

# United States District Court

FOR THE

~~NORTHERN DISTRICT OF OKLAHOMA~~

CIVIL ACTION FILE NO. 5483

A. E. Gibson, Jr.,

vs.

J. W. Bateson Company, Inc.

**FILED**  
**JUDGMENT**

DEC 2 - 1963

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

This action came on for ~~trial~~ (hearing) before the Court, Honorable Allen E. Barrow  
, United States District Judge, presiding, and ~~the issues having been duly tried~~  
~~(heard) and a decision having been duly rendered.~~

~~It is Ordered and Adjudged~~

no appearance was made on behalf of the plaintiff and the defendant.

IT IS ORDERED AND ADJUDGED that this cause be and it is  
hereby dismissed for failure to prosecute.

Dated at Tulsa, Oklahoma, this 2nd day  
of December, 1963.

NOBLE C. HOOD

Clerk of Court

By

*Ben B. Ballenger*  
Ben B. Ballenger,  
Deputy

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

FILED  
DEC 2 - 1963

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )  
Petitioner, )  
vs. ) Civil No. 5584  
4 TRACTS OF LAND, et al., )  
Defendants. )

FILED  
Clerk, U. S. District Court

ORDER CONFIRMING REPORT OF COMMISSIONERS  
as to

TRACT NO. 1 (2 MF 54, 2 MF 55 + FE & 2 MF 58 + FE Rev.)

NOW, on this the 2nd day of December, 1963, the Court

considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

1. Each and all of the allegations of the said petition for condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 15th day of May, 1963, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 15th day of May, 1963, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

FEE TITLE TC

The following described land situated in Mayes County, Oklahoma, to-wit:

2 MF 44

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  lying east of the Oklahoma State Highway 82 and south of the County Road in Sec. 26, T 21 N, R 20 E of the Indian Base and Meridian, containing 43.3 acres.

and

2 MF 55 + FE

The west 330 feet and the north 330 feet of the east 330 feet of the W $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 25, T 21 N, R 20 E of the Indian Base and Meridian, containing 12.5 acres.

and

2 MF 58 + FE Rev.

The SW $\frac{1}{4}$  NW $\frac{1}{4}$  except the east 24 feet thereof, and those parts of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  described as beginning at the southwest corner of said NW $\frac{1}{4}$  NW $\frac{1}{4}$ , thence northerly along the west boundary of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  a distance of 660 feet, thence in a southeasterly direction to a point in the south boundary of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  330 feet east of the southwest corner thereof; thence westerly along said south boundary to the point of beginning; and beginning at the southeast corner of said NW $\frac{1}{4}$  NW $\frac{1}{4}$ , thence westerly along the south boundary of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  a distance of 660 feet; thence in a north-easterly direction to the northeast corner of said NW $\frac{1}{4}$  NW $\frac{1}{4}$ ; thence southerly along the east boundary of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  to the point of beginning, in Sec. 25, T 21 N, R 20 E of the Indian Base and Meridian, containing 51.8 acres.

The three fee tracts containing 107.6 acres.

PERPETUAL EASEMENT UPON

The following described land situated in Mayes County, Oklahoma, to-wit:

2 MF 55 + FE

The south 990 feet of the east 330 feet of the W $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 25, T 21 N, R 20 E of the Indian Base and Meridian, containing 7.5 acres.

and

2 MF 58 + FE Rev.

The W $\frac{1}{2}$  W $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 25, T 21 N, R 20 E of the Indian Base and Meridian, containing 10.0 acres.

The two easement tracts containing 17.5 acres.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 27th day of May, 1963, upon the depositing of the sum of \$22,491.00 with the registry of this Court for the lands and estates taken in and to the above described land.

Dated at Tulsa, Oklahoma

NOBLE C. HOOD

By [Signature] Deputy

December 2 1963.

Approved and ordered entered  
this 2nd day of December,  
1963.

[Signature]  
U. S. District Judge

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

FILED

70 2-1287

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
4 TRACTS OF LAND, et al., )  
 )  
Defendants. )

ROBERT C. HIGHT  
Clerk, U. S. District Court

Civil No. 5584

ORDER CONFIRMING REPORT OF COMMISSIONERS  
as to

TRACT NO. 4 (2 MF 64 Rev. & 2 MF 67 + FE)

NOW, on this the 2nd day of December, 1963, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

1. Each and all of the allegations of the said petition for condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 15th day of May, 1963, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 15th day of May, 1963, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

FEE TITLE TO

The following described land situated in Mayes County, Oklahoma,  
to-wit:

2 MF 64 Rev.

The NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 25, T 21 N, R 20 E of the Indian Base and  
Meridian, containing 40 acres.

and

2 MF 67 + FE

That part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  described as follows: Beginning at the  
northwest corner of said NW $\frac{1}{4}$  SW $\frac{1}{4}$ , thence in a southeasterly direc-  
tion to a point in said NW $\frac{1}{4}$  SW $\frac{1}{4}$  660 feet south and 330 feet west  
of the northeast corner thereof; thence easterly parallel to the  
north boundary of said NW $\frac{1}{4}$  SW $\frac{1}{4}$  to a point in the east boundary of  
said NW $\frac{1}{4}$  SW $\frac{1}{4}$  660 feet south of said northeast corner; thence southerly  
along said east boundary to the southeast corner of said NW $\frac{1}{4}$  SW $\frac{1}{4}$ ;  
thence westerly along the south boundary of said NW $\frac{1}{4}$  SW $\frac{1}{4}$  to the  
southwest corner thereof; thence northerly along the west boundary  
of said NW $\frac{1}{4}$  SW $\frac{1}{4}$  to the point of beginning;

and

That part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  described as beginning at the southeast  
corner of said N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ , thence in a northwesterly direction to  
the northwest corner of said N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ; thence easterly along the  
north boundary of said N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  to the northeast corner thereof;  
thence southerly along the east boundary of said N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  to  
the point of beginning,  
All in Sec. 30, T 21 N, R 21 E of the Indian Base and Meridian,  
containing 37.5 acres.

PERPETUAL EASEMENT UPON

The following described land situated in Mayes County, Oklahoma,  
to-wit:

2 MF 67 + FE

The NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  and the S $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  except that portion to be  
taken in fee and described above, in Sec. 30, T 21 N, R 21 E of  
the Indian Base and Meridian, containing 7.5 acres.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 27th day of May, 19 63, upon the depositing of the sum of \$ 11,216.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

Dated at Tulsa, Oklahoma

By [Signature]  
Deputy

December 2 19 63 .

Approved and ordered entered  
this 2nd day of December,  
19 63 .

[Signature]  
U. S. District Judge

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

PUBLIC SERVICE COMPANY OF OKLAHOMA, )  
an Oklahoma corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
A 100-foot wide easement and right- )  
of-way for electric power transmission )  
line purposes to be located upon, over, )  
and across certain tracts of land in )  
Washington County, State of Oklahoma; )  
et al, )  
 )  
Defendants. )

No. 5587

**FILED**

DEC 2 - 1963

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

FINAL DECREE AUTHORIZING  
TAKING IN CONDEMNATION

NOW, on this the 2nd day of December, 1963, this cause comes on for hearing pursuant to Order of this Court upon Motion of Plaintiff filed therein, for Final Decree. Plaintiff appearing by its attorney, Robert L. Lawrence, and Defendants appearing by Phillips Breckinridge, Assistant United States Attorney for the Northern District of Oklahoma, and \_\_\_\_\_

All parties having announced ready for hearing, the Court's attention was drawn to each and every one of the following pleadings heretofore filed in this proceeding; to wit:

The Complaint and Application for Order directing manner of service, verified under oath; Order of this Court dated April 4, 1963, directing manner of service of Notice and fixing date for appointment of Commissioners; Notice by the Clerk of the Court to the Area Director, Muskogee Area Office, Bureau of Indian Affairs, Department of the Interior, Muskogee, Oklahoma, and to the heirs of Looney R. Gourd, deceased, Cherokee Roll No. 21382 and the heirs of Henry Sellers, deceased, Cherokee Roll No. 19172; Notice to the

Attorney General and to the United States Attorney for the Northern District of Oklahoma by attorney for Plaintiff; Affidavit of Service of Notice executed under oath by Alton McKnight, Agent of Plaintiff; Affidavit of Mailing and Delivery of Notice executed under oath by Robert L. Lawrence, attorney for Plaintiff; and Affidavit of Notice by Publication executed under oath by Robert L. Lawrence, attorney for Plaintiff, and Affidavit of Publication in the "Eartlesville Examiner-Enterprise" executed under oath by J. L. Jennings, publisher; Order of this Court appointing Commissioners, dated April 30, 1963; Oath of Commissioners executed May 8, 1963, and Report of Commissioners filed May 14, 1963.

THE COURT FINDS: That the matters set out in the verified Complaint herein filed by Plaintiff are true and correct and said Plaintiff, a corporation, organized under the laws of the State of Oklahoma, authorized and qualified to furnish light, heat, and power by electricity, engaged in the generation and production of electricity for light, heat, and power purposes and for the distribution and sale thereof throughout eastern and southwestern Oklahoma, characterized by the laws of the State of Oklahoma as a public service corporation, and operating as such, is, therefore, authorized, by the laws of the state of Oklahoma, to exercise the right of eminent domain to acquire rights-of-way for electric power transmission and distribution and it further appearing that the taking and use of an easement and right-of-way for said purposes is a taking and use for a public purpose and that said Plaintiff should be granted the relief prayed in its said Complaint; and that this Court has proper jurisdiction of this cause by reason of the Act of Congress of March 3, 1901, Chapter 832, §3, 31 Stat. 1084, 25 USCA §357; and that Notice of this proceeding has been served according to law and order of this Court upon all parties in interest

in and to the land involved herein, and including the United States of America which is an interested party by reason of the fact that this matter affects the title to certain Cherokee Indian lands previously allotted in fee with certain restraints on alienation which are still in effect with respect to said land; and that all necessary parties to this cause are now properly before the Court for final disposition of this proceeding; that the easement and right-of-way sought to be condemned by Plaintiff herein will not, in any manner, constitute a burden or encumbrance on the mineral interests in said land involved herein; that all parties hereto waive their right to trial by jury and submit the issue of just compensation to the Court for determination.

THE COURT FURTHER FINDS: That the description of the land upon, over and across which Plaintiff condemns said easement and right-of-way, together with the owners thereof, Defendants herein, and the reasonable and adequate damages occurring to said lands as a result of said appropriation of said easement and right-of-way is as follows:

TRACT NO. 1:

The West Half of the Southwest Quarter of the Northwest Quarter of Section Twenty-eight, Township Twenty-eight North, Range Fourteen East, in Washington County, Oklahoma.

To construct upon, over, and across said tract an electric power transmission line carrying initially nominal voltage of 138 KV, having three conductors and two shield wires, all mounted on wood pole, H-frame structures, running about a center line as follows:

Entering said tract at a point approximately 72 feet east of the southwest corner thereof, running in a northeasterly direction on a straight line and leaving said tract at a point approximately 794 feet north of the southeast corner thereof. Traversing said tract a total distance of approximately 58 rods.

Including the location of two type "A" or straight-through H-frame structures.

