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For use in
HOMESTEAD and
DESERT LAND
Entries. **OLD**

NOTICE OF INTENTION TO MAKE PROOF

DEPARTMENT OF THE INTERIOR

Carmen City, Nevada

U. S. LAND OFFICE at July 1, 1924

Via Hooper, 19

Belmont, Nevada I, August 2, 1924, of

homestead entry (Act 7-4-184), who, on 010807, made

entry, No. 22, for

(Kind of application or entry.)

11 North 46 East N.P., Section

Township, Range Final Meridian,

hereby give notice of my intention to make (If homestead, insert "five-year," "three-year," or "commutation," as case may be.)

Proof of A. Glass, County Clerk claim to the land above described, before

Tim Hooper, Nevada 11th, at

(Name of officer.)

August 24, 1924, on the day of

, 1924, by two of the following witnesses:

W.A. Ray, Tonopah, Nevada,

Harry Brotherton, of Tonopah, "

Ed Hughes, of Belmont, "

Will Hughes, of Belmont, "

Pub. in Tonopah Mining Reporter
First Pub. to be at least 30 days of
before August 11, 1924.

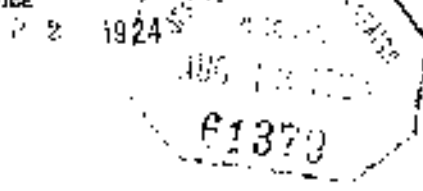
Tim Hooper
(Signature of claimant.)

Witness J. J. ...

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Notice of the above intention to make proof will be published in the

ADDRESS ONLY THE COMMISSIONER OF THE GENERAL LAND OFFICE



DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON

August 7 1924.

IN REPLY PLEASE REFER TO FILE NO. 010807 W. ORR

In re securing proper final proof by Indian.

The Commissioner
of Indian Affairs,

My dear Mr. Burke:

Tim Hooper, an Indian, made homestead entry 010807, Carson City, Nevada, series, August 2, 1918, for the SW 1/4 Sec. 21, NW 1/4 Sec. 22, T. 11 N., R. 46 E., M. D. M., under the act of July 4, 1884 (24 Stat. 36).

August 3, 1923, Hooper submitted the testimony of two witnesses, accompanied by his own affidavit. This proof showed that he settled upon the land nine years prior to submission of such proof and used 40 acres as hay land, 40 acres in pasture and raised some alfalfa; that he has upon the land two cabins, corrals, fencing, houses, stable and he valued his improvements over \$1500.

August 7, 1923, the local officers notified

Carson City 010887 "E" CR

the claimant of the irregularity of the proof submitted and sent him form 4-348 on which he could submit notice of intention to offer proof.

With their letter of June 6, 1924, the local officers transmitted a published notice, setting October 22, 1923, as the date on which he would submit the final proof, with an affidavit of the publisher of the Tonopah Mining Reporter that the notice was published weekly from September 15 to October 13, both dates inclusive. The party, however, did not submit proof and on November 30, 1923, the local officers rejected the proof and closed the case against the Indian.

In view of the improvements that the Indian claims to have made, together with his long residence, it is suggested that your office might be able to assist this Indian in offering satisfactory final proof in accordance with the regulations.

Before taking further action in the matter, your attention is called to the case.

Very respectfully,

R. E. PACEY,

Acting Assistant Commissioner.

[COPY]
010807 HD (Act 7-4-1884)

EMR

Carson City, Nevada.
August 16, 1924.

Mr. Tim Hooper,
Manhattan,
Nevada.

Dear Sir:

This is to advise that papers relating to final-proof on your homestead entry 010807 (SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 21; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22, T. 11N, Range 46 E.,) have been transmitted to the Commissioner of the General Land Office Washington, D. C., with our August 15, Report and when we are advised as to action on same you will be notified.

Very truly yours,

Registrar.

Copy to
Superintendent,
U.S. Indian Agency,
Reno, Nevada.

