

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

United States of America,

Plaintiff,

vs.

No. 1952 Civil

1825 cases, each containing 24 cans  
article labeled in part "Western Star  
Hand Packed Tomatoes contents 1 Lb. 3  
Oz.,"

Defendant.

FILED

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DECREE

John C. Hoop,  
CLERK U. S. DISTRICT COURT

This matter coming on for hearing this 2nd day of January, 1947,  
and the United States of America appearing by Whit Y. Mausy, United States  
Attorney for the Northern District of Oklahoma, and George Appleby, doing  
business as Appleby-Young Canning Company of West Fork, Arkansas, claimant,  
appearing by his attorneys, Sullins & Perkins, and the court being fully  
advised in the premises finds that a libel of information against the above  
described article was duly filed in this court on behalf of the United States  
of America by the United States Attorney for the Northern District of Okla-  
homa. The libel alleges that the article proceeded against is a food which  
was shipped in interstate commerce and is adulterated in violation of the  
Food, Drug and Cosmetics Act, 21 U.S.C. 342(a)(3). Pursuant to motion  
issued by this court, the United States Marshal for this district seized 1821  
cases, each containing 24 cans of article labeled in part "Western Star Hand  
Packed Tomatoes contents 1 Lb. 3 Oz.," on the 22nd day of November, 1946.  
Thereafter, George Appleby, doing business as Appleby-Young Canning Company  
of West Fork, Arkansas, intervened in this action and filed claim to said  
cases of tomatoes. Claimant consents that a decree as prayed for in the  
libel be entered condemning the cases of tomatoes under seizure and held by  
the United States Marshal for the Northern District of Oklahoma. The court  
being fully advised in the premises, on motion of the parties hereto, it is

ORDERED, ADJUDGED and DECREED that said 1821 cases of tomatoes under  
seizure are adulterated in violation of 21 U.S.C. 342(a)(3) and the same are  
hereby condemned pursuant to 21 U.S.C. 334(e) and it is further

ORDERED, ADJUDGED and DECREED that the United States of America shall  
recover from said George Appleby, doing business as Appleby-Young Canning  
Company of West Fork, Arkansas, and Hale Halsell Company all court costs, in-  
cluding storage expense.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that since the claimant has petitioned this court, that the aforescribed cases of tomatoes be delivered to him pursuant to 21 U.S.C. 334(d), that John P. Logan, United States Marshal for the Northern District of Oklahoma, or his duly authorized deputy, release said cases of tomatoes from his custody and deliver the same to George Appleby, doing business as Appleby-Young Canning Company of West Fork, Arkansas, or his duly authorized agent or agents for the purpose of converting said cases of tomatoes in a satisfactory condition for human consumption and for sale to the general public, if claimant, within twenty (20) days from the date of this decree,

1. Pays in full court costs, storage and other proper expenses, and
2. Executes and files with the clerk of this court a good and sufficient penal bond with surety in the sum of Ten Thousand Dollars (\$10,000.00) approved by this court, payable to the United States of America and conditioned on the claimant's abiding by and performing all the terms and conditions of this decree and such further orders and decrees as may be entered by this court in this proceeding and it is further

ORDERED, ADJUDGED and DECREED that:

1. After the filing of the aforescribed bond in the clerk's office of this court, duly approved by this court, the claimant shall be permitted and allowed, at its own expense, to cause the aforescribed cases of tomatoes to be shipped to its plant at West Fork, Arkansas, and that when said cases of tomatoes arrive at his plant at West Fork, Arkansas, claimant shall forthwith give written notice to the Kansas City Station of the Food and Drug Administration, Federal Security Agency, 323 United States Courthouse, Kansas City 6, Missouri, that said cases of tomatoes have arrived and that claimant is prepared to recondition said tomatoes and segregate the good from the bad under the supervision of a duly authorized representative of the Federal Security Administrator.

2. That claimant shall at all times, until the said cases of tomatoes have been released by a duly authorized representative of the Federal Security Administrator, retain all of the cases of tomatoes for examination or inspection by said representative and shall maintain the necessary records or other proof necessary to establish the identity of said cases of tomatoes to the satisfaction of said representative.

3. That claimant shall not commence reconditioning or segregating operations until he has received authorization to do so from a duly authorized representative of the Federal Security Administrator.

4. That the claimant shall not under any circumstances whatsoever ship, sell, offer for sale or otherwise dispose of any part of said cases of tomatoes until a duly authorized representative of the Federal Security Administrator shall have had free access thereto in order to take such samples or make such tests or examination that are deemed necessary and shall in writing have released said cases of tomatoes or such part of them as he may determine for shipment, sale or other disposition. That claimant, under the supervision of the duly authorized representative of the Federal Security Administrator, shall destroy all cans of tomatoes found by said Administrator to be adulterated.

5. The claimant shall abide by the decisions of said duly authorized representative of the Federal Security Administrator, which decisions shall be final and that if claimant breaches any condition stated in this decree or in any subsequent order or decree of this court in this proceeding, claimant shall immediately return the aforescribed cases of tomatoes to John P. Logan, United States Marshal for this district at claimant's expense, or shall otherwise dispose of it pursuant to an order duly entered by this court.

6. The claimant shall not sell or dispose of said cases or cans of tomatoes or any part thereof in any manner contrary to the provisions of the Federal Food, Drug and Cosmetic Act or the laws of the state or territory in which any of it may be sold or disposed of.

7. The claimant shall compensate the United States of America for cost of supervision pursuant to statement presented by said Kansas City Station of the Food and Drug Administration.

8. Upon request of a duly authorized representative of the Federal Security Administrator, claimant shall furnish to said representative duplicate copies of all invoices of sale of the aforescribed cases and cans of tomatoes and shall furnish such further evidence of disposition as said representative may request.

9. The United States Attorney for the Northern District of Oklahoma, on being advised by a duly authorized representative of the Federal Security Administrator that the conditions of this decree have been performed by said claimant, shall transmit such information to the clerk of this court, whereupon the bond given in this proceeding shall be canceled and discharged, and it is further

ORDERED, ADJUDGED and DECREED that if claimant does not avail itself of the opportunity to repossess the aforescribed cases of tomatoes in the manner aforesaid, that the United States Marshal for the Northern District of Oklahoma shall retain custody of said cases of tomatoes pending the issuance of an order of this court regarding their disposition, and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that this court expressly retains jurisdiction over said aforescribed cases of tomatoes and of the claimant to issue such further decrees and orders as may be necessary for the proper disposition of this proceeding and that should the claimant fail to abide by and perform all the terms and conditions of this decree or any other order or decree as may be entered by this court or of the terms and conditions of the aforescribed bond, then said bond shall, on motion of the United States Attorney for the Northern District of Oklahoma in this proceeding, be forfeited and judgment entered thereon.

DATED at Tulsa, Oklahoma, this 2nd day of January, 1947.

Raymond H. Lanyon  
United States Judge

We, the undersigned, hereby consent to the entry of the foregoing decree.

Sullivan & Perkins

By: G. J. Sullivan  
Attorneys for claimant, George Appleby,  
doing business as Appleby-Young Canning  
Company of West Fork, Arkansas.

Walter G. Mays  
United States Attorney for the Northern  
District of Oklahoma.

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

ROUSHON C. ROFFISON, Plaintiff

vs.

No. 1707 c

E. I. DUPONT de NEMOURS  
& COMPANY, Defendant

ORDER OF DISMISSAL

NOW on this 6th day of January, 1947, the above entitled case comes on for hearing upon the motion of the plaintiff for an order dismissing the above entitled action with prejudice at the costs of plaintiff; and inasmuch as the Court that all claims and causes of action have been settled by the plaintiff through an award made by the Industrial Commission of the State of Oklahoma, this action should be dismissed.

IT IS THEREFORE ORDERED that the above entitled action be and the same is hereby dismissed with prejudice at the costs of plaintiff.

ROYCE E. SAVAGE  
JUDGE

RECORDED: Filed Jan 6 1947  
ROSE C. HOOD, Clerk  
U. S. District Court NE

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

Toyneechee Daugherty, Jack Daugherty,  
Lila Daugherty Soup, Eliza Daugherty  
Coleman, Joe Bird, Mattie Bird, Stella  
Bird, Viola Bird, Jess Bird, Henry Dick,  
Maybelle Dick, Lucy Dick, Matt Dick,  
Richard Coleman, Elere Coleman, Henry  
Coleman, Jr., Oneta Coleman, Baby Coleman,  
Quirral Sequachee, Wilson Sequachee,  
Levi Sequachee.

Plaintiffs.

vs

Heirs and unknown heirs, executors,  
administrators, devisees, trustees and  
assigns of George Daugherty, deceased,  
Lydia Daugherty Sequachee, deceased,  
Helen Daugherty Bird, deceased, John  
Bird, deceased, Mary Daugherty Dick,  
deceased, Nancy Daugherty, deceased,  
Anna Daugherty Coleman, deceased, and  
each of them, known and unknown, imme-  
diate and remote, H.P. Tate, State of  
Oklahoma, United States of America.

Defendants.

No/ 1236-Civil

**FILED**  
JAN 10 1947  
*Walter C. Wood*  
CLERK OF DISTRICT COURT

JOURNAL ENTRY

Now on this 7th day of January 1947 came the plaintiffs by H.V.  
Kulling their attorney and comes also the United States of America,  
appearing for and in behalf of all the full blood Indians by Whit Y.  
Mooney, United States Attorney for the Northern District of Oklahoma  
and this cause coming on for trial is submitted to the Court and the  
Court having heard the evidence and being duly advised, finds:

That notice was given by publication to the defendants, the heirs  
and unknown heirs, executors, administrators, devisees, trustees and  
assigns of George Daugherty, deceased, Lydia Daugherty Sequachee,  
deceased, Helen Daugherty Bird, deceased, John Bird, deceased, Mary  
Daugherty Dick, deceased, Nancy Daugherty, deceased, Anna Daugherty  
Coleman, deceased, and each of them, known and unknown, immediate and  
remote, by the Clerk of the District Court of Tulsa County, Oklahoma,  
pursuant to the affidavit filed where this action was originally filed,  
and from which it was removed to this Court, which publication was made

in the West Tulsa News more fully shown by the proof of publication filed in said Court and the Court finds that said affidavit and the publication so made were and are proper and as required by law and are hereby approved, and the Court further finds that the plaintiffs with due diligence were unable to learn the names, residences or places of business of any of said heirs and unknown heirs, executors, administrators, devisees, trustees and assigns of said deceased persons and therefore could not mail them copies of the petition and notice within six days after the first publication of said notice and none of them having appeared or appearing are now adjudged in default; that the defendant H.F. Tate was regularly and duly summoned to appear in this cause but failed to do so and should be and is hereby adjudged in default; that the State of Oklahoma has entered its appearance and filed disclaimer herein for any inheritance, transfer or estate taxes and that the United States of America has been properly notified of the pendency of this cause as required by the Acts of Congress and appears herein by the United States Attorney, as heretofore shown.

The Court further finds from an examination of the plaintiff's petition and complaint and the complaint in intervention of the defendant, United States of America, that the plaintiff Jess Bird is a minor and appears in this action by Etta Bird, his father and next friend, and the plaintiffs Luc Dick and Matt Dick are minors and appear in this action by Henry Dick, their father as next friend, and that the plaintiffs Clara Coleman, Henry Coleman, Jr., Oneta Coleman and Baby Coleman, since named Sarah Coleman, are minors and bring this action by Richard Coleman, their father as next friend, and that all the other plaintiffs are adults and all of the plaintiffs are full blood Cherokee Indians; that George Daugherty was a full blood Cherokee Indian, Roll No. 29812 and as such there was allotted and conveyed to him by the United States of America through the Chief of the Cherokee Nation the following described real estate in Tulsa County, Oklahoma, to-wit:

The North 20.24 acres and the Southwest 10 acres of lot 2 in Section 1, township 21 North, Range 13 East, known also as the West Half of the Northwest 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 30.24 acres, more or less.

That the said George Daugherty died intestate in Sequoyah County, Oklahoma on or about the 9th day of September 1917 and left as his only heirs at law the following named persons who inherited the interests in said real estate set opposite their names to-wit:

|   |               |
|---|---------------|
| Wife, Lydia Daugherty, now Sequachee,<br>full blood Cherokee No. 29613,                                     | 1/3 interest  |
| Daughter, Helen Daugherty, now Bird, full<br>blood Cherokee No. 29614,                                      | 1/12 interest |
| Son, Jack Daugherty, full blood Cherokee,<br>No. 29616  | 1/12 interest |
| Daughter, Lila Daugherty, now Soap, full<br>blood Cherokee No. 48946  | 1/12 interest |
| Daughter, Toynechee Daugherty, full blood<br>Cherokee No. 29615,  | 1/12 interest |
| Daughter, Mary Daugherty, now Dick, full<br>blood Cherokee No. 48947  | 1/12 interest |
| Daughter, Nancy Daugherty, Cherokee NE<br>Daugherty, Emma Daugherty, now Coleman, full<br>blood Cherokee NE | 1/12 interest |
| Daughter, Eliza Daugherty, now Coleman, full<br>blood Cherokee NE   | 1/12 interest |

The Court further finds that the above named Nancy Daugherty died intestate in Sequoyah County, Oklahoma on or about the 20th day of July 1933, single and without issue and left as her only heirs at law the following named persons, who inherited her undivided 1/12 interest in the above described real estate in the amounts set opposite their following names, to-wit:

|                                       |              |
|---------------------------------------|--------------|
| Sister, Helen Daugherty,              | 1/7 interest |
| Sister, Toynechee Daugherty,          | 1/7 interest |
| Brother, Jack Daugherty,              | 1/7 interest |
| Sister, Lila Soap, nee Daugherty,     | 1/7 interest |
| Sister, Mary Dick, nee Daugherty,     | 1/7 interest |
| Sister, Emma Coleman, nee Daugherty,  | 1/7 interest |
| Sister, Eliza Coleman, nee Daugherty, | 1/7 interest |

The Court further finds that the above named Mary Dick, nee Daugherty died intestate in Sequoyah County, Oklahoma on or about the 7th day of July, 1940, married and left as her only heirs at law the following named persons who inherited her 1/12 interest in the above described real estate in the amount set opposite their following names, to-wit:

|  |              |
|--|--------------|
| Husband, Henry Dick, full blood Cherokee No. 4612, | 1/3 interest |
| Daughter, Mary Lee Dick, full blood Cherokee, NE,  | 2/9 interest |
| Daughter, Ruth May Dick, full blood Cherokee NE    | 2/9 interest |
| Son, Colless Dick, full blood Cherokee NE          | 2/9 interest |

The Court further finds that the above named Lydia Sequachee nee Daugherty, died intestate in Sequoyah County, Oklahoma on or about the 16th day of February 1945 and left as her sole and only heirs at law the following named persons who inherited her 1/3 interest in the above

described real estate in the proportions set opposite their following names, to-wit:

|                 |   |               |
|-----------------|---|---------------|
| Sequoy husband, | Squirrel Sequichie, full blood Cherokee No. 29878,        | 1/10 interest |
| Daughter,       | Helen Bird, nee Daugherty, full blood Cherokee No. 29814, | 1/10 interest |
| Son,            | Jack Daugherty, full blood Cherokee No. 29816,            | 1/10 interest |
| Daughter,       | Toyneeche Daugherty, full blood Cherokee No. 29815,       | 1/10 interest |
| Daughter,       | Lila Soap, nee Daugherty, full blood Cherokee N 2946,     | 1/10 interest |
| Daughter,       | Emma Coleman, nee Daugherty, full blood Cherokee NE,      | 1/10 interest |
| Son,            | Wilson Sequichie, full blood Cherokee NE                  | 1/10 interest |
| Son,            | Levi Sequichie, full blood Cherokee NE                    | 1/10 interest |
| Daughter,       | Eliza Coleman, nee Daugherty, full blood Cherokee NE,     | 1/10 interest |
| Grand daughter  | Mary Lee Dick, full blood Cherokee NE,                    | 1/30 interest |
| Grand daughter, | Ruth May Dick, full blood Cherokee NE                     | 1/30 interest |
| Grand son,      | Wallace Dick, full blood Cherokee NE                      | 1/30 interest |

The Court further finds that the above named Helen Bird, nee Daugherty died intestate in Sequoyah County, Oklahoma on or about the 8th day of July 1945, a widow with issue surviving and left as her only heirs at law the following named persons who inherited her interest in and to the above described real estate in the proportions set opposite their names, to-wit:

|           |   |              |
|-----------|---|--------------|
| Son,      | Joe Bird, full blood Cherokee NE                | 1/5 interest |
| Son,      | Natie Bird, full blood Cherokee NE,             | 1/5 interest |
| Daughter, | Stella Jones, nee Bird, full blood Cherokee NE, | 1/5 interest |
| Daughter, | Viola Bird, full blood Cherokee NE              | 1/5 interest |
| Son,      | Jess Bird, full blood Cherokee NE               | 1/5 interest |

The Court further finds that the above named Emma Coleman, nee Daugherty, died intestate in Sequoyah County, Oklahoma on or about July 20, 1945 and left as her sole and only heirs at law the following named persons, who inherited her interest in the above described real estate in the proportions set opposite their following names, to-wit:

|           |   |               |
|-----------|---|---------------|
| Husband,  | Richard Coleman, full blood Cherokee NE     | 1/3 interest  |
| Daughter  | Clara Coleman, full blood Cherokee NE       | 1/6 interest  |
| Son,      | Henry Coleman, Jr., full blood Cherokee NE, | 1/6 interest  |
| Daughter, | Oneta Coleman, full blood Cherokee NE,      | 1/6 interest  |
| Daughter, | Sarah Coleman, full blood Cherokee NE,      | 1/6 interest. |

That the above described real estate is now owned by the above named persons in fee simple, in the proportions set opposite their following names, to-wit:

|                        |                  |
|------------------------|------------------|
| Squirrel Sequichie     | 1/30 interest    |
| Wilson Sequichie       | 1/30 interest    |
| Levi Sequichie         | 1/30 interest    |
| Joe Bird               | 27/1050 interest |
| Nettie Bird            | 27/1050 interest |
| Stella Jones, nee Bird | 27/1050 interest |
| Viola Bird             | 27/1050 interest |
| Wess Bird              | 27/1050 interest |
| Toynecche Daugherty    | 27/210 interest  |
| Jack Daugherty         | 27/210 interest  |
| Lila Daugherty         | 27/210 interest  |
| Eliza Daugherty        | 27/210 interest  |
| Henry Dick             | 2/63 interest    |
| Mary Lee Dick          | 61/1890 interest |
| Ruth May Dick          | 61/1890 interest |
| Callaco Dick           | 61/1890 interest |
| Richard Coleman        | 9/420 interest   |
| Clare Coleman          | 9/420 interest   |
| Henry Coleman, Jr.     | 9/420 interest   |
| Oneta Coleman          | 9/420 interest   |
| Sarah Coleman          | 9/420 interest   |

The Court further finds that the above named Lydia Daugherty Sequichie was a full blood Cherokee, Indian Roll No. 29915 and there was allotted and conveyed to her by the United States of America through the Chief of the Cherokee Nation, and she became the owner in fee simple and went into possession of the following described real estate in Tulsa County, Oklahoma, to-wit:

Lot One (1), being the northeast quarter of the Northeast Quarter and the North Half of the Southeast of Northeast Quarter of Section One (1), Township 21 North, Range 13 East, situated in Tulsa County, Oklahoma.

That she died intestate in Sequoyah County, Oklahoma on or about the 10th day of February, 1945, the owner in fee simple and in possession of said real estate and left as her only heirs the following named persons who inherited and now own in fee simple said real estate in the proportions set opposite their following names, to-wit:

|                             |               |
|-----------------------------|---------------|
| Squirrel Sequichie          | 1/10 interest |
| Helen Sequichie             | 1/10 interest |
| Levi Sequichie              | 1/10 interest |
| Olga Coleman, nee Daugherty | 1/10 interest |
| Wynnechee Daugherty         | 1/10 interest |
| Jack Daugherty              | 1/10 interest |
| Milo Hoop, nee Daugherty    | 1/10 interest |
| Mary Lee Dick               | 1/30 interest |
| Ruth May Dick               | 1/30 interest |
| Wallace Dick                | 1/30 interest |
| Joe Bird                    | 1/30 interest |
| Estie Bird                  | 1/30 interest |
| Stella Jones, nee Bird      | 1/30 interest |
| Viola Bird                  | 1/30 interest |
| Jess Bird                   | 1/30 interest |
| Clara Coleman               | 1/30 interest |
| Henry Coleman, Jr.          | 1/30 interest |
| Oneta Coleman               | 1/30 interest |
| Sarah Coleman               | 1/30 interest |
| Henry Coleman               | 1/30 interest |

The Court further finds that there has not been any administration on the estates of said deceased persons, namely, George Daugherty, Deceased, Nancy Daugherty, Deceased, Mary Daugherty Dick, Deceased, Lydia Daugherty Sequichie, Deceased, Helen Daugherty Bird, Deceased, and Emma Daugherty Coleman, Deceased, or either of them and none is necessary or proper as far as said real estate is concerned because said decedents and their heirs are all full blood Cherokee Indians and all real estate was at all times and is now restricted against alienation or encumbrance and not subject to administration or debts of said decedents or their heirs; that there has never been any determination of the heirs of said decedents and such determination should be made in accordance with the findings of the Court hereinabove set out; that the State of Oklahoma was made a party to answer as to any claim it might have for estate, inheritance or transfer taxes and the Court finds that all of said real estate was at all times exempt from all taxes, including estate, inheritance and transfer taxes of the State of Oklahoma and that said State of Oklahoma has no claim for such taxes and has filed its disclaimer herein.

IT IS ORDERED AND DECREED, ADJUDGED AND DETERMINED by the Court that the plaintiffs and interveners are the only heirs at law of George Daugherty, Deceased, Lydia Daugherty Sequichie, Deceased, Helen Daugherty Bird, Deceased, John Bird, Deceased and Mary Daugherty Dick, Deceased, Nancy Daugherty, Deceased, and Emma Daugherty Coleman, Deceased, and as

such they have inherited and are now the owners in fee simple of all of the real estate hereinabove described in the proportions herein found by the Court and they are entitled to have said real estate partitioned and their separate interests set off to them if that can be done without manifest injury to the said purpose now appoint Raslin C. Smith and C.C. Weber and Low R. Stansbury Commissioners of the Court directed to take oath as required by law and partition said real estate among the respective owners in accordance with this decree if that can be done without manifest injury and if not, that they appraise the value of the real estate and make due report back to this Court, all as required by law; a certified copy of this decree shall be their authority to act.

It is further ordered, that the said Walter H. Frank, Charles W. Frank and Henry W. Frank that the defendants, Walter H. Frank, Charles W. Frank, Henry W. Frank, executors, administrators, devisees, trustees and assigns of George Daugherty, deceased, Lydia Daugherty Lequachee, deceased, John Daugherty Bird, deceased, John Bird, deceased, Mary Daugherty Dick, deceased, Nancy Daugherty, deceased, Emma Daugherty Coleman, deceased, and each of them, known and unknown, immediate and remote, and the Defendants F.F. Rose and the State of Oklahoma have no right, title or interest in and to said real estate and the title of the plaintiff's herein and the same is hereby quieted and forever set at rest against said defendants and each of them and all persons claiming by, under or through them.

Royce H. George  
United States District Judge

H. J. Sullivan  
Attorney for Plaintiff

U.S. 45 to Form:

Walter Y. Murray  
United States Attorney

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

THE B-F-M COMPANY, a Co-Partnership  
composed of H. B. MILLER, A. B.  
BOLOVIN and D. W. DESSIMAN,

Plaintiff,

vs.

JOHN M. LYNN and SCOTT BRIDLEY, JR.,  
d/b/a INVESTMENT MANAGEMENT COMPANY,

Defendants.)

No. 1981  
Civil Action

ORDER ON DEFENSE

At the close of the trial herein parties plaintiff and  
defendant, in open court having requested it,

IT IS ORDERED that the complaint of the plaintiff and the  
cross-complaint of the defendants, and each of them, be and  
they are hereby dismissed with prejudice.

*W. H. ...*  
\_\_\_\_\_  
Judge

O. K.  
*[Signature]*  
\_\_\_\_\_  
Attorney for Plaintiff

O. K.  
*[Signature]*  
\_\_\_\_\_  
Attorney for Defendant

FILED  
*[Stamp]*

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

UNITED STATES OF AMERICA,

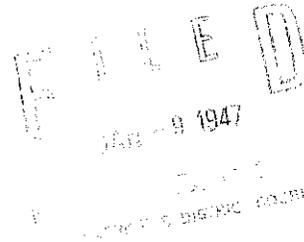
Petitioner,

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



JUDGMENT

NOW, on this 7th day of January, 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 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) 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 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 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 March, 1945, 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 (42 - FW-1215)

Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 6, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.6 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 12.50**

TRACT NO. 2 (42 - FW-1216)

Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{2}$ , and all that part of the NE $\frac{1}{4}$  NE $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 6, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 4.3 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 86.00**

TRACT NO. 3 (42 - FW-1217)

Flowage Easement

All that part of Lot 5, and all that part of Lot 6, and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{2}$  of Sec. 1, T 26 N, R 23 E, and all that part of Lot 4 in Sec. 6, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 16.4 acres.

**SEPARATE JUDGMENT ENTERED.**

TRACT NO. 4 (42 - FW-1218)

Flowage Easement

All that part of Lot 1 in Sec. 1, T 26 N, R 23 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, containing approximately 3.9 acres.

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

TRACT NO. 5 (42 - FW-1274)

Flowage Easement

All that part of Lot 8, and all that part of Lot 9 in Sec. 8, T 26 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.7 acre.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 60.90**

TRACT NO. 6 (42 - FW-1275)

Flowage Easement

All that part of the east 17.05 acres of Lot 6, and all that part of Lot 7 in Sec. 8, T 26 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.1 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 8.60**

TRACT NO. 7 (42 - FW-1276)

Flowage Easement

All that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of Lot 3, in Sec. 7, and all that part of Lot 16 in Sec. 6, and all that part of the west 20.0 acres of Lot 6 in Sec. 8, all in T 26 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 3.0 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 24.00**

TRACT NO. 8 (42 - FW-1277)

Flowage Easement

All that part of Lot 5 in Sec. 8, T 26 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 758 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, . . . . . \$ 2.00**

TRACT NO. 9 (42 - FW-1278)

Flowage Easement

All that part of Lot 15, and all that part of the south 21.70 acres of Lot 13 in Sec. 6, T 26 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 11.85**

TRACT NO. 10 (42 - FW-1279)

Flowage Easement

All that part of the north 7.70 acres of Lot 13 in Sec. 6, T 26 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, 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. 11 (42 - FW-1280)

Flowage Easement

All that part of Lot 10, and all that part of the West 20.0 acres of Lot 13, and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 1, T 26 N, R 23 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.8 acre.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 6.40**

TRACT NO. 12 (42 - FW-1280 A)

Flowage Easement

All that part of the east 11.15 acres of Lot 13 in Sec. 1, T 26 N, R 23 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, 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, . . . . . \$ .90**

TRACT NO. 13 ( 42 - FW-1283)

Flowage Easement

All that part of the E $\frac{1}{2}$  of Lot 11 in Sec. 1, T 26 N, R 23 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.2 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 58.00**

TRACT NO. 14 (42 - FW-1283 A)

Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 1, T 26 N, R 23 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 758 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, . . . . . \$ 1.20**

TRACT NO. 15 (42 - FW-1284)

Flowage Easement

All that part of the W $\frac{1}{2}$  of Lot 11, and all that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 1, T 26 N, R 23 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.3 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 19.90**

TRACT NO. 16 (42 - FW-1285)

Flowage Easement

All that part of the W $\frac{1}{2}$  of Lot 12 in Sec. 1, T 26 N, R 23 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, containing approximately 3.9 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 70.00**

TRACT NO. 17 (43 - FW-1168)

Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 20, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.6 acres.

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

TRACT NO. 18 (43 - FW-1169)

Flowage Easement

All that part of the W $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 20, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 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, . . . . . \$ 1.80**

TRACT NO. 19 (43 - FW-1170)

Flowage Easement

All that part of the S $\frac{1}{2}$  NE $\frac{1}{2}$  of Sec. 20, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 6.5 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 45.50**

TRACT NO. 20 (43 - FW-1171)

Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 21, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 12.8 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 450.00**

TRACT NO. 21 (43 - FW-1172)

Flowage Easement

All that part of the  $W\frac{1}{2}$   $NW\frac{1}{4}$   $SE\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 21, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 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, . . . . . \$ 3.50**

TRACT NO. 22 (43 - FW-1173)

Flowage Easement

All that part of the  $SE\frac{1}{4}$   $NW\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 21, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 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, . . . . . \$ 1.79**

TRACT NO. 23 (43 - FW-1174)

Flowage Easement

All that part of the  $SW\frac{1}{4}$   $NW\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 21, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 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, . . . . . \$ 1.79**

TRACT NO. 24 (43 - FW-1175)

Flowage Easement

All that part of the  $S\frac{1}{2}$   $NE\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 20, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 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, . . . . . \$ 1.10**

TRACT NO. 25 (43 - FW-1176)

Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 20, and all that part of Lot 4 in Sec. 17, all in T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.3 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 18.40**

TRACT NO. 26 (43 - FW-1177)

Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 20, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 5.3 acres.