To the owners thereof, the Heirs of Looney R. Gourd, Cherokee Roll No. 21382, as their interests may appear.

TOTAL DAMAGES AWARDED:

One Hundred Thirty-three and 46/100---Dollars (\$133.46 )

TRACT NO. 2:

The West Half of the Northeast Quarter of the Northwest Quarter and the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section Twenty-eight, Township Twenty-eight North, Range Fourteen East, in Washington County, Oklahoma.

To construct upon, over, and across said tract an electric power transmission line carrying initially nominal voltage of 138 KV, having three conductors and two shield wires, all mounted on wood pole H-frame structures, running about a center line as follows:

Entering said tract at a point approximately 974 feet south of the northwest corner thereof, running in a northeasterly direction on a straight line and leaving said tract at a point approximately 600 feet west of the northeast corner thereof. Traversing said tract a total distance of approximately 73 rods.

Including the location of two type "A" or straight-through H-frame structures.

To the owners thereof, the Heirs of Henry Sellers, Cherokee Roll No. 19172, as their interests may appear.

TOTAL DAMAGES AWARDED:

Two Hundred Thirty and no/100 Dollars (\$230.00 ).

The Court further finds that the nature of the property rights with respect to the lands so taken and the use and the extent of the taking are:

A perpetual right-of-way and easement one hundred feet in width for the purpose of erecting, operating, and maintaining upon, over, and across the route and across the lands hereinbefore fully described, an electric power transmission line, consisting of double pole H-frame structures carrying wires and fixtures, operating initially at 138 thousand volts, carrying, for transmission,

electric power and energy, and telephone and telegraph messages necessary in the operation thereof, together with the right and privilege of ingress and egress for the purpose of constructing, operating, maintaining, removing, and reconstructing said electric power transmission line, at any time, and including also the right to cut down, trim, chemically treat or remove trees and undergrowth and to prohibit the placement of or remove other obstacles which may in Plaintiff's judgment interfere with or endanger said line, its maintenance or operation within an area of fifty (50) feet on either side of the center line thereof, BUT RESERVING, nevertheless, to the landowners, lessees, and tenants of said lands, at all times, the right to make any use of said lands, including the one hundred (100) foot width of said easement, as is not inconsistent with or dangerous to the operation and maintenance of said electric power transmission line.

The Court further finds that in compliance with the Commissioners' Report, filed herein, Plaintiff has heretofore, on May 15, 1963, paid into the Depository of this court the sum of \$120.00 for the owners of Tract No. 1 and \$140.00 for the owners of Tract No. 2.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the entry upon and taking forthwith of said perpetual easement and right-of-way, as found and described hereinabove, upon, over, and across said land, as hereinbefore set out, by Plaintiff, for construction, operation, maintenance, reconstruction, or removal of this electric power transmission line, all as prayed for in said Complaint, is hereby authorized and confirmed in all things and said Plaintiff,

Public Service Company of Oklahoma, is hereby vested with said perpetual easement and right-of-way, together with perpetual right of ingress and egress, all free and clear of any and all claims of Defendants herein who are hereby perpetually enjoined and barred from hereafter claiming adversely to Plaintiff's said rights, privileges, and estate ordered, adjudged, decreed, and granted herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that Plaintiff pay into the Depository of this Court the sum of One Hundred Three and 46/100----- Dollars (\$103.46 ), as additional damages and the Clerk of this Court thereafter make payable to the Treasurer of the United States of America and transmit to the Area Director, Muskogee Area Office, Bureau of Indian Affairs, Department of the Interior, Muskogee, Oklahoma, the sum of Three Hundred Sixty-three and 46/100----- Dollars (\$363.46 ), to be there distributed to and for the use of the owners according to their interests, all as provided by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the perpetual easement and right-of-way taken by the Plaintiff and described herein and the operation of said electric power transmission line does not include any interest in and will not, in any way, constitute a burden or encumbrance upon the mineral interest in said land, and further that the damages awarded herein shall not be construed as concluding the rights of any Defendant, to the extent of their interests therein, if entitled to claim, sue for and recover damages, if any, that may occur in the future, occasioned by the maintenance of said electric power transmission line.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the foregoing compensation is just, reasonable, and adequate for the taking herein and that the cost of this proceeding be taxed against the Plaintiff and the case be closed.

⑤ Allen G. Barron  
Judge of the United States  
District Court for the Northern  
District of Oklahoma

APPROVED FOR PLAINTIFF:

Robert L. Lawrence  
Robert L. Lawrence,  
Attorney.

APPROVED FOR DEFENDANTS:

Phillips Breckinridge  
Phillips Breckinridge,  
Assistant U. S. Attorney

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

FILED  
DEC 11 1963

NOBLE C. WOOD  
Clerk, U. S. District Court

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
**C. I. TRIMBLE, deceased, et al.,** )  
 )  
 )  
Defendants. )

Civil No. 5605

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 2nd day of December, 19 63, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

1. Each and all of the allegations of the said petition for condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 3rd day of June, 19 63, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 3rd day of June, 19 63, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

TRACT NO. 1 (2 MF 69 and 2 MF 100)  
(Fee Title To)

2 MF 69 (Fee Title To):

The following described land situated in Mayes County, Oklahoma, to-wit:

The N $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  and the W $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 30, T 21 N, R 21 E of the Indian Base and Meridian, containing 40 acres.

2 MF 100 (Fee Title To):

The following described land situated in Mayes County, Oklahoma, to-wit:

All of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  except that part lying North and West of the following described line: Beginning at a point in the North boundary of said NE $\frac{1}{4}$  SW $\frac{1}{4}$  660 feet East of the Northwest corner thereof, thence in a Southwesterly direction to a point in the West boundary of said NE $\frac{1}{4}$  SW $\frac{1}{4}$  495 feet South of said Northwest corner, in Sec. 30, T 21 N, R 21 E of the Indian Base and Meridian, containing 36.3 acres.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 24th day of June, 1963, upon the depositing of the sum of \$ 7,880.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

Dated at Tulsa, Oklahoma

By \_\_\_\_\_  
Deputy

December 2nd, 1963.

Approved and ordered entered  
this 2nd day of December,  
1963.

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

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

FILED  
1963-1005

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )  
 )  
Petitioner, )  
 )  
vs. ) Civil No. 5604  
 )  
George First, et al., )  
 )  
Defendants. )

W. T. C. FORD  
Clark, U. S. District Court

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 2nd day of December, 19 63, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

1. Each and all of the allegations of the said petition for condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 3rd day of June, 19 63, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 3rd day of June, 19 63, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

2 MF 59 Rev.

The following described land situated in Mayes County, Oklahoma,  
to-wit:

FEE TITLE TO:  
The NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  and the east 24 feet of the E $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 25,  
T 21 N, R 20 E of the Indian Base and Meridian, containing 10.7 acres.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 24th day of June, 19 63, upon the depositing of the sum of \$750.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

Dated at Tulsa, Oklahoma

By \_\_\_\_\_ Deputy

December 2 19 63 .

Approved and ordered entered  
this 2nd day of December,  
19 63 .

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

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

FILED  
12-1-63

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )  
Petitioner, )  
vs. ) Civil No. 5611  
S. A. Gobb, et al., )  
Defendants. )

NOBLE C. TOLSON  
Clerk, U. S. District Court

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 2nd day of December, 19 63, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

1. Each and all of the allegations of the said petition for condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 3rd day of June, 19 63, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 3rd day of June, 19 63, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

5 MF 55 + FE

The following described land situated in Mayes County, Oklahoma,  
to-wit:

FEE TITLE TO:

All that part of Lot 6 lying south of Rock Creek except that part described as follows: Beginning at a point in the south boundary of said Lot 6 495 feet east of the southwest corner thereof, thence in a northwesterly direction to a point 330 feet east and 165 feet north of said southwest corner, thence in a southwesterly direction to a point in the south boundary of said Lot 6 165 feet east of said southwest corner, thence easterly along said south boundary to the point of beginning, including any and all right, title, and interest in and to the bed and banks of Grand River incident to the ownership of the above described land in Sec 4, T 22 N, R 20 E of the Indian Base and Meridian, containing 4.36 acres.

PERPETUAL EASEMENT UPON:

All of Lot 6 lying south of Rock Creek except that portion to be taken in fee and described above, in Sec 4, T 22 N, R 20 E of the Indian Base and Meridian, containing 0.63 acre.



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

FILED

DEC 2 1963

W. C. HOOD  
Clerk, U. S. District Court

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
 )  
Civil No. 5644 )  
 )  
 )  
Nellie F. Minson, et al., )  
 )  
Defendants. )

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 2nd day of December, 1963, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

1. Each and all of the allegations of the said petition for condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 5th day of June, 1963, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 5th day of June, 1963, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

BY: [Signature]

Subst. 1000

Deed No. 1000000000  
Order of [Name]

THE TITLE

The following described land situated in Mayes County, Oklahoma, to-wit:

Those parts of Lot 2 and the west 990 feet of Lot 3 lying south of the following described line: Beginning at a point in the west boundary of said Lot 2 1720 feet south of the northwest corner thereof, thence easterly parallel to the north boundary of said Lot 2 a distance of 330 feet, thence in a northeasterly direction to a point in the east boundary of said Lot 2 990 feet south of the northeast corner thereof, thence in a northeasterly direction to a point in said west 990 feet of Lot 3 330 feet south of the northwest corner of said west 990 feet of Lot 3 including any and all right, title, and interest in and to the bed and banks of Grand River incident to the ownership of the above described land; and that part of the west 990 feet of the NW 1/4 NE 1/4 described as follows: Beginning at a point in the east boundary of said west 990 feet of the NW 1/4 NE 1/4 165 feet north of the southeast corner thereof, thence in a northwesterly direction to a point 165 feet west and 330 feet north of said southeast corner, thence easterly parallel to the south boundary of said west 990 feet of the NW 1/4 NE 1/4 a distance of 165 feet, thence in a northwesterly direction to a point 660 feet north and 660 feet west of the southeast corner of said west 990 feet of the NW 1/4 NE 1/4, thence easterly parallel to the south boundary of said west 990 feet of the NW 1/4 NE 1/4 a distance of 330 feet, thence in a southeasterly direction to a point 495 feet north and 165 feet west of the southeast corner of said west 990 feet of the NW 1/4 NE 1/4, thence in a northeasterly direction to a point in the east boundary of said west 990 feet of the NW 1/4 NE 1/4 660 feet north of said southeast corner, thence southerly along said east boundary to the point of beginning, in Sec 25, T 23 N, R 20 E of the Indian Base and Meridian, containing 3.5 acres.