Note: We are enclosing herewith Receiver's Refund Check No. 260 for \$4.00 paid under Receipt No. 2679925 as there is no fee or commission due direct from you under the Act of July 4, 1884.

62955

REFER IN REPLY TO THE FOLLOWING:

3-1100

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

SEP 2 1924

61379-24

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

2530
SEP - 2 1924
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Mr. James E. Jenkins,

Superintendent, Reno Agency.

My dear Mr. Jenkins:

There is enclosed herewith a copy of a letter to this Office from the General Land Office under date of August 9, 1924, file Carson City 010807 *R* GR, relative to the submission of final proof by Tim Hooper, an Indian entryman under the Act of July 4, 1884. The letter does not state what constituted the irregularity in the final proof offered, but it is presumed that he failed to publish notice of intention to offer proof.

You are requested to assist the entryman to submit the papers required by the Land Office on form 4-348, which appears to be a notice of intention to offer proof.

You should keep this Office informed as to the progress of this case as nearly as may be until the issuance of the patent to the Indian. You should be ready at all times to assist him whenever necessary.

Please take the proper action in this case and submit a report to the Office.

Very truly yours,



Chief Clerk.

4340
5-067

Address only the
Commissioner of Indian Affairs

Refer in reply to the following:

70848-24.I.O.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON



Transmit patent

2/19/25

Superintendent

Reno

Sir:

Trust patent number 958404

issued February 14, 1925 in favor of Tim Hooper

allottee numbered Carson City 010807 #1018

is

transmitted herewith

Please make the proper notations on the records of your office and deliver the patent to the person entitled thereto when he has signed the attached receipt in duplicate. Forward the original receipt to this office and retain the duplicate for your files.

Very respectfully,

Commissioner.

LIST OF EXHIBITS SUBMITTED WITH REPORT ON PINE CREEK.

- EXHIBIT "A", Transcript of Testimony,
- " "B", Protest against Hooper,
- " "C", Certificate of Water Appropriation
of United Cattle & Packing Co.,
and maps,
- " "D", Transcript of Record of State
Engineer's Office for the waters
of Pine Creek,
- " "E", Photographs illustrating subjects
relating to Pine Creek and Indians,
- " "F", Cultural map of the lands of Spad,
Fisherman, and Alec Mike, (one
copy only.)
- " "G", Letters to State Engineer and others,
Note: for further information see
office files no. 61.

November
Twenty Sixth
1918

REPORT OF INSTALLATION OF WEIR TO DUE WITHIN THE FLOW
OF FINE CREEK, WYVA COUNTY, NEVADA.

In re Case No. 4375:

UNITED CATTLE & PACKING COMPANY,

-vs-

TIM HOOPER.

COL. L. A. Dorrington:
Special Indian Agent in Charge,
Beno, Nevada.

My dear Colonel:

I beg leave to submit the following report on the above named subject and others incidental thereto concerning land and water matters involving Tim Hooper and other Shoshone Indians, and their relations to the United Cattle & Packing Co., of Goldfield, Nevada.

This is a continuation of the case growing out of an informal hearing on the water application of Tim Hooper, an Indian, to appropriate certain waters of Fine Creek, situated in T. 11 S. R. 45 E. S. E. $\frac{1}{4}$ of the E. J. $\frac{1}{4}$ of Sec. 21, under date of March 27, 1917, and protested by United Cattle & Packing Company, under date of April 24, 1917, which was heard June 20, 1917, at Tonopah, Nevada, before James G. Soraghan, State Engineer. A transcript of the testimony offered on that occasion is given in full in Exhibit "A", submitted with this report.

In order to properly understand this case it will be necessary to begin at the beginning of Tim Hooper's operations in an effort to secure land on the Public Domain. A great deal of space must be necessarily consumed in making as full an explanation as I deem necessary in order

(2)

that a complete history of the whole situation may be properly placed before you and have a place in the files in your office.