**SEPARATE JUDGMENT ENTERED.**

TRACT NO. 27 (43 - FW-1178)

Flowage Easement

All that part of the S $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 20, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 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, . . . . . \$ 2.64**

TRACT NO. 28 (43 - FW-1186)

Flowage Easement

All that part of Lot 6 in Sec. 17, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned which the Grand River Dam Authority has the right of flowage.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 1.00**

TRACT NO. 29 (43 - FW-1187 Rev.)

Flowage Easement

All that part of Lot 5 in Sec. 17, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, containing approximately 0.9 acre, including the bed and banks of Grand River adjacent to said Lot 5, lying below Elev. 758 Sea Level Datum.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 4.95**

TRACT NO. 30 (43 - FW-1188)

Flowage Easement

All that part of Lot 3 in Sec. 17, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 2.40**

TRACT NO. 31 (43 - FW-1189)

Flowage Easement

All that part of Lot 2 in Sec. 17, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 3.30**

TRACT NO. 32 (43 - FW-1190 Rev.)

Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 16, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, containing 0.1 acre.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 1.64**

TRACT NO. 33 (43 - FW-1191)

Flowage Easement

All that part of Lot 4 in Sec. 16, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 1.50**

TRACT NO. 34 (43 - FW-1192)

Flowage Easement

All that part of Lot 2, and all that part of Lot 3 in Sec. 16, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 4.50**

TRACT NO. 35 (43 - FW-1193)

Flowage Easement

All that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 16, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately .7 acres.

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

TRACT NO. 36 (43 - FW-1194)

Flowage Easement

All that part of the W $\frac{1}{2}$  SE $\frac{1}{2}$  NE $\frac{1}{4}$  of Sec. 16, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, containing approximately 2.3 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 12.00**

TRACT NO. 37 (43 - FW-1195)

Flowage Easement

All that part of the  $W\frac{1}{2}$   $NE\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 16, T 26 N, R 24 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 758 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, . . . . . \$ 5.00**

TRACT NO. 38 (43 - FW-1268)

Flowage Easement

All that part of the  $W\frac{1}{2}$   $SW\frac{1}{4}$   $NW\frac{1}{4}$ , and all that part of the  $NE\frac{1}{4}$   $SW\frac{1}{4}$   $NW\frac{1}{4}$ , and all that part of the  $NW\frac{1}{4}$   $SE\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 16, T 26 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.7 acres.

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

TRACT NO. 39 (43 - FW-1269)

Flowage Easement

All that part of the  $SE\frac{1}{4}$   $NW\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 16, T 26 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 758 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, . . . . . \$ 2.00**

TRACT NO. 40 (43 - FW-1270)

Flowage Easement

All that part of the  $N\frac{1}{2}$   $NE\frac{1}{4}$   $NW\frac{1}{4}$ , and all that part of the  $SW\frac{1}{4}$   $NE\frac{1}{4}$   $NW\frac{1}{4}$ , of Sec. 16, T 26 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 758 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 5.1 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 210.25**

**TOTAL ----- \$1,414.81**

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 (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 said report of commissioners filed herein should be confirmed and approved in every respect as to the tracts above particularly described.

(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 final just compensation in the amount of \$1,414.81.

(9) That the United States of America did, on the 9th day of February, 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 (42 FW 1215) . . . . .   | \$ 12.80 |
| TRACT NO. 2 (42 FW 1216) . . . . .   | 86.00    |
| TRACT NO. 4 (42 FW 1217) . . . . .   | 74.00    |
| TRACT NO. 5 (42 FW 1274) . . . . .   | 60.90    |
| TRACT NO. 6 (42 FW 1275) . . . . .   | 8.80     |
| TRACT NO. 7 (42 FW 1276) . . . . .   | 24.00    |
| TRACT NO. 8 (42 FW 1277) . . . . .   | .90      |
| TRACT NO. 9 (42 FW 1278) . . . . .   | 11.25    |
| TRACT NO. 10 (42 FW 1279) . . . . .  | 1.60     |
| TRACT NO. 11 (42 FW 1280) . . . . .  | 6.40     |
| TRACT NO. 12 (42 FW 1280A) . . . . . | .90      |
| TRACT NO. 13 (42 FW 1283) . . . . .  | 58.00    |
| TRACT NO. 14 (42 FW 1283A) . . . . . | 1.20     |
| TRACT NO. 15 (42 FW 1284) . . . . .  | 16.90    |
| TRACT NO. 16 (42 FW 1285) . . . . .  | 70.00    |
| TRACT NO. 17 (43 FW 1168) . . . . .  | 19.20    |
| TRACT NO. 18 (43 FW 1169) . . . . .  | 1.80     |

|  |            |
|--|------------|
| TRACT NO. 19 (43 FW 1170) . . . . .      | \$ 45.50   |
| TRACT NO. 20 (43 FW 1171) . . . . .      | 347.00     |
| TRACT NO. 21 (43 FW 1172) . . . . .      | 2.50       |
| TRACT NO. 22 (43 FW 1173) . . . . .      | 1.79       |
| TRACT NO. 23 (43 FW 1174) . . . . .      | 1.79       |
| TRACT NO. 24 (43 FW 1175) . . . . .      | 1.10       |
| TRACT NO. 25 (43 FW 1176) . . . . .      | 18.40      |
| TRACT NO. 27 (43 FW 1178) . . . . .      | 2.64       |
| TRACT NO. 28 (43 FW 1186) . . . . .      | 1.00       |
| TRACT NO. 29 (43 FW 1187 Rev.) . . . . . | 4.95       |
| TRACT NO. 30 (43 FW 1188) . . . . .      | 2.40       |
| TRACT NO. 31 (43 FW 1189) . . . . .      | 7.30       |
| TRACT NO. 32 (43 FW 1190 Rev.) . . . . . | 1.64       |
| TRACT NO. 33 (43 FW 1191) . . . . .      | 1.50       |
| TRACT NO. 34 (43 FW 1192) . . . . .      | 4.50       |
| TRACT NO. 35 (43 FW 1193) . . . . .      | 55.60      |
| TRACT NO. 36 (43 FW 1194) . . . . .      | 12.40      |
| TRACT NO. 37 (43 FW 1195) . . . . .      | 2.34       |
| TRACT NO. 38 (43 FW 1268) . . . . .      | 34.00      |
| TRACT NO. 39 (43 FW 1269) . . . . .      | 1.20       |
| TRACT NO. 40 (43 FW 1270) . . . . .      | 210.25     |
| TOTAL -----                              | \$1,210.45 |

(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. 8914, 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

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 full and just compensation for the taking of said estate in the lands designated as follows, to-wit:

|                                      |          |
|--------------------------------------|----------|
| TRACT NO. 1 (42 FW 1215) . . . . .   | \$ 12.80 |
| TRACT NO. 2 (42 FW 1216) . . . . .   | 86.00    |
| TRACT NO. 4 (42 FW 1218) . . . . .   | 74.00    |
| TRACT NO. 5 (42 FW 1274) . . . . .   | 60.90    |
| TRACT NO. 6 (42 FW 1275) . . . . .   | 8.80     |
| TRACT NO. 7 (42 FW 1276) . . . . .   | 24.00    |
| TRACT NO. 8 (42 FW 1277) . . . . .   | 2.00     |
| TRACT NO. 9 (42 FW 1278) . . . . .   | 11.25    |
| TRACT NO. 10 (42 FW 1279) . . . . .  | 4.00     |
| TRACT NO. 11 (42 FW 1280) . . . . .  | 6.40     |
| TRACT NO. 12 (42 FW 1280A) . . . . . | .90      |
| TRACT NO. 13 (42 FW 1283) . . . . .  | 58.00    |
| TRACT NO. 14 (42 FW 1283A) . . . . . | 1.20     |
| TRACT NO. 15 (42 FW 1284) . . . . .  | 19.50    |
| TRACT NO. 16 (42 FW 1285) . . . . .  | 70.00    |
| TRACT NO. 17 (43 FW 1168) . . . . .  | 25.00    |
| TRACT NO. 18 (43 FW 1169) . . . . .  | 1.80     |
| TRACT NO. 19 (43 FW 1170) . . . . .  | 45.50    |
| TRACT NO. 20 (43 FW 1171) . . . . .  | 450.00   |
| TRACT NO. 21 (43 FW 1172) . . . . .  | 3.50     |
| TRACT NO. 22 (43 FW 1173) . . . . .  | 1.79     |
| TRACT NO. 23 (43 FW 1174) . . . . .  | 1.79     |
| TRACT NO. 24 (43 FW 1175) . . . . .  | 1.10     |
| TRACT NO. 25 (43 FW 1176) . . . . .  | 18.40    |
| TRACT NO. 27 (43 FW 1178) . . . . .  | 2.64     |

|  |            |
|--|------------|
| TRACT NO. 28 (43 FW 1186) . . . . .      | \$ 1.00    |
| TRACT NO. 29 (43 FW 1187 Rev.) . . . . . | 4.95       |
| TRACT NO. 30 (43 FW 1188) . . . . .      | 2.40       |
| TRACT NO. 31 (43 FW 1189) . . . . .      | 3.30       |
| TRACT NO. 32 (43 FW 1190 Rev.) . . . . . | 1.64       |
| TRACT NO. 33 (43 FW 1191) . . . . .      | 1.50       |
| TRACT NO. 34 (43 FW 1192) . . . . .      | 4.50       |
| TRACT NO. 35 (43 FW 1193) . . . . .      | 100.00     |
| TRACT NO. 36 (43 FW 1194) . . . . .      | 12.00      |
| TRACT NO. 37 (43 FW 1195) . . . . .      | 5.00       |
| TRACT NO. 38 (43 FW 1268) . . . . .      | 75.00      |
| TRACT NO. 39 (43 FW 1269) . . . . .      | 2.00       |
| TRACT NO. 40 (43 FW 1270) . . . . .      | 210.25     |
| TOTAL -----                              | \$1,414.81 |

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 9th day of February, 1944, upon the filing of a Declaration of Taking and the depositing of the sum of \$1,210.45 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 herei-above 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 \$204.36, said sum being the difference between the sum of \$1,414.81, 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 \$1,210.45.

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

  
\_\_\_\_\_  
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 364.30  
acres, more or less; and Lula Griffiths,  
et al.,

Defendants.

CIVIL NO. 1191

FILED  
JAN - 9 1947

NUMA C. HOOD  
CLERK U. S. DISTRICT COURT

ORDER FIXING TITLE AND MAKING DISTRIBUTION

NOW, On this 9<sup>th</sup> day of January, 1947, ~~December, 1946~~, 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 (56 FM 1552)

Flowage Easement

(Title fixed and distribution made under Order of April 9, 1945)

TRACT NO. 2 (56 FM 1553)

Flowage Easement

Aubra Housman - - - - fee owner - - - - - \$159.50

(Title fixed and partial distribution of \$180.00 made August 19, 1946)  
(Commissioners' Award)

TRACT NO. 3 (56 FM 1554)

Flowage Easement

R. V. Higginbotham,  
Florence Higginbotham, - - - - fee owners - - - - \$ 78.00

(Title fixed and partial distribution of \$119.50 made October 19, 1945)  
(Commissioners' Award)

TRACT NO. 4 (56 FM 1555)

Flowage Easement

(Title fixed and distribution made under Order of April 9, 1945)

TRACT NO. 5 (56 FW 1556)

Flowage Easement

A. L. Burgin,  
Maud Burgin, - - - - - fee owners; - - - - \$102.00  
The Federal Land Bank of  
Wichita, - - - - - mortgagee;

(Make check to A. L. Burgin, Maud Burgin and  
The Federal Land Bank of Wichita)  
(Commissioners' Award)

TRACT NO. 6 (56 FW 1557)

Flowage Easement

(Title fixed and distribution made under Order of  
July 5, 1945)

TRACT NO. 7 (56 FW 1558)

Flowage Easement

Maud Burgin, - - - - - fee owner - - - - - \$75.00  
(Commissioners' Award)

TRACT NO. 8 (56 FW 1558-A)

Flowage Easement

Wm. H. Thomas, - - - - - fee owner - - - - - \$ 1.50  
H. G. Pool, Sr.,  
Mary E. Pool, - - - - - holders of contract to purchase  
LeRoy Pool,

(Make check to Wm. M. Thomas, H. G. Pool, Sr.,  
Mary E. Pool and LeRoy Pool)  
(Commissioners' Award)

TRACT NO. 9 (56 FW 1559)

Flowage Easement

(Separate Judgment Entered)

TRACT NO. 10 (56 FW 1560)

Flowage Easement

(Title fixed and distribution made under Order  
of October 11, 1945)

TRACT NO. 11 (56 FW 1561)

Flowage Easement

(Title fixed and distribution made under Order  
of January 2, 1945)

TRACT NO. 12 (56 FW 1570)

Flowage Easement

Treverse Staton,  
Lloyd A. Staton,  
L. Earle Staton, - - -fee owners, - - - - - \$266.50  
H. Randolph Staton,  
Esther E. Weinheimer,  
(Commissioners' Award)

TRACT NO. 13 (56 FW 1571)

Flowage Easement

Patience Lee Fullerton, a minor, - -fee - - - - - \$499.00  
Mary Elizabeth Fullerton, now Greenwood,  
Guardian of Patience Lee Fullerton,  
a minor,  
(Make check to Mary Elizabeth Fullerton,  
now Greenwood, Guardian of Patience Lee  
Fullerton, a minor)  
(Commissioners' Award)

TRACT NO. 14 (56 FW 1572)

Flowage Easement

Pauline F. Newton,  
Samuel C. Fullerton, Jr.,  
Katherine F. Moore,  
Carrie Belle Wagoner,  
Elizabeth Ann F. Coleman, - -fee - - - \$532.50  
Patience Jean Fullerton, now Stevenson,  
Trustees for Patience Lee Fullerton,  
Minnie L. Fullerton,

(Make check to all of the above owners)  
(Commissioners' Award)

TRACT NO. 15 (56 FW 1603)

Flowage Easement

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

TRACT NO. 16 (56 FW 1604)

Flowage Easement

(Separate Judgment entered)

TRACT NO. 17 (56 FW 1605)

Flowage Easement

(Pending on demand for jury trial)

TRACT NO. 18 (56 FW 1606-1)

Flowage Easement

(Title fixed and distribution made under order of  
March 3, 1945)

TRACT NO. 19 (56 FW 1608)

Flowage Easement

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

TRACT NO. 20 (56 FW 1609)

Flowage Easement

(Title fixed and distribution made under Order of  
December 21, 1944)

TRACT NO. 21 (56 FW 1612)

Flowage Easement

(Separate Judgment entered)

TRACT NO. 22 (56 FW 1614)

Flowage Easement

Pending (supplemental report of commissioners  
not final)

TRACT NO. 23 (56 FW 1606 Rev.)

Flowage Easement

T. S. Moxley, - - - - - fee owner:

\$655.50

Floyd V. Tiece,

Greta O. Tiece, - - - assignees of T. S. Moxley

Make check payable to Floyd V. Tiece and  
Greta O. Tiece)  
(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.

  
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 DELAWARE COUNTY,  
OKLAHOMA, and Q. P. MCGHEE, et al.,

Defendants.

CIVIL NO. 1623

FILED

JAN 9 1947

WILLIAM C. HOOD  
U.S. DISTRICT COURT

JUDGMENT

NOW, on this 9<sup>th</sup> day of January, 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, 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 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 were 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, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estate, filed their report herein on the 31st day of October, 1945, 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 (3A GR-D 1006)

Fee Title

Lot 24 in Block 9 as shown on the recorded plat of the Townsite of Tia Juana in Delaware County, Oklahoma, and all that part of the street and avenue adjacent to said Lot 24 and incident to the ownership thereof.

TOTAL FAIR CASH MARKET VALUE (FEE TITLE) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 50.00

TRACT NO. 2 (3A GR-D 1007)

Fee Title

Lot 24 in Block 10 as shown on the recorded plat of the Townsite of Tia Juana in Delaware County, Oklahoma, and all that part of the street and avenue adjacent thereto and incident to the ownership thereof.

TOTAL FAIR CASH MARKET VALUE (FEE TITLE) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 100.00

TRACT NO. 3 (3A GR-D 1008)

Fee Title

Lot 25 in Block 10 as shown on the recorded plat of the Townsite of Tia Juana in Delaware County, Oklahoma, and all that part of the street and avenue adjacent to said Lot 25 and incident to the ownership thereof.

TOTAL FAIR CASH MARKET VALUE (FEE TITLE) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 100.00

TRACT NO. 4 (3A GR-D 1009)

Lot 24 and Lot 25 in Block 15 as shown on the recorded plat of the Townsite of Tia Juana in Delaware County, Oklahoma, and all those parts of the street and avenues adjacent to said Lots 24 and 25 and incident to the ownership thereof.

TOTAL FAIR CASH MARKET VALUE (FEE TITLE) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 300.00

TOTAL ----- \$ 550.00

(7) More than sixty (60) days have elapsed since the filing of the report of commissioners herein, and no written exceptions thereto nor demands for jury trial are pending, 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 designated, as fixed by the report of commissioners hereinabove set forth, is final, just compensation, in the total amount of \$550.00.

(8) That the United States of America did, on the 30th day of July, 1945, 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 (3A GR-D 1006) . . . . . | \$ 50.00  |
| TRACT NO. 2 (3A GR-D 1007) . . . . . | 100.00    |
| TRACT NO. 3 (3A GR-D 1008) . . . . . | 100.00    |
| TRACT NO. 4 (3A GR-D 1009) . . . . . | 300.00    |
| TOTAL -----                          | \$ 550.00 |

(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 August 1, 1888, 25 Stat. 357 (40 U. S. C. Sec. 257); the Act of February 26, 1921, 46 Stat. 1421 (40 U. S. C. Secs. 258 (a) to 258 (e)); Title II of the Act of June 16, 1933, 48 Stat. 200-203 (40 U. S. C. Sec. 401-403) as amended and supplemented; the Act of June 10, 1920, 41 Stat. 1063 (16 U. S. C. Sec. 809); Executive Order No. 8944, dated November 19, 1941; Title II of the Act of March 27, 1942, 56 Stat. 177 (50 U. S. C. 171 (a)); Executive Order No. 9366, dated July 30, 1943; and Executive Order No. 9373, dated August 30, 1943, 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 purport of the above designated Acts of Congress.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the report of the 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 full and just compensation for the taking of said estate in the lands designated as follows, to-wit:

|                                      |           |
|--------------------------------------|-----------|
| TRACT NO. 1 (3A GR-D 1006) . . . . . | \$ 50.00  |
| TRACT NO. 2 (3A GR-D 1007) . . . . . | 100.00    |
| TRACT NO. 3 (3A GR-D 1008) . . . . . | 100.00    |
| TRACT NO. 4 (3A GR-D 1009) . . . . . | 300.00    |
| TOTAL -----                          | \$ 550.00 |

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken for said public use is the full fee simple title in and to the lands hereinabove described, subject only to existing public easements upon that portion of said lands designated and described as the streets and avenues adjacent thereto.

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 30th day of July, 1945, upon the filing of a Declaration of Taking and depositing the sum of \$550.00 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, in the total sum of \$550.00, 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.

*Royce H. Savage*  
\_\_\_\_\_  
JUDGE

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

United States of America,  
Plaintiff,  
v.  
R. M. Johnson and John G. Baker,  
County Treasurer of Mayes County,  
Oklahoma,  
Defendants.

No. 1706 Civil.

DISMISSAL

Now on this 9th day of January, 1947, the plaintiff, the United States of America, appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma and John W. McCune, Assistant United States Attorney for the Northern District of Oklahoma and being shown by the Court that the plaintiff has heretofore compromised said action by paying to the Treasurer of the United States the sum of \$560.17 and paying to the Clerk of this Court the court costs in the sum of \$52.44, which compromise and settlement has been accepted by the Attorney General of the United States.

It is, therefore, ordered by the Court that said action be and the same is hereby dismissed with prejudice to a further action.

*George H. Dewey*  
DISTRICT JUDGE

FILED

*Noble E. Hood*  
CLERK OF THE DISTRICT COURT



IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED by the court that the land duly allotted to William Cornsilk, fullblood Cherokee Indian, Roll No. 19280, described as follows:

The West Half of Southeast Quarter of Northwest Quarter and Southeast Quarter of Southeast Quarter of Northwest Quarter and Northeast Quarter of Southeast Quarter of Northwest Quarter of Section 31, and East Half of Southeast Quarter of Northwest Quarter of Section 30, Township 28 North, Range 15 East, situated in Nowata County, Oklahoma;

is now owned by and the legal title thereto vested in the following named persons in the interest set after their respective names:

Katie Cornsilk, nee Scott, undivided 1/3 interest  
Jesse Cornsilk, undivided 1/9 interest  
Leona Cornsilk, undivided 1/9 interest  
Henry J. Cornsilk, undivided 1/9 interest  
Ruth Cornsilk, undivided 1/9 interest  
Kathryn Cornsilk, undivided 1/9 interest  
Josephine Tidwell, nee Cornsilk, undivided 1/9 interest

Their title and right of possession is forever settled and quieted as against each and all of the parties herein named and anyone claiming by, through or under them; and it is further considered, ordered, adjudged and decreed that the parties last hereinabove named are in possession of said land as co-tenants.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED that the entire interest of Katie Cornsilk, nee Scott, being an undivided 1/3 interest, Jesse Cornsilk, an undivided 1/9 interest, Leona Cornsilk, and undivided 1/9 interest, Henry J. Cornsilk, an undivided 1/9 interest, Ruth Cornsilk, ~~xxxxRitter~~, an undivided 1/9 interest, Kathryn Cornsilk, now Ritter, an undivided 1/9 interest and Josephine Tidwell, nee Cornsilk, an undivided 1/9 interest, are restricted in said owners and are exempt from taxation in accordance with the provisions of the Acts of Congress.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED that the decree of heirship entered in the County Court of Adair County, Oklahoma, in Probate Case No. 3338, is a final and conclusive determination of the heirs of William Cornsilk, full blood Cherokee Indian, Roll No. 19280, and said decree is herewith adopted and approved as conclusive and binding upon this court as to the identity of the heirs of the above named decedent, and the interest each took in his estate, and that no other persons have any right, title, claim or interest in and to the property of the said decedent by





IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the cause of action against D.A. Burton, as set out in the Complaint of the plaintiff herein, except as to the depletion of the assets of the corporation, which is deferred, be, and the same is hereby dismissed, with prejudice, saving to the plaintiff any cause of action which it has or may have on account of inability to satisfy any judgment against the corporation that it may obtain.

Boris B. ...

J. U D G E

O.K. [Signature]  
Attorneys for plaintiff.

O.K. [Signature]  
Attorney for D.A. Burton.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Ward Gardner, Plaintiff,  
vs.  
I. . . Jones, Defendant.

1921  
No. 1271 Civil  
**FILED**  
JAN 13 1947  
NORBLE C. HOOD

Now on this the 13th day of January 1947, the

plaintiff's motion for summary judgment is hereby granted.

The Court, having read the verified petition of the plaintiff and the answer thereto, and the affidavits submitted in support thereof, and the facts appearing thereon, is of the opinion that no summary judgment should be granted.

It is therefore ordered that the plaintiff's motion for summary judgment be denied, and that the case proceed to trial.

Bower Broadus  
District Judge  
United States District Court  
District of Columbia

C. K.  
[Signature]  
A. L. Commons, Attorney for Plaintiff.

WALLACE S. WALLACE,  
BY John R. Wallace  
John Wallace, Attorney for Defendant.

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

United States of America,  
Plaintiff

vs.

10 cases, each containing 24  
bottles article labeled in part  
"8 Ounces Hydrogen Peroxide 10  
Volumes 3%, 3-16 Gr. Acentanilid  
to Oz."

Defendant

No. 1973 Civil

FILED  
JAN 13 1947  
NOBLE C. HOOD  
CLERK U. S. DISTRICT COURT

JOURNAL ENTRY

This matter coming on for hearing this 13th day of January, 1947,  
in its regular order, with plaintiff, the United States of America, appear-  
ing by Whit Y. Mauzy, United States Attorney for the Northern District of  
Oklahoma and John W. McGune, Assistant United States Attorney for the North-  
ern District of Oklahoma and the defendant, Loveless Pharmacal Company, a  
Missouri Corporation, having filed herein its consent to forfeiture of  
10 cases, each contain 24 bottles article labeled in part "8 Ounces Hydrogen  
Peroxide 10 Volumes 3%, 3-16 Gr. Acentanilid to Oz.," and the Court being fully  
advised in the premises find:

That 10 cases each containing 24 bottles article labeled  
in part "8 Ounces Hydrogen Peroxide 10 Volumes 3%, 3-16  
Gr. Acentanilid to Oz."

were shipped in interstate commerce by Loveless Pharmacal Company, Springfield,  
Missouri, to Warehouse Market, Inc., on or about June 10, 1946, by Campbell  
Express, Inc.

The Court further finds that said article is adulterated within the mean-  
ing of 21 U.S.C., 351 (b) in that its strength is less than the standard  
prescribed in the United States Pharmacopoeia, an official compendium, in that  
it contains less than 0.5 gram Hydrogen Peroxide per 100 cubic centimeters.

The Court further finds that said article is misbranded within the mean-  
ing of 21 U.S.C. 342 (a) in that the label statements "8 Ounces Hydrogen

Peroxide 10 Volumes 3%, 3-16 Gr. Acetanilid to Oz." is not true and is misleading as said article contains less than the label amount.

The Court further finds that the United States Marshall for the Northern District of Oklahoma, upon order of the Court of December 23, 1946, to seize and arrest said merchandise, did arrest and seize 10 cases, each containing 24 bottles article labeled in part "8 Ounces Hydrogen Peroxide 10 Volumes 3%, 3-16 Gr. Acetanilid to Oz."

It is, therefore, ordered, adjudged and decreed that the said 10 cases, each containing 24 bottles article labeled in part "8 Ounces Hydrogen Peroxide 10 Volumes 3%, 3-16 Gr. Acetanilid to Oz." by and the same is hereby condemned, forfeited and confiscated. It is further ordered, adjudged and decreed that the said 10 cases, each containing 24 bottles article labeled in part "8 Ounces Hydrogen Peroxide 10 Volumes 3%, 3-16 Gr. Acetanilid to Oz." be destroyed and John F. Logan, United States Marshall for the Northern District of Oklahoma, be and he is hereby instructed and directed to destroy the same and to report his acts under this order to this Court within thirty days from this date.

It is further ordered by the Court that the plaintiff, the United States of America, recover the cost of this action from Loveless Pharmacal Company, a corporation.

W. Bower Broadwell  
United States District Judge

OK:

Whit Y. Manzy  
Whit Y. Manzy  
United States Attorney

John W. McCune  
John W. McCune, Assistant  
United States Attorney

OK:

W. Parker Moon  
Attorney for Loveless Pharmacal Co.

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

LEI A. LOFT N, Administrator  
Office of Price Administration  
  
Plaintiff  
  
vs.  
  
MRS. NAJEEBA NAHAL  
d/b/a Nahal Food Market  
  
Defendant

CIVIL ACTION NO. 1852

FILED

NOV 10 1947

STIPULATION ALSO SEE PROCEEDING RECORDS

It is stipulated by the counsel for plaintiff and counsel for defendant that, subject to the approval of the court, the above entitled cause of action may be dismissed by the plaintiff without prejudice and without cost to the defendant.

*Raymond S. Feldman*  
Counsel for Plaintiff *John H. Poe*

*John H. Cantors*  
Counsel for Defendant

ORDER

The foregoing stipulation, having been presented to the court, and the court being fully advised in the premises, finds, that the stipulation should be approved and that the above entitled cause of action should be dismissed without prejudice and without cost to the defendant.

IT IS THEREFORE ORDERED, by the Court, that the above entitled cause of action be, and it is hereby dismissed without prejudice, and without cost to the defendant.

Dated this 16 day of Jan., 1947.

*Raymond H. Savage*  
UNITED STATES DISTRICT JUDGE

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

Leona Weir, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 1879 Civil  
 )  
 F. W. Woolworth Company, )  
 a corporation, )  
 )  
 Defendant. )

**EILED**

**JAN 16 1947**

**NOBLE C. HOOD**  
Clerk U. S. District Court

D I S M I S S I A L

Comes now the complainant, Leona Weir, and asks the court to  
dismiss the above styled and numbered action pending in this court, with  
prejudice to the bringing of a future action, at the cost of the defendant.