PERPETUAL EASEMENT

upon

All of Lot 2 and the west 990 feet of Lot 3 except those portions to be taken in fee and described above; and all those parts of the NE 1/4 NW 1/4 and the west 990 feet of the NW 1/4 NE 1/4 described as follows: Beginning at the southwest corner of said NE 1/4 NW 1/4, thence northerly along the west boundary of said NE 1/4 NW 1/4 a distance of 165 feet, thence easterly parallel to the south boundary of said NE 1/4 NW 1/4 a distance of 660 feet, thence in a northeasterly direction to a point 495 feet west and 330 feet north of the southeast corner of said NE 1/4 NW 1/4, thence in a southeasterly direction to a point 330 feet west and 165 feet north of said southeast corner, thence in a northeasterly direction to a point in said west 990 feet of the NW 1/4 NE 1/4 330 feet north and 165 feet east of the southwest corner thereof, thence northerly parallel to the west boundary of said west 990 feet of the NW 1/4 NE 1/4 a distance of 165 feet, thence in a northwesterly direction to a point in said NE 1/4 NW 1/4 660 feet south and 825 feet east of the northwest corner thereof, thence in a northeasterly direction to a point 330 feet south and 990 feet east of said northwest corner, thence easterly parallel to the north boundaries of said NE 1/4 NW 1/4 and said west 990 feet of the NW 1/4 NE 1/4 to a point in the east boundary of said west 990 feet of the NW 1/4 NE 1/4, thence southerly along said east boundary to the southeast corner of said west 990 feet of the NW 1/4 NE 1/4, thence westerly along the south boundaries of said NE 1/4 NW 1/4 and said west 990 feet of the NW 1/4 NE 1/4 to the point of beginning except that portion to be taken in fee and described above, in Sec 25, T 23 N, R 20 E of the Indian Base and Meridian, containing 79.4 acres.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 24th day of June, 1963, upon the depositing of the sum of \$8,550.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

Dated at Tulsa, Oklahoma

By \_\_\_\_\_ Deputy

December 2 1963.

Approved and ordered entered  
this 2nd day of December,  
1963.

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

FILED

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

DEC 7 - 1963

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
Roy Helton, et al., )  
 )  
Defendants. )

NOBLE C. HOOP  
Clerk, U. S. District Court

Civil No. 5644

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 2nd day of December, 19 63, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

1. Each and all of the allegations of the said petition for condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 5th day of June, 1963, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 5th day of June, 19 63, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

7 MF 8 + FE

The following described land situated in Mayes County, Oklahoma, to-wit:

FEE TITLE TO:

That part of the east 330 feet of Lot 1 lying south of the following described line: Beginning at a point in the east boundary of said east 330 feet of Lot 1 250 feet south of the northeast corner thereof, thence westerly parallel to the north boundary of said east 330 feet of Lot 1 to a point in the west boundary thereof, in Sec 26; and that part of Lot 8 lying south of the following described line: Beginning at a point in the east boundary of said Lot 8 100 feet south of the northeast corner thereof, thence in a southwesterly direction to a point in the west boundary of said Lot 8 250 feet south of the northwest corner thereof, in Sec 25, including any and all right, title, and interest in and to the bed and banks of Grand River incident to the ownership of the above described land, all in T 23 N, R 20 E of the Indian Base and Meridian, containing 2.5 acres.

PERPETUAL EASEMENT UPON:

Those parts of the  $E\frac{1}{2} E\frac{1}{2} E\frac{1}{2} NE\frac{1}{4}$  and the east 330 feet of Lot 1 lying south of the following described line: Beginning at a point in the west boundary of said  $E\frac{1}{2} E\frac{1}{2} E\frac{1}{2} NE\frac{1}{4}$  825 feet south of the northwest corner thereof, thence in a northeasterly direction to a point 165 feet east and 660 feet south of said northwest corner, thence easterly parallel to the north boundary of said  $E\frac{1}{2} E\frac{1}{2} E\frac{1}{2} NE\frac{1}{4}$  to a point in the east boundary thereof, in Sec 26; and those parts of Lot 8 and the  $W\frac{1}{2} NW\frac{1}{4}$  lying south of the following described line: Beginning at a point in the west boundary of said  $W\frac{1}{2} NW\frac{1}{4}$  660 feet south of the northwest corner thereof, thence in a northeasterly direction to a point 495 feet east and 330 feet south of said northwest corner, thence in a southeasterly direction to a point 660 feet east and 825 feet south of said northwest corner, thence in a southeasterly direction to a point 165 feet west and 1155 feet south of the northeast corner of said  $W\frac{1}{2} NW\frac{1}{4}$ , thence easterly parallel to the north boundary of said  $W\frac{1}{2} NW\frac{1}{4}$  to a point in the east boundary thereof, in Sec 25, except those portions to be taken in fee and described above, all in T 23 N, R 20 E of the Indian Base and Meridian, containing 78.4 acres.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 24th day of June, 1963, upon the depositing of the sum of \$7,600.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

Dated at Tulsa, Oklahoma

By \_\_\_\_\_  
Deputy

December 2 1963.

Approved and ordered entered  
this 2nd day of December,  
1963.

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff

vs.

Edythe J. Barboux,

Defendant

CIVIL NO. 158

**FILED**

DEC 12 1963

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

J U D G M E N T

This matter comes on for hearing on this 2nd day of December, 1963, the plaintiff, United States of America, appearing by Sam E. Taylor, Assistant United States Attorney for the Northern District of Oklahoma, and it appearing to the Court that this is a suit for collection of a debt; and

The Court being fully advised and having examined the file, finds that the Defendant, Edythe J. Barboux, has heretofore been legally and personally served with summons herein on the 27 day of July 1963, requiring her to answer the complaint filed herein not more than 20 days after date of service of summons and it appearing that said defendant has failed to answer or otherwise plead herein, she is hereby found and adjudged in default.

The Court further finds that the material allegations of the Plaintiff's Complaint herein are true and correct; that there is due and owing to the plaintiff, United States of America, from the defendant, Edythe J. Barboux, the sum of \$1,157.00, with interest thereon at the rate of 6% per annum from this date until paid.

The Court further finds that plaintiff has filed an affidavit herein stating that the defendant is not in the military or naval service of the United States, and is not an infant or an incompetent, all of which is found to be true.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the Plaintiff  
United States of America, have judgment against the Defendant Myrtle S.  
Gardner for the sum of \$1,157.00, with interest thereon at the rate of  
6% per annum, from this date until paid, together with costs of this action  
accrued and accruing.

Dated this 2nd day of February 1963.

APPROVED:

Sam E. Taylor  
Sam E. Taylor  
Assistant U. S. Attorney

NOBLE C. HOOD  
Clerk, United States District  
Court for the Northern District  
of Oklahoma  
By: W. M. Egan  
Deputy

The foregoing judgment approved this 2nd day of February

1963

Albin E. Harlow  
United States District Judge

FILED

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

DEC 2 - 1963

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

GRAND RIVER DAM AUTHORITY, a public corporation,	)	
	)	
	)	Petitioner,
	)	
vs.	)	
	)	Civil No. <u>5596</u>
	)	
Gary W. Henry, et al.,	)	
	)	
	)	Defendants.

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 2nd day of December, 19 63, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

1. Each and all of the allegations of the said petition for condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 15th day of August, 19 63, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 15th day of August, 19 63, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein.

The lands and/or estate taken are described as follows, to-wit:

S MF 4 FE and S MF 40 + FE

SEE TITLE TO:

The following described land situated in Hayes County, Oklahoma, to-wit:

S MF 40 + FE

That part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  described as follows: Beginning at the northeast corner of said NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , thence westerly along the north boundary of said NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  a distance of 330 feet, thence southerly parallel to the east boundary of said NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  a distance of 330 feet, thence in a northeasterly direction to a point in the east boundary of said NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  165 feet south of said northeast corner, thence northerly along said east boundary to the point of beginning, in Sec. 32, T 23 N, R 20 E of the Indian Base and Meridian, containing 1.9 acres.

PERPETUAL EASEMENT UPON

The following described land situated in Hayes County, Oklahoma, to-wit:

S MF 4 FE

All of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  in Sec. 31, T 23 N, R 20 E; and all of the W $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  in Sec. 32, T 23 N, R 20 E of the Indian Base and Meridian, containing 60.0 acres.

and

S MF 40 + FE

All of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  except that portion to be taken in fee and described above, in Sec. 32, T 23 N, R 20 E of the Indian Base and Meridian, containing 8.1 acres.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 5th day of September, 1963, upon the depositing of the sum of \$ 1,500.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

Dated at Tulsa, Oklahoma

By [Signature] Deputy

December 2, 1963.

Approved and ordered entered  
this 2nd day of December,  
1963.

[Signature]  
U. S. District Judge

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

THE PRUDENTIAL INSURANCE COMPANY )  
OF AMERICA, A MUTUAL LIFE INSURANCE )  
COMPANY, )

Plaintiff, )

vs. )

BETTY G. HARRIS, )

Defendant. )

No. 5723

FILED

603

DISMISSAL

Comes now the plaintiff and dismisses the above-entitled cause  
at its cost.

G. Ellis Gable  
G. Ellis Gable

Charles P. Gotwals, Jr.  
Charles P. Gotwals, Jr.

Jack Hays  
Jack Hays

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, ) Civil No. 4967  
vs. )  
1,699.52 Acres of Land, More or Less, ) Tract Nos. D-402-1, -2, -3, and  
Situat e in Tulsa, Creek, and Pawnee ) E-1 thru E-3  
Counties, Oklahoma, and Lillie S. Mathews, ) SUBORDINATION OF MINERAL ESTATE  
et al, and Unknown Owners, )  
Defendants. )

FILED  
DEC 5 1953

J U D G M E N T

NOBLE C. HOOD  
Clerk U.S.D.C.

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts.

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject tracts; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.

3. The Court finds, upon the evidence presented, that the below-listed defendants were the sole owners of the above-captioned tracts on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$29,319.87, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$26,137.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Edith M. Hayden, Emily C. Yokum, George P. Yokum, Robert L. Smith, Albert Barnes Zink, James E. Booth, Ada L. Hull, Lee Ford, F. R. Henson, Jr., Joseph Mandes, Jr., Gulf Coast Western Oil Company, and H. L. Boone and Ozelle Elledge, defendants herein,

have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$28,898.00, inclusive of interest.

6. The Court finds that the defendant, National Refining Company, has failed to appear or answer nor have its attorneys appeared or answered in its behalf, and that said party defendant is in default at this time.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(a) The vesting in plaintiff of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said tracts are described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$29,319.87, inclusive of interest, of which sum has been disbursed the following:

Emily C. Yokum	\$ 46.31
George P. Yokum	46.31
Robert L. Smith	370.51
Albert Barnes Zink	231.57
James E. Booth	231.57
Ada L. Hull	154.34
Lee Ford	38.59
F. R. Henson, Jr.	38.59
Joseph Mandes, Jr.	270.15
Gulf Coast Western Oil Company	3,512.06
H. L. Boone and Ozelle Elledge	<u>4,240.00</u>
Total	\$ 9,180.00

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$3,182.87, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

H. L. Boone and Ozelle Elledge .....	\$ 760.00
Edith M. Hayden .....	<u>18,958.00</u>
Total	\$19,718.00

(d) The Clerk of the Court is hereby authorized and directed to retain the amount set out below for these tracts for a period of five years from the date of this Judgment, unless said deposit is properly claimed by the defendant owner set forth below, and in event said deposit is not claimed,

the Court Clerk is directed, without further order of this Court, to return said deposit, five years from this date, into the United States Treasury:

National Refining Company ..... \$421.87

Entered this *3rd* day of December, 1963.

