

# Am I successor to an Indian Allottee?

If your property was an original allotment to a member of the Flathead Tribe, then you are a successor in interest to an allottee, and very likely have what is considered to be Walton water rights with an 1855 priority date.

## How can I find the original patent to my parcel(s) of land?

You can find out whether your property was an allotment or a homesteaded parcel, and secure a copy of the original land patent by checking the General Land Office (GLO) records of the Bureau of Land Management as follows:

What you need:

- A listing of the parcels of land you own, along with the legal description of the land
- Access to the internet and a computer

Steps to Follow:

- Select the following link to get to the [BLM records search](#). You will see the following screen:

The screenshot shows the 'General Land Office Records' search page from the Bureau of Land Management website. The page has a header with the BLM logo and navigation tabs for 'Search Documents', 'Reference Center', 'Support', and 'Shopping Cart'. Below the header, there are three search options: 'Search Documents By Type', 'Search Documents By Location', and 'Search Documents By Identifier'. The 'Search Documents By Location' option is selected. The main search area is divided into several sections: 'Location' (State: ALABAMA, County: Any County), 'Names' (Last Name, First Name, Middle Name, search checkboxes), 'Land Description' (Township, Range, Meridian, Section #), and 'Miscellaneous' (Land Office, Issue Date, Document #, Militia, Indian Allot #, Tribe, Survey #, Geo. Name/Mining Claim, Authority). A 'Search Patents' button is at the bottom left. A note at the bottom right states: 'Note: This site does not cover every state, but we do have resource links for most states.'

## CHOOSE LOCATION OF PARCEL OF LAND:

Click on the V to the right of State and select the state of Montana

Next, Click on the V to the right of County and select the county that the property is located in

## NAMES:

Do not fill in this section unless you know the “original owner” of the parcel of land.

## FILL IN “LAND DESCRIPTION” INFORMATION:

From your property tax records, fill in the TOWNSHIP, RANGE, MERIDIAN AND SECTION NUMBER OF THE PROPERTY. Here is an example of a completed form:

The screenshot shows a web interface for searching patents. At the top, there are three tabs: "Search Documents By Type", "Search Documents By Location", and "Search Documents By Identifier". The "Search Documents By Location" tab is selected. On the left, there is a sidebar with a "Patents" dropdown menu and a list of categories: "Surveys", "LSR", and "CDI". The main search area is titled "Search" and contains several sections:

- Location:** State: MONTANA, County: Lake.
- Names:** Last Name, First Name, Middle Name, and checkboxes for "search patentees" and "search warrantees".
- Land Description:** Township: 18 North, Range: 19 West, Meridian: Montana PM, Section #: 19.
- Miscellaneous:** Land Office, Issue Date, Document #, Militia, Indian Allot. #, Tribe, Survey #, Geo. Name/Mining Claim, and Authority.

A red circle highlights the Location, Names, and Land Description sections. Below the form is an orange "Search Patents" button. To the right of the button is a note: "Note: This site does not cover every state, but we do have [resource links](#) for most states."

Next, click on the orange SEARCH PATENTS BUTTON. The following screen will come up:

