sum of \$64.00 for the use and benefit of the owners and those having any right, title or interest in and to the personal property described under Tract No. 26 (6 FW 654), in the amended petition filed herein on the 13th day of August, 1943.

IT IS FURTHER ORDERED, that upon petitioner praying into the registry of this Court the said sum of \$64.00 the same shall be in all full settlement of all damages or claims for damages, against the United States of America, occasioned by the temporary use of said personal property from the 18th day of May, 1943, until the 22nd day of May, 1943, inclusive, by the petitioner in connection with the Grand River Dam Project, and this judgment shall be fully satisfied.

ROYCE H. SAVAGE  
JUDGE OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

ENDORSED: Filed Sep 10 1943  
H. P. Warfield, Clerk  
U. S. District Court H

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,           Petitioner,           )

-vs-

CERTAIN PARCELS OF LAND, RIGHTS-OF-WAY,  
EASEMENTS, AND TRACKAGE, IN DELAWARE AND  
OTTAWA COUNTIES, STATE OF OKLAHOMA, and  
Kansas, Oklahoma & Gulf Railway Company,  
a corporation, et al.,           Defendants.           )

CIVIL NO. 1074

JUDGMENT FIXING TITLE, DECREERING JUST  
COMPENSATION AND MAKING DISTRIBUTION.

NOW, on this, the 10th day of September, 1943, there comes on for hearing, pursuant to regular assignment, the application of the defendant, Kansas, Oklahoma & Gulf Railway Company, for an order fixing title, decreeing just compensation and making distribution as to the property involved in this proceeding and hereinafter specifically described.

Thereupon, the Court proceeded to hear and pass upon said application, the petitioner for condemnation, and all other matters herein, and finds, that:

- (1) Each and all of the allegations of said petition for condemnation are true, and the United States of America is entitled to acquire property by eminent domain for the uses and purposes therein set forth.
- (2) The said petition for condemnation was filed at the request of the Administrator of the Federal Works Agency, the person duly authorized by law to acquire the estate in the property described in said document, for the purposes therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceeding.
- (3) In said petition for condemnation, a statement of the authority under which and the public use for which the estate in said property was taken was set forth.
- (4) A proper description of the lands, rights of way, easements and trackage, sufficient for the identification thereof, is set out in said petition for condemnation, and a statement of the estate or interest in said lands, rights of way, easements and trackage, taken for said public use is set out therein.
- (5) The Court hears evidence and finds that the defendants, John Curtis, County Treasurer of Delaware County, Oklahoma, Russell Doss, County Treasurer of Ottawa County, Oklahoma, the Board of County Commissioners of Delaware County, Oklahoma, and the Board of County Commissioners of Ottawa County, Oklahoma, have no right, title, interest, lien or estate in and to said property, and are unnecessary parties defendant, and that the defendant, the Kansas, Oklahoma & Gulf Railway Company, has entered its appearance herein for all purposes.
- (6) That the defendant, Kansas, Oklahoma & Gulf Railway Company, is now, and was at all times mentioned in the petition for condemnation, lawfully seized in its own right of the right to use, for railroad purposes, all of said property hereinafter described, and that no person, firm, or corporation has any claim, right, title or interest in and to said lands, rights-of-way, easements and trackage of said Kansas, Oklahoma & Gulf Railway Company; that there are no occupants, lessees, licensees, users or holders of any easements, in, upon or over said lands, rights-of-way, easements and trackage, having any right, title or interest that will be affected by the taking of said estate by the petitioner; that there are no tax liens or unpaid taxes upon said lands, rights-of-way, easements and trackage.
- (7) The United States of America did, on the 1st day of September, 1943, file its Declaration of Taking herein and paid into the registry of this Court for the use and benefit of the persons entitled thereto, the sum of \$186,735.00, for the estate taken in said property, and the damages, if any, sustained by reason of the use of said property by the petitioner prior to the filing of this proceeding.
- (8) The defendant, Kansas, Oklahoma & Gulf Railway Company, made, in writing, an "Offer of Sale" to grant and sell to the petitioner, a perpetual easement, right, power, privilege and authority to inundate, submerge and flow, permanently or intermittently, up to elevation 755 mean sea level as referred to the Grand River Dam Datum (which is based upon the United States Coastal Geodetic Survey as of 1937) said lands, rights-of-way, easements and trackage, subject only to the rights of the Grand River Dam Authority, if any, and to release and discharge the petitioner and from all liability for damages sustained by reason of the inundation and overflowing of said lands, rights-of-way, easements and trackage, through the operation, by the petitioner of the Grand River Dam Project prior to the date of said offer of sale; that said offer of sale was accepted by the petitioner, on the 3rd day of September, 1943; that said offer of sale is confirmed in all respects, and is binding upon the defendant, Kansas, Oklahoma & Gulf Railway Company, and the petitioner, the United States of America; that the sum of \$186,735.00 is full and just compensation to the owners, and those having any right, title or interest in and to the lands, rights-of-way, easements and trackage of the Kansas, Oklahoma & Gulf Railway Company as hereinafter described, by reason of the taking herein, together with any damages said owners or claimants may have sustained by reason of the use of said property prior to the time these proceedings were instituted.
- (9) The Court having fully considered the petition for condemnation, the declaration of taking and all proceedings had herein and the provisions of Title II of the Act of June 16, 1933,