ALLEN E. BARROW

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UNITED STATES DISTRICT JUDGE

Approved:

**ROBERT P. SANTEE**

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ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, )  
vs. )  
1,699.52 Acres of Land, More or Less, )  
Situate in Tulsa, Creek, and Pawnee )  
Counties, Oklahoma, and Lillie S. Mathews, )  
et al, and Unknown Owners, )  
Defendants. )

Civil No. 4967  
Tract No. D-409

FILED

OCT 1 - 1959

J U D G M E N T

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

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tract.

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject tract; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.

3. The Court finds, upon the evidence presented, that the below-listed defendants were the sole owners of the above-captioned tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$25,362.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$24,862.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Edith M. Hayden, J. W. Henry, Heirs of Virgil McKay, deceased, Warren Dale Sperman, Heirs of Jerome O. Flippin, deceased, Leo W. Grimes, and George L. Collins, defendants herein, have by the stipulation agreed that the just compensation to be paid by the

plaintiff for the taking of the estate taken in the above tract is the sum of \$14,202.00, inclusive of interest, for their respective interests.

6. The Court finds that prior to the institution of the above proceeding the United States of America and C. F. Barham and Raymond Oil Company entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$11,160.00, inclusive of interest, for their interests, would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(a) The vesting in plaintiff of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said tract is described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$25,362.00, inclusive of interest, of which sum has previously been disbursed the following:

J. W. Henry	\$ 898.33
Virgil McKay Estate	449.17
Warren Dale Sperman	224.58
Jerome O. Flippin Estate	224.58
C. F. Barham	1,395.00
Raymond Oil Company	9,765.00
Leo W. Grimes	2,078.00
George L. Collins	<u>6,234.00</u>
Total	\$21,268.66

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$500.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payee:

Edith M. Hayden----- \$4,093.34

Entered this *3rd* day of December, 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

Approved:

ROBERT P. SANTEE

ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, )  
vs. )  
1,699.52 Acres of Land, More or Less, )  
Situatate in Tulsa, Creek, and Pawnee )  
Counties, Oklabama, and Lillie S. Mathews, )  
et al, and Unknown Owners, )  
Defendants. )

Civil No. 4967

Tract Nos. D-411 and  
E-1 thru E-8

FILED

1953

J U D G M E N T

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

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts.

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject tracts; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.

3. The Court finds, upon the evidence presented, that the below-listed defendants were the sole owners of the above-captioned tracts on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$2,601.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$2,126.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Edith M. Hayden and Katherine E. DePuy, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$2,588.50, inclusive of interest, for their interests.

6. The Court finds that defendant, Gregg E. Sawyer, has failed to appear or answer nor has his attorney appeared or answered in his behalf, and that said party defendant is in default at this time.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(a) The vesting in plaintiff of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said tracts are described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$2,601.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$475.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Edith M. Hayden -----	\$2,576.00
Katherine E. DePuy-----	12.50
Total	\$2,588.50

(d) The Clerk of the Court is hereby authorized and directed to retain the amount set out below for these tracts for a period of five years from the date of this Judgment, unless said deposit is properly claimed by the defendant owner set forth below, and in event said deposit is not claimed, the Court Clerk is directed, without further order of this Court, to return said deposit, five years from this date, into the United States Treasury:

Gregg E. Sawyer -----	\$12.50
-----------------------	---------

Entered this *3rd* day of December, 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

Approved:

ROBERT P. SANTEE

ROBERT P. SANTEE  
Assistant U. S. Attorney

ksm

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, ) Civil No. 4967  
vs. )  
1,699.52 Acres of Land, More or Less, )  
Situat e in Tulsa, Creek, and Pawnee )  
Counties, Oklahoma, and Lillie S. Mathews, )  
et al, and Unknown Owners, )  
Defendants. )

Tract Nos. D-412, D-412-2,  
D-412E and E-2

**FILED**

DEC 3 - 1963

J U D G M E N T

**NOBLE C. HOOD**

Clerk, U. S. District Court

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts.

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject tracts; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.

3. The Court finds, upon the evidence presented, that the below-listed defendants were the sole owners of the above-captioned tracts on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$1,193.42, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$925.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and James A. Hayden, Edith M. Hayden, Emma Hencha Roberts, Robert L. Rosier, and Glen H. Rosier Estate, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$1,193.42, inclusive of interest.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(a) The vesting in plaintiff of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said tracts are described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$1,193.42, inclusive of interest, of which sum \$143.75 has previously been disbursed to Emma Hencha Roberts;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$266.42, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Robert L. Rosier -----	\$130.00
Glen H. Rosier Estate -----	130.00
James A. Hayden and Edith M. Hayden -----	789.67
Total	<u>\$1,049.67</u>

Entered this *3rd* day of December, 1963.

**ALLEN E. BARROW**

UNITED STATES DISTRICT JUDGE

Approved:

**ROBERT P. SANTEE**

ROBERT P. SANTEE  
Assistant U. S. Attorney

ksm

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED ✓

1962  
MOBLE C. HOOD  
Clk. U. S. District Court

United States of America,  
Plaintiff,

vs.

460.46 Acres of Land, More or Less,  
Situate in Osage, Pawnee and Creek  
Counties, Oklahoma, and Robert O.  
Jordan, et al., and Unknown Owners,

Defendant.

Civil No. 5496

Tract Nos. 4601-1 thru 5  
4601E-1 thru E-11

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts.

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject tracts; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.

3. The Court finds, upon the evidence presented that the below listed defendants were the sole owners of the above-captioned tracts on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$13,500.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$11,000.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and A. M. House, H. H. Andrews, Glen E. Blackledge, and H. M. Thralls, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$13,500.00, inclusive of interest.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(a) The vesting in plaintiff of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said tracts are described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$13,500.00, inclusive of interest, of which sum \$11,000.00 has been previously disbursed to the above defendants;

(c) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$2,500.00, without interest. Upon receipt of the last mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following named payees:

H. M. Thralls . . . . .	43.86%	. . . . .	\$1096.50
A. M. House . . . . .	12.28%	. . . . .	307.00
H. H. Andrews. . . . .	14.74%	. . . . .	368.50
Glen E. Blackledge . . . . .	29.12%	. . . . .	728.00

Entered this *2nd* day of December, 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE  
Assistant U. S. Attorney

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

THOMAS L. MARLER, Guardian of the  
Estate of David Leon Marler, a  
minor, age 7 years,

Plaintiff,

vs.

Clarence Berger Barker and  
S. E. Hyman Company, a  
foreign corporation,

Defendants.

FILED

DEC 11 1963

NOBLE S. WOOD  
Clerk, U.S. District Court  
Case No. 5781 Civil

JOURNAL ENTRY OF JUDGMENT

Now on this 5th day of December, 1963, this matter comes on to be heard upon its merits; the plaintiff appeared in person and by his father and next friend, Thomas L. Marler, and his attorney, Carl Longmire, and the defendants appeared by their attorneys, Hudson, Hudson, Wheaton, Kyle & Brett, by W. F. Kyle. Both parties having waived a jury and having announced ready for trial, the court proceeded to the trial of said cause.

The plaintiff then introduced his evidence and rested, and the court being fully advised in the premises, finds as follows: That the plaintiff is a minor of the age of 7 years; that he brings this action by and through his father and next friend, Thomas L. Marler; that the plaintiff is entitled to judgment of and from the above named defendants and each of them in the amount of Four Thousand (\$4,000.00) Dollars, and the costs of this suit.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the plaintiff, David Leon Marler, a minor, have and recover judgment of and from the defendants, Clarence Berger Barker and S. E. Hyman Company, a foreign corporation, in the amount of Four Thousand (\$4,000.00) Dollars, together with the costs of this action.

Approved as to form:

[Signature]  
Attorney for Plaintiff

[Signature]  
Attorney for Defendants

[Signature]  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
vs. ) Plaintiff, )  
 )  
Certain Land in City of Tulsa, County )  
of Tulsa, State of Oklahoma, and )  
Consumers Oil Stations, Inc., et al, )  
and Unknown Owners, )  
 )  
Defendants. )

Civil No. 5514

Parcel No. 1

FILED

DEC 11 1963

EDDIE C. HOOD  
Clerk, U. S. District Court

AMENDED JUDGMENT

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for an Amended Judgment determining the ownership and the just compensation to be awarded the former owners of the above tract by substituting entirely therefor this Judgment in lieu of the Judgment recorded November 29, 1963.

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject tract; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.

3. The Court finds, upon the evidence presented, that the below-listed defendants were the sole owners of the above-captioned tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$315,000.00, plus retention of improvements, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$285,000.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Consumers Oil Stations, Inc., defendant herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract

is the sum of \$315,000.00, inclusive of interest; defendant further retains the right to remove the improvements.

6. The Court further finds that the question of rental will be the subject matter of future negotiations for settlement or a trial, as conditions warrant.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(a) The vesting in plaintiff of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said tract is described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$315,000.00, plus retention of the improvements, inclusive of interest, of which amount the sum of \$285,000.00 has previously been disbursed to defendant and M. L. Aaronson, mortgagee;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$30,000.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following named payee:

Consumers Oil Stations, Inc. ----- \$30,000.00

Entered this *11<sup>th</sup>* day of December, 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE  
Assistant U. S. Attorney

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

**FILED** ✓

DEC 11 1963

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

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )  
Petitioner, )  
VS. )  
1 TRACT OF LAND CONTAINING 53.2 ACRES, )  
NORA MAE McCAW, et al., )  
Defendants. )

Civil No. 5697

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 10<sup>th</sup> day of December, 19 63, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

1. Each and all of the allegations of the said petition for condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 15th day of August, 19 63, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 15th day of August, 19 63, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

TRACT NO. 7 MF 49 + FE  
(Fee Title To & Perpetual Easement Upon )

The following described land situated in Mayes County, Oklahoma, to-wit:

FREE TITLE TO:

That part of Lot 3 lying south and east of the following described line: Beginning at a point in the east boundary of said Lot 3 330 feet south of the northeast corner thereof, thence in a southwesterly direction to a point 495 feet east and 495 feet north of the southwest corner of said Lot 3, thence in a southwesterly direction to said southwest corner; and all of Lot 8 except those parts described as follows: Beginning at the northeast corner of said Lot 8, thence southerly parallel to the west boundary of said Lot 8 a distance of 165 feet, thence in a southwesterly direction to a point 825 feet west and 495 feet south of said northeast corner, thence in a northeasterly direction to a point in the north boundary of said Lot 8 495 feet west of said northeast corner, thence easterly along said north boundary to the point of beginning, and beginning at a point in the north boundary of said Lot 8 660 feet east of the northwest corner thereof, thence in a southwesterly direction to a point 495 feet east and 165 feet south of said northwest corner, thence westerly parallel to the north boundary of said Lot 8 a distance of 330 feet, thence in a southwesterly direction to a point in the west boundary of said Lot 8 660 feet south of the northwest corner thereof, thence northerly along said west boundary to said northwest corner, thence easterly along the north boundary of said Lot 8 to the point of beginning, including any and all right, title and interest in and to the bed and banks of Grand River incident to the ownership of the above described land, all in S. c. 19, T 23 N, R 21 E of the Indian Base and Meridian, containing 19.2 acres.