U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT											
General Land Office Records											
Search Documents		Reference Center		Support		Shopping Cart					
Search Documents		Results List									
Printer Friendly											
Image	Accession	Names[]	Date	Doc #	State	Meridian	Twp - Rng	Aliquots	Sec. #	County	
	<a href="#">18783</a>	ASHLEY, ALEX	10/8/1908	119392-08	MT	Montana PM	018N - 019W	S1/4SE1/4	19	Lake	
	<a href="#">218941</a>	ASHLEY, FRANK, ASHLEY, ALEX	9/17/1923	1105488	MT	Montana PM	018N - 019W	S1/4SE1/4	19	Lake	
	<a href="#">1022873</a>	DIXON, C. F., TELCASTAIR, LOUIE A	1/28/1929	1324821	MT	Montana PM	018N - 019W	NW1/4SE1/4	19	Lake	
	<a href="#">18850</a>	DUCHARME, FRANK	10/8/1908	119392-08	MT	Montana PM	018N - 019W	E1/4NE1/4	19	Lake	
	<a href="#">499638</a>	DUCHARME, FRANK	11/17/1915	863381	MT	Montana PM	018N - 019W	E1/4NE1/4	19	Lake	
	<a href="#">18801</a>	DUCHARME, JOSETTE	10/8/1908	119392-08	MT	Montana PM	018N - 019W	W1/4NE1/4	19	Lake	
	<a href="#">780783</a>	DUCHARME, JOSETTE	11/9/1920	950422	MT	Montana PM	018N - 019W	W1/4NE1/4	19	Lake	
	<a href="#">343928</a>	GREYER, JOSEPHINE TROUT	5/25/1918	839808	MT	Montana PM	018N - 019W	E1/4NW1/4	19	Lake	
	<a href="#">1074216</a>	KISLER, LEWIS, TELCASTAIR, ANN	2/8/1935	1584201	MT	Montana PM	018N - 019W	NE1/4SE1/4	19	Lake	
	<a href="#">18777</a>	LAROSE, MARY L	10/8/1908	119392-08	MT	Montana PM	018N - 019W	SE1/4SW1/4	19	Lake	
	<a href="#">18778</a>	LAROSE, XAVIER	10/8/1908	119392-08	MT	Montana PM	018N - 019W	SE1/4SW1/4	19	Lake	
	<a href="#">805144</a>	LAROSE, XAVIER	10/28/1917	737871	MT	Montana PM	018N - 019W	NE1/4SW1/4	19	Lake	
	<a href="#">888202</a>	LAROSE, XAVIER	8/20/1919	841279	MT	Montana PM	018N - 019W	Lot/Trct 3	19	Lake	
	<a href="#">955487</a>	LAROSE, XAVIER, LAROSE, JOSEPH, LAROSE, JOHN, GRAVELLE, LUCY LAROSE, GILBAU, ELSANOR LAROSE, GILBAUGH, ELSANOR LAROSE, LAROSE, MARY L	9/18/1925	1191737	MT	Montana PM	018N - 019W	Lot/Trct 4	19	Lake	
	<a href="#">18849</a>	TELCASTAIR, ANN	10/8/1908	119392-08	MT	Montana PM	018N - 019W	NE1/4SE1/4	19	Lake	
	<a href="#">18850</a>	TELCASTAIR, LOUIE A	10/8/1908	119392-08	MT	Montana PM	018N - 019W	S1/4SW1/4NW1/4	20	Lake	
	<a href="#">18850</a>	TELCASTAIR, LOUIE A	10/8/1908	119392-08	MT	Montana PM	018N - 020W	S1/4SW1/4	15	Lake	

The parcel we are checking on is located in the NW ¼ and SE ¼ of Section 19. There are two items that match that description:

Document # 18850 to Telcostair, Louie, issued 10/08/1908, and document 1022873 dated 01/28/1929 with the names Telcostair, Louie A, and Dixon, C.F. listed. To access the documents click on the Accession hyperlink for each document.

Document 18850 is the oldest, and when you select that link, you get the following page:

U.S. DEPARTMENT OF THE INTERIOR  
**BUREAU OF LAND MANAGEMENT** *PRIVATE CLAIMS* General Land Office Records

Search Documents Reference Center Support Shopping Cart

Search Documents Results List Patent Details

Accession Nr: 18850 Document Type: Serial Patent State: Montana Issue Date: 10/8/1908 Cancelled: No

Patent Details **Patent Image** Related Documents Printer Friendly

**Names On Document**  
 TELCOSTAIR, LOUIE A

**Miscellaneous Information**

Land Office:	Washington Ofc
US Reservations:	Yes
Mineral Reservations:	No
Tribe:	Flathead
Militia:	---
State In Favor Of:	---
Authority:	June 15, 1880: Indian Trust Patent (21 Stat. 199)
General Remarks:	See Serial Patent Nr 945826 For Fee Patent To West Half Of Sw Quarter Of Section 13 And 1324621 To Nwse Of Section 19