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, SEPTEMBER 10, 1943

48 Stat. 200-203 (40 U.S.C. Secs. 401-403) as amended and supplemented; the Act of June 10, 1920, 41 Stat. 1063 (16 U.S.C. Sec. 809); Executive Order No. 8944, dated November 19, 1941, and the Second War Powers Act of March 27, 1942 (50 U.S.C. Sec. 171(a)), is of the opinion that the United States of America was and is entitled to take said estate in said property and have the title thereto vested in it, and that the alleged public purpose and use, as set out in said petition for condemnation, is hereby adjudged to be in truth and in fact a public purpose and use within the meaning and purpose of the above designated acts of Congress.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant, Kansas, Oklahoma & Gulf Railway Company, a corporation, is the owner of the lands, rights-of-way, easements and trackage, hereinafter described, and was the owner of said property at all times mentioned in this proceeding; that no person, firm, corporation, taxing power of State or subdivision thereof, have any right, title, interest, estate or lien in and to said property; that the stipulation (in the form of an accepted offer of sale) between the defendant, Kansas, Oklahoma & Gulf Railway Company, and the petitioner, be, and is hereby confirmed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the sum of \$186,735.00 is full and just compensation for every interest in and to said property by reason of the taking of a perpetual easement to inundate, submerge and flow said property and for all damages, if any, sustained by reason of the use of said property prior to the institution of this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a perpetual easement, right, privilege, and authority to inundate, submerge and flow the following described property, to-wit:

All that part of the Kansas, Oklahoma & Gulf Railway Company's lands, rights-of-way, easements and trackage in Delaware and Ottawa Counties, Oklahoma, lying below Elevation 755 as referred to the Grand River Dam datum (which is based upon the United States Coastal Geodetic Survey as of 1937), subject only to the rights of the Grand River Dam Authority, if any, and as shown on the map (containing four (4) sheets) hereto attached and made a part hereof, and said lands, rights-of-way, easements and trackage being more definitely located and described as follows, to-wit:

DELAWARE COUNTY, OKLAHOMA TRACT NO. FWKR -1

All that part of the K. O. & G. Railway Company's lands, rights-of-way and trackage in the W 1/2 NE 1/4, Sec. 19, T 24 N, R 22 E of the Indian Base and Meridian, in Delaware County, Oklahoma, and more particularly described as follows, to-wit:

W 1/2 NE 1/4 of Sec. 19, T 24 N, R 22 E.

Said right-of-way, being a strip of land 100 feet in width, that is, 50 feet on each side of and immediately adjacent and parallel to the center line of the Northern extension of the Missouri, Oklahoma & Gulf Railroad, said center line entering the W 1/2 NE 1/4, Sec. 19, on its West line at a point about 1140 feet North of the SW corner thereof, running thence northeasterly on a straight line to the East line of said subdivision at a point about 100 feet South of the NE corner thereof.

All of the above described right-of-way containing 4.42 acres of land, more or less.

lying below elevation 755 Grand River Dam Datum.

AND

TRACT NO. FWKR - 2

All that part of the I. O. & G. Railway Company's lands, rights-of-way, and trackage in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 18; W $\frac{1}{2}$  SW $\frac{1}{4}$ ; NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ; SE $\frac{1}{4}$  NW $\frac{1}{4}$ ; NW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ; SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ; SE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ; NW $\frac{1}{4}$  NE $\frac{1}{4}$ ; NW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ; Sec. 17; SE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ; SE $\frac{1}{4}$  SE $\frac{1}{4}$ ; SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 8; W $\frac{1}{2}$  SW $\frac{1}{4}$  Sec. 9, all in T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, and more particularly described as follows, to-wit:

SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 18, Township 24 North, Range 22 East.

Said right-of-way being a strip of land 100 feet in width, that is, 50 feet on each side of and immediately adjacent and parallel to the center line of the Northern Extension of the Missouri, Oklahoma & Gulf Railroad. Said center line entering the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 18, on its south line at a point about 100 feet East of the Southwest corner thereof. Running thence northeasterly on a straight line to the east line of said subdivision at a point about 55 feet south of the northeast corner of said subdivision.

All of the above described right-of-way containing 4.1 acres of land, more or less.

W $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 17, Township 24 North, Range 22 East.

Said right-of-way being a strip of land 100 feet in width, that is, 50 feet on each side of and immediately adjacent and parallel to the center line of the Northern Extension of the Missouri, Oklahoma & Gulf Railroad. Said center line entering the W $\frac{1}{2}$  SW $\frac{1}{4}$ , Section 17 on its west line at a point about 1265 feet north of the southwest corner thereof. Running thence northeasterly on a straight line to the east line of said subdivision at a point about 15 feet south of the northeast corner thereof.