And

PERPETUAL EASEMENT UPON:

All of Lot 8 and those parts of Lot 3 and the NW $\frac{1}{4}$  SE $\frac{1}{4}$  lying south of the following described line: Beginning at the northeast corner of said Lot 3, thence in a southwesterly direction to a point 660 feet west and 330 feet south of said northeast corner, thence in a northwesterly direction to a point in the north boundary of said Lot 3 825 feet west of said northeast corner, thence westerly along said north boundary to a point 330 feet east of the northwest corner of said Lot 3, thence southerly parallel to the west boundary of said Lot 3 a distance of 165 feet, thence in a southeasterly direction to a point 495 feet east and 330 feet south of the northwest corner of said Lot 3, thence in a southwesterly direction to a point in the west boundary of said Lot 3 660 feet south of said northwest corner, thence in a southwesterly direction to a point in said NW $\frac{1}{4}$  SE $\frac{1}{4}$  660 feet west and 165 feet north of the southeast corner thereof, thence westerly parallel to the south boundary of said NW $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 165 feet, thence in a northeasterly direction to a point 660 feet east and 495 feet north of the southwest corner of said NW $\frac{1}{4}$  SE $\frac{1}{4}$ , thence westerly parallel to the south boundary of said NW $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 495 feet, thence southerly parallel to the west boundary of said NW $\frac{1}{4}$  SE $\frac{1}{4}$  to a point in the south boundary thereof except those portions of Lots 3 and 8 to be taken in fee and described above, all in Sec. 19, T 23 N, R 21 E of the Indian Base and Meridian, containing 34.0 acres.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 30th day of August, 1963, upon the depositing of the sum of \$ 3,900.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

Dated at Tulsa, Oklahoma

By M. M. Givins Deputy

Nov 9 1963.

Approved and ordered entered  
this 10 day of December,  
1963.

Frederick Bohannon  
U. S. District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED  
NOV 11 1963  
ROBERT C. HOOD  
Clerk, U.S. District Court

United States of America,

Plaintiff,

vs.

608.34 Acres of Land, More or Less,  
Situate in Nowata and Rogers Counties,  
Oklahoma, and Jennie M. Faulkner,  
et al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4871

Tracts Nos. C-311  
C-311E-1  
C-311E-2  
C-311E-3  
E-537

J U D G M E N T

1.

NOW, on this 3<sup>rd</sup> day of December, 1963, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on November 4, 1963, and the Court after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of this action.

3.

This judgment applies only to the tracts enumerated in the caption above, as such tracts are described in the Complaint and Declaration of Taking, filed herein.

4.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause, who are interested in subject tracts.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tracts of land. Pursuant thereto, on March 2, 1960, the United States of America filed its Declaration of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

On the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estates in subject tracts, certain sums of money and part of these deposits has been disbursed, as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on November 4, 1963, hereby is accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tracts, as fixed by the Commission, is set out in paragraph 11 below.

8.

Certain deficiencies exist between the amounts deposited as estimated just compensation for subject tracts and the amounts fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiencies should be deposited by the Government. These deficiencies are set out in paragraph 11 below.

9.

Sallie A. Zener, who owned a life estate in Tract No. E-537, is now deceased, and her interest in such tract has reverted to and is now owned by David G. Zener and Maggie E. Zener. Therefore, the defendants named in paragraph 11 as owners of subject tracts are the only defendants asserting any interest in the estates condemned herein, all other defendants having either disclaimed or defaulted; the named defendants are the owners of the respective interests in such estates as designated and, as such, are entitled to receive the just compensation therefor.

10.

It is, therefore, ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tracts, described in the Declaration of Taking filed herein, and such property, to the extent of the estates indicated and for the uses and purposes described in the Declaration of Taking filed herein, is condemned, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

It Is Further ORDERED, ADJUDGED, AND DECREED that the right to receive just compensation for the respective estates taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of November 4, 1963, hereby is confirmed and the sums therein fixed are adopted as just compensation for subject tracts, as shown by the following schedule:

TRACTS NOS. C-311, C-311E-1, C-311E-2  
AND C-311E-3

Owners: Taylor Faulkner  
Cooleela Faulkner

Award of just compensation - - - - -	\$6,200.00	\$6,200.00
Deposited as estimated compensation - - - - -		<u>\$4,585.00</u>
Disbursed to owners - - - - -	<u>\$4,585.00</u>	
Balance due to owners - - - - -	<u>\$1,615.00</u>	
Deposit deficiency - - - - -		<u>\$1,615.00</u>

TRACT NO. E-537

Owners:

Surface and lessor interest in minerals:

David G. Zener  
Maggie B. Zener

Lessee interest in minerals:

A. M. Maple  
Jack Mason

Award of just compensation - - - - -		\$5,000.00
Allocated:		
Surface - - - - -	\$2,400.00	
Lessor interest in minerals - - - - -	216.00	
Lessee interest in minerals - - - - -	384.00	
Equipment (minerals) - - - - -	<u>\$2,000.00</u>	
Total - - - - -	\$5,000.00	
Deposited as estimated compensation - - - - -		\$2,800.00
Disbursed to owners - - - - -	<u>None</u>	
Balance due to owners - - - - -	<u>\$5,000.00</u>	
Deposit deficiency - - - - -		<u>\$2,200.00</u>

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the

owners the deposit deficiencies for the various tracts as shown in paragraph 11, together with interest on such deficiencies at the rate of 6% per annum from March 2, 1960, until the date of deposit of such deficiency sums; and such sums shall be placed in the respective deposits for subject tracts in this civil action. Upon receipt of such sums, the Clerk of this Court shall disburse certain sums as follows:

1. From the deposit for Tracts Nos. C-311, C-311E-1, E-2 and E-3 the sum of \$1,615.00 plus all accrued interest on the deposit deficiency for these tracts, jointly, to Taylor Faulkner and Cooleela Faulkner.

2. From the deposit for Tract No. E-537 the sum of \$2,616.00 plus 52.32% of the accrued interest on the deposit deficiency to David G. Zener and Maggie E. Zener, jointly, and the sum of \$2,384.00 plus 47.68% of the accrued interest on the deposit deficiency to A. M. Maple and Jack Mason, jointly.

ALLEN E. BARKOW

---

UNITED STATES DISTRICT JUDGE

APPROVED:

*Hubert A. Marlow*

---

HUBERT A. MARLOW  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, )  
vs. )  
317.58 Acres of Land, More or Less, )  
Situat e in Osage and Pawnee Counties, )  
Oklahoma, and Clara M. Ferguson, et al, )  
and Unknown Owners, )  
Defendants. )

Civil No. 5709  
Tract Nos. 3639 & E

FILED

1963

J U D G M E N T

NOBLE C. HOOP

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts.

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject tracts; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.

3. The Court finds, upon the evidence presented, that the below-listed defendants were the sole owners of the above-captioned tracts on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$16,500.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$13,325.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and John and Nendee H. Scheihing, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$16,500.00, inclusive of interest.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(a) The vesting of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said tracts are described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$16,500.00, inclusive of interest, of which sum \$10,325.00 has been disbursed to Flora Higgins (Mortgagee) and \$3,000.00 has been disbursed to John and Nendee H. Scheihing;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$3,175.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the follow-named payees:

John and Nendee H. Scheihing ----- \$3,175.00

Entered this            day of December, 1963.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney

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

FILED

YORK BARBELL CO., INC.,  
a Corporation,  
  
Plaintiff,

SEP 19 1953

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

vs.

DOYLE FOREMAN and the  
AMERICAN CASUALTY COMPANY,  
a Corporation of Reading,  
Pennsylvania,

CIVIL ACTION  
FILE NO. 5525

Defendants and  
Third-party  
Plaintiffs,

vs.

RAY GRAVES and THE OHIO CASUALTY  
INSURANCE COMPANY, an Ohio  
Corporation, of Hamilton, Ohio,

Third-party  
Defendants.

of  
STIPULATION FOR DISMISSAL WITH PREJUDICE

Pursuant to Rule 41 (a) 1 (ii), it is hereby stipulated and agreed upon by all parties hereto that the Plaintiff does hereby and by these presents dismiss its cause of action herein with prejudice, all of the issues herein having been fully compromised and settled by and between the Plaintiff and Defendants.

YORK BARBELL CO., INC.

By [Signature]  
Attorney for Plaintiff

DOYLE FOREMAN and the AMERICAN  
CASUALTY COMPANY, a corporation of  
Reading, Pennsylvania.

By [Signature]

RAY GRAVES and the OHIO CASUALTY  
INSURANCE COMPANY, a corporation  
of Hamilton, Ohio

By [Signature]

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

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )  
 )  
 ) Petitioner, )  
 )  
vs. )  
 ) Civil No. 5646  
 )  
1 Tract of Land Containing 94.3 Acres, )  
in Mayes County, Oklahoma, Lloyd )  
Minnix, et al., )  
 ) Defendants. )

Civil No. 5646

**FILED**

**DEC 18 1963**

ORDER CONFIRMING REPORT OF COMMISSIONERS NOBLE C. HOOD  
Clerk, U. S. District Court

NOW, on this the 16 day of December, 1963, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

1. Each and all of the allegations of the said petition for condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 5th day of June, 1963, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 5th day of June, 1963, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

7 MF 7 + FE  
(Fee Title to and Perpetual Easement upon)

The following described land situated in Mayes County, Oklahoma, to-wit:

FEE TITLE TO:

Those parts of Lot 3 and the west 990 feet of Lot 1 lying south of the following described line: Beginning at a point in the east boundary of said west 990 feet of Lot 1 250 feet south of the northeast corner thereof, thence in a southwesterly direction to a point in the west boundary of said west 990 feet of Lot 1 400 feet south of the northwest corner thereof, thence in a southwesterly direction to a point in the west boundary of said Lot 3 660 feet south of the northwest corner thereof except that part contained in the K.O. & G. Railroad right-of-way including all reversionary interest, if any, in and to the K.O. & G. Railroad right-of-way and including any and all right, title, and interest in and to the bed and banks of Grand River incident to the ownership of the above described land; and those parts of the  $W\frac{1}{2}$  NE $\frac{1}{4}$  and the west 990 feet of the  $E\frac{1}{2}$  NE $\frac{1}{4}$  described as follows: Beginning at a point in said west 990 feet of the  $E\frac{1}{2}$  NE $\frac{1}{4}$  495 feet east and 330 feet north of the southwest corner thereof, thence westerly parallel to the south boundaries of said west 990 feet of the  $E\frac{1}{2}$  NE $\frac{1}{4}$  and said  $W\frac{1}{2}$  NE $\frac{1}{4}$  to a point in the easternmost boundary of the K.O. & G. Railroad right-of-way, thence on and along said easternmost boundary of the K.O. & G. Railroad right-of-way to a point 825 feet north of the south boundary of said  $W\frac{1}{2}$  NE $\frac{1}{4}$ , thence in a southeasterly direction to the point of beginning, all in Sec 26, T 23 N, R 20 E of the Indian Base and Meridian, containing 9.8 acres.

