

EXCERPT OF
WAKLEY VS WAKLEY 1904
Pg. 2 DEEDS # 2961

book 8 page 523, records said county, being the farm lands now owned intended hereby and contiguous to and irrigated from said streams, all in Bannock County, Idaho.

That plaintiff William W. Woodland be adjudged and decreed to have the use and benefit of the continuous and uninterrupted flow of ~~one-fourth~~ of all the waters of Dry Hollow and Maple Creeks and the use and benefit of the continuous and uninterrupted flow of ~~one-fifth~~ of all the waters of Station Creek, and the use and benefit of the continuous and uninterrupted flow of ~~one-sixth~~ of all the waters of Birch Creek flowing towards Marsh Valley. That said water is used upon and be appurtenant to Lot No. 3 of Section 30, Township 11 South, Range 37 East Boise Meridian, and N 1/2 of S.E.1/4 and N.E.1/4 of S.W.1/4 of Section 25, Township 11 South, Range 36 E. Boise Meridian, Bannock County, Idaho, containing 172.82/100 acres, less 14.75 acres deeded by said plaintiff to Estate of Ellen Woodland; also to 67.36 ac adjoining last tract deeded to plaintiff by estate of Ellen Woodland heretofore; also to 27.18 acres by deed from Henry Wakley, book 13 of deeds page 424, records of said Bannock County, it being intended hereby to cover all farming lands now owned by said plaintiff as irrigated from said streams.

0323 That the Estate of Ellen Woodland be adjudged and decreed to have the use and benefit of the continuous and uninterrupted flow of one-fourth of all the waters of Dry Hollow and Maple Creeks and the use and benefit of the continuous and uninterrupted flow of one-fifth of all the waters of Station Creek, and the use and benefit of the continuous and uninterrupted flow of one-sixth of all the waters of Birch Creek flowing towards Marsh Valley. That said water is used upon and appurtenant to Lot No. 4 of Section 30, Township 11 South, Range 37 E. Boise Meridian, and S.1/2 of S.E.1/4, and S.E.1/4 of S.W.1/4, Section 25, Township 11 South, Range 36 East B.M., containing 172.83 acres, less 127 acres conveyed to W. W. Woodland, Henry Wakley and J.J.Wakley under decree of the Probate Court, Bannock County, Idaho; also to 46 acres deeded to said estate by W. W. Woodland, John J. Wakley and Henry Wakley; also to the tract of land known as the Ellen Woodland Desert Entry situated on said Birch Creek, containing 160 acres, all of said lands being in said Bannock County, it being intended hereby to cover all lands now owned by said estate as irrigated from said streams.

That defendant George Wakley be adjudged and decreed to have the use and benefit

Claim No.	Claimant	Fract.	Q by Rec	Acres	Stream	Remarks
<u>Phillips vs Edwards Decree, 1924..... Rowley Creek</u>						
29-11242	Wm Phillips	1/2	1.50	75.0	Rowley Ck	
29-12020	P Fergus	1/4	2.02	100.8	Rowley Ck	
29-13469	K Williams	1/4	2.52	126.0	Rowley Ck	

Claimed in-full

Wakley vs Wakley, 1904..... Station Creek

29-00321	Vaughan, et al	1/5	3.91		Station Ck	
29-00326	F Winward	1/5	1.92	96.0	Station Ck	
29-10461	Lazy VZ Trust	2/5	3.08		Station Ck	
29-11699	P Adams	1/5	5.64	282.2	Station Ck	

Decreed right(s) claimed in-full

29-13476 TJL Properties 0.065 Station Ck Recommended as BU, Priority 6/10/1904

Wakley vs Wakley, 1904.....Dry Hollow (Big Ck) and Maple Ck (Mines Canyon)

29-00317A	Vaughan, et al	4/4 0/0	3.91		Big Ck/Maple Ck	DISALLOWED-ownership not proven
29-00320	Vaughan, et al	1/4	3.91		Big Ck/Maple Ck	
29-10462	Lazy VZ Trust	4/4 1/2	1.23		Big Ck/Maple Ck	Recommended as 1/2 flow **
29-11698	P Adams	1/4	5.64	282.2	Big Ck/Maple Ck	

Claimed in-full

29-11700 P Adams XX 0.36 282.2 Unnamed Strm Beneficial Use
 29-10407 TJL Properties XX 0.07 Big Ck/Maple Ck Recommended as BU, Priority 6/10/1904

Daniels vs Woodland, 1878..... Birch Creek

29-13103 Malad Valley Irr 3/4 6.20 Lg POU Birch Ck
 Marsh Creek side (B29) users got 1/4 of the flow of Birch Creek as shown below.

