

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
2 STATE OF MONTANA, IN AND FOR THE COUNTY OF LAKE

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FILED MAR 21 1950  
James Harber Clerk District Court  
Case No. 3723  
P E T I T I O N

IN THE MATTER OF THE PETITION  
OF THE BOARD OF COMMISSIONERS  
OF THE JOCKO VALLEY IRRIGATION  
DISTRICT TO DETERMINE AND  
CONFIRM THE VALIDITY OF THE  
PROCEEDINGS HAD RELATIVE TO  
THE EXECUTION OF THE AMENDATORY  
REPAYMENT CONTRACT BETWEEN THE  
UNITED STATES OF AMERICA AND  
THE JOCKO VALLEY IRRIGATION  
DISTRICT.

Come now Gordon Harvey, Howard Neal, and John W. Ellis, constituting the Board of Commissioners of The Jocko Valley Irrigation District, and respectfully represent:

I.

That at all of the times hereinafter mentioned, the petitioners herein have been, and now are, the duly elected, qualified, and acting Commissioners of the Jocko Valley Irrigation District, a public corporation of the State of Montana, and that said petitioners constitute the entire Board of Commissioners of said irrigation district.

II.

That the said Jocko Valley Irrigation District at all times hereinafter mentioned has been, and now is, duly created, established, and organized as an irrigation district under the laws of the State of Montana, and that heretofore, and on the 26th day of August, 1926, the decree and order of the above named Court was duly given, made, and entered, establishing the said district, and creating and organizing the same, and that since said date, the said irrigation district has duly functioned and acted as such.

III.

That on the 20th day of March, 1950, a petition,

1 addressed to the Board of Commissioners of said Jocko Valley  
2 Irrigation District was duly filed with the Secretary of said  
3 Board of Commissioners, petitioning and authorizing and re-  
4 questing the said Board of Commissioners to execute the  
5 amendatory repayment contract between the Jocko Valley Irri-  
6 gation District and the United States of America, the form of  
7 which contract was approved by the Department of the Interior  
8 on September 15, 1949, and by the Board of Commissioners on  
9 November 26, 1949, and which contract is designed to put into  
10 effect the provisions of the Act of May 25, 1948, (Public Law  
11 554, 80th Congress), which law, when put into effect by the  
12 execution of said contract, provides for the continuation of  
13 construction and the operation and maintenance, by the United  
14 States, of the power and irrigation systems of the Flathead  
15 Indian Irrigation Project, and for the continued assumption  
16 by the district of certain indebtedness on account of said  
17 project, and for the repayment to the United States of opera-  
18 tion and maintenance and construction costs expended by the  
19 United States upon said project for the benefit of district  
20 lands. That said petition was duly signed by more than sixty  
21 per cent in number and acreage of the holders of title or  
22 evidence of title to the lands included within said district,  
23 and said petition had attached thereto affidavits duly veri-  
24 fying the signatures contained in and appended to said peti-  
25 tion, and that a certified copy of said petition so filed as  
26 aforesaid is attached hereto, marked Exhibit "A", and made a  
27 part hereof.

28 IV.

29 That thereafter, and on the 20th day of March,  
30 1950, the said Board of Commissioners of The Jocko Valley  
31 Irrigation District, in regular meeting, duly assembled, duly  
32 adopted a resolution authorizing and directing the Board of

1 Commissioners of The Jocko Valley Irrigation District to  
2 execute said contract between the United States and The Jocko  
3 Valley Irrigation District as specified in the aforesaid  
4 petition, and providing for the levy of a special tax or  
5 assessment as provided by law, on all the lands in the dis-  
6 trict for the irrigation and benefit of which said district  
7 was organized, and said contract is proposed, to be made suf-  
8 ficient in amount to pay all amounts to be paid to the United  
9 States under said contract between the Jocko Valley Irrigation  
10 District and the United States, and which said resolution  
11 further provided for the confirmation of all proceedings had  
12 in connection therewith in the above named Court as provided  
13 by law. That a certified copy of the said resolution is at-  
14 tached hereto, marked Exhibit "B", and made a part hereof.

15 V.

16 That the office of said Board of Commissioners, and  
17 the greater portion of the lands within said irrigation dis-  
18 trict are situated and located in the said County of Lake,  
19 and within the judicial district aforesaid.

20 WHEREFORE, your petitioners pray that upon the hear-  
21 ing hereof, the proceedings of the said Board of Commissioners  
22 of The Jocko Valley Irrigation District as stated in the fore-  
23 going petition, together with the execution of the proposed  
24 contract aforesaid, and the said special tax or assessment  
25 may be confirmed and determined and held to be valid for all  
26 and every purpose.

*Yordan Harvey*

*Howard Neal*

*John W. Ellis*

The Board of Commissioners of  
The Jocko Valley Irrigation  
District.

*Harold D. Mellor*  
Pend d'Oreille Building  
Polson, Montana  
Attorney for Petitioners.

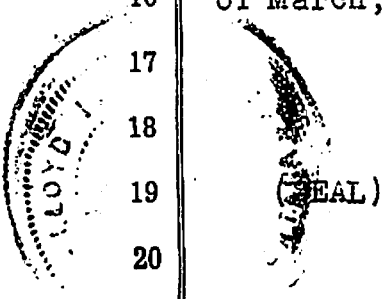
1 STATE OF MONTANA )  
2 County of Lake ) ss.

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GORDON HARVEY, being first duly sworn, on his oath, deposes and says: That he is one of the members of the Board of Commissioners of The Jocko Valley Irrigation District, the petitioners herein, and makes this verification for and on behalf of said petitioners; that he has read the within and foregoing petition, and knows the contents thereof, and that the matters and facts therein stated are true of his own knowledge.

*Gordon Harvey*  
GORDON H. HARVEY

Subscribed and sworn to before me this 20th day of March, 1950.



*Lloyd D. Wallace*  
Notary Public for the State of Montana  
Residing at Polson, Montana  
My Commission expires August 15, 1952.

P E T I T I O N

1  
2 IN THE MATTER OF THE PROPOSED REPAYMENT CONTRACT UNDER  
3 THE PROVISIONS OF THE ACT OF MAY 25, 1948 (PUELIC LAW 554,  
4 80TH CONGRESS).