PERPETUAL EASEMENT UPON:

All of Lot 3 and the west 990 feet of Lot 1 except that part contained in the K.O. & G. Railroad right-of-way and except those portions to be taken in fee and described above; and those parts of the  $W\frac{1}{2}$  NE $\frac{1}{4}$  and the west 990 feet of the  $E\frac{1}{2}$  NE $\frac{1}{4}$  lying east of the K.O. & G. Railroad right-of-way and south of the following described line: Beginning at a point in the east boundary of said west 990 feet of the  $E\frac{1}{2}$  NE $\frac{1}{4}$  825 feet south of the northeast corner thereof, thence westerly parallel to the north boundary of said west 990 feet of the  $E\frac{1}{2}$  NE $\frac{1}{4}$  a distance of 330 feet, thence in a southwesterly direction to a point 990 feet south and 495 feet west of said northeast corner, thence in a northwesterly direction to a point in the east boundary of said  $W\frac{1}{2}$  NE $\frac{1}{4}$  825 feet south of the northeast corner thereof, thence westerly parallel to the north boundary of said  $W\frac{1}{2}$  NE $\frac{1}{4}$  to a point in the easternmost boundary of the K. O. & G. Railroad right-of-way except those portions to be taken in fee and described above, all in Sec 26, T 23 N, R 20 E of the Indian Base and Meridian, containing 64.5 acres.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 24th day of June, 1963, upon the depositing of the sum of \$9,712.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

Dated at Tulsa, Oklahoma

By Bern B. Ballinger  
Deputy

Dec. 16<sup>th</sup> 1963.

Approved and ordered entered  
this 16 day of Dec,  
1963.

(3) Fred Daugherty  
U. S. District Judge



8 MF 10 + FE  
(Fee Title To & Perpetual Easement Upon)

The following described land situated in Mayes County, Oklahoma, to-wit:

FEE TITLE TO:

That part of the  $W\frac{1}{2}$  NE $\frac{1}{4}$  described as follows: Beginning at a point in the west boundary of said  $W\frac{1}{2}$  NE $\frac{1}{4}$  660 feet north of the southwest corner thereof, thence northerly along said west boundary a distance of 660 feet, thence in a southeasterly direction to a point 495 feet east and 825 feet north of the southwest corner of said  $W\frac{1}{2}$  NE $\frac{1}{4}$ , thence in a southeasterly direction to a point 660 feet north and 495 feet west of the southeast corner of said  $W\frac{1}{2}$  NE $\frac{1}{4}$ , thence easterly parallel to the south boundary of said  $W\frac{1}{2}$  NE $\frac{1}{4}$  to a point in the east boundary of said  $W\frac{1}{2}$  NE $\frac{1}{4}$ , thence southerly along said east boundary to a point 330 feet north of the southeast corner of said  $W\frac{1}{2}$  NE $\frac{1}{4}$ , thence in a northwesterly direction to the point of beginning; and that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  described as follows: Beginning at the southeast corner of said NE $\frac{1}{4}$  SE $\frac{1}{4}$ , thence westerly along the south boundary of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 330 feet, thence in a northwesterly direction to a point 165 feet north and 165 feet east of the southwest corner of said NE $\frac{1}{4}$  SE $\frac{1}{4}$ , thence northerly parallel to the west boundary of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 495 feet, thence in a northeasterly direction to a point 495 feet east and 495 feet south of the northwest corner of said NE $\frac{1}{4}$  SE $\frac{1}{4}$ , thence in a northeasterly direction to a point in the north boundary of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  660 feet east of said northwest corner, thence easterly along said north boundary a distance of 165 feet, thence in a southeasterly direction to a point 330 feet west and 495 feet north of the southeast corner of said NE $\frac{1}{4}$  SE $\frac{1}{4}$ , thence easterly parallel to the south boundary of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  to a point in the east boundary of said NE $\frac{1}{4}$  SE $\frac{1}{4}$ , thence southerly along said east boundary to the point of beginning, all in Sec. 30, T 23 N, R 20 E of the Indian Base and Meridian, containing 30.6 acres.

and

PERPETUAL EASEMENT UPON:

All of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ; and all of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  except that portion to be taken in fee and described above; and all of the  $W\frac{1}{2}$  NE $\frac{1}{4}$  except that portion to be taken in fee and described above and except that part described as beginning at a point in the west boundary of said  $W\frac{1}{2}$  NE $\frac{1}{4}$  660 feet south of the northwest corner thereof, thence in a northeasterly direction to a point 165 feet south and 495 feet east of said northwest corner, thence in a southeasterly direction to a point in the east boundary of said  $W\frac{1}{2}$  NE $\frac{1}{4}$  990 feet south of the northeast corner thereof, thence northerly along said east boundary to said northeast corner, thence westerly along the north boundary of said  $W\frac{1}{2}$  NE $\frac{1}{4}$  to the northwest corner thereof, thence southerly along the west boundary of said  $W\frac{1}{2}$  NE $\frac{1}{4}$  to the point of beginning, all in Sec. 30; and that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  described as follows: Beginning at the southwest corner of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , thence easterly along the south boundary of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 165 feet, thence in a northeasterly direction to a point 330 feet south and 330 feet east of the northwest corner of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , thence in a northwesterly direction to said northwest corner, thence southerly along the west boundary of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  to the point of beginning, in Sec. 19, all in T 23 N, R 20 E of the Indian Base and Meridian, containing 86.9 acres. No improvements taken.

8 MF 12 FE  
(Perpetual Easement Upon)

The following described land situated in Mayes County, Oklahoma, to-wit:

PERPETUAL EASEMENT UPON:

All of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  except that part lying north and west of the following described line: Beginning at a point in the west boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  165 feet north of the southwest corner thereof, thence easterly parallel to the south boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  a distance of 165 feet, thence northerly parallel to the west boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  to a point in the west boundary

and 165 feet east of the northwest corner thereof, thence in a northwesterly direction to said northwest corner, in Sec. 30; and that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  described as follows: Beginning at the southwest corner of said E $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , thence northerly along the west boundary of said E $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 330 feet, thence in a northeasterly direction to a point 330 feet east and 660 feet north of said southwest corner, thence southerly parallel to the east boundary of said E $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 165 feet, thence in a southeasterly direction to a point in said east boundary 165 feet north of the southeast corner of said E $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , thence southerly along said east boundary to said southeast corner, thence westerly along the south boundary of said E $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  to the point of beginning, in Sec. 19, all in T 23 N, R 20 E of the Indian Base and Meridian, containing 11.7 acres. No improvements taken.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 8th day of July, 1963, upon the depositing of the sum of \$ 10,857.00 with the registry of this Court for the lands and estates taken in and to the above described land.

Dated at Tulsa, Oklahoma

Dec 16<sup>th</sup> 1963.

NOBLE C. HOOD

By Tom B. Ballinger  
Deputy

Approved and ordered entered  
this 16 day of Dec,  
1963.

(S) Fred Laugherty  
U. S. District Judge

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

GRAND RIVER DAM AUTHORITY,  
a public corporation,

Petitioner,

vs.

Civil No. 5674

One Tract of Land containing  
Four Lots or Blocks in the Town of  
Strang, Mayes County, Oklahoma;  
James T. Johnson, et al.,

Defendants.

**FILED**

DEC 13 1963

ORDER CONFIRMING REPORT OF COMMISSIONERS NOBLE C. HOOD  
Clerk, U. S. District Court

NOW, on this the 16 day of December, 19 63, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

1. Each and all of the allegations of the said petition for condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 25th day of July, 19 63, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 25th day of July, 19 63, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

TRACT NO. 5 MF 47-3  
(Fee Title To)

Lots or Blocks A, G. H, and I. in the Coats  
Addition to the Town of Strang, Mayes County,  
Oklahoma, together with all those parts of  
the streets adjacent thereto and incident to  
the ownership thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 29th day of July, 1963, upon the depositing of the sum of \$ 5,250.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

Dated at Tulsa, Oklahoma

Dec 16<sup>th</sup> 1963.

By Sam B. Ballenger  
Deputy

Approved, and ordered entered  
this 16 day of Dec,  
1963.

Fred Daugherty  
U. S. District Judge

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

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )

Petitioner, )

vs. )

1 Tract of Land containing 43.0 )  
Acres, more or less in Mayes County, )  
Oklahoma, Cecil Lane, deceased, )  
et al., )

Defendants. )

Civil No. 5700

**FILED**

**DEC 18 1963**

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

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 16 day of December, 1963, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

1. Each and all of the allegations of the said petition for condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 15th day of August, 1963, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 15th day of August, 1963, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

5 MF 22 + FE  
(Fee Title To & Perpetual Easement Upon)

The following described land situated in Mayes County, Oklahoma,  
to-wit:

FEE TITLE TO:

All of Lot 3; and that part of the east 20 acres of Lot 1 lying south of the following described line: Beginning at a point in the west boundary of said east 20 acres of Lot 1, 165 feet south of the northwest corner thereof, thence in a southeasterly direction to a point 495 feet south and 330 feet east of said northwest corner, thence easterly parallel to the north boundary of said east 20 acres of Lot 1 a distance of 165 feet, thence in a northeasterly direction to a point in the east boundary of said east 20 acres of Lot 1, 330 feet south of the northeast corner thereof, including any and all right, title and interest in and to the bed and banks of Grand River incident to the ownership of the above described land, in Sec. 11, T 22 N, R 20 E of the Indian Base and Meridian, containing 17.1 acres.

PERPETUAL EASEMENT UPON:

All of the east 20 acres of Lot 1 except that portion to be taken in fee and described above; and all of the E $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , in Sec. 11, T 22 N, R 20 E of the Indian Base and Meridian, containing 25.9 acres.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 9th day of September, 1963, upon the depositing of the sum of \$ 4,500.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

Dated at Tulsa, Oklahoma

Dec. 16<sup>th</sup> 1963.

By Ben B. Ballenger  
Deputy

Approved and ordered entered  
this 16 day of Dec,  
1963.

