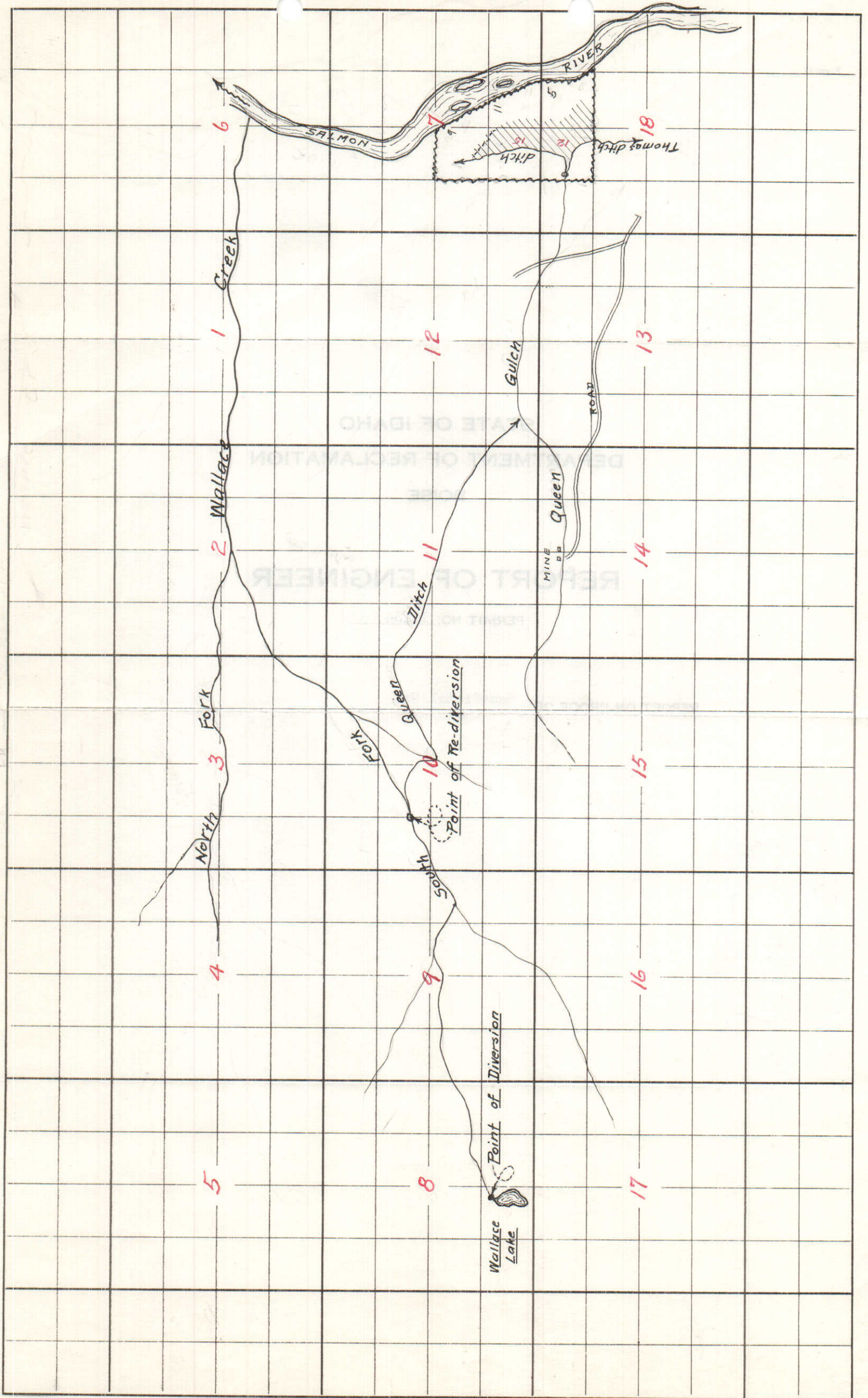


$+5\%$
 $97. + 249.7$
 $\frac{5}{1.02} \quad \frac{4.8}{4.8}$
 1.02 Sf. at main
 11" x 2 3/4"
 9 x
 $\left. \begin{array}{r} .2292 \\ .9219 \end{array} \right\} A$
 $\frac{1.21}{1.3}$

$\frac{.21}{1.3} \rightarrow \text{sq. ft.} \times 1.5$ (assumed V (10 or 15) F.P.S.)
 $\frac{.21}{1.5} = 10-15$ inches
 Outlet



Approximate outlet flow 10" to 15"
 9/8/44



Affidavit of Publication

STATE OF IDAHO. }
COUNTY OF LEMHI. } SS.

