

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

UNITED STATES OF AMERICA,

Petitioner,

vs.

15,500 acres of land, more or less,  
situate in Hayes County, Oklahoma,  
and John W. Niehaus, Jr., et al.,

Respondents.

No. 652-Civil

EILED

FEB 20 1947

NOBLE C. HOOD  
Clerk U. S. District Court

O R D E R

Now on this 20<sup>th</sup> February day of January, 1947, it appears that the former owners of the real estate described herein and particularly designated as Tracts Nos. A-13, B-41, C-6, C-16, D-43 and D-48 cannot be found and their whereabouts are unknown, and the Court is unable, at this time, to enter an order distributing the sum of \$1493.10, representing the awards for said parcels of land.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that as to said Tracts Nos. A-13, B-41, C-6, C-16, D-43 and D-48 this case is stricken from the open or live docket of this Court, with leave to reinstate same for good cause shown.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the expiration of the statutory five-year period as provided by Title 28, U.S.C.A., Section 852, if good cause be not shown prior thereto, the Clerk of this Court shall issue his voucher payable to the Treasurer of the United States for Fourteen Hundred ninety-three and 10/100 Dollars (\$1493.10).

(S) Noble C. Hood  
JUDGE

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

UNITED STATES OF AMERICA,

Petitioner

v.

560 acres of land, more or less,  
situate in Mayes County, Oklahoma,  
and John O. Allen, et al,

Respondents

No. 860-Civil

FILED

FEB 20 1947

O R D E R

NOBLE C. HOOD  
Clerk U. S. District Court

Now on this 20th day of January, 1947, it appears one of the former owners of the real estate described herein and particularly designated as Tract No. E-103 cannot be found and her whereabouts are unknown, and the Court is unable, at this time, to enter an order distributing the sum of \$18.51, representing an award for said tract of land.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that as to said Tract No. E-103, this case be stricken from the open or live docket of this Court, with leave to reinstate same for good cause shown.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the expiration of the statutory five-year period as provided by Title 28, U. S. C. A., Section 852, if good cause be not shown prior thereto, the Clerk of this Court shall issue his voucher payable to the Treasurer of the United States for Eighteen Dollars and Fifty-One Cents (\$18.51).

(3) Noble C. Hood  
JUDGE.

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

UNITED STATES OF AMERICA,

Petitioner,

vs.

1,802.61 acres of land, more or  
less, situate in Osage County,  
Oklahoma, and Elmer F. Barnett,  
et al.,

Respondents.

No. 1762-Civil

E I L E D

FEB 20 1947

NOBLE C. HOOD  
Clerk U. S. District Court

ORDER DISTRIBUTING FUNDS

Now on this 20<sup>th</sup> day of February, 1947, the above matter  
comes on for hearing, and the Court, being fully advised in the premises,  
finds that distribution should be made as to Tract No. A-2, involved in  
the above proceeding.

IT IS, THEREFORE, ORDERED AND DIRECTED that the Clerk of this  
Court issue check, payable as follows, to-wit:

Tract No. A-2

Thad Holcombe and Sally Holcombe - - - - - \$ 200.00

(S) Bower Broadus  
JUDGE

O.K.  
UNITED STATES OF AMERICA, Petitioner

By (S) Curtis P. Harris  
Special Attorney-Dept. of Justice

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

(SEAL)

TO THE HONORABLE THE JUDGES OF THE DISTRICT COURT  
OF THE UNITED STATES FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma before you, or some of you in a cause between L. G. Keppler, plaintiff, and A. H. Kasishke and Coralena Oil Company, a Delaware Corporation, defendants, No. 1245, Civil, the judgment of the said district court in said case, entered on April 10, 1946, was in the following words, viz:

as by the inspection of the transcript of the record of the said District Court, which was brought into the United States Circuit Court of Appeals, Tenth Circuit, by virtue of an appeal by A. H. Kasishke and Coralena Oil Company, a Delaware corporation, agreeably to the act of Congress, in such case made and provided, fully and at large appears;

Journal Entry of Judgment recorded J-12, Page 32

AND WHEREAS, at the November Term, in the year of our Lord one thousand nine hundred and forty-six, the said cause came on to be heard before the said United States Circuit Court of Appeals, on the transcript of the record from said district court and was argued by counsel.

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed.

- - January 7, 1947.

You, therefore, are hereby commanded that such proceedings be had in said cause, as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding.

WITNESS, the Honorable FRED M. VINSON, Chief Justice of the United States, the 21st day of February in the year of our Lord one thousand nine hundred and forty seven.

Costs of

Clerk \$

Printing Record \$

Attorney \$ \_\_\_\_\_

\$

ROBERT E. CARTWRIGHT  
Clerk of the United States Circuit Court  
of Appeals, Tenth Circuit

ENDORSED: Filed Feb 24 1947  
Noble C. Hood, Clerk  
U. S. District Court

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

Otis J. Thompson - - - - - Plaintiff, )  
vs )  
Charles T. McWilliams, Frank )  
Franklin and William Jones, et al, - - - Defendants. )

No. 1932, - Civil

FILED

FEB 25 1947

JOURNAL ENTRY

NOBLE C. HOOD  
Clerk U. S. District Court

Now this 19th day of February, 1947, came before judicial day  
of said court, sitting in the City of Miami, Oklahoma, this cause  
comes on for trial in its regular order of setting on the complaint  
and the separate answers of each of the above named defendants.  
Plaintiff appears in person and by his attorney, Frank Resbitt, the  
defendants appear in person and by their attorney of record, A. J.  
Commons, and all parties litigant announced ready for trial.

Thereupon the plaintiff commenced upon the introduction of his  
testimony and after the testimony of several witnesses had been heard,  
the hour of five o'clock P.M. arrived, whereupon the further hearing  
of said cause was recessed until February 20, 1947 at nine o'clock A.  
M., the Jury was duly admonished as required by law and permitted to  
separate.

Now this 20th day of February, 1947, the court and Jury being  
present, the plaintiff did conclude the introduction of his evidence  
and rested; thereupon the defendants introduced their evidence and  
rested; thereupon the plaintiff introduced his rebuttal evidence and  
both sides finally closed; thereupon the attorneys for the respective  
parties litigant argued said cause to the Jury, the court instructed  
the Jury on the law, and the Jury retired in charge of their sworn  
bailiff to deliberate upon said cause in private. After due deliber-  
ation the Jury returned into open court with their verdicts, which,  
omitting the caption of each, are as follows, to wit:

"i.e. the Jury, impaneled and sworn in the above en-  
titled cause, do upon our oaths, find for the plain-  
tiff on his first cause of action against the defen-  
dants, Charles T. McWilliams, Frank Franklin and  
William Jones and assess his damages in the sum of  
\$200.00.  
H.A. Becker, Reporter.

"We, the Jury, appeared and sworn in the above captioned cause do upon our oaths find for the plaintiff on his second cause of action against the defendants, Charles T. McWilliams, Frank Franklin and William Jones and assess his damages in the sum of \$400.00."  
W. H. Beckey, Foreman.

Said verdicts were read in open court in the presence of the court, the Jury, the parties litigant and their respective attorneys, whereupon said verdicts were ordered to be received, filed, and made a part of the records of said cause. On motion of the plaintiff:

IT IS ORDERED, ADJUDGED AND DECREED on the verdict of the Jury that plaintiff have judgment against the defendants, Charles T. McWilliams, Frank Franklin and William Jones, on his first cause of action for the sum of \$200.00 with interest thereon at 6% per annum from this date until paid, and the costs of this action.

IT IS ORDERED, ADJUDGED AND DECREED on the verdict of the Jury that plaintiff have judgment against the defendants, Charles T. McWilliams, Frank Franklin and William Jones on his second cause of action in the sum of \$400.00 with interest thereon at 6% per annum from this date until paid and the costs of this action. To all of which the defendants are allowed an exception.

*Wayne H. Savage*  
Judge

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

UNITED STATES OF AMERICA,

Petitioner,

-vs-

CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,  
OKLAHOMA, containing approximately 220.30  
acres, more or less; and T. L. ROBINSON,  
et al.,

Defendants.

CIVIL NO. 1201

FILED

FEB 26 1947

NOBLE C. HOOD  
Clerk U. S. District Court

J U D G M E N T

NOW, on this 26 day of Feb., 1947, there comes on for hearing, pursuant to regular assignment, the application of the petitioner herein for a judgment approving the commissioners' report heretofore filed in this proceeding, as to the real estate hereinafter specifically described:

WHEREUPON, the Court proceeded to hear and pass upon said application, petition for condemnation, report of commissioners 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 Secretary of the Interior, the person duly authorized by law to acquire the estate in the lands 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 lands was taken, was set forth.

(4) A proper description of the lands sufficient for the identification thereof is set out in said petition for condemnation and a statement of the estate or interest in said lands taken for said public use is set out therein.

(5) Due, proper and legal notice of the application of the United States of America for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this court.

The Court hears evidence and finds that the returns as filed by the United States Marshals are true and correct, and that the same are in accordance with law.

The Court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this Court.

(6) The Court finds that the Commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the lands involved in this proceeding, duly qualified by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estate, filed their original report herein on the 16th day of December, 1946, wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the lands more particularly designated and described as follows, to wit:

TRACT NO. 1 (58 - FW-1639)

Flowage Easement

All of the South 20.0 acres of the West 24.60 acres of Lot 14, and all of the East 18.70 acres of Lot 14, in Sec. 25, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, except that portion owned by the Grand River Dam Authority, containing approximately 34.7 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$520.50

TRACT NO. 2 (58 - FW-1640)

Flowage Easement

All that part of the SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Sec. 25, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 22.3 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 7.2 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$600.00

TRACT NO. 3 (58 - FW-1641)

Flowage Easement

All that part of the south 20.0 acres of Lot 13 in Sec. 25, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, containing approximately 20.0 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$300.00

TRACT NO. 4 (58 - FW-1642)

Flowage Easement

All of the north 14.30 acres of Lot 13, and all of the north 4.60 acres of Lot 14 of Sec. 25, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, except that portion owned by the Grand River Dam Authority, containing approximately 15.60 acres, including the bed and banks of Neosho River adjacent to said north 14.30 acres of Lot 13 and said north 4.60 acres of Lot 14.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$234.00

TRACT NO. 5 (58 - FW-1643)

Flowage Easement

All that part of the SW 10.0 acres of the south 40.0 acres of Lot 12, and all that part of the east half of the south 40.0 acres of Lot 12 in Sec. 25, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 26.8 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said SW 10.0 acres of the south 40.0 acres of Lot 12, and all that part of said east half of the south 40.0 acres of Lot 12 lying above Elev. 756.1 Sea Level Datum, containing approximately 0.2 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE RELATIVES, IF ANY, . . . . . \$394.00

TRACT NO. 6 (58 - FW-1644)

Flowage Easement

All of the north 3.5 acres of Lot 12 in Sec. 25, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 3.3 acres, including the bed and banks of Neosho River and any and all accretion thereto, except that portion on which the Grand River Dam Authority has acquired the right of flowage.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE RELATIVES, IF ANY, . . . . . \$33.00

TRACT NO. 7 (58 - FW-1645)

Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 25, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 17.8 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said S $\frac{1}{2}$  SW $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 30.8 acres.

SEPARATE JUDGMENT EMPERED

TRACT NO. 8 (58 - FW-1708)

Flowage Easement

All that part of the  $S\frac{1}{2}$  of Lot C in Block 11 as shown on the dedication plat of Central Addition to the original townsite of Miami in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.2 acre.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said  $S\frac{1}{2}$  of Lot C, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, containing approximately 0.2 acre.  
TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . 25.00

TRACT NO. 9 (58 - FW-1709)

Flowage Easement

All that part of the  $S\frac{1}{2}$  of Lot B and all that part of the  $N\frac{1}{2}$  of Lot C in Block 11 as shown on the dedication plat of Central Addition to the original townsite of Miami in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.4 acre.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said  $S\frac{1}{2}$  of Lot B and all that part of said  $N\frac{1}{2}$  of Lot C lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, containing 0.4 acre.  
TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . 50.00

TRACT NO. 10 (58 - FW-1710)

Flowage Easement

All that part of Lot A and all that part of the  $N\frac{1}{2}$  of Lot B in Block 11 as shown on the dedication plat of Central Addition to the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.2 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot A and all that part of said  $N\frac{1}{2}$  of Lot B lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, containing approximately 0.7 acre.  
TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$125.00

TRACT NO. 11 (58 - FW-1711 Rev.)

TRACT "A"

Easement for Intermittent  
Flowage During Flood Periods

All that part of the west 263 feet of the east 60 rods of Lot 6 in Section 30, T 28 N, R 23 E of the Indian Base and Meridian, Quapaw Survey in Ottawa County, Oklahoma, lying below Elevation 760 Sea Level Datum, containing approximately 4.0 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL TRACT "B" EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . \$200.00

Flowage Easement

All that part of the east 60 rods less the west 263 feet thereof, and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 30, T 28 N, R 23 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 6.0 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said east 60 rods of Lot 6 less the west 263 feet thereof, and all that part of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  lying between Elevation 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 21.6 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN ( PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$1617.50

TRACT NO. 12 (58 - FW-1714 Rev.)

Flowage Easement

All that part of the unplatted portion of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  (lying south of Rockdale Boulevard and McKinley Boulevard as shown on the dedication plat of Rockdale County Club District of Miami) in Sec. 30, T 28 N, R 23 E, of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, described as follows, to-wit:

"Beginning at a point 840.6 feet east of the SW corner of said NE $\frac{1}{4}$  NE $\frac{1}{4}$ , thence North to the south boundary line of Rockdale Boulevard; thence southwesterly along the south boundary line of Rockdale Boulevard to the intersection with the south boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$ ; thence east along the south boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  to the point of beginning" lying below Elev. 756.1 Sea Level Datum, containing approximately 0.3 acre.

Easement for Intermittent  
Flowage During Flood Periods

All that part of the unplatted portion of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  described above lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, containing approximately 0.2 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 21.50

TRACT NO. 13 (58 - FW-1715)

Flowage Easement

All that part of Rockdale Boulevard as shown on the dedication plat of Rockdale Country Club District of Miami, situated in the NE $\frac{1}{4}$  of Sec. 30, T 28 N, R 23 E, of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of the parkway in said Rockdale Boulevard lying west of Elm Street as shown on the dedication plat of Rockdale Country Club District lying below Elev. 760.0 Sea Level Datum, containing approximately 0.1 acre, together with all that part of said Rockdale Boulevard lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH EASEMENT VALUE OF THE EASEMENT TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$15.00

TRACT NO. 14 (58 - FW-1716)

Flowage Easement

All that part of the NE $\frac{1}{4}$  of Sec. 30, T 28 N, R 23 E, of the Indian Base and Meridian, in Ottawa County, Oklahoma, particularly described as follows:

"Beginning at a point 868.5 feet west of the Northeast corner of said Section and on the North boundary line of said Section; thence West 1045.5 feet to a point on North boundary line of said Section, 116 rods West of said Northeast corner of said Section; thence South 900 feet to the intersection with the North side of Brookside Drive and on the center line of Bay Street, as same is shown by the recorded plat of "Brookside Place", an Addition to the City of Miami; thence due East 125 feet; thence along a 6 degree and 45 minute curve to the right for 292.1 feet; thence along a 9 degree and 23 minute curve to the right for 464 feet to a point of tangency; thence Southeast 127.7 feet to an iron pin, being the intersection of the East side of Brookside Drive and the North line of Rockdale Boulevard, as shown by the recorded plat of Rockdale Country Club District; thence at an angle of 90 degrees to the left for 558.6 feet; thence on a 100 foot radius curve to the left for 151.1 feet; thence Northwest along the West side of Washington Drive 710.5 feet to a point of curve; thence to the right on a 12 degree and 20 minute curve 326.54 feet to the place of beginning, containing 28.78 acres, more or less, and being that part of Rockdale Country Club District platted as aforesaid and bounded on the North by the North line of said Northeast Quarter, on the West by the West line of said Addition, and on the South and East by Brookside Drive, Rockdale Boulevard and Washington Drive,"

lying below Elev. 756.1 Sea Level Datum, containing approximately 1.4 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said NE $\frac{1}{4}$  as described above lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, containing approximately 2.8 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$650.00

TRACT NO. 15 (58 - FW-1717)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the West 726 feet (44 rods) of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 30, T 28 N, R 23 E, of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, containing approximately 0.5 acre. TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 50.00

TRACT NO. 16 (58 - FW-1718)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  lying south and east of the K. C. & G. Railroad right-of-way in Sec. 19, T 28 N, R 23 E, of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, containing approximately 0.4 acre. TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$20.00

TRACT NO. 17 (58 - FW-1719)

Easement for Intermittent  
Flowage During Flood Periods

All those parts of the Parks lying in Blocks 7 and 8 as shown on the dedication plat of Edgewood-Place Addition to the original townsite of Miami, in Ottawa County, Oklahoma, including the avenue adjacent to said Parks and incident to the ownership thereof and including the bed and banks of Tar Creek adjacent to said Parks and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum. TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$10.00

TRACT NO. 18 (58 - FW-1719 A)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 5 in Block 7 as shown on the dedication plat of Edgewood-Place Addition to the original townsite of Miami, in Ottawa County, Oklahoma, including the avenue adjacent to said Lot 5 and incident to the ownership thereof and including the bed and banks of Tar Creek adjacent to and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum. TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$15.00

TRACT NO. 19 (58 - FW-1719 B)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 24 in Block 8 as shown on the dedication plat of Edgewood-Place Addition to the original townsite of Miami, in Ottawa County, Oklahoma, including the avenue adjacent to said Lot 24 and incident to the ownership thereof and including the bed and banks of Tar Creek adjacent to said Lot 24 and incident to the ownership thereof, lying below Elev. 760 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$10.00

TRACT NO. 20 (58 - FW-1719 C)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 30 in Block 8 as shown on the dedication plat of Edgewood-Place Addition to the original townsite of Miami, in Ottawa County, Oklahoma, including the bed and banks of Tar Creek adjacent to said Lot 30 and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$10.00

TRACT NO. 21 (58 - FW-1719 D)

Easement for Intermittent  
Flowage During Flood Periods

All that part of an unnamed and unnumbered tract of land situated between Lot 25 and Tar Creek in Block 8 as shown on the dedication plat of Edgewood-Place Addition to the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum including the bed and banks of Tar Creek adjacent to said unnamed and unnumbered tract of land and incident to the ownership thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 5.00

TRACT NO. 22 (58 - FW-1720)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the West 20 rods of Lot 6 in Sec. 30, T 28 N, R 23 E, of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, containing approximately 1.2 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 90.00

TRACT NO. 23 (58 - FW-1721)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 4 in Block 12 as shown on the dedication plat of Artesian Addition to the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, including all that part of the public way adjacent to Lot 3 and Lot 4 in said Block 12 and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$150.00

TRACT NO. 24 (58 - FW-1722)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 5, and all that part of Lot 6, and all that part of Lot 9, and all that part of Lot 10 in Block 12 as shown on the dedication plat of Artesian Addition to the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, including all that part of the alley and public way adjacent to Lots 5 to 10, inclusive, in said Block 12, and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$650.00

TRACT NO. 25 (58 - FW-1723)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 12 in Block 12 as shown on the dedication plat of Artesian Addition to the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, including all that part of the public way adjacent to said Lot 12 and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 25.00

TRACT NO. 26 (58 - FW-1724)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 11 in Block 12 as shown on the dedication plat of Artesian Addition to the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, including all that part of the public way adjacent to said Lot 11 and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$25.00

TRACT NO. 27 (58 - FW-1725)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 13 in Block 12 as shown on the dedication plat of Artesian Addition to the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, including all that part of the public way adjacent to said Lot 13 and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$250.00

TRACT NO. 28 (58 - FW-1727)

Easement for Intermittent  
Flowage During Flood Periods

All those parts of Lots 3 to 9, inclusive, in Block 1, as shown on the dedication plat of Central Addition to the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, including all that part of the street and avenue adjacent to said Lots 3 to 9, inclusive, and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$60.00

TRACT NO. 29 (58 - FW-1728)

Easement for Intermittent  
Flowage During Flood Periods

All those parts of Lots 10 to 17, inclusive, in Block 1 as shown on the dedication plat of Central Addition to the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, including all that part of the street and avenue adjacent to said Lots 10 to 17, inclusive, and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$180.00

TRACT NO. 30 (58 - FW-1729)

Flowage Easement

All that part of Lot 3, and all that part of Lot 9, and all that part of Lot 23, and all that part of Lot 24, and all that part of Lot 25, and all that part of Lot 26 lying below Elev. 756.1 Sea Level Datum, and all of Lot 10 in Block 2, as shown on the dedication plat of Central Addition to the original townsite of Miami, in Ottawa County, Oklahoma, including all that part of the street and avenue adjacent to Lots 4, 5, 6, 7, 8, 9, 10, 23, 24, 25, 26, 27, and 28 in said Block 2, and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All those parts of said Lots 8 and 9 and all those parts of said Lots 23 to 26, inclusive, lying above Elev. 756.1 Sea Level Datum, all of Lots 1 to 7, inclusive, and all of Lots 11 to 22, inclusive, and all of Lots 27 to 34, inclusive, in said Block 2, including all those parts of the streets and avenues adjacent to said Lots 1 to 8, inclusive, 11 to 22 inclusive, and 26 to 34 inclusive, and incident to the ownership thereof, lying above Elev. 756.1 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$68.00

TRACT NO. 31 (58 - FW-1730)

Flowage Easement

All those parts of Lots 8 to 12, inclusive, lying below Elev. 756.1 Sea Level Datum and all of Lots 1 to 7, inclusive, and all of Lot 13 in Block 3 as shown on the dedication plat of Central Addition to the original townsite of Miami, in Ottawa County, Oklahoma, including all those parts of the street and avenue adjacent to said Lots 1 to 8, inclusive, and Lots 12 and 13 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All those parts of said Lots 8 to 12, inclusive, lying above Elev. 756.1 Sea Level Datum including all those parts of the street and avenue adjacent to Lots 7 to 12, inclusive, in said Block 3 and incident to the ownership thereof, lying above Elev. 756.1 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$26.00

TRACT NO. 32 (58 - FW-1731)

Flowage Easement

All those parts of Lots 1 to 16, inclusive, lying below Elev. 756.1 Sea Level Datum, and all of Lots 17 to 32, inclusive, in Block 4 as shown on the dedication plat of Central Addition to the original townsite of Miami, in Ottawa County, Oklahoma, including all that part of the street and avenues adjacent to said Lots 1 to 16 and 17 to 32, inclusive, and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All those parts of said Lots 1 to 16, inclusive, lying above Elev. 756.1 Sea Level Datum, and all that part of the street and avenues adjacent to said Lots 1 to 16, inclusive, and incident to the ownership thereof, lying above Elev. 756.1 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$64.00

TRACT NO. 33 (58 - FW-1731 A)

Flowage Easement

All of Lot F in Block 11 as shown on the dedication plat of Central Addition to the original townsite of Miami, in Ottawa County, Oklahoma, including all that part of the street and avenue adjacent thereto and incident to the ownership thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$63.50

TRACT NO. 34 (58 - FW-1732 Rev.)

Easement for Intermittent  
Flowage During Flood Periods

All of Block 5 as shown on the dedication plat of Central Addition to the original townsite of Miami, in Ottawa County, Oklahoma, including all that part of streets and avenues adjacent thereto and incident to the ownership thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$64.00

TRACT NO. 35 (58 - FW-1733)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 1 and all that part of Lot 2 in Block 6 as shown on the dedication plat of Central Addition to the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, and all that part of the street and avenue adjacent to said Lots 1 and 2 and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$80.00

TRACT NO. 36 (58 - FW-1736)

Easement for Intermittent  
Flowage During Flood Periods

All those parts of Lots 1 to 8, inclusive, in Block 7 as shown on the dedication plat of Central Addition to the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, including all that part of the street and avenue adjacent to said Lots 1 to 8, inclusive, and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$80.00

TRACT NO. 37 (58 - FW-1737)

Easement for Intermittent  
Flowage During Flood Periods

All those parts of Lots 9 to 12, inclusive, in Block 7 as shown on the dedication plat of Central Addition to the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, including all that part of the street and avenue adjacent to said Lots 9 to 12, inclusive, and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$75.00

TRACT NO. 38 (58 - FW-1738)

Easement for Intermittent  
Flowage During Flood Periods

All of Block 8 as shown on the dedication plat of Central Addition to the original townsite of Miami, in Ottawa County, Oklahoma, including all that part of the streets and avenues adjacent thereto and incident to the ownership thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$64.00

TRACT NO. 39 (58 - FW-1739)

Flowage Easement

All that part of Lot 13, and all that part of Lot 14, and all that part of Lot 15, and all that part of Lot 24, in Block 9 as shown on the dedication plat of Central Addition to the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street and avenues adjacent to Lots 13, 14, 15, 12 and 24 in said Block 9 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All those parts of said Lots 13 to 15, inclusive, all that part of said Lot 24 lying above Elev. 756.1 Sea Level Datum, and all of Lots 1 to 12, inclusive, and all of Lots 16 to 23, inclusive, in said Block 9 including all that part of the streets and avenues adjacent to said Lots 1 to 13, inclusive, and 15 to 24, inclusive, and incident to the ownership thereof, lying above Elev. 756.1 Sea Level Datum.

TOTAL CASH MARKET VALUE OF THE EASEMENT TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$84.00

T O T A L, - - - - - \$7,024.00

and that said report and proceedings, as to the above tracts, are in all respects regular and in accordance with the law and orders of this Court.

(7) More than sixty (60) days have elapsed since the filing of the report of commissioners herein, and no written exceptions thereto, or demands for jury trial are pending as to the tracts above described, and that said report of Commissioners filed herein should be confirmed and approved in every respect, as to the tracts above particularly described.

The Court further finds that the just compensation for the estate taken herein for the tracts herein designated, as fixed by the report of Commissioners is final just compensation in the total amount of \$7,024.00.