(5) Fred Daugherty  
U. S. District Judge

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

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )  
 )  
Petitioner, )  
 )  
vs. )

Civil No. 5733

**FILED**

DEC 16 1963

1 Tract of Land consisting of 163.8 )  
Acres, more or less, in Mayes County, )  
Oklahoma, George E. Connor, et al., )  
Defendants. )

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

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 16 day of December, 1963, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

1. Each and all of the allegations of the said petition for condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 17th day of September, 1963, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 17th day of September, 1963, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

GRAND RIVER DAM AUTHORITY  
MARKHAM FERRY PROJECT  
RESERVOIR LAND

SEC 27  
T 23 N R 20 E

Sheet 2 of 3

Tract No. 8 MF 71 + FE

Owner - George E. Connor

**FREE TITLE**

to

The following described land situated in Mayes County, Oklahoma, to-wit:

All of Lot 3 except that part lying north and west of the following described line: Beginning at a point in the north boundary of said Lot 3 165 feet east of the northeast corner thereof, thence in a southwesterly direction to a point in the west boundary of said Lot 3 165 feet south of said northeast corner; and those parts of Lot 4 and the NE 1/4 SW 1/4 lying south of the following described line: Beginning at the southwest corner of said Lot 4, thence in a northeasterly direction to a point 495 feet south and 330 feet west of the northeast corner of said Lot 4, thence northerly parallel to the east boundary of said Lot 4 to a point in the north boundary thereof, thence in a northwesterly direction to a point in said NE 1/4 SW 1/4 330 feet north and 495 feet west of the southeast corner thereof, thence easterly parallel to the south boundary of said NE 1/4 SW 1/4 a distance of 165 feet, thence in a southeasterly direction to a point in the east boundary of said Lot 4 165 feet south of the northeast corner thereof; and those parts of the NE 1/4 SW 1/4, the SW 1/4 NE 1/4 and the SW 1/4 NW 1/4 described as follows: Beginning at a point in the south boundary of said NE 1/4 SW 1/4 165 feet east of the southwest corner thereof, thence in a northeasterly direction to a point 330 feet east and 165 feet north of said southwest corner, thence in a northeasterly direction to a point in the north boundary of said NE 1/4 SW 1/4 495 feet west of the northeast corner thereof, thence in a northwesterly direction to a point in said SW 1/4 NE 1/4 330 feet north and 660 feet west of the southeast corner thereof, thence northerly parallel to the east boundary of said SW 1/4 NE 1/4 to a point 330 feet south of the north boundary thereof, thence easterly parallel to said north boundary a distance of 165 feet, thence in a northeasterly direction to a point in the north boundary of said SW 1/4 NE 1/4 165 feet east of the northeast corner thereof, thence northerly parallel to the east boundary of said SW 1/4 NE 1/4 a distance of 495 feet, thence easterly parallel to the north boundary of said SW 1/4 NE 1/4 a distance of 165 feet, thence in a southeasterly direction to the southwest corner of said SW 1/4 NE 1/4, thence in a southwesterly direction to a point in said SW 1/4 NE 1/4 330 feet south and 330 feet west of the northeast corner thereof, thence easterly parallel to the east boundary of said SW 1/4 NE 1/4 a distance of 330 feet, thence in a southeasterly direction to a point in the east boundary of said SW 1/4 NE 1/4 495 feet north of the southeast corner thereof, thence in a southwesterly direction to a point 165 feet west and 165 feet south of said southeast corner, thence southerly parallel to the east boundary of said SW 1/4 NE 1/4 a distance of 165 feet, thence in a southeasterly direction to the southeast corner of said SW 1/4 NE 1/4, thence southerly along the east boundary of said SW 1/4 NE 1/4 to the southeast corner thereof, thence westerly along the south boundary of said SW 1/4 NE 1/4 to the point of beginning including any and all right, title, and interest in and to the bed and bottom of the Indian Base and Meridian, all in Sec 27, T 23 N R 20 E of the

**PERPETUAL EASEMENT**

upon

All of Lot 3; and all those parts of Lot 4, the NE 1/4 SW 1/4, and the NE 1/4 NW 1/4 lying east of the following described line: Beginning at a point in the west boundary of said Lot 3 495 feet north of the southwest corner thereof, thence in a northeasterly direction to a point 825 feet north and 330 feet east of said southwest corner, thence in a northeasterly direction to a point in the north boundary of said Lot 4 495 feet east of the northeast corner thereof, thence northerly parallel to the west boundary of said NE 1/4 SW 1/4 to a point 495 feet south of the north boundary thereof, thence easterly parallel to the north boundary a distance of 165 feet, thence in a southeasterly direction to a point 165 feet east and 660 feet south of the northeast corner of said NE 1/4 SW 1/4, thence easterly parallel to the north boundary of said NE 1/4 SW 1/4 to a point in the east boundary thereof, thence in a northeasterly direction to a point in the north boundary of said NE 1/4 SW 1/4 330 feet east of the northwest corner thereof, except those portions to be taken in fee and described above and all those parts of the SW 1/4 NE 1/4, the SW 1/4 NW 1/4, the W 1/4 NW 1/4, and the SW 1/4 NW 1/4 described as follows: Beginning at a point in the south boundary of said SW 1/4 NE 1/4 330 feet east of the southwest corner thereof, thence in a northwesterly direction to a point 495 feet north and 165 feet east of said southwest corner, thence in a northeasterly direction to a point 330 feet east and 825 feet north of said southwest corner, thence westerly

GRAND RIVER DAM AUTHORITY  
MURKHAM FERRY PROJECT  
RESERVOIR LAND

SEC 27  
T 23 N R 20 E

Sheet 3 of 3

Tract No. 8 MF 71 + FE

Owner - George E. Connor

parallel to the south boundaries of said  $\frac{1}{2}$  NE $\frac{1}{4}$  and said  $\frac{1}{2}$  NW $\frac{1}{4}$  a distance of 660 feet, thence in a northeasterly direction to a point in the east boundary of said  $\frac{1}{2}$  NW $\frac{1}{4}$  1320 feet south of the northeast corner thereof, thence easterly along the south boundary of said  $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  to the southeast corner thereof, thence northerly along the east boundary of said  $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  a distance of 660 feet, thence westerly parallel to the south boundary of said  $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  a distance of 330 feet, thence in a northwesterly direction to a point in the north boundary of said  $\frac{1}{2}$  NW $\frac{1}{4}$  495 feet east of the northwest corner thereof, thence easterly along the north boundaries of said  $\frac{1}{2}$  NW $\frac{1}{4}$  and said  $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  to the northeast corner of said  $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , thence southerly along the east boundary of said  $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  to the northwest corner of said  $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , thence easterly along the north boundary of said  $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  a distance of 495 feet, thence southerly parallel to the east boundary of said  $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  a distance of 165 feet, thence in a southeasterly direction to the southeast corner of said  $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , thence southerly along the east boundary of said  $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  to the southeast corner thereof, thence westerly along the south boundary of said  $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  to the point of beginning except those portions to be taken in feet and described above, all in Sec 27, T 23 N, R 20 E of the Indian Base and Meridian, containing 85.9 acres.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 11th day of October, 1963, upon the depositing of the sum of \$ 12,200.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

Dated at Tulsa, Oklahoma

By Sam B. Ballenger  
Deputy

Dec. 16<sup>th</sup> 1963.

Approved and ordered entered  
this 16 day of Dec,  
1963.

(3) Fred Daugherty  
U. S. District Judge

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

W. WILLARD WIRTE, SECRETARY OF )  
LABOR, UNITED STATES DEPARTMENT )  
OF LABOR )  
Plaintiff )  
vs. )  
TULSA ROCK COMPANY, a Corp. )  
Defendant )

CIVIL ACTION  
FILE NO. 5686

**FILED**

DEC 17 1963

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

JUDGMENT OF DISMISSAL

The defendant, having stipulated that it will comply with the provisions of the Fair Labor Standards Act of 1938, as amended, in the future, and the parties hereto having stipulated that the above styled and numbered cause may be dismissed without prejudice and without costs to either party; it is, therefore,

ORDERED, ADJUDGED, and DECREED by the Court that the above styled and numbered cause be, and it hereby is, dismissed without prejudice and without costs to either party.

DATED this 17<sup>th</sup> day of December 1963.

Allen E. Barnard  
UNITED STATES DISTRICT JUDGE

Boesche, McDermott and Eskridge

By T. H. Eskridge  
T. H. Eskridge  
Attorneys for defendant

Tulsa Rock Company, a Corp.

By \_\_\_\_\_  
R. L. Fisher, President

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

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )  
 )  
 ) Petitioner, )  
 )  
vs. )  
 )  
 )  
109.2 Acres of Land, more or less, )  
all in Mayes County, Oklahoma, )  
Chester D. Jackson, et al., )  
 ) Defendants. )

DEC 18, 1963  
NOBLE C. HOOD  
Clerk U. S. District Court  
Civil No. 5631

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 18th day of December, 1963, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

1. Each and all of the allegations of the said petition for condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.
2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 19th day of June, 1963 / **as modified by stipulation of the parties** should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 19th day of June, 1963, **as modified by stipulation of parties,** **as modified,** is final and the award as set out and fixed in said report/is full and just compensation for the taking of the lands and/or estate therein.  
The lands and/or estate taken are described as follows, to-wit:

7 NE 1 + FE Rev.  
Fee Title To and Perpetual Easement Upon

The following described land situated in Mayes County, Oklahoma,  
to-wit:

FEE TITLE TO:

All that part of the west 660 feet of Lot 6 lying south of the following described line: Beginning at a point in the east boundary of said west 660 feet of Lot 6, 165 feet south of the northeast corner thereof, thence in a southwesterly direction to a point in the west boundary of said west 660 feet of Lot 6, 495 feet south of the northwest corner thereof, including any and all right, title, and interest in and to the bed and banks of Grand River incident to the ownership of the above described land in Sec 26, T 23 N, R 20 E of the Indian Base and Meridian, containing 16.4 acres.

PERPETUAL EASEMENT UPON:

All of the west 660 feet of Lot 6 except that portion to be taken in fee and described above; and all of the W $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  except that part described as follows: Beginning at a point in the west boundary of said W $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  660 feet south of the northwest corner thereof, thence in a northeasterly direction to a point 495 feet south and 330 feet east of said northwest corner, thence in a northeasterly direction to a point 495 feet east and 165 feet south of said northwest corner, thence in a northwesterly direction to a point in the north boundary of said W $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  165 feet east of the northwest corner thereof, thence westerly along said north boundary to said northwest corner, thence southerly along the west boundary of said W $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  to the point of beginning, all in Sec 26, T 23 N, R 20 E of the Indian Base and Meridian, containing 20.0 acres. No improvements taken.

8 NE 26 + FE  
Fee Title To and Perpetual Easement Upon

The following described land situated in Mayes County, Oklahoma,  
to-wit:

FEE TITLE TO:

All of Lot 1; and that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  lying south of the following described line: Beginning at a point in the east boundary of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  495 feet south of the northeast corner thereof, thence in a southwesterly direction to a point in the west boundary of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  660 feet south of the northwest corner thereof, including any and all right, title and interest in and to the bed and banks of Grand River incident to the ownership of the above described land, all in Sec 27, T 23 N, R 20 E of the Indian Base and Meridian, containing 32.8 acres.

PERPETUAL EASEMENT UPON:

All of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  and the SE $\frac{1}{4}$  NE $\frac{1}{4}$  except those parts described as follows: Beginning at a point in the east boundary of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  495 feet north of the southeast corner thereof, thence in a southeasterly direction to a point 330 feet north and 660 feet west of said southeast corner, thence southerly parallel to the east boundary of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  and said NE $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 495 feet, thence westerly parallel to the north boundary of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 330 feet, thence southerly parallel to the west boundary of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  and said SE $\frac{1}{4}$  NE $\frac{1}{4}$  a distance of 330 feet, thence in a northwesterly direction to a point 495 feet north and 495 feet west of the southeast corner of said SE $\frac{1}{4}$  NE $\frac{1}{4}$ , thence northerly parallel to the east boundary of said SE $\frac{1}{4}$  NE $\frac{1}{4}$  to a point in the north boundary thereof, thence in a southwesterly direction to a point 330 feet south and 330 feet east of the northwest corner of said SE $\frac{1}{4}$  NE $\frac{1}{4}$ , thence southerly parallel to the north boundary of said SE $\frac{1}{4}$  NE $\frac{1}{4}$  a distance of 495 feet, thence in a northwesterly direction to the northwest corner of said SE $\frac{1}{4}$  NE $\frac{1}{4}$ , thence southerly parallel to the east boundary of said SE $\frac{1}{4}$  NE $\frac{1}{4}$  to the point of beginning, all in Sec 27, T 23 N, R 20 E of the Indian Base and Meridian, containing 32.8 acres.

portion to be taken in fee and described above, all in Sec 27, T 23 N,  
R 20 E of the Indian Base and Meridian, containing 40.0 acres. No  
improvements taken.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 8<sup>th</sup> day of July, 1962, upon the depositing of the sum of \$ 16,950.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

Dated at Tulsa, Oklahoma

By [Signature] Deputy

November 17 1962.