Dated this 13th day of January, 1947.

Leona Weir  
Complainant

David R. M. [unclear]  
Attorneys for Complainant

For good cause shown the above styled and numbered action is  
hereby dismissed with prejudice to the bringing of a future action, at the  
cost of the defendant.

Dated this \_\_\_\_\_ day of January, 1947.

[Signature]  
U. S. District Judge



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

OKLAHOMA NATURAL GAS COMPANY,  
a Corporation,

Plaintiff,

Vs.

CAMERON IRON WORKS,  
a Corporation,

Defendant.

NO. 1917-C ✓

ORDER OF DISMISSAL

On this 16th day of January, 1947, upon motion of the  
plaintiff, Oklahoma Natural Gas Company, it is ordered that  
this case be dismissed with prejudice.

W. H. Savage  
Judge

(K)  
Charles Johnson  
for self.

FILED

JAN 16 1947

NOBLE C. HOOD  
Clerk U. S. District Court

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

PAUL A. PORTER, Administrator,  
Office of Price Administration,

Plaintiff

vs.

RAYMOND BUTLER

Defendant

Civil Action No. 1949

D I S M I S S A L

Now on this 3rd day of January, 1947, the above-styled and numbered cause of action comes on for hearing upon the plaintiff's motion for a Final Injunction; plaintiff appearing by counsel and the defendant appearing in person, with no attorney, at which time the Court having heard the statement of counsel and having heard the statement of the defendant and being fully advised of the premises herein finds said Injunction should not issue and that the case 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 defendant.

*Royce H. Savage*  
United States District Judge

*Hed M. Black*  
O.K. Attorney for Plaintiff

FILED

NOBLE C. WOOD

CLERK OF DISTRICT COURT

THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF COLUMBIA

V. L. Bran,  
Plaintiff,  
vs.  
Federal National Building  
Company, a Foreign Corp.,  
Defendant.

No. 1331 Civil  
FILED  
JAN 16 1947

U.S.D.C. District of Columbia  
JAMES C. HOGAN  
United States District Judge

On this 16 day of January, 1947, the above  
entitled matter coming on for hearing upon the stipula-  
tion of the parties for dismissal with prejudice and it  
appearing to the court that the parties have settled and  
come out of court and have filed their written stipulation  
for dismissal with prejudice to a new action at the  
cost of the defendant but without attorneys' fees to either  
side, and the court being well and sufficiently advised in  
the premises,

IT IS ORDERED, ADJUDGED AND DECREED, that the  
above entitled matter be and the same is hereby dismissed  
with prejudice to a new action at the cost of the defendant  
but without attorneys' fees to either side.

Boya N. Savage  
JUDGE

APPROVED:  
[Signature]  
Attorney for Plaintiff  
[Signature]  
[Signature]  
Attorneys for Defendant

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 166.08  
acres, more or less; and F. R. RODGDON,  
et al.,

Defendants.

CIVIL NO. 1190

FILED

JAN 17 1947

ORDER FIXING TITLE AND MAKING DISTRIBUTION

NOBLE C. HOOD  
Clerk U. S. District Court

NOW, on this 17<sup>th</sup> day of January, 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 (44 FW 1201 A)

Flowage Easement

(Title fixed and distribution made under Order of May 9, 1945.)

TRACT NO. 2 (46 FW 1287)

Flowage Easement

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

TRACT NO. 3 (50 FW 1333 A)

Flowage Easement

(Title fixed and distribution made under Order of June 4, 1945.)

TRACT NO. 4 (50 FW 1333 B)

Flowage Easement

(Title fixed and distribution made under Order of August 17, 1944.)

TRACT NO. 5 (50 FW 1333 C)

Flowage Easement

(Title fixed and distribution made under Order of August 7, 1944.)

TRACT NO. 6 (50 FW 1333 D)

Flowage Easement

(Title fixed and distribution made under Order of August 7, 1944.)

TRACT NO. 7 (50 FW 1333 E)

Flowage Easement

Frances A. Maze, - - - - - fee owner, - - - - - \$ 15.00  
(Commissioners' award)

TRACT NO. 8 (50 FW 1336)

Flowage Easement

David K. Harvey, - - - - - fee owner, - - - - - \$ 10.00  
(Commissioners' award)

TRACT NO. 9 (50 FW 1354)

Flowage Easement

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

TRACT NO. 10 (50 FW 1355,  
50 FW 1356)

Flowage Easement

(Title fixed and distribution made under Order  
of August 7, 1944.)

TRACT NO. 11 (50 FW 1357)

Flowage Easement

(Title fixed and distribution made under Order  
of June 4, 1945.)

TRACT NO. 12 (50 FW 1358)

Flowage Easement

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

TRACT NO. 13 (50 FW 1359)

Flowage Easement

(Title fixed and distribution made under Order  
of June 4, 1945.)

TRACT NO. 14 (51 FW 1374)

Flowage Easement

(Title fixed and distribution made under Order  
of April 2, 1945.)

TRACT NO. 15 (51 FW 1374 A)

Flowage Easement

T. F. Fleetwood, - - - - - fee owner - - - - - \$ 3.50  
(Commissioners' award)

TRACT NO. 16 (51 FW 1377)

Flowage Easement

(Erroneously condemned. Estimated just  
compensation refunded petitioner 1-14-47.)

TRACT NO. 17 (51 FW 1388)

Flowage Easement

Wanda I. Brown,  
Nelson C. Brown, - - - - - fee owners, - - - - - \$ 4.00  
(Commissioners' award)

TRACT NO. 18 (52 FW 1390 Rev.)

Flowage Easement

Roy T. Wills, - - - - - fee owner, - - - - - \$ 24.00  
(Commissioners' award)

TRACT NO. 19 (52 FW 1391 Rev.)

Flowage Easement

George E. Kirk,  
Hattie Kirk, - - - - - fee owners, - - - - - \$ 1.40  
(Commissioners' award)  
The First National Bank of  
Miami, Oklahoma, - - - - - mortgage, - -

(Make check payable to George E. Kirk, Hattie Kirk,  
and The First National Bank of Miami.)

TRACT NO. 20 (52 FW 1393)

Flowage Easement

Any Bluejacket, - - - - - fee owner, - - - - - \$ 10.00  
(Commissioners' award)  
Title held in trust by United States of America.

(Make check payable to the Treasurer of the  
United States, for the use and benefit of  
Any Bluejacket.)

TRACT NO. 21 (52 FW 1496)

Flowage Easement

State of Oklahoma, - - - - - fee owner, - - - - - \$ 46.00  
(Commissioners' award)

H. W. Clapp,  
C. C. Clapp, - - - holders of certificate of purchase.

(Make check to Commissioners of the Land Office,  
H. W. Clapp, and C. C. Clapp.)

TRACT NO. 22 (52 FW 1497)

Flowage Easement

SEPARATE JUDGMENT ENTERED.

TRACT NO. 23 (52 FW 1498)

Flowage Easement

Fred Woolard, - - - - - fee owner, - - - - - \$ 30.00  
(Commissioners' award)

TRACT NO. 24 (52 FW 1502)

Flowage Easement

Sarah G. Cochran. - - - - - fee owner. - - - - - \$600.00  
(Commissioners' award)  
Title held in trust by United States of America.

(Title fixed and partial distribution of \$150 crop  
damages made 11-9-44.)

(Make check payable to the Treasurer of the United  
States, for the use and benefit of Sarah G. Cochran.)

TRACT NO. 25 (55 FW 1480)

Flowage Easement

Matthew H. Robinson.  
Opal Mary Robinson. - - - - - fee owners. - - - - - \$ 10.00  
(Commissioners' award)

TRACT NO. 26 (55 FW 1481)

Flowage Easement

Louise H. King. - - - - - fee owner. - - - - - \$ 1.50  
(Commissioners' award)  
Title held in trust by the United States of America.

(Make check payable to the Treasurer of the United  
States, for the use and benefit of Louise H. King.)

TRACT NO. 27 (55 FW 1548)

Flowage Easement

J. B. Cole,  
Bessie Cole. - - - - - fee owners. - - - - - \$ 45.00  
(Commissioners' award)  
The First National Bank  
of Miami, Oklahoma - - - - - mortgages.

(Make check payable to J. B. Cole, Bessie Cole,  
and The First National Bank of Miami.)

TRACT NO. 28 (55 FW 1548 A)

Flowage Easement

J. B. Cole,  
Bessie Cole. - - - - - fee owners. - - - - - \$ 55.00  
(Commissioners' award)  
The First National Bank  
of Miami, Oklahoma. - - - - - mortgages.

(Make check payable to J. B. Cole, Bessie Cole,  
and The First National Bank of Miami.)

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

UNITED STATES OF AMERICA,

Petitioner,

-vs-

CERESIN PARCELS OF LAND IN ITTAPA COUNTY,  
OKLAHOMA, containing approximately 180.50  
acres, more or less; and Albert Walker,  
et al.,

Defendants.

CIVIL NO. 1192

FILED

JAN 17 1947

NOBLE C. HOOD  
Clerk U. S. District Court

J U D G E

NOV, on this 17<sup>th</sup> day of January, 1947, there comes on  
for hearing, pursuant to regular assignment, the application of the  
petitioner herein for a judgment approving the commissioners' report  
and stipulation 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,  
stipulation 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 authority  
under which, and the public use for which the estate in said lands were  
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 12th day of July, 1945, a supplemental report as to Tract No. 5 (57 FW 1617), on the 18th day of July, 1945, and a supplemental report as to Tract No. 1 (57 FW 1575) and Tract No. 26 (57 FW 1745), on the 10th day of September, 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 (57 - FW-1575)

Flowage Easement

All that part of the  $S\frac{1}{2} S\frac{1}{2} N\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$ , and all that part of the  $S\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$  of 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 16.0 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said  $S\frac{1}{2} S\frac{1}{2} N\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$ , and all that part of said  $S\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$  lying above Elev. 756.1 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, . . . . . \$ 408.00

TRACT NO. 2 (57 - FW-1577)

Flowage Easement

All that part of the unplatted portion of the  $NE\frac{1}{4} NE\frac{1}{4}$  lying East of Tar Creek in Sec. 31, T 28 N, R 23 E, of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, except that portion on which the Grand River Dam Authority has the right of flowage, 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 unplatted portion of said  $NE\frac{1}{4} NE\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 1.7 acres.

(Compensation fixed pursuant to Stipulation)

TRACT NO. 3 (57 - FW-1615)

Flowage Easement

All that part of the  $N\frac{1}{2} SE\frac{1}{4}$ , all that part of Lot 7, and all that part of Lot 8 in Sec. 5, 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 owned by the Grand River Dam Authority, containing approximately 2.4 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said  $N\frac{1}{2} SE\frac{1}{4}$ , all that part of said Lot 7, and all that part of said Lot 8 lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 5.4 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 141.00

TRACT NO. 4 (57 - FW-1616)

Flowage Easement

All that part of Lot 5, and all that part of Lot 6 in Sec. 5, 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 owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 2.0 acres.

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 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, . . . . . \$ 67.00

TRACT NO. 5 (57 - FW-1617)

Flowage Easement

All that part of the SE 9.60 acres of Lot 4, and all that part of the SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, and all that part of the E<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, and all that part of the East 20.0 acres of Lot 5 in Sec. 6, 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 owned by the Grand River Dam Authority, containing approximately 16.3 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, and all that part of said E<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, and all that part of said east 20.0 acres of Lot 5 lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 14.4 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$1074.00

TRACT NO. 6 (57 - FW-1618)

Flowage Easement

All that part of the NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Sec. 6, 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, containing approximately 0.9 acre.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said NW<sup>1</sup>/<sub>4</sub> SW<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 1.4 acres.

SEPARATE JUDGMENT ENTERED

TRACT NO. 7 (57 - FW-1613)

Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 6, 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, containing approximately 0.1 acre.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said SE $\frac{1}{4}$  NW $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and 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, . . . . . \$75.00

TRACT NO. 8 (57 - FW-1620)

Flowage Easement

All that part of the south 20.0 acres of Lot 6 in Sec. 6, 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, containing approximately 0.3 acre.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said south 20.0 acres of Lot 6 lying between Elev. 756.1 Sea Level Datum and 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, . . . . . \$69.00

TRACT NO. 9 (57 - FW-1624)

Flowage Easement

All that part of the NW 10.0 acres of Lot 4, all that part of the SW 10.0 acres of Lot 4, and all that part of the NE 2.70 acres of Lot 4 in Sec. 6, 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 owned by the Grand River Dam Authority, containing approximately 13.2 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said NW 10.0 acres of Lot 4, all that part of said SW 10.0 acres of Lot 4 lying above Elev. 756.1 Sea Level Datum, containing approximately 3.5 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$466.00

TRACT NO. 10 (57 - FW-1626)

Flowage Easement

All that part of the NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of 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 owned by the Grand River Dam Authority and less 0.2 acre St. L. & S. P. RR E/W, containing approximately 5.9 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> lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 21.0 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$752.00**

TRACT NO. 11 (57 - FW-1627)

Flowage Easement

All that part of the E<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Sec. 31, T 28 N, R 23 E of the Indian Base and Meridian, Cherokee Survey, 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 E<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> lying between Elev. 756.1 Sea Level Datum and Elev. 760 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, . . . . . \$102.50**

TRACT NO. 12 (57 - FW-1628)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the W<sup>1</sup>/<sub>2</sub> SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, and all that part of the W<sup>1</sup>/<sub>2</sub> E<sup>1</sup>/<sub>2</sub> SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Sec. 31, T 23 N, R 23 E of the Indian Base and Meridian, Cherokee Survey, in Ottawa County, Oklahoma, lying below Elev. 760 Sea Level Datum, containing approximately 2.1 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$85.00**

TRACT NO. 13 (57 - MW-1629)

Flowage Easement

All that part of the South 17.88 acres of Lot 12, and all that part of Lot 13 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, containing approximately 4.8 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said South 17.88 acres of Lot 12, and all that part of said Lot 13, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, except less than 0.1 acre St. L. & S. F. Railroad right-of-way, containing approximately 7.4 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$339.00**

TRACT NO. 14 (57 - MW-1630)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the NE<sup>1</sup> SE<sup>1</sup>, and all that part of the NE<sup>1</sup> SE<sup>1</sup> SE<sup>1</sup> of Sec. 32, 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 2.6 acres.

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

TRACT NO. 15 (57 - MW-1631)

Flowage Easement

All that part of the NE 10.0 acres of Lot 12 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 7.0 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said NE 10.0 acres of Lot 12 lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 2.1 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 210.50**

TRACT NO. 16 (57 - FW-1632)

Flowage Easement

All that part of the NW 7.86 acres of Lot 12 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, containing approximately 0.5 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said NW 7.86 acres of Lot 12 lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 0.5 acres.

TOTAL CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 45.00

TRACT NO. 17 (57 - FW-1633)

Flowage Easement

All that part of the south 5.7 acres of the west 15.7 acres of Lot 9 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, containing approximately 4.2 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said south 5.7 acres of the west 15.7 acres of Lot 9 lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 4.2 acres.

TOTAL CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 154.00

TRACT NO. 18 (57 - FW-1634)

Flowage Easement

All of Lot 7 except that portion owned by the Grand River Dam Authority, and all that part of Lot 8, all that part of Lot 10, and all that part of the NE 10.0 acres of Lot 9, and all that part of the SE 10.0 acres of Lot 9, and all that part of the north 10.0 acres of the west 15.7 acres of Lot 9 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 owned by the Grand River Dam Authority, and less 0.1 acre U. S. Highway No. 66 R/W, containing approximately 25.4 acres.

TRACT NO. 18 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 8, all that part of said Lot 10, all that part of said NE 10.0 acres of Lot 9, and all that part of said SE 10.0 acres of Lot 9 and all that part of said north 10.0 acres of the west 15.7 acres of Lot 9, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, less 2.6 acres U. S. Highway No. 66 R/W, containing approximately 10.6 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$1080.00**

TRACT NO. 19 (57 - EW-1703)

Flowage Easement

All that part of Lot 12 in Block 5, 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, 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 the east 90.0 feet of Lot 11, all that part of Lot 13, all that part of Lot 14, and all that part of Lot 15 in said Block 5 lying below Elev. 760 Sea Level Datum together with all that part of said Lot 12 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, . . . . . \$ 159.00**

TRACT NO. 20 (57 - EW-1704)

Flowage Easement

All that part of the east 74.0 feet of Lot 7, all that part of the east 78.0 feet of Lot 8, all that part of the east 82.0 feet of Lot 9, and all that part of the east 88.0 feet of Lot 10, all in Block 5, 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.

Easement for Intermittent  
Flowage During Flood Periods

All that part of the east 74.0 feet of Lot 7, all that part of the east 78.0 feet of Lot 8, all that part of the east 82.0 feet of Lot 9, and all that part of the east 88.0 feet of Lot 10 in said Block 5 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. 21 (57 - FW-1705)

Flowage Easement

All that part of the east 60.0 feet of Lot 6 in Block 5, as shown on the dedication plat of the Homewood Addition to the Original Townsite of Miami, in Ottawa County, Oklahoma, lying below Elev. 766.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of the east 60.0 feet of said Lot 6 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. 22 (57 - FW-1706)

Flowage Easement

All that part of Lot 1 and all that part of Lot 2 in Block 5, 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 and alleys adjacent to said Lots 1 and 2 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 1 and said Lot 2 lying above Elev. 756.1 Sea Level Datum, including the streets, avenues and alleys adjacent to said Lots 1 and 2 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, . . . . . \$ 150.00

TRACT NO. 23 (57 - FW-1743)

Easement for Intermittent  
Flowage During Flood Periods

All of Lot 4, all of Lot 5, all of Lot 6, all of Lot 7, all of Lot 8, all of Lot 9, and all of Lot 10 in Block 1 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 Lots 4, 5, 6, 7, 8, 9, and 10, 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, . . . . . \$ 105.00

TRACT NO. 24 (57 - FW-1743-A)

Easement for Intermittent  
Flowage During Flood Periods

All of Lot 1, all of Lot 2, and all of Lot 3 in Block 1 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 Lots 1, 2, and 3 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, . . . . . \$ 45.00

TRACT NO. 25 (57 - FW-1744)

Easement for Intermittent  
Flowage During Flood Periods

All of Lot 1, all of Lot 2, all of Lot 3, all of Lot 4, and all of Lot 5 in Block 2 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 Lots 1, 2, 3, 4, 5, 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, . . . . . \$ 400.00

TRACT NO. 26 (57 - FW-1745)

Flowage Easement

All that part of Lot 7, all that part of Lot 8, all that part of Lot 14, all that part of Lot 15, and all that part of Lot 16, all in Block 2 as shown on the dedication plat of Homewood Addition to the Original Townsite of Miami, in Ottawa County, Oklahoma, including the streets, avenues and alleys adjacent to said Lots 7, 8, 14, 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 said Lot 7, all that part of said Lot 8, all that part of said Lot 14, all that part of said Lot 15, and all that part of said Lot 16, lying above Elev. 756.1 Sea Level Datum, and all of Lot 6, all of Lot 17, all of Lot 18, and all of Lot 19 in said Block 2, including the streets, avenues, and alleys adjacent to said Lots 6, 7, 8, 14, 15, 16, 17, 18, and 19 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, . . . . . \$ 40.00

TRACT NO. 27 (57 - EW-1746)

Flowage Easement

All that part of Lot 13 in Block 2 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 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 said Lot 13, including the streets, avenues, and alleys adjacent to said Lot 13 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, . . . . . \$ 5.00

TRACT NO. 28 (57 - EW-1747)

Flowage Easement

All of Lot 11, and all that part of Lot 12 in Block 2 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 Lots 11 and 12 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 12, including the streets, avenues, and alleys adjacent to said Lot 12 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, . . . . . \$ 6.00

TRACT NO. 29 (57 - EW-1748)

Flowage Easement

All of Lot 10, and all that part of Lot 9 in Block 2 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 Lots 9 and 10 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 9, including the streets, avenues, and alleys adjacent to said Lot 9 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, . . . . . \$ 10.00

TRACT NO. 30 (57 - FW-1749)

Flowage Easement

All of Lot 13, all of Lot 14, all of Lot 15, and all of Lot 16 in Block 3 as shown on the dedication plat of Homewood Addition to the Original Townsite of Miami, in Ottawa County, Oklahoma, including the streets, avenues, and alleys adjacent to said Lots 13, 14, 15, and 16 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, . . . . . \$ 33.00

TRACT NO. 31 (57 - FW-1749 A)

Flowage Easement

All that part of Lot 19 in Block 3 as shown on the dedication plat of Homewood Addition to the Original Townsite of Miami, in Ottawa County, Oklahoma, including the streets, avenues, and alleys adjacent to said Lot 19, 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 19 including the streets, avenues, and alleys adjacent to said Lot 19 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, . . . . . \$ 6.00

TRACT NO. 32 (57 - FW-1750)

Flowage Easement

All of Lot 6, all of Lot 7, all of Lot 8, all of Lot 9, all of Lot 10, all of Lot 11, all of Lot 12, all of Lot 17, and all of Lot 18 in Block 3 as shown on the dedication plat of Homewood Addition to the Original Townsite of Miami, in Ottawa County, Oklahoma, including the streets, avenues, and alleys adjacent to said Lots 6, 7, 8, 9, 10, 11, 12, 17 and 18, 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, . . . . . \$ 18.00

TRACT NO. 33 (57 - FW-1751)

Flowage Easement

All that part of Lot 2, and all that part of Lot 3 in Block 3 as shown on the Dedication plat of Homewood Addition to the Original Townsite of Miami, in Ottawa County, Oklahoma, including the streets, avenues, and alleys adjacent to Lot 1 in said Block 3, and adjacent to said Lots 2 and 3, and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All of Lot 1, and all that part of Lot 2, and all that part of Lot 3 in said Block 3, including the streets, avenues, and alleys adjacent to said Lots 1, 2, and 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, . . . . . \$ 15.00**

TRACT NO. 34 (57 - FW-1752)

Flowage Easement

All of Lot 5, and all that part of Lot 4 in Block 3, as shown on the dedication plat of Homewood Addition to the Original Townsite of Miami, in Ottawa County, Oklahoma, including the streets, avenues, and alleys adjacent to said Lots 4 and 5 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, including the streets, avenues, and alleys adjacent to said Lot 4 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, . . . . . \$ 10.00**

TRACT NO. 35 (57 - FW-1753)

Flowage Easement

All of Lot 1, all of Lot 2, all of Lot 3, and all of Lot 4 in Block 4, as shown on the dedication plat of Homewood Addition to the Original Townsite of Miami, in Ottawa County, Oklahoma, including the streets, avenues, and alleys adjacent to said Lots 1, 2, 3, and 4, 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, . . . . . \$ 8.00**

TRACT NO. 36 (57 - FW-1754)

Flowage Easement

All of Lot 5, all of Lot 6, all of Lot 7, and all of Lot 8 in Block 4 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 Lots 5, 6, 7 and 8 and incident to the ownership thereof, except that portion on which the Grand River Dam Authority has the right of flowage.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 8.00

TRACT NO. 37 (57 - FW-1755)

Flowage Easement

All of Lot 9 and all of Lot 10 in Block 4 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 Lots 9 and 10 and incident to the ownership thereof, except that portion on which the Grand River Dam Authority has the right of flowage.

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

TRACT NO. 38 (57 - FW-1756)

Flowage Easement

All of Lot 11 and all of Lot 12 in Block 4 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 Lots 11 and 12 and incident to the ownership thereof, except that portion on which the Grand River Dam Authority has the right of flowage.

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

TRACT NO. 39 (57 - FW-1757)

Flowage Easement

All of Lot 13 in Block 4 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 13 and incident to the ownership thereof, except that portion on which the Grand River Dam Authority has the right of flowage.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 3.00

TRACT NO. 40 (57 - FW-1759)

Flowage Easement

All of Lot 18 in Block 4 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 18 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, . . . . . \$ 3.00

TRACT NO. 41 (57 - FW-1759)

Flowage Easement

All of Lot 19, all of Lot 20, all of Lot 21, and all of Lot 22 in Block 4 as shown on the dedication plat of Homewood Addition to the Original Townsite of Miami, in Ottawa County, Oklahoma, including the streets, avenues, and alleys adjacent to said Lots 19, 20, 21, and 22, 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, . . . . . \$ 12.00

TRACT NO. 42 (57 - FW-1760)

Flowage Easement

All of Lot 9, all of Lot 10, all of Lot 11, all of Lot 12, and all of Lot 13 in Block 6 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 Lots 9, 10, 11, 12, and 13, and incident to the ownership thereof, 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

TRACT NO. 43 (57 - FW-1761)

Flowage Easement

All of Lot 14, all of Lot 15, and all of Lot 16 in Block 6 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 Lots 14, 15 and 16 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, . . . . . \$ 12.00

TRACT NO. 44 (57 - MW-1762)

Flowage Easement

All of Lot 8 in Block 6 as shown on the dedication plat of the  
Hemwood Addition to the Original Townsite of Miami, in Ottawa  
County, Oklahoma, including the streets, avenues, and alleys  
adjacent to said Lot 8 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, . . . . . \$ 3.00

TRACT NO. 45 (57 - MW-1763)

Flowage Easement

All of Lot 7 in Block 6 as shown on the dedication plat of the  
Hemwood Addition to the Original Townsite of Miami, in Ottawa  
County, Oklahoma, including the streets, avenues, and alleys  
adjacent to said Lot 7 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, . . . . . \$ 2.00

T O T A L, - - - - - \$6,291.50

and that said reports 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 reports of commissioners herein, and no written exceptions thereto, nor demands for jury trial are pending as to the tracts above described, and that said reports of commissioners filed herein should be confirmed and approved in every respect, as to the tracts above particularly described.

(8) The Court finds that the petitioner and the owner entered into an agreement and stipulation in the form of an accepted offer of sale as to the just compensation to be paid for the estate taken in the land in this proceeding, and more particularly designated and described as follows, to wit:

TRACT NO. 2 (57 E 1577)

Flowage Assessment

STIPULATED TOTAL FAIR CASH MARKET VALUE THE ESTATE  
TAKEN (PERCENTUAL EASEMENT) AND ALL DAMAGES TO THE  
HEMLOCK CO., TENNESSEE, . . . . . \$325.00

and that said stipulation, agreement and accepted offer of sale entered into between the petitioner and the owner of said tract is in all respects regular and should be confirmed and approved in every respect, and said sum as set out in the aforementioned accepted offer of sale is just compensation for the estate taken.

The Court further finds that the just compensation for the estate taken herein for the tracts herein designated, as fixed by the reports of Commissioners and by the accepted offer of sale hereinabove set forth, is final just compensation in the total amount of \$6,616.50.