(8) That the United States of America did, on the 8th day of May, 1944, file its original Declaration of Taking herein; that at the time of the filing of said original Declaration of Taking petitioner paid to the Clerk of this Court for the use and benefit of the owners and the persons entitled thereto, the following sums, to wit:

|   |          |
|---|----------|
| TRACT NO. 1 (58 FW 1639), . . . . .     | \$520.50 |
| TRACT NO. 2 (58 FW 1640), . . . . .     | 518.00   |
| TRACT NO. 3 (58 FW 1641), . . . . .     | 200.00   |
| TRACT NO. 4 (58 FW 1642), . . . . .     | 234.00   |
| TRACT NO. 5 (58 FW 1643), . . . . .     | 394.00   |
| TRACT NO. 6 (58 FW 1644), . . . . .     | 33.00    |
| TRACT NO. 8 (58 FW 1708), . . . . .     | 25.00    |
| TRACT NO. 9 (58 FW 1709), . . . . .     | 50.00    |
| TRACT NO.10 (58 FW 1710), . . . . .     | 125.00   |
| TRACT NO.11 (58 FW 1711 Rev.) . . . . . | 1817.50  |
| TRACT NO.12 (58 FW 1714 Rev.) . . . . . | 21.50    |
| TRACT NO.13 (58 FW 1715), . . . . .     | 15.00    |
| TRACT NO.14 (58 FW 1716), . . . . .     | 420.00   |
| TRACT NO.15 (58 FW 1717), . . . . .     | 50.00    |
| TRACT NO.16 (58 FW 1718), . . . . .     | 20.00    |
| TRACT NO.17 (58 FW 1719), . . . . .     | 10.00    |
| TRACT NO.18 (58 FW 1719 S) . . . . .    | 15.00    |

|  |         |
|--|---------|
| TRACT NO. 19 (58 FW 1719 B) . . . . .    | \$10.00 |
| TRACT NO. 20 (58 FW 1719 C) . . . . .    | 10.00   |
| TRACT NO. 21 (58 FW 1719 D) . . . . .    | 5.00    |
| TRACT NO. 22 (58 FW 1720), . . . . .     | 90.00   |
| TRACT NO. 23 (58 FW 1721), . . . . .     | 150.00  |
| TRACT NO. 24 (58 FW 1722), . . . . .     | 650.00  |
| TRACT NO. 25 (58 FW 1723), . . . . .     | 25.00   |
| TRACT NO. 26 (58 FW 1724), . . . . .     | 25.00   |
| TRACT NO. 27 (58 FW 1726), . . . . .     | 250.00  |
| TRACT NO. 28 (58 FW 1727), . . . . .     | 60.00   |
| TRACT NO. 29 (58 FW 1728), . . . . .     | 180.00  |
| TRACT NO. 30 (58 FW 1729), . . . . .     | 68.00   |
| TRACT NO. 31 (58 FW 1730), . . . . .     | 26.00   |
| TRACT NO. 32 (58 FW 1731), . . . . .     | 64.00   |
| TRACT NO. 33 (58 FW 1731 A), . . . . .   | 62.00   |
| TRACT NO. 34 (58 FW 1732 Rev.) . . . . . | 64.00   |
| TRACT NO. 35 (58 FW 1733), . . . . .     | 80.00   |
| TRACT NO. 36 (58 FW 1736), . . . . .     | 80.00   |
| TRACT NO. 37 (58 FW 1737), . . . . .     | 75.00   |
| TRACT NO. 38 (58 FW 1738), . . . . .     | 48.00   |
| TRACT NO. 39 (58 FW 1739), . . . . .     | 49.00   |

T O T A L, - - - - - \$6,538.50

(9) The Court having fully considered the petition for condemnation, the declaration of taking, and all proceedings had herein, and the provisions of the Act of June 10, 1921, 41 Stat. 1063 (16 U. S. C. Sec. 809); Executive Order No. 8944, dated November 19, 1941; Title II of the Act of June 16, 1933, 48 Stat. 200-203 (40 U. S. C. Secs. 401-403) as amended and supplemented; Executive Order No. 9366, dated July 30, 1943; Executive Order No. 9373, dated August 30, 1943; the Act of August 1, 1888, 25 Stat. 357 (40 U. S. C. Sec. 257); the Act of February 26, 1931, 46 Stat. 1421 (40 U. S. C. Secs. 258 (a) to 258 (e)); Title III of the Act of March 27, 1942, 56 Stat. 177 (50 U. S. C. 171 (a)), is of the opinion that the United States of America was and is entitled to take said property and have the title to the estate therein taken 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 report of Commissioners filed herein is final and the damages sustained as set out and fixed in said report of Commissioners and as hereinabove set forth are full and just compensation for the taking of said estate in the lands designated as follows, to wit:

|   |         |
|---|---------|
| TRACT NO. 1 (58 FW 1639) , . . . . .            | 520.50  |
| TRACT NO. 2 (58 FW 1640) , . . . . .            | 600.00  |
| TRACT NO. 3 (58 FW 1641) , . . . . .            | 300.00  |
| TRACT NO. 4 (58 FW 1642) , . . . . .            | 234.00  |
| TRACT NO. 5 (58 FW 1643) , . . . . .            | 394.00  |
| TRACT NO. 6 (58 FW 1644) , . . . . .            | 33.00   |
| TRACT NO. 8 (58 FW 1708) , . . . . .            | 25.00   |
| TRACT NO. 9 (58 FW 1709) , . . . . .            | 50.00   |
| TRACT NO. 10 (58 FW 1710) , . . . . .           | 125.00  |
| TRACT NO. 11 (58 FW 1711 Rev.)-TRACT "A", . . . | 200.00  |
| TRACT "B", . . .                                | 1617.50 |
| TRACT NO. 12 (58 FW 1714 Rev.) , . . . . .      | 21.50   |
| TRACT NO. 13 (58 FW 1715) , . . . . .           | 15.00   |
| TRACT NO. 14 (58 FW 1716) , . . . . .           | 650.00  |
| TRACT NO. 15 (58 FW 1717) , . . . . .           | 50.00   |
| TRACT NO. 16 (58 FW 1718) , . . . . .           | 20.00   |
| TRACT NO. 17 (58 FW 1719) , . . . . .           | 10.00   |
| TRACT NO. 18 (58 FW 1719 A) . . . . .           | 15.00   |
| TRACT NO. 19 (58 FW 1719 B) . . . . .           | 10.00   |
| TRACT NO. 20 (58 FW 1719 C) . . . . .           | 10.00   |
| TRACT NO. 21 (58 FW 1719 D) . . . . .           | 5.00    |
| TRACT NO. 22 (58 FW 1720) , . . . . .           | 90.00   |
| TRACT NO. 23 (58 FW 1721) , . . . . .           | 150.00  |
| TRACT NO. 24 (58 FW 1722) , . . . . .           | 650.00  |
| TRACT NO. 25 (58 FW 1723) , . . . . .           | 25.00   |
| TRACT NO. 26 (58 FW 1724) , . . . . .           | 25.00   |
| TRACT NO. 27 (58 FW 1726) , . . . . .           | 250.00  |

|   |            |
|---|------------|
| TRACT NO. 28 (58 FW 1727), . . . . .      | 860.00     |
| TRACT NO. 29 (58 FW 1728), . . . . .      | 180.00     |
| TRACT NO. 30 (58 FW 1729), . . . . .      | 68.00      |
| TRACT NO. 31 (58 FW 1730), . . . . .      | 26.00      |
| TRACT NO. 32 (58 FW 1731), . . . . .      | 64.00      |
| TRACT NO. 33 (58 FW 1731 A), . . . . .    | 63.50      |
| TRACT NO. 34 (58 FW 1732 Rev.), . . . . . | 64.00      |
| TRACT NO. 35 (58 FW 1733), . . . . .      | 80.00      |
| TRACT NO. 36 (58 FW 1736), . . . . .      | 80.00      |
| TRACT NO. 37 (58 FW 1737), . . . . .      | 76.00      |
| TRACT NO. 38 (58 FW 1738), . . . . .      | 84.00      |
| TRACT NO. 39 (58 FW 1739), . . . . .      | 84.00      |
| T O T A L, - - - - -                      | \$7,024.00 |

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is a perpetual easement upon and over said lands to inundate, submerge and flow, and to enter upon said lands from time to time in the performance of said acts, for use in connection with the completion and full utilization of the Grand River Dam (Pensacola) Project in Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the original Declaration of Taking, and the interest therein taken by these eminent domain proceedings, was vested in the United States of America on the 8th day of May, 1944, upon the filing of the Declaration of Taking and the depositing of the sum of \$6,552.50 with the registry of this Court for the estate taken in and to the above described tracts of land; and the right to recover just compensation for the estate taken vested in the persons entitled thereto on the date aforesaid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate therein taken, as hereinabove specifically set forth, is hereby deemed to be condemned and taken for the uses and purposes of the United States of America, and that the just compensation as determined and fixed herein for the taking of said estate in said tracts of land, is vested in the persons lawfully entitled thereto, as the owners of said tracts of land, respectively, or of some right, title or interest therein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the petitioner pay into the registry of this court the sum of \$486.50, said sum being the deficiency between the sum of \$7,024.00, the just compensation herein fixed, and the amount deposited with the Declaration of Taking as the estimated just compensation for the taking of said tracts of land, in the sum of \$6,536.50.

This cause is held open for the purpose of entering such further orders, judgments and decreed as may be necessary in the premises.

W. Rayett Savage  
Judge  
United States District Court, Northern  
District of Oklahoma

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

Rupert J. Hall, Plaintiff, )  
vs. )  
The Life Insurance Company of )  
Virginia, a corporation, Defendant. )

No. 1901 Civil

FILED

FEB 27 1947

J U D G M E N T

NOBLE C. HOOD  
Clerk U. S. District Court

The above cause is dismissed with prejudice at  
plaintiff's costs.

Dated this 27 day of February, 1947.

W. J. H. Savage  
United States District Judge

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

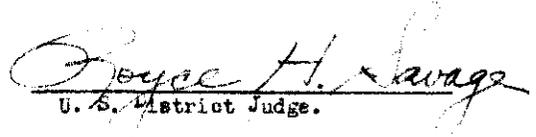
|                           |   |                |
|---------------------------|---|----------------|
| United States of America, | ) |                |
|                           | ) |                |
| Plaintiff,                | ) |                |
| vs.                       | ) | No. 1935 Civil |
|                           | ) |                |
| Frank L. Piro,            | ) |                |
|                           | ) |                |
| Defendant.                | ) |                |

ORDER OF DISMISSAL

NOW, on this 26th day of February, 1947, this matter coming on for hearing and the court being fully advised in the premises and for good cause shown finds that said cause should be dismissed without cost.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that this cause be and the same hereby is dismissed without cost.

AND IT IS SO ORDERED.

  
U. S. District Judge.

FILED

FEB 27 1947

NOBLE C. HOOD  
Clerk U. S. District Court

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

Nathaniel A. Hughes, Plaintiff, )  
vs. )  
No. 1830  
Nakie or Maggie Gourd, nee Mankiller, )  
Full-blood Cherokee Indian, Roll ) Civil.  
No. 25674, et al., Defendants, )  
Nakie or Maggie Gourd, nee Mankiller, )  
Full-blood Cherokee Indian, Roll No. 25674. )  
Colson or George Mankiller, Full-blood Cher- )  
okee Indian, Roll No. 25675, Charlie Man- )  
killer, Full-blood Cherokee Indian, NE, )  
Sallie Mankiller, now Leach, Full-blood )  
Cherokee Indian, NE, and Smoke Christie, )  
one and the same person as Kenneth Christie, )  
Full-blood Cherokee Indian, NE, and Susie )  
Gourd, Full-blood Cherokee Indian, NE. )  
Defendants and Cross Petitioners, )  
vs. )  
The unknown heirs, executors, administrators, )  
devisees, trustees and assigns, immediate and )  
remote, of Mary Hughes, nee Mankiller, deceased, )  
Full-blood Cherokee Indian, Roll No. 25677, )  
Defendants by way of Cross-Petition, )

**FILED**

FEB 27 1947

D E C R E E

NOBLE C. HOOD  
Clerk U. S. District Court

NOW, on this the 3rd day of February, 1947, the above case coming regularly on for hearing before the Honorable Poyce H. Savage, United States District Judge for the Northern District of Oklahoma; the plaintiff, Nathaniel A. Hughes, appearing personally and by his attorneys, A. Lee Mattenfield and John S. Severson; the defendants, Nakie or Maggie Gourd, nee Mankiller, Full-blood Cherokee Indian, Roll No. 25674, Colson or George Mankiller, Full-blood Cherokee Indian, Roll No. 25675, Charlie Mankiller, Full-blood Indian, NE, Sallie Mankiller, or Leach, Full-blood Cherokee Indian, NE., Smoke Christie, one and the same person as Kenneth Christie, Full-blood Cherokee Indian, NE., defendants and cross-petitioners, appearing by their Attorneys, E. A. Wilkerson and W. F. Bliss, Jr., of the firm of Bliss & Bliss, and the United States of America appearing by the Honorable Whit V. Mauzy, who appears as well for all of the restricted Indians, parties to said action; and the Court, having heard all the evidence, and being fully advised in the premises, finds;

That the findings of fact heretofore made by the Court, and filed herein, constitute the basis of this decision, in so far as said findings of fact control this decision; and,

It having been shown to the Court that this case was properly filed in the District Court of Nowata County, Oklahoma, as No. 3783, and, upon application of the United States of America, was removed to this Court, under the provisions of Section 3 of the Act of Congress of April 12, 1926, 44 Stat. 239. The Court, accordingly, finds and adjudges that this Court has jurisdiction to proceed with the hearing of this cause; and,

After examination of the summons, the publication notice, and proofs thereof, including the notice of the pendency of this action served on the Superintendent of the Five Civilized Tribes, finds, that the publication upon the known and unknown heirs, executors, administrators, devisees, claimants, trustee, and assigns, immediate and remote of Mary Hughes, nee Mankiller, deceased, full-blood Cherokee Indian, Roll No. 25677, has been had in the manner and form provided by the statutes. It is, accordingly, therefore adjudged that the summons and publication notice and the notice of pendency of this action, be and the same is hereby approved; and,

The Court, having found no reason exists why this action should not proceed to a hearing and judgment, accordingly orders and adjudges that said cause proceed to trial and judgment;

Thereupon, the Court, after hearing the evidence and argument of counsel, files its Findings of Fact and Conclusions of Law, all of which are hereby referred to, approved and adopted; and,

In accordance therewith, on the 27<sup>th</sup> day of February, 1947, it is, therefore, CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court that the land involved herein was duly allotted to Mary Hughes, nee Mankiller, Full-blood Cherokee Indian, Roll No. 25677, which said land is described, as follows:

The SE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub>, and SW<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub>, and NE<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub>, of Section 33, Township 28 N., Range 14 E.; and the NE<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub> of Section 35, Township 28 N., R. 14 E. of the Indian Base and Meridian, Nowata County, Oklahoma.

is now owned by, and the legal title is vested in, the following named persons, in the interests set after their respective names, to-wit:

|   |      |                     |
|---|------|---------------------|
| Plaintiff, Nathaniel A. Hughes,         | 1/3  | undivided-interest, |
| Defendants: Makie Gourd, nee Mankiller, | 1/10 | "                   |
| Colson Mankiller,                       | 1/10 | "                   |
| Gallie                                  | 1/20 | "                   |
| Charlie Mankiller,                      | 1/20 | "                   |
| Musie Gourd,                            | 1/10 | "                   |
| Smoke Christie,                         | 1/10 | "                   |

all of said interests being undivided; and their title and right of possession is forever settled and quieted against each and all of the unknown parties herein named, and anyone claiming by, through or under them, of any of them; and,

IT IS FURTHER ORDERED, ADJUDGED and DECREED and DECREED that the parties last named are in possession of said land, as co-tenants;

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the findings and conclusions of the court as to heirship, as set out in the findings of fact and conclusions of law, this day filed, be and the same are hereby confirmed and adopted, and judgment is hereby entered establishing such findings and conclusions as a decree of heirship of Mary Hughes, nee Mankiller, Full-blood Cherokee Indian, Roll No. 25877, deceased; and

IT IS FURTHER CONSIDERED, ADJUDGED, ORDERED and DECREED that no other persons than those named in said findings of fact and conclusions of law are heirs of said Mary Hughes, nee Mankiller, deceased, or have any right, title, claim or interest in and to the property hereinabove described, by right of inheritance, or otherwise.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the Court that E. C. Smith, C. C. Weber, and Lon H. Stansbery, are hereby appointed Commissioners, to make partition of said property among the parties hereto, as their interests appear; and in case partition in kind cannot be made, that said Commissioners shall cause appraisement to be made of said property, and make due return of their findings, to this Court; that before entering upon their duties, they take and subscribe to the oath prescribed by law;

and that a certified copy of this judgment be their authority  
for proceeding with their said duties.

ROYCE H. SAVAGE

United States District Judge,  
Northern District of Oklahoma.

OK  
John S. Severson  
and  
a Lee Battleground  
attorneys for plaintiffs

OK as to form:  
Wm H. Murray  
U.S. Atty

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

UNITED STATES OF AMERICA,

Petitioner,

-vs-

CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,  
OKLAHOMA, containing approximately 305.40  
acres, more or less; and Albert E. Williams,  
et al.,

Defendants.

CIVIL NO. 1199 ✓

FILED

FEB 28 1947

NOBLE C. HOOD  
Clerk U. S. District Court

ORDER FIXING TITLE AND MAKING DISTRIBUTION

NOW, on this 23<sup>rd</sup> day of Feb, 1947, the above  
cause comes on for hearing pursuant to regular assignment for the  
determination of the rightful claimants in and to any funds that may  
have been deposited and that may hereafter be deposited in the above  
entitled proceeding for the rightful claimants thereto as the owners of  
the real estate and the estate therein taken and involved in this pro-  
ceeding as hereinafter described and designated.

And the court being fully advised in the premises finds that the  
hereinafter named persons, firms, corporations and political subdivisions  
of the State are the owners of and/or have some right, title or interest  
in and to the lands involved herein, and that no person, firm, corporation  
or political subdivision of the State has any right, title or interest in  
and to said lands other than those hereinafter named; and that the owners  
and those having any right, title or interest in and to said lands as  
hereinafter named and set forth are the only persons, firms and corpora-  
tions having any right, title or interest in and to the funds that are now  
on deposit or that may hereafter be deposited in the above entitled pro-  
ceeding for the rightful claimants thereto.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the following named persons, firms and corporations are the owners of and/or have some right, title or interest in and to the lands involved herein as hereinafter designated, and that they are the only persons having any right, title or interest in and to the funds that are now on deposit and that may hereafter be deposited for the use and benefit of the rightful claimants thereto, as the owners or those having any right, title or interest in and to the real estate involved in this proceeding, and that the Clerk of this Court be, and he is hereby authorized and directed to make distribution of said funds to said persons, firms and corporations as hereinafter set forth, as follows, to wit:

TRACT NO. 1 (57 P. 1573)

Flowage Easement

(Title fixed and distribution made under Orders of January 26, 1946, and March 3, 1946)

TRACT NO. 2 (57 P. 1576)

Flowage Easement

(Title fixed and distribution made under Order of August 8, 1946)

TRACT NO. 3 (57 P. 1621)

Flowage Easement

(Title fixed and distribution made under Order of January 18, 1946)

TRACT NO. 4 (57 P. 1635 Rev.)

Flowage Easement

Tract A

Joe R. Woolard,  
Edith Craig, - - - - fee owners, - - - - - \$8.00  
(Make check payable to Joe R. Woolard and Edith  
Craig for \$8.00)

Tract B

Samuel C. Fullerton, Jr., Trustee for Pauline F.  
Newton, Samuel C. Fullerton, Jr., Katherine F.  
Moore, Carrie Belle Magonar, Elizabeth Ann F.  
Coleman, Patience Jean Fullerton, now Stevenson,  
and Abbie Lee Fullerton, a minor, - - fee owners, - - \$160.00  
(Make check payable to S. C. Fullerton, Jr., Trustee for  
Pauline F. Newton, Samuel C. Fullerton, Jr., Katherine  
F. Moore, Carrie Belle Magonar, Elizabeth Ann F.  
Coleman, Patience Jean Fullerton, now Stevenson,  
and Abbie Lee Fullerton, a minor)  
(Commissioners' award)

TRACT NO. 5 (57 W. 1636)

Flowage Easement

Samuel C. Fullerton, Jr., Trustee for Pauline F. Newton, Samuel C. Fullerton, Jr., Katherine E. Moore, Carrie Belle Wagoner, Elizabeth Ann F. Coleman, Patience Jean Fullerton, now Stevenson, and Patience Lee Fullerton, a minor, - - fee owners, - - \$245.00  
(Make check payable to S. C. Fullerton, Jr., Trustee for Pauline F. Newton, Samuel C. Fullerton, Jr., Katherine E. Moore, Carrie Belle Wagoner, Elizabeth Ann F. Coleman, Patience Jean Fullerton, now Stevenson, and Patience Lee Fullerton, a minor)  
(Commissioners' Award)

TRACT NO. 6 (57 W. 1637)

Flowage Easement

(Title fixed and distribution made under Order of May 10, 1946)

TRACT NO. 7 (57 W. 1638)

Flowage Easement

Ira Marshall Horrie, - - - fee owner, - - - - - \$100.00  
(Commissioners' Award)

TRACT NO. 8 (57 W. 1646)

Flowage Easement

(Separate judgment entered)

TRACT NO. 9 (57 W. 1647)

Flowage Easement

Joe H. Woolard,  
Edith Craig, - - - fee owners, - - - - - 10.00  
(Commissioners' Award)

TRACT NO. 10 (57 W. 1742)

Flowage Easement

(Title fixed and distribution made under Order of July 28, 1946)

TRACT NO. 11 (57 W. 1790)

Flowage Easement

Raymond W. Essex, - - - fee owner, )  
Mrs. W. W. Essex, - - - claimant to fee, ) - - - - - \$182.50  
(Make check payable to Raymond W. Essex and Mrs. W. W. Essex, for \$182.50)  
(Commissioners' Award)

TRACT NO. 12 (57 W. 1791)

Flowage Easement

Michael E. Jones, now Giffitt, - - - fee owner, - - - - - \$144.00  
(Title fixed and partial distribution of \$406.00 made under Order of September 20, 1946)  
(Make check to Michael E. Jones Giffitt, for \$144.00)

TRACT NO. 13 (57 PW 1792)

Flowage Easement

Leilah E. Dresia, - - - - fee owner, - - - - - \$640.00  
Jim Adams, - - - - - tenant

(Make check to Leilah E. Dresia, for \$625.00, and  
check to Jim Adams and Leilah E. Dresia for \$15.00)  
(Commissioners' Award)

TRACT NO. 14 (57 PW 1797)

Flowage Easement

(Title fixed and distribution made under Order of  
May 10, 1946)

TRACT NO. 15 (57 PW 1802)

Flowage Easement

City of Miami, Oklahoma, a municipal  
corporation, - - - - - fee owner, - - - - - \$1105.00  
(Make check to City of Miami, Oklahoma)  
(Commissioners' award)

TRACT NO. 16 (57 PW 1812)

Flowage Easement

Jennie C. Taylor, now Root, - - - - fee owner - - - - \$25.00  
(Commissioners' award)

TRACT NO. 17 (57 PW 1813)

Flowage Easement

Dixie Turner,  
William H. Turner, - - - - fee owners, - - - - \$50.00  
(Commissioners' award)

TRACT NO. 18 (57 PW 1814)

Flowage Easement

L. D. McDowell,  
Thelma McDowell, - - - - fee owners, - - - - \$25.00  
(Commissioners' award)

TRACT NO. 19 (57 PW 1815)

Flowage Easement

(Title fixed and distribution made under Order  
of May 17, 1946)

TRACT NO. 20 (57 PW 1816)

Flowage Easement

William I. Andrews, ) - - - - fee owners,  
Anna Lee Andrews, ) - - - - - \$350.00  
James Lester Eagle, ) - - - - assignees of award  
Neva Lee Eagle, )  
(Make check payable to William I. Andrews, Anna Lee  
Andrews, James Lester Eagle and Neva Lee Eagle)  
(Commissioners' award)

TRACT NO. 21 (57 FW 1817)

Flowage Easement

(Title fixed and distribution made under Order of October 26, 1946)

TRACT NO. 22 (57 FW 1818)

Flowage Easement

Dixie Turner,  
William H. Turner, - - - -fee owners, - - - - - \$10.00  
(Commissioners' Award)

TRACT NO. 23 (57 FW 1819)

Flowage Easement

(Title fixed and distribution made under Order of August 19, 1946)

TRACT NO. 24 (57 FW 1820)

Flowage Easement

(Pending on demand for jury trial)

TRACT NO. 25 (62 FW 1562)

Flowage Easement

(Title fixed and distribution made under Order of November 9, 1944)

TRACT NO. 26 (62 FW 1563-Rev.)

Flowage Easement

(Title fixed and distribution made under Order of November 9, 1944)

TRACT NO. 27 (62 FW 1563 A)

Flowage Easement

(Title fixed and distribution made under Order of November 9, 1944)

TRACT NO. 28 (62 FW 1564)

Flowage Easement

Patience Lee Fullerton, a minor, - -fee owner, - - - - \$2460.00  
(Make check payable to Mary Elizabeth Greenwood,  
Guardian of Patience Lee Fullerton, a minor)  
(Commissioners' award)

TRACT NO. 29 (62 FW 1565)

Flowage Easement

Al. J. Cook,  
Snow F. Cook, - - - - fee owners, - - - - - \$228.50  
(Title fixed and partial distribution of \$221.50 made under Order of October 10, 1946)  
(Make check to Al. J. Cook and Snow F. Cook for \$228.50)

TRACT NO. 30 (62 PW 1566)

Flowage Easement

Fileen Boswell Lane, - - - - - fee owner, - - - - - 5.00

TRACT NO. 31 (62 PW 1567)

Flowage Easement

(Title fixed and distribution made under Order of November 9, 1944)

TRACT NO. 32 (62 PW 1568)

Flowage Easement

(Title fixed and distribution made under Order of October 26, 1944)

TRACT NO. 33 (62 PW 1569)

Flowage Easement

Pauline F. Newton, Trustee for Samuel C. Fullerton, Jr.,  
Katherine F. Moore, Carrie Belle Wagoner, Elizabeth  
Ann F. Coleman and Patience Jean Fullerton, now  
Stevenson, - - - - - fee owners, - - - - - \$769.00  
(Make Check to Pauline F. Newton, Trustee for  
Samuel C. Fullerton, Jr., Katherine F. Moore,  
Carrie Belle Wagoner, Elizabeth Ann F. Coleman  
and Patience Jean Fullerton, now Stevenson)  
(Commissioners' award)

TRACT NO. 34 (62 PW 1574)

Flowage Easement

Hennie H. Wilson, - - - - - fee owner, - - - - - \$430.00  
Ray Shewmake, - - - - - tenant

(Make check to Hennie H. Wilson, for \$340.00 and  
check to Hennie H. Wilson and Ray Shewmake, for \$90.00)  
(Commissioners' award)

TRACT NO. 35 (62 PW 1578 Rev.)

Flowage Easement

Heirs of S. C. Fullerton, deceased, - - fee owners, - - - , 30.00

(Make check to Samuel Clyde Fullerton, Jr.,  
Administrator of the estate of S. C. Fullerton,  
deceased)  
(Commissioners' award)

TRACT NO. 36 (62 PW 1712)

Flowage Easement

Samuel C. Fullerton, Jr.,  
Samuel C. Fullerton III, a minor,  
Barbara Ruth Fullerton, a minor,  
Judith Fullerton, a minor,  
Pauline Fullerton Newton,  
Katherine Fullerton Moore,  
Carrie Belle Fullerton Wagoner,  
Elizabeth Ann Fullerton Coleman,  
Patience Jean Fullerton Stevenson,  
Patience Lee Fullerton, a minor, - - fee owners - - - - - 310.00

TRACT NO. 36 (Continued)

( Make check payable to Samuel C. Fullerton, Jr., for the use of himself and Samuel C. Fullerton III, a minor, Barbara Ruth Fullerton, a minor, Edith Fullerton, a minor, Pauline Fullerton, Newton, Catherine Fullerton Moore, Carrie Belle Fullerton Wagner, Elizabeth Ann Fullerton Coleman, Patience Jean Fullerton Stevenson, and Patience Lee Fullerton, a minor)

(Commissioners' award)

IT IS FURTHER ORDERED that this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

W. H. C. H. Sawyer  
J u d g e

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

Jack Daugherty, Sequoyah Poddar,  
Maggie May Daugherty, George Daugherty,  
Maryleon Daugherty, Rider Daugherty,  
the last four being minors, by Jack  
Daugherty, their next friend,

Plaintiffs,

vs

Nancy Washington Soap, Luke Washington,  
the heirs and unknown heirs, executors,  
administrators, devisees, trustees and  
assigns, immediate and remote of Georgia  
Anna Washington, Deceased, and Bartha  
Washington Daugherty, Deceased, The  
State of Oklahoma and the United States  
of America,

Defendants.

NO. 1832 Civil

FILED

FEB 28 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JOURNAL ENTRY

Now on this 28 day of Feb 1947 come the plaintiffs by  
H.F. Pulling, their attorney and comes also the defendant intervener United  
States of America by Whit Y. Mauzy, United States Attorney for the Northern  
District of Oklahoma and it appears and the Court finds that on the 16th day  
of January 1947 this Court appointed Rashie G. Smith, C.C. Weber and Lon R.  
Stensbery Commissioners to partition the following described real estate  
in Nowata County, Oklahoma, to-wit:

The SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  and the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of  
Section 2, Township 27 North, Range 15 East, containing 60  
acres, more or less.

if that could be done without manifest injury and if not that they appraise  
said real estate as required by law and file their report in this cause.

And the Court further finds that said Commissioners took the oath, as  
required by law, to faithfully and impartially perform their duties as such  
Commissioners to the best of their ability, filed with the Clerk and on  
February 18, 1947 said Commissioners filed with the Clerk of this Court  
that  
their report, after taking the oath as required by law, they viewed said  
real estate and found and reported that the same could not be partitioned  
among the parties without manifest injury in accordance with their re-  
spective interests as found by the Court and they thereupon appraised  
and valued said real estate at the sum of \$1900.00 and recommended that  
said real estate be sold and the proceeds divided according to law and the

order of this Court and the Court having examined said report and being duly advised and there being no objections or exceptions finds that said report and the charges and expenses of said Commissioners as set out therein should be approved and the sale of said real estate ordered by be made by the United States Marshal of the Northern District of Oklahoma, as other real estate sold on execution.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that said report of said Commissioners and the appraisement of said real estate and their expenses and charges be and the same are hereby in all things approved and confirmed and their charges and expenses for services allowed and ordered taxed as costs in this cause.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that said real estate be and the same is hereby ordered sold in the same manner as in sales of real estate on execution and John P. Logan, United States Marshal for the Northern District of Oklahoma is hereby ordered and directed to sell said real estate for not less than 2/3 of the appraised value fixed by said Commissioners and that he advertise the same in some newspaper in Nowata County, Oklahoma authorized to make legal publications for 30 days and sell the same at public auction to the highest bidder for cash in hand at the East Front Door of the Court House in Nowata County, Nowata Oklahoma, the county in which said real estate is located, subject to the approval of this Court, and report his acts to this Court and a certified copy of this order shall be his authority to act in the premises.

  
\_\_\_\_\_  
Judge of the United States  
District Court

O.K.

\_\_\_\_\_  
Attorney for Plaintiff

O.K. as to form

\_\_\_\_\_  
United States Attorney

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

Philip B. Fleming, Administrator of  
Office of Temporary Controls,  
Plaintiff.

Vs.

Trula Kistner,  
740 S Richmond St.,  
Tulsa, Oklahoma.

Defendant.

Civil # 1991

FILED

FEB 28 1947

Judgment.

NOBLE C. HOOD  
Clerk U. S. District Court

Now on this 28 day of February, 1947, the above entitled ac-  
tion coming on for hearing and all parties being present, this  
cause is heard upon the pleadings and stipulation on file in this  
action, and the court approves the stipulation and finds that  
the plaintiff is entitled to recover herein the sum of \$33.00  
to be distributed and paid ~~\$23.00~~ restitution to Dorothy Hayes,  
the tenant and \$11.00 to the Treasury of the United States.

It is, therefore, by the Court considered, ordered, adjudged  
and decreed that the plaintiff do have and recover of and from  
the defendant the sum of \$11.00 payable to the United States  
Treasury, and the sum of ~~\$23.00~~ for the use and benefit of  
Dorothy Hays, the tenant. It is further ordered that the  
costs of this action be taxed to the defendant. *Inc. in costs*

*costs to defendant*

*1000*

United States District  
Judge.

*off copy  
Dorothy Hayes*

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

Vincent Elliott, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Jack Cooper Transport Company, Inc., )  
 and American Fidelity and Casualty )  
 Company, )  
 )  
 Defendants. )

No. 1900 Civil

FILED  
3  
MAR 4 - 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

Now on this the 20th day of February, 1947, this cause comes on for trial upon its merits. The parties appeared by their respective counsel and both sides having waived a jury in open court, and having announced ready for trial, the court proceeded to a trial of said cause.

Upon the conclusion of all of the evidence the court announced its findings of fact and its conclusions of law which have been filed in this cause.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have judgment upon said findings of fact and conclusions of law heretofore entered, in the sum of Three Thousand One Hundred One and 36/100 (\$3,101.36), Dollars, with interest thereon at six per cent per annum from the date of the entry of this judgment, and for his costs herein expended.