5 TO THE BOARD OF COMMISSIONERS OF THE JOCKO VALLEY IRRIGA-  
6 TION DISTRICT, MONTANA.

7  
8 Greetings:

9           We, the undersigned, holders of title or evidence  
10 of title to lands within the Jocko Valley Irrigation Dis-  
11 trict, Montana, do petition your Board of Commissioners,  
12 and authorize you, to execute, and authorize your officers  
13 to sign, one certain form of repayment contract between  
14 the United States of America and the Jocko Valley Irriga-  
15 tion District, Montana which was approved as to form by  
16 the Secretary of the Interior on September 15, 1949 and  
17 by your board on November 26, 1949, and which is designed  
18 to put into effect the provisions of the Act of May 25,  
19 1948 (Public Law 554, 80th Congress) which law, when put  
20 into effect by the execution of said contract, provides for  
21 the continuation of construction and the operation and  
22 maintenance, by the United States, of the power and irriga-  
23 tion systems of the Flathead Indian Irrigation Project,  
24 and for the continued assumption by the district of certain  
25 indebtedness on account of said project, and for the re-  
26 payment to the United States of operation and maintenance  
27 and construction costs expended by the United States upon  
28 said project for the benefit of district lands. A copy of  
29 Public Law 554, 80th Congress, as well as a copy of the  
30 form of contract referred to above, is hereto attached.

31  
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Rudolf Wolf  
Anna Wolf  
Wm. Ahern  
Frances M. Ahern  
J. W. Clawson  
Mrs. J. W. Clawson  
J. M. Hahn  
Ethel Hahn  
Vera Jefferson  
S. W. Lytle  
Benton Lytle  
Winton Lytle  
Paul G. Wolf  
Laura E. Siphers

Carl Schlegel  
Ruth M. Schlegel

R. W. Priddy  
Mae Priddy  
Don Grazier  
Virginia Grazier  
A. V. Grazier  
Phoebe G. Grazier  
William H. West  
Mabel West  
G. A. Evans  
Mrs. Ada Howes  
Harry G. Smith  
Clara D. Smith  
Mrs. Alice Flansburg  
Mrs. L. Browning

Russell H. Ford  
C. W. Brinck  
John Morrison  
Marie K. Hamel  
John W. Ellis  
Frannie M. Ford  
Nannie Ellis

Harold F. Benefiel  
Marjorie K. Benefiel  
Monos S. Johnson  
J. W. Siphers  
C. B. Rickert  
Emery F. Boyer  
Margaret M. Morehouse  
John Boegli  
Ethlyn M. Dwyer  
Anton Rasmussen  
Charley Clyde Ringer  
Elizabeth Ringer  
Gordon Harvey  
Helen W. Harvey

C. G. Love  
Grace Love  
Pearl E. Johnson  
Monos S. Johnson  
Harry Suedmeyer  
T. J. Rowe  
Louise Rowe  
L. E. Johnson

Dora N. Kinsley  
Elizabeth Lane  
James L. Mikulecky  
Mrs. Minnie D. Parks  
William H. Farks  
Glen Johnston  
Frank Leonard

Robert L. Cheatham  
Leta M. Cheatham

Mattie L. Broderick

Dan Price  
Karl H. Dodge  
J. C. Rentfro  
Catherine Rentfro  
L. A. Demers  
Demers Merc. Co.  
By L.A. Demers

Emma A. Neffner  
Forest Ray

Edward L. Dickey

Claude L. Mentzer  
Dorothy Mentzer

Wm. C. Anthony  
Nellie D. Anthony

Carl W. Wetzsteon  
Daisy Wetzsteon

Virginia Pearson (Moorse)  
C. A. Moorse

N. X. Malone  
Maurice E. Malone  
Julia M. Malone

Mrs. Ada E. Hill  
Box 66  
Arlee, Mont.  
Witness:  
Mrs. C. A. Moorse

Howard W. Neal  
Gladys O. Neal

Ray D. Cary  
Fern Cary

R. G. Ostergreen

John R. Saunders  
Thomas T. Rider or T. T. Rider

Robert Schall  
Eva N. Schall  
Barney J. Ivanoff  
Evalyn Ivanoff

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C E R T I F I C A T E

STATE OF MONTANA )  
County of Lake ) ss.

I, the undersigned, Gordon Harvey, do hereby certify that I am the duly elected, qualified, and acting Secretary of the Board of Commissioners of the Jocko Valley Irrigation District, a public corporation of the State of Montana; that the foregoing copy of petition, which is marked Exhibit "A", is a true, exact, and correct copy of the original petition addressed to the Board of Commissioners of the Jocko Valley Irrigation District, and filed with me and in my office on the 20th day of March, 1950, and petitioning said Board to execute a certain contract between said District and the United States; that appended to said petition is a full, true, and exact copy of the proposed contract referred to therein, copy of which is attached to the Resolution, Exhibit "B", appended hereto; and I certify that the said original petition so filed with me and in my office is signed by the names and signatures above set forth and in the manner hereinbefore set forth, and that the foregoing list of names is a list of the names of the persons and corporations executing said petition, and that each and all of said names and signatures are duly verified by affidavits attached thereto; and with the said affidavits verifying said signatures thereto attached was duly filed in the office of the Board of Commissioners of said Jocko Valley Irrigation District on the 20th day of March, 1950.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the official seal of said District this 20th day of March, 1950.

*Gordon Harvey*

Secretary of the Board of Commissioners of The Jocko Valley Irrigation District.



RESOLUTION

Exhibit "B"

1  
2  
3           WHEREAS, there has been filed with the Secretary of  
4 the Board of Commissioners of the Jocko Valley Irrigation  
5 District a duly verified petition addressed to said Board of  
6 Commissioners, purporting to be signed by holders of title or  
7 evidence of title to lands included in said district, in  
8 which said petition the said Board of Commissioners of The  
9 Jocko Valley Irrigation District is petitioned and authorized  
10 and requested to execute the amendatory repayment contract  
11 between the Jocko Valley Irrigation District and the United  
12 States of America, the form of which was approved by the De-  
13 partment of the Interior on September 15, 1949, and by said  
14 Board of Commissioners on November 26, 1949, and which is de-  
15 signed to put into effect the provisions of the Act of May 25,  
16 1948 (Public Law 554, 80th Congress) which law, when put into  
17 effect by the execution of said contract, provides for the  
18 continuation of construction and the operation and maintenance,  
19 by the United States, of the power and irrigation systems of  
20 the Flathead Indian Irrigation Project, and for the continued  
21 assumption by the district of certain indebtedness on account  
22 of said project, and for the repayment to the United States  
23 of Operation and Maintenance and construction costs expended  
24 by the United States upon said project for the benefit of  
25 district lands, a copy of which contract is attached hereto,  
26 marked Exhibit "C", and made a part of this resolution;

27           AND, WHEREAS, the aforesaid petition has been duly  
28 presented to and examined by the said Board of Commissioners  
29 of The Jocko Valley Irrigation District, and evidence has  
30 been heard with relation to the same, and the Board being  
31 fully advised in the premises finds that the said petition  
32 has been duly signed by more than sixty per cent in number



1 and acreage of the holders of title or evidence of title to  
2 the lands included within said district, and that said peti-  
3 tion is in all respects sufficient to warrant action thereon  
4 by said Board,