(9) That the United States of America did, on the 17th day of April, 1944, file its original Declaration of Taking herein, which was thereafter amended as to Tract No. 1 (57 E 1575) and Tract No. 26 (57 E 1745), on the 18th day of August, 1945; 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 (57 PW 1575), . . . . .   | 408.00   |
| TRACT NO. 2 (57 PW 1577), . . . . .   | 257.00   |
| TRACT NO. 3 (57 PW 1615), . . . . .   | 141.00   |
| TRACT NO. 4 (57 PW 1616), . . . . .   | 67.00    |
| TRACT NO. 5 (57 PW 1617), . . . . .   | 1,008.50 |
| TRACT NO. 7 (57 PW 1619), . . . . .   | 41.50    |
| TRACT NO. 8 (57 PW 1620), . . . . .   | 59.00    |
| TRACT NO. 9 (57 PW 1624), . . . . .   | 466.00   |
| TRACT NO.10 (57 PW 1626), . . . . .   | 752.00   |
| TRACT NO.11 (57 PW 1627), . . . . .   | 102.50   |
| TRACT NO.12 (57 PW 1628), . . . . .   | 66.00    |
| TRACT NO.13 (57 PW 1629), . . . . .   | 339.00   |
| TRACT NO.14 (57 PW 1630), . . . . .   | 66.00    |
| TRACT NO.15 (57 PW 1631), . . . . .   | 210.50   |
| TRACT NO.16 (57 PW 1632), . . . . .   | 32.00    |
| TRACT NO.17 (57 PW 1633), . . . . .   | 164.00   |
| TRACT NO.18 (57 PW 1634), . . . . .   | 946.00   |
| TRACT NO.19 (57 PW 1703), . . . . .   | 105.00   |
| TRACT NO.20 (57 PW 1704), . . . . .   | 62.50    |
| TRACT NO.21 (57 PW 1705), . . . . .   | 5.00     |
| TRACT NO.22 (57 PW 1706), . . . . .   | 150.00   |
| TRACT NO.23 (57 PW 1743), . . . . .   | 35.00    |
| TRACT NO.24 (57 PW 1743-A), . . . . . | 30.00    |
| TRACT NO.25 (57 PW 1744), . . . . .   | 220.00   |
| TRACT NO.26 (57 PW 1745), . . . . .   | 39.00    |
| TRACT NO.27 (57 PW 1746), . . . . .   | 6.00     |
| TRACT NO.28 (57 PW 1747), . . . . .   | 6.00     |
| TRACT NO.29 (57 PW 1748), . . . . .   | 6.00     |
| TRACT NO.30 (57 PW 1749), . . . . .   | 33.00    |
| TRACT NO.31 (57 PW 1749-A), . . . . . | 6.00     |
| TRACT NO.32 (57 PW 1750), . . . . .   | 18.00    |
| TRACT NO.33 (57 PW 1751), . . . . .   | 16.00    |
| TRACT NO.34 (57 PW 1752), . . . . .   | 10.00    |
| TRACT NO.35 (57 PW 1753), . . . . .   | 6.00     |

|                                      |           |
|--------------------------------------|-----------|
| TRACT NO. 36 (57 FR 1754), . . . . . | 6.00      |
| TRACT NO. 37 (57 FR 1755), . . . . . | 4.00      |
| TRACT NO. 38 (57 FR 1756), . . . . . | 4.00      |
| TRACT NO. 39 (57 FR 1757), . . . . . | 2.00      |
| TRACT NO. 40 (57 FR 1758), . . . . . | 2.00      |
| TRACT NO. 41 (57 FR 1759), . . . . . | 8.00      |
| TRACT NO. 42 (57 FR 1760), . . . . . | 20.00     |
| TRACT NO. 43 (57 FR 1761), . . . . . | 8.00      |
| TRACT NO. 44 (57 FR 1762), . . . . . | 2.00      |
| TRACT NO. 45 (57 FR 1763), . . . . . | 2.00      |
| TOTAL, - - - - -                     | 76,967.60 |

(10) The Court having fully considered the petition for condemnation, the declaration of taking, amended declaration of taking, and all proceedings had herein, and the provisions of the Act of June 10, 1920, 41 Stat. 1083 (16 U. S. C. Sec. 809); Executive Order No. 8944, dated November 19, 1941; Title VI of the Act of June 16, 1933, 48 Stat. 200-203 (40 U. S. C. Secs. 491-493) as amended and supplemented; Executive Order No. 9366, dated July 30, 1943; Executive Order No. 9378, dated August 30, 1943; the Act of August 1, 1924, 25 Stat. 357 (40 U. S. C. Sec. 257); the Act of February 20, 1931, 46 Stat. 1421 (40 U. S. C. Secs. 258 (a) to 258 (e)); Title VII 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 HEREBY ORDERED, ADJUDGED AND DECREED that the reports of commissioners filed herein are final and the damages sustained as set out and fixed in said reports 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 P 1575), . . . . .    | 406.00  |
| TRACT NO. 3 (57 P 161b), . . . . .    | 141.00  |
| TRACT NO. 4 (57 P 1616), . . . . .    | 97.00   |
| TRACT NO. 5 (57 P 1617), . . . . .    | 1374.00 |
| TRACT NO. 7 (57 P 1619), . . . . .    | 75.00   |
| TRACT NO. 6 (57 P 1620), . . . . .    | 59.00   |
| TRACT NO. 9 (57 P 1624), . . . . .    | 406.00  |
| TRACT NO. 10 (57 P 1626), . . . . .   | 752.00  |
| TRACT NO. 11 (57 P 1627), . . . . .   | 102.50  |
| TRACT NO. 12 (57 P 1628), . . . . .   | 65.00   |
| TRACT NO. 13 (57 P 1629), . . . . .   | 333.00  |
| TRACT NO. 14 (57 P 1630), . . . . .   | 65.00   |
| TRACT NO. 15 (57 P 1631), . . . . .   | 210.50  |
| TRACT NO. 16 (57 P 1632), . . . . .   | 45.00   |
| TRACT NO. 17 (57 P 1633), . . . . .   | 154.00  |
| TRACT NO. 18 (57 P 1634), . . . . .   | 1060.00 |
| TRACT NO. 19 (57 P 1703), . . . . .   | 150.00  |
| TRACT NO. 20 (57 P 1704), . . . . .   | 92.50   |
| TRACT NO. 21 (57 P 1705), . . . . .   | 5.00    |
| TRACT NO. 22 (57 P 1706), . . . . .   | 150.00  |
| TRACT NO. 23 (57 P 1743), . . . . .   | 105.00  |
| TRACT NO. 24 (57 P 1743-A), . . . . . | 46.00   |
| TRACT NO. 25 (57 P 1744), . . . . .   | 400.00  |
| TRACT NO. 26 (57 P 1745), . . . . .   | 47.00   |
| TRACT NO. 27 (57 P 1746), . . . . .   | 5.00    |
| TRACT NO. 28 (57 P 1747), . . . . .   | 0.00    |
| TRACT NO. 29 (57 P 1748), . . . . .   | 10.00   |
| TRACT NO. 30 (57 P 1749), . . . . .   | 33.00   |
| TRACT NO. 31 (57 P 1749-A), . . . . . | 6.00    |
| TRACT NO. 32 (57 P 1750), . . . . .   | 18.00   |
| TRACT NO. 33 (57 P 1751), . . . . .   | 15.00   |
| TRACT NO. 34 (57 P 1752), . . . . .   | 10.00   |
| TRACT NO. 35 (57 P 1753), . . . . .   | 8.00    |

|                                      |       |
|--------------------------------------|-------|
| TRACT NO. 36 (57 F. 1754), . . . . . | 8.00  |
| TRACT NO. 37 (57 F. 1755), . . . . . | 4.00  |
| TRACT NO. 38 (57 F. 1756), . . . . . | 4.00  |
| TRACT NO. 39 (57 F. 1757), . . . . . | 3.00  |
| TRACT NO. 40 (57 F. 1758), . . . . . | 3.00  |
| TRACT NO. 41 (57 F. 1759), . . . . . | 12.00 |
| TRACT NO. 42 (57 F. 1760), . . . . . | 20.00 |
| TRACT NO. 43 (57 F. 1761), . . . . . | 12.00 |
| TRACT NO. 44 (57 F. 1762), . . . . . | 3.00  |
| TRACT NO. 46 (57 F. 1763), . . . . . | 2.00  |

Total, - - - - - \$4,231.50

IT IS FIRST ORDERED, ADJUDGED AND DECREED that the offer of sale made by the owner and accepted by the petitioner is hereby confirmed and approved in all respects, and the sum of money set forth therein to be paid is full and just compensation for the estate taken as to the tract of land and the sum of money as set forth, as follows, to wit:

TRACT NO. 2 (57 F. 1577), . . . . . \$25.00

TOTAL JUST COMPENSATION FOR ALL TRACTS  
 AND TRACTS, - - - - - \$6,816.50

IT IS SECOND 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 (Tensicola) Project in Oklahoma.

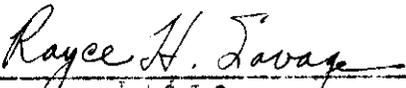
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the original Declaration of Taking, and the interest therein taken by these eminent domain proceedings, was vested in the United States of America on the 17th day of April, 1944, upon the filing of the original declaration of taking and the depositing of the sum of \$5,967.50 with the registry of this Court for the estate taken in and to the above described tracts of land; that the title to the lands designated and described as Tract No. 1 (57 F. 1745) and Tract No. 26 (57 F. 1746), as described in the aforesaid declaration of taking, vested in the United States of America on the 19th day of August, 1945, upon the

fillin of the amended Declaration of Taking herein, and the right to recover just compensation for the estate taken vested in the persons entitled thereto on the dates aforesaid.

IT IS THE COURT'S ORDER, ADJUDICATED 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 THE COURT'S ORDER, ADJUDICATED AND DECREED, that the petitioner pay into the registry of this court the sum of \$649.00, said sum being the deficiency between the sum of \$6,811.50, 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 \$5,867.50.

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

  
\_\_\_\_\_  
Judge  
United States District Court, Northern  
District of Kansas.

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 569.0  
acres, more or less; and LUCINDA WELCH  
(now deceased), et al.,

Defendants.

CIVIL NO. 1226

FILED

JAN 21 1947

NOBLE C. HOOD  
Clerk U. S. District Court

ORDER FIXING TITLE AND MAKING DISTRIBUTION

NOW, on this 21<sup>st</sup> day of January, 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 (59 FW 1657)

Flowage Easement

Ausley A. Welch,  
Mollie E. Henson,  
Cora Swagerty, . . . . . fee owners of an undivided  
one-half interest, . . . . .  
Thomas Wilson,  
Robert Wilson,  
Thomas Wilson,  
Cora Wilson, . . . . . fee owners of an undivided  
one-half interest, - . . . . \$ 25.80  
(Commissioners' award)

(Make check to Ausley A. Welch, Mollie E. Henson,  
and Cora Swagerty in amount of \$12.90.  
Retain in court registry the sum of \$12.90 for  
Thomas Wilson, Robert Wilson, Thomas Wilson and  
Cora Wilson, whose addresses are unknown.)

TRACT NO. 2 (59 FW 1658)

Flowage Easement

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

TRACT NO. 3 (59 FW 1663)

Flowage Easement

(Title fixed and distribution made under Order  
of March 8, 1945.)

TRACT NO. 4 (59 FW 1664)

Flowage Easement

Vera Brown Thomason, . . . . . fee owner, . . . . . \$ 176.00  
(Commissioners' award)

TRACT NO. 5 (59 FW 1665)

Flowage Easement

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

TRACT NO. 6 (60 FW 1667)

Flowage Easement

(Title fixed and distribution made under Order of March 8, 1945.)

TRACT NO. 7 (60 FW 1668)

Flowage Easement

Ralph W. Chambers,  
Lina B. Chambers, - - - - fee owners, - - - - \$598.00  
(Commissioners' award)  
(Title fixed and partial distribution of \$125.50 made under Order of March 8, 1945.)

TRACT NO. 8 (60 FW 1670 A)

Flowage Easement

Beck Mining & Royalty  
Company, - - - - fee owner, - - - - \$400.00  
(Commissioners' award)

TRACT NO. 9 (60 FW 1885)

Flowage Easement

Andrew Swarze,  
Marie Minnick,  
Verda Beechwood, - - - - fee owners, - - - - \$136.00  
(Commissioners' award)  
(Title fixed and partial distribution of \$1,025.50 made under Order of April 16, 1945.)

TRACT NO. 10 (60 FW 1886)

Flowage Easement

Beck Mining & Royalty  
Company, - - - - fee owner, - - - - \$221.00  
(Commissioners' award)

TRACT NO. 11 (60 FW 1886 B)

Flowage Easement

Thos. H. Palmer, - - - - fee owner, - - - - \$105.00  
(Commissioners' award)

TRACT NO. 12 (60 FW 1889)

Flowage Easement

George T. Coleman (now deceased), )  
fee owner undivided 1/4th; )  
)  
Catherine Robinson, )  
John A. Robinson, )  
Roy T. Wills, )  
C. W. Youse, Trustees under the will of )  
J. P. Robinson, deceased, )  
fee owners undivided 1/4th; )  
)

(Continued to next sheet)

TRACT NO. 12 - CONTINUED:

|                             |   |                |
|-----------------------------|---|----------------|
| Jewell Rice,                | ) |                |
| fee owner undivided 1/6th;  | ) |                |
| T. W. E. Meshew,            | ) |                |
| Roberta Meshew Slayden,     | ) |                |
| E. J. Meshew,               | ) |                |
| Charles W. Meshew,          | ) |                |
| Althea Meshew Noble,        | ) |                |
| Maurice Meshew,             | ) |                |
| Robert Meshew, and          | ) |                |
| Maria Jane Meshew,          | ) |                |
| fee owners undivided 1/3rd; | ) | ----- \$ 34.25 |

(Commissioners' award)

(Title fixed and partial distribution of \$385.75 made under Order of November 4, 1946.)

(Make checks as follows:

|   |         |
|---|---------|
| To A. Scott Thomson, Executor of the Estate of George E. Coleman, deceased, .....   | \$ 8.56 |
| To Catherine Robinson, John A. Robinson, Roy T. Mills and C. E. Youse, Trustees under the will of J. F. Robinson, deceased, ..... | \$ 8.56 |
| To Jewell Rice .....  | \$ 5.71 |

Retain in registry the sum of ..... \$11.42 for distribution to the other fee owners, pursuant to the further order of this Court.)

TRACT NO. 13 (60 PW 1883)

Flowage Easement

Wm. M. Thomas, - - - - - fee owner, - - - - - \$118.50  
(Commissioners' award)

(Title fixed and partial distribution of \$1,171.50 made under Order of July 16, 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.

*Raymond W. ...*

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 TULSA COUNTY,  
OKLAHOMA; AND D. W. London, et al.,

Defendants.

CIVIL NO. 1193

FILED

JAN 24 1947

NOBLE C. HOOD  
Clerk U. S. District Court

J U D G M E N T

Now, on this 24 day of January, 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, 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 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 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. 1 (57 - FW-1764)

Flowage Easement

All of Lot 17 in Block 6 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 17 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, . . . . . \$ 3.00

TRACT NO. 2 (57 - FW-1765)

Flowage Easement

All of Lot 5, all of Lot 6, and all of Lot 18 in Block 6 as shown on the dedication plat of Homewood Addition to the Original Townsite of Miami in Ottawa County, Oklahoma, including the streets, avenues, and alleys adjacent to said Lots 5, 6, and 18 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, . . . . . \$ 6.00

TRACT NO. 3 (57 - FW-1766)

Flowage Easement

All of Lot 1, all of Lot 2, all of Lot 4, all of Lot 19, all of Lot 20, all of Lot 21, and all of Lot 22 in Block 6 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 Lots 1, 2, 4, 19, 20, 21 and 22 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, . . . . . \$ 14.00

TRACT NO. 4 (57 - FW-1767)

Flowage Easement

All of Lot 3 in Block 6 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 3, 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, . . . . . \$ 2.00

TRACT NO. 5 (57 - FW-1768)

Flowage Easement

All that part of Lot 22 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 22 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 22 including the streets, avenues, and alleys adjacent thereto 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, . . . . . \$ 2.50

TRACT NO. 6 (57 - FW-1769)

Flowage Easement

All that part of Lot 21 in Block 7 as shown on the dedication plat of the Homewood Addition to the Original Townsite of Miami in Ottawa County, Oklahoma, including that part of O Street adjacent to said Lot 21 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 21 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, . . . . . \$ 2.00

TRACT NO. 7 (57 - FW-1770)

Easement for Intermittent  
Flowage During Flood Periods

All of Lot 1 and all of Lot 2 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 Lots 1 and 2 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

TRACT NO. 8 (57 - FW-1771)

Easement for Intermittent  
Flowage During Flood Periods

All of Lot 3 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 3 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, . . . . . \$ 9.00

TRACT NO. 9 (57 - FW-1772)

Easement for Intermittent  
Flowage During Flood Periods

All of Lot 4 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 4 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. 10 (57 - FW-1773)

Flowage Easement

All that part of Lot 7 in Block 7 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.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 7 lying above Elev. 756.1 Sea Level Datum, and all of Lot 6 and all of Lot 5 in said Block 7, including the streets, avenues, and alleys adjacent to said Lots 5, 6, and 7 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, . . . . . \$ 45.00

TRACT NO. 11 (57 - FW-1774)

Flowage Easement

All that part of Lot 12, all that part of Lot 13, all that part of Lot 14, all that part of Lot 15, all that part of Lot 16, all that part of Lot 17, all that part of Lot 18, all that part of Lot 19, and all that part of Lot 20 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, and avenues adjacent to said Lots 12, 13, 14, 15, 16, 17, 18, 19 and 20 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 13, all that part of said Lot 14, all that part of said Lot 15, all that part of said Lot 16, all that part of said Lot 17, all that part of said Lot 18, all that part of said Lot 19, and all that part of said Lot 20 in said Block 7 lying above Elev. 756.1 Sea Level Datum, and all that part of said Lot 12 in said Block 7 including that part of South 5th Avenue adjacent to said Lot 12 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, . . . . . \$ 22.50

TRACT NO. 12 (S7 - FW-1775)

Flowage Easement

All that part of Lot 8 in Block 7 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.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 8 lying above Elev. 756.1 Sea Level Datum, and all of Lot 9 in said Block 7, including the streets, avenues, and alleys adjacent to said Lots 9 and 8 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, . . . . . \$53.00

TRACT NO. 13 (S7 - FW-1776)

Easement for Intermittent  
Flowage During Flood Periods

All of Lot 10 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 10 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, . . . . . \$ 2.00

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.

PENDING ON DEMAND FOR JURY TRIAL

TRACT NO. 15 (57 - FW-1778)

Flowage Easement

All of Lot 13 and all of Lot 14 in Block 9, 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 13 and 14 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, . . . . . \$ 4.00

TRACT NO. 16 (57 - FW-1779)

Flowage Easement

All of Lot 11 and all of Lot 12 in Block 9, 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 11 and 12 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. 17 (57 - FW-1780)

Flowage Easement

All of Lot 9 and all of Lot 10 in Block 9, 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 9 and 10 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.

PENDING ON DEMAND FOR JURY TRIAL

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.

PENDING ON DEMAND FOR JURY TRIAL

TRACT NO. 20 (57 - FW-1783)

Easement for Intermittent  
Flowage During Flood Periods

All of Lot 9 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 Lot 9 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. 21 (57 - FW-1784)

Easement for Intermittent  
Flowage During Flood Periods

All of Lot 8 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 Lot 8 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 (57 - FW-1785)

Easement for Intermittent  
Flowage During Flood Periods

All of Lot 6 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 Lot 6 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. 23 (57 - FW-1786)

Easement for Intermittent  
Flowage During Flood Periods

All of Lot 7 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 Lot 7 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, . . . . . \$ 105.00

TRACT NO. 24 (57 - FW-1787)

Easement for Intermittent  
Flowage During Flood Periods

All of Lot 5; all that part of Lot 3 and all that part of Lot 4 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 3, 4, and 5 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, . . . . . \$ 76.00

TRACT NO. 25 (57 - FW-1788)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 2 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 Lot 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, . . . . . \$ 40.00

TRACT NO. 26 (57 - FW-1789)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 1 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 Lot 1 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, . . . . . \$ 7.00

TRACT NO. 27 (57 - FW-1803)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 15 and all that part of Lot 16 in Block 159 as shown on a supplemental 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 and avenue adjacent to said Lots 15 and 16 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, . . . . . \$125.00

TRACT NO. 28 (57 - FW-1804)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 30 lying below Elev. 760.0 Sea Level Datum and all of Lot 31, and all of Lot 32 in Block 160 as shown on a supplemental plat of the Original Townsite of Miami, in Ottawa County, Oklahoma, including <sup>all</sup> that part of the street, avenue, and alley adjacent to and incident to the ownership of said Lots 30, 31, and 32, 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, . . . . . \$320.00

TRACT NO. 29 (57 - FW-1805)

Flowage Easement

All those parts of Lots 5 - 16, incl. in Block 160 as shown on a supplemental 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 and incident to the ownership of said Lots 5 to 16, incl. lying below Elev. 786.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All those parts of Lots 5 - 16, incl. in said Block 160 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 and incident to the ownership of said Lots 5, 14, 15, and 16, 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, . . . . . \$347.50

TRACT NO. 30 (57 - FW-1806)

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 160 as shown on a supplemental 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 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 Lot 1, and all that part of Lot 2, and all that part of Lot 3, and all that part of Lot 4 in said Block 160 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, 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, . . . . . \$ 40.00

TRACT NO. 31 (57 - FW-1807)

Flowage Easement

All that part of Lot 4 and all that part of Lot 5, and all that part of Lot 6, lying below Elev. 756.1 Sea Level Datum and all of Lot 7 in Block 161 as shown on a supplemental plat of the Original Townsite of Miami in Ottawa County, Oklahoma, including all that part of the street and alley adjacent to said Lots 4, 5, 6, and 7 and incident to the ownership thereof lying below Elevation 756.1 Sea Level Datum.

TRACT NO. 31 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 4, and all that part of Lot 5, and all that part of Lot 6 in said Block 161 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 Lots 4, 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, . . . . . \$ 30.00

TRACT NO. 32 (57 - FW-1808)

Flowage Easement

All that part of Lot 3 in Block 161 as shown on a supplemental 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 lying below Elev. 756.1 Sea Level Datum.

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 Sea Level Datum including all that part of the avenue adjacent thereto 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. 33 (57 - FW-1809)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the avenue and alley adjacent to and incident to the ownership of Lot 32 in Block 150 as shown on a supplemental plat of the Original Townsite of Miami in Ottawa County, Oklahoma, 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, . . . . . \$ 8.00

TRACT NO. 34 (57 - FW-1810)

Flowage Easement

All that part of Lot 15 and all that part of Lot 16 in Block 150 as shown on a supplemental 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 Neesho River adjacent to said Lot 16 lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 15 and 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 avenue and alley adjacent thereto 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, . . . . . \$ 30.00

TRACT NO. 35 (57 - FW-1811)

Flowage Easement

All that part of Lot 14 in Block 150 as shown on a supplemental 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 14 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 14 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, . . . . . \$ 8.00

TRACT NO. 36 (57 - FW-1811 A)

Easement for Intermittent  
Flowage During Flood Periods

All that part of an unnamed and unnumbered tract of land situated in Block 150 between Lot 14 and the St. Louis and San Francisco Railway right-of-way as shown on a supplemental 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 and incident to the ownership of said tract 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, . . . . . \$ 22.00

TRACT NO. 37 (57 - FW-1821)

Flowage Easement

All that part of Lot 8 in Block 133 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 thereto and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lot 8, lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 8 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including the avenue adjacent thereto and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lot 8, 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. 38 (57 - FW-1822)

Flowage Easement

All that part of Lot 6 and all that part of Lot 7 in Block 133 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 thereto and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lot 7, 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 5, all that part of Lot 6, and all that part of Lot 7 in said Block 133 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street adjacent to Lots 4, 5, and 6 in said Block 133 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. 39 (57 - FW-1823)

Flowage Easement

All that part of Lot 1 and all that part of Lot 2 in Block 132 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 thereto and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lots 1 and 2, 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 1 and all that part of said Lot 2 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 and 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, . . . . . \$ 40.00

TRACT NO. 40 (57 - FW-1824)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 15 in Block 130 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 that part of the avenue and alley adjacent to Lots 14 and 15 in said Block 130, 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, . . . . . \$ 40.00

TRACT NO. 41 (57 - FW-1825)

Flowage Easement

All that part of Lot 7 in Block 130 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 7, 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 the avenue and alley adjacent thereto 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. 42 (57 - FW-1826)

Flowage Easement

All that part of Lot 5 and all that part of Lot 6 in Block 130 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 6, 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 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, 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. 43 (57 - FW-1827)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the street adjacent to and incident to the ownership of Lot 3 and Lot 4 in Block 130 as shown on the dedication plat of the Original Townsite of Miami in Ottawa County, Oklahoma, 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. 44 (57 - FW-1826)

Flowage Easement

All that part of Lot 1, all that part of Lot 2, and all that part of Lot 3 in Block 131 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 thereto and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lots 1, 2, and 3, 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 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 thereto, 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

T O T A L, - - - - - \$1,798.50

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 \$1,798.50.

(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 the persons entitled thereto, the following sums, to wit:

|                                      |       |
|--------------------------------------|-------|
| TRACT NO. 1 (57 FV 1764), . . . . .  | 2.00  |
| TRACT NO. 2 (57 FV 1765), . . . . .  | 6.00  |
| TRACT NO. 3 (57 W 1766), . . . . .   | 14.00 |
| TRACT NO. 4 (57 FV 1767), . . . . .  | 2.00  |
| TRACT NO. 5 (57 FV 1768), . . . . .  | 2.50  |
| TRACT NO. 6 (57 FV 1769), . . . . .  | 2.00  |
| TRACT NO. 7 (57 FV 1770), . . . . .  | 10.00 |
| TRACT NO. 8 (57 FV 1771), . . . . .  | 2.00  |
| TRACT NO. 9 (57 FV 1772), . . . . .  | 6.00  |
| TRACT NO. 10 (57 FV 1773), . . . . . | 45.00 |
| TRACT NO. 11 (57 FV 1774), . . . . . | 22.50 |
| TRACT NO. 12 (57 FV 1775), . . . . . | 66.00 |
| TRACT NO. 13 (57 W 1776), . . . . .  | 2.00  |
| TRACT NO. 15 (57 FV 1778), . . . . . | 4.00  |
| TRACT NO. 16 (57 FV 1779), . . . . . | 5.00  |
| TRACT NO. 17 (57 FV 1780), . . . . . | 5.00  |
| TRACT NO. 20 (57 FV 1783), . . . . . | 6.00  |
| TRACT NO. 21 (57 FV 1784), . . . . . | 5.00  |

|  |        |
|--|--------|
| TRACT NO. 22 (57 PW 1785), . . . . .   | 5.00   |
| TRACT NO. 23 (57 PW 1786), . . . . .   | 100.00 |
| TRACT NO. 24 (57 PW 1787), . . . . .   | 76.00  |
| TRACT NO. 25 (57 PW 1788), . . . . .   | 40.00  |
| TRACT NO. 26 (57 PW 1789), . . . . .   | 7.00   |
| TRACT NO. 27 (57 PW 1803), . . . . .   | 100.00 |
| TRACT NO. 28 (57 PW 1804), . . . . .   | 300.00 |
| TRACT NO. 29 (57 PW 1805), . . . . .   | 347.50 |
| TRACT NO. 30 (57 PW 1806), . . . . .   | 40.00  |
| TRACT NO. 31 (57 PW 1807), . . . . .   | 30.00  |
| TRACT NO. 32 (57 PW 1808), . . . . .   | 65.00  |
| TRACT NO. 33 (57 PW 1809), . . . . .   | 2.00   |
| TRACT NO. 34 (57 PW 1810), . . . . .   | 30.00  |
| TRACT NO. 35 (57 PW 1811), . . . . .   | 3.00   |
| TRACT NO. 36 (57 PW 1811-A), . . . . . | 22.00  |
| TRACT NO. 37 (57 PW 1821), . . . . .   | 50.00  |
| TRACT NO. 38 (57 PW 1822), . . . . .   | 30.00  |
| TRACT NO. 39 (57 PW 1823), . . . . .   | 40.00  |
| TRACT NO. 40 (57 PW 1824), . . . . .   | 40.00  |
| TRACT NO. 41 (57 PW 1825), . . . . .   | 15.00  |
| TRACT NO. 42 (57 PW 1826), . . . . .   | 20.00  |
| TRACT NO. 43 (57 PW 1827), . . . . .   | 5.00   |
| TRACT NO. 44 (57 PW 1828), . . . . .   | 30.00  |

T O T A L, - - - - - \$1,682.50

(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, 1920, 41 Stat 1063 (16 U. S. C. Sec. 809); Executive Order No. 8944, dated November 19, 1941; Table II of

the Act of June 16, 1933, 46 Stat. 290-293 (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, 1896, 25 Stat. 387 (40 U. S. C. Sec. 257); the Act of February 26, 1931, 46 Stat. 1421 (40 U. S. C. Secs. 256 (a) to 256 (e)); Title XI 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 (57 FR 1764), . . . . .  | \$ 3.00 |
| TRACT NO. 2 (57 FR 1765), . . . . .  | 6.00    |
| TRACT NO. 3 (57 FR 1766), . . . . .  | 14.00   |
| TRACT NO. 4 (57 FR 1767), . . . . .  | 2.00    |
| TRACT NO. 5 (57 FR 1768), . . . . .  | 2.50    |
| TRACT NO. 6 (57 FR 1769), . . . . .  | 2.00    |
| TRACT NO. 7 (57 FR 1770), . . . . .  | 10.00   |
| TRACT NO. 8 (57 FR 1771), . . . . .  | 9.00    |
| TRACT NO. 9 (57 FR 1772), . . . . .  | 5.00    |
| TRACT NO. 10 (57 FR 1773), . . . . . | 45.00   |
| TRACT NO. 11 (57 FR 1774), . . . . . | 22.50   |
| TRACT NO. 12 (57 FR 1775), . . . . . | 53.00   |
| TRACT NO. 13 (57 FR 1776), . . . . . | 2.00    |
| TRACT NO. 14 (57 FR 1777), . . . . . | 4.00    |
| TRACT NO. 15 (57 FR 1778), . . . . . | 5.00    |
| TRACT NO. 16 (57 FR 1779), . . . . . | 5.00    |
| TRACT NO. 17 (57 FR 1780), . . . . . | 5.00    |
| TRACT NO. 18 (57 FR 1781), . . . . . | 5.00    |
| TRACT NO. 19 (57 FR 1782), . . . . . | 5.00    |
| TRACT NO. 20 (57 FR 1783), . . . . . | 5.00    |

|  |        |
|--|--------|
| TRACT NO. 21 (57 P. 1784), . . . . .   | 5.00   |
| TRACT NO. 22 (57 P. 1785), . . . . .   | 5.00   |
| TRACT NO. 23 (57 P. 1786), . . . . .   | 135.00 |
| TRACT NO. 24 (57 P. 1787), . . . . .   | 75.00  |
| TRACT NO. 25 (57 P. 1788), . . . . .   | 40.00  |
| TRACT NO. 26 (57 P. 1789), . . . . .   | 7.00   |
| TRACT NO. 27 (57 P. 1803), . . . . .   | 125.00 |
| TRACT NO. 28 (57 P. 1804), . . . . .   | 320.00 |
| TRACT NO. 29 (57 P. 1805), . . . . .   | 247.50 |
| TRACT NO. 30 (57 P. 1806), . . . . .   | 40.00  |
| TRACT NO. 31 (57 P. 1807), . . . . .   | 30.00  |
| TRACT NO. 32 (57 P. 1808), . . . . .   | 65.00  |
| TRACT NO. 33 (57 P. 1809), . . . . .   | 6.00   |
| TRACT NO. 34 (57 P. 1810), . . . . .   | 30.00  |
| TRACT NO. 35 (57 P. 1811), . . . . .   | 6.00   |
| TRACT NO. 36 (57 P. 1811 A), . . . . . | 22.00  |
| TRACT NO. 37 (57 P. 1821), . . . . .   | 50.00  |
| TRACT NO. 38 (57 P. 1822), . . . . .   | 100.00 |
| TRACT NO. 39 (57 P. 1823), . . . . .   | 40.00  |
| TRACT NO. 40 (57 P. 1824), . . . . .   | 40.00  |
| TRACT NO. 41 (57 P. 1825), . . . . .   | 16.00  |
| TRACT NO. 42 (57 P. 1826), . . . . .   | 20.00  |
| TRACT NO. 43 (57 P. 1827), . . . . .   | 5.00   |
| TRACT NO. 44 (57 P. 1828), . . . . .   | 100.00 |

T O T A L, - - - - - \$1,708.50

IT IS FURTHER ORDERED, ADJUSTED 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 HEREBY 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 17th day of April, 1964, upon the filing of the Declaration of Taking and the depositing of the sum of \$1,682.50 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.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the estate 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 HEREBY ORDERED, ADJUDGED AND DECREED, that the petitioner pay into the registry of this Court the sum of \$116.00, said sum being the deficiency between the sum of \$1,798.50, 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 \$1,682.50.