For all of which let execution issue.

Ray H. Savage  
U. S. District Judge

Jack R. Kerschbach  
Attorney for Plaintiff

Randall H. Hanson  
Attorneys for Defendant

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

(SEAL)

TO THE HONORABLE THE JUDGES OF THE DISTRICT COURT  
OF THE UNITED STATES FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

GREETING:

Whereas, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between Jarboe Livestock Commission Company, a corporation, plaintiff, and Atchison, Topeka and Santa Fe Railway Company, defendant, No. 1556, Civil, the judgment of the said district court in said cause, entered on March 20, 1946, was in the following words, viz:

\* \* \* \* \*

"Wherefore, judgment is entered in favor of the Jarboe Livestock Commission Company against the Atchison, Topeka and Santa Fe Railroad Company in the amount of One Thousand Seven Hundred Eighteen Dollars and fifty-seven cents (\$1,718.57) with interest at the rate of 6% per annum from this date until paid."

as by the inspection of the transcript of the record of the said District Court, which was brought into the United States Circuit Court of Appeals, Tenth Circuit, by virtue of an appeal by Atchison, Topeka and Santa Fe Railway Company, a corporation, agreeably to the act of Congress, in such case made and provided, fully and at large appears;

AND WHEREAS, at the November Term, in the year of our Lord one thousand nine hundred and forty-six, the said cause came on to be heard before the said United States Circuit Court of Appeals, on the transcript of the record from said district court and was argued by counsel.

on consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed.

-- January 27, 1947.

You, therefore, are hereby commanded that such proceedings be had in said cause, as according to right and justice, and the laws of the United States, ought to be had, the said appeal notwithstanding.

WITNESS the Honorable FRED M. WINSON, Chief Justice of the United States, the 4th day of March, in the year of our Lord one thousand nine hundred and forty seven.

Robert B. Cartwright  
Clerk of the United States Circuit Court  
of Appeals, Tenth Circuit

COSTS OF

Clerk

Printing Record

Attorney \_\_\_\_\_

\$

ENDORSED: Filed Mar 6 1947  
Noble C. Hood, 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.

1,802.61 acres of land, more or  
less, situate in Osage County,  
Oklahoma, and Elmer F. Barnett,  
et al.,

Respondents.

No. 1762-Civil

FILED

MAR 7 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JUDGMENT ON THE VERDICT AS TO TRACT NO. A-7

Now on this 20th day of February, 1947, this cause came on for trial, pursuant to regular assignment, at Tulsa, Oklahoma, the petitioner appearing by and through Curtis P. Harris, Special Attorney for the Department of Justice, and the respondents, E. C. Mullendore, also known as E. C. Mullendore, Jr., and Kathleen Mullendore, owners of Tract No. A-7, appearing in person and by and through their attorneys, McCoy, Craig & Pearson.

A jury having been duly empaneled and sworn, and evidence heard, the jury was ordered in charge of a sworn deputy United States Marshal in order that they might view the lands involved in this case, designated as Tract No. A-7, and after viewing said lands to return them into open Court.

Now on this 21st day of February, 1947, the Court being in regular and open session, the jury having viewed the lands and returned into open Court, further evidence and arguments of counsel were heard, and said Court was recessed until Monday, February 24, 1947, at 9:30 o'clock A. M.

Now on this 24th day of February, 1947, the Court being in regular and open session, the Court instructed the jury as to the law, and, under proper instructions, the jury retired and deliberated upon their verdict, and returned their verdict into open Court, as follows, to-wit:





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

W. A. Miller,

Plaintiff,

vs.

No. 1321 Civil

Mid-Continent Petroleum  
Corporation,

Defendant.

O R D E R

Now on this 7th day of March 1947, the above entitled case came on for hearing on Plaintiff's motion to dismiss, and the defendant having waived any objections to the dismissal of said case;

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that said case be, and it is hereby dismissed without prejudice and without cost to either party.

HOWEE BROADUS  
JUDGE

ENDORSED: Filed March 7, 1947  
Noble C. Hood, Clerk  
U. S. District Court

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

MAURICE E. PAINTER,

Plaintiff,

-vs-

W. D. ROSS,

Defendant.

Civil Action

No. 1978

FILED

MAR -7 1947

JUDGMENT AND DECREE

NOBLE C. HOOD  
Clerk U. S. District Court

This cause having come on for hearing this the 8th day of January, 1947, on the amended complaint, the answer thereto, and the parties thereto being represented by counsel, and the court having considered the stipulation of facts, the testimony of witnesses and the evidence introduced, and being in the premises fully advised, did on the 30th day of January, 1947, file with the Clerk of the Court, its findings of fact and conclusions of law.

THEREFORE, IT IS ORDERED, ADJUDGED, and DECREED, on this 30th day of January 1947, as follows:

1. Plaintiff is owner of United States Letters Patent issued September 10, 1929 to R. B. Fageol, Number 1,727,759, entitled "Spring Vehicles" and number 2,191,698 issued February 27, 1940 to himself, entitled "Exercising Devices"; that plaintiff has been owner of both of these patents at all times material to this litigation.
2. Each of the patents was duly applied for, was granted, and is valid under the patent-laws of the United States; The plaintiff, as legal owner of both, has the exclusive right to manufacture and sell the devices described in the Letters Patent for the period provided by law.
3. The defendant infringed the United States Letters Patent number 1,727,759 by the manufacture and sale of the amusement device, described in Exhibit "A" of the stipulation, and admitted in evidence as Plaintiff's exhibit "C".

thus invading the rights of monopoly thereunder belonging to the plaintiff. Plaintiff's monopoly expired on September 10, 1946. The defendant must account for the devices manufactured to that day and no longer. The monopoly having expired and no injunction may issue in respect to Letters Patent number 1,727,759.

4. The defendant has admitted through his attorney that he has manufactured two hundred of the amusements devices prior to the expiration of the monopoly. Both parties have agreed that sixty cents for each device is a fair and reasonable royalty on the devices manufactured by the defendant. Therefore, judgment is hereby granted the plaintiff against the defendant in the sum of One-hundred Twenty (\$120.00) Dollars.

5. The court further holds that there was no direct evidence presented that the defendant had attached the system of ropes and pulleys described in Letters Patent number 2,191,698, to the toy or amusement device manufactured by him, or any other ropes or similar addition. The evidence does not present a prima facie case of infringement of Letters Patent number 2,191,698. In view, therefore of plaintiff's failure to make out a case of either actual or threatened or threatened direct or contributory infringement of the Letters Patent number 2,191,698, plaintiff's prayer for injunctive relief is hereby denied.

*James S. [Signature]*  
United States District Judge.

*J. W. [Signature]  
Attorney for Plaintiff*

*W. F. [Signature]  
Attorney for Defendant*

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

The Life and Casualty Insurance Company of  
Tennessee, an insurance corporation chartered  
under the laws of the State of Tennessee and  
with its principal office at Nashville,  
Tennessee,

Plaintiff,

vs.

Leo R. Tarver, a resident of Ada, Pontotoc  
County, Oklahoma, and Clifford L. Watkins, a  
resident of Tulsa, Tulsa County, Oklahoma, and  
Passantino Brothers Funeral Home, domiciled at  
Kansas City, Jackson County, Missouri, and  
Criswell Funeral Home, domiciled at Ada, Pon-  
totoc County, Oklahoma, and Robert Forehand,  
a resident of Mineral Wells, Palo Pinto County,  
Texas,

Defendants.

No. 1924 Civil

EILED

MAR 7 - 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

Now on this 7<sup>th</sup> day of March, 1947, this cause  
comes on in regular order to be heard and tried. No party to  
the action has demanded a trial by jury of any issue herein.  
The plaintiff, The Life and Casualty Insurance Company of  
Tennessee, an insurance corporation chartered under the laws of  
the State of Tennessee, and with its principal office at Nash-  
ville, Tennessee, appears by its attorneys, Hudson, Hudson &  
Wheaton, by H. D. Hudson, the defendant Clifford L. Watkins  
appears by his attorney, H. L. Smith, the defendant Passantino  
Brothers Funeral Home appears by its attorneys, Roy M. DeVault  
and H. L. Smith, by H. L. Smith, the defendant Robert Forehand  
appears by his attorneys, Ritchie & Ritchie and H. L. Smith, by  
H. L. Smith, and the defendants Leo R. Tarver and Criswell  
Funeral Home appear not. The parties/<sup>appearing</sup>having announced that they  
are ready for trial, the court examines the record in this cause,  
including the pleadings and the proceedings heretofore had and  
it appears therefrom that the court has full and complete juris-  
diction of this cause and the subject matter thereof and of all  
the parties hereto, and the court so finds and orders that the  
trial of this cause and of all the issues herein proceed.

And thereupon the court hears the statements of counsel appearing as aforesaid, by which the court is advised that all the parties herein have agreed and have consented that the court, if it shall approve, shall render and enter final judgment in this cause as herein is expressed and that the findings and conclusions hereinafter stated are true and correct and that judgment as hereinafter expressed shall be entered accordingly. And thereupon the court having inquired of counsel appearing as to the facts and with respect to the circumstances under which said agreement and consent were reached and being now fully and duly advised in the premises is of the opinion and finds that the aforesaid agreement and consent of the parties is equitable and just and should be by the court approved and that judgment should be rendered and entered in this cause accordingly. The court thereupon finds that:

I

All the allegations of the Complaint are true and the plaintiff, The Life and Casualty Insurance Company of Tennessee, has paid into the registry of this court and to the clerk thereof, as alleged in the Complaint, the total sum of \$2,119.14, which is the full amount for which the plaintiff has become liable to any and all the defendants and to any and all other persons whomsoever under the policies of insurance issued by it upon the lives of Odelle Watkins, Nancy L. Tarver and Robert L. Tarver described in the Complaint.

II

Said sum of \$2,119.14 is constituted of the amount due and payable upon policy DC IND 15769445 on the life of Odelle Watkins, to-wit, \$1,000.00, the amount due and payable upon policy DC IND 15769444 on the life of Nancy L. Tarver and the amount due and payable upon policy DC IND 15769443 upon the life of Robert L. Tarver, the sum of the last two amounts being \$1,119.14. The said sum of \$1,000.00 is due to defendant Clifford L. Watkins, the nominated beneficiary in the said policy

upon the life of said Odelle Watkins, and the said sum of \$1,119.14 is due to Leo R. Tarver, the father and sole surviving next of kin of said Nancy L. Tarver and said Robert L. Tarver, the mother of said insured persons, said Odelle Watkins, having died at the same time the deaths of said Nancy L. Tarver and Robert L. Tarver occurred, but the rights of the defendants Clifford L. Watkins and Leo R. Tarver to said respective amounts are inferior and subject to those of the plaintiff and the other defendants as hereinafter provided.

III

The plaintiff is entitled to the allowance and award of a reasonable fee in the sum of \$150.00 for its attorneys in this cause and of the further sums of \$15.00 which it has deposited with the clerk for costs, and \$14.90 which it has disbursed for marshal's fees for the services of summonses herein, to-wit, a total of \$179.90, *which items should be taxed as costs herein.*

IV

Each of the insured persons perished in a fire at 912 Tracy Avenue, Kansas City, Missouri, January 27, 1946, and their bodies were prepared for burial and were shipped to Ada, Oklahoma, by defendant Passantino Brothers Funeral Home, a duly licensed embalmer and undertaker, at the direction, instance and request of the defendant Clifford L. Watkins. Passantino Brothers Funeral Home charged for said undertaker's services to the body of Odelle Watkins the sum of \$350.00 and for said undertaker's services to each of the other bodies the sum of \$125.00, respectively, the total of said charges which were fair, reasonable and just and represented the value of the services, being the sum of \$600.00 none of which has been paid.

V

Defendant Clifford L. Watkins on or about January 29, 1946, at the time the directions mentioned were given by him to defendant Passantino Brothers Funeral Home, executed and delivered to defendant Passantino Brothers Funeral Home a written

instrument, which recited in substance that said Clifford L. Watkins was the surviving husband of the insured, Odelle Watkins, and was the surviving step-father of the insured, Nancy L. Tarver, and the insured, Robert L. Tarver, and that defendant Clifford L. Watkins assigned to defendant Passantino Brothers Funeral Home to secure the payment of the charges of the latter for undertaker's services to the bodies of the deceased persons, the sum of \$600.00 of the money to be paid by plaintiff as the proceeds of said policies, and thereupon defendant Passantino Brothers Funeral Home on or about January 29, 1946, transmitted this instrument to plaintiff with a letter addressed to plaintiff, which recited in substance that Passantino Brothers Funeral Home requested plaintiff to pay Passantino Brothers Funeral Home the sum of \$600.00, mentioned in the instrument executed and delivered by defendant Clifford L. Watkins, from the proceeds of the policies issued by the plaintiff upon the lives of the deceased persons mentioned.

VI

At the instance of the defendant Clifford L. Watkins the bodies of said deceased persons were shipped to Ada, Oklahoma, and there were interred in Memorial Park Cemetery by the defendant Criswell Funeral Home, a duly licensed embalmer and undertaker, which charged for the services rendered for the interment of the body of Odelle Watkins \$31.70 and for its services for the interment of each of the other bodies the sum of \$26.65, respectively, the total of said charges which were fair, reasonable and just and represented the value of the services, being the sum of \$83.00 none of which has been paid.

VII

At the instance of defendant Clifford L. Watkins defendant Robert Forehand purchased from Memorial Park Association the grave lots in which said bodies were interred and paid for said lots the total sum of \$156.00 which was a fair and

reasonable charge and represented the value of the same, none of which sum has been repaid or reimbursed to said defendant.

VIII

Under the terms of each of said policies of insurance as well as in accordance with the rank fixed by law for the administration of assets of estates of deceased persons, the aforesaid claims of the defendants Passantino Brothers Funeral Home, Criswell Funeral Home and Robert Forehand are entitled to priority for payment in the distribution of the proceeds of said policies of insurance.

IX

After deduction, from the said fund of \$2,119.14 in the registry of the court of the aforesaid amount which the plaintiff should recover and after the deduction of the aforesaid amounts which the defendants, other than Clifford L. Watkins and Leo R. Tarver, should recover for funeral and burial expenses as hereinabove set out, adjusted as between the defendants Clifford L. Watkins and Leo R. Tarver according to the respective portions of said expenses that should be defrayed from the proceeds, now in the registry of the court, of each of said policies of insurance, the remainder, amounting to \$404.05, of the proceeds of said policy DC IND 15769445 should be paid to defendant Clifford L. Watkins or his attorney and the remainder, amounting to \$694.19, of the total proceeds of said policies DC IND 15769444 and policy DC IND 15769443 should be paid to defendant Leo R. Tarver, *or his attorney*

X

It is not necessary to the proper disposition of this cause that the court should determine or adjudicate any issue respecting the marital status of the deceased, Odelle Watkins, at the time of her death, and no such determination or adjudication is made.

XI

The plaintiff should be discharged from further liability to any other party or parties hereto or to any other person by reason of its having issued and having delivered the aforesaid three policies of insurance, or any of them, and/or on account of any of its subsequent act or acts with respect to said policies or their proceeds, and none of the parties hereto is entitled to recover of any other party hereto any money, property or relief of any sort, for which a claim or demand has been made or could be made in this action, except as hereinabove is found and hereinafter is adjudged.

It is, therefore, by the court

ORDERED, ADJUDGED AND DECREED that:

(1) The parties hereto respectively recover and that the clerk of this court pay to ~~the~~ <sup>the proper</sup> party or to one of the attorneys of record for such party, from the aforesaid funds in the registry of this court, the amounts now stated, to-wit:

|   |          |
|---|----------|
| The plaintiff, The Life and Casualty Insurance Company of Tennessee . . . | \$179.90 |
| The defendant Passantino Brothers Funeral Home . . . . .                  | 600.00   |
| The defendant Criswell Funeral Home . . . . .                             | 85.00    |
| The defendant Robert Foxland . . . . .                                    | 156.00   |
| The defendant Clifford L. Watkins . . . . .                               | 404.05   |
| The defendant Leo H. Tarver . . . . .                                     | 694.19,  |

the payment of all which sums by the clerk will effect the complete disbursement of said funds in the registry of the court.

(2) The plaintiff, The Life and Casualty Insurance Company of Tennessee, is discharged from further liability to any other party or parties hereto or to any other person by reason of its having issued and having delivered the three policies of insurance hereinabove described, or any of them, and/or on account of any of its subsequent acts with respect to said policies or their proceeds.

(3) Each and all of the claims and demands of the parties hereto or any of them against any other party hereto which have been made or could be made in this action, for any relief, except that hereinbefore found and adjudged is denied.

(4) The costs of this action are taxed in equal parts against the defendants Clifford L. Watkins and Leo R. Tarver and shall be recovered and shall be paid from the fund in the registry of the court, as hereinabove is provided.

Lower Bradley  
Judge of the U. S. District Court

Approved as to Form *and substance*

Charles C. Trabue Jr.

Hudson, Hudson & Weston R. Q. Hudson  
Attorneys for plaintiff.

Ray E. DeVault

H. L. Smith  
Attorneys for defendant Passantino Brothers Funeral Home.

Jack M. Braly  
~~Thompson & Braly~~  
Attorneys for defendant Criswell Funeral Home.

*E.B.* Ritchie ~~attorney~~ *George M. Ritchie*

H. L. Smith  
Attorneys for defendant Robert Forehand.

H. L. Smith  
Attorney for defendant Clifford L. Watkins.

W. V. Stanfield  
Attorney for defendant, Leo R. Tarver

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

J. A. HILSABECK

PLAINTIFF

vs.

WYANT DINSMORE AND  
MAUD DINSMORE

DEFENDANTS

No. 1967-CIVIL

FILED

MAR - 7 1947

NOBLE C. HOOD  
Clerk U. S. District Court

ORDER OF DISMISSAL

THIS CAUSE COMING ON TO BE HEARD THIS 7<sup>th</sup> DAY OF MARCH,  
1947, UPON THE JOINT MOTION OF PLAINTIFF AND DEFENDANTS FOR LEAVE TO DIS-  
CONTINUE SUIT, PLAINTIFF APPEARING BY HIS ATTORNEY, W. J. MELTON, AND  
DEFENDANTS APPEARING BY THEIR ATTORNEY, EDWARD SOUTHERLAND, OF THE FIRM OF  
OWNBY & WARREN, AND THE COURT HAVING HEARD COUNSEL,

IT IS ORDERED, ADJUDGED, AND DECREED THAT THE COMPLAINT  
AND COUNTER-CLAIM HEREIN BE AND THE SAME HEREBY ARE DISMISSED, WITH PREJUDICE,  
WITH COSTS TO THE PLAINTIFF.

Bower Broadus  
JUDGE



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

UNITED STATES OF AMERICA,

Petitioner.

vs.

CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,  
OKLAHOMA, containing approximately 80.50  
acres, more or less; and HERBERT D. GAMBLE,  
et al.,

Defendants.

CIVIL NO. 1149

FILED

MAR 14 1947

NOBLE C. HOOD  
Clerk U. S. District Court

ORDER FIXING TITLE AND MAKING DISTRIBUTION

NOW, on this 14<sup>th</sup> day of March, 1947, the above cause comes on for hearing, pursuant to regular assignment, for the determination of the rightful claimants in and to any funds that may have been deposited and that may hereafter be deposited in the above entitled proceeding for the rightful claimants thereto as the owners of the real estate and the estate therein taken and involved in this proceeding, as hereinafter described and designated.

And the Court, being fully advised in the premises, finds that the hereinafter named persons, firms, corporations, and political subdivisions of the State are the owners of and/or have some right, title, or interest in and to the lands involved herein, and that no person, firm, corporation, or political subdivision of the State has any right, title, or interest in and to said lands other than those hereinafter named; and that the owners and those having any right, title, or interest in and to said lands, as hereinafter named and set forth, are the only persons, firms, and corporations having any right, title, or interest in and to the funds that are now on deposit or that may hereafter be deposited in the above entitled proceeding for the rightful claimants thereto.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the following named persons, firms, and corporations are the owners of and/or have some right, title, or interest in and to the lands involved herein, as hereinafter designated, and that they are the only persons having any right,

title, or interest in and to the funds that are now on deposit and that may hereafter be deposited for the use and benefit of the rightful claimants thereto, as the owners or those having any right, title, or interest in and to the real estate involved in this proceeding, and that the Clerk of this Court be, and he is hereby, authorized and directed to make distribution of said funds to said persons, firms, and corporations as hereinafter set forth, as follows, to-wit:

TRACT NO. 1 (42 FW 1215)

Flowage Easement

Herbert D. Gamble, - - - - - fee owner, - - - - - \$ 12.80  
(Commissioners' award)

TRACT NO. 2 (42 FW 1216)

Flowage Easement

(Title fixed and distribution made under Order  
of March 23, 1945.)

TRACT NO. 3 (42 FW 1217)

Flowage Easement

SEPARATE JUDGMENT ENTERED.

TRACT NO. 4 (42 FW 1218)

Flowage Easement

(Title fixed and distribution made under Order  
of October 12, 1944.)

TRACT NO. 5 (42 FW 1274)

Flowage Easement

(Title fixed and distribution made under Order  
of January 16, 1946.)

TRACT NO. 6 (42 FW 1275)

Flowage Easement

(Title fixed and distribution made under Order  
of July 30, 1945.)

TRACT NO. 7 (42 FW 1276)

Flowage Easement

Mary E. Angel, - - - - - fee owner, - - - - - \$ 24.00  
(Commissioners' award)

TRACT NO. 8 (42 FW 1277)

Flowage Easement

Claude Oliver Box, - - - - fee owner, - - - - \$ 2.00  
(Commissioners' award)

TRACT NO. 9 (42 FW 1278)

Flowage Easement

(Title fixed and distribution made under Order  
of December 29, 1944.)

TRACT NO. 10 (42 FW 1279)

Flowage Easement

Cora Victoria Harvey, - - fee owner, - - - - \$ 4.00  
(Commissioners' award)

TRACT NO. 11 (42 FW 1280)

Flowage Easement

(Title fixed and distribution made under Order  
of October 12, 1945.)

TRACT NO. 12 (42 FW 1280A)

Flowage Easement

State of Oklahoma, - - - - fee owner, - - - - \$ .90  
(Commissioners' award)

(Make check payable to Commissioners of the  
Land Office.)

TRACT NO. 13 (42 FW 1283)

Flowage Easement

(Title fixed and distribution made under Order  
of November 21, 1945.)

TRACT NO. 14 (42 FW 1283A)

Flowage Easement

Otha H. Grimes, - - - - fee owner, - - - - \$ 1.20  
(Commissioners' award)  
Charles W. Grimes.  
Josephine Grimes, - - - - claimants to title.

(Make check payable to Otha H. Grimes,  
Charles W. Grimes and Josephine Grimes.)

TRACT NO. 15 (42 FW 1284)

Flowage Easement

State of Oklahoma, - - - - fee owner, - - - - \$ 19.50  
(Commissioners' award)

(Make check payable to Commissioners of the  
Land Office.)

TRACT NO. 16 (42 FW 1285)

Flowage Easement

State of Oklahoma, - - - - fee owner, - - - - \$ 70.00  
(Commissioners' award)

(Make check payable to Commissioners of the  
Land Office.)

TRACT NO. 17 (43 FW 1168)

Flowage Easement

Melinda Davis Roberts, - - fee owner, - - - - \$ 25.00  
Title held in trust by United States of America.  
(Commissioners' award)

(Make check payable to the Treasurer of the  
United States, for the use and benefit of  
Melinda Davis Roberts.)

TRACT NO. 18 (43 FW 1169)

Flowage Easement

Kenneth Dewey Eagle, - - - fee owner, - - - - \$ 1.80  
Title held in trust by United States of America.  
(Commissioners' award)

(Make check payable to the Treasurer of the  
United States, for the use and benefit of  
Kenneth Dewey Eagle.)

TRACT NO. 19 (43 FW 1170)

Flowage Easement

Lavina Darity Gourd, - - - fee owner, - - - - \$ 45.50  
(Commissioners' award)

TRACT NO. 20 (43 FW 1171)

Flowage Easement

Allie W. Crossland, - - - fee owner, - - - - \$ 450.00  
(Commissioners' award)

TRACT NO. 21 (43 FW 1172)

Flowage Easement

Vallie Lane Wilmoth, - - - fee owner, - - - - \$ 3.50  
(Commissioners' award)

TRACT NO. 22 (43 FW 1173)

Flowage Easement

(Title fixed and distribution made under Order  
of December 29, 1944.)

TRACT NO. 23 (43 FW 1174)

Flowage Easement

(Title fixed and distribution made under Order  
of December 29, 1944.)

TRACT NO. 24 (43 FW 1175)

Flowage Easement

(Title fixed and distribution made under Order of December 29, 1944.)

TRACT NO. 25 (43 FW 1176)

Flowage Easement

(Title fixed and distribution made under Order of May 28, 1945.)

TRACT NO. 26 (43 FW 1177)

Flowage Easement

SEE ADJACENT JUDGMENT ENTERED.

TRACT NO. 27 (43 FW 1178)

Flowage Easement

(Title fixed and distribution made under Order of May 28, 1945.)

TRACT NO. 28 (43 FW 1186)

Flowage Easement

Lettie A. Northrup, - - - - fee owner, - - - - \$ 1.00  
(Commissioners' award)

George R. Paine, - - - holder of contract  
of purchase.

(Make check payable to Lettie A. Northrup and  
George R. Paine.)

TRACT NO. 29 (43 FW 1187 Rev.)

Flowage Easement

Agnes Buck McDermott,  
William Howard Buck, - - - fee owners, - - - - \$ 1.95  
(Commissioners' award)

TRACT NO. 30 (43 FW 1188)

Flowage Easement

George R. Paine, Sr., - - - fee owner, - - - - \$ 2.40  
(Commissioners' award)

TRACT NO. 31 (43 FW 1189)

(Title fixed and distribution made under Order of April 13, 1945.)

TRACT NO. 32 (43 FW 1190 Rev.)

Flowage Easement

(Title fixed and distribution made under Order of April 9, 1935.)

TRACT NO. 33 (43 FW 1191)

Flowage Easement

George B. Paine, Sr., - - - fee owner, - - - - \$ 1.50  
(Commissioners' award)

TRACT NO. 34 (43 FW 1192)

Flowage Easement

Jack T. Jones,  
Georgia T. Jones, - - - - fee owners - - - - \$ 4.50  
(Commissioners' award)

TRACT NO. 35 (43 FW 1193)

Flowage Easement

J. B. Wise,  
Elsie Wise, - - - - - fee owners, - - - - \$ 100.00  
(Commissioners' award)

TRACT NO. 36 (43 FW 1194)

Flowage Easement

Heirs of Julia Kariho Brown,  
deceased, - - - - - fee owners, - - - - \$ 12.00  
Title held in trust by United States of America.  
(Commissioners' award)

(Make check payable to the Treasurer of the United States, for the use and benefit of the heirs of Julia Kariho Brown, deceased.)

TRACT NO. 37 (43 FW 1195)

Flowage Easement

Arthur Anderson, - - - - - fee owner, - - - - \$ 0.00  
(Commissioners' award)

TRACT NO. 38 (43 FW 1268)

Flowage Easement

Thomas Brackett, - - - - - fee owner, - - - - \$ 75.00  
(Commissioners' award)

TRACT NO. 39 (43 FW 1269)

Flowage Easement

Heirs of S. G. Fullerton,  
deceased, - - - - - fee owners, - - - - \$ 0.00  
(Commissioners' award)

(Make check payable to Samuel Glyde Fullerton, Jr., Executor of the Estate of S. G. Fullerton, dec'd.)

ERACT NO. 40 (43 PW 1270)

Flowage Easement

(Title fixed and distribution made under Order  
of December 29, 1944.)

IT IS HEREBY ORDERED that this cause is held open for such other  
and further orders, judgments, and decrees as may be necessary in the  
premises.

*Alfred P. Burkhardt*  
\_\_\_\_\_  
Solely, at JUDGE

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

UNITED STATES OF AMERICA,

Petitioner,

-vs-

CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,  
OKLAHOMA, and M. W. MITCHELL, Jr., also known  
as Moody W. Mitchell, Sr., et al.,

Defendants.

CIVIL NO. 1203

FILED

MAR 14 1947

NOBLE C. HOOD  
Clerk U. S. District Court

J U D G M E N T

Now, on this 14<sup>th</sup> day of March, 1947, there comes on for hearing, pursuant to regular assignment, the application of the petitioner herein for a judgment approving the commissioners' report heretofore filed in this proceeding, as to the real estate hereinafter specifically described.

Thereupon, the Court proceeded to hear and pass upon said application, and petition for condemnation, report of commissioners 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 Secretary of the Interior, the person duly authorized by law to acquire the estate in the lands 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 proceedings.

(3) In said petition for condemnation, a statement of the authority under which, and the public use for which the estate in said lands was taken was set forth.

(4) A proper description of the lands sufficient for the identification thereof is set out in said petition for condemnation and a statement of the estate or interest in said lands taken for said public use is set out therein.

(5) Due, proper and legal notice of the application of the United States of America for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this court.

The Court hears evidence and finds that the returns as filed by the United States Marshals are true and correct, and that the same are in accordance with law.

The Court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this Court.