All of the above described right-of-way containing 4.3 acres, more or less.

W $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 17, Township 24 North, Range 22 East.

Said extra right-of-way consisting of two strips of land, each 50 feet in width, and lying respectively on the easterly and westerly sides of and immediately adjacent and parallel to the easterly and westerly right-of-way lines of the Missouri, Oklahoma & Gulf Railroad, said strips extending from points opposite station 2827 of the center line of said railroad, southwesterly to the west line of said subdivision.

All of the above described right-of-way, containing 0.8 acres of land, more or less.

NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 17, Township 24 North, Range 22 East

Said right-of-way being an irregular shaped tract of land, more particularly described as follows: beginning at

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, SEPTEMBER 10, 1943

the northwest corner of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 17, running thence east along the north line a distance of about 90 feet to a point, said point lying on the easterly side of and 50 feet distant from, measured at right angles, to the center line of the Northern Extension of the Missouri, Oklahoma & Gulf Railroad, running thence southwesterly and parallel to said center line a distance of about 130 feet to the intersection of said line with the west line of said subdivision. Thence north along said west line a distance of about 90 feet to the place of beginning.

all of the above described right-of-way containing 0.1 acres of land, more or less.

SE $\frac{1}{4}$  NW $\frac{1}{4}$ ; NW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 17, Township 24 North, Range 22 East.

Said right-of-way being a strip of land 100 feet in width, that is, 50 feet on each side of and immediately adjacent and parallel to the center line of the Northern Extension of the Missouri, Oklahoma & Gulf Railroad. Said center line entering the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, on its south line at a point about 20 feet east of the southwest corner thereof. Running thence northeasterly on a straight line to the north line of said subdivision at a point about 15 feet west of the Northeast corner of said subdivision.

All of the above described right-of-way containing 4.15 acres of land, more or less.

SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 17, Township 24 North, Range 22 East.

Said right-of-way being an irregular shaped tract of land, more particularly described as follows: Beginning at the southeast corner of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, running thence north along the east line of said subdivision a distance of about 60 feet to a point, said point lying on the westerly side of and fifty feet distant from, measured at right angles, to the center line of the Northern Extension of the Missouri, Oklahoma & Gulf Railroad, running thence southwesterly and parallel to said center line a distance of about 75 feet to the intersection of said line with the south line of said subdivision, thence east along said southline a distance of about 60 feet to the place of beginning.

All of the above right-of-way containing .04 acres of land, more or less.

NW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ; NW $\frac{1}{4}$  NE $\frac{1}{4}$ ; SE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 17, Township 24 North, Range 22 East.

Said right-of-way being a strip of land 100 feet in width, that is, 50 feet on each side of and immediately adjacent and parallel to the center line of the Northern Extension of the Missouri, Oklahoma & Gulf Railroad. Said center line entering the SE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 17 on its south line at a point about 15 feet west of the southeast corner thereof. Running

thence northeasterly on a straight line to the north line of the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said section at a point about 25 feet west of the northeast corner of said subdivision.

All of the above described right-of-way containing 4.23 acres of land, more or less.

SE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 8, Township 24 North, Range 22 East.

Said right-of-way being a irregular shaped tract of land, more particularly described as follows: beginning at the southeast corner of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 8, running thence north along the east line of said subdivision a distance of about 100 feet to a point, said point lying on the westerly side of and 50 feet distant from, measured at right angles to the center line of the Northern Extension of the Missouri, Oklahoma & Gulf Railroad. Thence southwesterly and parallel to said center line a distance of about 140 feet to the intersection of said line with the south line of said subdivision. Thence east along said south line a distance of about 140 feet to the intersection of said line with the south line of said subdivision. Thence east along said south line a distance of about 100 feet to the place of beginning.

All of the above described right-of-way containing 0.12 acres of land, more or less.

SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 8, Township 24 North, Range 22 East.

Said right-of-way being a strip of land 100 feet in width, that is, 50 feet on each side of and immediately adjacent and parallel to the center line of the Northern Extension of the Missouri, Oklahoma & Gulf Railroad. Said center line entering the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 8 on its west line at a point about 30 feet north of the southwest corner of said subdivision. Running thence northeasterly on a straight line to the north line of said subdivision at a point about 50 feet west of the northeast corner of said subdivision.

All of the above described right-of-way containing 4.0 acres of land, more or less.

SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 8, Township 24 North, Range 22 East.

Said right-of-way being an irregular shaped tract of land, more particularly described as follows: Beginning at the southeast corner of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  OF Section 8, running thence north along the east line thereof a distance of about 120 feet to a point, said point lying on a westerly side of and 50 feet distant from, measured at right angles to the center line of the Northern Extension of the Missouri, Oklahoma & Gulf Railroad. Running thence Southwesterly and parallel to said center line a distance of about 180 feet to the intersection of said line with the south line of said subdivision, thence east along said south line a distance of about 130 feet to the place of beginning.