RALPH B. KNEPPER, being duly sworn, upon oath deposes and says: I am the printer, publisher, and sole proprietor of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the Notice for Publication

..... a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for

four consecutive issues, commencing with the issue dated Sept. 1, 1943

and ending with the issue dated.....

Sept. 22, 1943

Ralph B. Knipper

ore me, this 30th day of Sept., 1943

John B. Lathen
Notary Public for the State of Idaho,
Residing at Salmon, Idaho.

19134

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use.

Notice is hereby given that at two p. m. on the 6th day of October, 1943, at Salmon, county of Lemhi, state of Idaho, before C. Walker Lyon, notary public, proof will be submitted of the application to beneficial use of 1½ cubic feet per second of the waters of Wallace Lake in accordance with the terms and conditions of Permit No. 19134 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are John Webb and Eva D. Webb, Salmon, Idaho.

The use to which said water has been applied is agricultural.

The amount applied to beneficial use is one and one half cubic feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Lots 9 and 11, SE¼ SW¼ of Section 7; and Lot 5, NE¼ NW¼ of Section 18; Township 22 North, Range 22 East of the Boise Meridian, county of Lemhi, state of Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Wallace creek.

The right to take water from such works is based upon Permit No. 19134.

The source of supply from which such water is diverted is Wallace Lake through Wallace creek.

The date of priority which said user is prepared to establish is May 13, 1941.

JAMES SPOFFORD,
State Reclamation Engineer
Sept. 1 to 22—4t.

September 20, 1943

Re: Permit No. 19134

90 = Linda M. Reynolds
Myrtle Reynolds Worden
Emerson Hill
Margaret L. Pyeatt
Earl Pyeatt

Salmon, Idaho

This is to acknowledge receipt of your protest,
dated September 14th, against the issuance of a
license under the above numbered permit, in the
name of John and Eva D. Webb.

This has been placed on file, and will be given
due consideration at the proper time.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

A

Chief Clerk

19134

Salmon, Idaho
September 14, 1943

RECEIVED

SEP 20 1943

Department of Reclamation

State Reclamation Engineer
Boise
Idaho

Re: Permit No. 19134, John Webb and Eva D. Webb, Salmon, Idaho

Dear Sir:

unreasonable
Notice of Proof of Application of $1\frac{1}{2}$ cu. ft. of the waters of Wallace Lake, to beneficial use, in accordance with Permit 19134 issued to John Webb and Eva D. Webb, has recently been published in the Recorder Herald, at Salmon. We, as the users of the decreed water of Wallace Creek wish to protest this application. First, because Wallace Lake is the main source of water supply of Wallace Creek, which was decreed in 1940 to the Creek's full capacity. This decree gave to John Webb and Eva D. Webb forty-five inches, according to their priority and equal to $1\frac{1}{2}$ inches of water per acre for the land which they had under cultivation at that time.

exaggeration
A permit, allowing anyone to take any amount of water from the Lake would be diminishing the flow of Wallace Creek. There is no stream running into this Lake, from above. It is fed only by the snow that lies on the mountains around it. This snow melts into the lake just as the spring run-off from the lower mountains has subsided and the lake overflows through its natural outlet, thus holding up the supply of Wallace Creek. Later, when the waters of the Lake fall below the overflow level we have our extreme low water and Wallace Creek emerges from the bed of the outlet a short distance below the Lake (from an underground outlet).