(6) The Court finds that the Commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the lands involved in this proceeding, duly qualified by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estate, filed their report herein on the 5th day of June, 1946, wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the lands more particularly designated and described as follows, to wit:

TRACT NO. 1 (58 - FW-1740)

Flowage Easement

All that part of Lot 1, and all that part of Lot 2, and all that part of Lot 3, and all that part of Lot 4 in Block 10 as shown on the dedication plat of Central Addition to the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street and avenues adjacent to said Lots 1 and 4, and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 1 and all that part of said Lot 2, and all that part of said Lot 3, and all that part of said Lot 4, lying above Elev. 756.1 Sea Level Datum including all that part of the street adjacent to said Lots 1, 2, 3, and 4, and incident to the ownership thereof, lying above Elev. 756.1 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE EASEMENT TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$20.00

TRACT NO. 2 (58 - FW-1741)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 12 and all that part of Lot 13 in Block 15 as shown on the dedication plat of FAIRHOME ADDITION to the original townsite of Miami, in Ottawa County, Oklahoma, including all that part of the street and avenue adjacent thereto and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE EASEMENT TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 30.00

TRACT NO. 3 (58 - FW-1829)

Flowage Easement

All that part of Lot 7 and all that part of Lot 8 in Block 112 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street and avenue adjacent to Lots 6, 7, and 8 in said Block 112 and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lots 7 and 8, lying below Elev. 756.1 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage.

TRACT NO. 3 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 6, all that part of Lot 7, and all that part of Lot 8, in said Block 112, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street and avenue adjacent to said Lots 6, 7, and 8 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$40.00

TRACT NO. 4 (58 - FW-1830)

Flowage Easement

All that part of Lot 2, all that part of Lot 3, and all that part of Lot 4 in Block 111 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street, avenue, and alley adjacent to Lots 1, 2, 3, and 4 in said Block 111, and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lots 3 and 4, lying below Elev. 756.1 Sea Level Datum, except that part on which the Grand River Dam Authority has the right of flowage.

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 1, all that part of Lot 2, all that part of Lot 3, and all that part of Lot 4 in said Block 111 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street, avenue and alley adjacent to said Lots 1, 2, 3, and 4, and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$65.00

TRACT NO. 5 (58 - FW-1831)

Flowage Easement

All that part of the east one-half of Lot 8 in Block 109 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the avenue and alley adjacent to said east one-half of Lot 8 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

TRACT NO. 5 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of said east one-half of Lot 8 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the avenue and alley adjacent to said east one-half of Lot 8 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$15.00

TRACT NO. 6 (58 - FW-1832)

Flowage Easement

All that part of Lot 16 in Block 109 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the alley adjacent to said Lot 16 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 16 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the alley adjacent to said Lot 16 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$20.00

TRACT NO. 7 (58 - FW-1835)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 7 in Block 108 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, including all that part of the street adjacent to said Lot 7, and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$35.00

TRACT NO. 8 (58 - FW-1834)

Flowage Easement

All that part of Lot 6 in Block 108 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street and alley adjacent to said Lot 6 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum, except that part on which the Grand River Dam Authority has the right of flowage.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 6 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street and alley adjacent to said Lot 6 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$7.50

TRACT NO. 9 (58 - FW-1835)

Flowage Easement

All that part of Lot 13 and all that part of Lot 14 in Block 108 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the alley adjacent to said Lots 13 and 14, and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lots 13 and 14 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street and alley adjacent to said Lots 13 and 14 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$15.00

TRACT NO. 10 (58 - FW-1836)

Flowage Easement

All that part of Lot 5 in Block 108 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street and alley adjacent to said Lot 5 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

TRACT NO. 10 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 5 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including the street and alley adjacent to said Lot 5, and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$10.00

TRACT NO. 11 (58 - FW-1837)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 4 in Block 108 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, including all that part of the street adjacent to said Lot 4 and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$5.00

TRACT NO. 12 (58 - FW-1838)

Flowage Easement

All that part of Lot 13 in Block 109 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street adjacent to said Lot 13, and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 12 and all that part of Lot 13 in said Block 109 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street and alley adjacent to said Lots 12 and 13, and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$15.00

TRACT NO. 13 (58 - FW-1839)

Flowage Easement

All that part of Lot 6 in Block 109 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the alley adjacent to said Lot 6, and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 5 and all that part of Lot 6 in said Block 109 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street and alley adjacent to said Lots 5 and 6, and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$15.00

TRACT NO. 14 (58 - FW-1840)

Flowage Easement

All that part of Lot 1, all that part of Lot 4, and all that part of Lot 5, and all that part of Lot 6 in Block 110 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street, avenue, and alley adjacent to said Lots 1, 4, 5, and 6, and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lots 1, 5, and 6, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 1, all that part of said Lot 4, all that part of said Lot 5, and all that part of said Lot 6 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street, avenue, and alley adjacent to Lots 1, 3, 4, 5, and 6 in said Block 110, and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$150.00

TRACT NO. 15 (58 - FW-1842)

Flowage Easement

All that part of Lot 5 and all that part of Lot 8 in Block 87 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street and avenue adjacent to Lots 5, 6 and 8 in said Block 87, and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 5 and all that part of said Lot 8 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street and alley adjacent to said Lots 5, 6, and 8 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE EASEMENT GRANT (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$50.00

TRACT NO. 16 (58 - FW-1843)

Flowage Easement

All that part of Lot 4 in Block 87 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 4 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street adjacent to said Lot 4 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE EASEMENT GRANT (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$25.00

TRACT NO. 17 (58 - FW-1844)

Flowage Easement

All of that part of Lot 5 and all of that part of Lot 6 in Block 86 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street and alley adjacent thereto and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lots 5 and 6, lying below Elev. 756.1 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage.

TRACT NO. 17 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 5 and all that part of said Lot 6 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street and alley adjacent to said Lots 5 and 6 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$350.00

TRACT NO. 18 (58 - FW-1845)

Flowage Easement

All that part of Lot 1 in Block 86 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the avenue and alley adjacent thereto and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lot 1, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 1 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the avenue and alley adjacent to said Lot 1 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 50.00

TRACT NO. 19 (58 - FW-1846)

Flowage Easement

All that part of Lot 13 and all that part of Lot 14 in Block 84 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street, avenue and alley adjacent to Lots 12, 13, and 14 in said Block 84 and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lots 13 and 14, lying below Elev. 756.1 Sea Level Datum, except that part on which the Grand River Dam Authority has the right of flowage.

TRACT NO. 19 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 12, all that part of Lot 13, and all that part of Lot 14 in said Block 84, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street, avenue, and alley adjacent to said Lots 12, 13, and 14 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$100.00

TRACT NO. 20 (58 - FW-1847)

Flowage Easement

All that part of Lot 5 in Block 84 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street and alley adjacent thereto and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lot 5, lying below Elev. 756.1 Sea Level Datum, except that part on which the Grand River Dam Authority has the right of flowage.

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 4 and all that part of Lot 5 in said Block 84 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street and alley adjacent to said Lots 4 and 5, and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$150.00

TRACT NO. 21 (58 - FW-1848)

Flowage Easement

All that part of Lot 1, all that part of Lot 2, and all that part of Lot 3 in Block 85 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street and avenues adjacent thereto and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lots 2 and 3, lying below Elev. 756.1 Sea Level Datum, except that part on which the Grand River Dam Authority has the right of flowage.

TRACT NO. 21 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 1, all that part of said Lot 2, and all that part of said Lot 3 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street and avenue adjacent to said Lots 1, 2, and 3, and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$120.00

TRACT NO. 22 (58 - FW-1850)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 19 in Block 44 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, including all that part of the alley adjacent to said Lot 19 and incident to the ownership thereof, lying below Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$15.00

TRACT NO. 23 (58 - FW-1851)

Flowage Easement

All that part of Lot 16, all that part of Lot 17, and all that part of Lot 18 in Block 44 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including the street and alley adjacent to said Lots 16, 17 and 18 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum, except that part on which the Grand River Dam Authority has the right of flowage.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lots 16, 17, and 18 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including the street and alley adjacent to said Lots 16, 17, and 18, and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$40.00

TRACT NO. 24 (58 - FW-1852)

Flowage Easement

All that part of Lot 15 in Block 44 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street adjacent to said Lot 15 and incident to the ownership thereof, lying below Elevation 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 15 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street adjacent to said Lot 15 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$10.00

TRACT NO. 25 (58 - FW-1853)

Flowage Easement

All that part of Lot 7 in Block 44 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the alley adjacent to said Lot 7 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 7 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the alley adjacent to said Lot 7 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$25.00

TRACT NO. 26 (58 - FW-1854)

Flowage Easement

All that part of Lot 9, all that part of Lot 10, and all that part of Lot 11 in Block 48 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street and alley adjacent thereto and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lots 10 and 11, and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum, except that part on which the Grand River Dam Authority has the right of flowage.

TRACT NO. 26 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 9, all that part of said Lot 10, and all that part of said Lot 11, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street and alley adjacent to said Lots 9, 10, and 11 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$100.00

TRACT NO. 27 (58 - FW-1855)

Flowage Easement

All that part of Lot 3 in Block 43 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street and alley adjacent thereto and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lot 3 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 3 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including the street and alley adjacent to said Lot 3 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$25.00

TRACT NO. 28 (58 - FW-1856)

Flowage Easement

All that part of the east one-half of Lot 2 in Block 42 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the avenue adjacent to said east half of Lot 2 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said east one-half of Lot 2 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the avenue adjacent to said east one-half of Lot 2 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$25.00

TRACT NO. 29 (58 - FW-1857)

Flowage Easement

All that part of Lot 15 and all that part of Lot 16 in Block 39 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street and avenue adjacent to said Lots 15 and 16 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 13, all that part of Lot 14, all that part of Lot 15, and all that part of Lot 16 in said Block 39 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including the street and avenue adjacent to said Lots 13, 14, 15 and 16 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE EASEMENT TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$40.00

TRACT NO. 30 (58 - FW-1858)

Flowage Easement

All that part of Lot 7 in Block 39 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street adjacent to said Lot 7 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 7 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE EASEMENT TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$10.00

TRACT NO. 31 (58 - FW-1859)

Flowage Easement

All that part of Lot 6 in Block 39 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street adjacent to said Lot 6 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

TRACT NO. 31 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 6 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street adjacent to said Lot 6 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 6.00

TRACT NO. 32 (58 - FW-1860)

Flowage Easement

All that part of Lot 11 and all that part of Lot 12 in Block 40 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the alley adjacent to Lots 10, 11, and 12 in said Block 40 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 11 and all that part of said Lot 12 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the alley adjacent to said Lots 10 and 11 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$20.00

TRACT NO. 33 (58 - FW-1861)

Flowage Easement

All that part of Lot 1 in Block 40 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street adjacent to said Lot 1 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 1 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum including all that part of the street, avenue and alley adjacent to said Lot 1 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$15.00

TRACT NO. 34 (58 - FW-1862)

Flowage Easement

All that part of Lot 2, all that part of Lot 3, all that part of Lot 4, all that part of Lot 5, all that part of Lot 6, and all that part of Lot 7 in Block 5 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, including all that part of the street and avenue adjacent to said Lots 5, 6, and 7 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 1, all that part of Lot 2, all that part of Lot 3, all that part of Lot 4, all that part of Lot 5, all that part of Lot 6, and all that part of Lot 7 in said Block 5 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the streets, avenues, and alleys adjacent to said Lots 1, 2, 3, 4, 5, 6, and 7 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$52.50**

TRACT NO. 35 (58 - FW-1863)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 8 and all that part of Lot 9 in Block 5 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, including all that part of the alley adjacent to said Lots 8 and 9, together with all that part of an unnamed strip of land situated between the north boundary of said Lot 8 and the north boundary of the Ottawa Reservation and incident to the ownership of said Lot 8, lying below Elev. 760.0 Sea Level Datum.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$10.00**

TRACT NO. 36 (58 - FW-1866)

Flowage Easement

All that part of Lot 3, all that part of Lot 4, all that part of Lot 5, all that part of Lot 6, all that part of Lot 13, and all that part of Lot 14 in Block 4 lying below Elev. 756.1 Sea Level Datum, and all of Lot 7 in said Block 4, as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, including all that part of the streets, avenues and alleys adjacent to Lots 2, 3, 4, 5, 6, 7, 13, and 14, in said Block 4, and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

TRACT NO. 36 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 3, all that part of said Lot 4, all that part of said Lot 5, all that part of said Lot 6, all that part of said Lot 13, and all that part of said Lot 14 in said Block 4, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the streets, avenues and alley adjacent to Lots 2, 3, 4, 5, 6, 13 and 14 in said Block 4, and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$52.50

TRACT NO. 37 (58 - FW-1867)

Flowage Easement

All that part of Lot 5 and all that part of Lot 6 in Block 3 lying below Elev. 756.1 Sea Level Datum, and all of Lot 7 and all of Lot 8 in said Block 3, as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, including all that part of the street and alley adjacent to said Lots 5, 6, 7, and 8 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum, together with that portion of an unnamed strip of land situated between the north boundary of said Lot 5 and the north boundary of the Ottawa Reservation and incident to the ownership of said Lot 5, lying below Elev. 756.1 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 5, and all that part of said Lot 6 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including the street and alley adjacent to said Lots 5 and 6 and incident to the ownership thereof, together with that portion of the aforementioned unnamed strip of land adjacent and incident to the ownership of said Lot 5, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$30.00

TRACT NO. 38 (58 - FW-1868)

Flowage Easement

All of Lot 1 and all of Lot 2 in Block 3 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, including all that part of the street and alley adjacent to said Lots 1 and 2 and incident to the ownership thereof, together with an unnamed strip of land situated between north boundary of said Lot 1 and the north boundary of the Ottawa Reservation and incident to the ownership of said Lot 1, lying below Elev. 756.1 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$20.00

T O T A L, - - - - - \$1,782.50

and that said report and proceedings, as to the above tracts, are in all respects regular and in accordance with the law and orders of this Court.

(7) More than sixty (60) days have elapsed since the filing of the report of Commissioners herein, and no written exceptions thereto, or demands for jury trial are pending as to the tracts above described, and that said report of commissioners filed herein should be confirmed and approved in every respect, as to the tracts above particularly described.

The Court further finds that the just compensation for the estate taken herein for the tracts herein designated, as fixed by the report of Commissioners is final just compensation in the total amount of \$1,782.50.

(8) That the United States of America did, on the 12th day of May, 1944, file its Declaration of Taking herein; that at the time of the filing of said Declaration of Taking petitioner paid to the Clerk of this Court for the use and benefit of the owners and persons entitled thereto, the following sums, to wit:

|                                       |       |
|---------------------------------------|-------|
| TRACT NO. 1 (SS. P. 1740), . . . . .  | 20.00 |
| TRACT NO. 2 (SS. P. 1741), . . . . .  | 30.00 |
| TRACT NO. 3 (SS. P. 1829), . . . . .  | 25.00 |
| TRACT NO. 4 (SS. P. 1830), . . . . .  | 65.00 |
| TRACT NO. 5 (SS. P. 1831), . . . . .  | 15.00 |
| TRACT NO. 6 (SS. P. 1832), . . . . .  | 20.00 |
| TRACT NO. 7 (SS. P. 1833), . . . . .  | 20.00 |
| TRACT NO. 8 (SS. P. 1834), . . . . .  | 7.50  |
| TRACT NO. 9 (SS. P. 1835), . . . . .  | 15.00 |
| TRACT NO. 10 (SS. P. 1836), . . . . . | 7.50  |
| TRACT NO. 11 (SS. P. 1837), . . . . . | 5.00  |
| TRACT NO. 12 (SS. P. 1838), . . . . . | 15.00 |
| TRACT NO. 13 (SS. P. 1839), . . . . . | 15.00 |
| TRACT NO. 14 (SS. P. 1840), . . . . . | 70.00 |
| TRACT NO. 15 (SS. P. 1842), . . . . . | 35.00 |
| TRACT NO. 16 (SS. P. 1843), . . . . . | 7.50  |
| TRACT NO. 17 (SS. P. 1844), . . . . . | 45.00 |

|                                      |        |
|--------------------------------------|--------|
| TRACT NO. 18 (58 P. 1845), . . . . . | 10.00  |
| TRACT NO. 19 (58 P. 1846), . . . . . | 35.00  |
| TRACT NO. 20 (58 P. 1847), . . . . . | 50.00  |
| TRACT NO. 21 (58 P. 1848), . . . . . | 30.00  |
| TRACT NO. 22 (58 P. 1850), . . . . . | 15.00  |
| TRACT NO. 23 (58 P. 1851), . . . . . | 40.00  |
| TRACT NO. 24 (58 P. 1852), . . . . . | 10.00  |
| TRACT NO. 25 (58 P. 1853), . . . . . | 25.00  |
| TRACT NO. 26 (58 P. 1854), . . . . . | 100.00 |
| TRACT NO. 27 (58 P. 1855), . . . . . | 25.00  |
| TRACT NO. 28 (58 P. 1856), . . . . . | 10.00  |
| TRACT NO. 29 (58 P. 1857), . . . . . | 40.00  |
| TRACT NO. 30 (58 P. 1858), . . . . . | 10.00  |
| TRACT NO. 31 (58 P. 1859), . . . . . | 5.00   |
| TRACT NO. 32 (58 P. 1860), . . . . . | 20.00  |
| TRACT NO. 33 (58 P. 1861), . . . . . | 10.00  |
| TRACT NO. 34 (58 P. 1862), . . . . . | 52.00  |
| TRACT NO. 35 (58 P. 1863), . . . . . | 10.00  |
| TRACT NO. 36 (58 P. 1866), . . . . . | 52.00  |
| TRACT NO. 37 (58 P. 1867), . . . . . | 30.00  |
| TRACT NO. 38 (58 P. 1868), . . . . . | 20.00  |

T O T A L, - - - - - 91,137.50

(9) The Court having fully considered the petition for condemnation, the Declaration of Taking, and all proceedings had herein, and the provisions of the act of June 19, 1920, 41 Stat. 1063 (16 U. S. C. Sec. 809); Executive Order No. 8944, dated November 19, 1941; Title II of the Act of June 16, 1933, 46 Stat. 200-203 (40 U. S. C. Secs. 401-403) as amended and supplemented; Executive Order No. 9566, dated July 30, 1943; Executive Order No. 9373, dated August 30, 1943; the act of August 1, 1886, 25 Stat. 367 (40 U. S. C. Sec. 257); the act of February 28, 1931, 46 Stat 1421 (40 U. S. C. Secs. 258 (a) to 258 (e)); Title II of the act of March 27,

1942, 56 Stat 177 (49 U. S. C. 171 (a)), is of the opinion that the United States of America was and is entitled to take said property and have the title to the estate therein taken 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 report of Commissioners filed herein is final and the damage sustained as set out and fixed in said report of Commissioners and as hereinabove set forth is full and just compensation for the taking of said estate in the lands designated as follows, to wit:

|                                      |          |
|--------------------------------------|----------|
| TRACT NO. 1 (58 PP 1740), . . . . .  | \$ 20.00 |
| TRACT NO. 2 (58 PP 1741), . . . . .  | 30.00    |
| TRACT NO. 3 (58 PP 1829), . . . . .  | 40.00    |
| TRACT NO. 4 (58 PP 1830), . . . . .  | 35.00    |
| TRACT NO. 5 (58 PP 1831), . . . . .  | 15.00    |
| TRACT NO. 6 (58 PP 1832), . . . . .  | 20.00    |
| TRACT NO. 7 (58 PP 1833), . . . . .  | 35.00    |
| TRACT NO. 8 (58 PP 1834), . . . . .  | 7.00     |
| TRACT NO. 9 (58 PP 1835), . . . . .  | 15.00    |
| TRACT NO. 10 (58 PP 1836), . . . . . | 10.00    |
| TRACT NO. 11 (58 PP 1837), . . . . . | 5.00     |
| TRACT NO. 12 (58 PP 1838), . . . . . | 15.00    |
| TRACT NO. 13 (58 PP 1839), . . . . . | 15.00    |
| TRACT NO. 14 (58 PP 1840), . . . . . | 130.00   |
| TRACT NO. 15 (58 PP 1842), . . . . . | 50.00    |
| TRACT NO. 16 (58 PP 1843), . . . . . | 25.00    |
| TRACT NO. 17 (58 PP 1844), . . . . . | 350.00   |
| TRACT NO. 18 (58 PP 1845), . . . . . | 50.00    |
| TRACT NO. 19 (58 PP 1846), . . . . . | 100.00   |
| TRACT NO. 20 (58 PP 1847), . . . . . | 150.00   |
| TRACT NO. 21 (58 PP 1848), . . . . . | 150.00   |

|                                      |        |
|--------------------------------------|--------|
| TRACT NO. 22 (58 PW 1850), . . . . . | 16.00  |
| TRACT NO. 23 (58 PW 1851), . . . . . | 10.00  |
| TRACT NO. 24 (58 PW 1852), . . . . . | 10.00  |
| TRACT NO. 25 (58 PW 1853), . . . . . | 25.00  |
| TRACT NO. 26 (58 PW 1854), . . . . . | 100.00 |
| TRACT NO. 27 (58 PW 1855), . . . . . | 13.00  |
| TRACT NO. 28 (58 PW 1856), . . . . . | 25.00  |
| TRACT NO. 29 (58 PW 1857), . . . . . | 40.00  |
| TRACT NO. 30 (58 PW 1858), . . . . . | 10.00  |
| TRACT NO. 31 (58 PW 1859), . . . . . | 5.00   |
| TRACT NO. 32 (58 PW 1860), . . . . . | 20.00  |
| TRACT NO. 33 (58 PW 1861), . . . . . | 15.00  |
| TRACT NO. 34 (58 PW 1862), . . . . . | 32.50  |
| TRACT NO. 35 (58 PW 1863), . . . . . | 10.00  |
| TRACT NO. 36 (58 PW 1864), . . . . . | 32.50  |
| TRACT NO. 37 (58 PW 1867), . . . . . | 30.00  |
| TRACT NO. 38 (58 PW 1868), . . . . . | 20.00  |

T O T A L, - - - - - \$1,782.50

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is a perpetual easement upon and over said lands to inundate, submerge and flow, and to enter upon said lands from time to time in the performance of said acts, for use in connection with the completion and full utilization of the Grand River Dam (Pensacola) Project in Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the Declaration of Taking, and the interest therein taken by these eminent domain proceedings, was vested in the United States of America on the 12th day of May, 1944, upon the filing of the Declaration of Taking and the depositing of the sum of \$1,137.50 with the registry of this Court for the estate taken in and to the above described tracts of land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto on the date aforesaid.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the estate therein taken, as hereinabove specifically set forth, is hereby deemed to be condemned and taken for the uses and purposes of the United States of America, and that the just compensation so determined and fixed herein for the taking of said estate in said tracts of land, is vested in the persons lawfully entitled thereto, as the owners of said tracts of land, respectively, or of some right, title or interest therein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the petitioner pay into the registry of this court the sum of \$645.00, said sum being the deficiency between the sum of \$1,782.50, the just compensation herein fixed, and the amount deposited with the Declaration of Taking as the estimated just compensation for the taking of said tracts of land, in the sum of \$1,137.50.

This cause is held open for the purpose of entering such further orders, judgments and decrees as may be necessary in the premises.

*Alfred P. ...*  
\_\_\_\_\_  
Judge  
United States District Court, Northern  
District of Oklahoma

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

UNITED STATES OF AMERICA,

Petitioner,

-vs-

CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,  
OKLAHOMA, containing approximately 524.60  
acres, more or less; and FRANCES QUAPAW,  
et al.,

Defendants.

CIVIL NO. 1222

FILED

MAR 14 1947

NOBLE C. HOOD  
Clerk U. S. District Court

J U D G M E N T

NOW, on this 14<sup>th</sup> day of March, 1947, there comes on  
for hearing, pursuant to regular assignment, the application of the  
petitioner herein for a judgment, approving the commissioners' report  
as to the real estate hereinafter specifically described.

Thereupon, the Court proceeded to hear and pass upon said  
application, petition for condemnation, report of commissioners and  
all other matters herein, and finds that:

(1) Each and all of the allegations of said petition for con-  
demnation 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) That said petition for condemnation was filed at the request  
of the Secretary of the Interior, the person duly authorized by law to  
acquire the estate in the lands 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 insti-  
tution of such proceeding.

(3) In said petition for condemnation, a statement of the au-  
thority under which, and the public use for which the estate in said lands  
was taken, was set forth.

(4) A proper description of the lands sufficient for the identification thereof is set out in said petition for condemnation, and a statement of the estate or interest in said lands taken for said public use is set out therein.

(5) Due, proper and legal notice of the application of the United States of America for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this court.

The court hears evidence and finds that the returns as filed by the United States Marshals are true and correct, and that the same are in accordance with the law.

The court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this court.

(6) The Court finds that the Commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the lands involved in this proceeding, duly qualified by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estate, filed their report herein on the 5th day of July, 1946, wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the land more particularly designated and described as follows, to wit:

TRACT NO. 1 (54X - FW-1436 Rev.)

Flowage Easement

All that part of Lot 3 lying south of Spring River in Sec. 4, T 28 N, R 24 E, of the Indian Base and Meridian in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, containing approximately 4.6 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 69.00

TRACT NO. 2 (54X - FW-1437 Rev.)

Flowage Easement

All that part of Lot 2 of Sec. 4, T 28 N, R 24 E, of the Indian Base and Meridian in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, containing approximately 5.5 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 82.50

TRACT NO. 3 (54X - FW-1450 Rev.)

Flowage Easement

All that part of Lot 3 lying north of Spring River in Sec. 4, T 28 N, R 24 E, of the Indian Base and Meridian in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, containing approximately 4.7 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 70.50

TRACT NO. 4 (56 - FW-1611 Rev.)

Flowage Easement

All that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  of Sec. 4, T 27 N, R 23 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 5.2 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said E $\frac{1}{2}$  SE $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 6.5 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 285.50

TRACT NO. 5 (59 - FW-1649)

Flowage Easement

All that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , all that part of the W $\frac{1}{2}$  SE $\frac{1}{4}$ , all that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  in Sec. 35, T 28 N, R 22 E, and all that part of Lot 3 in Sec. 2, T 27 N, R 22 E, all described with reference to the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 105.2 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said E $\frac{1}{2}$  NE $\frac{1}{4}$ , all that part of said NE $\frac{1}{4}$  SE $\frac{1}{4}$ , all that part of said W $\frac{1}{2}$  SE $\frac{1}{4}$ , all that part of said SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of said SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  in said Sec. 35, T 28 N, R 22 E, and all that part of said Lot 3 in said Sec. 2, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 60.3 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, EXCLUSIVE OF THE AMOUNT AWARDED TO THE STATE OF OKLAHOMA FOR DAMAGES TO STATE ROADS, . . . . . \$ 3375.00

TRACT NO. 6 (59 - FW-1650)

Flowage Easement

All of the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all of Lot 1 in Sec. 35, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, containing approximately 79.8 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 1600.00

TRACT NO. 7 (59 - FW-1651)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 35, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 3.4 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, EXCLUSIVE OF THE AMOUNT AWARDED TO THE STATE OF OKLAHOMA FOR DAMAGES TO STATE ROADS, . . . . . \$ 168.50

TRACT NO. 8 (59 - FW-1682)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 2, T 27 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 0.2 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, EXCLUSIVE OF THE AMOUNT AWARDED TO THE STATE OF OKLAHOMA FOR DAMAGES TO STATE ROADS, . . . . . \$ 12.00

TRACT NO. 9 (59 - FW-1683)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 2, T 27 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 4.5 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, EXCLUSIVE OF THE AMOUNT AWARDED TO THE STATE OF OKLAHOMA FOR DAMAGES TO STATE ROADS, . . . . . \$ 310.00

TRACT NO. 10 (59 - FW-1684)

Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 35, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 0.5 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 3.1 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 100.00

TRACT NO. 11 (59 - FW-1685)

Flowage Easement

All of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 35, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, containing approximately 20.0 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 300.00

TRACT NO. 12 (59 - FW-1656)

Flowage Easement

All of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{2}$  of Sec. 35, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, containing approximately 10.0 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 150.00

TRACT NO. 13 (59 - FW-1659)

Flowage Easement

All that part of the N $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 35, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 13.0 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said N $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 6.8 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 265.00

TRACT NO. 14 (59 - FW-1660)

Flowage Easement

All that part of SE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 35, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 0.2 acre.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said SE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 2.5 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 54.00

TRACT NO. 15 (59 - FW-1661)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 35, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 0.7 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 14.00

TRACT NO. 16 (59 - FW-1662)

Flowage Easement

All that part of the  $N\frac{1}{2}$   $NE\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 34, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 1.5 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said  $N\frac{1}{2}$   $NE\frac{1}{4}$   $SE\frac{1}{4}$ , and all that part of the  $NE\frac{1}{4}$   $NW\frac{1}{4}$   $SE\frac{1}{4}$  of said Sec. 34, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 8.7 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 109.50

TRACT NO. 17 (59 - FW-1666)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the  $N\frac{1}{2}$   $NW\frac{1}{4}$  of Sec. 34, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 4.6 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, EXCLUSIVE OF THE AMOUNT AWARDED TO THE STATE OF OKLAHOMA FOR DAMAGES TO STATE ROADS, . . . . . \$ 115.00

TRACT NO. 18 (59 - FW-1674)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the  $N\frac{1}{2}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 33, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 0.9 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, EXCLUSIVE OF THE AMOUNT AWARDED TO THE STATE OF OKLAHOMA FOR DAMAGES TO STATE ROADS, . . . . . \$ 100.00

TRACT NO. 19 (59 - FW-1675)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the  $SW\frac{1}{4}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 33, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 0.9 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 50.00

TRACT NO. 20 (59 - FW-1676)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the  $N\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 33, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 0.2 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 4.00

TRACT NO. 21 (60 - FW-1648)

Flowage Easement

All of Lot 9 in Sec. 26, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 8.9 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 178.00

TRACT NO. 22 (60 - FW-1669)

Flowage Easement

All that part of the  $N\frac{1}{2}$  NE $\frac{1}{4}$  of Sec. 27, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 10.7 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said  $N\frac{1}{2}$  NE $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, containing approximately 28.5 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 554.50

TRACT NO. 23 (60 - FW-1669 A)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 27, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, containing approximately 7.4 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 74.00

TRACT NO. 24 (60 - FW-1671)

Flowage Easement

All that part of the NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, and all that part of the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Sec. 27, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 1.6 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, and all that part of said NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 28.6 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 359.00

TRACT NO. 25 (60 - FW-1672)

Flowage Easement

All that part of the NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Sec. 27, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 9.7 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, and all that part of the SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of said Sec. 27, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 50.3 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 1294.50

TRACT NO. 26 (60 - FW-1673)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the E<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, and all that part of the SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Sec. 28, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 3.7 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, EXCLUSIVE OF THE AMOUNT AWARDED TO THE STATE OF OKLAHOMA FOR DAMAGES TO STATE ROADS, . . . . . \$ 150.00

TRACT NO. 27 (60 - FW-1677)

Flowage Easement

All that part of the NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, and all that part of the SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Sec. 28, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 2.9 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, and all that part of said SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 16.9 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$

445.00

TRACT NO. 28 (60 - FW-1678)

Flowage Easement

All that part of the NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Sec. 28, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 0.4 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$

8.00

TRACT NO. 29 (60 - FW-1679)

Flowage Easement

All that part of the SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Sec. 28, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 0.1 acre.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$

5.00

TRACT NO. 30 (60 - FW-1680)

Flowage Easement

All that part of the  $SE\frac{1}{4}$   $SE\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 23, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 0.6 acre.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said  $SE\frac{1}{4}$   $SE\frac{1}{4}$   $NW\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$

20.00

TOTAL, - - - - - \$ 10,322.50

and that said report and proceedings as to the above tracts, are in all respects regular and in compliance with the law and orders of this Court.