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

*Lyndell D. Savage*

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U. S. District Judge  
UNITED STATES DISTRICT COURT, EAST WICHITA  
DISTRICT OF OKLAHOMA

IN SENATE CHAMBERS 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 6.30  
acres, more or less; and HAROLD JONES,  
et al.,

Defendants.

CIVIL NO. 1220

FILED

JAN 24 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JUDGMENT

NOW, on this 24 day of January, 1947, there comes on for hearing, pursuant to regular assignment, the application of the petitioner herein for a judgment, approving the commissioners' report and stipulation 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, stipulation 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 report herein on the 22nd day of August, 1945, 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 (52 - FW-1483)

Flowage Easement

All that part of the west seven rods, less the south 40 feet thereof, of the E $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 5, T 27 N, R 24 E, of the Indian Base and Meridian, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, containing approximately 0.1 acre.

TOTAL CASH MARKET VALUE OF THE EASEMENT TAKEN (PROPORTIONAL SHARE) AND ALL DAMAGES TO THE REMAINDER, IF ANY,..... 2.50

TRACT NO. 2 (52 - FW-1490)

Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 5, T 27 N, R 24 E, of the Indian Base and Meridian in Ottawa County, Oklahoma, particularly described as follows, to-wit:

"Beginning 80 rods east of the NW corner of Section 5, thence south 165 feet; thence east 230 feet; thence north 165 feet; thence west 230 feet to the point of beginning"

lying below Elev. 760.0 Sea Level Datum, containing less than 0.1 acre.

TOTAL CASH MARKET VALUE OF THE EASEMENT TAKEN (PROPORTIONAL SHARE) AND ALL DAMAGES TO THE REMAINDER, IF ANY,..... 2.50

TRACT NO. 3 (52 - FW-1491)

Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 5, T 27 N, R 24 E, of the Indian Base and Meridian in Ottawa County, Oklahoma, particularly described as follows, to-wit:

"Beginning 1,600 feet east of the NW corner of Sec. 5, thence south 165 feet; thence west 50 feet; thence north 165 feet; thence east 50 feet to the point of beginning"

lying below Elev. 760.0 Sea Level Datum, containing less than 0.1 acre.

TOTAL CASH MARKET VALUE OF THE EASEMENT TAKEN (PROPORTIONAL SHARE) AND ALL DAMAGES TO THE REMAINDER, IF ANY,..... 2.50

TRACT NO. 4 (52 - FW-1492)

Flowage Easement

All that part of the NE $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 5, T 27 N, R 24 E, of the Indian Base and Meridian, in Ottawa County, Oklahoma, particularly described as follows, to-wit:

"8,250 sq. ft. of land beginning at a point 100 rods east of the NW corner of Sec. 5; thence 165 feet south; thence 50 feet west; thence 165 feet north; thence 50 feet east to the point of beginning"

lying below Elev. 760.0 Sea Level Datum, containing less than 0.1 acre.

TOTAL CASH MARKET VALUE OF THE ESTATE TAKEN (BY SPECIAL AGREEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY,..... 2.50

TRACT NO. 5 (52 - FW-1493)

Flowage Easement

All that part of the NE $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 5, T 27 N, R 24 E of the Indian Base and Meridian in Ottawa County, Oklahoma, particularly described as follows, to-wit:

"A tract of land beginning 1,700.0 feet east of the NW corner of Section 5; thence south 230 feet; thence west 50 feet; thence north 230 feet; thence east 50 feet to the point of beginning"

lying below Elev. 760.0 Sea Level Datum, containing approximately 0.1 acre.

TOTAL CASH MARKET VALUE OF THE ESTATE TAKEN (BY SPECIAL AGREEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY,..... 2.50

TRACT NO. 6 (52 - FW-1494)

Flowage Easement

All that part of the NE $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 5, T 27 N, R 24 E, of the Indian Base and Meridian in Ottawa County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point 1717.5 feet east of the NW corner of said NE $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 5; thence south 250 feet; thence west 70 feet; thence south 60 feet; thence east 312.5 feet; thence north 60 feet; thence west 110 feet; thence north 250 feet to the north line of said NE $\frac{1}{2}$  NW $\frac{1}{4}$ ; thence west 132.5 feet to the point of beginning.

lying below Elev. 760.0 Sea Level Datum, containing approximately 0.3 acre, and also that part of the following described roadway easement:

TRACT NO. 6 (Continued)

A strip of land  $17\frac{1}{2}$  feet wide being 8-3/4 feet wide on each side of a line described as beginning 1,708.75 feet east of the NW corner of said NW $\frac{1}{4}$ ; thence south 241.25 feet; thence west 58.75 feet, 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,.....\$ 7.50**

TRACT NO. 7 (52 - FW-1495)

Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 5, T 27 N, R 24 E, of the Indian Base and Meridian in Ottawa County, Oklahoma, particularly described as follows, to-wit:

"32,500 square feet of land beginning at a point 120 rods east of the NW corner of Section 5, thence 250 feet south, thence 130 feet west; thence 250 feet north, thence 130 feet east to the point of beginning, 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,.....\$ 10.00**

TRACT NO. 8 (52 - FW-1495 A)

Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 5, T 27 N, R 24 E, of the Indian Base and Meridian in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.7 acre.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY,.....\$ 17.50**

TRACT NO. 9 (52 - FW-1495 B)

Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 5, T 27 N, R 24 E, of the Indian Base and Meridian in Ottawa County, Oklahoma, lying below Elev. 760.0 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,.....\$ 75.00**

TRACT NO. 10 (53 - FW-1482)  
(53 - FW-1425)

Flowage Easement

All that part of the west 810 feet of Lot 8, Sec. 32, T 28 N, R 24 E, of the Indian Base and Meridian, in Ottawa County, Oklahoma, lying below Elevation 760.0 Sea Level Datum, containing approximately 1.4 acres, together with all that part of the bed and banks of Spring River adjacent and incident to the ownership of said west 810 feet of Lot 8 lying below Elevation 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. 11 (53 - FW-1484)

Flowage Easement

All that part of Lot 8, Sec. 32, T 28 N, R 24 E, of the Indian Base and Meridian in Ottawa County, Oklahoma, particularly described as follows, to-wit:

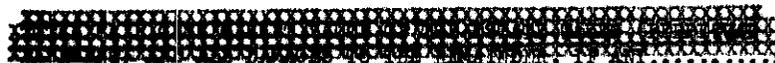
Beginning at the SE corner of the west 5.25 acres of said Lot 8; thence north along the east boundary of said west 5.25 acres, a distance of 33 feet; thence east parallel to the south boundary of said Lot 8 a distance of 311.5 feet; thence north along the east boundary of the west 1,036 feet of said Lot 8 to the meander line along the right bank of Spring River; thence southeasterly along said meander line to the west boundary of the east 240 feet of said Lot 8; thence south along the west boundary of said east 240 feet of said Lot 8 to a point 10 feet north of the SE corner of said Lot 8; thence east 20 feet; thence north along the west boundary of the east 220 feet of said Lot 8 to the meander line along the right bank of Spring River, thence southeasterly along said meander line to the west boundary of the east 165 feet of said Lot 8; thence south along the west boundary of said east 165 feet of said Lot 8 to the south boundary of said Lot 8; thence westerly along the south boundary of said Lot 8 to the point of beginning, lying below Elev. 760.0 Sea Level Datum, containing less than 0.1 acre, and including that part of the bed and banks of Spring River adjacent to the above described lands 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,.....\$ 4.00

TRACT NO. 12 (53 - FW-1486)

Flowage Easement

All that part of the bed and banks of Spring River adjacent and incident to the ownership of the east 156 feet of the west 966 feet (53 rods and 9 feet) of Lot 8, in Sec. 32, T 28 N, R 24 E, of the Indian Base and Meridian, in Ottawa County, Oklahoma, lying below Elev. 760.0 Sea Level Datum.



COMPENSATION FIXED PURSUANT TO STIPULATION, AS HEREINAFTER SET OUT.

TRACT NO. 13 (53 - FW-1487)

Flowage Easement

All that part of the east 70 feet of the west 1,036 feet of Lot 8, less the south two rods thereof, in Sec. 32, 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 less than 0.1 acre, together with all that part of the bed and banks of Spring River adjacent and incident to the ownership of said east 70 feet of the west 1,036 feet of 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,.....\$ 1.50

TRACT NO. 14 (53 - FW-1488)

Flowage Easement

All that part of the west 20 feet of the east 240 feet of Lot 8 less the south 10 feet thereof, in Sec. 32, 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 less than 0.1 acre, together with all that part of the bed and banks of Spring River adjacent and incident to the ownership of said west 20 feet of the east 240 feet of 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,.....\$ 2.00

TRACT NO. 15 (53 - FW-1439)

Flowage Easement

All that part of the east 165 feet of Lot 8, in Sec. 32, 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 0.2 acre, together with that part of the bed and banks of Spring River adjacent and incident to the ownership of said east 165 feet of 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,.....\$ 3.00

TOTAL . . . . . \$163.00

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, nor 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.

(8) The Court finds that the petitioner and the owner entered into an agreement and stipulation, in the form of an accepted offer of sale, as to the just compensation to be paid for the estate taken in the land in this proceeding and more particularly designated and described as follows, to-wit:

TRACT NO. 12 (53 NW 1486)

Flowage Easement

|  |         |
|--|---------|
| STIPULATED TOTAL FAIR CASH MARKET VALUE OF ESTATE TAKEN (PERMANENT EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . | \$ 2.50 |
| TOTAL . . . . .  | \$ 2.50 |

and that said stipulation, agreement, and accepted offer of sale entered into between the petitioner and the owner of said tract is in all respects regular and should be confirmed and approved in every respect, and said sum as set out in the aforementioned accepted offer of sale is just compensation for the estate taken.

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 and by the accepted offer of sale hereinabove set forth, is final just compensation, in the total amount of \$165.50.

(9) That the United States of America did, on the 29th 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 owners and the persons entitled thereto, the following sums, to-wit:

|   |          |
|---|----------|
| TRACT NO. 1 (52 FW 1483) . . . . .              | \$ 2.50  |
| TRACT NO. 2 (52 FW 1490) . . . . .              | 2.50     |
| TRACT NO. 3 (52 FW 1491) . . . . .              | 2.50     |
| TRACT NO. 4 (52 FW 1492) . . . . .              | 2.50     |
| TRACT NO. 5 (52 FW 1493) . . . . .              | 2.50     |
| TRACT NO. 6 (52 FW 1494) . . . . .              | 7.50     |
| TRACT NO. 7 (52 FW 1495) . . . . .              | 10.00    |
| TRACT NO. 8 (52 FW 1495-A) . . . . .            | 17.50    |
| TRACT NO. 9 (52 FW 1495-B) . . . . .            | 62.50    |
| TRACT NO. 10 (53 FW 1482; 53 FW 1485) . . . . . | 56.00    |
| TRACT NO. 11 (53 FW 1484) . . . . .             | 4.00     |
| TRACT NO. 12 (53 FW 1486) . . . . .             | 2.50     |
| TRACT NO. 13 (53 FW 1487) . . . . .             | 1.50     |
| TRACT NO. 14 (53 FW 1488) . . . . .             | 2.00     |
| TRACT NO. 15 (53 FW 1489) . . . . .             | 3.00     |
| TOTAL . . . . .                                 | \$179.00 |

(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 14, 1920, 41 Stat. 1063 (40 U. S. C. Sec. 809); Executive Order No. 2944, 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. 3366, dated July 30, 1945; Executive Order No. 9373, dated August 3, 1943; the Act of August 1, 1939, 29 Stat. 357 (40 U. S. C. Sec. 257); and the Act of February 25, 1971, 46 Stat. 1401 (40 U. S. C. Sec. 258 (a) to 258 (e)); Title III of the Act of March 27, 1942, 56 Stat. 177 (40 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, HEREBY, 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 full and just compensation for the taking of said estate in the lands designated as follows, to-wit:

|   |           |
|---|-----------|
| TRACT NO. 1 (52 FW 1483) . . . . .              | \$ 2.50   |
| TRACT NO. 2 (52 FW 1490) . . . . .              | 2.50      |
| TRACT NO. 3 (52 FW 1491) . . . . .              | 2.50      |
| TRACT NO. 4 (52 FW 1492) . . . . .              | 2.50      |
| TRACT NO. 5 (52 FW 1493) . . . . .              | 2.50      |
| TRACT NO. 6 (52 FW 1494) . . . . .              | 7.50      |
| TRACT NO. 7 (52 FW 1495) . . . . .              | 10.00     |
| TRACT NO. 8 (52 FW 1495-A) . . . . .            | 17.50     |
| TRACT NO. 9 (52 FW 1495-B) . . . . .            | 75.00     |
| TRACT NO. 10 (53 FW 1482; 53 FW 1485) . . . . . | 30.00     |
| TRACT NO. 11 (53 FW 1484) . . . . .             | 4.00      |
| TRACT NO. 13 (53 FW 1487) . . . . .             | 1.50      |
| TRACT NO. 14 (53 FW 1488) . . . . .             | 2.00      |
| TRACT NO. 15 (53 FW 1489) . . . . .             | 3.00      |
| TOTAL . . . . .                                 | \$ 163.00 |

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the offer of sale made by the owner and accepted by the petitioner is hereby confirmed and approved in all respects, and the sum of money set forth therein to be paid is full and just compensation for the estate taken as to the tract of land as follows, to-wit:

|   |           |
|---|-----------|
| TRACT NO. 12 (53 FW 1486) . . . . .                           | \$ 2.50   |
| TOTAL . . . . .   | \$ 2.50   |
| TOTAL JUST COMPENSATION FOR ALL OF THE ABOVE TRACTS . . . . . | \$ 165.50 |

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 29th day of May, 1904, upon the filing of a Declaration of Taking and the depositing of the sum of \$179.00 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 decreed 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 Clerk of this Court be, and he is hereby, authorized and directed to refund to petitioner the sum of \$13.50, said sum being the difference between the amount of \$179.00 deposited as estimated just compensation and the sum of \$165.50, the just compensation herein fixed.

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

  
\_\_\_\_\_  
JUDGE  
U. S. DISTRICT COURT

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

United States of America, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
Wesley L. Kinder, )  
doing business as Jack's Cookie Company, )  
 )  
Defendant. )

NO. 1986 Civil

FILED  
In Open Court

JAN 24 1947

JUDGMENT

NOBLE C. HOOD  
Clerk U. S. District Court

Now on this 24th day of January, 1947, there coming on for hearing the application of the plaintiff for a temporary injunction and the plaintiff, United States of America, appearing by Whit Y. Maury, United States Attorney and John W. McGune, Assistant United States Attorney, for the Northern District of Oklahoma, and the defendant, Wesley L. Kinder, doing business as Jack's Cookie Company, appearing by his attorney, Stanley Campbell and said parties having agreed that said hearing could be considered as a final hearing. It was then agreed that the investigation reports and analyses made by the agents of the United States Food and Drug Administration should be considered as the evidence in the case.

The Court finds from the evidence that the defendant, Wesley L. Kinder, is a sole trader, operating Jack's Cookie Company at Vinita, Oklahoma and is engaged in the business of manufacturing vanilla wafers, fig bars, oatmeal cookies and similar products and that approximately 1/3 of said products are introduced into and shipped in interstate commerce. The Court further finds that during the months of October and November of 1946, the defendant did introduce in interstate commerce the above named products, which were adulterated within the provisions

of U.S.C., Sec (a) 3 and 4, in that said products were unfit for food and were prepared under insanitary conditions and that by reason thereof the plaintiff is, under the provisions of U.S.C., Sec (a) 3, entitled to an injunction, enjoining and restraining the defendant from continuing to introduce adulterated food into interstate commerce.

It is therefore ordered, adjudged and decreed by the Court that the defendant, Emily B. Linnet, do and he is hereby enjoined from introducing into, or shipping in, interstate commerce any adulterated food products manufactured, prepared, packed, or shipped by him.

It is further ordered by the Court that the defendant be granted permission at any time after six months from this date to file a motion to dissolve said injunction and that upon a showing by the defendant that he has complied with the terms of this injunction since the issuance of the same that upon such showing that said injunction shall then be dissolved by the Court. It is further ordered by the Court that the plaintiff have judgment against the defendant for the costs of this action.

Rayce H. Savage  
DISTRICT JUDGE

O.K.

John W. McEune  
Attorney for Plaintiff

Stanley Campbell  
Attorney for Defendant

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 6.70  
acres, more or less; and HAROLD JONES,  
et al.,

Defendants.

CIVIL NO. 1220

EILED

JAN 29 1947

NOBLE C. HOOD  
Clerk U. S. District Court

ORDER FIXING TITLE AND MAKING DISTRIBUTION

NOW, on this 27th day of January, 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 (52 PW 1483)

Flowage Easement

Harold Jones,  
Blanche Jones . . . . . fee owners . . . . . \$ 2.50  
(Commissioners' award)

TRACT NO. 2 (52 PW 1490)

Flowage Easement

John W. King, . . . . . fee owner . . . . . \$ 2.50  
(Commissioners' award)

TRACT NO. 3 (52 PW 1491)

Flowage Easement

Maud Jones, . . . . . fee owner . . . . . \$ 2.50  
(Commissioners' award)

TRACT NO. 4 (52 PW 1492)

Flowage Easement

Harry Oyler, . . . . . fee owner, . . . . . \$ 2.50  
(Commissioners' award)

TRACT NO. 5 (52 PW 1493)

Flowage Easement

C. M. Harvey, Jr.,  
Paul S. Wilson, . . . . . fee owners, . . . . . \$ 2.50  
(Commissioners' award)

TRACT NO. 6 (52 PW 1494)

Flowage Easement

Charles W. Harvey, Jr., . . . fee owner, . . . . . \$ 7.50  
(Commissioners' award)

TRACT NO. 7 (52 PW 1495)

Flowage Easement

Ralph T. Berkshire,  
Clara M. Berkshire, . . . . . fee owners, . . . . . \$ 10.00  
(Commissioners' award)

TRACT NO. 8 (52 FW 1495-A)

Flowage Easement

LeRoy Hill, . . . . . fee owner, . . . . . \$ 17.50  
(Commissioners' award)

TRACT NO. 9 (52 FW 1495-B)

Flowage Easement

Ian E. Allgood, . . . . . fee owner, . . . . . \$ 75.00  
(Commissioners' award)

TRACT NO. 10 (53 FW 1482)  
(53 FW 1485)

Flowage Easement

Overton W. Gentry, Jr.,  
V. E. Kenney,  
Gilbert W. Reynolds,  
Ray M. Garred,  
Raymond A. Crosby . . . fee owners, . . . . . \$ 30.00  
(Commissioners' award)

Mary June Kenney  
Harold Jones,  
Blanche Jones, . . . . . claimants to title.

(Make check to Overton W. Gentry, Jr., V. E. Kenney,  
Gilbert W. Reynolds, Ray M. Garred, Raymond A.  
Crosby, Mary June Kenney, Harold Jones, and  
Blanche Jones.)

TRACT NO. 11 (53 FW 1484)

Flowage Easement

Raymond A. Crosby, . . . fee owner, . . . . . \$ 10.00  
(Commissioners' award)

TRACT NO. 12 (53 FW 1486)

Flowage Easement

C. M. Harvey, Jr., . . . fee owner, . . . . . \$ 2.50

(Just compensation as fixed by judgment  
entered pursuant to stipulation.)

TRACT NO. 13 (57 FW 1487)

Flowage Easement

Frank H. Spencer,  
Paul S. Wilson,  
Leon Lorraine,  
Margaret Teddy Lorraine, fee owners, . . . . . \$ 1.50  
(Commissioners' award)

TRACT NO. 14 (53 FW 1488)

Flowage Easement

Marie Hilderbrand,  
Bert D. Hilderbrand, Jr., . . . record fee owners. . . \$ 2.00  
(Commissioners' award)

Glenn McKee,  
Rose C. McKee, . . . holders of unrecorded deed.

(Make check payable to Marie Hilderbrand, Bert D.  
Hilderbrand, Jr., Glenn McKee, and Rose C. McKee.)

TRACT NO. 15 (53 FW 1489)

Flowage Easement

Charles M. Harvey, . . . . . fee owner . . . . . \$ 3.00  
(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.

  
\_\_\_\_\_  
JUDGE

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

Howard LeMaster, )  
 )  
 Plaintiff, ))  
 vs. ) No. 1959 Civil  
 Elmer P. Phillips, )  
 )  
 Defendant. )

FILED

JAN 28 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

Now on this the 28th day of January, 1947, this matter comes on for trial upon its merits. The parties appearing by their respective counsel and having waived a jury the court proceeded to a trial of the issues in said cause.

Thereupon the plaintiff introduced his evidence and rested and the defendant having introduced no proof the court concludes and finds that the plaintiff is entitled to have and recover of and from the defendant, judgment in sum of \$4,500.00, and for his costs herein expended.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff, Howard LeMaster, have and recover judgment against the defendant, Elmer P. Phillips, in the sum of Four Thousand Five Hundred and No/100 (\$4,500.00) Dollars, and the costs of this action. For all of which let execution issue.

\_\_\_\_\_  
U. S. District Judge

O.K.

\_\_\_\_\_  
Attorneys for Plaintiff

\_\_\_\_\_  
Attorneys for Defendant

rdh/mr

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

E.C.Duncan Plaintiff

vs

RIALTO MINING CORPORATION,  
a corporation

Defendant

No. 1934 Civil  
FILED  
In Open Court

JAN 27 1947

**O R D E R**

NOBLE C. HOOD  
Clerk U. S. District Court

Now on this *27th* day of January, 1947, the parties in the above entitled cause present to the court their stipulation, setting out therein that all the matters and things at issue in this cause between the parties have been settled and compromised and in which they pray the court to make an order dismissing said cause with prejudice to the bringing of another action, and it appearing to the court that said stipulation between the parties should be approved and said cause dismissed as prayed for therein,

IT IS THEREFORE ORDERED AND DECREED that the above entitled cause be dismissed with prejudice to the bringing of another action and that the costs of the case be assessed against the defendant.

*Joyce H. Savage*  
United States District Judge  
for the Northern District  
of Oklahoma.

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

HARGROVE HUDSON

Plaintiff

vs.

WABBE OIL & GAS COMPANY, a  
corporation,

Defendant

No. 1366 Civil

FILED

JAN 27 1947

JUDGMENT AND DECREE NOBLE C. HOOD  
Clerk U. S. District Court

This cause came on for further hearing on the 3rd day of January, 1947, to consider the accounting by defendant to plaintiff for and on account of the JUDGMENT AND DECREE in this court entered on September 25, 1945, and the parties having agreed among themselves as to the amount of money owing by defendant to plaintiff as of July 31, 1946, but disagreeing as to defendant's claim of interest upon its investment in the mineral rights involved in this suit, and after oral argument by the parties hereto on January 3, 1947 with respect to such claims of interest, the court denied any interest credit to defendants, and its findings of fact and conclusions of law to that effect nor having been filed;

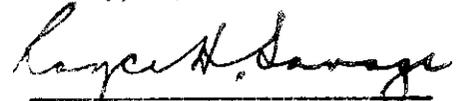
IT IS NOW ORDERED, ADJUDGED and DECREED that plaintiff recover from defendant the sum of \$6,995.70 representing the one-fourth (1/4) share of the profits that have accrued to defendant as of July 31, 1946 from its ownership, enjoyment and operation of its one-half (1/4) mineral rights in and under the NE/4 of SW/4 of Section 22, Township 17 North, Range 4 West, Logan County, Oklahoma, (known as the John L. Good "B" lease); and recover the further sum of \$2,823.53 representing the one-fourth (1/4) share of the profits that have accrued to defendant as of July 31, 1946 from its ownership, enjoyment and operation of its one-half (1/2) mineral rights in and under the SE/4 of Section 22, Township 17 North, Range 4 West, Logan County, Oklahoma (known as the John L. Good "A" lease); and recover the further sum of \$174.95 representing the one-eighth (1/8) share of the profits that have accrued to defendant as of July 31, 1946 from its ownership, enjoyment and operation of its one-half (1/2) mineral rights in and under the NW/4 of Section

22, Township 17 North, Range 4 West, Logan County, Oklahoma (known as the A. B. Powell Lease).

DEFENDANT IS FURTHER ORDERED and directed to account and pay to plaintiff the same respective shares of its profits that may accrue to defendant after July 31, 1946, from its sale of oil, gas or casinghead gas produced from the above land, or from its sale or salvage of lease equipment thereon, or from its sale of the mineral rights themselves.

Interest at six (6%) per cent from the date of entry hereof is allowed on the sums of money above mentioned, and on such additional sums of money that an accounting to date may disclose to be currently due.

DATED this 27 day of January, 1947

  
DISTRICT JUDGE

*OK as to former  
J. C. Swindell  
Atty. for defendant.  
OK. Ray S. Sulloway  
Atty. for plaintiff.*



and, therefore, the defendants Mrs. Roy Young and E. R. Jackson demanded and received an excess of \$4.00 a week for rental of said property on March 29, 1946, April 5, 1946, and April 12, 1946, and that such was a willful violation on the part of said defendants, Mrs. Roy Young and E. R. Jackson, and that because of said willful violation the court finds that the plaintiff is entitled to a judgment against said defendants, Mrs. Roy Young and E. R. Jackson, in the sum of FIFTY DOLLARS (\$50.00), and further finds that a reasonable attorney fee of \$75.00 should be paid by the defendants, Mrs. Roy Young and E. R. Jackson, for the use and benefit of plaintiff's attorney, plus the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the court that the plaintiff take nothing as to the defendant Roy Young.

It is further ordered, adjudged, and decreed by the court that the plaintiff, C. D. Daniels, have and recover of and from said defendants Mrs. Roy Young and E. R. Jackson, the sum of \$50.00, and a judgment is herein entered for said amount.

It is further ordered, adjudged, and decreed by the court that the plaintiff, C. D. Daniels, have and recover of and from said defendants Mrs. Roy Young and E. R. Jackson the sum of \$75.00 for attorney fees in the above styled case, and a judgment is herein entered against the said defendants, Mrs. Roy Young and E. R. Jackson, in that amount.

It is further ordered, adjudged, and decreed by the court that all the costs of this action be taxed against the defendants Mrs. Roy Young and E. R. Jackson, and that the costs, together with the judgments above entered, for all of which let execution issue.