Subsequent to this decree, and during 1940, Mr. Webb obtained a permit from the local Forest Office to build a dam around the lower end and across the outlet of the Lake. We have filed a complaint with the local Forest Office against this dam. because it has held back the high waters of the Lake, and in the past two years since has caused the waters of Wallace Creek to diminish far earlier in the season.

Mr. Webb raised the headgate in his dam about two weeks ago and has water while, we, the users of a prior right, have not our full amount. He attempted to do the same last year but after we personally complained about it he discontinued using the water in this manner. He is now using the water which was held by the dam but should have been allowed to flow gradually from the Lake and maintain the flow of the Creek. Also, he is diverting it in an unlawful manner--not having proper measuring devices.

State Reclamation Engineer - September 14, 1943

Page #2

Finally, he has not sufficient land under Wallace Creek to justify the use of seventy-five inches of water. A survey was made for the decree, in 1940; based upon this survey the Court decreed water sufficient to irrigate only thirty acres of land.

Margaret L Pyeatt
Earl Pyeatt

Linda M. Reynolds
Myrtle Reynolds Warden
Emerson Hill

19134

✓
September 13, 1943

Re: Permit No. 19134

Mrs. Bertha N. Rose
Salmon, Idaho

Dear Mrs. Rose:

This is to acknowledge receipt of your protest,
dated September 9th, against the issuance of a
license under the above numbered permit, in the
name of John and Eva D. Webb.

This has been duly filed, and will be given
full consideration at the proper time.

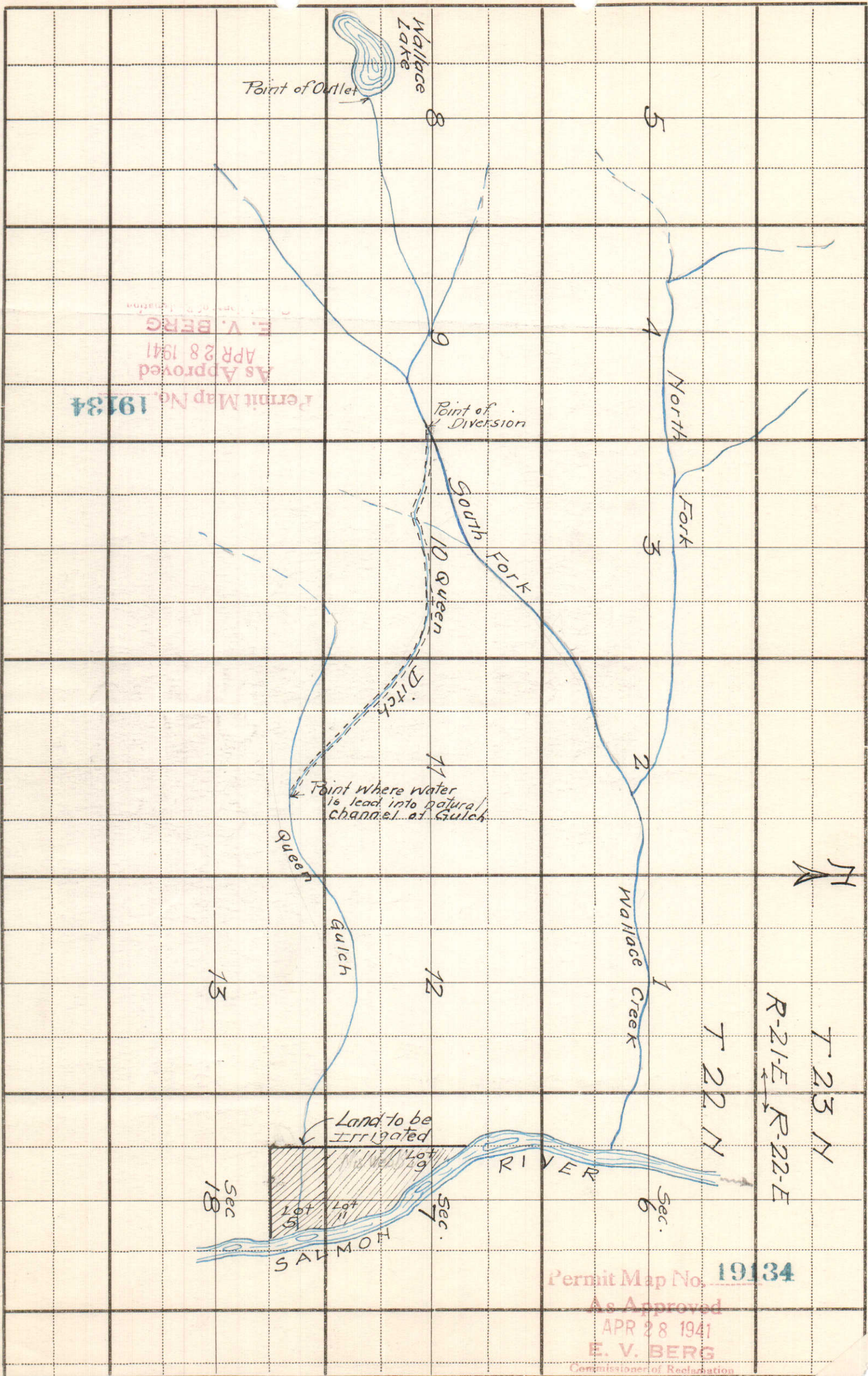
Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