(7) More than sixty days have elapsed since the filing of the commissioners' report herein, and no written exceptions thereto, nor demands for jury trial are pending as to the tracts above described save a demand for jury trial was heretofore filed upon Tract No. 5 (59 FW-1649) as to that part of the award made to the State of Oklahoma on account of damages to roads traversing said tract, and save that exceptions to report of commissioners were heretofore filed as to Tracts Nos. 5 (59 FW-1649), 7 (59 FW-1651), 8 (59 FW-1652), 9 (59 FW-1653), 17 (59 FW-1666), 18 (59 FW-1674), and 26 (60 FW-1673), as to that part of the commissioners' award upon said tracts made to the State of Oklahoma on account of damages to roads. The question raised by said demand for jury trial and said exceptions to the report of commissioners upon the enumerated tracts has been covered by a separate judgment herein entered, and the report of commissioners filed herein should be confirmed and approved in all other respects, as to all of the tracts condemned in this action.

(8) The Court further finds that the just compensation for the estate taken herein for the tracts herein designated, as fixed by the report of commissioners, is, excepting those parts of the awards upon Tracts Nos. 5, 7, 8, 9, 17, 18, and 26 made to the State of Oklahoma on account of damages to public highways traversing said tracts, final just compensation in the amount of \$10,322.50.

(9) That the United States of America did, on the 31st day of May, 1944, file its Declaration of Taking herein, and paid to the Clerk of this Court for the use and benefit of the owners and the persons entitled thereto, the following sums, to wit:

|  |          |
|--|----------|
| TRACT NO. 1 (54X FW-1436 Rev.) . . . . . | \$ 69.00 |
| TRACT NO. 2 (54X FW-1437 Rev.) . . . . . | 82.50    |
| TRACT NO. 3 (54X FW-1450 Rev.) . . . . . | 70.50    |
| TRACT NO. 4 (56 FW-1611 Rev.) . . . . .  | 285.50   |
| TRACT NO. 5 (59 FW-1649) . . . . .       | 2540.50  |
| TRACT NO. 6 (59 FW-1650) . . . . .       | 1197.00  |

|                                      |         |
|--------------------------------------|---------|
| TRACT NO. 7 (59 FW-1651) . . . . .   | 168.50  |
| TRACT NO. 8 (59 FW-1652) . . . . .   | 8.00    |
| TRACT NO. 9 (59 FW-1653) . . . . .   | 197.50  |
| TRACT NO. 10 (59 FW-1654). . . . .   | 52.50   |
| TRACT NO. 11 (59 FW-1655). . . . .   | 300.00  |
| TRACT NO. 12 (59 FW-1656). . . . .   | 150.00  |
| TRACT NO. 13 (59 FW-1659). . . . .   | 265.00  |
| TRACT NO. 14 (59 FW-1660). . . . .   | 54.00   |
| TRACT NO. 15 (59 FW-1661). . . . .   | 10.50   |
| TRACT NO. 16 (59 FW-1662). . . . .   | 109.50  |
| TRACT NO. 17 (59 FW-1666). . . . .   | 115.00  |
| TRACT NO. 18 (59 FW-1674). . . . .   | 22.50   |
| TRACT NO. 19 (59 FW-1675). . . . .   | 13.50   |
| TRACT NO. 20 (59 FW-1676). . . . .   | 4.00    |
| TRACT NO. 21 (60 FW-1648). . . . .   | 133.50  |
| TRACT NO. 22 (60 FW-1669). . . . .   | 455.50  |
| TRACT NO. 23 (60 FW-1669 A). . . . . | 74.00   |
| TRACT NO. 24 (60 FW-1671). . . . .   | 359.00  |
| TRACT NO. 25 (60 FW-1672). . . . .   | 1294.50 |
| TRACT NO. 26 (60 FW-1673). . . . .   | 74.00   |
| TRACT NO. 27 (60 FW-1677). . . . .   | 257.50  |
| TRACT NO. 28 (60 FW-1678). . . . .   | 6.00    |
| TRACT NO. 29 (60 FW-1679). . . . .   | 1.50    |
| TRACT NO. 30 (60 FW-1680). . . . .   | 9.00    |

T O T A L, - - - - - \$ 8,380.00

(10) The Court having fully considered the petition for condemnation, the declaration of taking, and all proceedings had herein, and the provisions of the Act of June 10, 1920, 41 Stat. 1063 (16 U. S. C. Sec. 809); Executive Order No. 3944, dated November 19, 1941; Title II of the Act of June 16, 1933, 48 Stat. 200-203 (40 U. S. C. Secs. 401-403) as amended and supplemented; Executive Order No. 9366, dated July 30, 1943; Executive Order No. 9373, dated August 30, 1943; the Act of August 1, 1888, 25 Stat. 357 (40 U. S. C. Sec. 257); and the Act of February 26, 1931, 46 Stat. 1421

(40 U. S. C. Sec. 258 (a) to 258 (e)); Title II of the Act of March 27, 1942, 56 Stat. 177 (50 U. S. C. 171 (a)), is of the opinion that the United States of America was and is entitled to take said property and have the title to the estate therein taken 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 report of commissioners filed herein, is final and the damages sustained as set out and fixed in said report of commissioners and as hereinabove set forth, is, with the exceptions noted as to Tracts Nos. 5, 7, 8, 9, 17, 18, and 26, full and just compensation for the taking of said estate in the lands designated as follows, to wit:

|   |          |
|---|----------|
| TRACT NO. 1 (54 X FW-1436 Rev.) . . . . . | \$ 69.00 |
| TRACT NO. 2 (54X FW-1437 Rev.) . . . . .  | 82.50    |
| TRACT NO. 3 (54X FW-1450 Rev.) . . . . .  | 70.50    |
| TRACT NO. 4 (56 FW-1611 Rev.) . . . . .   | 285.50   |
| TRACT NO. 5 (59 FW-1649) . . . . .        | 3375.00  |
| TRACT NO. 6 (59 FW-1650) . . . . .        | 1600.00  |
| TRACT NO. 7 (59 FW-1651) . . . . .        | 168.50   |
| TRACT NO. 8 (59 FW-1652) . . . . .        | 12.00    |
| TRACT NO. 9 (59 FW-1653) . . . . .        | 310.00   |
| TRACT NO. 10 (59 FW-1654) . . . . .       | 100.00   |
| TRACT NO. 11 (59 FW-1655) . . . . .       | 300.00   |
| TRACT NO. 12 (59 FW-1656) . . . . .       | 150.00   |
| TRACT NO. 13 (59 FW-1659) . . . . .       | 265.00   |
| TRACT NO. 14 (59 FW-1660) . . . . .       | 54.00    |
| TRACT NO. 15 (59 FW-1661) . . . . .       | 14.00    |
| TRACT NO. 16 (59 FW-1662) . . . . .       | 109.50   |
| TRACT NO. 17 (59 FW-1666) . . . . .       | 115.00   |
| TRACT NO. 18 (59 FW-1674) . . . . .       | 100.00   |
| TRACT NO. 19 (59 FW-1675) . . . . .       | 50.00    |
| TRACT NO. 20 (59 FW-1676) . . . . .       | 4.00     |

|                                      |             |
|--------------------------------------|-------------|
| TRACT NO. 21 (60 FW-1648). . . . .   | 178.00      |
| TRACT NO. 22 (60 FW-1669). . . . .   | 554.50      |
| TRACT NO. 23 (60 FW-1669 A). . . . . | 74.00       |
| TRACT NO. 24 (60 FW-1671). . . . .   | 359.00      |
| TRACT NO. 25 (60 FW-1672). . . . .   | 1294.50     |
| TRACT NO. 26 (60 FW-1673). . . . .   | 150.00      |
| TRACT NO. 27 (60 FW-1677). . . . .   | 445.00      |
| TRACT NO. 28 (60 FW-1678). . . . .   | 8.00        |
| TRACT NO. 29 (60 FW-1679). . . . .   | 5.00        |
| TRACT NO. 30 (60 FW-1680). . . . .   | 20.00       |
| TOTAL, - - - - -                     | \$10,322.50 |

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is a perpetual easement upon and over said lands to inundate, submerge and flow, and to enter upon said lands from time to time in the performance of said acts, for use in connection with the completion and full utilization of the Grand River Dam (Pensacola) Project in Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, and the interest therein taken by these eminent domain proceedings, was vested in the United States of America on the 31st day of May, 1944, upon the filing of a Declaration of Taking and the depositing of the sum of \$8,380.00, with the registry of this Court for the estate taken in and to the above described tracts of land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate therein taken, as hereinabove specifically set forth, is hereby deemed to be condemned and taken for the uses and purposes of the United States of America, and that the just compensation as determined and fixed herein for the taking of said estate in said tracts of land, is vested in the persons lawfully entitled thereto, as the owners of said tracts of land, respectively, or of some right, title or interest therein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner pay into the registry of this Court the sum of \$1,942.50, said sum being the

difference between the sum of \$10,322.50, the just compensation herein fixed, and the amount deposited with the Declaration of Taking, as the estimated just compensation for the taking of said tracts of land, in the sum of \$8,380.00.

This cause is held open for the purpose of entering such further orders, judgments and decrees as may be necessary in the premises.

*Alfred A. Murdock*  

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~~United States District Court, Northern District of Oklahoma.~~  
Judge

UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF  
DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Petitioner,

-vs-

CERTAIN PORTIONS OF LAND IN DELAWARE COUNTY,  
DELAWARE, containing approximately 3.30 acres,  
more or less; and J. A. Raddis, et al.,

Defendants.

CIVIL NO. 1223

FILED

MAR 14 1947

J U D G E M E N T NOBLE C. HOOD  
Clerk U. S. District Court

Now, on this 14<sup>th</sup> day of March, 1947, there comes on for hearing, pursuant to regular assignment, the application of the petitioner herein for a judgment approving the commissioners' report heretofore filed in this proceeding, as to the real estate hereinafter specifically described.

Thereupon, the court proceeded to hear and pass upon said application, and petition for condemnation, report of commissioners 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 Secretary of the Interior, the person duly authorized by law to acquire the estate in the lands 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 lands was taken, was set forth.

(4) A proper description of the lands sufficient for the identification thereof is set out in said petition for condemnation and a statement of the estate or interest in said lands taken for said public use is set out therein.

(5) The proper and legal notice of the application of the United States of America for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this court.

The Court bears evidence and finds that the returns as filed by the United States Marshals are true and correct, and that the same are in accordance with law.

The Court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this court.

(6) The Court finds that the Commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the lands involved in this proceeding, duly qualified by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estate filed their report herein on the 7th day of June, 1945, wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the lands more particularly designated and described as follows, to wit:

TRACT NO. 1 (35 - FW-1084)

Flowage Easement

All that part of the  $E\frac{1}{2}$   $SW\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 18, T 25 N, R 25 E of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SE corner of said  $E\frac{1}{2}$   $SW\frac{1}{4}$   $NE\frac{1}{4}$ , thence north along the east boundary of said  $E\frac{1}{2}$   $SW\frac{1}{4}$   $NE\frac{1}{4}$  a distance of 144.5 feet; thence westerly along the south boundary of Lot 11 in Pollan Heights, a distance of 150.0 feet to the SW corner of said Lot 11; thence northerly along the west boundaries of Lots 10 and 11 in Pollan Heights, a distance of 100.0 feet to the NW corner of Lot 10; thence westerly along the north boundary of Lot 10 extended, to the right bank of Elk River, thence southeasterly along said river bank to a point in the south boundary of said  $E\frac{1}{2}$   $SW\frac{1}{4}$   $NE\frac{1}{4}$ ; thence easterly along the south boundary of said  $E\frac{1}{2}$   $SW\frac{1}{4}$   $NE\frac{1}{4}$  to the point of beginning, lying below Elev. 758.0 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 7.50

TRACT NO. 2 (35 - FW-1084 A)

Flowage Easement

All that part of the  $E\frac{1}{2}$   $SW\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 18, T 25 N, R 25 E of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the NW corner of Lot 13, as shown on the recorded plat of Pollan Heights, thence westerly along an extension of the north boundary of said Lot 13 to the right bank of Elk River; thence southeasterly along said river bank to a point of intersection with the south boundary of Lot 9 of Pollan Heights extended; thence easterly along said extension of the south boundary of said Lot 9 to a point 50.0 feet south of the SE corner of said Lot 13; thence north 50.0 feet to the said SE corner of said Lot 13; thence westerly along the south boundary of said Lot 13 a distance of 125.0 feet to the SW corner thereof; thence northerly along the west boundary of said Lot 13 a distance of 50.0 feet to the point of beginning, lying below Elev. 758.0 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing less than 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 7.50

TRACT NO. 3 (35 - FW-1084 B)

Flowage Easement

All that part of the  $E\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 25 N, R 25 E, of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

A strip of land 50.0 feet in width lying between Lot 14 as shown on the recorded plat of Pollan Heights and the right bank of Elk River being bounded on the north by the north boundary of Lot 14 extended and bounded on the south by the south boundary of Lot 14 extended, lying below Elev. 758 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing less than 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 7.50

TRACT NO. 4 (35 - FW-1084 C)

Flowage Easement

All that part of the  $E\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 25 N, R 25 E, of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SW corner of Lot 15 as shown on the recorded plat of Pollan Heights in said  $E\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , thence northerly along the west boundary of said Lot 15, a distance of 25 feet, thence west to the right bank of Elk River, thence southeasterly along said river bank to an intersection with the south line of Lot 15 extended, thence easterly along the south boundary of Lot 15 extended to the point of beginning, lying below Elev. 758.0 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing less than 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 7.50

TRACT NO. 5 (35 - FW-1084 D)

Flowage Easement

All that part of the  $E\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 25 N, R 25 E, of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

A strip of land 25.0 feet in width lying between the north one-half of Lot 15, as shown on the recorded plat of Pollan Heights, and the right bank of Elk River, said strip of land being bounded on the north by the north line of Lot 15 extended and on the south by the south boundary of the  $N\frac{1}{2}$  of said Lot 15 extended, lying below Elev. 758.0 Sea Level Datum, containing less than 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 7.50

TRACT NO. 6 (35 - FW-1084 E)

Flowage Easement

All that part of the  $E\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 25 N, R 25 E, of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

A strip of land 25.0 feet in width lying between the south one-half of Lot 16, as shown on the recorded plat of Pollan Heights, and the right bank of Elk River, said strip being bounded on the south by the south line of Lot 16 extended, and on the north by the north line of the  $S\frac{1}{2}$  of Lot 16 extended, lying below Elev. 758.0 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing less than 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$7.50

TRACT NO. 7 (35 - FW-1084 F)

Flowage Easement

All that part of the  $E\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 25 N, R 25 E, of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

A strip of land 25.0 feet in width lying between the  $N\frac{1}{2}$  of Lot 16, as shown on the recorded plat of Pollan Heights, and the right bank of Elk River, said strip being bounded on the north by the north line of Lot 16 extended, and on the south by the south line of said  $N\frac{1}{2}$  of Lot 16 extended, lying below Elev. 758.0 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing less than 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$7.50

TRACT NO. 8 (35 - FW-1084 G)

Flowage Easement

All that part of the  $E\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 25 N, R 25 E, of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the NW corner of Lot 17 as shown on the recorded plat of Pollan Heights, thence westerly along the north boundary of said Lot 17 extended, a distance of 10.0 feet to a point on the east boundary of the Ralph E. Gaines property; thence southerly along said east boundary a distance of 23.75 feet to the SE corner of said Gaines property; thence westerly along the south boundary of said Gaines property a distance of 150.0 feet to the SW corner thereof; thence northerly along the west boundary of said Gaines tract a distance of 23.75 feet to a point of intersection with said north boundary of Lot 17, extended; thence westerly

TRACT NO. 8 (Continued)

along said north boundary, extended, to a point on the right bank of Elk River, thence southeasterly along said river bank to a point of intersection with the south boundary of said Lot 17, extended, thence easterly along said south boundary of Lot 17, extended, to the SW corner of said Lot 17; thence northerly along the west boundary of said Lot 17, a distance of 50.0 feet to the point of beginning, lying below Elev. 758.0 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing less than 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$7.50

TRACT NO. 9 (35 - FW-1084 H)

Flowage Easement

All that part of the  $E\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 25 N, R 25 E, of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point 800.0 feet south and 315.0 feet west of the NE corner of said  $E\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ; thence westerly 150.0 feet; thence northerly 125.0 feet; thence easterly parallel to the south boundary as described a distance of 125.0 feet; thence southerly 125.0 feet to the point of beginning, lying below Elev. 758.0 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 0.2 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$15.00

TRACT NO. 10 (35 - FW-1084 K)

Flowage Easement

All that part of the  $E\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 25 N, R 25 E, of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SE corner of Lot 21 as shown on the recorded plat of Pollan Heights, thence westerly along the south boundary of said Lot 21, a distance of 10.0 feet to a point in the east boundary of the Ralph E. Gaines property; thence northerly along said east boundary of the Gaines property to the NE corner thereof; thence westerly along the north boundary of said Gaines property a distance of 150.0 feet to the NW corner thereof; thence southerly along the west boundary of said Gaines property to a point of intersection with the south boundary of Lot 18, as shown on said plat, extended; thence westerly along said south boundary of Lot 18, extended, to a point of intersection with the Grand River Dam Authority property line; thence northwesterly along said Grand River Dam Authority property line to a point of intersection with the north boundary of the south

TRACT NO. 10 (Continued)

25.0 feet of outlet 4, as shown on said plat, extended; thence easterly along said north boundary of the south 25.0 feet of outlet 4 to the east boundary of said outlet 4; thence southerly along said east boundary a distance of 25.0 feet to the north boundary of aforementioned Lot 21, thence easterly along said north boundary of Lot 21 to the northeast corner thereof; thence southerly along the east boundary of said Lot 21, a distance of 100.0 feet to the point of beginning, lying below Elev. 758.0 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 7.50

TRACT NO. 11 (35 - FW-1084 L)

Flowage Easement

All that part of the E $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 25 N, R 25 E, of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point on the west line of outlet 3 as shown on the recorded plat of Pollan Heights and 25 feet north of the SW corner thereof, thence northerly along the west boundary of outlet 3 a distance of 73.75 feet, thence west 150 feet, thence south 73.75 feet; thence east 150 feet to the point of beginning, lying below Elev. 758.0 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$7.50

TRACT NO. 12 (35 - FW-1084 M)

Flowage Easement

All that part of the E $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 25 N, R 25 E, of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point in the west boundary of outlet 3, as shown on the recorded plat of Pollan Heights and 60.0 feet south of the NW corner thereof, thence southerly along said west boundary a distance of 50.0 feet, thence west to a point on the Grand River Dam Authority taking line, thence northwesterly along said Grand River Dam Authority taking line to a point which is due west of the point of beginning, thence east to said point of beginning, lying below Elev. 758.0 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$7.50

TRACT NO. 13 (35 - FW-1084 N)

Flowage Easement

All that part of the  $E\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 25 N, R 25 E, of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

All that part of Lot 1 as shown on the recorded plat of Pollan Heights except the north 50 feet of the west 100 feet thereof; all that part of the north 327.45 feet of outlet 4 as shown on said plat, and all that part of a parcel of land bounded on the north and west by the Grand River Dam Authority taking line, on the south by the south boundary of the north 327.45 feet of outlet 4, extended, and on the east by the west boundary of the north 327.45 feet of outlet 4, lying below Elev. 758.0 Sea Level Datum, containing approximately 1.9 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . \$ 642.50

TRACT NO. 14 (35 - FW-1084 O)

Flowage Easement

All that part of the north 50 feet of the west 100 feet of outlet 1 as shown on the recorded plat of Pollan Heights in the  $E\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 18, T 25 N, R 25 E, of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, lying below Elev. 758.0 Sea Level Datum, containing approximately 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . \$ 7.50

T O T A L, - - - - - \$ 747.50



and that said report and proceedings, as to the above tracts, are in all respects correct and in accordance with the law and orders of this Court.

(7) More than sixty (60) days have elapsed since the filing of the report of commissioners herein, and no written exceptions thereto, or demands for jury trial are pending as to the tracts above described, and that said report of commissioners filed herein should be confirmed and approved in every respect, as to the tracts above particularly described.

The Court further finds that the just compensation for the estate taken herein for the tracts herein designated, as fixed by the report of Commissioners is final just compensation in the total amount of \$47.50.

(8) That the United States of America did, on the 31st day of May, 1944, file its Declaration of Taking herein, and said to the Clerk of this Court for the use and benefit of the grantees and persons entitled thereto, the following, to-wit:

|                           |       |
|---------------------------|-------|
| Tract No. 1 (35 F. 1084)  | 7.50  |
| Tract No. 2 (35 F. 1084)  | 7.50  |
| Tract No. 3 (35 F. 1084)  | 7.50  |
| Tract No. 4 (35 F. 1084)  | 7.50  |
| Tract No. 5 (35 F. 1084)  | 7.50  |
| Tract No. 6 (35 F. 1084)  | 7.50  |
| Tract No. 7 (35 F. 1084)  | 7.50  |
| Tract No. 8 (35 F. 1084)  | 7.50  |
| Tract No. 9 (35 F. 1084)  | 11.00 |
| Tract No. 10 (35 F. 1084) | 7.50  |
| Tract No. 11 (35 F. 1084) | 7.50  |
| Tract No. 12 (35 F. 1084) | 7.50  |
| Tract No. 13 (35 F. 1084) | 34.50 |
| Tract No. 14 (35 F. 1084) | 7.50  |
| TOTAL, - - - - -          | 77.50 |

(4) The Court having fully considered the petition for condemnation, the collection of taxes, and all proceedings had herein, and the provisions of the act of June 19, 1924, as amended, 1963 (16 U. S. C. Sec. 809); Executive Order No. 6944, dated November 10, 1941; Title II of the act of June 19, 1924, as amended, 200-203 (act of U. S. Cons. 491-493) as amended and supplemented; Executive Order No. 6886, dated July 30, 1943; Executive Order No. 6775, dated August 30, 1943; the act of August 1, 1941, 16 U. S. C. Sec. 874; the act of August 1, 1941, 16 U. S. C. Sec. 875; the act of February 26, 1931, 16 U. S. C. Sec. 201, as amended, 203 (act of U. S. Cons. 253 (act of U. S. Cons. 253)); Title II of the Act of March 10, 1910, as amended, 177 (50 U. S. C. 171 (a)), is of the opinion that the United States of America was and is entitled to take said property and have the title to the estate therein conveyed 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 the order of the COMMISSIONER OF LANDS AND MINES that the report of commissioners filed herein is final and the damages sustained as set out and fixed in said report of commissioners and as hereinabove set forth are full and just compensation for the taking of said estate in the lands designated as follows, to wit:

|                               |       |
|-------------------------------|-------|
| Parcel No. 1 (36 P. 1064),    | 7.50  |
| Parcel No. 2 (36 P. 1064 A),  | 7.50  |
| Parcel No. 3 (36 P. 1064 B),  | 7.50  |
| Parcel No. 4 (36 P. 1064 C),  | 7.50  |
| Parcel No. 5 (36 P. 1064 D),  | 7.50  |
| Parcel No. 6 (36 P. 1064 E),  | 7.50  |
| Parcel No. 7 (36 P. 1064 F),  | 7.50  |
| Parcel No. 8 (36 P. 1064 G),  | 7.50  |
| Parcel No. 9 (36 P. 1064 H),  | 10.00 |
| Parcel No. 10 (36 P. 1064 I), | 7.50  |
| Parcel No. 11 (36 P. 1064 J), | 7.50  |
| Parcel No. 12 (36 P. 1064 K), | 7.50  |



... 13 (35 P. 1084) ... 100.00

... 14 (35 P. 1084) ... 100.00

... 15 (35 P. 1084) ... 100.00

IT IS ORDERED THAT the estate in all of the above designated and described real estate, as described in the original declaration of taking, and the interest therein taken by these eminent domain proceedings, was vested in the United States of America, on the 31st day of May, 1964, upon the filing of the declaration of taking and the depositing of the sum of \$741.00 with the registry of this Court for the estate taken in and to the above described tracts of land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto on the date aforesaid.

IT IS ORDERED THAT the estate in all of the above designated and described real estate, as described in the original declaration of taking, and the interest therein taken by these eminent domain proceedings, was vested in the United States of America, on the 31st day of May, 1964, upon the filing of the declaration of taking and the depositing of the sum of \$741.00 with the registry of this Court for the estate taken in and to the above described tracts of land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto on the date aforesaid.

IT IS ORDERED THAT the estate therein to or to hereinabove specifically set forth, is hereby deemed to be condemned and taken for the use and purposes of the United States of America, and that the just compensation thereon determined and fixed herein for the taking of said estate in said tracts of land, is vested in the persons lawfully entitled thereto, as the owners of said tracts of land, respectively, and of said right, title and interest therein.

This court shall have full power to enter such further orders, judgments and decrees as may be necessary in the premises.

*Edward T. Johnson*  
\_\_\_\_\_  
United States District Court,  
District of Columbia

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

UNITED STATES OF AMERICA,

Petitioner,

-vs-

CERTAIN PARCELS OF LAND IN DELAWARE COUNTY,  
OKLAHOMA, containing approximately 3.30 acres,  
more or less; and F. A. Raddis, et al.,

Defendants.

J  
CIVIL NO. 1223

FILED

MAR 14 1947

NOBLE C. HOOD  
Clerk U. S. District Court

ORDER FIXING TITLE AND MAKING DISTRIBUTION

NOW, on this 14th day of March, 1947, the above cause comes on for hearing pursuant to regular assignment for the determination of the rightful claimants in and to any funds that may have been deposited and that may hereafter be deposited in the above entitled proceeding for the rightful claimants thereto as the owners of the real estate and the estate therein taken and involved in this proceeding as hereinafter described and designated.

And the court being fully advised in the premises finds that the hereinafter named persons, firms, corporations and political subdivisions of the State are the owners of and/or have some right, title or interest in and to the lands involved herein, and that no person, firm, corporation or political subdivision of the State has any right, title or interest in and to said lands other than those hereinafter named; and that the owners and those having any right, title or interest in and to said lands as hereafter named and set forth are the only persons, firms and corporations having any right, title or interest in and to the funds that are now on deposit or that may hereafter be deposited in the above entitled proceeding for the rightful claimants thereto.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the following named persons, firms and corporations are the owners of and/or have some right, title or interest in and to the lands involved herein as hereinafter designated, and that they are the only persons having any right, title or interest in and to the funds that are now on deposit and that may hereafter be deposited for the use and benefit of the rightful claimants thereto, as the owners or those having any right, title or interest in and to the real estate involved in this proceeding, and that the Clerk of this Court be, and he is hereby authorized and directed to make distribution of said funds to said persons, firms and corporations as hereinafter set forth, as follows, to wit:

TRACT NO. 1 (35 FW 1084)

Flowage Easement

F. A. Raddis, . . . . . fee owner, . . . . . \$ 7.50  
(Commissioners' award)

TRACT NO. 2 (35 FW 1084 A)

Flowage Easement

C. T. West,  
C. J. Vetch, . . . . . fee owners, . . . . . \$ 7.50  
(Commissioners' award)

TRACT NO. 3 (35 FW 1084 B)

Flowage Easement

G. W. Farthing, . . . . . fee owner . . . . . \$ 7.50  
(Commissioners' award)

TRACT NO. 4 (35 FW 1084 C)

Flowage Easement

Lillian Ford and  
Roland Ford, . . . . . fee owners, . . . . . \$ 7.50  
E. W. Weygandt,  
Georgia R. Weygandt, . . Claimants to fee,  
(Commissioners' award)  
(Make check payable to Lillian Ford, Roland  
Ford, E. W. Weygandt and Georgia R. Weygandt,  
for \$7.50)

TRACT NO. 5 (35 FW 1084-D)

Flowage Easement

Ralph R. Bullinger, . . . . . fee owner, . . . . . \$ 7.50  
(Commissioners' award)

TRACT NO. 6 (35 FW 1084 E)

Flowage Easement

Richard Lowe, . . . . . fee owner, . . . . . \$ 7.50  
(Commissioners' award)

TRACT NO. 7 (35 FW 1084 F)

Flowage Easement

C. B. Easely, . . . . . fee owner, . . . . . \$ 7.50  
(Commissioners' award)

TRACT NO. 8 (35 FW 1084 G)

Flowage Easement

William J. James and  
Donald R. Barnett, . . . . . fee owners, . . . . . \$ 7.50  
(Commissioners' award)

TRACT NO. 9 (35 FW 1084 H)

Flowage Easement

Ralph E. Gaines, . . . . . fee owner,  
Harry A. Clayton . . . . . \$15.00  
Kenneth R. Clayton, . . claimants to an interest  
in fee,  
(Commissioners' award)  
(Make check payable to Ralph E. Gaines, Harry  
A. Clayton and Kenneth R. Clayton, for \$15.00)

TRACT NO. 10 (35 FW 1084 K)

Flowage Easement

(Title fixed and distribution made under  
Order of October 31, 1945)

TRACT NO. 11 (35 FW 1084 L)

Flowage Easement

(Title fixed and distribution made under  
Order of October 31, 1945)

TRACT NO. 12 (35 FW 1084 M)

Flowage Easement

Hugh C. Groutt, . . . . . fee owner, . . . . . \$ 7.50  
(Commissioners' award)

TRACT NO. 13 (35 FW 1084 N)

Flowage Easement

(Title fixed and distribution made under  
Order of October 31, 1945)

TRACT NO. 14 (35 FW 1084 0)

Flowage Easement

(Title fixed and distribution made under  
Order of April 26, 1946)

IT IS FURTHER ORDERED that this cause is held open for such  
other and further orders, judgments and decrees as may be necessary in  
the premises.