Weyne H. Savage  
Judge

O.K. [Signature]  
Attorney for Plaintiff

O.K. [Signature]  
Attorney for Defendants

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

|                              |   |                  |
|------------------------------|---|------------------|
| Toynesshee Daugherty, et al, | ) |                  |
|                              | ) |                  |
| Plaintiffs,                  | ) |                  |
| vs                           | ) | NO. 1936 Civil ✓ |
|                              | ) |                  |
| The Heirs, etc. of George    | ) |                  |
| Daugherty, et al.            | ) | <u>FILED</u>     |
|                              | ) |                  |
| Defendants.                  | ) | JAN 30 1947      |

JOURNAL ENTRY

NOBLE C. HOOD  
Clerk U. S. District Court

Now on this 30<sup>th</sup> day of Jan 1947 come the plaintiffs by H.F. Pulling, their attorney, and come also the Interveners, 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 7th day of January, 1947 this Court appointed Rashier C. Smith, C.C. Weber and Lon R. Stansbery, Commissioners to partition the following described real estate in Tulsa County, Oklahoma, to-wit:

Tract 1: The North 20.24 acres and the Southwest 10 acres of Lot 8 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 30.24 acres, more or less.

Tract 2: Lot One (1) being the Northeast Quarter of the Northeast Quarter and the North Half of the Southeast Quarter of the Northeast of Section One (1), Township 21 North, Range 13 East, situated in Tulsa County, Oklahoma,

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 Court.

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 the 14th day of January 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 estates could not be partitioned without manifest injury among the parties, in accordance with their respective interests as found by the Court and they thereupon appraised and valued said above described tract No. One at \$700.00 and said Tract No. Two at \$1650.00 and recommended that said real estate

be sold and the proceeds divided according to law 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 should be approved and the sale of said real estate ordered to be made by the United States Marshal as other real estate is sold on execution.

It is further considered, adjudged and decreed by the Court that the report of said Commissioners and the appraisal of said real estate be and the same be approved and confirmed and their charges and expenses for services as set out therein 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 estates, be and the same are hereby ordered sold severally in the same manner as sales of real estate on execution, and John Logan, United States Marshal for the Northern District of Oklahoma is hereby ordered and directed to sell said real estates, to be sold for not less than two-thirds of the appraised value fixed by said Commissioners and that he advertise in some newspaper in Tulsa 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 seat of the Court house at Tulsa, Tulsa County, Oklahoma, the County in which said real estates are 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.

Joyce H. Savage  
Judge of the United States District Court

H. F. Tulling  
Attorney for Plaintiff

C. . . . . to Form:

Whit Y. Mangum  
United States Attorney for the  
Northern District of Oklahoma.

U. S. DISTRICT COURT OF THE UNITED STATES FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Jack Daugherty, Sequoyah Padder, )  
Eggie May Daugherty, George )  
Daugherty, Marleena Daugherty, )  
Rider Daugherty, the last four )  
being minors, by Jack Daugherty, )  
their next friend, )  
Plaintiffs, )  
vs ) NO. 1852 CIVIL

Nancy Washington Wasp, Luke Washington, )  
the heirs and unknown heirs, executors, )  
administrators, devisees, trustees and )  
assigns, immediate and remote of Georgia )  
Anne Washington, Deceased, and Bertha )  
Washington Daugherty, Deceased, the )  
State of Oklahoma and the United States )  
of America, )  
Defendants. )  
FILED  
JAN 31 1947  
NOBLE C. HOOD  
Clerk U. S. District Court

JOURNAL ENTRY

Now on this 18th day of January, 1947 come the plaintiffs by W.F. Pulling their attorney, and comes also the United States of America appearing for and in behalf of all the full blood Indians herein, by Whit V. Mauzy, United States Attorney for the Northern District of Oklahoma, and this cause having been regularly set for this day comes on for trial and all parties attendance ready for trial, this cause is now submitted to the Court and the Court having heard the evidence and being duly advised finds:

That notice was given by publication to the Defendants Nancy Washington Wasp, Luke Washington, the heirs and unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, of Georgia Anne Washington, deceased, and Bertha Washington Daugherty, deceased by the Clerk of the District Court of Nowata County, Oklahoma, pursuant to the affidavit for notice by publication filed in said Court where this action was originally filed and from which it was removed to this Court, which publication was made in the Nowata Weekly Times, more fully shown by proof of publication filed in said Court and later filed in this Court, and the Court finds that said affidavit and the publication so made were and are proper and as required by law and are hereby approved.

and the Court further finds that the plaintiffs with due diligence were unable to learn the names, residences and places of business of any of said ~~persons~~ unknown heirs, executors, administrators, devisees, trustees and assigns of said deceased persons and therefore should not mail them copies of the petition and notice within six days after the first publication of said notice, and the Court further finds that the defendants Nancy Washington Soap and Luke Washington were duly and properly served with summons to appear in the District Court of Nowata County, Oklahoma but failed to do so and none of said defendants, except the State of Oklahoma and the United States of America having appeared or appearing, are now adjudged in default; that the defendant State of Oklahoma has entered its appearance and filed disclaimer herein for any inheritance, transfer or estate taxes and that the United States of America has been properly notified of the pendency of this cause, as required by the Acts of Congress pursuant thereto and appeared and now appears hereby by the United States Attorney, as heretofore shown, for all the full blood Indians.

And the Court having heard the evidence finds from an examination of the plaintiffs petition and complaint and the complaint in intervention of the defendant United States of America, that Georgia Anne Washington was a full blood Cherokee Indian Roll No. 4030 and as such there was allotted and conveyed to her by the Cherokee Nation the following described real estate in Nowata County, Oklahoma to-wit:

The Southeast Quarter (SE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) and the South Half (S $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Two (2) Township Twenty-seven (27) North, Range Fifteen (15) East, containing 60 acres, more or less.

That by reason of said enrollment, allotment and conveyance said Georgia Anne Washington became the owner in fee simple of said real estate and went into possession thereof and so continued until her death and said real estate was at all times exempt from taxation pursuant to the Acts of Congress relating thereto.

That the said Georgia Anne Washington died intestate a resident of

Sequoyah County, Oklahoma on July 18, 1936 and left as her sole and only heirs at law the following persons, to-wit:

Nancy Washington Soap, daughter, full blood Cherokee Indian appearing opposite roll number 4031.

Bertha Washington Daugherty, daughter, full blood Cherokee Indian appearing opposite Roll Number 4035.

Luke Washington, son, full blood Cherokee Indian appearing opposite Roll No. 4033, and that she left no husband or other heirs surviving.

That the above named heirs were judicially determined on the 30th day of January 1945, by the County Court of Sequoyah County, Oklahoma in Case No. 1201 and each inherited an undivided one-third interest in and to the afore-described real estate.

That there has never been any administration upon the estate of said Georgia Anne Washington, deceased, and none is necessary or proper because said real estate was full blood Indian restricted land and not subject to any debts against said decedent or her estate and the statute of limitations has now barred any claims against her or her estate.

That the said Bertha Washington Daugherty died intestate a resident of Sequoyah County, Oklahoma on or about the 11th day of July 1943 and left as her sole and only heirs at law the following persons, plaintiff, to-wit:

Jack Daugherty, husband, full blood Cherokee Indian, appearing opposite Roll No. 29816.

Maggie May Daugherty, full blood Cherokee Indian, M. I.

George Daugherty, son, full blood Cherokee Indian, M. I.

Mary Daugherty, being the plaintiff Maryleon Daugherty, full blood Cherokee Indian, N. I.

Rider Daugherty, son, full blood Cherokee Indian, N. I.; and left to other heirs surviving and that the last four above named are minors and bring this action and appear by Jack Daugherty, their father and next friend.

That the above named heirs were judicially determined by the County Court of Sequoyah County, Oklahoma in Probate Cause No. 2736 and they inherited and became the owners and possessed all of the undivided one-third interest inherited and owned by the said Bertha Washington Daugherty

in the following proportions, to-wit:

Jack Dougherty, surviving husband, an undivided one-third interest.

daughter

Mary Dougherty, an undivided one-sixth interest.

George Dougherty, son, an undivided one-sixth interest.

Mary Dougherty, daughter, an undivided one-sixth interest.

George Dougherty, son, an undivided one-sixth interest.

The Court further finds that the plaintiff Sequoyah Hodder was not included and determined to be an heir of the said Martha Washington Dougherty and that the Court is bound by said determination of heirs as made in said numbered Cause No. 2740 and that the plaintiff Sequoyah Hodder has no right, title or interest in the said real estate.

That the above described real estate is now owned in fee simple by the following persons in the proportion set opposite their names and that they are entitled to the possession thereof, to-wit:

The defendant Mary Washington, one, an undivided one-third interest and the defendant George Washington, one, an undivided one-third interest; the plaintiff Jack Dougherty an undivided one-sixth interest; the plaintiff Mifer Dougherty an undivided one-eighth interest; the plaintiff Reggie Ray Dougherty an undivided one-eighth interest; and the plaintiff George Dougherty an undivided one-eighth interest; the plaintiff Mary Dougherty an undivided one-eighth interest, and that all of them are full blood Cherokee Indians.

The Court further finds that there has been no administration upon the estate of Martha Washington Dougherty, deceased, and none is necessary or proper because she was a full blood Cherokee Indian and her interest in said real estate was restricted to that of joint to any claims against her or her estate.

The Court further finds that the owners of said real estate as herein found desire and are entitled to have partition of said real estate, if that can be done without manifest injury and for that purpose Commissioners should be appointed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THIS COURT that the plaintiffs Jack Daugherty, Maggie May Daugherty, George Daugherty, Mary Daugherty and Edler Daugherty and the defendants Nancy Washington Soap and Luke Washington are the only heirs at law of Georgia Anne Washington, deceased, and Bertha Washington Daugherty, deceased, and as such they have inherited and are now the owners in fee simple of all of said real estate hereinabove described in the proportions hereinabove found by the Court, and they are entitled to have said real estate partitioned and their separate interests set off to each of them, if that can be done without manifest injury, and for that purpose the Court now appoints Cashie C. Smith, F. C. Weber and Len R. Stansbery Commissioners, who are directed to take the oath as required by law and partition said real estate among the respective owners in accordance with this finding and decree, if that can be done without manifest injury, and if not, that they appraise the value of said real estate and make a report back to this Court, all as required by law and a certified copy of this decree shall be their authority to act.

It is further considered, adjudged and decreed by the Court that the defendants, the unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote of Georgia Anne Washington, deceased, and Bertha Washington Daugherty, deceased, have no right, title or interest in and to said real estate and the titles of the plaintiffs and the defendant Nancy Washington Soap and Luke Washington as herein found be and the same are hereby quieted and forever set at rest against said defendants and each of them and all persons claiming by, under or through them.

And the Court being duly advised now dismisses plaintiffs second cause of action asking that certain costs in Cause No. 1230 in this Court be taxed against the interest of the defendant Nancy Washington Soap.

O.K.

H. F. [Signature]  
Attorney for Plaintiffs

Raymond H. Savage  
United States District Judge

O.K. AS TO FORM.

Wm. J. [Signature]  
United States Attorney

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

Republic Life Insurance Company,  
a corporation,  
  
Plaintiff,  
  
-vs-  
  
Norma F. Powers and Grace Powers Cromwell,  
and Ola Ibanez Powers,  
  
Defendants

No. 1918 Civil

FILED

JAN 31 1947

ORDER

NOBLE C. HOOD  
Clerk U. S. District Court

Upon stipulation of all interested parties in open court, it is hereby ordered that the moneys deposited by the plaintiff be divided equally between the defendants Norma F. Powers and Ola Ibanez Powers, after deducting from such amount deposited all costs and attorney fees heretofore allowed in this action.

It is further ordered that the clerk of this court make disbursement and payment of such fund as herein set forth.

*James H. Hooge*  
DISTRICT JUDGE

*OK Streeter spokesman  
atty for Ola Ibanez Powers  
Wallace, Collins & Hill  
Attys for Norma F. Powers  
and Grace Powers Cromwell*

FILED

JAN 31 1947

NOBLE C. HOOD  
Clerk U. S. District Court

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA  
SITTING AT TULSA

JAMES H. ELLIOTT, for himself  
and as trustee for Malcolm Green  
and Boston Mining & Royalty Company,  
a corporation, and BOSTON MINING &  
ROYALTY COMPANY, a corporation,

Plaintiffs,

vs.

OLIVER JONES, WESLEY M. SMITH  
and GORA E. EYERS,

Defendants.)

*July -*  
*July 4, 1947*  
*W. C. Wood, Clerk*  
*U. S. District Court.*

No. 1774 Civil

FINDINGS OF FACT AND CONCLUSIONS  
OF LAW AND JUDGMENT

Now on this 4th day of February, 1947, the above matter coming on to be further heard and considered by the Court on the issues formed by the plaintiffs' petition, and the amended answer filed herein by the defendants and on plaintiffs' reply, and the case having been regularly docketed for trial on November 4, 1946, and the trial having been had on that day, and testimony offered on behalf of the plaintiffs and the defendants, and both plaintiffs and defendants rested, and the Court, having taken this matter under consideration to this date, makes the following findings of fact and conclusions of law, and enters the following judgment, to-wit:

FINDINGS OF FACT

The Court finds generally all of the issues of fact as formed by the pleadings herein in favor of the plaintiffs and against the defendants.

The Court finds specifically as follows:

1. That the amount in controversy herein, exclusive of interest and costs, exceeds the sum or value of \$3000.00, and that there is a diversity of citizenship between the plaintiffs and the defendants; that the plaintiffs are residents of the State of Massachusetts, and the defendants are all residents of the State of Oklahoma.

2. That controversial issues are shown to exist between the plaintiffs and the defendants such as give this Court jurisdiction under the Federal Declaratory Judgments act to enter a judgment in this case.

3. That on the 27th day of May, 1925, the lease mentioned in the plaintiffs' petition was entered into between Park Walton and Thana Walton, his wife, as Parties of the First Part, and Oliver Jones of Miami, Oklahoma, as Party of the Second Part, under the terms of which Parties of the First Part leased to the Party of the Second Part all of the following described property located in Ottawa County, Oklahoma, to-wit:

The Southwest Quarter (SW/4) of the Northeast Quarter (NE/4), 40 acres; Lot 2, 21 acres; the Southeast Quarter (SE/4) of the Northwest Quarter (NW/4), Lot 3 or 61 acres; the Northwest Quarter (NW/4) of the Southeast Quarter (SE/4), 40 acres; the East Half (E/2) of the Southwest Quarter (SW/4) or 80 acres; all in Lot 13, Township 29, Range 31 East of the Indian Meridian, County of Ottawa, State of Oklahoma, containing 242 acres, more or less;

for the original term or period beginning on the 27th day of May, 1925, and ending at midnight on the 27th day of May, 1935, with an option to extend the lease for a further period of ten years, or until the 27th day of May, 1945; that on the 24th day of May, 1926, said Oliver Jones, the lessee in said lease, for good and valuable consideration assigned said lease to one August Mayerhoff, of Commerce, Oklahoma, and retained no reversionary or remainder interest in said property, or right of re-entry, but that the said Oliver Jones did reserve an overriding royalty on all ores sold during said period; that on the said 24th day of May, 1926, the said August Mayerhoff and Blanche S. Mayerhoff, his wife, assigned all of their right, title and interest in said lease, retaining no reversionary or remainder interest therein, to Malcolm Green, of Boston, Massachusetts, and that they retained, as their consideration for said assignment an overriding royalty on all lead and zinc ore sold from said property during said term; that on the 16th day of August, 1926, said Park Walton and Thana Walton, the owners of said land, executed an instrument in writing under the terms of which they granted to the said Malcolm Green the right to conduct mining operations on said property for an indefinite term, or so long as said lessee "may deem such use profitable or desirable"; and that said last mentioned instrument was executed in consideration of a valuable consideration paid by the said Malcolm Green to the said Park Walton and Thana Walton, his wife, the original lessors, and that no part of said consideration was paid by the defendants, or any of them, and that there was no understanding or agreement between the plaintiffs and the defendants that the defendants would be paid a royalty

after the expiration of said first twenty-year period, to-wit, May 27, 1945.

4. That as a matter of fact all royalties due the defendants under said original lease, for the ten-year period provided for therein, and the ten-year extension period, or until May 27, 1945, have been duly paid by the plaintiffs to the defendants.

5. That said last mentioned instrument, extending the term of mining on said property for an indefinite period, was obtained without any fraud or concealment practiced by any of the plaintiffs herein and against the defendants.

6. That the contention of the defendants, which was the theory on which this case was tried, that certain statements made by Malcolm Green contained in letters introduced in evidence, were such as to entrap the plaintiffs in this case from denying the claim of the defendants that they should be continued as royalty holders in the new term of the lease, beginning May 27, 1945, is not sustained by the facts proven.

7. That all of said letters were written on Green's personal stationery, were signed by him as an individual, that they were not written by him as president of the Boston Mining and Royalty Company, and that the Boston Mining and Royalty Company had not at any time authorized the said Malcolm Green to change the legal effect of said lease or to grant to the defendants any further royalties in said property after the expiration of said twenty-year term; that any expressions that might be so construed in Green's letter were but expressions of legal opinion and not of factual opinion; and the Court further finds that no representation was ever made to Jones, Smith or Myers, the present owners of the royalty, that their royalty payments would continue beyond the twenty-year term, and no representations were made to any of said parties, by the plaintiffs or any of them, pursuant to any threats to institute actions of some sort against these plaintiffs, either for the cancellation of the leases or cancellation of the assignments, and that said defendants were not deterred by any representations made by the plaintiffs to bring any such action or forego any other rights claimed by them.

8. That the said Malcolm Green and his assignees, the other plaintiffs herein, have at all times acted in good faith, and that the failure to

carry on mining operations until 1944 was the exercise of good sound business judgment, such as an ordinary, able and qualified and careful operator would exercise under like circumstances; and that the defendants were not damaged in any way by the actions of the plaintiffs in the premises.

#### CONCLUSIONS OF LAW

1. The Court concludes, as a matter of law, that after making the assignments as set out in the conclusions of fact found herein, that none of the defendants retained any interest in said property, and that the relation of landlord and tenant did not thereafter exist between said Malcolm Green, or his assigns or successors, and said defendants.

2. The Court finds that all of the consideration reserved by the defendants for the making of said assignments has in fact been paid by the said Malcolm Green, his successors and assigns, to the defendants.

3. The Court finds, as a matter of law, that the said defendants or none of them had any right, title or claim in or to the said extended term on said property under said modification mining lease, after the said 27th day of May, 1945, and are not entitled, as a matter of law, to participate in any royalties accruing therefrom after said date.

4. The Court concludes as a matter of law that the plaintiffs have in no way estopped themselves from denying the claim of the defendants to participate in royalties from said property after the 27th day of May, 1945.

5. The Court concludes that under the issues as framed in this case, and the testimony, an actual justiciable claim was being presently asserted by the defendants to said after-accrued royalties, and that the plaintiffs had no other adequate and complete remedy for their protection in the distributing of said royalties subsequent to the 27th day of May, 1945, except upon the entry of a declaratory judgment on the issues presented herein, based upon the series of transactions set out in plaintiffs' petition and the rights of the respective parties thereunder.

DECREE

The Court having considered the issues of fact involved herein and the issues of law as set out in its findings of fact and conclusions of law, and upon a consideration of all the matters and things involved herein,

IT IS BY THE COURT CONSIDERED, ORDERED AND DECREED, in answer to the plaintiffs' request for a judgment declaring their rights under said contracts, that the plaintiff, James H. Elliott, as trustee for Malcolm Green and Boston Mining and Royalty Company, a corporation, is entitled to the proceeds therefrom, as lessee from Park Walton and Thana Walton, his wife, the land owners of said above described land, in said above described extended and modified lease, after the said 27th day of May, 1945, and that none of the defendants have or have had any right, title or interest in and to said lease or any of the proceeds therefrom, since said date; and that all payments due said defendants as consideration for said assignments prior to said 27th day of May, 1945, have been paid in full.

It further appearing to the Court, from the evidence herein, that the defendants have entered their appearance and have resisted the claims of the plaintiffs herein, and by their resistance thereof have caused the plaintiffs to go to the expense of bringing this action.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED AND DECREED that the costs incurred in this action, including the cost of taking depositions herein, taxed at \$53.<sup>00</sup>, should be paid by the defendants.

IT IS FURTHER CONSIDERED, ORDERED AND DECREED by the Court that the plaintiffs have judgment on all of the issues of fact set forth in their petition and as prayed for therein, that judgment be rendered against the defendants for the costs incurred herein in the amount of \$53.00, as hereinbefore set out.

Raymond H. Sawyer  
Judge

Vern. E. Thompson, one of the attorneys for the plaintiffs herein, certifies that on the 24<sup>th</sup> day of January, 1947, he caused a true and correct copy of the enclosed proposed Findings of Fact and Conclusions of Law and Judgment to be mailed to Frank Nesbitt, at his office in Miami, Oklahoma, by registered mail.

Dated at Joplin, Missouri, this 24<sup>th</sup> day of January, 1947.

  
One of the Attorneys for Plaintiffs

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

SUMNER HARDY,

Plaintiff,

vs.

STAR MANUFACTURING COMPANY,  
a Delaware corporation,

Defendant.

No. 1896-C

FILED

FEB 6 - 1947

ORDER DISMISSING ACTION

NOBLE C. HOOD  
Clerk U. S. District Court

Upon motion filed herein by the plaintiff and his counsel of record, it is hereby ordered and adjudged that this cause of action be and the same is hereby dismissed, with prejudice to any future action, at the costs of the defendant herein.

Dated this 6th day of February, 1947.

W. A. ...  
United States District Judge

Approved:

HARDY & HARDY

By \_\_\_\_\_

FELLOWS & FELLOWS

By Ray S. ...

ATTORNEYS FOR PLAINTIFF

MOSTELLER & McBRIDE

By W. B. ...

ATTORNEYS FOR DEFENDANT

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

\_\_\_\_\_  
Juanita M. Cowan - - - - - Plaintiff, )  
vs )  
G.W. Wilson, et al, - - - - - Defendants. )

1913  
NE-12215-Civ

FEB 7 1947

ORDER OF DISMISSAL

NOBLE C. HOOD  
Clerk U. S. District Court

Now this 7th day of February, 1947, same being a judicial day of said court, this matter comes on for hearing on the motion of the plaintiff to dismiss the above styled and numbered action, with prejudice, at the defendants cost. The parties appearing by their respective attorneys of record and there being no objection:

IT IS HEREBY ORDERED that the above styled and numbered cause be and the same hereby is dismissed, with prejudice, at the cost of the defendants.

W. W. ...  
Judge

(P)

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

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J.B. Cowan - - - - - Plaintiff, )  
vs )  
G.W. Wilson, et al, - - - - - Defendants. )

No. 1916-Civil  
FILED

ORDER OF DISMISSAL

FEB 7 1947

NOBLE C. HOOD  
Clerk U. S. District Court

Now this 4th day of February, 1947, same being a judicial day of said court, this matter comes on for hearing on the motion of the plaintiff to dismiss the above styled and numbered action, with prejudice, at the defendants cost. The parties appearing by their respective attorneys of record and there being no objection:

IT IS HEREBY ORDERED that the above styled and numbered cause be and the same hereby is dismissed, with prejudice, at the cost of the defendants.

W. Lee C. ...  
Judge

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

MINNIE WHITE, As administratrix of the Estate of Barney Raymond White, deceased,  
Plaintiff,  
vs.  
James W. McMillen,  
Defendant.

✓  
No. 1911 Civil

FILED

FEB 11 1947

JOURNAL ENTRY OF JUDGMENT

NOBLE C. HOOD  
Clerk U. S. District Court

Now on this 10th day of February, 1947, this cause comes on for hearing upon its merits; the plaintiff appeared in person and by her counsel, Ralph B. Brainard of Pryor, Oklahoma, and the defendant appeared by his counsel, Hudson, Hudson & Wheaton of Tulsa, Oklahoma.

And both parties having announced ready for trial, and having waived a jury, the court proceeded to the trial of said cause upon its merits.

The plaintiff then introduced her evidence and rested, and the court being fully advised in the premises, upon consideration thereof, finds:

That plaintiff's decedent, Barney Raymond White, left surviving him as his sole and only heir at law and next of kin, his mother, Minnie White, plaintiff herein.

That the plaintiff is the duly appointed, qualified and acting administratrix of the estate of Barney Raymond White, deceased.

The court further finds that plaintiff is entitled to recover of and from the defendant, James W. McMillen, judgment in the sum of \$5,000.00, on her causes of action set forth in her complaint herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this court that plaintiff have and recover judgment of and from the defendant, James W. McMillen, in the sum of Five Thousand and No/100 (\$5,000.00) Dollars, together with the costs of this action.

For all of which let execution issue.

O.R.

Ralph B. Brainard  
Attorney for Plaintiff

Hudson, Hudson & Wheaton  
Attorneys for Defendant

rdh/mr

Royce A. Savage  
Judge

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

JOEL M. BRYAN, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 1912 Civil  
 )  
 JAMES W. McMILLEN, )  
 )  
 Defendant. )

FILED

FEB 11 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

Now on this the 10th day of February, 1947, this cause comes on for hearing upon its merits; the plaintiff appeared in person and by his counsel, Ralph B. Brainard of Arroyo, Oklahoma, and the defendant appeared by his counsel, Hudson, Hudson & Wheaton of Tulsa, Oklahoma.

And both parties having announced ready for trial, and having waived a jury, the court proceeded to the trial of said cause upon its merits. The plaintiff then introduced his evidence and rested. And the court, being fully advised in the premises, upon consideration thereof, finds that plaintiff is entitled to recover judgment of and from the defendant, James W. McMillen, in the sum of \$5,000.00, on his causes of action set forth in his complaint herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this court that plaintiff have and recover judgment of and from the defendant, James W. McMillen, in the amount of Five Thousand and No/100 (\$5,000.00) Dollars, together with the costs of this action.

For all of which let execution issue.

*Royce H. Savage*  
Judge

O.K. )  
 )  
*Ralph B. Brainard*  
Attorney for Plaintiff

*Hudson, Hudson & Wheaton*  
Attorneys for Defendant

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

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 1996 Civil  
 )  
 William Reynolds, )  
 )  
 Defendant. )

E I L E D

FEB 11 1947

J U D G M E N T

NOBLE C. HOOD  
Clerk U. S. District Court

Now, on this 10th day of February, 1947, the above matter coming on for hearing pursuant to setting of notice for temporary injunction and the plaintiff appearing by Whit Y. Mauzy, United States Attorney, and John W. McCune, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant, William Reynolds, appearing in person, it was then agreed between the plaintiff and the defendant that said action should be tried on its merits and the court having heard the statements of the parties finds that the allegations in the complaint of the plaintiff are true.

The court further finds that the Southwest Quarter and the Northwest Quarter of the Southeast quarter of Section 19, Township 26 North, Range 22 East, Craig County, State of Oklahoma, is a part of the allotment of Robert Thompson, deceased Cuspaw allottee, and that the defendant, William Reynolds has, since December 31, 1946, been wrongfully in possession of said premises and that the plaintiff is entitled to the immediate possession of said premises and that the defendant should be restrained from interfering in any way with the plaintiff and its agents in the exercise of its possession. The court further finds that the reasonable value of the damages for the unlawful detention of said property is the sum of \$15.00.



IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the court that the plaintiff have judgment against the defendant for the immediate possession of said premises, that the defendant be permanently restrained and enjoined from interfering in any manner with the possession of the plaintiff and that the United States Marshal for the Northern District of Oklahoma be and he is hereby directed to place the plaintiff in possession of said premises and that the plaintiff have further judgment against the defendant for the sum of \$15.00 and for the costs of this action.

*Boyer H. Savage*  
JUDGE.

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

DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Petitioner,

-vs-

CERTAIN PARCELS OF LAND IN DISTRICT OF COLUMBIA,  
ORLANDA, containing approximately 306.40  
acres, more or less; and Albert E. Williams,  
et al.,

Defendants.

CIVIL NO. 1199

FILED

FEB 12 1947

NOBLE C. HOOD  
Clerk U. S. District Court

J U D I C I A L

NO, on this 12<sup>th</sup> day of February, 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, 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 report herein on the 1st day of May, 1940, 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-1573)

Flowage Easement

All that part of Lot 6 of 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 owned by the Grand River Dam Authority, containing approximately 24.2 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 6 lying above Elev. 756.1 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, . . . . . \$ 641.00**

TRACT NO. 2 (57 - FW-1576)

Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , all that part of the N $\frac{1}{2}$  N $\frac{1}{2}$  WE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  S $\frac{1}{2}$  N $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of 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 owned by the Grand River Dam Authority, containing approximately 28.5 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said SE $\frac{1}{4}$  NE $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, and all that part of said N $\frac{1}{2}$  N $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of said N $\frac{1}{2}$  S $\frac{1}{2}$  N $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  lying above Elev. 756.1 Sea Level Datum, containing approximately 3.9 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$1399.00**

TRACT NO. 3 (57 - FW-1621)

Flowage Easement

All that part of the SW $\frac{1}{4}$  of Lot 5, less the north 30 feet thereof, in Sec. 6, 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, containing approximately 1.4 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said SW $\frac{1}{4}$  of Lot 5, less the north 30 feet thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 2.4 acres.

**TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$1403.00**

TRACT NO. 4 (57 - FW-1635 Rev.)

Easement for Intermittent  
Flowage During Flood Periods

TRACT "A"

All that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  lying north and west of highway #66 of Sec. 36, 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 0.2 acres.

TRACT "B"

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 36, 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 4.0 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 168.00

TRACT NO. 5 (57 - FW-1636)

Flowage Easement

All that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 36, 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 3.3 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said S $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 8.0 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 246.00

TRACT NO. 6 (57 - FW-1637)

Flowage Easement

All that part of the N $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 36, 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 15.6 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of the S $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Sec. 36 lying below Elev. 760 Sea Level Datum, and all that part of said N $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 3.5 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$464.00

TRACT NO. 7 (57 - FW-1638)

Flowage Easement

All that part of the  $N\frac{1}{2}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 36, 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  $N\frac{1}{2}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 4.0 acres.

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

TRACT NO. 8 (57 - FW-1646)

Flowage Easement

All that part of the  $W\frac{1}{2}$   $NW\frac{1}{4}$  of Sec. 36, 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 3.7 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said  $W\frac{1}{2}$   $NW\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 7.6 acres.

SEPARATE JUDGMENT ENTERED

TRACT NO. 9 (57 - FW-1647)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the  $W\frac{1}{2}$   $SW\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 36, 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 0.5 acres.

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

TRACT NO. 10 (57 - FW-1742)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 31, 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 2.3 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$475.00

TRACT NO. 11 (57 - FW-1790)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the SE $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  (otherwise described as BARNES SECOND ADDITION TO MIAMI) in Sec. 31, 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 2.3 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$132.50

TRACT NO. 12 (57 - FW-1791)

Flowage Easement

All that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of 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, containing approximately 2.7 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said N $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, containing approximately 5.6 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$550.00

TRACT NO. 13 (57 - FW-1792)

Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of 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, containing approximately 7.3 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, containing approximately 5.2 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$640.00

TRACT NO. 14 (57 - FW-1797)

Flowage Easement

All that part of the NE 10.0 acres of Lot 4 and all that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of 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, containing approximately 1.2 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said NE 10.0 acres of Lot 4 and all that part of said NW $\frac{1}{4}$  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 2.0 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 55.00

TRACT NO. 15 (57 - FW-1802)

Flowage Easement

All that part of Block 163, and all that part of Block 164, and all that part of Block 170, and all that part of Block 175, and all that part of Block 168, and all that part of Block 176, lying below Elevation 756.1 Sea Level Datum and all of Block 171, and all of Block 174, 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 and incident to the ownership of said Blocks 163, 164, 168, 170, 171, 174, 175, and 176 lying below Elev. 756.1 Sea Level Datum, except those portions on which the Grand River Dam Authority has the right of flowage.

Easement for Intermittent  
Flowage During Flood Periods

All that part of Block 163, and all that part of Block 164, and all that part of Block 165, and all that part of Block 170, and all that part of Block 169, and all that part of Block 168, and all that part of Block 175, and all that part of Block 176, all as shown on said dedication plat, lying between Elev. 756.1 Sea Level Datum and Elevation 760.0 Sea Level Datum, including all that part of the streets, avenues, and alleys adjacent to said Blocks 163, 164, 165, 170, 169, 168, 175, and 176, 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, . . . . . \$1105.00

TRACT NO. 16 (57 - FW-1812)

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 149 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 thereto and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lots 3 and 4 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 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 between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, including all that part of the street and avenue adjacent thereto 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. 17 (57 - FW-1813)

Flowage Easement

All that part of Lot 4, and all that part of Lot 6, and all that part of Lot 7, and all that part of Lot 8, in Block 147 as shown on the dedication plat of 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, 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.

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 4, and all that part of Lot 5, and all that part of Lot 6, and all that part of Lot 7, and all that part of Lot 8 in said Block 147 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 4, 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 ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$50.00

TRACT NO. 18 (57 - FW-1814)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 12 in Block 147 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 and alley adjacent thereto, 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. 19 (57 - FW-1815)

Flowage Easement

All that part of Lot 11 in Block 147 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 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 11 lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum and all of the  $\frac{1}{2}$  of Lot 10 in said Block 147, including all that part of the street and alley 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, . . . . . \$37.50

TRACT NO. 20 (57 - FW-1816)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the  $\frac{1}{2}$  of Lot 9 lying below Elev. 760.0 Sea Level Datum and all the  $\frac{1}{2}$  of  $\frac{1}{2}$  of Lot 10 all in Block 147 as shown on the dedication plat of 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 ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$350.00

TRACT NO. 21 (57 - FW-1817)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the  $W\frac{1}{2}$  of Lot 9 lying below Elev. 760.0 Sea Level Datum and all the  $W\frac{1}{2}$  of the  $N\frac{1}{2}$  of Lot 10, all in Block 147 as shown on the dedication plat of the original townsite of Miami, in Ottawa County, Oklahoma, including all that part of the alley adjacent thereto 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, . . . . . \$287.50

TRACT NO. 22 (57 - FW-1818)

Flowage Easement

All that part of Lot 2 in Block 147 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 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 2 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 thereto 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. 23 (57 - FW-1819)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 1 in Block 147 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 and alley adjacent thereto 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, . . . . . \$160.00

TRACT NO. 24 (57 - FW-1820)

Flowage Easement

All that part of Lot 1 and all that part of Lot 2 in Block 148 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 thereto and incident to the ownership thereof, together with the bed and banks of the Neosho River adjacent to said Lots 1 and 2, 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 1 and all that part of said Lot 2 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 thereto and incident to the ownership thereof, lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum.

TRACT NO. 25 (62 - FW-1562)

Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 33, 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, containing approximately 0.8 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said SE $\frac{1}{4}$  SW $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, containing approximately 0.8 acres. DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$350.00

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

Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 33, 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, and that portion on which the Grand River Dam Authority has the right of Flowage, containing approximately 9.3 acres.

TRACT NO. 26 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of said SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of said W $\frac{1}{2}$  SW $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 13.6 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$1150.00

TRACT NO. 27 (62 - FW-1563 A)

Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 33, 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, containing approximately 1.8 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, containing approximately 4.0 acres.

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

TRACT NO. 28 (62 - FW-1564)

Flowage Easement

All that part of the S $\frac{1}{2}$  S $\frac{1}{2}$  of Sec. 32, 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 53.2 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said S $\frac{1}{2}$  S $\frac{1}{2}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 27.1 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$2460.00

TRACT NO. 29 (62 - FW-1565)

Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 32, 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 on which the Grand River Dam Authority has the right of flowage, containing approximately 1.9 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 1.7 acres.

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

TRACT NO. 30 (62 - FW-1566)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the S $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 28, T 28 N, R 23 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, lying below Elev. 760 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, . . . . \$ 5.00

TRACT NO. 31 (62 - FW-1567)

Flowage Easement

All that part of the north 10.0 acres of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 32, 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, containing approximately 1.2 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said north 10.0 acres of the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Sec. 32, lying between Elev. 756.1 Sea Level Datum and 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, . . . . \$ 77.00

TRACT NO. 32 (62 - FW-1568)

Flowage Easement

All that part of the  $S\frac{1}{2}$   $N\frac{1}{2}$   $SE\frac{1}{4}$   $NE\frac{1}{4}$ , all that part of the  $S\frac{1}{2}$   $SE\frac{1}{4}$   $NE\frac{1}{4}$ , all that part of the  $N\frac{1}{2}$   $NE\frac{1}{4}$   $SE\frac{1}{4}$ , and all that part of the  $SW\frac{1}{4}$   $NE\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 32, 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 on which the Grand River Dam Authority has the right of flowage, containing approximately 12.3 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said  $S\frac{1}{2}$   $N\frac{1}{2}$   $SE\frac{1}{4}$   $NE\frac{1}{4}$ , all that part of said  $S\frac{1}{2}$   $SE\frac{1}{4}$   $NE\frac{1}{4}$ , all that part of said  $N\frac{1}{2}$   $NE\frac{1}{4}$   $SE\frac{1}{4}$ , and all that part of said  $SW\frac{1}{4}$   $NE\frac{1}{4}$   $SE\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 7.3 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$628.50

TRACT NO. 33 (62 - FW-1569)

Flowage Easement

All that part of the  $SW\frac{1}{4}$   $NW\frac{1}{4}$ , and all that part of the  $NW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 32, 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, containing approximately 3.9 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said  $SW\frac{1}{4}$   $NW\frac{1}{4}$ , and all that part of said  $NW\frac{1}{4}$   $SE\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 10.7 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$769.00

TRACT NO. 34 (62 - FW-1574)

Flowage Easement

All that part of the  $NW\frac{1}{4}$   $SW\frac{1}{4}$  of Sec. 32, 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, containing approximately 1.5 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said  $NW\frac{1}{4}$   $SW\frac{1}{4}$  lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 1.3 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$430.00

TRACT NO. 35 (62 - FW-1578 Rev.)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 32, 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, . . . . . \$ 30.00

TRACT NO. 36 (62 - FW-1712)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 8 in Sec. 29, 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 less than 0.1 acre.

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

TOTAL, - - - - - \$15,030.00

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, nor 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 \$15,030.00.

(8) That the United States of America did, on the 1st 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 persons entitled thereto, the following sums, to-wit:

|   |          |
|---|----------|
| TRACT NO. 1 (57 FW 1573), . . . . .     | 641.00   |
| TRACT NO. 2 (57 FW 1576), . . . . .     | 1399.00  |
| TRACT NO. 3 (57 FW 1621), . . . . .     | 1403.00  |
| TRACT NO. 4 (57 FW 1635 Rev.) . . . . . | 168.00   |
| TRACT NO. 5 (57 FW 1636), . . . . .     | 245.00   |
| TRACT NO. 6 (57 FW 1637), . . . . .     | 464.00   |
| TRACT NO. 7 (57 FW 1638), . . . . .     | 95.50    |
| TRACT NO. 9 (57 FW 1647), . . . . .     | 7.50     |
| TRACT NO.10 (57 FW 1742), . . . . .     | \$475.00 |
| TRACT NO.11 (57 FW 1790), . . . . .     | 182.50   |
| TRACT NO.12 (57 FW 1791), . . . . .     | 406.00   |
| TRACT NO.13 (57 FW 1792), . . . . .     | 562.00   |
| TRACT NO.14 (57 FW 1797), . . . . .     | 55.00    |
| TRACT NO.15 (57 FW 1802), . . . . .     | 1105.00  |
| TRACT NO.16 (57 FW 1812), . . . . .     | 10.00    |
| TRACT NO.17 (57 FW 1813), . . . . .     | 50.00    |
| TRACT NO.18 (57 FW 1814), . . . . .     | 25.00    |
| TRACT NO.19 (57 FW 1815), . . . . .     | 37.50    |

|  |         |
|--|---------|
| TRACT NO. 20 (57 FW 1816), . . . . .     | 245.00  |
| TRACT NO. 21 (57 FW 1817), . . . . .     | 287.50  |
| TRACT NO. 22 (57 FW 1818), . . . . .     | 7.50    |
| TRACT NO. 23 (57 FW 1819), . . . . .     | 150.00  |
| TRACT NO. 25 (62 FW 1562), . . . . .     | 403.00  |
| TRACT NO. 26 (62 FW 1563 Rev.) . . . . . | 1382.00 |
| TRACT NO. 27 (62 FW 1563 A), . . . . .   | 134.00  |
| TRACT NO. 28 (62 FW 1564), . . . . .     | 2286.50 |
| TRACT NO. 29 (62 FW 1565), . . . . .     | 421.50  |
| TRACT NO. 30 (62 FW 1566), . . . . .     | 2.50    |
| TRACT NO. 31 (62 FW 1567), . . . . .     | 77.00   |
| TRACT NO. 32 (62 FW 1568), . . . . .     | 626.50  |
| TRACT NO. 33 (62 FW 1569), . . . . .     | 769.00  |
| TRACT NO. 34 (62 FW 1574), . . . . .     | 343.00  |
| TRACT NO. 35 (62 FW 1578 Rev.) . . . . . | 30.00   |
| TRACT NO. 36 (62 FW 1712), . . . . .     | 10.00   |

T O T A L, - - - - - \$14,506.00

(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. 2566, 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. 256 (a) to 256 (e)); Title II of the Act of March 27, 1942, 56 Stat. 177 (50 U. S. C. Sec. 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 HEREBY 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 (57 FW 1573), . . . . .      | ‡ 641.00 |
| TRACT NO. 2 (57 FW 1576), . . . . .      | 1399.00  |
| TRACT NO. 3 (57 FW 1621), . . . . .      | 1403.00  |
| TRACT NO. 4 (57 FW 1635 Rev.) . . . . .  | 168.00   |
| TRACT NO. 5 (57 FW 1636), . . . . .      | 245.00   |
| TRACT NO. 6 (57 FW 1637), . . . . .      | 484.00   |
| TRACT NO. 7 (57 FW 1638), . . . . .      | 100.00   |
| TRACT NO. 9 (57 FW 1647), . . . . .      | 10.00    |
| TRACT NO. 10 (57 FW 1742), . . . . .     | 475.00   |
| TRACT NO. 11 (57 FW 1790), . . . . .     | 182.50   |
| TRACT NO. 12 (57 FW 1791), . . . . .     | 550.00   |
| TRACT NO. 13 (57 FW 1792), . . . . .     | 640.00   |
| TRACT NO. 14 (57 FW 1797), . . . . .     | 55.00    |
| TRACT NO. 15 (57 FW 1802), . . . . .     | 1105.00  |
| TRACT NO. 16 (57 FW 1812), . . . . .     | 25.00    |
| TRACT NO. 17 (57 FW 1813), . . . . .     | 50.00    |
| TRACT NO. 18 (57 FW 1814), . . . . .     | 25.00    |
| TRACT NO. 19 (57 FW 1815), . . . . .     | 37.50    |
| TRACT NO. 20 (57 FW 1816), . . . . .     | 350.00   |
| TRACT NO. 21 (57 FW 1817), . . . . .     | 287.50   |
| TRACT NO. 22 (57 FW 1818), . . . . .     | 10.00    |
| TRACT NO. 23 (57 FW 1819), . . . . .     | 150.00   |
| TRACT NO. 25 (62 FW 1562), . . . . .     | 350.00   |
| TRACT NO. 26 (62 FW 1563 Rev.) . . . . . | 1150.00  |
| TRACT NO. 27 (62 FW 1563 A), . . . . .   | 100.00   |
| TRACT NO. 28 (62 FW 1564), . . . . .     | 2460.00  |
| TRACT NO. 29 (62 FW 1565), . . . . .     | 650.00   |
| TRACT NO. 30 (62 FW 1566), . . . . .     | 5.00     |

|  |        |
|--|--------|
| TRACT NO. 31 (62 FW 1567), . . . . .     | 77.00  |
| TRACT NO. 32 (62 FW 1568), . . . . .     | 626.50 |
| TRACT NO. 33 (62 FW 1569), . . . . .     | 769.00 |
| TRACT NO. 34 (62 FW 1574), . . . . .     | 430.00 |
| TRACT NO. 35 (62 FW 1578 Rev.) . . . . . | 30.00  |
| TRACT NO. 36 (62 FW 1712), . . . . .     | 10.00  |

T O T A L, - - - - - \$15,030.00

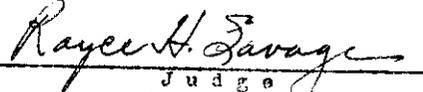
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is a perpetual easement upon and over said lands to inundate, submerge and flow, and to enter upon said lands from time to time in the performance of said acts, for use in connection with the completion and full utilization of the Grand 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 Declaration of Taking, and the interest therein taken by these eminent domain proceedings was vested in the United States of America on the 1st day of May, 1944, upon the filing of the Declaration of Taking and the depositing of the sum of \$14,508.00 with the registry of this Court for the estate taken in 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 \$524.00, said sum being the deficiency between the sum of \$15,030.00, 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 \$14,506.00.

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

  
\_\_\_\_\_  
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 781.70  
acres, more or less; and Nettie Cooper,  
et al.,

Defendants.

CIVIL NO. 1231

FILED

FEB 12 1947

J U D G M E N T

NOBLE C. HOOD  
Clerk U. S. District Court

NO. , On this 12<sup>th</sup> day of February, 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 re-  
quest 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 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 (46 - FW-1292 Rev.)

Floorage Easement

All of Lot 7 in Sec. 19 and all of Lot 1 in Sec. 20 and all that part of the  $\frac{1}{2}$  NW $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  in Sec. 29, all that part of Lot 6, and all that part of Lot 7, all that part of Lot 8 and all that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  and all that part of the SE $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 30, all in T 27 N, R 24 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 and that portion contained in the right-of-way of the St. Louis and San Francisco Railway, containing approximately 86.3 acres.

Easement for Intermittent Floorage During Flood Periods

All that part of the  $\frac{1}{2}$  NW $\frac{1}{4}$  in said Sec. 29, and all that part of Lot 6, and all that part of Lot 7 and all that part of Lot 8 and all that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  and all that part of the SE $\frac{1}{4}$  and all that part of the E $\frac{1}{2}$  SW $\frac{1}{4}$  and all that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  of said Sec. 30, lying between Elev. 756.1 Sea Level Datum and Elev. 777.0 Sea Level Datum, except that portion contained in the right-of-way of the St. Louis and San Francisco Railway, containing approximately 50.2 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, . . . . . \$3900.00

TRACT NO. 2 (50 - FW-1333)

Floorage Easement

All that part of Lot 3 in Block 3 as shown on the dedication plat of Walkers Addition to the townsite of Hyandotto in Ottawa County, Oklahoma, lying below Elev. 758 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. 3 (57 - FW-1793)

Floorage Easement

All that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  less the west 390 feet thereof and all that part of the north 948.5 feet of Lot 5 lying east of the K. O. & G. Railroad right-of-way, and all that part of Lot 5 lying west of the K. O. & G. Railroad right-of-way in Sec. 31, T 28 N, R 25 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 19.3 acres.

TRACT NO. 3 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of said NW $\frac{1}{4}$  SE $\frac{1}{4}$  less the west 390 feet thereof and all that part of said north 948.5 feet of Lot 5 east of the K. O. & G. Railroad right-of-way and all that part of Lot 5 lying west of the K. O. & G. Railroad right-of-way, lying between Elev. 756.1 Sea Level Datum and Elev. 730.0 Sea Level Datum, containing approximately 13.5 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$798.00

TRACT NO. 4 (58 - FW-1707 Rev.)

Flowage Easement

All that part of Lot D and all that part of Lot E 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 on which the Grand River Dam Authority has the right of Flowage, containing approximately 1.1 acres including all that part of the avenue adjacent to said Lot E and incident to the ownership thereof, lying below Elev. 756.1 Sea Level Datum, except that portion owned by the Grand River Dam Authority.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot D and all that part of said Lot E lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, containing approximately 0.7 acre including all that part of the avenue adjacent to said Lot E 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, EXCLUSIVE OF THE AMOUNT AWARDED TO THE STATE OF OKLAHOMA FOR DAMAGES TO STATE ROADS, . . . . . \$119.50

TRACT NO. 5 (58 - FW-1713 Rev.)

Flowage Easement

All that part of Lot 4, and all that part of Lot 5, in Sec. 30, T 28 N, R 23 E, of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, particularly described as follows, to-wit:

"Beginning at a point 414 feet west of the NE corner of Lot 7, Sec. 30, T 28 N, R 23 E, thence east along the north line of Lots 7 and 6 a distance of 1254.8 feet, thence north to the north boundary line of Lot 5, thence west to the intersection with Rockdale Boulevard, thence southwesterly along the south boundary line of Rockdale Boulevard to the point of beginning",

TRACT NO. 5 (Continued)

lying below Elev. 756.1 Sea Level Datum, containing approximately 2.5 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lots 4 and 5 described above lying between Elev. 756.1 Sea Level Datum and Elev. 760.0 Sea Level Datum, containing approximately 3.9 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, . . . . . \$447.50

TRACT NO. 6 (58 - FW-1713 A)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 5 in Section 30, T 28 N, R 23 E, of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, particularly described as follows, to-wit:

"Beginning at a point on the South line of Lot 5, Sec. 30, T 28 N, R 23 E, 840.6 feet East of the SW corner of said Lot 5, thence North 620 feet to the North line of Lot 5, thence east along said North line of Lot 5 a distance of approximately 180 feet to the intersection with the South line of McKinley Avenue, thence Easterly along the South side of McKinley Avenue to the East line of Sec. 30, thence South along the section line 610 feet to the SE corner of said Lot 5, thence West along the South line of Lot 5, 470.4 feet to the place of beginning."

lying below Elev. 760.0 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, . . . . . \$135.00

TRACT NO. 7 (58 - FW-1734 Rev.)

Easement for Intermittent  
Flowage During Flood Periods

All that part of Lot 3 and all that part of Lot 4 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 including all that part of the street adjacent to said Lots 3 and 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, . . . . . \$70.00

TRACT NO. 8 (58 - FW-1735 Rev.)

Easement for Intermittent  
Flowage During Flood Periods

All those parts of Lots 5 to 16, inclusive, 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 including all that part of the street and avenue adjacent to said Lots 5 to 16, 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, . . . . . \$ 200.00

TRACT NO. 9 (58 - FW-1872)

Flowage Easement

All that part of Lot 1, Sec. 25, 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 1.6 acres, together with that part of the bed and banks of the Neosho River, if any, adjacent and incident to the ownership of 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, containing approximately 0.2 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$225.00

TRACT NO. 10 (58 - FW-1873)

Flowage Easement

All that part of the  $E\frac{1}{2}W\frac{1}{2}$ , all that part of the  $W\frac{1}{2}SE\frac{1}{2}$ , all that part of the  $N\frac{1}{2}NW\frac{1}{2}$ , and all that part of the  $SE\frac{1}{4}SE\frac{1}{4}$  less the east 276.0 feet of the south 789.0 feet thereof, in Sec. 23, and all that part of Lot 3, all that part of Lot 4, and all that part of Lot 5 in Sec. 26, 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, except that portion owned by the Grand River Dam Authority, containing approximately 98.3 acres.

TRACT NO. 10 (Continued)

Easement for Intermittent  
Flowage During Flood Periods

All that part of said  $E\frac{1}{2} W\frac{1}{2}$ , all that part of said  $W\frac{1}{2} SE\frac{1}{4}$ , and all that part of said  $SE\frac{1}{4} SE\frac{1}{4}$  less the east 276.0 feet of the south 789.0 feet thereof, and all that part of said  $N\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$ , and all that part of said Lot 3, all that part of said Lot 4, and all that part of said Lot 5, lying between Elev. 756.1 Sea Level Datum and Elev. 760 Sea Level Datum, containing approximately 194.7 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$8250.00

TRACT NO. 11 (58 - FW-1874)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the  $SW\frac{1}{4} NE\frac{1}{4}$  of Sec. 23, 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 33.0 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 495.00

TRACT NO. 12 (58 - FW-1875)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the  $E\frac{1}{2} NE\frac{1}{4}$  of Sec. 23, 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 0.9 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 18.00

TRACT NO. 13 (58 - FW-1876)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the  $NW\frac{1}{4} NE\frac{1}{4}$  of Sec. 23, 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 2.3 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$ 46.00

TRACT NO. 14 (58 - FW-1879)

Flowage Easement

All that part of the  $W\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 23, 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 1.5 acres.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said  $W\frac{1}{2}$  NW $\frac{1}{4}$  lying above Elev. 756.1 Sea Level Datum, containing approximately 78.5 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$2400.00

TRACT NO. 15 (58 - FW-1881)  
(58 - FW-1884)

Flowage Easement

All of Lot 2 in Sec. 26, T 28 N, R 22 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, containing 39.00 acres, more or less, including the bed and banks of Neosho River adjacent and incident to the ownership of said Lot 2 and any and all accretions thereto.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$487.50

TRACT NO. 16 (58 - FW-1882)

Flowage Easement

All of Lot 1 in Sec. 26, T 28 N, R 22 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, containing approximately 11.50 acres, and all accretions to said Lot 1, including the bed and banks of the Neosho River adjacent to said Lot 1 and incident to the ownership thereof, except that portion on which the Grand River Dam Authority has the right of flowage.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$172.50

TRACT NO. 17 (58X - FW-1877)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the  $E\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 14, 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 2.5 acres.

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

TRACT NO. 18 (58X - FW-1878)

Easement for Intermittent  
Flowage During Flood Periods

All that part of the  $W\frac{1}{2}$   $SW\frac{1}{2}$  of Sec. 14, 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 4.3 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$129.00

TRACT NO. 19 (60 - FW-1887)

Flowage Easement

All of the  $SE\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 27, T 28 N, R 22 E of the Indian Base and Meridian, Quapaw Survey, in Ottawa County, Oklahoma, except that portion owned by the Grand River Dam Authority, containing approximately 38.8 acres.

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

TRACT NO. 20 (60 - FW-1888)

Flowage Easement

All of the  $SW\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 27, T 28 N, R 22 E of the Indian Base and Meridian, Quapaw Survey, Ottawa County, Oklahoma, containing approximately 40.0 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$523.50

TRACT NO. 21 (60 - FW-1890)

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, Quapaw 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 49.4 acres.

Easement for Intermittent  
Flowage During Flood Periods

All of said  $N\frac{1}{2}$   $NE\frac{1}{4}$  lying above Elev. 756.1 Sea Level Datum, containing approximately 9.4 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . . . \$835.00

TRACT NO. 22 (60 - FW-1896)

Flowage Easement

All that part of Lot 2 and accretion thereto in Sec. 21, 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, including the bed and banks of Neosho River adjacent to said Lot 2 lying below Elev. 756.1 Sea Level Datum.

Easement for Intermittent  
Flowage During Flood Periods

All that part of said Lot 2 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 to said Lot 2 and any and all accretion there- to, 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, . . . . . \$ 2.00

TRACT NO. 23 (60 - FW-1897)

Flowage Easement

All that part of Lot 1 in Sec. 20, 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, contain- ing approximately 0.1 acre, including the bed and banks of Neosho River adjacent to and incident to the ownership of 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 Sea Level Datum, containing approxi- mately 0.2 acre, including the bed and banks of Neosho River adjacent to and incident to the ownership of said Lot 1, 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, . . . . . \$ 6.00

T O T A L, - - - - - \$19,388.50

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 report of commissioners herein, and no written exceptions thereto, or demands for jury trial are pending as to the tracts above described save a demand for jury trial on tract 1 (48 FW 1292 Rev.) and exceptions to report of commissioners on tracts 1 (48 FW 1292 Rev.), 4 (58 FW 1707 Rev.), and 5 (58 FW 1713 Rev.). Said demand for jury trial and exceptions to report of commissioners were both filed by petitioner and both concern only those parts of the awards upon said tracts 1, 4 and 5 made by the commissioners to the State of Oklahoma on account of damages to the public highways traversing said tracts. That the validity of the commissioners' awards in this particular respect has not been determined and is not hereby determined, but that said report of commissioners filed herein should be confirmed and approved in all other respects, as to the tracts above particularly described.