All of the above described right-of-way containing 0.2 acres of land, more or less.

$N\frac{1}{2}$   $SW\frac{1}{4}$  of Section 9, Township 24 North, Range 22 East.

Said right of way being a strip of land 100 feet in width, that is, 50 feet on each side of and immediately adjacent and parallel to the center line of the Northern Extension of the Missouri, Oklahoma & Gulf Railroad; said center line entering the  $N\frac{1}{2}$   $SW\frac{1}{4}$ , Section 9, on its west line at a point about 50 feet north of the southwest corner thereof; running thence northeasterly on a straight line to the north line of said subdivision at a point about 1270 feet east of the northwest corner of said subdivision.

All of the above described right-of-way containing 4.1 acres of land, more or less.

Lying below Elev. 755 Grand River Dam Datum.

Lot 1, Block 6, Townsite of Cleora, Oklahoma, Sec. 17, T 24 N, R 22 E.

Lot 1 in Block 6 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title, or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lot.

AND

All that part of the  $SE\frac{1}{4}$   $SE\frac{1}{4}$ , Sec. 18;  $W\frac{1}{2}$   $SW\frac{1}{4}$ ;  $NW\frac{1}{4}$   $NE\frac{1}{4}$   $SW\frac{1}{4}$ ;  $SE\frac{1}{4}$   $NW\frac{1}{4}$ ;  $NW\frac{1}{4}$   $SW\frac{1}{4}$   $NE\frac{1}{4}$ ;  $SE\frac{1}{4}$   $NE\frac{1}{4}$   $NW\frac{1}{4}$ ;  $NW\frac{1}{4}$   $NE\frac{1}{4}$ , Sec. 17,  $SE\frac{1}{4}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$ ;  $SE\frac{1}{4}$   $SE\frac{1}{4}$ ;  $SE\frac{1}{4}$   $NE\frac{1}{4}$   $SE\frac{1}{4}$ ; Sec. 8,  $NW\frac{1}{4}$   $SW\frac{1}{4}$ , Sec. 9, all in T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, used and occupied by the K. O. & G. Railway Company in connection with the construction, maintenance and operation of its railroad, the center line of which trackage is described as follows, to-wit:

Beginning at a point in the south boundary of said  $SE\frac{1}{4}$   $SE\frac{1}{4}$ , Sec. 18, 1121.3 feet west of the SE corner thereof, thence N 43° 20' E to a point on the east boundary of said  $SE\frac{1}{4}$   $SE\frac{1}{4}$  1180.7 feet north of the SE corner thereof; thence N 43° 20' E to a point on the north boundary of said  $NW\frac{1}{4}$   $NE\frac{1}{4}$ , Sec. 17, and 23.2 feet west of the NE corner thereof; thence N 43° 20' E to a point on the east boundary of said  $SE\frac{1}{4}$   $NE\frac{1}{4}$   $SE\frac{1}{4}$ , Sec. 8, and 1409.3 feet north of the SE corner of said Sec. 8; thence N 43° 20' E to a point on the north boundary of said  $NW\frac{1}{4}$   $SW\frac{1}{4}$ , Sec. 9, and 1161.1 feet east of the NW corner thereof, and not within the first herein particularly described right-of-way and lying below Elev. 755 G. R. D. Datum.

AND

TRACT NO. FWKR-3

All that part of the K. O. & G. Railway Company's lands, rights-

of-way and trackage in the  $W\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$ ;  $E\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$ ;  $E\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$ ;  $NW\frac{1}{4} SE\frac{1}{4}$ ;  $S\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4}$ , all in Sec. 3, T 24 N, R 22 E of the Indian Base and Meridian, in Delaware County, Oklahoma, and more particularly described as follows, to-wit:

$SW\frac{1}{4} SW\frac{1}{4}$ ;  $W\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$  of Sec. 3, Township 24 North, Range 22 East  
(KR-6.0)

Beginning at a point in the east boundary of said  $W\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$  and 33.7 feet south of the NE corner thereof; thence S  $1^{\circ} 32'$  W along said east boundary a distance of 109.0 feet to a point on the present K. O. & G. r/w line and 1178.3 feet north of the SE corner of said  $W\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$ ; thence S  $54^{\circ} 02'$  W 0.0 feet; thence to the right along said r/w line on a curve radius 1860.08 feet a distance of 449.1 feet; thence S  $67^{\circ} 52'$  W along said r/w line 262.5 feet; thence N  $22^{\circ} 08'$  W 50.0 feet; thence N  $67^{\circ} 52'$  E 0.0 feet; thence to the left on a curve of radius 2764.93 feet a distance of 760.0 feet to the point of beginning, containing 1.23 acres, more or less.