*Alfred J. Murrain*  

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resigned Judge

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE EASTERN  
DISTRICT OF OREGON

UNITED STATES OF AMERICA, )  
 )  
 ) Petitioner, )  
 )  
 -vs- )  
 )  
 )  
 )  
 ) CERTAIN PARCELS OF LAND IN OTTAWA COUNTY, )  
 ) OREGON, and Vear Brown, now Thomason, )  
 ) et al., )  
 )  
 ) Defendants. )

CIVIL NO. 1226

FILED

MAR 14 1947

NOBLE C. HOOD  
Clerk U. S. District Court

J U D G M E N T

Now, on this 14th day of March, 1947, there comes on for hearing, pursuant to regular assignment, the application of the petitioner herein for a judgment approving the commissioners' report heretofore filed in this proceeding, as to the real estate hereinafter specifically described:

Thereupon, the court proceeded to hear and pass upon said application, and petition for condemnation, report of commissioners 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 Secretary of the Interior, the person duly authorized by law to acquire the estate in the lands 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 lands was taken was set forth.

(4) A proper description of the lands sufficient for the identification thereof is set out in said petition for condemnation and a statement of the estate or interest in said lands taken for said public use is set out therein.

(5) and, proper and legal notice of the application of the United States of America for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this court.

The court views evidence and finds that the returns as filed by the United States Marshals are true and correct, and that the same are in accordance with law.

The court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this court.

(6) The court finds that the Commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the lands involved in this proceeding, duly qualified by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estate, filed their report herein on the 29th day of June, 1946, wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the lands more particularly designated and described as follows, to wit:

TRACT NO. 1 (61 - FW-1687)

Flowage Easement

All that part of the east 1.5 acres of the north 11.5 acres of Lot 5 and accretion thereto in Sec. 16, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, including the bed and banks of Neosho River adjacent thereto and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said east 1.5 acres of the north 11.5 acres of Lot 5 and accretion thereto, including the bed and banks of Neosho River adjacent thereto and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL PAID CASH MARKET VALUE OF THIS ESTATE TAKEN (PERCENTAGE OF 20%) AS ALL SUBJECT TO ALL TAXES, IF ANY. . . . . \$ 10.00

TRACT NO. 2 (61 - FW-1688)

Flowage Easement

All that part of Lot 4 and accretion thereto in Sec. 16, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, including the bed and banks of Neosho River adjacent to said Lot 4 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 4 and accretion thereto, including the bed and banks of Neosho River adjacent thereto and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL PAID CASH MARKET VALUE OF THIS ESTATE TAKEN (PERCENTAGE OF 20%) AS ALL SUBJECT TO ALL TAXES, IF ANY... . . . . \$ 25.00

TRACT NO. 3 (61 - FW-1689)

Flowage Easement

All that part of the south 9.8 acres of Lot 3 and accretion thereto in Sec. 16, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, including the bed and banks of Neosho River adjacent thereto and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

TRACT NO. 3 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of said south 9.8 acres of Lot 3 and accretion thereto, including the bed and banks of Neosho River adjacent thereto and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 10.00

TRACT NO. 4 (61 - FW-1690 Rev.)

Flowage Easement

All that part of the north 3.1 acres of Lot 3, and all that part of Lot 2 in Sec. 16, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 1.2 acres, including the bed and banks of the Neosho River adjacent thereto, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said north 3.1 acres of Lot 3, and all that part of said Lot 2 lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 0.6 acres, including the bed and banks of the Neosho River adjacent thereto, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 25.00

TRACT NO. 5 (61 - FW-1701)

Flowage Easement

All that part of Lot 3, and all that part of Lot 4, and accretions thereto, in Sec. 9, T 28 N, R 22 E of the Indiana Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, including the bed and banks of Neosho River adjacent thereto and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 3, and all that part of said Lot 4 and accretions thereto, including the bed and banks of Neosho River adjacent thereto and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 25.00

TRACT NO. 6 (61 - MV-1702)

Flooding Easement

All that part of Lot 1, and all that part of Lot 2, and accretions thereto, in Sec. 3, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, including the bed and banks of Neosho River adjacent thereto and incident to the ownership of said Lots 1 and 2, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent Flooding During Flood Periods

All that part of said Lot 1, and all that part of said Lot 2, and accretions thereto, including the bed and banks of Neosho River adjacent thereto and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 750 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 25.00

TRACT NO. 7 (61 - MV-1892)

Easement for Intermittent Flooding During Flood Periods

All that part of the SE 1/4 SW 1/4 SW 1/4, and all that part of the SE 1/4 SW 1/4 of Sec. 13, T 28 N, R 22 W of the Indian Base and Meridian, Guapua Survey, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 55.8 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 600.00

TRACT NO. 8 (61 - MV-1895)

Flooding Easement

All that part of the SE 1/4 NE 1/4, all that part of the NE 1/4 NE 1/4 SE 1/4 of Section 13, and all that part of the SE 1/4 NE 1/4, and all that part of the NE 1/4 SE 1/4 of Sec. 15, all in T 28 N, R 22 W of the Indian Base and Meridian, Guapua Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 5.0 acres.

Easement for Intermittent Flooding During Flood Periods

All that part of said SE 1/4 NE 1/4, and all that part of said NE 1/4 NE 1/4 SE 1/4 of said Section 13, and all that part of said SE 1/4 NE 1/4, and all that part of said NE 1/4 SE 1/4 lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, and all that part of the SE 1/4 NE 1/4, and all that part of the NE 1/4 NE 1/4 SE 1/4, and all that part of the NE 1/4 SE 1/4 of said Sec. 15, lying below Elev. 760 Sea Level Datum, containing approximately 61.4 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$1350.00

Land \$1250.00  
Crops 100.00

TRACT NO. 9 (61 - RW-1894)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 10, T 28 N, R 22 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 1.8 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 27.00

TRACT NO. 10 (61 - RW-1895)

Flowage Easement

All that part of Lot 2, all that part of Lot 3, and all that part of Lot 4 in Sec. 17, and all that part of the SW $\frac{1}{4}$ , all that part of the W $\frac{1}{2}$  SE $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 16, all in T 28 N, R 22 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 17.9 acres, including the bed and banks of Neosho River adjacent and incident to the ownership of said Lots 2, 3, and 4, and including any and all accretions to said Lots 2, 3, and 4, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 2, all that part of said Lot 3, all that part of said Lot 4, all that part of said SW $\frac{1}{4}$ , all that part of said W $\frac{1}{2}$  SE $\frac{1}{4}$ , and all that part of said W $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 125.5 acres, including the bed and banks of Neosho River adjacent and incident to the ownership of said Lots 2, 3, and 4 and including any and all accretions to said Lots 2, 3, and 4, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 1500.00

TRACT NO. 11 (61 - RW-1899)

Flowage Easement

All that part of Lot 1 and any and all accretions thereto in Sec. 17, T 28 N, R 22 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, including the bed and banks of Neosho River adjacent to said Lot 1 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

TRACT NO. 11 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 1 lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 0.1 acre, including the bed and banks of Neosho River adjacent and incident to the ownership of said Lot 1 and any and all accretions thereto, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 10.00

TRACT NO. 12 (61 - FW-1900)

Flowage Easement

All that part of Lot 4 and accretions thereto in Sec. 8, T 28 N, R 22 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, including the bed and banks of Neosho River adjacent to said Lot 4 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 4, and all that part of Lot 5 in said Sec. 8 lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 0.5 acre, including the bed and banks of Neosho River adjacent to said Lot 4 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 15.00

TRACT NO. 13 (61 - FW-1901)

Flowage Easement

All that part of the West 34.90 acres of Lot 1, and all that part of Lot 2 in Sec. 8, T 28 N, R 22 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 10.6 acres, including the bed and banks of Neosho River adjacent and incident to the ownership of said West 34.90 acres of Lot 1, and said Lot 2, and including any and all accretions thereto, lying below Elev. 756.1 Sea Level Datum.

TRACT NO. 13 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of said West 34.90 acres of Lot 1, and all that part of said Lot 2 lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 1.5 acres, including the bed and banks of Mooshe River adjacent and incident to the ownership of said Lot 2 and said West 34.90 acres of Lot 1 and including any and all accretions thereto, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 500.00

TRACT NO. 14 (64 - FW-1681)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Sec. 29, T 28 N, R 22 E, of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, containing approximately 0.4 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 6.00

TRACT NO. 15 (64 - FW-1683)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Sec. 29, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, containing approximately 0.8 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 50.00

TRACT NO. 16 (64 - FW-1684)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Sec. 20, T 28 N, R 22 E, of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, containing 1.0 acres, more or less.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 15.00

TRACT NO. 17 (65 - FW-1691)

Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 17, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 2.2 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY... . \$ 33.00

TRACT NO. 18 (65 - FW-1692)

Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 17, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 1.1 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY... . \$ 16.50

TRACT NO. 19 (65 - FW-1693)

Flowage Easement

All that part of the N $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 17, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 1.2 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said N $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of said SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY... . \$ 28.00

TRACT NO. 20 (65 - FW-1694)

Flowage Easement

All that part of any and all accretions to Lots 7 and 8 in Sec. 8, T 28 N, R 22 E, of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum and including the bed and banks of the Neosho River adjacent to said Lots 7 and 8 and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of any and all accretions to said Lots 7 and 8 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum and including the bed and banks of the Neosho River adjacent to said Lots 7 and 8 and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 25.00

TRACT NO. 21 (65 - FW-1695)

Flowage Easement

All that part of the  $\frac{1}{2}$  SE $\frac{1}{4}$  of Sec. 8, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 5.5 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said  $\frac{1}{2}$  SE $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 82.50

TRACT NO. 22 (65 - FW-1697)

Easement for Intermittent  
Flowage During Flood Periods

All that part of  $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 8, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 2.00

TRACT NO. 23 (65 - FW-1698)

Flowage Easement

All that part of the  $S\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 8, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, containing approximately 0.5 acre.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said  $S\frac{1}{2}$  SW $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 1.8 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 31.50

TRACT NO. 24 (65 - FW-1699)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 7, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 1.1 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 16.50

TRACT NO. 25 (65 - FW-1700)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the N $\frac{1}{2}$  NE $\frac{1}{4}$  of Sec. 18, T 28 N, R 22 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 0.8 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY. . . . . \$ 12.00

TOTAL - - - - - \$ 4,440.00

and that said report and proceedings, as to the above tracts, are in all respects regular and in accordance with the law and orders of this Court.

(7) More than sixty (60) days have elapsed since the filing of the report of commissioners herein, and no written exceptions thereto, or demands for jury trial are pending as to the tracts above described, and that said report of commissioners filed herein should be confirmed and approved in every respect, as to the tracts above particularly described.

The Court further finds that the just compensation for the estate taken herein for the tracts herein designated, as fixed by the report of Commissioners is final just compensation in the total amount of \$4,460.00.

(8) That the United States of America did, on the 5th day of June, 1944, file its Declaration of Taking herein; that at the time of the filing of said Declaration of Taking petitioner paid to the Clerk of this Court for the use and benefit of the owners and persons entitled thereto, the following sums, to wit:

|   |         |
|---|---------|
| TRACT NO. 1 (61 FW-1687) . . . . .      | 5.00    |
| TRACT NO. 2 (61 FW-1688) . . . . .      | 15.00   |
| TRACT NO. 3 (61 FW-1689) . . . . .      | 5.00    |
| TRACT NO. 4 (61 FW-1690 Rev.) . . . . . | 15.00   |
| TRACT NO. 5 (61 FW-1701) . . . . .      | 15.00   |
| TRACT NO. 6 (61 FW-1702) . . . . .      | 15.00   |
| TRACT NO. 7 (61 FW-1892) . . . . .      | 600.00  |
| TRACT NO. 8 (61 FW-1893) . . . . .      | 874.50  |
| TRACT NO. 9 (61 FW-1894) . . . . .      | 27.00   |
| TRACT NO. 10 (61 FW-1895) . . . . .     | 1434.00 |
| TRACT NO. 11 (61 FW-1899) . . . . .     | 40.50   |
| TRACT NO. 12 (61 FW-1900) . . . . .     | 14.50   |
| TRACT NO. 13 (61 FW-1901) . . . . .     | 397.00  |
| TRACT NO. 14 (64 FW-1681) . . . . .     | 6.00    |
| TRACT NO. 15 (64 FW-1683) . . . . .     | 12.00   |
| TRACT NO. 16 (64 FW-1684) . . . . .     | 15.00   |
| TRACT NO. 17 (65 FW-1691) . . . . .     | 33.00   |
| TRACT NO. 18 (65 FW-1692) . . . . .     | 11.00   |
| TRACT NO. 19 (65 FW-1693) . . . . .     | 21.00   |

|                                     |             |
|-------------------------------------|-------------|
| TRACT NO. 20 (65 FW-1694) . . . . . | \$ 10.00    |
| TRACT NO. 21 (65 FW-1695) . . . . . | 22.50       |
| TRACT NO. 22 (65 FW-1697) . . . . . | 1.00        |
| TRACT NO. 23 (65 FW-1698) . . . . . | 23.50       |
| TRACT NO. 24 (65 FW-1699) . . . . . | 16.50       |
| TRACT NO. 25 (65 FW-1700) . . . . . | 8.00        |
| TOTAL - - - - -                     | \$ 3,695.40 |

(9) The court having fully considered the petition for condemnation, the declaration of taking, and all proceedings had herein, and the provisions of the act of June 16, 1920, 41 Stat. 1063 (16 U. S. C. Sec. 309); Executive Order No. 8944, dated November 19, 1941; Title II of the Act of June 16, 1933, 43 Stat. 200-207 (40 U. S. C. Secs. 401-403) as amended and supplemented; Executive Order No. 9566, dated July 30, 1943; Executive Order No. 9573, dated August 30, 1943; the act of August 1, 1888, 25 Stat. 357 (40 U. S. C. Sec. 257); the act of February 26, 1931, 46 Stat. 1421 (40 U. S. C. Secs. 258 (a) to 258 (e)); Title II of the act of March 27, 1942, 56 Stat. 177 (50 U. S. C. 171 (a)), is of the opinion that the United States of America was and is entitled to take said property and have the title to the estate therein taken 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 report of Commissioners filed herein is final and the damage sustained as set out and fixed in said report of Commissioners and as hereinabove set forth is full and just compensation for the taking of said estate in the lands designated as follows, to wit:

|   |          |
|---|----------|
| TRACT NO. 1 (61 FW-1687) . . . . .      | \$ 10.00 |
| TRACT NO. 2 (61 FW-1688) . . . . .      | 25.00    |
| TRACT NO. 3 (61 FW-1689) . . . . .      | 10.00    |
| TRACT NO. 4 (61 FW-1690 Rev.) . . . . . | 25.00    |
| TRACT NO. 5 (61 FW-1701) . . . . .      | 25.00    |
| TRACT NO. 6 (61 FW-1702) . . . . .      | 25.00    |
| TRACT NO. 7 (61 FW-1692) . . . . .      | 500.00   |

|                                     |            |
|-------------------------------------|------------|
| TRACT NO. 8 (61 FW-1893) . . . . .  | \$ 1350.00 |
| TRACT NO. 9 (61 FW-1894) . . . . .  | 27.00      |
| TRACT NO. 10 (61 FW-1895) . . . . . | 1500.00    |
| TRACT NO. 11 (61 FW-1899) . . . . . | 10.00      |
| TRACT NO. 12 (61 FW-1900) . . . . . | \$ 15.00   |
| TRACT NO. 13 (61 FW-1901) . . . . . | 500.00     |
| TRACT NO. 14 (64 FW-1681) . . . . . | 6.00       |
| TRACT NO. 15 (64 FW-1683) . . . . . | 50.00      |
| TRACT NO. 16 (64 FW-1684) . . . . . | 15.00      |
| TRACT NO. 17 (65 FW-1691) . . . . . | 33.00      |
| TRACT NO. 18 (65 FW-1692) . . . . . | 16.50      |
| TRACT NO. 19 (65 FW-1693) . . . . . | 28.00      |
| TRACT NO. 20 (65 FW-1694) . . . . . | 25.00      |
| TRACT NO. 21 (65 FW-1695) . . . . . | 32.50      |
| TRACT NO. 22 (65 FW-1697) . . . . . | 2.00       |
| TRACT NO. 23 (65 FW-1698) . . . . . | 31.50      |
| TRACT NO. 24 (65 FW-1699) . . . . . | 16.50      |
| TRACT NO. 25 (65 FW-1700) . . . . . | 12.00      |

T O T A L - - - - - \$ 4,440.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is a perpetual easement upon and over said lands to inundate, submerge and flow, and to enter upon said lands from time to time in the performance of said acts, for use in connection with the completion and full utilization of the Grand River and (Rensselaer) Project in Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the Declaration of Taking, and the interest therein taken by these eminent domain proceedings, was vested in the United States of America on the 9th day of June, 1944, upon the filing of the Declaration of Taking and the depositing of the sum of \$3,695.40 with the registry of this Court for the estate taken in and to the above described tracts of land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto on the date aforesaid.

It is further ordered, ADJUDICATED and decreed that the estate therein taken, as hereinabove specifically set forth, is hereby needed to be condemned and taken for the uses and purposes of the United States of America, and that the just compensation as determined and fixed herein for the taking of said estate in said tracts of land, is vested in the persons lawfully entitled thereto, as the owners of said tracts of land, respectively, or of some right, title or interest therein.

It is further ordered, ADJUDICATED and decreed, that the petitioner pay into the registry of this court the sum of \$774.60, said sum being the deficiency between the sum of \$4,440.00, the just compensation herein fixed, and the amount deposited with the declaration of Taking as the estimated just compensation for the taking of said tracts of land, in the sum of \$3,695.40.

This cause is held open for the purpose of entering such further orders, judgments and decrees as may be necessary in the premises.

*Edgar P. Williams*  
\_\_\_\_\_  
assigned Judge  
United States District Court, Northern  
District of Oklahoma

THE UNITED STATES DISTRICT COURT OF AND FOR THE DISTRICT OF  
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Petitioner,

-vs-

CARLETON WASHBURN & ASSOCIATES, INC. & COMPANY,  
CHICAGO, ILL., containing approximately 57.6  
acres, more or less; and CITY OF MILWAUKEE,  
WISCONSIN, a municipal corporation, et al.,

Defendants.

CIVIL NO. 1243

FILED

MAR 14 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JUDGMENT

Now, on this 14<sup>th</sup> day of March, 1947, there comes on  
for hearing, pursuant to regular assignment, the application of the  
petitioner herein for a judgment approving the commissioners' report  
heretofore filed in this proceeding, as to the real estate hereinafter  
specifically described.

The reason, the Court proceeded to hear and pass upon said  
application, petition for condemnation, report of commissioners and all  
other matters herein, and finds that:

(1) Each and all of the allegations of said petition for con-  
demnation 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 Secretary of the Interior, the person duly authorized by law to  
acquire the estate in the lands described in said document, for the pur-  
poses 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 autho-  
rity under which, and the public use for which the estate in said lands  
was taken, was set forth.

(4) A proper description of the lands sufficient for the identification thereof is set out in said petition for condemnation and a statement of the estate or interest in said lands taken for said public use is set out therein.

(5) Due, proper and legal notice of the application of the United States of America for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this court.

The Court hears evidence and finds that the returns as filed by the United States Marshals are true and correct, and that the same are in accordance with law.

The Court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this Court.

(6) The Court finds that the Commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the lands involved in this proceeding, duly qualified by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estate filed their report herein on the 15th day of December, 1946, wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the lands more particularly designated and described as follows, to wit:

TRACT NO. 1 (57 - FW-1625)

Flowage Easement

All that part of Lot 14 and all that part of the south 11.05 acres of Lot 11 in Sec. 31, T 28 N, R 23 E, of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 7.3 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 14 and all that part of said south 11.05 acres of Lot 11 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, containing approximate-

~~TOTAL 3.7 ACRES~~ **TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$5828.20**

TRACT NO. 2 (57 - FW-1794)

Flowage Easement

All that part of the 10 acres off the south side of that part of Lot 5 lying east of the M. O. & G. Railroad in Sec. 31, T 28 N, R 23 E, of the Indian Base and Meridian, Guapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 6.4 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said fractional portion of Lot 5 lying above Elev. 756.1 Sea Level Datum, containing approximately

~~TOTAL 3.7 ACRES~~ **TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$142.60**

TRACT NO. 3 (57 - FW-1795)  
(57 - FW-1796)

Flowage Easement

All that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , all that part of the SE 10.0 acres of Lot 4 and all that part of the west 21.80 acres of Lot 4 in Sec. 31, T 28 N, R 23 E, of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 13.5 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said SE 10.0 acres of Lot 4 lying above Elev. 756.1 Sea Level Datum; all that part of said west 21.80 acres of Lot 4 and all that part of said SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, containing approximately 5.8 acres.

(Separate judgment entered)

T O T A L, - - - - - \$5970.70

and that said report and proceedings as to the above tracts, are in all respects regular and in accordance with the law and orders of this Court.

(7) More than sixty (60) days have elapsed since the filing of the report of commissioners herein, and no written exceptions thereto, or demands for jury trial are pending as to the tracts above described, and that said report of commissioners filed herein should be confirmed and approved in every respect, as to the tracts above particularly described.

The Court further finds that the just compensation for the estate taken herein for the tracts herein designated, as fixed by the report of Commissioners is final just compensation in the total amount of \$5,970.70.

(8) That the United States of America did, on the 30th day of June, 1944, file its Declaration of Taking herein, and paid to the Clerk of this Court for the use and benefit of the owners and persons entitled thereto, the following sums, to-wit:

|                                     |                   |
|-------------------------------------|-------------------|
| Tract No. 1 (57 P. 1625), . . . . . | 5,828.20          |
| Tract No. 2 (57 P. 1794), . . . . . | 142.50            |
| <b>TOTAL, - - - - -</b>             | <b>\$5,970.70</b> |

(9) The Court having fully considered the petition for condemnation, the Declaration of Taking, and all proceedings had herein, and the provisions of the Act of June 10, 1930, 41 Stat 1095 (16 U. S. C. Sec. 600); Executive Order No. 6944, dated November 13, 1941; Article VI of the Act of June 17, 1933, 48 Stat 200-203 (48 U. S. C. Secs. 401-403) as amended and supplemented; Executive Order No. 6980, dated July 27, 1943; Executive Order No. 6978, dated August 20, 1941; Act of August 1, 1888, 25 Stat. 397 (40 U. S. C. Sec. 257); Act of February 20, 1931, 46 Stat 1421 (40 U. S. C. Secs. 268 (a) and (b)); Article VI of the Act of March 27, 1940, 54 Stat 177 (50 U. S. C. 171 (a)), is of the opinion that the United States of America was lawfully entitled to take said property and have the title to the estate therein vested in it, and that the alleged public use and purpose, or use for a public purpose for condemnation is hereby affirmed to be in truth and in fact a public purpose and use within the meaning and intent of the above designated acts of Congress.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the report of commissioners filed herein is final and the damages sustained as set out and fixed in said report of commissioners and as hereinabove set forth are full and just compensation for the taking of said estate in the lands designated as follows, to wit:

TRACT NO. 1 (57 FW 1625), . . . . . \$5828.20  
TRACT NO. 2 (57 FW 1794), . . . . . 142.50

TOTAL, - - - - - \$5,970.70

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is a perpetual easement upon and over said lands to inundate, submerge and flow, and to enter upon said lands from time to time in the performance of said acts, for use in connection with the completion and full utilization of the Grand River Dam (Pensacola) Project in Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the original Declaration of Taking, and the interest therein taken by these eminent domain proceedings, was vested in the United States of America, on the 30th day of June, 1944, upon the filing of the Declaration of Taking and the depositing of the sum of \$5,970.50 with the registry of this Court for the estate taken in and to the above described tracts of land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto on the date aforesaid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate therein taken, as hereinabove specifically set forth, is hereby deemed to be condemned and taken for the uses and purposes of the United States of America, and that the just compensation as determined and fixed herein for the taking of said estate in said tracts of land, is vested in the persons lawfully entitled thereto, as the owners of said tracts of land, respectively, or of some right, title or interest therein.

This cause is held open for the purpose of entering such further orders, judgments and decrees as may be necessary in the premises.

*Alfred P. Murrah*  
(assigned) Judge, United States District Court,  
Northern District of Oklahoma-

UNITED STATES COURT OF DISTRICT JUDGES - DISTRICT OF COLUMBIA

U. S. v. [Name]

Plaintiff,

vs.

United States of America, Defendant.

Defendant.

C. L. E. E.

No. 1021 Civil

*Filed*  
*Mar. 14, 1947*  
*John C. Hood, Clerk*  
*U. S. District Court*

On this 14 day of March, 1947, the above entitled matter came on for hearing upon the stipulation of the parties for dismissal with prejudice and it appearing to the court that the parties have settled said cause and do hereby have filed their written stipulation for the court dismissal with prejudice to a new action at the cost of the defendant. The attorneys' fees to either side, not the cost of this bill and sufficiently waived in the premises, and the court is hereby advised that the above entitled matter is hereby dismissed with prejudice to a new action at the cost of the defendant and without attorneys' fees to either side.

*[Signature]*  
\_\_\_\_\_  
Attorney for Defendant

*[Signature]*  
\_\_\_\_\_  
Attorney for Plaintiff

*[Signature]*  
*John R. Hallan*  
\_\_\_\_\_  
Attorney for Plaintiff

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

PHILIP D. FLEMING, Administrator  
Office of Temporary Controls  
Office of Price Administration

Plaintiff

vs.

A. H. SHETZLEY  
HENRY CROSSLAND  
Rt. #2  
Fairland, Oklahoma

Defendant

Civil Action No. 2003

ORDER OF DISMISSAL

Now on this 14 day of March, 1947, the above styled and numbered cause of action comes on for hearing before the Court upon the complaint filed herein. Whereupon the plaintiff announces in open Court that he has further investigated matters pertaining to this cause of action subsequent to the filing hereof, and that facts and circumstances have developed such as to render farther prosecution of this cause unwise; and that the case should be dismissed, and the Court being fully advised finds this cause of action should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this cause of action be, and the same is hereby dismissed without costs to the defendants.

Alfred P. Murrah  
United States District Judge for the  
Western District of Oklahoma (Assignee)

Irving M. Block  
O.K. Attorney for Plaintiff

A.P. Walker  
for say's.

Filed = Mar. 14, 1947  
Noble C. Hood, Clerk  
U.S. District Court

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

FILED

MAR 17 1947

PHILIP B. FLEMING, Administrator )  
Office of Temporary Controls )  
Office of Price Administration )  
Plaintiff )  
vs. )  
THOMAS HALL )  
Defendant )

NOBLE C. HOOD  
Clerk U. S. District Court

CIVIL ACTION NO. 1938

J U D G M E N T

The above matter came on for trial on this 3rd day of January, 1947 upon the plaintiff's complaint for an injunction and money damages, and the plaintiff appeared by his attorney of record, John W. Blanton, and the defendant appeared in person and by his attorney, R. M. Cowen, and both announced ready for trial. Philip B. Fleming, Administrator of the Office of Temporary Controls, Office of Price Administration, was duly substituted as party plaintiff in the place and stead of Paul A. Porter, Administrator, Office of Price Administration, and it was agreed in open court that the facts alleged in the plaintiff's complaint are true and the defendant was sworn and examined in open court, and upon due consideration of all the evidence and in accordance with the findings of fact and conclusions of law in this case, the Court finds that the plaintiff is entitled to a money judgment against the defendant for the sum of \$574.00 and the cost of this action and that the count in the plaintiff's complaint praying for an injunction should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, Philip B. Fleming, Administrator of the Office of Temporary Controls, Office of Price Administration, <sup>have and recover</sup> for and on behalf of the United States and against the defendant a money judgment for the sum of \$574.00 and for the cost of this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the count in the plaintiff's complaint for an injunction be and the same is hereby denied and dismissed.

*Royce H. Savage*  
UNITED STATES DISTRICT JUDGE

OK:

*OB Martin*  
Attorney in Charge, Oklahoma City  
Branch Office, 516 Key Building,  
Oklahoma City, Oklahoma

  
Assistant Enforcement Attorney  
Attorneys for Plaintiff

  
R. E. Cowen  
Attorney for Defendant

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

UNITED STATES OF AMERICA )  
 )  
Plaintiff )  
 )  
vs. )  
 )  
R. W. CAHILL )  
 )  
Defendant )

Civil Action No. 1593

FILED

MAR 20 1947

NOBLE C. HOOD  
Clerk U. S. District Court

J U D G M E N T

This cause having been heretofore regularly heard by this Court on a regular judicial day, plaintiff being present by his attorney, Fred A. Black, and the defendant being present in person and by his attorney, Frank Hickman of Tulsa, Oklahoma, and the Court having heard the evidence of witnesses sworn and examined in open Court and having heard the argument of counsel and being fully advised of the evidence, finds on this 6<sup>th</sup> day of February, 1947, in favor of the plaintiff as shown by the Findings of Fact and Conclusions of Law in this action and this judgment is rendered on said Findings of Facts and Conclusions of Law.