Military Rank: ---

**Document Numbers**

Document Nr:	119392-08
Misc. Doc. Nr:	5426-08
BLM Serial Nr:	MTMTAA 095750
Indian Allot. Nr:	191
Coal Entry. Nr:	---

**Survey Information**

Total Acres:	80.00
Survey Date:	---
Geographic Name:	---
Metes/Bounds:	No

**Land Descriptions**

Map	State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
<input type="checkbox"/>	MT	Montana PM	018N - 019W	NW¼SE¼	19		Lake
<input type="checkbox"/>	MT	Montana PM	018N - 020W	SW¼SW¼	13		Lake

There are three tabs on this page: PATENT DETAILS, PATENT IMAGE, and RELATED DOCUMENTS. To see a copy of the patent to this parcel, click on the tab called PATENT IMAGE. A copy of the patent will appear in PDF format for printing or you can order a certified copy of the patent by selecting the ADD CERTIFIED COPY TO CART (orange) link.

The patent below shows that the original 80 acres in this parcel was from an allotment of land to a Flathead Indian. This means that Walton water rights very likely apply to this parcel.

It was allotted to Flathead Indian Louie A. Telcostair on October 8<sup>th</sup>, 1908 and was signed by president Theodore Roosevelt.

119392-08

5426-08 I. O.

# The United States of America,

191.

On all to whom these presents shall come, Greeting:

WHEREAS, There has been deposited in the General Land Office of the United States a schedule of allotments approved by the Secretary of the Interior June 20, 1908, whereby it appears that LOUIE A. TELOCSTAIR, an Indian of the Flathead tribe or band, has been allotted the following-described land:

~~The northwest quarter of the southeast quarter of Section nineteen in Township eighteen north of Range nineteen west and the southeast quarter of the southeast quarter of Section thirteen in Township eighteen north of Range twenty west of the Montana Meridian, Montana, containing eighty acres:~~

Fee Patent issued: 10<sup>th</sup> 5<sup>th</sup> 1908  
 Letter No. 1152808-241  
 Patent No. 945826

Fee Patent issued: 10<sup>th</sup> 16<sup>th</sup> 1909  
 Patent 1022893-660 9/21/24  
 Letter 1324621

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, has allotted, and by these presents does allot, unto the said Louie A. Telocstair the land above described, and hereby declares that it does and will hold the land thus allotted (subject to all statutory provisions and restrictions) for the period of twenty-five years, in trust for the sole use and benefit of the said Indian, and at the expiration of said period the United States will convey the same by patent to said Indian, in fee, discharged of said trust and free from all charge and incumbrance whatsoever, if said Indian does not die before the expiration of the said trust period; but in the event said Indian does die before the expiration of said trust period, the Secretary of the Interior shall ascertain the legal heirs of said Indian and either issue to them in their names a patent in fee for said land, or cause said land to be sold for the benefit of said heirs as provided by law.

And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Theodore Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the \_\_\_\_\_ eighth day of \_\_\_\_\_ October, in the year of our Lord one thousand nine hundred and \_\_\_\_\_ eight, and of the Independence of the United States the one hundred and \_\_\_\_\_ thirty-third.

By the President: *Theodore Roosevelt*  
 By: *M. W. Spring*, Secretary.  
*J. H. ...*  
 Recorder of the General Land Office.

Next, let's go back to the results list, and look at the second set of documents related to this parcel of land.

Press the backspace button on your computer, or select RESULTS LIST from the list of links at the top of the page just below the DARK GREEN LINE on the page. Select Accession Number 1022873 and the following page will come up:

**U.S. DEPARTMENT OF THE INTERIOR**  
**BUREAU OF LAND MANAGEMENT** *PRIVATE CLAIMS* **General Land Office Records**

Search Documents | Reference Center | Support | Shopping Cart

Search Documents | Patent Details

Accession Nr: 1022873 | Document Type: Serial Patent | State: Montana | Issue Date: 1/28/1929 | Cancelled: No