see case Permit 16060

19134



State of Idaho
License and Certificate of Water Right

Water License No. 19134 Amount 12 acre feet
Water District No. Priority May 13, 1941

THIS IS TO CERTIFY that JOHN WEBB & EVA D. WEBB
of Salmon, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 20, 1941; that Permit No. 19431
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.5 second feet, was issued thereunder on August 25, 1942, showing that said works
were completed on the 20th day of August, 1942; and that on the 6th
day of October, 1943,
JOHN WEBB & EVA D. WEBB

of Salmon, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Wallace Lake, through
Wallace Creek, a tributary of, for the purpose of irrigation
, under Use Permit No. 19134 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the State Reclamation Engineer
Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4233, on the 4th day of December, 1944;
The right hereby confirmed dates from May 13, 1941;

The Point of Diversion is located
in the SE 1/4 SW 1/4, Sec. 8, Tp. 22 N., R. 21 E., B. M. Lemhi County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 12 acre feet, or the amount
cubic feet per second, that can be stored between elevation 0.5 and 2.0 feet above the elevation to which Walla
Lake can be drained by applicants' present outlet structure. ce

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Lot 5 and NE 1/4 NW 1/4 Section 18; Lots 9 & 11, SE 1/4 SW 1/4 Section 7; Twp. 22 N., Range 22 E., B.M.	27 irrig acres (see spec)	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer
Commissioner of Reclamation, affixed at Boise, Idaho,
this 4th day of December, 1944

MARK R. KULP
Commissioner of Reclamation
State Reclamation Engineer

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 18898
Water District No.

Amount 1.8 second feet
Priority November 10, 1939

THIS IS TO CERTIFY that JOHN R. BOOTH
of Bridge, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 10, 1939; that Permit No. 18898
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3 second feet, was issued thereunder on May 3, 1940, showing that said works
were completed on the 1st day of May, 1940; and that on the 20th
day of May, 1940,
JOHN R. BOOTH

of Bridge, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of a well (Subterranean)
a tributary of, for the purpose of irrigation
under Use Permit No. of the

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 7
of Licenses, at page 4232, on the 28th day of November, 1944;
The right hereby confirmed dates from November 10, 1939;

The Point of Diversion is located 160 rods So. & 150 rods W. from NE corner Section 18,
in the SW 1/4 NE 1/4, Sec. 18, Tp. 15 S., R. 27 E., B.M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.8
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	27 E.	18	NE 1/4 NE 1/4	40	10
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	30
			SE 1/4 NE 1/4	40	10
			Number of Acres Actually Irrigated -		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
herein described, as provided by the laws of Idaho.

State Reclamation Engineer
WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 28th day of November, 1944

MARK R. KULP

Commissioner of Reclamation
State Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Preston Thatcher
Salmon, Idaho

Application No. 26588
Permit No. 19134
District No.