Under date of November 30th, 1912, Mr. L. F. Clar, a surveyor of Manhattan, Nevada, wrote special agent Asbury enclosing the application of Tim Hooper for land on the North Fork of Meadow Creek supposed to be in Section 27, Tp. 10, N. R. 46 E., apparently inside the Toibe Forest Reserve. On December 12th, 1912, Mr. Asbury forwarded the same to the Forest Supervisor at Austin, Nevada. Also, on the same date Mr. Asbury replied to Mr. Clar's letter of November 30th, advising him that Hooper's application had been so filed, stating that the Forest Supervisor would hardly approve it unless he makes his affidavit true by either settling upon the said land, or improving the same. There seems to have been some question raised in regard to his settlement which does not appear in the files.

On December 24th, 1912, Mr. Clar again writes Special Agent Asbury in reply to his letter of the 12th stating that the applicant Hooper is afraid that if he undertakes to improve the land applied for before he secures it that some parties will drive him off and Clar states that he believes his fears are well grounded. Clar also states that the Forest Supervisor has notified Hooper that his application is on the file. Clar asks advice and suggestions from Special Agent Asbury as to some possible remedy to avoid Hooper's settling on the land until his application is granted.

Under date of December 26th, 1912, Special Agent Asbury replies to Clar stating that Hooper has already made affidavit that he has taken up his residence or made improvement on the land applied for in Meadow Canyon, and also states that he feels quite sure that the Forest Officials cannot report favorably on his application until he has taken steps to make that affidavit true, and his failure to do so may prejudice his chances to get this or any other land. He also states in this letter that it seems to him that Hooper's fears are unfounded, as his application is already in and would take precedence over any other that might be made subsequently. He also assures him that Hooper had a right to apply for this land and any violence or intimidation used to prevent him would be the subject of careful inquiry and prosecution if necessary.

Under date of February 5th, 1913, Special Agent Asbury writes Hooper that he should take up his home on this land and either get someone to survey it or find out the cost of the

survey and he would tell him then if the Reno Office could handle it. He also assures him that as his application was already in no one could get ahead of him. Sometime before this date and the date of November 1, 1914, Tim Hooper appeared to have made a visit to the Reno Office, during the absence of Mr. Asbury. Under date of November 6th, 1914, Mr. Asbury writes Hooper that Mr. Van Emon had called his attention to Hooper's visit. Sometime previous to this date Hooper seems to have changed his mind and brought with him a map of land outside of the National Forest about eight or ten miles from the land named in his original application, which, since I have visited the place was undoubtedly the land which he afterwards filed upon. This filing has led to all this trouble and expense; the reason of which will be developed in this report from time to time. In this letter, Special Agent Asbury sends Hooper two application forms, one for himself and one for his wife.

The land indicated was undoubtedly the land Hooper now occupies, a large part of which was then under fence and improved, growing a crop of wild hay through the efforts of either the United Cattle & Packing Company, or their predecessors and a part of what is known as the "Pine Creek Ranch".

In the letter referred to above appears the first mention of water which Hooper seems to have spoken of to Mr. Van Emon, as he is advised in this letter that there seems to be a ranch that uses water out of the same creek and he is advised that it is not probable that he would be permitted to divert water above this land except when there is a surplus, but he might be permitted to use wast water below it, if there was water allowed to pass. He was also advised in this same letter how to make his statements in reference to this water in order that the Reno office might apply properly to the State Engineer. He also advised that the Special Agent might be able to make a trip and visit the land during this winter and request Hooper to inform him of the condition of the roads and etc.

On December 14th, 1914, Hooper forwards his application to the Reno Office for the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 21 and NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 28, Tp. 11, R. N. 46 E. M. D. B. & H. for Indian Allotment Serial No. 08984 which was allowed by the Carson Land Office on July 22d, 1915. In the meantime Hooper had notified the Forest Supervisor at Austin, Nevada, that he would abandon the land previously applied for and