Patent Details | Patent Image | Related Documents | Printer Friendly

Names On Document		Miscellaneous Information	
<input type="checkbox"/> DIXON, C F		Land Office:	Washington Ofc
<input type="checkbox"/> TELCOSTAIR, LOUIE A		US Reservations:	Yes
		Mineral Reservations:	No
		Tribe:	---
		Militia:	---
		State In Favor Of:	---
		Authority:	October 14, 1865: Indian Fee Patent (14 Stat. 703)
Military Rank:	---	General Remarks:	---

Document Numbers		Survey Information	
Document Nr:	1324621	Total Acres:	40.00
Misc. Doc. Nr:	60516-28	Survey Date:	---
BLM Serial Nr:	MTMTAA 095954	Geographic Name:	---
Indian Allot. Nr:	191	Metes/Bounds:	No
Coal Entry. Nr:	---		

Land Descriptions							
Map	State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
<input type="checkbox"/>	MT	Montana PM	018N - 019W	NW¼SE¼	19		Lake

REMARKS: SUBJECT TO A LIEN FOR COST AND CHARGES DUE THE US FOR THE CONSTRUCTION OF IRRIGATION SYSTEM

This document shows that 40 acres of the original allotment were sold to CF Dixon from Louie A. Telcostair and CF Dixon received a fee patent for that parcel of land as follows:

191

# The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, an Order of the Secretary of the Interior has been deposited in the General Land Office, directing that a fee simple patent issue to the claimant **C. F. Dixon**, purchaser of land included in the allotment of **Louis A. Teleostair**, and described as the northwest quarter of the southeast quarter of Section nineteen in Township eighteen north of Range nineteen west of the Principal Meridian, Montana, containing forty acres:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Land above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. The lands hereby conveyed are subject to a lien, prior and superior to all other liens, for the amount of costs and charges due to the United States for and on account of construction of the irrigation system or acquisition of water rights by which said lands have been or are to be reclaimed, as provided and prescribed by the Act of Congress of May 10, 1918 (39 Stat. 123), and the lien so created is hereby expressly reserved.

IN TESTIMONY WHEREOF, I, **Calvin Coolidge**,

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the TWENTY-EIGHTH day of JANUARY in the year of our Lord one thousand nine hundred and TWENTY-NINE and of the Independence of the United States the one hundred and FIFTY-THIRD

(SEAL)

By the President: *Calvin Coolidge*  
By: *W. B. Clegg* Secretary.  
*M. P. LeRoy*  
Recorder of the General Land Office.

1022873

## **How can I tell if the parcel was allotted or homesteaded?**

The PATENT DETAILS PAGE that comes up in your search includes a field DOCUMENT NUMBERS that provides an Indian Allotment Number. In our example, the allotment number is 191. Additionally the land patent of an allotment, such as the patent noted on page 5 of this document will specify ALLOTMENT using similar language.

A homesteaded parcel will not have an Indian Allotment Number on the PATENT DETAILS PAGE. Additionally, the patent will state something to the effect that “full payment has been made by claimant X according to an Act of Congress.....

## **What other information can I find on the land patent?**

The original patent to your land typically will have a listing of the rights and privileges that are appurtenant to the parcel of land, including water rights, mineral rights, etc. Newer patents could have additional information such as the Kerr Dam related easement on lands around Flathead Lake related to the reservoir and the liens placed on lands served by the Flathead Irrigation Project. **This is why it is important to secure a copy of your land patent for your records, and for whatever lies ahead in the water compact battle.**

## **Now what?**

To find out more about Walton rights, check out our blog post at the following link: [Walton, Walton Everywhere](#)

NOTE: If you have trouble finding your documents, we are happy to help if we can. You can contact us through the [CONTACT](#) page on our water rights blog, email us at [4mtlandwater@gmail.com](mailto:4mtlandwater@gmail.com), or call us at 406-626-3353.

This document is not intended to provide legal advice, but is simply a resource on obtaining a copy of your land patent records.

Other Resources from the BLM website:

[ABOUT PATENTS](#)  
[TITLE TRANSFER AUTHORITIES](#)  
[PUBLIC LANDS HISTORY](#)

Thanks for your interest. Happy searching!