1. Name of Applicant: JOHN WEBB & EVA D. WEBB
Postoffice address: Salmon County: Lemhi State: Idaho
 I. If applicant is a corporation, give:
 - (a) Date and place of incorporation:
 - (b) Amount of capital stock:
 - (c) Amount paid in:
 - (d) Names and addresses of directors:
- II. The financial resources of the applicant are:
 - (a) Cash on hand:
 - (b) Treasury stock:
 - (c) Bonds to be issued:
 - (d) Other resources:
2. Quantity of water claimed: 1.5 cubic feet per second.
3. Source of water supply: Wallace Creek Lake which is a tributary of
4. Location of point of diversion: feet distant from the
 corner of Section , T. , R. , B. M., and is the SE $\frac{1}{4}$ SW $\frac{1}{4}$
 of Section 8 , T. 22 N , R. 21 E , B. M., County of Lemhi
5. Water is to be used for: IRRIGATION
6. If for mining, milling, power or manufacturing purposes, give:
 - (a) Point of use of water: feet distant from corner of Section
 T. , R. , B. M., in the of Section , T. , R. , B. M.
 - (b) Amount of power generated: H. P., under feet head.
 - (c) Water is to be returned to at a point feet
 distant from the corner of Section , T. , R. , B. M., in the
 of Section , T. , R. , B. M.
7. Estimated cost of works: \$ 300.00
8. Kind of works: Ditch and headgate
9. Height of dam feet; length of dam at top feet; length of dam at bottom
 feet; material used in dam:
10. Size of headgate: Width 3 feet; height 4 feet.
11. Ditch: Width at bottom 2 feet; width at water line 2 feet; depth of water
 1 feet; dimensions of flume:
 Diameter of pipe inches; length of conduit approx. 2 miles.
 Average grade per mile feet.
12. The time required for the completion of such work is one years.
13. The time required for the complete application of the water to the proposed use is one additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

JOHN WEBB & EVA D. WEBB

Applicant.

Preston Thatcher

Agent.

By

Date of first receipt at Department of Reclamation: 9:00 A. M., April 20, 1941

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19134

Recorded in Book 69 Page 19134 Approved April 28, 1941

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before June 27, 1941 *now 12, 1941* and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before October 28, 1941 *March 13, 1942*

The whole of said work to be completed on or before April 28, 1942 Sept 13, 1942

Beneficial use of water appropriated in accordance herewith, to be made on or before April 28, 1943 *Sept 1st, 1943*

Witness my hand this 28th day of April, 1941.

E. V. BERG.

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We Chase A. Clark Governor of the State of Idaho, and Geo. H. Curtis
Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have
caused the Great Seal of the State of Idaho to be hereunto affixed, this 28th day of April 19 41

Countersigned:

STATE OF IDAHO

(SEAL

By GEO. H. CURTIS

Secretary of State.

By CHASE A. CLARK.

Governor.

Remarks:

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
22 N	22 E	18	15				40				38				40				55
John Webb		7													15				93
22 N	22 E	18	Lot numbered 5, described as beginning at the SW corner of said Lot 5 and run thence N 556'; thence E 1076' to the W bank of the Salmon River; thence Southeasterly along said bank 593', more or less, to the Southerly line of said Lot 5; thence W 1282' to the place of beginning, containing 15 acres more or less, in Lemhi County.																
Eva D. Webb			Lots numbered 9 & 11, and SE1/4SW1/4 of Sec. 7, & NE1/4NW1/4, and Lot 5 of Sec. 18, Twp. 22 N, Rge. 22 E., B. M., in Lemhi County.																
			Total Number of Acres to be Irrigated 148.																
REMARKS.																			
3. Applicants intend to take all the water applied for from Wallace Lake by lowering the outlet thereof not to exceed four feet.																			
4. The point of diversion from the Lake will be at the natural outlet thereof in approximately the SE1/4 of the SW1/4 of Sec. 8, Twp. 22 N., Rge. 22 E., B. M. Water will be conveyed in the natural channel to the present point of Diversion of applicant's ditch which is approximately 3 1/2 miles above the mouth of Wallace Creek.																			
11. The Ditch is approximately 2 feet wide at the bottom and at the water line and approximately 2' deep and consists in part of the natural channel of what is known as Queen Gulch. The point of diversion and the applicants right to the use of this water are established in a Decree of the District Court of the SIXTH JUDICIAL DISTRICT of the State of Idaho, in and for the County Lemhi, entered in the case of Bertha N. Rose, et. al. vs. Eva D. Webb, et. al., defendants; said Decree having been signed and entered early in the year 1941.																			