5 NOW, THEREFORE, BE IT RESOLVED by the Board of Com-  
6 missioners of The Jocko Valley Irrigation District in regular  
7 meeting duly assembled this 20 day of March, 1950, that  
8 the prayer of said petition as aforesaid be granted, and that  
9 said contract be made and executed as prayed for therein, and  
10 the said Board of Commissioners hereby authorizes and directs  
11 the execution of said contract between the United States and  
12 the said Jocko Valley Irrigation District, by the President  
13 and Secretary of the Board of Commissioners of said district;

14 AND BE IT FURTHER RESOLVED that there shall be  
15 levied annually a special tax or assessment upon all irrigible  
16 lands included in the district and all lands subsequently in-  
17 cluded which are chargeable under the provisions of the laws  
18 of the United States and of the State of Montana, for the pur-  
19 pose of making all payments due or to become due the United  
20 States under said contract between said district and the  
21 United States, accompanying which bonds of the district have  
22 not been deposited with the United States as in Section 7174  
23 of the Revised Codes of Montana of 1935, and acts amendatory  
24 thereof provided, and said tax or assessment shall be suffi-  
25 cient in amount to meet all payments due, or to become due,  
26 the United States under said contract between the district and  
27 the United States, and all irrigible lands of the district  
28 shall be and remain liable to be taxed and assessed for the  
29 purpose of making all payments due or to become due the United  
30 States under the contract above described between the United  
31 States and the Jocko Valley Irrigation District;

32 AND BE IT FURTHER RESOLVED that within ten days after

1 the adoption of this resolution, said Board of Commissioners  
2 shall file a petition in the District Court of the Judicial  
3 District wherein is located the office of the Board, to deter-  
4 mine the validity of the proceedings had relative to the  
5 making and execution of said contract, and to the levy of  
6 said special tax or assessment as provided in Section 7211 of  
7 the Revised Codes of Montana of 1935, and acts amendatory  
8 thereof, and such proceedings shall be prosecuted without  
9 delay to final decree for the purpose of procuring a decree  
10 ratifying and confirming the execution of said contract, and  
11 the proceedings had and taken with reference thereto;

12           AND BE IT FURTHER RESOLVED that this Board shall do  
13 all acts and things necessary to be done, and shall take all  
14 steps necessary to be taken, to procure the due execution and  
15 confirmation of the contract hereinbefore referred to, to the  
16 end that all of the terms and conditions of said contract  
17 shall be carried out in accordance with its true intent and  
18 meaning and the provisions of the laws of the United States  
19 and of the State of Montana.

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1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
2 STATE OF MONTANA, IN AND FOR THE COUNTY OF LAKE

3  
4 IN THE MATTER OF THE PETITION )  
5 OF THE BOARD OF COMMISSIONERS )  
6 OF THE JOCKO VALLEY IRRIGATION )  
7 DISTRICT TO DETERMINE AND )  
8 CONFIRM THE VALIDITY OF THE )  
9 PROCEEDINGS HAD RELATIVE TO )  
THE EXECUTION OF THE AMENDATORY )  
REPAYMENT CONTRACT BETWEEN THE )  
UNITED STATES OF AMERICA AND )  
THE JOCKO VALLEY IRRIGATION )  
DISTRICT. )

FILED  
MAR 21 1950  
JAMES HARBERT, Clerk District Court  
by *Mabel E. Keltie* Deputy  
CASE No. 3723

ORDER FIXING DAY  
FOR CONFIRMATION  
OF PROCEEDINGS.

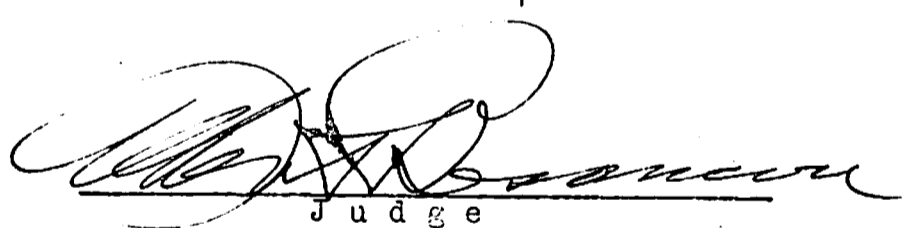
10  
11 Gordon Harvey, Howard Neal, and John W. Ellis, the  
12 Board of Commissioners of The Jocko Valley Irrigation District,  
13 a public corporation of the State of Montana, having filed  
14 herein their duly verified petition to determine the validity  
15 of proceedings had relative to the execution of an amendatory  
16 contract between the United States of America and The Jocko  
17 Valley Irrigation District proposed to be executed by said  
18 Board of Commissioners of said District, and for the confirma-  
19 tion of all proceedings taken by them with reference to the  
20 execution of said contract and relative to the levy of a  
21 special tax in connection therewith for the repayment of the  
22 construction costs and other payments due or to become due the  
23 United States, and it appearing to the Court therefrom that  
24 the office of the said Board of Commissioners of The Jocko  
25 Valley Irrigation District is located within the Fourth Judi-  
26 cial District of the State of Montana, and in the County of  
27 Lake, and that said petition is in the form and sets forth  
28 the facts required by law,

29 NOW THEREFORE, upon application of counsel for said  
30 petitioners, IT IS HEREBY ORDERED that the 11th day of  
31 April, 1950, at 10:00 o'clock, A. M., at the Court Room of  
32 this Court, in the Court House, at Polson, Lake County, Montana,

1 be, and the same is hereby, fixed as the time and place when  
2 and where the hearing upon said petition shall be held by this  
3 Court.

4 IT IS FURTHER ORDERED that the Clerk of the above  
5 entitled Court shall give notice of the filing of said peti-  
6 tion, and of the date of said hearing as hereby fixed, by  
7 publication of the notice thereof at least once a week for two  
8 calendar weeks in the FLATHEAD COURIER, a newspaper of general  
9 circulation in Lake County, Montana, published at Polson, Mon-  
10 tana, and in the county in which the office of the said Board  
11 of Commissioners is situated, and also by posting written or  
12 printed copies of such notice in at least three public places  
13 in each division of the said Jocko Valley Irrigation District,  
14 and said Clerk is further ordered to cause the first of such  
15 publications to be made, and also to post said notices as  
16 aforesaid, upon a date not less than fifteen (15) days prior  
17 to the date fixed for said hearing as required by statute.

18 DONE this 21st day of March, 1950.

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23 J u d g e  
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Case No. 3723

In the Matter of the Petition of the Board of Commissioners of Jocko Valley Irrigation District to Determine and Confirm the Validity of the Proceedings Had Relative to the Execution of the Amendatory Repayment Contract Between the United States of America and The Jocko Valley Irrigation District.

MINUTE ENTRY

On the motion of Lloyd I. Wallace, attorney for the Petitioners, the Court set the above matter for hearing on April 11th, 1950 at 10:00 o'clock A. M.