$W\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$  of Section 3, Township 24 North, Range 22 East

Said right-of-way being a strip of land 100 feet in width, that is, 50 feet on each side of and immediately adjacent and parallel to the centerline of the Northern Extension of the Missouri, Oklahoma & Gulf Railroad. Said center line entering the  $W\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$ , Sec. 3 on its west line at a point about 770 feet north of the Southwest corner thereof. Running thence northeasterly on a straight line to the east line of said subdivision at a point about 1100 feet north of the southeast corner of said subdivision.

All the above described right-of-way containing 1.7 acres of land, more or less.

$E\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$ ;  $E\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$  Section 3, Township 24 North, Range 22 East  
(KR-0.2)

Beginning at a point in the east boundary of said  $E\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$  and 559.2 feet south of the NE corner thereof, thence S  $1^{\circ} 31'$  W along said east boundary a distance of 201.8 feet to a point on the present K. O. & G. R. R. r/w and 559.2 feet north of the SE corner of said  $E\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$ ; thence S  $50^{\circ} 26'$  W along said r/w line a distance of 424.7 feet; thence S  $39^{\circ} 34'$  E along said r/w line a distance of 50.0 feet; thence S  $50^{\circ} 26'$  W along said r/w line a distance of 424.4 feet; thence to the right along said r/w line on a curve of radius 1810.08 feet a distance of 75.3 feet to a point in the west boundary of said  $E\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$  and 1241.4 feet north of the SW corner thereof; thence N  $1^{\circ} 32'$  E along said west boundary a distance of 45.9 feet; thence N  $52^{\circ} 06'$  E 0.0 feet; thence to the left on a curve of radius 2764.93 feet a distance of 1046.4 feet to the point of beginning, containing 1.20 acres, more or less.

$E\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$ ;  $E\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$  of Section 3, Township 24 North, Range 22 East. (KR-0.2A)

Beginning at a point in the East boundary of said  $E\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, SEPTEMBER 10, 1943

and 414.8 feet South of the NE corner thereof; thence S 1° 31' W along said East boundary a distance of 144.4 feet to a point on the North line of the K. O. & G. R. R. Relocation r/w; thence S 30° 25' W 0.0 feet; thence to the right along said r/w line on a curve of radius 2764.93 a distance of 1046.4 feet to a point in the West boundary of said E 1/2 SE 1/4 SW 1/4 and 1287.3 feet North of the SW corner thereof; thence N 1° 32' along the West boundary of said E 1/2 SE 1/4 SW 1/4 and E 1/2 NE 1/4 SW 1/4 a distance of 459.0 feet; thence S 87° 41' E 311.9 feet; thence N 37° 07' E 612.0 feet to the point of beginning, containing 3.6 acres, more or less.

NE 1/4 SE 1/4 SW 1/4; SE 1/4 NE 1/4 SW 1/4 Sec. 3, Township 24 North, Range 22 E.

Said right-of-way being a strip of land 100 feet in width, i.e., 50 feet on each side of and immediately adjacent and parallel to the center line of the Northern Extension of Missouri, Oklahoma & Gulf Railway. Said center line entering the NE 1/4 SE 1/4 SW 1/4 of Sec. 3 on its west line at a point about 450 feet North of the SW corner of said subdivision. Running thence northeasterly on a curve and straight line to the east line of SE 1/4 NE 1/4 SW 1/4 at a point about 360 feet north of the SE corner thereof.

All of the above described right-of-way containing 2.0 acres of land, more or less.

E 1/2 E 1/2 SW 1/4 of Section 3, Township 24 North, Range 22 East.

Said extra right-of-way consisting of two strips of land each 50 feet wide and running immediately adjacent and parallel to the 100 feet strip of right-of-way of the Missouri, Oklahoma & Gulf Railway. Said strip extending from the West line of E 1/2 E 1/2 SW 1/4 Sec. 3, northeasterly to the East line of said subdivision. Also an additional strip of right of way 60 feet in width and lying on the northerly side of and immediate adjacent and parallel to the westerly 50 feet strip herein described, the same extending from points opposite Station 2994 to the center line of said railway northeasterly to the east line of said subdivision.

All of the above described right-of-way containing 2.43 acres of land, more or less.

NW 1/4 SE 1/4 Section 3, Township 24 North, Range 22 East. (KR-0.5A)

Beginning at a point in the West boundary of said NW 1/4 SE 1/4 and 414.8 feet South of the NW corner thereof; thence N 35° 23' E 391.5 feet to a point on the North line of the K. O. & G. R. R. Relocation r/w; thence S 25° 47' W along said right-of-way line a distance of 295.8 feet; thence to the right along said r/w line on a curve of radius 2764.93 feet a distance of 223.6 feet to a point in the West boundary of said NW 1/4 SE 1/4 thence N 1° 31' E along said West boundary a distance of 144.4 feet to the point of beginning, containing 0.7 acres, more or less.