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of an Extension of)
time for the Commencement of Work)
required by Permit No. 19134 in)
the name of John & Eva Webb, as)
provided under Section 41-204,)
I.C.A., as amended,)

ORDER GRANTING EXTENSION OF TIME.

WHEREAS, It becomes necessary to extend the time for compliance with the requirement for commencement of work under the terms and provisions of Permit No. 19134 to appropriate the public waters of the State of Idaho, as provided by Section 41-204 of the Idaho Code Annotated, as amended, for the following reasons to-wit:

THAT, Application for permit to appropriate the waters of Wallace Lake, Lemhi County, for irrigation purposes was filed in the office of the Department of Reclamation, April 20, 1941, approved April 28, 1941. Under the terms of said permit commencement of work was to begin June 27, 1941. Due to the pendency in securing a special use permit from the United States Forest Service, for the use of said Lake, Permit No. 19134 has been held in suspense by the Department of Reclamation.

THAT, on August 4, 1941, the Department of Reclamation received a letter from the United States Forest Service Agent, stating that a special use permit had been issued.

On Sept. 13, 1941, letter was received from Mr. Preston Thatcher, Attorney and agent for said applicants, stating the objection of the Forest Service had been withdrawn.

THAT, A special use permit had been issued by the Forest Service, subject to water permit number 19134, specifying that the water level in Wallace Lake be lowered not to exceed two feet, or to limit the use of the water of said lake for storage purposes to water between the natural low water and the natural high water lines of the lake.

THEREFORE, It is hereby ORDERED, that by reason of this pendency in procuring a Special Use Permit from the Forest Service as hereinafter set forth, the time for compliance with the commencement of work requirement of said permit number 19134, is hereby extended a period of sixty days; approval, Sept. 13, 1941; work to begin, Nov. 12, 1941; one-fifth to be completed, March 13, 1942; completion of works, Sept. 13, 1942; and beneficial use, Sept. 13, 1943.

WITNESS, The hand and seal of the Commissioner of Reclamation, this 16th day of September, 1941.

E. V. BERG, Commissioner of Reclamation.

BY: ROY W. THOMPSON /s/
Deputy Commissioner.

RECORDED THIS 16th day of Sept., 1941.

Permit No. 19134

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that JOHN WEBB & EVA D. WEBB of Salmon, County of Lemhi, and State of Idaho, the holders of Permit No. 19134, issued upon Application No. 26588 bearing date of priority of April 20, 1941, authorizing the diversion of 1.5 second feet of the waters of Wallace Lake through Wallace Creek, County of Lemhi, State of Idaho, for irrigation purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.5 second feet of the waters of Wallace Lake through Wallace Creek that the point of diversion of said waters is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, Twp. 22 N., Rge. 21 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lots 9 and 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, and Lot 5, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, Twp. 22 North, Rge. 22 East, B. M., Lemhi County, State of Idaho.

WITNESS MY HAND THIS 26th day of August, A. D. 1942.

Proof of Completion of Works made Aug. 20, 1942
Certificate of Completion of Works issued, Aug. 25, 1942

E. V. BERG
Commissioner of Reclamation

LICENSE ISSUED FOR 12 ^{acres} 000 FT.

P. 4233

WATER RIGHT NUMBER 75-2099

OWNER LAST NAME - WEBB

FIRST NAME - JOHN

ORIG OWNER -

OWNER LAST NAME - WEBB

FIRST NAME - EVA D.