Done this 21st day of March, 1950

Albert Besancon  
District Judge

CC: Lloyd I. Wallace

DCJ Vol. 4, page 176

Case No. 5725

In the matter of the petition of the Board of Commissioners of Jocko Valley Irrigation District to Determine and Confirm the Validity of the Proceedings had Relative to the Execution of the Amendatory Repayment Contract between the United States of America and the Jocko Irrigation District.

MINUTE ENTRY

Pursuant to an oral order of the Court made on April 4th, all matters set for hearing on April 11th, 1950 were continued to April 18th, 1950 at 10 A. M.

Done this 4th day of April, 1950

Albert Besancon  
District Judge

CC: Lloyd A. Wallace

DCJ Vol. 4, page \_\_\_\_\_

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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
STATE OF MONTANA, IN AND FOR THE COUNTY OF LAKE

IN THE MATTER OF THE PETITION )  
OF THE BOARD OF COMMISSIONERS )  
OF THE JOCKO VALLEY IRRIGATION )  
DISTRICT TO DETERMINE AND CON- )  
FIRM THE VALIDITY OF THE )  
PROCEEDINGS HAD RELATIVE TO )  
THE EXECUTION OF THE AMENDATORY )  
REPAYMENT CONTRACT BETWEEN THE )  
UNITED STATES OF AMERICA AND )  
THE JOCKO VALLEY IRRIGATION )  
DISTRICT. )


*Filed*  
*James Stuber* APR 12 1950  
Clerk District Court  
Case No. 4725 5725

O R D E R

It appearing to the Court, that the presiding Judge  
of the above entitled Court will be engaged in other work  
outside of Lake County on April 11, 1950, and will be unable  
to hear the Petition filed in the above entitled Court on  
March 21, 1950;

NOW, THEREFORE, IT IS HEREBY ORDERED, That the hearing  
on said Petition be, and the same is hereby, continued, from  
April 11, 1950, to April 18, 1950, at ten o'clock A. M.

DATED This 10<sup>th</sup> day of April, 1950.

  
District Judge

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
2 STATE OF MONTANA, IN AND FOR THE COUNTY OF LAKE

3  
4 IN THE MATTER OF THE PETITION  
5 OF THE BOARD OF COMMISSIONERS  
6 OF THE JOCKO VALLEY IRRIGATION  
7 DISTRICT TO DETERMINE AND CON-  
8 FIRM THE VALIDITY OF THE  
9 PROCEEDINGS HAD RELATIVE TO  
10 THE EXECUTION OF THE AMENDATORY  
11 REPAYMENT CONTRACT BETWEEN THE  
12 UNITED STATES OF AMERICA AND  
13 THE JOCKO VALLEY IRRIGATION  
14 DISTRICT.

FILED APR 17 1950  
JAMES HANBERT, Clerk District Court  
By Malcolm E. Veltje, Deputy  
CASE No. 3723

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11 NOTICE OF HEARING ON PETITION FOR CONFIRMATION  
12 OF PROCEEDINGS HAD BY THE JOCKO VALLEY IRRI-  
13 GATION DISTRICT WITH REFERENCE TO EXECUTION  
14 OF AMENDATORY REPAYMENT CONTRACT BETWEEN THE  
15 UNITED STATES OF AMERICA AND THE JOCKO VALLEY  
16 IRRIGATION DISTRICT.

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17 NOTICE IS HEREBY GIVEN that the Board of Commissioners  
18 of The Jocko Valley Irrigation District, a public corporation  
19 of the State of Montana, has filed a petition in the above  
20 named Court to determine the validity of proceedings had rela-  
21 tive to the execution of a certain contract between the United  
22 States and the Jocko Valley Irrigation District and the levy  
23 of a special tax in connection therewith, from which petition  
24 it appears in substance as follows:

25 That the said Jocko Valley Irrigation District was  
26 duly organized and established by a decree of this Court on the  
27 26th day of August, 1926.

28 That on the 20th day of March, 1950, there was  
29 duly filed with the Secretary of the Board of Commissioners of  
30 said District a duly verified petition signed as provided by  
31 law by more than sixty per cent in number and acreage of the  
32 holders of title or evidence of title to the lands included  
within said irrigation district, which said petition was



1 addressed to the said Board of Commissioners, and requested and  
2 authorized said Board to execute an amendatory contract between  
3 the United States and the Jocko Valley Irrigation District, and  
4 which contract is designed to put into effect the provisions of  
5 the Act of May 25, 1948, (Public Law 554, 80th Congress), which  
6 law, when put into effect by the execution of said contract  
7 provides for the continuation of construction and the operation  
8 and maintenance, by the United States, of the power and irriga-  
9 tion systems of the Flathead Indian Irrigation Project, and for  
10 the continued assumption by the district of certain indebted-  
11 ness on account of said project, and for the repayment to the  
12 United States of operation and maintenance and construction  
13 costs expended by the United States upon said project for the  
14 benefit of district lands.

15 That upon the filing of said petition, the Board of  
16 Commissioners of said irrigation district by resolution autho-  
17 rized and directed the execution of said contract and directed  
18 the filing in the above named Court of said petition to deter-  
19 mine the validity of the proceedings had relative to the execu-  
20 tion of said contract, and to the levy of a special tax in  
21 connection therewith.

22 That said petition prays for the confirmation of the  
23 proceedings of said Board as stated in said petition.

24 That certified copies of the said petition filed with  
25 the Secretary of said Board of Commissioners and of the resolu-  
26 tion adopted by the Board are annexed to the petition filed in  
27 the above entitled matter.

28  
29 NOTICE IS HEREBY GIVEN that the said petition has  
30 been set for hearing at 10 o'clock A. M., on the 11th day of  
31 April, 1950, at the Court Room in the Court House, at Polson,  
32 Lake County, Montana, and that any person interested in, or

1 whose rights may be affected by the execution of the said  
2 contract, or the levy of said special tax or assessment, or  
3 the proceedings had or to be had by the said Board of Commis-  
4 sioners with respect to said matters, may, on or before the  
5 day so fixed for the hearing of said petition, demur to or  
6 answer said petition, and may appear at said hearing and con-  
7 test the granting of the prayer of said petition and the  
8 entry of any order or confirmation pursuant thereto.

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Dated this 21st day of March, 1950.

BY ORDER OF THE COURT.

(COURT SEAL)

James Harbut  
Clerk of the above named Court.

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
2 STATE OF MONTANA, IN AND FOR THE COUNTY OF LAKE

3 FILED APR 17 1950  
4 JAMES HARBERT, Clerk District Court  
5 By Mildred E. Vialata Deputy  
6 CASE No. 3723

4 IN THE MATTER OF THE PETITION )  
5 OF THE BOARD OF COMMISSIONERS )  
6 OF THE JOCKO VALLEY IRRIGATION )  
7 DISTRICT TO DETERMINE AND CON- )  
8 FIRM THE VALIDITY OF THE )  
9 PROCEEDINGS HAD RELATIVE TO )  
THE EXECUTION OF THE AMENDATORY )  
REPAYMENT CONTRACT BETWEEN THE )  
UNITED STATES OF AMERICA AND )  
THE JOCKO VALLEY IRRIGATION )  
DISTRICT. )

A F F I D A V I T

10 -----

11  
12 STATE OF MONTANA )  
13 County of Lake ) ss.

