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State of Idaho

Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

Water District # 78C

Application # 78-12445

Applicant Name M. ~~W~~ / Eula Wallace

Watermaster Recommendation:

a) ☐ I do not oppose approval of this application.

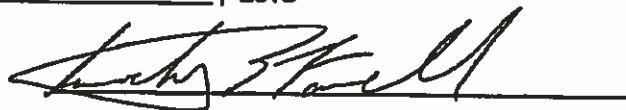
b) ☒ I do not oppose approval of this application if it is conditioned as follows:

Please consider the recorded law suit between Henry T Clay and ED Wallace dated July 19 1921. Doc is attached.
E

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional comments:

Dated this 30 day of Jan, 2017



Watermaster Signature

Timothy S. Farrell

Printed Name



Recorded July 19, 1921
Book 2 of Judgments,
Pages 79A to 88 incl.

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF ADAMS.

Henry T. Clay, et al,

Plaintiffs,

vs

D E C R E E

T. A. Clark, E. D. Wallace,

Defendants,

plaintiffs above named, it is hereby ordered, adjudged and decreed as follows,-

That Goose Creek and its tributaries, is one of the public streams of the State of Idaho, is a tributary of the Little Salmon River, and is located in part of its course in the County of Adams, State of Idaho, and that the waters of said Creek and its tributaries and public waters, susceptible of appropriation and use under the laws of the State of Idaho by citizens of said State and of the United States of America.

That the lands and premises hereinafter set forth and particularly described are owned respectively by the parties to this action after whose names the lands are so described and that all of said lands are arid in character, and that said lands and all thereof require the artificial application of water thereon in order to produce profitable crops and that the amount of water required on said land for the proper and beneficial irrigation thereof is eight-tenths of one miner's inch per acre thereof, excepting certain lots and small tracts of land located in the townsite of Meadows, in said County as appears from the plat of said Townsite and in Rowell Park Addition to said Townsite, which said lots and small tracts require an amount of water in excess of said eight-tenths of one miner's inch of water as found and as hereinafter declared and adjudged, and that all of said lands hereinafter described are located in the County of Adams, State of Idaho.

said
That the waters of Goose Creek, at a point in the Southeast Quarter of the Northwest Quarter of Section 28, Township Nineteen North of Range 2 East of Boise Meridian, divide, and that a part thereof flow in a natural course through what is known as the NORTH PRONG of said Goose Creek in a Northwesterly direction and forms a confluence with said Little Salmon River at a point in the Southeast Quarter of the Northwest Quarter of Section 12, Township 19 North of Range One East of Boise Meridian, and that the remainder thereof flow through what is known as the SOUTH PRONG of said Goose Creek and forms a confluence with said Little Salmon River at a point in the Southwest Quarter of the Northwest Quarter of Section 13 Township 19 North of Range One East of Boise Meridian.

parties to said suit, excepting the said defendant Goose Creek, and from said North Prong of said Goose Creek, and from said South Prong of said Goose Creek and from Sewell Creek a tributary of said Goose Creek, and they and each of them, have respectively taken and carried the waters of said Goose Creek, through one or more respectively of the following named canals to and upon their respective lands and used the same thereon in irrigation thereof, and that the names and points of diversion of said canals are as follows,-

Here follows a list of the various canals diverting water from said South Prong and from Goose Creek and from Sewell Creek and from the waters of

the waters of the same are hereby decreed to the said defendants and cross complainants herein after named in the following amounts and from the dates and in the order of priority as indicated from said dates, each inch of water hereinafter stated being equivalent to an one-fiftieth of one cubic foot per second flow, said waters to be diverted from said Goose Creek, its respective prongs and tributaries by the said plaintiffs and defendants and cross-complainants hereinafter named and through the canals herein-after named.

WATER ALLOTMENTS CONTAINING NAMES OF PARTIES, AMOUNTS ALLOTTED INCHES, WITH DATES OF PRIORITY AND CANALS THROUGH WHICH DIVERTED AND STREAM OR PRONG OR TRIBUTARY AND THE LANDS OWNED BY SAID PARTIES TO THIS SUIT ON WHICH SAID WATER IS USED AND FOR WHICH ACQUIRED.

SEWELL CREEK, TRIBUTARY GOOSE CREEK

E. D. Wallace Canal.

Amounts in inches

Date of Priority

E. D. Wallace

2.4

May 1, 1899.

48.

May 1, 1900.

52.8

May 1, 1901.

97.2

May 1, 1914.

LANDS:-

The North one-half of the Southeast Quarter; the Southeast Quarter of the Southeast Quarter; Section 8 Township 19 North of Range 2 East of Boise Meridian.

(Other canals and parties, with the lands by them owned, and amounts of water allotted, are set out in this instrument, the same not being pertinent to this abstract)

the waters herein allotted and decreed are to be appurtenant to and for the use of the lands of the said plaintiffs and the said defendants and cross-complainants as hereinbefore stated and decreed which directly under and served with said water by and from the canals above mentioned.

It is further adjudged and decreed that a head gate and box or weir suitably constructed, shall be placed and maintained by the several parties to this action to whom waters are herein decreed for the purpose of measuring in inches and second feet the amount of water diverted from the diversion canals, and the amount of water to the use of the said parties shall be measured at the point of diversion and stored there.

to, or their successors in interest shall have the right to the use of the waters of said Goose Creek, or any of its tributaries except for a beneficial use and whenever such use has ceased such party or parties shall cease to divert water from said creek or its tributaries, and shall have no right to divert the said waters or any part thereof, and each and every of the parties to this action, their servants, attorneys, employees, privies and successors in interest are hereby enjoined and restrained from any and interference with, or diversion or use of the said waters, except as provided in this decree, whenever such interference with, or diversion or use would in any manner interfere with the quantity of water awarded by this decree to any of the other parties to this action.

That the complaint, answers and cross-complaints of the respective parties to this action are hereby amended to conform to the facts as found by the court herein.

Dated July 13th, 1921.

Ed L. Bryan,

District Judge.