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - SALMON

STATE - ID ZIP CODE -

SOURCE - WALLACE LAKE

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 05-13-1941 COUNTY - LEMHI

TCTAL DIV. RATE -

.0000 -CFS

TOTAL DIV. VOLUME -

12.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SESW 08 22N 21E LOT REDIV -

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

FROM - 01-01 TO - 12-31 USE - IRRIGATION STORAGE

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME -

12.00 AFA

FROM - 01-01 TO - 12-31 USE - IRRIGATION FROM STORAGE

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME -

12.00 AFA

USE - IRRIGATION STORAGE

PLACE OF USE - TWN 22N RNG 22E SEC 07 TRACT

LOT 09 AC

TRACT

LOT 11 AC

USE - IRRIGATION STORAGE

PLACE OF USE - TWN 22N RNG 22E SEC 18 TRACT NENW LOT

AC

TRACT

LOT 05 AC

DECREE NAME -

DATE -

TOTAL ACRES

0

REMARKS - IRRIGATED ACRES = 27.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 19134

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED LGS

VERIFIED LGS
VERIFIED LGS

3/79

IDENT. NO. 75-2099

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 19134 1 75-2099
 Old No. New No.

Record

1. Original Owner: John & Eva D. Webb

Present Owner: _____

2. Address:

3. City: Salmon State: ID Zip: _____

4. A. Source of Water: Wallace Lake

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 5-13-1941

D. County: 59

E. Total Diversion Rate: _____

F. Total Diversion Volume: 12.

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SE 1/4</u>	<u>8</u>	<u>22N</u>	<u>21E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 1-1 to 12-31 for AS purposes. Amount 12. AFA
 (or AC-FT/yr)

from 1-1 to 12-31 for AR purposes. Amount 12. AFA

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: *A2* ^{*10/1/79*}

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<i>22N</i>	<i>22E</i>	<i>18</i>					<i>A2</i>				<i>LOTS = A2</i>								
		<i>7</i>									<i>LOTS 9 & 11 = A2 A2</i>								

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: *19134*

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

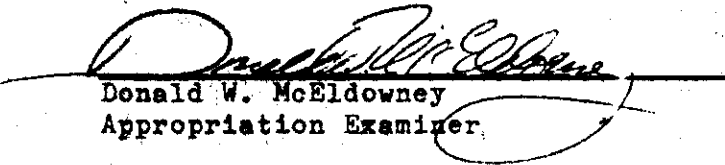
Date: March 12, 1970

From: Department of Reclamation

To: Attorney General's Office, Mr. Bill Collins

Re: Water License No. 19134/75-2099, John Webb and Eva D. Webb

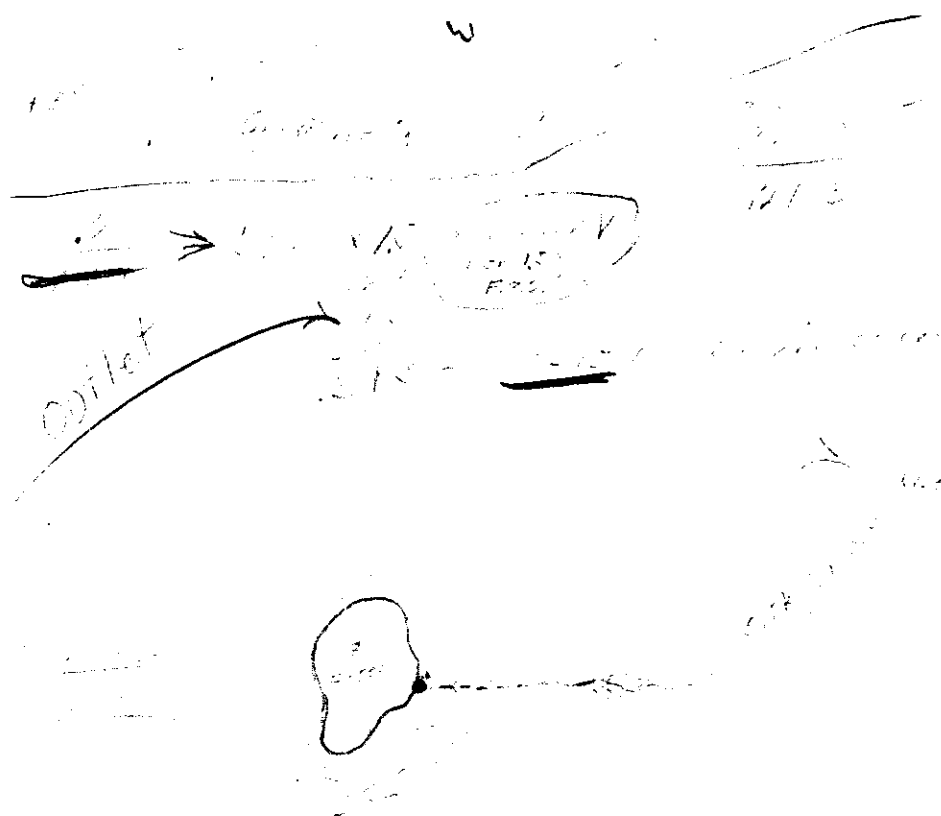
On December 4, 1944, the Department of Reclamation issued a water license in connection with the above referenced in the name of John Webb and Eva D. Webb. On December 27, 1944, the Department received a notice of appeal in the Sixth Judicial District Court in and for the County of Lemhi. We would appreciate your investigating this matter and informing the Department as to the outcome of the appeal as determined by the court.