S 1/2 SW 1/4 NE 1/4; NW 1/4 SE 1/4 of Sec. 3, Township 24 North, Range 22 East, (KR-0.5)

Beginning at a point in the North boundary of said

S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 547.2 feet West of the NE corner thereof, thence S 25° 47' W 1215.0 feet; thence to the right on a curve of radius 2964.93 feet a distance of 446.8 feet to a point on the present K. O. & G. R. R. r/w line; thence S 50° 26' W along said r/w line a distance of 91.9 feet to a point in the West boundary of said NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 427.0 feet North of the SW corner thereof; thence N 1° 31' E along said West boundary a distance of 334.5 feet; thence N 30° 25' E 0.0 feet; thence to the left on a curve of radius 2764.93 feet a distance of 223.6 feet; thence N 25° 47' E 1123.1 feet to a point in the North boundary of said S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 561.8 feet East of the NW corner thereof; thence S 38° 54' E along said North boundary a distance of 220.1 feet to the point of beginning, containing 7.12 acres, more or less.

Lying below Elev. 755 Grand River Dam Datum.

AND

TRACT NO. FWKR-4

All that part of the K. O. & G. Railway Company's lands, right-of-way and trackage in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; W $\frac{1}{2}$  SE $\frac{1}{4}$ , Sec. 34, T 25 N, R 22 E of the Indian Base and Meridian, in Delaware County, Oklahoma, and more particularly described as follows, to-wit:

SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; W $\frac{1}{2}$  SE $\frac{1}{4}$  of Sec. 34, Township 25 N, R 22 E (KR-1.3)

Beginning at a point in the South boundary of said SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 946.7 feet East of the SW corner thereof; thence N 42° 31' E 2579.3 feet to a point in the East boundary of said W $\frac{1}{2}$  SE $\frac{1}{4}$  and 696.0 feet south of the NE corner thereof; thence S 1° 21' W along said East boundary a distance of 303.8 feet; thence S 42° 31' W 2176.7 feet to a point in the South boundary of said SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 111.5 feet West of the SE corner thereof; thence N 88° 30' W along said South boundary a distance of 265.1 feet to the point of beginning, containing 10.92 acres, more or less.

Lying below Elev. 755 Grand River Dam Datum.

AND

TRACT NO. FWKR-5

All that part of the K. O. & G. Railway Company's lands, rights-of-way and trackage in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 26, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, and more particularly described as follows, to-wit:

SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 26, Township 25 North, Range 22 East. (KR-2.7A)

Commencing at a point in the North boundary of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 301.6 feet east of the NW corner thereof, thence S 42° 31' W along the South right-of-way line of the K. O. & G. R. R. Relocation a distance of 178.1 feet to a point of beginning; thence S 72° 29' E 235.3 feet; thence S 17° 31' W 50.0 feet; thence N 72° 29' W 252.7 feet to a point in said South right-of-way line; thence N 42° 31' E along said r/w

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, SEPTEMBER 10, 1943

line a distance of 55.2 feet to the point of beginning, containing 0.28 acres, more or less.

Lying below Elev. 755 Grand River Dam Datum.

AND

TRACT NO. FWKR-6

All that part of the K. O. & G. Railway Company's lands, rights-of-way, trackage in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ ; W $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ; SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ; SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ; N $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 26; NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ; SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ; SE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ; NE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ; N $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 25; SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 24, all in T. 25 N., R. 22 E. of the Indian Base and Meridian in Delaware County, Oklahoma, and more particularly described as follows, to-wit:

NW $\frac{1}{4}$  SE $\frac{1}{4}$ ; W $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 26, Township 25 North, Range 22 East (KR-2.9)

Beginning at a point in the South boundary of said NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 169.2 feet East of the SW corner thereof; thence N 42° 31' E 1750.5 feet to a point in the North boundary of said W $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 3.7 feet East of the NW corner thereof; thence S 88° 28' E along said North boundary a distance of 132.5 feet; thence S 42° 31' W 1750.5 feet to a point in the South boundary of said NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 1015.3 feet West of the SE corner thereof; thence N. 88° 28' W along said South boundary a distance of 132.5 feet to the point of beginning, containing 4.02 acres, more or less.

SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 26, Township 25 North, Range 22 East (KR-3.2)

A strip of land 200 feet in width, being 100 feet on each side of the following described center line:

Beginning at a point in the South boundary of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 588.4 feet West of the SE corner thereof, thence N 42° 31' E a distance of 511.9 feet; thence to the right on a curve of radius 2864.93 feet a distance of 356.7 feet to a point in the East boundary of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 19.9 feet South of the NE corner thereof, containing 4.0 acres, more or less.

SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ; N $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 26, Township 25 North, Range 22 East. (KR-3.3)

A strip of land 200 feet in width, being 100 feet on each side of the following described center line:

Beginning at a point in the West boundary of said SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 19.9 feet south of the NW corner thereof; thence N 49° 39' E a distance of 0.0 feet; thence to the right on a curve of radius 2864.93 feet a distance of 135.0 feet; thence N 52° 21' E a distance of 717.4 feet to a point in the East boundary of said N $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 139.9 feet South of the NE corner thereof, containing 4.0 acres, more or less.

NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 25, Township 25 North, Range 22 East (KR-3.4)

A strip of land 200 feet in width, being 100 feet on each side of the

following described center line:

Beginning at a point in the West boundary of said NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 139.5 feet south of the NW corner thereof; thence N 52° 21' E a distance of 221.4 feet to a point in the North boundary of said NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 172.1 feet East of the NW corner thereof, containing 1.02 acres, more or less.

SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 25, Township 25 North, Range 22 East (KR-3.5)

A strip of land 200 feet in width being 100 feet on each side of the following described center line:

Beginning at a point in the South boundary of said SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 172.1 feet East of the SW corner thereof, thence N 52° 21' E a distance of 634.9 feet to a point in the East boundary of said SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 400.3 feet North of the SE corner thereof, containing 2.92 acres, more or less.

SE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 25, Township 25 North, Range 22 E. (KR-3.6)

A strip of land 200 feet in width being 100 feet on each side of the following described center line:

Beginning at a point in the West boundary of said SE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 400.3 feet North of the SW corner thereof, thence N 52° 21' E a distance of 413.3 feet to a point in the North boundary of said SE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 344.6 feet West of the NE corner thereof, containing 1.90 acres, more or less.

NE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ; N $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 25, Township 25 North, Range 22 East (KR-3.8)

A strip of land 200 feet in width being 100 feet on each side of the following described center line:

Beginning at a point in the South boundary of said NE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 344.6 feet West of the SE corner thereof, thence N 52° 21' E 170.2 feet; thence to the right on a curve of radius 2864.93 feet a distance of 981.7 feet; thence N 71° 59' E a distance of 228.6 feet to a point in the North boundary of said NE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 477.3 feet West of the NE corner thereof, containing 6.34 acres, more or less.

SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 24, Township 25 North, Range 22 East. (KR-4.2)

Beginning at a point in the West boundary of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 115.5 feet North of the SW corner thereof, thence N 1° 35' E along said West boundary a distance of 106.2 feet to a point 1099.0 feet South of the NW corner thereof; thence N 71° 59' E 1413.1 feet to a point in the East boundary of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 628.6 feet South of the NE corner thereof; thence S 1° 32' W along said East boundary a distance of 106.1 feet;

thence S 71° 59' W 1413.2 feet to the point of beginning, containing 3.24 acres, more or less.

Lying below Elev. 755 Grand River Dam Datum.

AND

TRACT NO. FWKR-7

All that part of the K. O. & G. Railway Company's lands, rights-of-way and trackage in the NW $\frac{1}{4}$  Sec. 20, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, and more particularly described as follows, to-wit:

NW $\frac{1}{4}$  Section 20, Township 25 N, Range 23 East (KR-5.9)

Beginning at a point in the West boundary of said NW $\frac{1}{4}$  and 229.9 feet North of the SW corner thereof, thence N 1° 30' E along said West boundary a distance of 212.2 feet to a point 2197.5 feet South of the NW corner thereof; thence N 71° 59' E 2792.9 feet to a point in the East boundary of said NW $\frac{1}{4}$  and 1370.5 feet North of the SE corner thereof; thence S 1° 28' W along said East boundary a distance of 212.1 feet; thence S 71° 59' W. 2793.0 feet to the point of beginning, containing 12.82 acres more or less.

Lying below Elev. 755 Grand River Dam Datum.

AND

OTTAWA COUNTY, OKLAHOMA  
TRACT NO. FWKR-8

All that part of the K. O. & G. Railway Company's lands, rights-of-way and trackage in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  (Lot 5) Sec. 5; Fractional NE $\frac{1}{4}$  NW $\frac{1}{4}$  (lot 3); NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  (Lot 2) Sec. 6, T 27 N, R 23 E; SE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; W $\frac{1}{2}$  SE $\frac{1}{4}$  Sec. 31, T 28 N, R 23 E of the Indian Base and Meridian, in Ottawa County, Oklahoma, and more particularly described as follows, to-wit:

SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 5, Township 27 North, Range 23 East (Lot 5)

Said right-of-way being a strip of land 100 feet in width, being 50 feet on each side of and immediately adjacent and parallel to the center line of the Northern Extension of the Missouri, Oklahoma & Gulf Railroad. Said center line entering the Fractional SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 5 on its south line at a point about 310 feet east of the southwest corner thereof. Running thence northeasterly on a straight and curved line to the center line of the Neosho River at a point about 300 feet, measured northwesterly along said center line, from the east line of said subdivision.

All the above described right-of-way containing 3.45 acres of land, more or less.