Therefore, the Court concludes from said findings of fact that Defendant has violated the injunction in the above named and styled cause of action in the Counts I, II, VI, and XIII, and is guilty of contempt of Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the defendant is guilty of contempt of Court and the Court fines the defendant, R. W. Cahill, \$250.00 and costs of this action.

The defendant shall have 5 days after filing date of this Judgment in this case to pay said fine and cost.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendant is commanded and directed to get his business in order with the Office of Temporary Controls, Office of Price Administration, within 15 days from said filing date.

Fred A. Black  
Attorney for Plaintiff

Frank Hickman  
Attorney for Defendant

Kenneth H. Savage  
United States District Judge

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

PAUL A. PORTER, Administrator, )  
Office of Price Administration )  
Plaintiff )  
vs )  
R. W. CAHILL )  
Defendant )

Civil Action No. 1895

FILED

MAR 20 1947

J U D G M E N T

NOBLE C. HOOD  
Clerk U. S. District Court

This cause having been heretofore regularly heard by this Court on a regular judicial day, plaintiff being present by his attorney, Fred M. Black, and the defendant being present in person and by his attorney, Frank Hickman of Tulsa, Oklahoma, and the Court having heard the evidence of witnesses sworn and examined in open court and having heard the argument of counsel and being fully advised of the evidence, finds on this 6<sup>th</sup> day of February, 1947, in favor of the plaintiff as shown by the Findings of Fact and Conclusions of Law in this action and this judgment is rendered on said Findings of Facts and Conclusions of Law.

It is therefore considered, adjudged and decreed by the Court that judgment be recovered by the plaintiff against the defendant, R. W. Cahill, in the sum of \$292.50 and costs of this action.

It is further ordered adjudged and decreed by the Court that the defendant, his agents, servants, employees, representatives, attorneys, and all persons in active concert or participation with any of them be, and each of them are hereby enjoined and restrained from directly or indirectly violating the Rent Regulation for Housing.

The Court further orders the defendant, within 15 days from date of filing of this judgment, to make application to the Office of Price Administration for adjustment and fixing of rental on all properties owned and/or controlled, directly or indirectly, by the defendant.

Fred M. Black  
Attorney for Plaintiff

Paul J. Howard  
United States District Judge

Frank Hickman  
Attorney for Defendant

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OKLAHOMA

Sequechee Dougherty, Jack Dougherty,  
Mila Dougherty Jones, Mike Dougherty, Coleman,  
Joe Bird, Mittie Bird, Stella Bird, Viola  
Bird, Jess Bird, Jerry Dick, Eybelle  
Dick, Lucy Dick, Matt Dick, Richard  
Coleman, Clare Coleman, Henry Coleman, Jr.,  
Oreta Coleman, Ruby Coleman, Squirrel  
Sequechee, Wilson Sequechee and Levi  
Sequechee,

Plaintiffs,

vs

Heirs and unknown heirs, executors,  
administrators, devisees, trustees and  
assigns of George Dougherty, deceased,  
Lydia Dougherty Sequechee, deceased,  
Helen Dougherty Bird, deceased, John  
Bird, deceased, Mary Dougherty Dick,  
deceased, Nancy Dougherty, deceased,  
Lena Dougherty Coleman, deceased, and  
each of them, known and unknown,  
immediate and remote, J. S. Tate, The State of  
Oklahoma and the United States of America,

Defendants.

No. 1038 Civil

FILED

MAR 20 1947

NOBLE C. HOOD  
Clerk U. S. District Court

ORDER CONFIRMING SALES

Now on this 20th day of March 1947 come the plaintiffs by  
Pulling, their attorney, and comes also the United States of America by  
Wit V. Mauzy, United States Attorney for the Northern District of Oklahoma  
and the plaintiffs now present to the court their motion to confirm sales  
as shown by the return of sales to the court made by John A. Logan, United  
States Marshal for the Northern District of Oklahoma and moves the court  
for confirmation thereof and the court having carefully examined the pro-  
ceedings of said officer, is satisfied that the sales of real estate invol-  
ved herein and hereinafter described as reported by said United States  
Marshal have in all respects been made in conformity to the provisions  
of law, and the court now directs the Clerk to make an entry on the journal  
that the court is satisfied with the legality of said sale and that said  
sales should in all things be confirmed and approved and deeds ordered  
executed to the purchasers.

IT IS FURTHER ORDERED that the sale of said tract no. 1 involved herein and particularly described as  
being in Tulsa County, Oklahoma, to-wit:

Parcel 1: The north 20.24 acres and the southwest <sup>ten</sup> acres of lot 2 in section 1, township 21 North, Range 13 East, known also as the west half of the northeast quarter of the Northeast quarter and the Northeast quarter of the Northwest quarter of the Northeast quarter of section 1, Township 21 North, Range 13 East, containing 3.54 acres, more or less,

to J.C. Leibert for the sum of \$630.00 cash in hand paid and being more than 2/3 of the appraised value fixed by the commissioners in partition, and the sale of said tract No. 2 in Tulsa County, Oklahoma to David Sanders for \$200.00 cash in hand paid and being more than 2/3 of the appraised value, to-wit:

Parcel 2:

Lot One (1), being the Northeast quarter of the Northeast quarter and the North half of the Southeast quarter of the Northeast quarter of section One (1), Township 21 North, Range 13 East, situated in Tulsa County, Oklahoma,

containing 60.08 acres, more or less. and the same are hereby confirmed and approved and said John L. Logan United States marshal is hereby directed to execute to said purchasers deeds for said real estate and he is further directed to deposit said sum of money with the registry of the ~~State~~ <sup>United States</sup> Court for distribution by order of court.

James Broadhead  
Judge of the United States District Court

[Signature]  
Attorney for Plaintiffs

as to form:  
[Signature]  
United States Attorney

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

TO THE HONORABLE THE JUDGES OF THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA,

(SEAL)

GREETING:

WHEREAS, lately in the United States Circuit Court of Appeals for the Tenth Circuit, in a cause between State of Oklahoma, Appellant, and United States Civil Service Commission, Appellee, No. 3203, wherein the judgment of the said Circuit Court of Appeals, entered in said cause on the 18th day of January, A. D. 1946, is in the following words, viz:

"This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Oklahoma and was argued by counsel.

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed."

as by the inspection of the transcript of the record of the said United States Circuit Court of Appeals which was brought into THE SUPREME COURT OF THE UNITED STATES by virtue of a writ of certiorari, agreeably to the Act of Congress in such case made and provided, fully and at large appears.

AND WHEREAS, in the present term of October, in the year of our Lord one thousand nine hundred and forty-six, the said cause came on to be heard before the said SUPREME COURT, on the said transcript of record, and was argued by counsel;

ON CONSIDERATION WHEREOF, it is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED, that this cause be, and the same is hereby remanded to the District Court of the United States for the Northern District of Oklahoma.

February 10, 1947.



You, therefore, are hereby commanded that such proceedings be had in said case, as according to right and justice, and the laws of the United States, ought to be had, the said writ of certiorari notwithstanding.

WITNESS, the Honorable Fred M. Vinson, Chief Justice of the United States, the nineteenth day of March, in the year of our Lord one thousand nine hundred and forty-seven.

CHARLES ELMORE GROPLEY  
Clerk of the Supreme Court of the United States

ENDORSED: Filed Mar 24, 1947  
Noble C. Hood, Clerk  
U. S. District Court

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

PRYOR BUILDING AND INVESTMENT COMPANY,  
a corporation,

Plaintiff

vs.

FEDERAL HOUSING ADMINISTRATION and  
FEDERAL HOUSING ADMINISTRATOR in  
his official capacity,

Defendants

No. 1866-CIVIL

EILED

MAR 24 1947

NOBLE C. HOOD  
Clerk U. S. District Court

J U D G M E N T

Now on this 8th day of January, 1947, the above matter comes on for trial before the Honorable Bower Broadus, Judge of the United States District Court, at Tulsa, Oklahoma. A jury having been waived, it was agreed that all questions of fact and law be submitted to the Court for his determination without the intervention of a jury, and the Court accepted such responsibility.

Plaintiff introduced its evidence and rested. A demurrer to such evidence by the defendants was overruled. Defendants introduced their evidence and rested. Arguments of counsel were heard, and the Court took the matter under advisement and ordered further briefs to be filed upon the questions raised.

Now on this 3rd day of March, 1947, the Court having considered the matter, finds in favor of the defendants and determines all issues of fact and makes conclusions of law as specifically and particularly set out in the findings of fact and conclusions of law filed herein.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff has no interest in the circulating heaters or stoves, the subject matter of this action, but that said circulating heaters or stoves are the lawful property of the defendants herein. The plaintiff is not en-

titled to any money judgment herein. Judgment is rendered for the defendants, and that the defendants shall recover their costs. The findings of fact and conclusions of law are a part hereof.

To all of which the plaintiff objects and excepts, and such objections and exceptions are allowed.

Bower Broadbent  
JUDGE.

O.K.

Attorney for Plaintiff

Curtis P. Harris

Special Attorney, Department of  
Justice  
Attorney for Defendants

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

*Filed*

*Mar. 28, 1947  
Walter C. Hood Clerk  
U.S. District Court*

The Victory Investment Corporation, )  
a Delaware corporation, ex rel. )  
Town of Fairfax, Oklahoma, )  
Plaintiff, ) No. 1090  
vs. )  
Orie Johnson, et al., )  
Defendants. )

JOURNAL ENTRY

Now on this 28 day of October, 1945, this matter comes on for hearing before the Court and the Court being fully advised in the premises, finds that the claim of the defendants that title was obtained to the said property involved by a resale tax deed and the said resale cancelled the paving taxes, is a just and valid defense.

The Court is advised that a resale tax deed was issued to C. T. Walker on the 16th day of October, 1939, by the County Commissioners of Osage County, Oklahoma, and that such deed was recorded on November 6, 1939, in Book 85 Deeds, page 149, Records of Osage County, Oklahoma. That such sale cancelled the previous taxes in paving District No. 4, Fairfax, Oklahoma, affecting.

Lot Five (5) and the North Half of Lot Six (N $\frac{1}{2}$  6), Block Ten (10), Original Town of Fairfax, Oklahoma,

such property being involved in Tracts One (1) and Two (2) in Case No. 1090 in this Court.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defense raised by the defendants, G. R. Minnick and Audrey Minnick, be found to be a just and valid defense and judgment is thereby rendered in favor of said defendants, G. R. Minnick and Audrey Minnick, and against the plaintiff and the Court further holds that the resale tax deed of 1939 cancelled the paving taxes in Paving District No. 4, as to Lot Five (5) and the North Half (N $\frac{1}{2}$ ) of Lot Six (6), Block Ten (10), Original Town of Fairfax, Oklahoma.

ROYCE H. SAVAGE  
United States District Judge

IN SENATE  
IN SENATE OF THE UNITED STATES  
SENATE OF OKLAHOMA

Edith Gillock,

Plaintiff,

vs.

Pearl B. Jackson and Lewis  
B. Jackson, Jr., co-executors  
of the estate of L. B. Jackson,  
deceased; and Sinclair Prairie  
Oil Company, a Texas Corporation,  
Defendants.

Civil---  
No. 1929

- *Seal* -

Mar. 28, 1947

Noble C. Hood, Clerk  
U. S. District Court.

ORDER DISMISSING ACTION

Now on this 28 day of March, 1947, upon  
motion of the plaintiff, the above cause is hereby dismissed.

*Raymond H. Savage*  
Judge of the United States Court  
for the Northern District of  
Oklahoma.

APPROVED:

*Richard H. Adley*  
Attorneys for Plaintiff.

*Ed Sampson*  
Attorneys for Defendants, Pearl  
B. Jackson and Lewis B. Jackson, Jr.,  
co-executors of the estate of  
L. B. Jackson, deceased.

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

The Atchison, Topeka and Santa Fe )  
Railway Company, a corporation, )

Plaintiff, )

vs. )

Oklahoma Steel Casting Company, )  
a corporation, )

Defendant.

No. 1941 Civil

FILED

MAR 28 1947

O R D E R

NOBLE C. HOOD  
Clerk U. S. District Court

Now on this 28th day of March, 1947, came on for hearing the stipulation of dismissal duly filed herein, showing full settlement of said cause of action and that said action should be dismissed with prejudice at the cost of the plaintiff.

Upon consideration of the aforesaid stipulation the court finds that same should be sustained and ,

It is, THEREFORE ORDERED that the said action be and the same is hereby dismissed with prejudice at the cost of the plaintiff.

Royce H. Savage

JUDGE

O.K.  
Rainey, Flynn, Green & Anderson  
Biddison & Rheam,  
Attorneys for plaintiff

Summers Hardy  
Attorneys for Defendant.

IN SENATE  
January 14, 1947

THE SENATE  
COMMITTEE ON  
LABOR AND HUMAN RESOURCES  
HAS THE HONOR TO ANNOUNCE  
THAT IT HAS RECEIVED  
FROM THE  
UNITED STATES DEPARTMENT OF JUSTICE  
A REPORT ON THE  
ACTIVITIES OF THE  
INTERNATIONAL LABOR OFFICE  
DURING THE YEAR 1946  
AND THE  
RECOMMENDATIONS OF THE  
COMMISSIONERS OF THE  
LABOR DEPARTMENT  
FOR THE YEAR 1947

NO. 1977 CIVIL

FILED

MAR 31 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JOURNAL OF THE SENATE

On this 7th day of January, 1947, the cause came on for hearing upon the audit, which audit the Court previously directed plaintiff to file; plaintiff was represented by J. H. Green, one of his attorneys, and the defendants, Bernard-Manley and L. H. Warner, appearing by Paul Simon and J. H. Wolf, their attorneys, and in open court said defendant, J. H. Warner and Bernard-Manley set out the agency charges, the value of counsel, admitted that the audit was correct, and that on the Court's order of \$100,000.00 to be filed to receive the charges until the next, each of the accounts of the defendant, J. H. Warner and Bernard-Manley at each laundry company.

Thereafter, the Court issued the following order to defendant, J. H. Warner and Bernard-Manley to each company for the amount of \$100,000.00, and the defendants requested that the Court until the 15th day of January, 1947, to determine the amount of the defendant's charges for the trial, approximately, of the defendant's position on the 15th day, 1947.

Thereafter, on the 15th day of January, 1947, said cause came on for hearing, and the Court granted the request for a continuance, and the Court set the cause for



INSTRUCTIONS TO THE JURY

The jury is requested, in accordance with this instruction, and as further instructed and explained in the oral charges, to answer the following question in writing:

11. Do you find as a matter of fact that the defendants L. H. BARKER and the defendant EARL BIRNEY and the defendant BIRNEY, a corporation, during the period the policy was in force, intentionally and knowingly reported a fire loss proceeds less than they actually are with the intent to defraud and deceive the plaintiff out of a portion of the proceeds?

(Answer in writing: "Yes" or "No.")

\_\_\_\_\_  
JURY

The jury having submitted its special verdict and made its finding, the Court ordered said verdict received and recorded; and thereafter and on the 11th day of March, 1937, the Court in answer to the question, the finding a-foresaid before, and the Court having considered evidence a-fore filed in said case and being fully advised, said that judgment should be entered discharging the plaintiff's first cause of action in the amended Complaint; that judgment should be rendered for the defendants BIRNEY-BIRNEY and EARL BIRNEY and L. H. BARKER, upon said cause of action. The Court further finds that the plaintiff's second cause of action in the amended Complaint should be dismissed, and that judgment should be rendered for the defendants BIRNEY-BIRNEY and EARL BIRNEY and L. H. BARKER upon said cause of action. The Court further finds that the plaintiff is entitled to recover judgment on the third cause of action in the amended Complaint in the sum of \$1,150.50, and that the verdict should be set aside and judgment should be entered in the sum of \$,500.00.

The Court further finds that judgment should be rendered for the plaintiff's first cause of action in the amended Complaint, and judgment should be rendered for the plaintiff's second cause of action in the amended Complaint, and that plaintiff may recover judgment upon the third cause of action against the defendants L. H. BARKER and EARL BIRNEY and BIRNEY.

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Information for Plaintiff  
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UNITED STATES DISTRICT COURT WITHIN THE  
NORTHERN DISTRICT OF OKLAHOMA

PHILIP B. FLEMING, Administrator )  
Office of Temporary Controls )  
Office of Price Administration )  
Plaintiff )  
vs. )  
OTHO LEE BOBBINS, )  
510 North Frankfort Place, )  
Tulsa, Oklahoma )  
Defendant )

Civil Action No. 1990

FILED

MAR 31 1947

NOBLE C. HOOD  
Clerk U. S. District Court

J U D G M E N T

Now on this 31<sup>st</sup> day of Mar., 1947, the above styled

and numbered cause of action comes on for consideration before the Court upon the complaint filed herein, and the Court finds that the parties hereto have filed herein their stipulation in writing where it is agreed that the plaintiff have and recover judgment in the sum of Seventy Two (\$72.00) Dollars in lieu of all sums prayed for in the complaint and that of this sum restitution be made for and on behalf of the tenant, Dollie Woods, in the sum of Forty Eight (\$48.00) Dollars and that the judgment in favor of the plaintiff be reduced in accordance with the amount which is refunded; and the Court being fully apprized in the premises finds that an order should issue in accordance with the terms of said stipulation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that plaintiff have and recover from the defendant judgment in the sum of Seventy Two (\$72.00) Dollars, and of this judgment restitution in the sum of Forty Eight (\$48.00) Dollars be allowed for and on behalf of the tenant, Dollie Woods, and that recovery made to the plaintiff may be decreased in the amount which is refunded to the tenant, Dollie Woods. It is further ordered that cost of this action be taxed to the defendant. *The application for injunction is denied*

*Royce H. Savage*  
United States District Judge for the  
Northern District of Oklahoma

*Fred M. Black*  
Attorney for Plaintiff

*Anna T. Hall*  
Attorney for Defendant

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

Anna Welch, Mary Welch Walker,  
Patie Smoke Sanders,

Plaintiffs,

and Sally Dry, William Buckskin,  
George Buckskin, Daisy Buckskin,  
Wiswater Buckskin, Addie Joe  
Buckskin, Ruth Lee Buckskin,  
the last three being minors by Daisy  
Buckskin, their mother and next  
friend,

Interveners,

VS

The Heirs and unknown heirs, executors,  
administrators, devisees, trustees  
and assigns, immediate and remote, of  
John Welch, Deceased, Eva Welch,  
Deceased, Hannah Welch, Deceased,  
John D. Welch, Deceased, Mary Welch  
Smoke, Deceased, Lewis Smoke, Deceased,  
Ezzard Smoke, deceased, The State of  
Oklahoma and The United States of  
America,

Defendants.

NO. 1937 Civil

FILED  
In Open Court

APR 1 - 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JOURNAL ENTRY

Now on this 18<sup>th</sup> day of April 1947 come the plaintiffs by  
H.F. Pulling, their attorney, and comes also the defendant intervenor  
United States of America by Whit Y. Mauzy, United States Attorney for the  
Northern District of Oklahoma and it appears and the Court finds that  
on the 3rd day of February, 1947 this Court appointed Rashie C. Smith,  
G.C. Weber and Len G. Stansbery, Commissioners to partition the following  
described real estate in Nowata County, Nowata, Oklahoma, to-wit:

All of Lot Three (3) also known and described as  
the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ ; also the South 20.15 acres of  
Lot 2, also known and described as the SE $\frac{1}{4}$  of SW $\frac{1}{4}$   
of SW $\frac{1}{4}$  of Section 19, Township 28 North, range  
16 East, containing 60 acres, more or less.

if that could be done without manifest injury and if not that they  
appraise the value of said real estate as required by law and file their  
report in this court.

and the Court further finds that said Commissioners took the oath as required by law to faithfully and impartially perform their duty as Commissioners to the best of their ability filed with the Clerk of this Court ~~and~~ and on the the 18th day of February 1947 said Commissioners filed with the Clerk of this Court their report that after taking the oath as required by law they viewed said real estate and found and reported that said real estate could not be partitioned without manifest injury among the parties in accordance with their respective interests as found by the Court and that thereupon they appraised the value of said above described real estate at \$1250.00 and recommended a said real estate be sold and the proceeds of sale divided according to law and the Court having examined said report and being duly advised and their being no objections or exceptions thereto find<sup>s</sup> that said report and the charges and expenses of said Commissioners as shown therein should be approved and the sale of said real estate ordered to be made by the United States Marshal of the Northern District of Oklahoma as real estate is sold on execution.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT that said report of said Commissioners and the appraisal of said real estate and the charges and expenses of said Commissioners are hereby in all things approved and confirmed and the charges and expenses for services are hereby allowed and ordered taxed as costs in this cause.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that said real estate be and the same is hereby ordered sold in the same manner as in sales of real estate on execution and John P. Logan, United States Marshal for the Northern District of Oklahoma is hereby ordered and directed to sell said real estate for not less than 2/3 of the appraised value fixed by said Commissioners and that he advertise the same in some newspaper in Nowata County, Oklahoma authorized to make legal publications, for 30 days to sell the same at public auction to the highest bidder for cash in hand at the West Front Door of the Court House at Nowata, Nowata County, Oklahoma, the County in which said real estate is located, subject to the approval of this Court and report his acts to

to this Court, a certified copy of this order shall be his authority to  
act in the premises .

Royce H. Savage  
Judge of the United States District Court.

O.K.

H. F. Fulling  
Attorney for Plaintiffs

O.K. as to form:

W. B. Williams  
United States Attorney

IN SENATE AND HOUSE OF REPRESENTATIVES

OF MISSOURI

Mrs. LEE HAYLAND, )  
Plaintiff, )  
vs. )  
Sgt. G. M. MANN, )  
Defendant. )

*Filed - cler open Co  
Apr 1 - 1947  
W. C. Hood, Clerk  
U. S. District Court*

No. 1969  
CIVIL

JUDICIAL ENTRY OF VERDICT

This case was heard and tried this 1st day of April, 1947 pursuant to agreed case report for trial, and the plaintiff being present in court to answer the lawyer attorney, Robert W. Reynolds, of the defendant being present in court by his attorney, W. J. Dancy, and both parties and the jury being sworn, the jury being sworn in open court, the court proceeded to hear the evidence of admission and amount of amount, and after consideration thereof,

IT IS ORDERED, ADJUDGED AND DECREED that pursuant to this court's findings of facts of law made and entered this day and now made and now made by the court herein, the plaintiff, Linda Lee Hayland, do have and recover from the defendant Sgt. G. Mann, as of this date, the sum of Two Thousand Seven Hundred Fifty and no/100 (\$2,750.00) Dollars, and costs of this action to-wit \$41.00, for all of which let execution issue.

DATED at St. Louis, Missouri this 1st day of April, 1947.

*Raymond L. ...*  
CLERK OF THE DISTRICT COURT

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

PAUL A. PORTER, Administrator,  
Office of Price Administration,

Plaintiff

vs

CHARLES W. ARNEY, and  
VIVIAN R. ARNEY

Defendants

Civil Action No. 1951

FILED  
in Open Court

APR 1 - 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JUDGMENT AND JOURNAL ENTRY

Now on this 1st day of April, 1947, the above styled and numbered

cause of action comes on for consideration before the court upon the complaint filed herein and the court finds that the parties hereto have filed herein their stipulation in writing wherein it is agreed that the plaintiff have and recover judgment against the defendants in the sum of \$107.50, in lieu of all sums prayed for in the complaint, together with the injunctive relief prayed for in the complaint and the court being fully advised in the premises find that an order should issue in accord with the terms of the said stipulation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendants, their agents, servants, employees, representatives, attorneys, and all persons in active concert or participation with any of them be, and each of them is hereby enjoined and restrained from directly or indirectly:

- (a) Demanding or receiving rent in excess of the maximum legal rent shown on the rental unit described as 314 1/2 West First Street, Tulsa, Oklahoma or upon any other rental unit owned or under the control of the said defendants, the maximum legal rate of rent being determined by the respective registrations of said properties on file in the Area Rent Office, Tulsa, Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover from the defendant judgment in the sum of \$107.50, that said judgment shall be satisfied by making restitution to Mrs. Ollie Riley in the amount of \$70.00 and that payment be made to the Treasury of the United States in the amount of \$37.50 and the court costs of this cause of action.

Approved:

Samuel H. Palmer  
Attorney for the Plaintiff

Ray H. Sawyer  
United States District Judge

Noroy Mc Cersin  
Attorney for the Defendants

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

United States of America, )  
Plaintiff, )  
vs. )  
A. F. Bright, E. L. Hull and )  
Elmer Eby, )  
Defendants. )

No. 1993 Civil

FILED  
In Open Court

APR 1 - 1947

NOBLE C. HOOD  
Clerk U. S. District Court

ORDER OF DISMISSAL

NOW, on this <sup>1st</sup> ~~20th~~ <sup>April</sup> ~~March~~ day of 1947, the above matter coming on for hearing, and the plaintiff, the United States of America, appearing by Whit Y. Mausy, United States Attorney, and John W. McCune, Assistant United States Attorney, for the Northern District of Oklahoma, and the plaintiff having represented to the court that the defendants have heretofore paid to the plaintiff the court costs in the sum of \$26.45, and the amount asked for in the sum of \$38.50, and The Attorney General of the United States having recommended that said action be dismissed:

IT IS THEREFORE ORDERED by the court that said cause be and the same is hereby dismissed.

*Royce H. Savage*

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

United States of America,  
Plaintiff,  
vs.  
Lester Smith,  
Defendant.

No. 2008 Civil.

FILED  
In Open Court

APR 1 - 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

Now on this 1st day of April, 1947, this matter coming on for trial before the United States District Court for the Northern District of Oklahoma, and the plaintiff appearing by Whit T. Mauzy, United States Attorney, and Kenneth G. Hughes, Assistant United States Attorney, for the Northern District of Oklahoma, and defendant appearing not in person or by attorney; and it appearing to the Court that this is a suit on a promissory note and for foreclosure of a chattel mortgage securing the same.

And it further appearing to the Court that due and legal personal service of summons had been made upon the said defendant in the Northern Judicial District of Oklahoma on the 13th day of February, 1947.

And it further appearing to the Court that said defendant has wholly made default herein and has failed and neglected to answer, demur or otherwise plead to said complaint, the said defendant is thereupon adjudged in default, and the plaintiff having introduced the testimony of witnesses, sworn in open court, together with the note and mortgage sued on herein, and the Court being fully advised in the premises finds that all the allegations and averments in the petition of said plaintiff are true, and that there is due from said defendant, Lester Smith, to the said plaintiff, United States of America, on said note and mortgage the sum of Three Thousand Eighty Dollars

and Thirty-three Cents (\$380.33), plus Ninety-three Dollars and Thirty-three Cents (\$93.33) accrued interest due as of February 13, 1947, at the rate of five per cent (5%) per annum, together with interest upon the principal sum at the rate of five per cent (5%) per annum from February 13, 1947, until paid.

The Court further finds and adjudges that the said plaintiff has a first and prior lien upon the chattels described in said complaint by virtue of the said mortgage as security for the payment of said indebtedness, interest and costs, which said property is described as follows, to-wit:

|                         |                            |       |
|-------------------------|----------------------------|-------|
| 1 Mare                  | Percheron Black            | 1400# |
| 1 Filly                 | Bay                        | 1100# |
| 1 Cow                   | Jersey Yellow              | 800#  |
| 1 Cow                   | Jersey Yellow              | 800#  |
| 1 Sow                   | Black                      | 200#  |
| 4 Pigs                  | Black & wh. spotted        | 80#   |
| 1 Lister Planter        | John Deere                 |       |
| 1 Disk                  | John Deere 14" Disk        |       |
| 1 Plow                  | John Deere 14" Walking     |       |
| 1 Mower                 | Deering 5 ft. cut          |       |
| 1 Sulky Rake            | John Deere 10 ft.          |       |
| 1 Set harness & collars | Leather                    |       |
| 1 Separator             | Royal Blue No. 17          |       |
| 1 Pressure Cooker       | All American 25 quart      |       |
| 1 Wagon                 | Wide Tire                  |       |
| 1 Cultivator            | John Deere Snowed, Walking |       |
| 1 Harrow                | John Deere 2-Section       |       |

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the said plaintiff do have and recover of and from the said defendant, Lester Smith, the sum of Three Hundred Eighty Dollars and Thirty-three Cents (\$380.33), plus Ninety-three Dollars and Thirty-three Cents (\$93.33) accrued interest due as of February 13, 1947, at the rate of five per cent (5%) per annum, together with interest upon the principal sum at the rate of five per cent (5%) per annum from February 13, 1947, until paid, together with the costs of this action, accrued and accruing.

IT IS FURTHER ORDERED AND ADJUDGED by the Court in case the said defendant fail for one months from the date of the entry of this judgment to pay the said plaintiff the sum of Three Hundred Eighty Dollars and Thirty-three Cents (\$380.33), plus Ninety-three Dollars and Thirty-three Cents (\$93.33) accrued interest due as of February 13, 1947, at the rate of five per cent (5%) per annum, together with interest upon the principal sum at the rate of five per cent (5%) per annum from February 13, 1947, until paid, and the costs of this action, an

order of sale shall issue to the United States Marshal for the Northern District of Oklahoma commanding him to advertise and sell according to law the chattels described herein and to apply the proceeds arising from said sale as follows:

1. In payment of the costs of said sale and of this action.
2. To the payment of plaintiff's claim on said note, principal and interest.
3. That the balance, if any, be paid to the Clerk of this Court to await the further order of the Court.

