# 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?

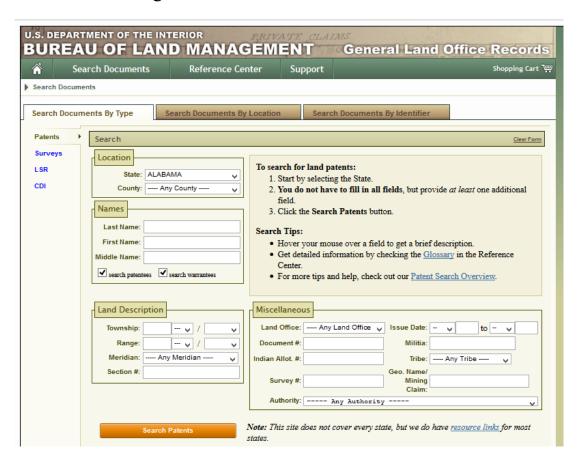
You can find out whether your property was an allotment or a homesteaded parcel, and secure a copy of the original land patent by checking the General Land Office (GLO) records of the Bureau of Land Management as follows:

## 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 <u>BLM records search</u>. You will see the following screen:



#### CHOOSE LOCATION OF PARCEL OF LAND:

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

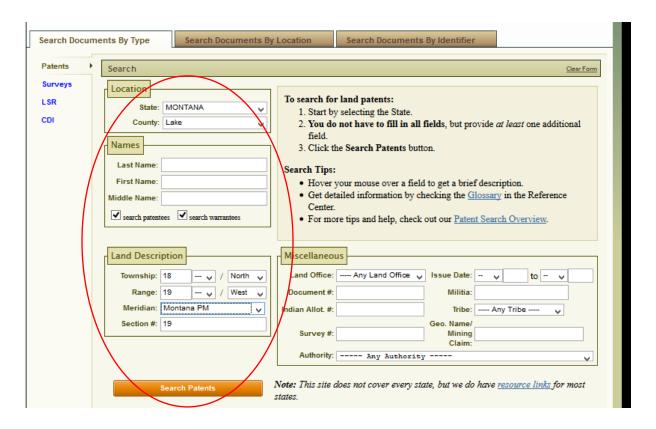
Next, Click on the V to the right of County and select the county that the property is located in

### NAMES:

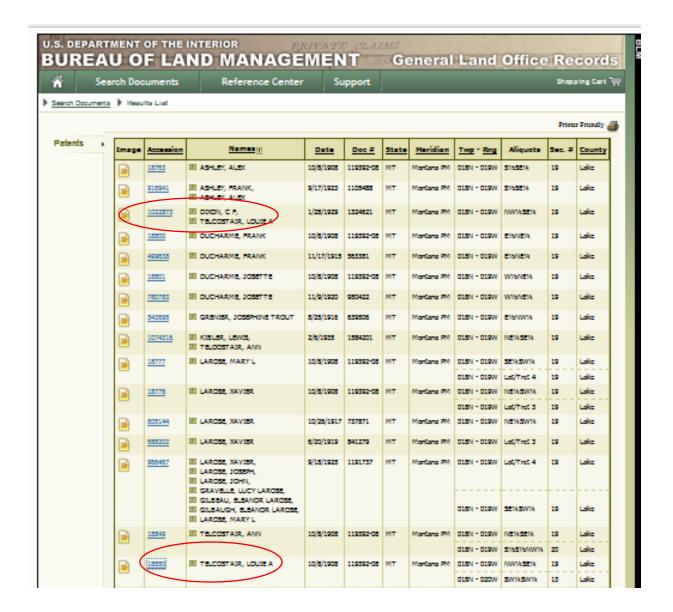
Do not fill in this section unless you know the "original owner" of the parcel of land.

## 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:



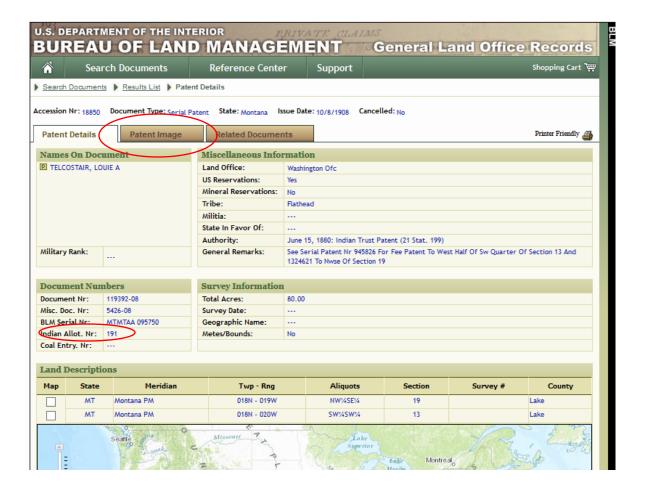
Next, click on the orange SEARCH PATENTS BUTTON. The following screen will come up:



The parcel we are checking on is located in the NW  $\frac{1}{4}$  and SE  $\frac{1}{4}$  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:



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

# 5425-00 I. Ohe United States of America.

191.