Fractional NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 6, Township 27 North, Range 23 East (lot 3)

Said right-of-way being a strip of land 100 feet in width, i. e., 50 feet on each side of and immediately adjacent and parallel to the center line of the Missouri, Oklahoma & Gulf Railroad; said center line entering the fractional  $NE\frac{1}{4}$   $NW\frac{1}{4}$ , Section 6 on its southerly boundary line said boundary line being the center line of the Neosho River, at a point about 230 feet measured northwesterly along said boundary line from the intersection of said line with the east line of said subdivision; said center line running northeasterly on a straight line to the intersection of said line with the north line of said subdivision at a point about 37 feet west of the northeast corner thereof.

All of the above described right-of-way containing 1.24 acres of land, more or less.

$NW\frac{1}{4}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$  of Section 6, Township 27 North, Range 23 East (Lot 2)

Said right-of-way being a triangular shaped tract of land, more particularly described as follows:

Beginning at the northwest corner of the  $NW\frac{1}{4}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$ , fractional Section 6; running thence east along the north line of said subdivision a distance of about 15 feet to a point lying on the easterly side of and 50 feet distant from, measured at right angles, to the center line of the Missouri, Oklahoma and Gulf Railroad, running thence southwesterly and parallel to said center line a distance of about 50 feet to the intersection of said line with the west line of said subdivision; thence north along said west line a distance of about 40 feet to place of beginning.

All of the above described right-of-way containing .06 acres of land, more or less.

$SE\frac{1}{4}$   $SE\frac{1}{4}$   $SW\frac{1}{4}$  of Section 31, Township 28 North, Range 23 East (Lot 4)

Said right-of-way being a triangular shaped tract of land, more particularly described as follows:

Beginning at the southeast corner of the  $SE\frac{1}{4}$   $SE\frac{1}{4}$   $SW\frac{1}{4}$  of Section 31, running thence north along the east line thereof a distance of about 310 feet to a point, said point lying on the westerly side of and 50 feet distant from, measured at right angles to the center line of the Missouri, Oklahoma & Gulf Railroad; running thence southwesterly and parallel to said center line a distance of about 325 feet to the intersection of said line with the south line of said subdivision; running thence east along the south line a distance of about 95 feet to place of beginning. All of the above described right-of-way containing 0.3 acres of land, more or less.

$W\frac{1}{2}$   $SE\frac{1}{4}$  of Section 31, Township 28 North, Range 23 East.

Said right-of-way being a strip of land 100 feet in width i. e., 50 feet on each side of and immediately adjacent





IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

MONDAY, SEPTEMBER 13, 1943

On this 13th day of September, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer and Hon. Bower Broadus, Judges, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mauzy, United States Attorney  
John P. Logan, United States Marshal

Public proclamation having been duly made, the following proceedings were had and entered, to-wit:

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT  
OF OKLAHOMA

A. L. O'BANNON, ADMINISTRATOR OF THE )  
ESTATE OF C. B. BESS, Deceased, )  
Plaintiff, ) No. 513 - Civil  
-vs- )  
OTTO BESS, )  
Defendant. )

D E C R E E

Now on this the 13th day of September, 1943, the matter coming on for entry of judgment upon the findings of fact and conclusions of law heretofore filed, -

IT IS ORDERED that the plaintiff do have and recover of the defendant the following sums: The value of one Federal Land Bank bond in the sum of \$10,000.00, 3% notes, due 1946-1949, and the value of one Fourth Liberty Loan bond in the sum of \$6,000.00, 3 1/8% Bonds, with interest on the respective bonds at the rates indicated from October 11, 1935 to September 13, 1943, amounting to \$3,863.42; postal savings deposit referred to in the findings of fact of the value of \$2,500.00, without interest, all of the above amounts aggregating the total of \$22,363.42.

IT IS FURTHER ORDERED that there be credited upon the above amount of \$22,363.42 the following items: Expense of defending the incompetency proceedings in Creek County, Oklahoma, \$1,500.00; expense of defending the incompetency proceedings to the extent shown in the court's findings of fact as to the State of Missouri, \$1,500.00; for support and maintenance of C. B. Bess from October 11, 1935 until his death on January 23, 1939, being 39 months and 12 days at \$60.00 per month, the sum of \$2,364.00.

The defendant is excused from accounting and, so far as this case is concerned, the defendant is allowed a credit of \$2,700.00, the amount which he admits he received in the administration of the estate of C. B. Bess in the State of Missouri, this, however, without prejudice to the proper court of Missouri of determining the propriety of the expenditure of such sum.

IT IS FURTHER ORDERED that the plaintiff have and recover of the defendant the balance due after the allowance of said credits, which balance is \$14,299.42.

IT IS FURTHER ORDERED that as to all other items referred to in the findings and in accord with the findings of fact and conclusions of law, judgment be entered for the defendant.

The costs of the case are assessed against the defendant.

BOWER BROADUS  
U. S. DISTRICT JUDGE

ENDORSED: Filed In Open Court  
Sep 13 1943  
H. P. Warfield, Clerk  
U. S. District Court LN