(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 1, 4, and 5 made to the State of Oklahoma on account of damages to public highways traversing said tracts, final just compensation in the amount of \$19,338.50

(9) That the United States of America did, on the 14th 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 the persons entitled thereto, the following sums, to wit:

|   |           |
|---|-----------|
| TRACT NO. 1 (48 FW 1292 Rev.) . . . . . | \$2801.00 |
| TRACT NO. 2 (50 FW 1333), . . . . .     | 10.00     |
| TRACT NO. 3 (57 FW 1793), . . . . .     | 798.00    |
| TRACT NO. 4 (58 FW 1707 Rev.) . . . . . | 119.50    |
| TRACT NO. 5 (58 FW 1713 Rev.) . . . . . | 447.50    |
| TRACT NO. 6 (58 FW 1713 ), . . . . .    | 135.00    |
| TRACT NO. 7 (58 FW 1734 Rev.) . . . . . | 70.00     |

|   |           |
|---|-----------|
| TRACT NO. 8 (58 FW 1735 Rev.) , . . . . .           | \$ 120.00 |
| TRACT NO. 9 (58 FW 1872), . . . . .                 | 61.00     |
| TRACT NO.10 (58 FW 1873), . . . . .                 | 6375.00   |
| TRACT NO.11 (58 FW 1874), . . . . .                 | 495.00    |
| TRACT NO.12 (58 FW 1875), . . . . .                 | 18.00     |
| TRACT NO.13 (58 FW 1876), . . . . .                 | 34.50     |
| TRACT NO.14 (58 FW 1879), . . . . .                 | 1600.00   |
| TRACT NO.15 (58 FW 1881)<br>(58 FW 1884), . . . . . | 487.50    |
| TRACT NO.16 (58 FW 1882), . . . . .                 | 172.50    |
| TRACT NO.17 (58X FW 1877),. . . . .                 | 50.00     |
| TRACT NO.18 (58X FW 1878), . . . . .                | 86.00     |
| TRACT NO.19 (60 FW 1887), . . . . .                 | 388.00    |
| TRACT NO.20 (60 FW 1888), . . . . .                 | 523.50    |
| TRACT NO.21 (60 FW 1890), . . . . .                 | 835.00    |
| TRACT NO.22 (60 FW 1896), . . . . .                 | 1.50      |
| TRACT NO.23 (60 FW 1897), . . . . .                 | 3.00      |

T O T A L, - - - - - \$15,631.50

(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. 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, 1886, 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 1, 4, and 5, full and just compensation for the taking of said estate in the lands designated as follows, to wit:

|  |          |
|--|----------|
| TRACT NO. 1 (48 FW 1292-Rev) . . . . .               | 13900.00 |
| TRACT NO. 2 (50 FW 1333) . . . . .                   | 10.00    |
| TRACT NO. 3 (57 FW 1793) . . . . .                   | 798.00   |
| TRACT NO. 4 (58 FW 1707 Rev.) . . . . .              | 119.50   |
| TRACT NO. 5 (58 FW 1713 Rev.) . . . . .              | 447.50   |
| TRACT NO. 6 (58 FW 1713 A) . . . . .                 | 136.00   |
| TRACT NO. 7 (58 FW 1734 Rev.) . . . . .              | 70.00    |
| TRACT NO. 8 (58 FW 1735 Rev.) . . . . .              | 200.00   |
| TRACT NO. 9 (58 FW 1872), . . . . .                  | 225.00   |
| TRACT NO. 10 (58 FW 1873), . . . . .                 | 2250.00  |
| TRACT NO. 11 (58 FW 1874), . . . . .                 | 495.00   |
| TRACT NO. 12 (58 FW 1875), . . . . .                 | 18.00    |
| TRACT NO. 13 (58 FW 1876), . . . . .                 | 46.00    |
| TRACT NO. 14 (58 FW 1879), . . . . .                 | 2400.00  |
| TRACT NO. 15 (58 FW 1881)<br>(58 FW 1884), . . . . . | 487.50   |
| TRACT NO. 16 (58 FW 1882), . . . . .                 | 172.50   |
| TRACT NO. 17 (58X FW 1877), . . . . .                | 69.00    |
| TRACT NO. 18 (58X FW 1878), . . . . .                | 129.00   |
| TRACT NO. 19 (60 FW 1887), . . . . .                 | 50.00    |
| TRACT NO. 20 (60 FW 1888), . . . . .                 | 523.50   |
| TRACT NO. 21 (60 FW 1890), . . . . .                 | 835.00   |
| TRACT NO. 22 (60 FW 1896), . . . . .                 | 2.00     |
| TRACT NO. 23 (60 FW 1897), . . . . .                 | 6.00     |

T O T A L, - - - - - \$19,388.50

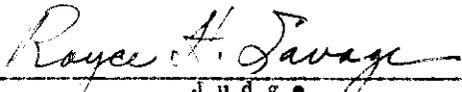
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is a perpetual easement upon and over said lands to inundate, submerge and flow, and to enter upon said lands from time to time in the performance of said acts, for use in connection with the completion and full utilization of the Grand 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 14th day of June, 1944, upon the filing of a Declaration of Taking and the depositing of the sum of \$15,631.50, 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.

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 \$3,757.00, said sum being the difference between the sum of \$19,388.50, 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 \$15,631.50.

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

  
\_\_\_\_\_  
Judge  
United States District Court, Northern  
District of Oklahoma

UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Petitioner,

-vs-

CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,  
OKLAHOMA, containing approximately 37.0  
acres, more or less; and CITY OF MIAMI,  
OKLAHOMA, a municipal corporation, et al.,

Defendants.

CIVIL NO. 1243

FILED

FEB 12 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

[In relation to that part of Tract No. 3 owned  
by the City of Miami]

On the 28th day of January, 1947, the United States District Court for the Northern District of Oklahoma being duly convened and in session at Tulsa, Oklahoma, within said District, the above entitled cause as same relates to a certain parcel of land involved therein, to-wit: that part of Tract No. 3 (57 F. 1795; 57 F. 1796) owned by the City of Miami, Oklahoma, came on for trial in said court pursuant to previous assignment; the petitioner, United States of America, then and there appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and R. L. Davidson, Special Assistant United States Attorney for the Northern District of Oklahoma, the defendant, City of Miami, Oklahoma, a municipal corporation, appearing by E. C. Fitzgerald, its attorney. Whereupon, the attorneys for the respective parties by oral stipulation made in open court and entered in the record agreed and consented to a trial by the court sitting without a jury, and announced ready for trial.

Thereafter, after trial held before the court sitting without a jury, on said 28th day of January, 1947, the court did ORDER, ADJUDGE, AND DECREE:

1. That on and as of the date of June 30, 1944, the petitioner, United States of America, expropriated and became vested with title to a perpetual easement upon and over the lands known and identified in this cause as Tract No. 3 (57 PW 1795; 57 PW 1796) and described as follows, to-wit:

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,

and,

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,

under and in virtue of which easement the United States of America has the right, power, and privilege to inundate, submerge and flow the following of said lands, to-wit:

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,

and the right, power and privilege to inundate, submerge, and flow, during flood periods, the following of said lands, to-wit:

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,

and to enter upon all of said described 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 Project for the control of floods and for the production of electric power and energy.

2. That THIRTY THOUSAND DOLLARS (\$30,000.00), without any interest thereon shall be, and is, by the Court awarded as full and just compensation for the following, to-wit:

- (a) For and on account of the taking by the petitioner, United States of America, for use in connection with completion and full utilization of the Grand River Dam Project for the control of floods and for the production of electric power and energy, of the perpetual easement aforementioned upon and over such part and parcel of the land aforementioned and described (Tract 3; 57 PW 1795; 57 PW 1796) as is owned by the defendant, City of Miami, Oklahoma, a municipal corporation;
- (b) For and on account of the taking by the petitioner, United States of America, for use in connection with the completion and full utilization of the Grand River Dam Project for the control of floods and for the production of electric power and energy, of any and all perpetual easements for the flowage of lands in whole or in part up to elevation 760.0 Sea Level Datum, or lesser elevation, which lands are lands whereupon is located any part or portion of the municipal sewage disposal system of the City of Miami, Oklahoma, or whereupon is located or adjacent thereto any road, street, avenue, or alley in which the City of Miami, Oklahoma has either a proprietary or governmental interest; and,
- (c) For and on account of any and all past, present and future operations of the reservoir of the Grand River Dam Project in such manner as to permit the waters of said reservoir to rise and stand therein from time to time up to elevation 760.0 Sea Level Datum, or lesser elevation, at and in the immediate vicinity of the City of Miami, Oklahoma.

3. That the petitioner, United States of America, pay said award of THIRTY THOUSAND DOLLARS (\$30,000.00) (without any interest thereon) into the registry of this court.

*OK.*  
*E. C. Fitzgerald*  
*Atty for City of*  
*Miami, Okla.*

*R. L. Davidson*

*Royce H. Savage*  
Royce 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 DELAWARE COUNTY, )  
 OKLAHOMA, and G. P. MCGHEE, et al., )  
 )  
 ) Defendants. )

CIVIL NO. 1623

FILED

FEB 12 1947

NOBLE C. HOOD  
Clerk U. S. District Court

ORDER FIXING TITLE AND MAKING DISTRIBUTION

NOW, on this 12<sup>th</sup> day of Feb., 1947, the above

cause comes on for hearing, pursuant to the 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 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 hereafter 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 (3A-GR-D 1006)

Fee Title

(Title fixed and distribution made under Order dated October 30, 1945.)

TRACT NO. 2 (3A GR-D 1007)

Fee Title

(Title fixed and distribution made under Order dated October 18, 1945.)

TRACT NO. 3 (3A GR-D 1008)

Fee Title

A. F. Wessel - - - - - fee owner  
Mary Ella McCown - - - - - Taxes - -  
County Treasurer  
Delaware County, Oklahoma

(Make check payable to A. F. Wessel in the amount of \$ 100.  
Make check payable to Mary Ella McCown, County Treasurer, Delaware County, Oklahoma, in the amount of \$           .) Commissioners' Award.

Fee Title

(Title fixed and distribution made under Order dated November 19, 1945.)

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.

Royce H. Savage  
JUDGE

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

PAUL A. PORTER, Administrator  
Office of Price Administration

Plaintiff

vs.

Esther O. Chaney

Defendant

Civil Action No. 1914

FILED

FEB 12 1947

ORDER OF DISMISSAL

NOBLE C. HOOD  
Clerk U. S. District Court

Now on this 12th day of February, 1947, the above styled and numbered cause of action comes on for hearing before the Court upon the complaint filed herein; whereupon the Court finds that subsequent to the filing of this action the factual matters involved herein have been settled by the parties, and that all matters complained of herein have become moot, and the Court being fully advised finds that 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 <sup>without</sup> ~~and that the costs hereof be taxed~~ <sup>to</sup> ~~against~~ the defendant.

W. H. [Signature]  
United States District Judge For  
The Northern District of Oklahoma

W. F. [Signature]  
O.K. Attorney for Plaintiff

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

PAUL A. PORTER, Administrator )  
Office of Price Administration )  
Plaintiff )  
vs. )  
Mrs. Mildred A. Bogan )  
Defendant )

Civil Action No. 1925

FILED

FEB 12 1947

ORDER OF DISMISSAL

NOBLE C. HOOD  
Clerk U. S. District Court

Now on this 7th day of February 1947, the above styled and numbered cause of action comes on for hearing before the Court upon the complaint filed herein; whereupon the Court finds that subsequent to the filing of this action the factual matters involved herein have been settled by the parties, and that all matters complained of herein have become moot, and the Court being fully advised finds that 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 and that the costs hereof be taxed against the defendant.

W. H. C. ...  
United States District Judge for  
The Northern District of Oklahoma

O.K. ...  
O.K. Attorney for Plaintiff

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

United States of America,

Plaintiff,

vs.

Ed W. Webb, Ed Luton and  
Alvin Ledbetter,

Defendants.

No. 1988 Civil

FILED

FEB 12 1947

NOBLE C. HOOD  
Clerk U. S. District Court

J U D G M E N T

Now, on this 11th day of February, 1947, the above matter coming on for hearing and the plaintiff appearing by Whit Y. Wauzy, United States Attorney, and John W. McCune, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants appearing not and the court having examined the files finds that said defendants and each of them were served with summons herein more than twenty days prior to this date and all of said defendants are in default.

The court further finds that Lots 10 and 11, Block 6, Whitebird Addition to Cardin, Oklahoma, is part of the allotment of Wa-Sah Greenback, deceased full blood Quapaw Indian allottee and that said property, together with all buildings and improvements thereon is now the property of the heirs of said restricted Indian and is under the supervision and control of the Secretary of the Interior of the United States and that the defendants and each of them have been in occupation of said premises and are unlawfully withholding possession of the same and that the plaintiff is entitled to the immediate possession of said premises.

The court further finds that said defendants have been interfering with the possession of said property by the Secretary of the Interior and his agents and that the plaintiff is entitled to the sum of \$100.50 as a fair and reasonable value for the use of said property from 1930 to 1946, together with interest thereon, which sum now amounts to \$45.20.

The court further finds that a proper affidavit of non military service has been filed herein and the same is hereby approved.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the plaintiff have judgment against the defendants and each of them for the immediate possession of the above described property, that the United States Marshal be directed to place the plaintiff in immediate possession of said property, that said defendants and each of them and all persons claiming by, through or under them are permanently enjoined from asserting or claiming any right, title or interest in and to said land and the improvements thereon or any part thereof and that title of the plaintiff is quieted in it against the defendants and each of them.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the court that the plaintiff have judgment against the defendants and each of them for \$143.70, with interest thereon at the rate of 6% per annum from this date and for costs.

  
\_\_\_\_\_  
JUDGE.

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

Philip B. Fleming, Administrator.  
Plaintiff

Vs

Civil # 1971

H. A. Whitcomb,

Defendant.

FILED

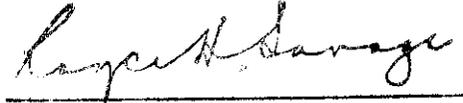
FEB 14 1947

ORDER OF DISMISSAL.

NOBLE C. HOOD  
Clerk U. S. District Court

Now on this 14th day of February, 1947, all parties being present by counsel, the above entitled action comes on for hearing on the stipulation on file herein, and the said stipulation is approved.

It is, therefore, by the court, considered, ordered, adjudged and decreed that this action be and the same is hereby dismissed. The costs of this action are hereby taxed to the defendant herein.



United States District Judge.

U. S. DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF OKLAHOMA

John Welch, Mary Welch Baker,  
et al. vs. etors.

Plaintiffs,

And Sally Boy, William Buckskin,  
George Buckskin, Daisy Buckskin,  
Lawster Buckskin, Eddie Joe  
Buckskin, Hugh Lee Buckskin, the last  
three being minors by Daisy Buck-  
skin, their mother and next friend,

Interveners.

vs

NO. 1937 Civil

The Heirs and unknown heirs, executors,  
administrators, devisees, trustees  
and assigns, immediate and remote,  
of John Welch, deceased, Eva Welch,  
deceased, Bernhwi Welch, deceased,  
John L. Baker, deceased, Mary Welch  
Baker, deceased, Lewis Baker,  
deceased, Elizabeth Baker, deceased,  
The State of Oklahoma and the  
United States of America,

Defendants.

FILED  
*In open Court.*  
FEB 17 1947

NOBLE C. HOOD  
Clerk U. S. District Court

JOURNAL ENTRY

Now on this 31st day of February, 1947, come the above named plaintiffs and  
interveners by [redacted] calling their attorney and come also the United States  
of America, appearing for and in behalf of the full blood Indians, by  
[redacted] United States Attorney for the Northern District of  
Oklahoma, and this cause having been regularly set down for trial,  
is now submitted to the Court and the Court having heard the evidence  
and being duly advised, finds:

That this action was filed in the District Court of Nowata County,  
Oklahoma on March 9, 1946 as cause No. 9327, at which time the plaintiffs  
filed their affidavit to obtain service by publication upon the above  
named defendants, except the State of Oklahoma and the United States of  
America, and pursuant thereto the Clerk of said Court gave notice by  
publication to said defendants in the Nowata Weekly Star News, a weekly  
newspaper printed in Nowata County, Oklahoma, authorized to  
make publication of legal notices, requiring the said defendants to

answer plaintiffs' petition in said Court on or before the 19th day of April, 1946 or the same would be taken as true and judgment rendered accordingly, were fully shown by proof of publication filed in said Court and a part of the transcript filed in this Court on removal which affidavit and notice by publication the Court finds to be proper, legal and is hereby approved; and the Court further finds that the plaintiffs with due diligence were unable to learn the names, addresses or places of business of any of said defendants within six days after the first publication of said notice and were therefore unable to mail them copies of the petition and notice and the Court has jurisdiction of all of the defendants named in said notice and none of said defendants having appeared or answering except by and through the United States of America, are adjudged in default.

The Court further finds that the defendant State of Oklahoma entered its appearance in this cause in said District Court of Nowata County, Oklahoma and it and the Oklahoma Tax Commission of the State of Oklahoma have filed their disclaimer in this cause for estate, inheritance or transfer taxes and therefore have no right, title or interest in the real estate involved herein for such taxes.

The Court further finds that due and proper notice was given to the Superintendent of the Five Civilized Tribes as required by the Act of Congress and pursuant thereto the United States of America entered its appearance in said State Court for the purpose of removing this case and upon its petition this cause was removed to this Court and that the United States of America has filed its complaint in intervention herein, in behalf of all half or more blood Indians.

The Court further finds that with permission of said State Court the interveners shown in the caption hereof were permitted to intervene and file their intervening petition claiming to be the heirs of Lewis Smoke, deceased, and as such claim an interest in the real estate involved herein.

The Court further finds that Menehwi Welch was a full blood Cherokee Indian Roll No. 19496 and as such there was allotted and con-

veyed to her by the Cherokee Nation by allotment deeds and she thereby became the owner in fee simple and went into possession of the following described real estate in Nowata County, Oklahoma, to-wit:

All or less more (3) also known as the Northwest quarter of the Southwest quarter; and the South 30.14 acres of Lot No (2), known also as the South Half of the Southwest quarter of the Northeast quarter of Section Nineteen (19) in Township Twenty-six (26) North, Range Fifteen (15) West, containing 30 acres, more or less.

That John Welch, Cherokee Full Blood Indian Roll No. 8570 was the father of Eva Welch, Cherokee Full Blood Indian Roll No. 19465 was the mother of Hannah Welch and both preceded her in death and the said Hannah Welch died intestate on August 9, 1911, unmarried and without issue, the owner in fee simple and in possession of said real estate so allotted and conveyed to her and she left as her only heirs at law her brother John B. Welch, Cherokee Full Blood Indian Roll No. 19497, her sister, the plaintiff Mary Welch Walker, Cherokee Full Blood Indian Roll No. 19498, her half sister, the plaintiff Anna Welch, Cherokee Full Blood Indian Roll No. 19500 and her nephew Lizard Smoke, also known as Mustinbird Smoke, only child of Mary Welch Smoke, Cherokee Full Blood Indian. Roll unknown, a half sister of one who died prior to the death of said Hannah Welch.

That the said John B. Welch, the plaintiff's Mary Welch Walker and Anna Welch and said Lizard Smoke, upon the death of said Hannah Welch each inherited and became the owners in fee simple of an undivided 1/4 interest in and to said real estate so allotted to and owned by Hannah Welch at the time of her death.

That the said John B. Welch died intestate, unmarried, without issue on January 13, 1916, his father John Welch and his mother Eva Welch having preceded him in death and he left as his only heirs at law his sister the plaintiff Mary Welch Walker and his half sister, the plaintiff Anna Welch and his nephew Lizard Smoke, only child of said Mary Welch Smoke, deceased, a half sister, and the plaintiff's Anna Welch, Mary Welch Walker and said Lizard Smoke upon the death of said John B. Welch each inherited and became the owners in fee simple of an undivided 1/3 interest in and to

the interest said John B. Welch had inherited upon the death of his sister Minnie Welch in her said allotment.

That the said Lizard Smoke known also as Bussingbird Smoke, married the plaintiff, Fattie Smoke Sanders in 1885 and they lived together as husband and wife until his death; that they had no children and he died intestate in May 1929, the owner in fee simple of the 1/3 interest inherited and owned by him in the allotment of the said Minnie Welch, deceased, as hereinbefore found, and he left as his only heirs at law his wife, the plaintiff Fattie Smoke, now Sanders, and his father Lewis Smoke, his mother Mary <sup>Welch</sup> Smoke having preceded him in death and the plaintiff Fattie Smoke Sanders and the said Lewis Smoke upon the death of said Lizard Smoke, each inherited an undivided 1/2 interest in the 1/3 interest said Lizard Smoke had inherited from the said Minnie Welch, deceased, as herein found.

That the said Lewis Smoke was a full blood Cherokee Indian Roll No. 25600 and he died intestate in 1936, unmarried and no issue except his said son Lizard Smoke, who preceded him in death, the owner in fee simple of the undivided 1/2 of 1/3 interest he had inherited from his son Lizard Smoke in said Minnie Welch allotment, as hereinbefore shown and the said Lewis Smoke left no wife, children or descendants of children or sisters or brothers or their descendants surviving and as far as plaintiffs know or have been able to learn said Lewis Smoke left no heirs to inherit his interest in said real estate.

That more than three years have passed since the deaths of said John Welch, Geo. Welch, Minnie Welch, John B. Welch, Mary Welch Smoke, Lizard Smoke and Lewis Smoke and no administration has been had upon any of the estates and none is necessary because all claims against them or their estates have been and are barred by the Statutes of Limitation and all being full blood Indians and their respective interests in said real estate restricted and tax exempt were and are not subject to administration or any claim against them or their said real estate.

That there has been no determination of the heirs of said Minnie Welch, John B. Welch, Lizard Smoke, John Welch, Geo. Welch and Mary Welch Smoke and such determination should be made and the Court finds

and determined that the plaintiffs John Mich, Mary Welch Walker and Mattie Mich Anderson are the only heirs at law of said deceased persons and as such are the owners in fee simple of said real estate, the plaintiffs John Mich and Mary Welch Walker each owning an undivided 1/3 interest and the plaintiff Mattie Mich Anderson an undivided 1/3 interest and the heirs of Lewis Smoke, deceased, if any, an undivided 1/3 interest and their respective titles should be quieted and forever set at rest against each and all claimants and all persons claiming by, under or through them.

That the State of Oklahoma was made a defendant to answer as to its interest in and to said real estate for transfer, estate or inheritance taxes and in this connection the court finds that said defendant the State of Oklahoma or the State Tax Commission has no such interest or claim because said real estate was so all title full blood Indian land and as such was restricted and tax exempt by act of Congress of the United States of America.

That the United States of America was made a defendant to be notified and to appear for all of the full blood Indians herein as provided by law Act of Congress so its rights and rights of said Indians might be determined by this Court in this action.

That the plaintiffs have named all the heirs at law of said Minahwi Welch, John A. Mich, John Mich, Ye Welch, Mary Welch Smoke and Lizard Smoke, deceased, but we do not know the heirs of Lewis Smoke, deceased, and plaintiffs have set out the respective interests of said heirs and the unknown heirs of Lewis Smoke, deceased, if any, in and to said real estate and the heirs should be so declared and interested and the interests of the parties therein determined and quieted and their titles be quieted.

The Court further finds that the intervenors Kelly Barr, William Buckskin, George Buckskin, Daisy Buckskin, Lester Buckskin, Edie Joe Buckskin, Martha Buckskin, the last three being sisters of Daisy Buckskin, their mother and next friend, are not lawful heirs of the said Lewis Smoke, deceased, and have no right, title or interest in and to the real estate involved herein and that their intervening petition should be and is

hereby dismissed and the title of plaintiffs in and to said real estate should be quieted against each of them.

The Court further finds that the plaintiff Anna Welch and Mary Welch Walker are each the owners of an undivided 1/3 interest in and to said real estate and that plaintiff Noble Stone Sanders is the owner of an undivided 1/3 interest in and to said real estate, all as heirs of the said Nenshwi Welch, inasmuch as there are no heirs to inherit the 1/3 interest owned by the said Nenshwi Welch at the time of his death and of which he died the owner intestate and the said 1/3 interest and the proceeds of sale in case of sale of said property should escheat to the State of Oklahoma for the benefit of legal heirs to said interest.

It is further found (AFFIRMED AND REVERSED) by the Court that the said Nenshwi Welch was a Full Blood Cherokee Indian Roll No. 19496 died intestate the owner in fee simple of said real estate on August 9, 1911, unmarried and without issue; that her father was John Welch Cherokee Full Blood Indian Roll No. 1450 and her mother was Eva Welch Cherokee Full Blood Indian Roll No. 19498, both of whom died before the death Nenshwi Welch and the said Nenshwi Welch left as her only heirs at law who inherited and became the owners of said real estate her brother John D. Welch, Cherokee Full Blood Indian Roll No. 19497, a sister, the plaintiff Mary Welch Walker Cherokee Full Blood Indian Roll No. 19498, a half sister, the plaintiff Anna Welch Cherokee Full Blood Indian Roll No. 19499 and her nephew Lizzard Smoke also known as Lizzard Fire Smoke, who was the only child of Mary Welch Smoke Cherokee Full Blood Indian Roll unknown, a half sister of the said Nenshwi Welch and a full sister of the plaintiff Anna Welch and the said John D. Welch and the plaintiffs Mary Welch Walker and Anna Welch each inherited an undivided 1/4 interest in and to said real estate and the said nephew Lizzard Smoke inherited and became the owner of an undivided 1/4 interest in said real estate; that the said John D. Welch Cherokee Full Blood Indian Roll No. 19497 died intestate, unmarried and without issue, on January 15, 1916, his father John Welch and his mother Eva Welch having preceded him in death and he left as his only heirs at law his sister, the plaintiff, Mary Welch Walker and his one-half sister the plaintiff Anna Welch and his nephew Lizzard Smoke, who each inherited and became the owners in fee simple

of an undivided 1/3 interest in and to the interest said John D. Welch had inherited in said real estate upon the death of his sister Menahwi Welch in her said allotment; that the said Lizzard Smoke known also as Umbingbird Smoke married the plaintiff Katie Smoke Sanders in 1925 and they lived together as husband and wife and were such at the time of his death; that he died intestate in 1929 the owner in fee simple of the 1/3 interest he inherited and owned in the allotment of the said Menahwi Welch, deceased, and left no children or descendants of children and left as his only heirs at law the plaintiff Katie Smoke Sanders, his widow, and his father Lewis Smoke and the plaintiff Katie Smoke Sanders and the said Lewis Smoke each inherited 1/2 of said 1/3 interest or an undivided 1/6 interest each in and to said real estate; that the said Lewis Smoke died intestate in 1938 unmarried, without issue, except the said Lizzard Smoke, who preceded him in death the owner in fee simple of the 1/6 interest he inherited in said real estate from his son Lizzard Smoke, deceased, and said Lewis Smoke left no wife or children or descendants of children, or sister or brothers or their descendants surviving and left no heirs to inherit his 1/6 interest in said real estate and his 1/6 interest should therefore escheat to the State of Oklahoma; that the plaintiffs Anna Welch, Mary Welch Walker and Katie Smoke Sanders are the only known heirs of the said Menahwi Welch and as such the said Anna Welch and Mary Welch Walker each inherited and are now the owners in fee simple of an undivided 1/3 interest in and to said real estate and the plaintiff Katie Smoke Sanders, as the widow of Lizzard Smoke, deceased, is the owner of an undivided 1/6 interest in and to said real estate and the other 1/6 interest which was inherited by the said Lewis Smoke and for want of heirs should and does escheat to the State of Oklahoma and the respective titles of the plaintiffs and their respective interests as herein found and adjudged should be and are hereby quieted against the interveners and defendants and all persons claiming by, under or through them; that said plaintiffs are entitled to and should have partition of said real estate, if that can be done without manifest injury and for that purpose the Court now appoints Rashie D. Smith, C.O. Yeber and Lon

R. Stensbery for assignors who are directed to take the oath as required by law, to partition said real estate among the respective owners in accordance with this decree, if that can be done without manifest injury and if not to appraise the property and make a report back to this Court, all as required by law and a certified copy of this decree shall be their authority to act.

IT IS ORDERED, ADJUDGED AND DECREED by the Court that said above named intervenors Sally Fry, Willie Buckskin, George Buckskin, Daisy Buckskin, Howler Buckskin, Eddie Joe Buckskin, Ruth Lee Buckskin and each of them have no right, title or interest in and to said real estate and that the unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote of the heirs, the heirs, Minakwi elch, John . . . elch, Mary Helen Smoke, Lewis Smoke and Hizzard Smoke have no right, title or interest in and to said real estate and the title of the plaintiffs as herein found and the right of the state of Oklahoma as to the interest of Lewis Smoke, deceased, be and the same are hereby quieted and forever set at rest against said defendants and each of them and all persons claiming by, under or through them.

*Ray H. Savage*  
United States District Judge

C.C.

*H. J. Sullivan*  
Attorney for Plaintiffs

C.C. as to Form:

*W. G. Maury*  
United States Attorney

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

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 1997 Civil  
 )  
 S. W. Ervin, )  
 )  
 Defendant. )

FILED

FEB 19 1947

J U D G M E N T

NOBLE C. HOOD  
Clerk U. S. District Court

NOW, on this 18th day of February, 1947, the above matter coming on for hearing and the plaintiff appearing by Whit Y. Mauzy, United States Attorney, and John W. McCune, Assistant United States Attorney, for the Northern District of Oklahoma, and the defendant, S. W. Ervin, being in default, the court after being fully advised in the premises finds that the allegations in the complaint of the plaintiff are true.

The court further finds that the Southwest quarter of the Southeast quarter of Section 8, and the Northwest quarter of the Northeast quarter and Lot 6 of the Northeast quarter of Section 17, Township 27 North, Range 25 East, the allotment of Daniel Dushane,wapaw allottee, and that the defendant, S. W. Ervin, since December 31, 1946, has been wrongfully in possession of said premises and that the plaintiff is entitled to the immediate possession of said premises and that the defendant should be restrained from interfering in any way with the plaintiff and its agents in the exercise of its possession. The court further finds that the reasonable value of the damages for the unlawful detention of said property is the sum of \$37.50.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the court that the plaintiff have judgment against the defendant for the immediate possession of said premises, that the defendant be per-

manently restrained and enjoined from interfering in any manner with the possession of the plaintiff and that the United States Marshal for the Northern District of Oklahoma be and he is hereby directed to place the plaintiff in possession of said premises and that the plaintiff have further judgment against the defendant for the sum of \$57.50 and for the costs of this action.

101 Bower Broadless  
JUDGE.