14 James Harbert, being first duly sworn, on his oath  
15 according to law, deposes and says: that he is, and at all  
16 times hereinafter mentioned, has been the duly elected, quali-  
17 fied, and acting Clerk of the above entitled Court; and that  
18 pursuant to the Order of the above entitled Court, made and  
19 filed herein on March 21, 1950, this affiant caused the Notice  
20 of Hearing on Petition for confirmation of proceedings had by  
21 the Jocko Valley Irrigation District, with reference to the  
22 execution of the Amendatory Repayment Contract between said  
23 District and the United States, to be published in the Flathead  
24 Courier, a weekly newspaper, printed and published at Polson,  
25 Lake County, Montana, at least once a week for two calendar  
26 weeks, by publication in said paper on March 23, 1950, March 30,  
27 1950, and April 6, 1950, in the regular and entire issues of  
28 said paper on said dates, all of which is more fully set out  
29 by the Affidavit of Mildred H. Murphy, principal clerk,  
30 of said newspaper, hereto annexed.

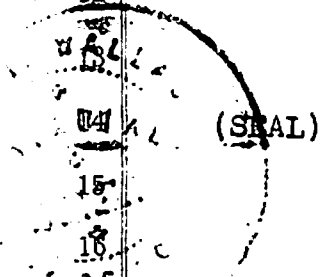
31 Affiant further states that he also caused copies of  
32 said Notice to be posted in accordance with said Order. Said

1 posting was done not less than fifteen (15) days prior to the  
2 11th day of April, 1950, to-wit: on the 24th day of March,  
3 1950, as is more fully set out in the annexed Affidavit of  
4 Gordon Harvey, and all of said Notices were true and exact  
5 copies of said Notice of Hearing, as shown by said Affidavit.  
6  
7

8 James Staubert  
9

10 Subscribed and sworn to before me this 10th day of  
11 April, 1950.  
12

13 Raymond S. Wallace  
14 Notary Public for the State of Montana  
15 Residing at Polson, Montana  
16 My Commission expires August 15, 1952.  
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# Affidavit of Publication

STATE OF MONTANA, }  
COUNTY OF LAKE, } ss.

Willard H. Murphy, being duly sworn, deposes and says, that he is Printer, Principal Clerk, Foreman, of The Flathead Courier, a newspaper of general circulation, published and printed in Polson, Lake County, Montana, and that the attached notice has been correctly published in the regular and entire issue of every number of said paper for 3 successive weeks, commencing on the 23rd day of March, 1950, and published on the following dates thereafter:

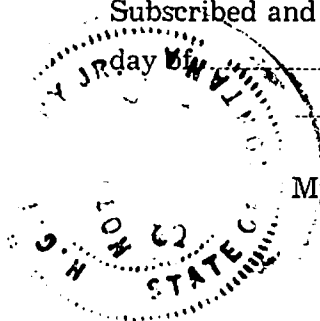
March 30, 1950,  
and April 6, 1950,  
and \_\_\_\_\_, 19\_\_\_\_,  
and \_\_\_\_\_, 19\_\_\_\_.

Signed Willard H. Murphy

Subscribed and sworn to before me this 7th day of April, 1950.

W. H. Murphy, Jr.  
Notary Public for the State of Montana, residing at Polson

My commission expires 3-15-52



NOTICE IS HEREBY GIVEN that the Board of Commissioners of the Jocko Valley Irrigation District, a public corporation of the State of Montana, has filed in the above named Court of the State of Montana, a petition for the execution of a certain contract between the United States and the Jocko Valley Irrigation District, and which contract is designated to put into effect the provisions of the Act of May 25, 1948, (Public Law 554, 80th Congress), which law, when put into effect by the execution of said contract provides for the continuation of construction and the operation and maintenance, by the United States, of the power and irrigation systems of the Flathead Indian Irrigation Project, and for the continued assumption by the district of certain indebtedness on account of said project, and for the repayment to the United States of operation and maintenance and construction costs expended by the United States upon said project for the benefit of district lands.

That upon the filing of said petition, the Board of Commissioners of said irrigation district by resolution authorized and directed the execution of said contract and directed the filing in the above named Court of said petition to determine the validity of the proceedings had relative to the execution of said contract, and to the levy of a special tax in connection therewith.

That said petition prays for the confirmation of the proceedings of said Board as stated in said petition.

That certified copies of the said petition filed with the Secretary of said Board of Commissioners and of the resolution adopted by the Board are annexed to the petition filed in the above entitled matter.

NOTICE IS HEREBY GIVEN that the said petition has been set for hearing at 10 o'clock, A. M., on the 11th day of April, 1950, at the Court Room in the Court House, at Polson, Lake County, Montana, and that any person interested in, or whose rights may be affected by the execution of the said contract, or the levy of said special tax or assessment, or the proceedings had or to be had by the said Board of Commissioners with respect to said matters, may, on or before the day so fixed for the hearing of said petition, demand or answer said petition, and may appear at said hearing and contest the granting of the prayer of said petition and the entry of any order or confirmation pursuant thereto.

Dated this 21st day of March, 1950.

BY ORDER OF THE COURT.  
(COURT SEAL)

JAMES HARBERT  
Clerk of the above named Court.

1 STATE OF MONTANA )  
2 COUNTY OF LAKE ) ss.

3 GORDON HARVEY, being first duly sworn, deposes and  
4 says:

5 That he is the duly appointed, qualified, and acting  
6 Secretary of the above named Jocko Valley Irrigation District;  
7 that on the 24th day of March, 1950, pursuant to the Order of  
8 the Court herein, he posted in three (3) public places in each  
9 of the three (3) divisions of said Jocko Valley Irrigation  
10 District, Notices of the hearing upon the Petition for Confir-  
11 mation and Determination of the Validity of the Proceedings of  
12 the Board of Commissioners of said irrigation district, had  
13 relative to the execution of an Amendatory Repayment Contract  
14 between the said irrigation district and the United States, and  
15 of the levying of the special tax in connection therewith, and  
16 of the date of hearing thereon; and that hereto is attached,  
17 and marked "Exhibit A", and made a part hereof, a true copy of  
18 all said Notices so posted as aforesaid; that each of the said  
19 Notices was posted more than fifteen (15) days prior to the  
20 date fixed in said Notices for the hearing upon the Petition  
21 therein mentioned.

22 That in Division No. 1 of the Jocko Valley Irrigation  
23 District the notices so posted as aforesaid were posted as  
24 follows, to-wit:

25 One on a pole at the entrance to Mountain Home;  
26 One on a billboard at the Arlee Grade School;  
27 One on the wall at the United States Post  
28 Office at Arlee, Montana.