If the amount derived from said sale is insufficient to satisfy said judgment, interest and costs, that execution issue against said defendant for the remainder unpaid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that from and after the sale of said above described chattels and by virtue of this judgment and decree said defendant and all persons claiming under him since the filing of the petition herein be, and they are forever barred and foreclosed of and from any and every lien upon, right, title, interest in or to said chattels or any part thereof.

Royce H. Savage  
JUDGE.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA.

United States of America,

Plaintiff,

vs.

William L. Pittman,

Defendant.

No. 2012 Civil.

FILED  
in Open Court

APR 1 - 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

Now on this 1st day of April, 1947, this matter coming on for trial before the United States District Court for the Northern District of Oklahoma, and the plaintiff appearing by Whit Y. Maszy, United States Attorney, and Kenneth G. Hughes, Assistant United States Attorney, for the Northern District of Oklahoma, and the defendant appearing not, and the Court having been fully advised in the premises findsthat the defendant has been duly and legally notified of the pendency of this action and that said defendant is wholly in default, and further finds that all the allegations and averments in the complaint of said plaintiff are true, and that the defendant, William L. Pittman, is indebted to the United States of America in the sum of Sixty-one Dollars and Sixty-four Cents (\$61.64), plus interest at six per cent (6%) per annum on the principal sum of Fifty-two Dollars and Nineteen Cents (\$52.19) from April 1, 1946, until paid, together with the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff have and recover and is hereby granted judgment against the said defendant, William L. Pittman, in the sum of Sixty-one Dollars and Sixty-four Cents (\$61.64), plus interest at six per cent (6%) per annum on the principal sum of Fifty-two Dollars and Nineteen Cents (\$52.19) from April 1, 1946, until paid, together with the costs of this action.

Royce H. Savage  
JUDGE.

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

PHILIP B. FLEADING, Administrator )  
Office of Temporary Controls )  
Office of Price Administration )

Plaintiff )

vs. )

H. A. SHACKLES )

Defendant )

Civil Action No. 2006

FILED

APR - 2 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

Now on this 2<sup>nd</sup> day of April, 1947, the above-styled and numbered cause of action comes on for consideration before the Court upon the complaint filed herein, and the Court finds that the parties hereto have filed herein their stipulation in writing wherein it is agreed that the plaintiff have and recover judgment against the defendant in the sum of \$128.24 in lieu of all amounts prayed for in the complaint together with the injunctive relief prayed for in the complaint; that the Court being fully advised in the premises finds that an Order should issue in accord with the terms of the said stipulation

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant, his agents, servants, employees, representatives, attorneys, and all persons in active concert and participation with any of them be, and each of them are hereby enjoined and restrained from directly or indirectly:

- (a) Demanding, receiving, or attempting to demand or receive rents in excess of those established in accordance with the Rent Regulation for Housing, as amended, or violating or attempting to violate any provision of said Regulation or offering, soliciting, agreeing or attempting to do any of the foregoing.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, his agents and representatives be, and each of them are hereby ordered and directed to forthwith:

- (a) Register the dwelling units described as apartment units, No. 4 and No. 5, and the Attic Apartment located at 1110 South Guthrie, Tulsa, Oklahoma, at the Tulsa Area Rent Office in the form and manner required by the Rent Regulation for Housing.

It is further ordered that the plaintiff have and recover from the defendant judgment in the sum of \$128.24; that said judgment be satisfied by making restitution to the tenants in the amount of \$64.12 and payment in the amount of \$64.12 for the use and benefit of the U. S. Treasury together with the costs of this action.

Royce H. Savage  
United States District Judge

APPROVED:

Sanford H. Palmer  
Attorney for Plaintiff

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

PHILIP B. FLEMING, Administrator,  
Office of Temporary Controls  
Office of Price Administration

Plaintiff

vs

Mrs. Eze C. Dawson  
1213 South Elwood  
Tulsa, Oklahoma

Defendant

Civil Action No. 2009

FILED

APR - 2 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JUDGMENT AND JOURNAL ENTRY

Now on this 1st day of April, 1947, the above styled and numbered cause of action comes on for consideration before the Court upon complaint filed herein, the plaintiff appearing by counsel and the defendant being in default, and the Court having heard the testimony of witnesses sworn and examined in open court, and having further heard statement and argument of counsel, and being fully advised in the premises finds that the plaintiff is entitled to the relief prayed for in said complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant, her agents, servants, employees, representatives, attorneys and all persons in active concert or participation with any of them be, and each of them is hereby enjoined and restrained from directly or indirectly:

- (a) Demanding, receiving or attempting to demand or receive rents in excess of those established in accordance with the Rent Regulation for Housing, as amended, or violating or attempting to violate any provision of said Regulation, or offering soliciting, agreeing or attempting to do any of the foregoing.
- (b) Evicting or attempting to evict any tenant from any rental unit in any manner in violation of Section 6 of the Rent Regulation for housing.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover from the defendant judgment in the sum of \$40.00 for use and benefit of the United States Treasury, and the tenant, G. D. WRIGHT, recover \$20.00 which will be applied to the rent due defendant by said Wright for the month of February, 1947, and costs of this action.

Approved:

*Harry L. Fish*  
\_\_\_\_\_  
Attorney for the Plaintiff

\_\_\_\_\_  
United States District Judge

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

UNITED STATES OF AMERICA,

Petitioner,

-vs-

CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,  
OKLAHOMA, containing approximately 385.90  
acres, more or less; and SADIE B. McCONKEY,  
et al.,

Defendants.

CIVIL NO. 1183

FILED

APR - 3 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JUDGMENT CONFIRMING COMMISSIONERS'  
REPORT AS TO TRACT NO. 8 (54 FW  
1460) & TRACT NO. 9 (54 FW 1461)

NOW on this 3rd day of April, 1947, there comes  
on for hearing the application of the petitioner herein for a judgment  
approving the commissioners' report heretofore filed in this proceeding  
as to the real estate designated and described as Tract No. 8 (54 FW 1460)  
and Tract No. 9 (54 FW 1461).

Thereupon, the court proceeded to hear and pass upon said applica-  
tion, and the petition for condemnation, report of commissioners and all  
other matters herein, and finds that:

1. Each and all of the allegations of said petition for condemna-  
tion are true, and the United States of America is entitled to acquire  
the property by eminent domain for the uses and purposes therein set forth.
2. That the petition for condemnation was filed at the request of  
the Secretary of the Interior, the person duly authorized by law to acquire  
the estate in the land 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 lands was taken,  
was set forth.

4. A proper description of the land sufficient for the identification thereof is set out in said petition for condemnation, and a statement of the estate or interest in said lands taken for said public use is set out therein.

5. Due, proper, and legal notice of the application of the United States of America for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as having any right, title or interest in and to said Tract No. 8 (54 FW-1460) and Tract No. 9 (54 FW 1461), as required by law and order of this court.

The court hears evidence and finds that the returns as filed by the United States Marshals are true and correct, and that the same are in accordance with law.

The court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this court.

6. The court finds that the commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the lands designated as Tract No. 8 (54 FW 1460) and Tract No. 9 (54 FW 1461) in this proceeding, duly qualified by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of said premises and the consideration of the damages sustained occasioned by the taking of said estate, filed their report herein on the 10th day of January, 1946, wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the lands more particularly designated and described as follows, to-wit:

TRACT NO. 8 (54 FW 1460)

Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  less the north 10.0 acres thereof, and all that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 16, T 28 N, R 24 E of the Indian Base and Meridian, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 25.2 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . \$695.00

TRACT NO. 9 (S4 & 1461)

Flowage Easement

All that part of the NW, NW of Sec. 21, T 26 N, R 24 E of the Indian Base and Meridian in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level datum, containing approximately 4.1 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERMANENT EASEMENT) AND ALL DAMAGES TO BE AWARDED, IF ANY, . . . . \$ 61.50

TOTAL, - - - - - \$ 756.50

and that said report and proceedings as to said tracts, are in all respects regular and in accordance with the law and orders of this court.

7. That defendant U. H. Hartzell, one of the owners of Tracts 8 and 9 filed a demand for jury trial on said tracts but that said demand for jury trial was withdrawn as to both tracts, in open court, on February 17, 1947. That no demands for jury trial or exceptions to report of commissioners are now pending; that more than sixty days have elapsed since the filing of said commissioners' report and that the awards therein made as to tracts 8 and 9 have become final.

The court further finds that the just compensation for the estate taken herein for said Tracts 8 and 9, as fixed by the report of commissioners is final just compensation, in the amount of \$756.50.

8. That the United States of America did, on the 3rd day of April, 1944, file its Declaration of Taking herein, and paid to the Clerk of this court for the use and benefit of the owners and persons entitled thereto, the following sums, to-wit:

TRACT NO. 8 (S4 & 1460), . . . . . \$61.50

TRACT NO. 9 (S4 & 1461), . . . . . 61.50

TOTAL, - - - - - \$ 123.00

9. The court having fully considered the petition for condemnation, the Declaration of Taking, and all proceedings had herein, and the provisions of the Act of June 13, 1924, 41 Stat. 1055 (16 U. S. C. Sec. 809); Executive Order No. 6944, dated November 13, 1941; Title 11 of the Act of

June 16, 1888, 48 Stat. 200-203 (40 U. S. C. Secs. 401-403) as amended and supplemented; Executive Order No. 8366, dated July 30, 1943; Executive Order No. 8373, dated August 30, 1943; the Act of August 1, 1888, 25 Stat. 357 (40 U. S. C. Sec. 257); and the Act of February 26, 1931, 46 Stat. 1431 (40 U. S. C. Sec. 258 (a) to 258 (e)); Title 11 of the Act of March 27, 1942, 56 Stat. 177 (50 U. S. C. 171 (a)), is of the opinion that the United States of America was and is entitled to take said property and have the title to the estate therein taken 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 report of commissioners filed herein is final and the damages sustained as set out and fixed in said report of commissioners, in the sum of \$756.50 is full and just compensation for the taking of said estate in the lands designated and described as Tract No. 8 (54 FW 1460) and Tract No. 9 (54 FW 1461).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is a perpetual easement upon and over said lands to inundate, submerge and flow; and to enter upon said lands from time to time in the performance of said acts, for use in connection with the completion and full utilization of the Grand River Dam (Pensacola) Project in Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in the lands designated as Tracts 8 (54 FW 1460) and 9 (54 FW 1461), and the interest therein taken by these eminent domain proceedings, was vested in the United States of America on the 3rd day of April, 1944, upon the filing of a Declaration of Taking and the depositing of the sum of \$715.50 in the Registry of this Court for the estate taken in and to said land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate therein taken, as hereinabove specifically set forth, is hereby deemed to be condemned and taken for the uses and purposes of the United States of America, and that just compensation as determined and fixed herein for the taking of said estate in said Tracts No. 8 and 9, is vested in the persons lawfully entitled thereto, as the owners of said tracts of land, or of some right, title or interest therein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner pay into the registry of this Court the sum of \$41.00, said sum being the deficiency between the sum of \$736.50, the just compensation herein fixed and determined, and the amount deposited with the Declaration of Taking as the estimated just compensation for the taking of said tracts of land in the sum of \$715.50.

This cause is held open for the purpose of entering such further orders, judgments and decrees as may be necessary in the premises.

*Rayce H. Savage*  
\_\_\_\_\_  
Judge

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

UNITED STATES OF AMERICA, )  
 )  
 ) Petitioner, )  
-vs- )  
 )  
 ) CERTAIN PARCELS OF LAND IN OTTAWA COUNTY, )  
OKLAHOMA, and G. M. London, et al., )  
 )  
 ) Defendants. )

CIVIL NO. 1193

FILED

APR - 3 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JUDGMENT CONFIRMING COMMISSIONERS'  
REPORT AS TO TRACT NO. 14 (57 FW-1777)  
TRACT NO. 18 (57 FW-1781) &  
TRACT NO. 19 (57 FW-1782)

NOW on this 2nd day of April, 1947, there comes on for hearing the application of the petitioner herein for a judgment approving the commissioners' report heretofore filed in this proceeding as to the real estate designated and described as Tract No. 14 (57 FW-1777), Tract No. 18 (57 FW-1781), and Tract No. 19 (57 FW-1782).

Thereupon, the court proceeded to hear and pass upon said application, and the petition for condemnation, report of commissioners 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 the property by eminent domain for the uses and purposes therein set forth.

2. That the petition for condemnation was filed at the request of the Secretary of the Interior, the person duly authorized by law to acquire the estate in the land 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 lands was taken, was set forth.

4. A proper description of the land sufficient for the identification thereof is set out in said petition for condemnation, and a statement

of the estate or interest in said lands taken for said public use is set out therein.

5. Due, proper, and legal notice of the application of the United States of America for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as having any right, title or interest in and to said Tract No. 14 (57 FW-1777), Tract No. 18 (57 FW-1781), and Tract No. 19 (57 FW-1782), as required by law and order of this court.

The court hears evidence and finds that the returns as filed by the United States Marshals are true and correct, and that the same are in accordance with law.

The court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this court.

6. The court finds that the commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the lands designated as Tract No. 14 (57 FW-1777), Tract No. 18 (57 FW-1781), and Tract No. 19 (57 FW-1782) in this proceeding, duly qualified by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of said premises and the consideration of the damages sustained occasioned by the taking of said estate, filed their report herein on the 27th day of February, 1946, wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the lands more particularly designated and described as follows, to-wit:

TRACT NO. 14 (57 FW-1777)

Easement for Intermittent  
Flowage During Flood Periods

All of Lot 11 in Block 7, as shown on the dedication plat of the Homewood Addition to the Original Townsite of Miami, in Ottawa County, Oklahoma, including the streets, avenues, and alleys adjacent to said Lot 11 and incident to the ownership thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . \$ 5.00

TRACT NO. 18 (57 FW-1781)

Flowage Easement

All that part of Lot 4, all that part of Lot 5, all that part of Lot 6, and all that part of Lot 7 in Block 9, as shown on the dedication plat of the Homewood Addition to the Original Townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 756.1 Sea Level Datum, and all of Lot 8 in said Block 9; including the streets and avenues adjacent to said Lots 7 and 8 and incident to the ownership thereof lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 7, all that part of said Lot 6, all that part of said Lot 5, and all that part of said Lot 4 lying above elevation 756.1 Sea Level Datum, and all of Lot 1, all of Lot 2, and all of Lot 3 in said Block 9; including the streets and avenues adjacent to said Lots 1, 2, 3, 4, 5, 6 and 7 and incident to the ownership thereof lying above elevation 756.1 Sea Level Datum.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . \$ 40.00

TRACT NO. 19 (57 FW-1782)

Easement for Intermittent  
Flowage During Flood Periods

All of Lot 10 and all of Lot 11 in Block 8, as shown on the dedication plat of the Homewood Addition to the Original Townsite of Miami, in Ottawa County, Oklahoma, including the streets and avenues adjacent to said Lots 10 and 11 and incident to the ownership thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . \$ 10.00

T O T A L, - - - - - \$ 55.00

and that said report and proceedings as to said tracts, are in all respects regular and in accordance with the law and orders of this court.

7. That defendant E. H. Moore, claimant to an interest in Tracts Nos. 14, 18 and 19, filed a demand for jury trial as to said tracts, that a trial was had upon said demand, and at the conclusion of the testimony the court found, determined and held it was without jurisdiction to entertain upon the merits, the claim of E. H. Moore upon which said demand was based. That no demands for jury trial or exceptions to report of commissioners are now pending; that more than sixty days have elapsed since the filing of said commissioners' report and that the awards therein made as to Tracts Nos. 14, 18 and 19 have become final.

The court further finds that the just compensation for the estate taken herein for said Tracts Nos. 14, 18 and 19, as fixed by the report of commissioners is final just compensation, in the amount of \$55.00.

8. That the United States of America did, on the 17th day of April, 1944, file its Declaration of Taking herein, and paid to the Clerk of this court for the use and benefit of the owners and persons entitled thereto, the following sums, to-wit:

|                                      |         |
|--------------------------------------|---------|
| TRACT NO. 14 (57 FW-1777), . . . . . | \$ 5.00 |
| TRACT NO. 18 (57 FW-1781), . . . . . | 40.00   |
| TRACT NO. 19 (57 FW-1782), . . . . . | 10.00   |

T O T A L, - - - - - \$ 55.00

9. The Court having fully considered the petition for condemnation, the Declaration of Taking, and all proceedings had herein, and the provisions of the Act of June 10, 1920, 41 Stat. 1063 (16 U. S. C. Sec. 809); Executive Order No. 8944, dated November 19, 1941; Title II of the Act of June 16, 1933, 48 Stat. 200-203 (40 U. S. C. Secs. 401-403) as amended and supplemented; Executive Order No. 9366, dated July 30, 1943; Executive Order No. 9373, dated August 30, 1943; the Act of August 1, 1888, 25 Stat. 357 (40 U. S. C. Sec. 257); and the Act of February 26, 1931, 46 Stat. 1421 (40 U. S. C. Sec. 258 (a) to 258 (e)); Title II of the Act of March 27, 1942, 56 Stat. 177 (50 U. S. C. 171 (a)), is of the opinion that the United States of America was and is entitled to take said property and have the title to the estate therein taken 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 report of commissioners filed herein is final and the damages sustained as set out and fixed in said report of commissioners, in the sum of \$55.00, is full and just compensation for the taking of said estate in the lands designated and described as Tract No. 14 (57 FW-1777), Tract No. 18 (57 FW-1781), and Tract No. 19 (57 FW-1782).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is a perpetual easement upon and over said lands to inundate, submerge and flow; and to enter upon said lands from time to time in the performance of said acts, for use in connection with the completion and full utilization of the Grand River Dam (Pensacola) Project in Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in the lands designated as Tracts Nos. 14 (57 FW-1777), 18 (57 FW-1781), and 19 (57 FW-1782), and the interest therein taken by these eminent domain proceedings, was vested in the United States of America on the 17th day of April, 1944, upon the filing of a Declaration of Taking and the depositing of the sum of \$55.00 in the registry of this Court for the estate taken in and to said land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate therein taken, as hereinabove specifically set forth, is hereby deemed to be condemned and taken for the uses and purposes of the United States of America, and that just compensation as determined and fixed herein for the taking of said estate in said Tracts Nos. 14, 18 and 19, is vested in the persons lawfully entitled thereto, as the owners of said tracts of land, or of some right, title or interest therein.

This cause is held open for the purpose of entering such further orders, judgments and decrees as may be necessary in the premises.

*Rayce H. Savage*  
\_\_\_\_\_  
J u d g e

IN THE DISTRICT COURT OF THE UNITED STATES

OF THE NORTHERN DISTRICT OF CALIFORNIA

6

United States of America,

vs.

vs.

George W. Udike, et al. (proper name)  
Udike, Leon A. Udike and James  
Udike, et al. (doing business  
under the firm name of Udike  
Trading Company,

Defendants.

No. 1510  
Civil  
FILED

APR - 3 1947

ROBERT C. HOOD  
Clerk U. S. District Court

On this 30th day of April, 1947, the above titled and numbered case coming on for hearing before the undersigned Judge of this Court, upon the verified application of Eugene Post, receiver for permission to sell to private sale and without notice certain items of said machinery consisting of saws, machine tools, lathes, machine stands, electric motors, rollers, rope strainers and rope inserting machines, cyclo-rins and recent setting die lins, drill spreaders and die cutting knives, cutting tables, drills and miscellaneous machine and repair parts; the plaintiff appeared by Carl H. Wiley, the United States District Attorney for the Northern District of California; the defendants appeared by their attorneys of record, which counsel for said defendant thereupon, the court received the said statement of said receiver in compliance with said application and having read the same and being fully advised in the premises, upon consideration thereof finds:

That the assets contained in the receiver's verified application are true as therein set forth; that said machinery and equipment proposed to be sold is appreciating in value and some of said machinery is nearly obsolete; that the receiver has an offer of \$12,750.00 cash for said machinery and

equipment; which said offer is a fair and just offer and the highest and best price obtainable; that it is to the best interests of said receivership that said machinery and equipment be sold and that the defendants have filed herein their consent to said sale.

IT IS ORDERED BY THE COURT: That Eugene Mast, the duly appointed and acting receiver in the above entitled cause do, and he is hereby authorized, empowered and directed to sell at private sale and without notice, said machinery and equipment hereinbefore mentioned to Armand A. Chirin of St. Louis, Missouri at and for the sum of \$12,750.00 each, said purchaser to assume the obligation of crating and shipping said machinery and parts hereinbefore mentioned.

Joyce H. Savage  
Judge

Walter G. Murray  
Attorney for Plaintiff

OL.

James Updike  
Attorney for Defendants

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

United States of America, )  
 )  
 ) Plaintiff, )  
 )  
 ) -vs- ) No. 1510 Civil  
 )  
 ) Gerald F. Updike, et al, ) Defendants, )

FILED

APR - 3 1947

NOBLE C. HOOD  
Clerk U. S. District Court

ORDER

Now on this 1 day of April, 1947, the above entitled cause coming on to be heard upon the motion of Eugene Rust, receiver in said cause to vacate an order of this court made and entered on the 14th day of March, 1947, authorizing said receiver to sell at private sale certain machinery and equipment to Snyder Weiss Company of <sup>Kansas City</sup> ~~St. Louis~~, Missouri at and for the sum of \$15,000.00 cash, and the court having read said motion and heard the remarks of said receiver in support thereof finds:

That pursuant to said order the receiver did attempt to conclude said sale in accordance with the terms of the negotiations previously had between said receiver and the proposed purchaser; that the proposed purchaser desired certain machinery and equipment which was in excess of that contemplated by the parties during the negotiations between the parties; that therefore said receiver refused to complete said sale to said Snyder Weiss Company; and that said order of March 14, 1947 authorizing said sale as aforesaid should be vacated, set aside and held for naught.

IT IS THEREFORE ORDERED BY THE COURT: That the order of this Court previously made and entered on the 14th day of March, 1947 authorizing the said of certain machinery and equipment to Snyder Weiss Company of <sup>Kansas City</sup> ~~St. Louis~~, Missouri, at and for the sum of \$15,000.00, be and the same is hereby vacated, set aside and held for naught.

Walter H. [Signature]  
Judge.

*Handwritten notes:*  
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Check on [unclear]  
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[unclear] for [unclear]  
[unclear] to [unclear]

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

PHILIP B. FLEMING, ADMINISTRATOR,  
OFFICE OF TEMPORARY CONTROLS,  
OFFICE OF PRICE ADMINISTRATION

PLAINTIFF

VS.

RICHARD H. MANDLER

DEFENDANT

No. 2000-CIVIL

FILED

APR - 4 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

ON THIS, THE 3RD DAY OF APRIL, 1947, THE ABOVE STYLED AND NUMBERED CAUSE COMES ON FOR CONSIDERATION BEFORE THE COURT, AND BOTH PARTIES APPEARING BY COUNSEL, AND THE PARTIES STIPULATING AND AGREEING THAT DEFENDANT HAS VIOLATED THE RULES AND REGULATIONS OF THE OFFICE OF PRICE ADMINISTRATION BY COLLECTING AN OVERCHARGE OF \$10.00 PER MONTH FOR A PERIOD OF FOUR MONTHS FROM AUGUST 21, 1946, TO NOVEMBER 21, 1946, INCLUSIVE, AND THE PARTIES FURTHER STIPULATING AND AGREEING AS TO THE FACTS AND CIRCUMSTANCES SURROUNDING SUCH OVERCHARGE,

IT IS ORDERED, ADJUDGED, AND DECREED THAT THE PLAINTIFF HAVE AND RECOVER OF AND FROM THE DEFENDANT JUDGMENT IN THE SUM OF \$50.00, THAT SAID JUDGMENT BE SATISFIED BY MAKING RESTITUTION TO THE TENANT, JOHN H. WEBB, IN THE SUM OF \$40.00, AND PAYMENT IN THE AMOUNT OF \$10.00 FOR THE USE AND BENEFIT OF THE UNITED STATES TREASURY, TOGETHER WITH THE COSTS OF THIS ACTION.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT THE  
APPLICATION FOR INJUNCTION BE DENIED.

Royce H. Savage  
UNITED STATES DISTRICT JUDGE

APPROVED:

Sanford H. Palmer  
ATTORNEY FOR PLAINTIFF

Quinby & Warren  
BY Edward R. Quinby  
ATTORNEYS FOR DEFENDANT

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

United States of America,

Plaintiff,

vs.

J. J. Atchley, Clyde Jacobs, J. A.  
Frates, Jr., L. Keith Smith, Board  
of County Commissioners of Delaware  
County, Oklahoma, Mary Ella McCown,  
County Treasurer of Delaware County,  
Oklahoma, and Clark Bell, County  
Assessor of Delaware County, Oklahoma,

Defendants.

No. 2005 CIVIL

FILED

APR - 7 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

NOW, on this 2nd day of April, 1947, the above matter coming on for trial, and the plaintiff appearing by Whit Y. Mausy, United States Attorney, and John W. McCune, Assistant United States Attorney, for the Northern District of Oklahoma, and none of the defendants appearing, the court then proceeded to examine the files and hear the evidence submitted on behalf of the plaintiff.

The court, in consideration thereof, finds that the defendants, J. J. Atchley, Clyde Jacobs, J. A. Frates, Jr., L. Keith Smith, Board of County Commissioners of Delaware County, Oklahoma, Mary Ella McCown, County Treasurer of Delaware County, Oklahoma, and Clark Bell, County Assessor of Delaware County, Oklahoma, have heretofore filed their disclaimers in this action, disclaiming any interest in the premises involved.

The court further finds that the following described property:

The East Half of the Southwest Quarter and the West Half of the Northwest Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 28, Township 20 North, Range 22 East, Delaware County, Oklahoma; and the Northeast Quarter of the Southeast Quarter and the East Half of the Northwest Quarter of Southeast Quarter of Section 28, Township 20 North, Range 22 East, Delaware County, Oklahoma,

was regularly allotted to Mary Suake, Cherokee Full Blood No. 30665 as a homestead and surplus allotment; that a homestead deed and allotment deed covering said land was duly issued to the said Mary Suake; that on June 7, 1930, said land was selected and designated as tax exempt in the name of said Mary Suake; that a certificate designating said land as tax exempt was duly issued to her and recorded on January 22, 1931, in the office of the County Clerk of Delaware County, Oklahoma; and that by reason thereof said land is tax exempt and restricted against alienation.

The court further finds that the County Treasurer and County Assessor of Delaware County, Oklahoma, attempted to levy and collect ad valorem taxes against said property, and the said property was sold for delinquent ad valorem taxes by the County Treasurer of Delaware County, and resale tax deed was issued to the Chairman of the Board of County Commissioners of Delaware; and that all said tax assessing, collecting and sale proceedings were void and that said resale tax deed was void and the same should be cancelled.

The court further finds that the several conveyances upon said property, as follows:

County Deed from the Board of County Commissioners of Delaware County to L. Keith Smith, recorded in Book 135, at page 407

Quit Claim Deed from L. Keith Smith  
to J. A. Frates, Jr., recorded in Book 135,  
at page 557

Quit Claim Deed from J. A. Frates, Jr.,  
to Clyde Jacobs, recorded in Book 147, at  
page 267, and

Warranty Deed from Clyde Jacobs to J.  
J. Atchley, recorded in Book 147, at page  
302,

all being recorded in the office of the County Clerk of Dela-  
ware County, Oklahoma, are void because of said land being  
tax exempt, and that the same should be cancelled.

The court further finds that the defendant J. J.  
Atchley is attempting to exercise possession of said property  
and that although a demand was made by the plaintiff on the  
said J. J. Atchley on December 19, 1946, that said defendant  
failed to convey said premises or deliver possession thereof,  
and that, by reason thereof, plaintiff is entitled to judgment  
against said J. J. Atchley for the possession of said premises  
and for costs incurred to the time of filing of disclaimers.

The court further finds that the County Assessor and  
County Treasurer of Delaware County, Oklahoma, have levied and  
assessed taxes against said real estate to and including the  
year 1947; that all of said tax levies and assessments are void  
and that the plaintiff is entitled to have said property ad-  
judicated tax exempt pending any change in the status of the  
same, and that the taxing authorities of Delaware County,  
Oklahoma, should be restrained from assessing, levying or at-  
tempting to collect any ad valorem taxes upon said property  
so long as it remains tax exempt.

The court further finds that the costs in this case  
in the sum of \$29.40 to the date of disclaimers should be  
assessed against the defendant J. J. Atchley, and against the

Board of County Commissioners of Delaware County, Oklahoma, because of the failure of the defendant J. J. Atchley to surrender said premises, and of the action of the Board of County Commissioners in selling the same.

It is therefore ordered, adjudged and decreed by the court that the plaintiff have judgment against all of the defendants herein, quieting the title to the above described premises in the plaintiff for the benefit of Mary Suake, and that said defendants and each of them be forever barred from asserting or claiming any interest in said premises; and that all of the above described deeds and conveyances be and the same are hereby cancelled as well as any other deeds, conveyances or mortgages held by any of the above named defendants.

It is further ordered, adjudged and decreed by the court that the defendant Mary Ella McCown, as County Treasurer of Delaware County, Oklahoma, forthwith cancel all taxes of record against the above described property; and that the defendants Mary Ella McCown, as County Treasurer of Delaware County, and Clark Bell, as County Assessor of Delaware County, Oklahoma, and their successors in office, be and they are hereby permanently enjoined and restrained from assessing, levying, collecting or attempting to collect any taxes against the above described property so long as said property remains tax exempt.

It is further ordered by the court that costs in the sum of \$29.40 be taxed against the defendants J. J. Atchley and the Board of County Commissioners of Delaware County, Oklahoma.

*Royce H. Savage*  
District Judge.