To all to inhom these presents shall come, Greeting

WHEREAS, There has been deposited in the General Land Office of the United States a schedule of allotzents approved by the Secretary of the Interior June 20, 1908, whereby it appears that LOUIR A. TRLOGSTAIR, an Indian of the

Flathead

tribe or band, has been allotted

the following-described land:

The northwest quarter of the southeast quarter of Section mineteen in Township eighteen north of Range sinateen west and the southwest quarter of the southwest quarter of Section thirteen in Township eighteen north of Range twenty west of the Montana Meridian, Montana, containing eighty scree:

Ene Parent beard: w'w'sw. 200.
Letter No. //52808 - 24
Patent No. 945826

to com home 100 the fourth trans. 1022873 - 8BU 921/29 Lane 1524621 - 8BU 921/29

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 Louis A. Telgostair

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.

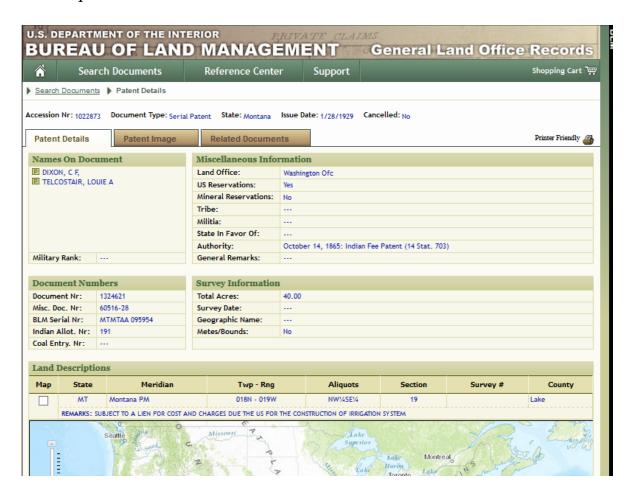
And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

| IN | TESTIMONY WHEREOF, I, Theodore Rossevelt , President of the  |
|----|--|
|    | United States of America, have caused these letters to be made<br>Patent, and the seal of the General Land Office to be hereunto<br>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  |
|    | and of the Independence of the United States the one hundred   |
|    | and thirty-third.  |
|    | By the President: The office Groces  |
|    | By NW JULLY, Secretary.  |
|    | V/ // 1/20 40  |

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

Recorder of the General Lang Office.

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:



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:

# The United States of America,

To all to whom these presents shall come, Scretting:

WHEREAS, an Order of the Secretary of the laterier has been deposited in the General Land Office, directing that a fee aimple patent home to the chainsant 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 mineteem in Township eighteen morth of Hange mineteen west of the Principal Meridian, Montana, containing forty acres:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premines, MAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant—and to the beins of the said claimant—the Land above described; TO HAVE AND TO HOLD the same, tagether with all the rights, privileges, immunities, and appartenences, of whatsover netwo, thereards belonging. unto the said claimant and to the bairs and analyze of the said claimant forever; and there is reserved from the lands brokly 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 lies, prior and superior to all other liess, 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 hards have been or are to be rectained, as provided and prescribed by the Act of Congress of May 18, 1915 (39 Stat., 123), and the lies so created is hereby expressly reserved.

#### Calvin Coolidge, IN TESTIMONY WHEREOF, I,

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. JANUARY in the year of our Lord one thousand

United States the one hundred and FIFTY-THIRD

TWENTY-NINE

1022873

(SEAL)

# 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

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

NOTE: If you have trouble finding your documents, we are happy to help if we can. You can contact us through the <u>CONTACT</u> page on our water rights blog.

Other Resources from the BLM website:

ABOUT PATENTS
TITLE TRANSFER AUTHORITIES
PUBLIC LANDS HISTORY

Thanks for your interest. Happy searching!