29 That in Division No. 2 of the Jocko Valley Irrigation  
30 District, the Notices so posted as aforesaid were posted as  
31 follows, to-wit:

32 One at the junction of the Smith land with the

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mail route;

One at the junction of the Wemple land with the mail route;

One at the entrance to the Schall Ranch.

That in Division No. 3 of the Jocko Valley Irrigation District, the notices so posted as aforesaid were posted as follows, to-wit:

One on a bulletin board at the Dixon school house;

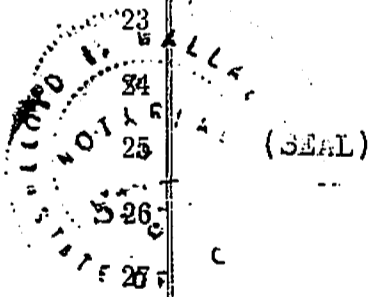
One on a bulletin board at the Dixon Post Office;

One at the entrance to the John W. Ellis Ranch.

That each of the places in the said Divisions in which the Notices were so posted as aforesaid is a public place in that vicinity; and that each of said Notices were posted by being securely tacked, nailed, or pasted to posts or buildings upon which the same were affixed.

Gordon Harney

Subscribed and sworn to before me this 30th day of March, 1950.



Hayden D. Mallock

Notary Public for the State of Montana  
Residing at Polson, Montana  
My Commission expires August 15, 1952.

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
2 STATE OF MONTANA, IN AND FOR THE COUNTY OF LAKE

3  
4 IN THE MATTER OF THE PETITION  
5 OF THE BOARD OF COMMISSIONERS  
6 OF THE JOCKO VALLEY IRRIGATION  
7 DISTRICT TO DETERMINE AND CON-  
8 FIRM THE VALIDITY OF THE  
9 PROCEEDINGS HAD RELATIVE TO  
THE EXECUTION OF THE AMENDATORY  
REPAYMENT CONTRACT BETWEEN THE  
UNITED STATES OF AMERICA AND  
THE JOCKO VALLEY IRRIGATION  
DISTRICT.

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10  
11 NOTICE OF HEARING ON PETITION FOR CONFIRMATION  
12 OF PROCEEDINGS HAD BY THE JOCKO VALLEY IRRI-  
13 GATION DISTRICT WITH REFERENCE TO EXECUTION  
14 OF AMENDATORY REPAYMENT CONTRACT BETWEEN THE  
UNITED STATES OF AMERICA AND THE JOCKO VALLEY  
IRRIGATION DISTRICT.

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15  
16 NOTICE IS HEREBY GIVEN that the Board of Commissioners  
17 of The Jocko Valley Irrigation District, a public corporation  
18 of the State of Montana, has filed a petition in the above  
19 named Court to determine the validity of proceedings had rela-  
20 tive to the execution of a certain contract between the United  
21 States and the Jocko Valley Irrigation District and the levy  
22 of a special tax in connection therewith, from which petition  
23 it appears in substance as follows:

24 That the said Jocko Valley Irrigation District was  
25 duly organized and established by a decree of this Court on the  
26 26th day of August, 1926.

27 That on the 20th day of March, 1950, there was  
28 duly filed with the Secretary of the Board of Commissioners of  
29 said District a duly verified petition signed as provided by  
30 law by more than sixty per cent in number and acreage of the  
31 holders of title or evidence of title to the lands included  
32 within said irrigation district, which said petition was



1 addressed to the said Board of Commissioners, and requested and  
2 authorized said Board to execute an amendatory contract between  
3 the United States and the Jocko Valley Irrigation District, and  
4 which contract is designed to put into effect the provisions of  
5 the Act of May 25, 1948, (Public Law 554, 80th Congress), which  
6 law, when put into effect by the execution of said contract  
7 provides for the continuation of construction and the operation  
8 and maintenance, by the United States, of the power and irriga-  
9 tion systems of the Flathead Indian Irrigation Project, and for  
10 the continued assumption by the district of certain indebted-  
11 ness on account of said project, and for the repayment to the  
12 United States of operation and maintenance and construction  
13 costs expended by the United States upon said project for the  
14 benefit of district lands.

15 That upon the filing of said petition, the Board of  
16 Commissioners of said irrigation district by resolution autho-  
17 rized and directed the execution of said contract and directed  
18 the filing in the above named Court of said petition to deter-  
19 mine the validity of the proceedings had relative to the execu-  
20 tion of said contract, and to the levy of a special tax in  
21 connection therewith.

22 That said petition prays for the confirmation of the  
23 proceedings of said Board as stated in said petition.

24 That certified copies of the said petition filed with  
25 the Secretary of said Board of Commissioners and of the resolu-  
26 tion adopted by the Board are annexed to the petition filed in  
27 the above entitled matter.

28  
29 NOTICE IS HEREBY GIVEN that the said petition has  
30 been set for hearing at 10 o'clock A. M., on the 11th day of  
31 April, 1950, at the Court Room in the Court House, at Polson,  
32 Lake County, Montana, and that any person interested in, or

1 whose rights may be affected by the execution of the said  
2 contract, or the levy of said special tax or assessment, or  
3 the proceedings had or to be had by the said Board of Commis-  
4 sioners with respect to said matters, may, on or before the  
5 day so fixed for the hearing of said petition, demur to or  
6 answer said petition, and may appear at said hearing and con-  
7 test the granting of the prayer of said petition and the  
8 entry of any order or confirmation pursuant thereto.

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Dated this 21st day of March, 1950.

BY ORDER OF THE COURT.

(COURT SEAL)

JAMES HARBERT  
Clerk of the above named Court.

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE  
2 STATE OF MONTANA, IN AND FOR THE COUNTY OF LAKE

3 FILED APR 18 1950  
4 *James Harkit* Clerk District Court  
5 Case No. 2723

6 IN THE MATTER OF THE PETITION )  
7 OF THE BOARD OF COMMISSIONERS )  
8 OF THE JOCKO VALLEY IRRIGATION )  
9 DISTRICT TO DETERMINE AND CON- )  
10 FIRM THE VALIDITY OF THE )  
11 PROCEEDINGS HAD RELATIVE TO )  
12 THE EXECUTION OF THE AMENDATORY )  
13 REPAYMENT CONTRACT BETWEEN THE )  
14 UNITED STATES OF AMERICA AND )  
15 THE JOCKO VALLEY IRRIGATION )  
16 DISTRICT. )

D E C R E E

17 This matter came on regularly to be heard on the  
18 18th day of April, 1950, before the Honorable Albert  
19 Besancon, sitting without a jury. The Petitioners were repre-  
20 sented by their counsel, Lloyd I. Wallace, Esq. No person,  
21 either before the date of hearing or at the time thereof,  
22 filed any demurrer or answer to the Petition, and no person  
23 appeared at the hearing to contest the granting of the prayer  
24 of said petition, and no appearances of any kind in opposi-  
25 tion to said petition were made either at the time of or  
26 prior to the date of the hearing.