Approved and ordered entered  
this 17<sup>th</sup> day of November,  
1962.

[Signature]  
U. S. District Judge

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

UNITED STATES OF AMERICA for the  
use of TOM F. McDERMOTT, INC.,  
an Oklahoma corporation,

Plaintiff,

vs.

WOODS CONSTRUCTION COMPANY,  
INC., an Oklahoma corporation, et al.,

Defendants.

No. 5155-C

FILED

DEC 24 1963

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

ORDER DISMISSING CAUSE ON THE MERITS

On this the 24 day of December, 1963, this cause comes on to be heard on the joint motion of plaintiff and defendant to dismiss the above entitled action. The Court having considered said motion and being of the opinion upon consideration thereof that the same should be granted, it is by the Court considered, ordered and adjudged that this cause be, and the same is hereby, dismissed on the merits and with prejudice to any other or future action.

(s) Fred Daugherty  
JUDGE

APPROVED:

Clarence A. Warren  
Clarence A. Warren,  
Attorney for Plaintiff

HOUSTON, KLEIN & DAVIDSON

By R. L. Davidson, Jr.  
R. L. Davidson, Jr.  
Attorneys for defendants

**United States District Court**

DEC 20 1963

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION FILE NO. 5849

Judy Sue Tucker

vs.

United States of America

JUDGMENT

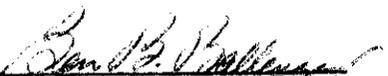
This action came on for trial (~~hearing~~) before the Court, Honorable **Allen E. Barrow**, United States District Judge, presiding, and the issues having been duly tried (~~heard~~) and a decision having been duly rendered,

It is Ordered and Adjudged that the plaintiff, **Judy Sue Tucker**, recover of the defendant, **United States of America**, the sum of **NINE THOUSAND TWO HUNDRED SEVENTY-FIVE and 95/100 (\$9,275.95) Dollars.**

**IT IS FURTHER ORDERED AND ADJUDGED** that the attorneys' fees of the attorneys for the plaintiff is fixed in the sum of **Twenty (20%)** per cent of the amount of the judgment recovered which is the sum of **ONE THOUSAND EIGHT HUNDRED FIFTY-FIVE and 19/100 (\$1,855.19) DOLLARS.**

Dated at **Tulsa, Oklahoma**, this **20th** day  
of **December**, **1963**.

**NOBLE C. HOOD**  
Clerk of Court

By   
**Ben B. Ballenger, Deputy**

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

Mary Randall Daniel,  
Plaintiff

vs

Vandy Joseph Forrester, III,  
Defendant

Civil Action No. 5591

FILED

DEC 20 1963

ORDER OF DISMISSAL

NOBLE C. BARNES  
Clerk of Court

Now on this 19th day of December, 1963, for good cause shown,

and upon the written motion of plaintiff herein, the above entitled cause is,

and the same is hereby dismissed with prejudice.

(5) Luther Bohannon  
United States District Judge

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

VINCENT L. HILLYER and  
MANUCHEHR RIAHI,

Plaintiffs,

vs.

PAN AMERICAN PETROLEUM  
CORPORATION, a corporation,

Defendant.

No. 5178-Civil

DEC 20 1963

J U D G M E N T

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

This cause came on for trial pursuant to regular setting on the 7th day of October, 1963. The parties appeared in person and by their respective counsel of record. At pretrial hearing theretofore had in this cause it was agreed that the issues as to liability only would be first tried to the Court without a jury. The parties announced ready for trial and proceeded to trial of the cause. Whereupon, the case was submitted to the Court and counsel given time to prepare requested Findings of Fact and Conclusions of Law.

AND NOW on this 20th day of December, 1963, the Court having considered all the evidence, records, pleadings, arguments of counsel and requested Findings of Fact and Conclusions of Law, did, on the 20th day of December, 1963, enter its Opinion, conclusions and findings, and based thereon, the claims of the plaintiffs are denied, and judgment entered for the defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiffs take nothing and that the defendant have judgment for its costs herein expended.

DATED this 20th day of December, 1963.

51 Luther Bohannon  
UNITED STATES DISTRICT JUDGE



6. The Court finds that plaintiff and James E. Milam, Glen A. Milam, G. C. Milam, Jr., and William O. Milam, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$12,900.00, less a salvage value of \$485.00 for the improvements,

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(a) The vesting in plaintiff of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said tract is described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$12,900.00, less a salvage value of \$485.00 for the improvements, inclusive of interest; the sum of \$10,000.00 has heretofore been disbursed to defendants;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$2,415.00, without interest. Upon receipt of the last mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following named payees:

James E. Milam, Glen A. Milam,  
G. C. Milam, Jr., and William O.  
Milam . . . . . \$2,415.00.

Dated this 26<sup>th</sup> day of December, 1963

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE  
ROBERT P. SANTEE  
Assistant U. S. Attorney

ajs

IN SENATE  
January 11, 1963

REPORT OF THE  
COMMISSIONER OF THE  
DEPARTMENT OF  
CORRECTIONS

5660-Civil FILED

STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

STATE OF NEW YORK

IN SENATE  
January 11, 1963

REPORT OF THE  
COMMISSIONER OF THE  
DEPARTMENT OF  
CORRECTIONS

IN SENATE  
January 11, 1963

REPORT OF THE  
COMMISSIONER OF THE  
DEPARTMENT OF  
CORRECTIONS

Dated this 27 day of December, 1963.

(5) *Fred Laugherty*

JOHN J. HENRY, JR.  
ATTORNEY AT LAW

APPROVED:

*Joseph C. Jennings*  
Joseph C. Jennings  
Attorney for Plaintiff

*Rucker, Tabor, Shepherd & Palmer*  
RUCKER, TABOR, SHEPHERD & PALMER  
Attorneys for Defendant

BY THE DISTRICT CLERK OF THE DISTRICT OF COLUMBIA  
FOR THE SHERIFF OF DISTRICT OF COLUMBIA

WILLIAM W. BRISON, Sheriff of the  
District of Columbia, do hereby certify that  
a copy of a writ of Habeas Corpus, No. 1003,  
dated June 1963,

is on file,

Number 5069

Dean Hughes and Julia Hughes,

Defendants,

Ernest Hughes, Additional Party  
B. Howard,

**FILED**

DEC 30 1963

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

DEFAULT JUDGMENT

This cause comes on for hearing on the return pursuant to  
the application of the plaintiff for a default judgment against  
defendants, Dean Hughes and Julia Hughes, and the notice given  
by the clerk pursuant to Rule 55 (b) (1), and the Court finds  
that the complaint was filed in this cause on the 11th day of  
June, 1963, and summons and complaint was served on defendants,  
Dean Hughes and Julia Hughes, on the 13th day of June, 1963,  
and that no answer or other defense had been made by said de-  
fendants, and the Court being fully advised that plaintiff  
is entitled to judgment against said defendants as prayed for  
in said complaint and amended complaint on file herein.

It is, therefore, considered and adjudged:

1. That defendants, Dean Hughes and Julia Hughes, received  
the sum of fourteen thousand six hundred thirty dollars (\$14,630.00),  
to-wit: one diamond solitaire ring set with one-half carat blue-  
white diamonds of the value of six hundred dollars (\$600.00), one  
pair of diamond earrings set with one-fourth carat diamonds of the value  
of three hundred fifty dollars (\$350.00), and one three-stone  
band with seven small diamonds of the value of seven hundred  
dollars (\$700.00), as trustees for Carrie J. Howard, the

... to ...

... the ...

Oklahoma:

The South half (S2) of the Southwest quarter (SW4) of the Northeast quarter (NE4), and the West half (W2) of the Southwest quarter (SW4) of the Northeast quarter (NE4) of Section Thirty-one (31); and, all that part of the Northwest quarter (NW4) of the Southeast quarter (SE4) of Section 31 described as follows, to-wit: Beginning at the center of Section Thirty-one (31) and thence running due south to the access road east north of the Inter-County; thence following said access road in an easterly direction for 515 feet; thence south to meet the north boundary of the Inter-County; thence following the Inner Turnpike in a northeasterly direction to the east line of the Northwest quarter (NW4) of the Southeast Quarter (SE4) of Section Thirty-one (31); thence running due north to the northeast corner of the Northwest quarter (NW4) of the Southeast Quarter (SE4) of Section Thirty-one (31) and the place of beginning; all of which land is in Township 13, Range 11, North, Range Eleven (11) East,

with the improvements thereon and the appurtenances thereto belonging to the said defendants, in violation of their duty as such trustees, took title to said land in their own names, as individuals, as the same appears from a warranty deed which bears date of November 10, 1959, and is on record in Book 558, at page 341, of the records to the County Clerk of Creek County, Oklahoma, and said defendants now hold title to same as such trustees for the said Charles J. Longmeyer.

5. That defendants, Pearl Brown and Julia Brown, trustees as aforesaid, be, and they are hereby commanded and directed to immediately pay and deliver to plaintiff, Charles J. Longmeyer as guardian of the said estate of Longmeyer, or to competent persons, all of the assets of the said trust estate, to-wit, all sum of







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

M. E. BRIDE COMPANY,  
a Corporation,  
Tulsa, Oklahoma,  
Plaintiff,  
vs.  
THE OIL MART COMPANY,  
a Corporation,  
Tulsa, Oklahoma,  
Defendant.

No. 5039

FILED

DEC 30 1963

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

J U D G M E N T

This action came on for hearing before the Court, Honorable Luther Benson, District Judge, presiding, and the issues having been duly admitted as evidenced by a Confession of Judgment heretofore filed in this cause, IT IS ORDERED AND ADJUDGED:

That the plaintiff, M. E. Bride Company, a corporation, recover of the defendant, The Oil Mart Company, a corporation, the sum of Ten Thousand Four Hundred Fifty and 37/100 Dollars (\$10,450.37), with interest on said amount from June 18, 1963 at the rate of six per cent (6%) to and including the date of this judgment, and with interest hereafter at the rate of six per cent (6%) as provided by law, and the plaintiff's costs of action.

Dated at Tulsa, Oklahoma, this 30th day of December, 1963.

Luther Benson

APPROVED AS TO FORM:

David Cohen  
Attorney for Plaintiff

Gable, Gotwals & Hays

By L. C. Hays  
Attorneys for Defendant