Wakley vs Wakley, 1904..... Birch Creek

29-00322	Vaughan, et al	4/24	3.91	195.3	Birch Ck	
29-00327	Marler/Gardner	2/24	2.54	128.0	Birch Ck	
29-00328A	K Williams	1/24	2.52	126.0	Birch Ck	
29-00328B	P Fergus	5/24	2.02	100.8	Birch Ck	
29-00328C	F Winward	2/24	1.92	96.0	Birch Ck	
29-00329	F Winward	2/24	0.80	40.0	Birch Ck	
29-11241	Wm Phillips	2/24	1.50	75.0	Birch Ck	
29-11650	TJL Properties	2/24	1.76	88.0	Birch Ck	
29-11697	P Adams	4/24	5.64	282.2	Birch Ck	

Claimed in-full

Notes:

** Re; 29-10462 see Transfer #3032 Claim combines 29-317 and 29-330C (which recombines A & B)
 The Decree of Davis vs Treasure only involves Birch Creek water.

29-00317A
29-00320
29-00321
29-00322

ALL HAVING BEEN DECREED
JUNE 9, 1904 (W/O PRIORITY)
AND W/O QUANTITY OF FLOW
(ONLY TO SAY; $\frac{1}{4}$, $\frac{1}{5}$ OR $\frac{1}{6}$ OF
.... STREAM FLOW)

- I. CLAIMANT CLAIMS SOME 303^3 ACRES. BY GPS ONLY
195° ACRES IRRIGATED ARE IDENTIFIED. PURSUANT TO
§ 42-202 AND 42-220 IC MAXIMUM ALLOWABLE Q IS
 $0.02 \text{ cfs/ac. } \therefore 195^\circ \times 0.02 \text{ cfs} = 3.90 \text{ cfs}$.
- II. ALTHOUGH WAKLEY VS WAKLEY (6/9/1904) DOES DEFINE
CERTAIN ACREAGES, UNDER THE MANY VARIOUS RTS.,
DUE TO DECREE LANGUAGE IT IS (MOSTLY) UNCLEAR
AS TO THE ACTUAL (ACCURACY) ACRES INTENDED.
 Δ IN POLL IS APPROPRIATE $\Rightarrow$ CDS
- III. CLAIMANT CLAIMS 6.07 cfs FROM EACH RIGHT
SHOWN ABOVE. HOWEVER, THIS Q IS REDUCED TO
A TOTAL OF 3.9 FOR EACH RIGHT WITH REMARK
LANGUAGE, OF EACH RIGHT, LIMITING TOTAL Q AT
ANY ONE TIME, FROM ALL SOURCES, TO BE 3.90 cfs.
COMBINED USE (OR SINGULAR USE) LIMITS DIVERSION
REMARK $\rightarrow$ RATE TO 0.02 cfs PER AC. (§ 42-202, 42-220 IC)
- IV. SOURCES ARE MANY AND DUE TO LACK OF CLARITY OF
WAKLEY VS WAKLEY IT IS NOT CLEAR IF ANY PARTICULAR
RIGHT GOES TO CERTAIN POLL. HOWEVER, SINCE 1904
SYSTEMS (STREAMS) HAVE BEEN JOINED TO A COMMON
SYSTEM SHARED APPARENTLY ^{BY} ALL OR MOST USERS.
- V. DUE TO ALL RTS ADDRESSED BY WAKLEY VS WAKLEY HAVING
NO SPECIFIC PRIORITY DATE THE DECREE DATE IS USED.
AVAILABLE WATER IS PRO-RATA SHARED W/ USERS.