27 Thereupon evidence, both oral and documentary, in  
28 support of the petition was introduced, and the Court being  
29 now fully advised in the premises, finds as follows:

I.

30 That by reason of the fact that none of the holders  
31 of title or evidence of title to lands included within the  
32 district have answered or demurred to the petition, or made  
any appearance whatsoever, the holders of title or evidence  
of title to lands included within the district are deemed to  
have admitted as true all of the material statements of the  
petition.

COURIER  
PUBLICATION

RECORDED *Judgment*  
*Record* VOL. 4 PAGE 53 - -1-

b

1 II.

2 The Court, after an examination of the notices  
3 given, finds that notice was given in all respects as re-  
4 quired by law, and that the Court has jurisdiction to examine  
5 and determine the regularity, legality, and validity of the  
6 proceedings preliminary and relative to the execution of the  
7 amendatory repayment contract attached to the petition.

8 III.

9 The Court finds that at all of the times herein  
10 mentioned, Gordon Harvey, Howard Neal, and John W. Ellis  
11 were the fully elected, qualified, and acting Commissioners  
12 of the Jocko Valley Irrigation District, a public corporation  
13 of the State of Montana, and that said petitioners consti-  
14 tuted the entire Board of Commissioners of said district.

15 IV.

16 The Court finds that the said Jocko Valley Irriga-  
17 tion District, at all of the times hereinafter mentioned has  
18 been, and now is, duly created, established, and organized  
19 as an irrigation district under the laws of the State of  
20 Montana, and that heretofore, and on the 26th day of August,  
21 1926, the decree and order of the above named Court was duly  
22 given, made, and entered, establishing the said district and  
23 creating and organizing the same, and that since said date,  
24 the said irrigation district has duly functioned and acted  
25 as such.

26 V.

27 The Court finds that on the 20th day of March,  
28 1950, a petition addressed to the Board of Commissioners of  
29 said Jocko Valley Irrigation District was duly filed with  
30 the Secretary of said Board of Commissioners, petitioning  
31 and authorizing and requesting the said Board of Commissioners  
32 to execute the amendatory repayment contract between the

1 Jocko Valley Irrigation District and the United States of  
2 America, the form of which contract was approved by the De-  
3 partment of the Interior on September 15, 1949, and by the  
4 Board of Commissioners on November 26, 1949, and which con-  
5 tract is designed to put into effect the provisions of the  
6 Act of May 25, 1948, (Public Law 554, 80th Congress), which  
7 law, when put into effect by the execution of said contract,  
8 provides for the continuation of construction and the opera-  
9 tion and maintenance, by the United States, of the power and  
10 irrigation systems of the Flathead Indian Irrigation Project,  
11 and for the continued assumption by the district of certain  
12 indebtedness on account of said project, and for the repay-  
13 ment to the United States of operation and maintenance and  
14 construction costs expended by the United States upon said  
15 project for the benefit of district lands. That said peti-  
16 tion was duly signed by more than sixty per cent in number  
17 and acreage of the holders of title or evidence of title to  
18 the lands included within said district, and said petition  
19 had attached thereto, affidavits duly verifying the signatures  
20 contained in and appended to said petition.

21 VI.

22 That thereafter, and on the 20th day of March, 1950,  
23 the said Board of Commissioners of the Jocko Valley Irrigation  
24 District, in regular meeting duly assembled, duly adopted a  
25 resolution authorizing and directing the Board of Commissioners  
26 of the Jocko Valley Irrigation District to execute said con-  
27 tract between the United States and the Jocko Valley Irrigation  
28 District, as specified in the aforesaid petition, and providing  
29 for the levy of a special tax or assessment, as provided by  
30 law, on all the lands in the district for the irrigation and  
31 benefit of which said district was organized, and said con-  
32 tract is proposed, to be made sufficient in amount to pay all

1 amounts to be paid to the United States under said contract  
2 between the Jocko Valley Irrigation District and the United  
3 States, and which said resolution further provided for the  
4 confirmation of all proceedings had in connection therewith  
5 in the above named Court as provided by law.

6 VII.

7 That the office of said Board of Commissioners, and  
8 the greater portion of the lands within said irrigation dis-  
9 trict, are situated and located in the said County of Lake,  
10 and within the judicial district aforesaid.

11 VIII.

12 That all of the proceedings taken and had by the  
13 said Board of Commissioners were and are regular, legal,  
14 valid, and in compliance with the requirements of law, and  
15 all the allegations of the said petition filed herein are  
16 true.

17 IX.

18 That the petitioners are entitled to a decree de-  
19 termining the regularity, legality, and validity of said  
20 proceedings, and of the execution of said amendatory repay-  
21 ment contract, and the levying of a special tax or assessment,  
22 and ratifying, confirming, approving, and declaring the same  
23 valid in its entirety.

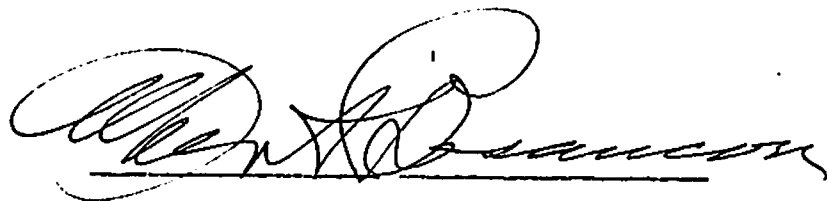
24  
25 WHEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED,  
26 and this does ORDER, ADJUDGE, AND DECREE, that the proceedings  
27 of the Board of Commissioners of the Jocko Valley Irrigation  
28 District had preliminary and relative to the execution of the  
29 amendatory repayment contract between the Jocko Valley Irri-  
30 gation District and the United States of America were and are,  
31 in all respects, regular, legal, and valid; and

32 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that

1 the acts of said Board of Commissioners of said Jocko Valley  
2 Irrigation District, and resolution of said Board of Commis-  
3 sioners, directing the execution of said amendatory repayment  
4 contract, are in all respects ratified, approved, and confirmed;

5 AND, IT IS FURTHER ORDERED, ADJUDGED, AND DECREED,  
6 that the levy of a special tax or assessment upon all irrigable  
7 lands included within said district, and all lands subsequently  
8 to be included, which are chargeable under the provisions of  
9 the laws of the United States and the State of Montana for the  
10 purpose of making all payments due, or to become due, the  
11 United States under said amendatory repayment contract, is  
12 hereby declared to be regular, legal, and valid, and is, in  
13 all respects, ratified, approved, and confirmed.

14  
15 DONE IN OPEN COURT this 18th day of April, 1950.

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J u d g e

Case No. 3728

In the matter of the Petition of the Board of Commissioners of the Jocko Valley Irrigation District to determine and confirm the validity of the proceedings had relative to the execution of the Amendatory Repayment Contract between the United States of America and the Jocko Valley Irrigation District:

MINUTE ENTRY

The above entitled matter came on regularly for hearing upon the petition of the board of commissioners of the Jocko Valley Irrigation District for confirmation of the Amendatory Repayment Contract. The following witnesses were sworn and testified; Gordon Harvey, Commissioner and Secretary of the Jocko Valley Irrigation District; Frederick H. Varnum, Civil Engineer of the Flathead Project and Firman Brown, project engineer.

It appearing that legal notice has been given; that no objections have been made or filed, the Court ordered that the proceedings of the Board of Commissioners of the Jocko Valley Irrigation District had relative to said amendatory repayment contract were regular, legal and valid, and are in all respects ratified, approved and confirmed.

It is further ordered that the levy of a special tax or assessment upon the irrigable lands in said district, or subsequently within said district, which are chargeable under the provisions of the laws of the State of Montana and of the United States for the purpose of making all payments due, or to become due, the United States under said amendatory repayment contract, is hereby declared regular, legal and valid, and is, in all respects ratified, approved and confirmed.

Done this 18th day of April, 1950

Albert Besancon  
District Judge



See Irrigation  
District M. F.

H. W. Weston

Ella H. Weston

Edna Wilma Simons

Theodore J. Moorse  
Henrietta J. Moorse

Lauren Christopher

R. Y. Brown  
Margaret M. Brown  
A. W. Benson

James McCauley  
Walter Volkman

Ida Sommers  
Earl Sommers

Stella M. O'Mara

Theodore G. Madson  
Gladys Madsen  
J. L. Marsh  
Edna M. Marsh

Loren E. Hill

Charline M. Sipher  
William D. Sipher

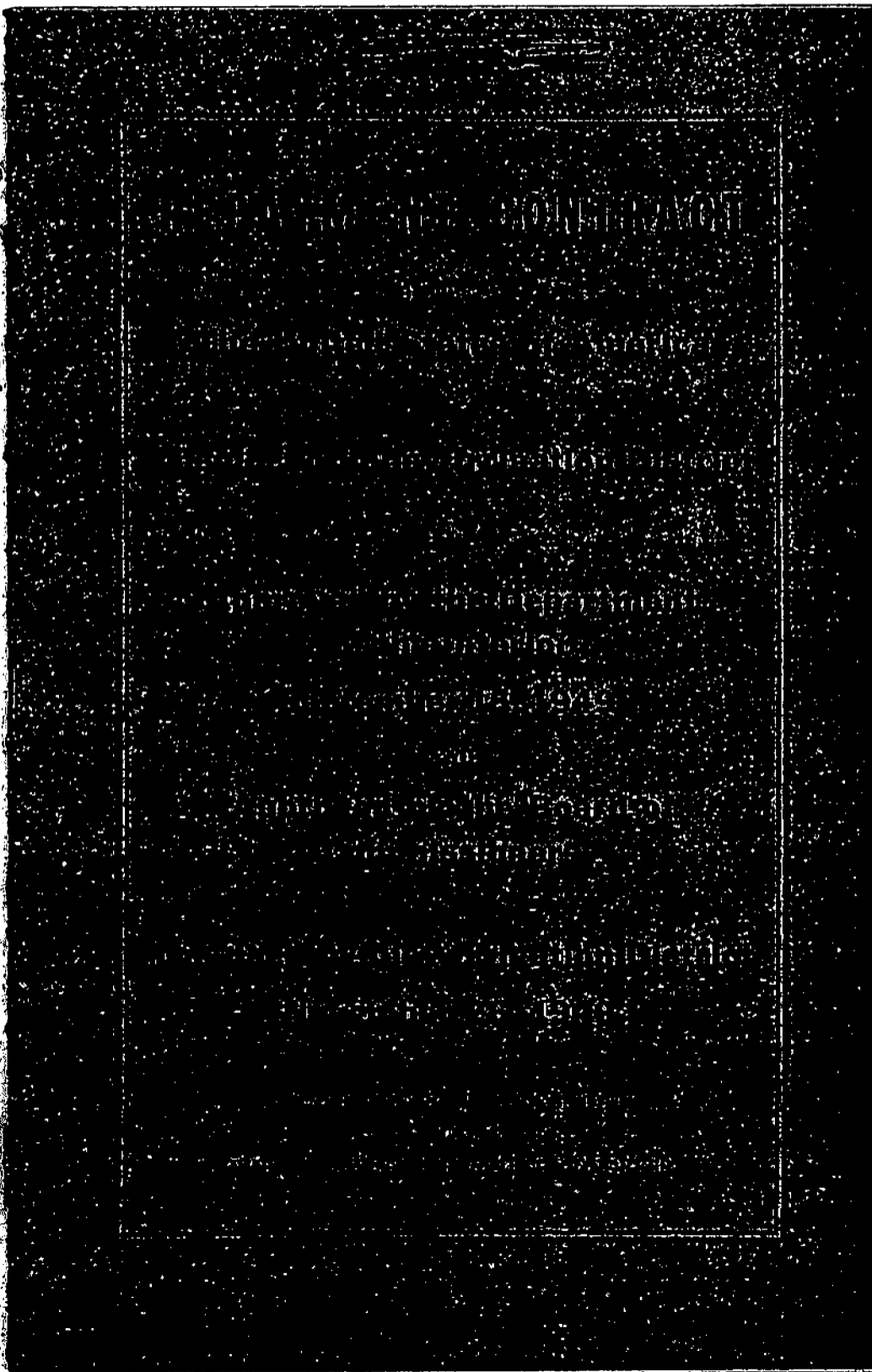
Minnie E. Rice

R. F. Berg.

Bernard McLeod  
Regina McLeod

Elmer H. Wemple  
Ruth Wemple

Clem Cole



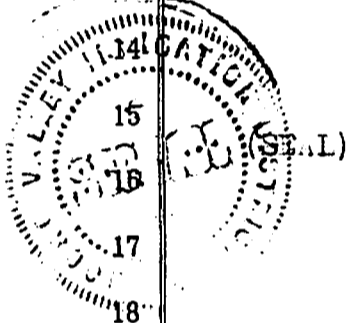
1 STATE OF MONTANA )  
2 County of Lake ) ss.

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I, the undersigned, Gordon Harvey, DO HEREBY CERTIFY that I am the duly elected, qualified, and acting Secretary of the Board of Commissioners of The Jocko Valley Irrigation District, a public corporation of the State of Montana, and that the foregoing Resolution, with the Exhibit "C" attached thereto, is a true and correct copy of the resolution duly adopted by the unanimous vote of the Board of Commissioners of the Jocko Valley Irrigation District in a meeting duly assembled on the 20th day of March, 1950.

*Gordon Harvey*

Secretary of the Board of Commissioners of The Jocko Valley Irrigation District.



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