Donald W. McEldowney
Appropriation Examiner

DWM:TG

*See Deere
at 6/1/68*

75-2099
19134



Approximate outlet $\frac{1000000}{1000000} = 1$
 7/2/44

19134

Exhibit A

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

BERTHA K. ROSE, SUSIE E. SHCUP,
EDGAR S. EDWARDS, ANNA WRIGHT,
ETHEL S. SUYDAL, and ETHEL E.
BUNDY,

Plaintiffs,

vs.

:
::: D E C R E E .
:

EVA D. WEBB, FRANK MALCOLM,
JAMES R. HIBBS, ADOLPH MAGNUSON,
JOHN A. BRUNNEY, LOUIS S. STONE,
WILLIAM A. ANDERS, WILLIAM REY-
NOLDS, EMERSON HILL, FRANK GLENNON,
HANS LAUESON, JOHN WEBB, J. FRANK
HIBBS, LINDA M. REYNOLDS, MYRTLE
REYNOLDS,

Defendants.

This cause having come on to be heard on the 1st day of
October, 1940, before Honorable Guy Stevens, Judge of the above
entitled Court, sitting without a jury, E. H. Casterlin appearing
as counsel for the plaintiffs, Lot L. Feltham appearing as counsel
for the defendants J. Frank Hibbs, Linda M. Reynolds, and Myrtle
Reynolds, Preston Thatcher appearing as counsel for the defendants
John Webb and Eva D. Webb, Fred Snook appearing as counsel for the
defendants Emerson Hill, Frank Glennon and Hans Laueson, the default
of the remaining defendants having been duly and regularly entered,
and the Court having heard the testimony and the evidence and the
stipulation and confession of facts made in open court, and the
Court being fully advised in the premises and having made and
entered herein, in writing, Findings of Fact and Conclusions of
Law, and having ordered decree herein in conformity therewith;

Now, therefore, by reason of the law and the premises,
it is ORDERED, ADJUDGED AND DECREED as follows:-

1.

That Wallace Creek is a natural stream of water located
in Lemhi County, State of Idaho, flowing into the Salmon River

at a point in Township 22 North of Range 22 East of the Boise Meridian, the waters of which are subject to appropriation and beneficial use.

2.

That J. Frank Hibbs is entitled to the right to the use of 29 inches or 29/50ths cubic feet per second of time of the continuous flow of the waters of said Creek, dating from May 13, 1898, for domestic and agricultural purposes on and appurtenant to Lots numbered 8, 11 and 13 of Section 6 of Township 22 North of Range 22 East of the Boise Meridian, in Lemhi County, Idaho, to be measured at the following points of diversion, to-wit:- (1) at a point on the north bank of Wallace Creek 690 feet, approximately, downstream from the SE corner of the NE $\frac{1}{4}$ of said Section 6; (2) at a point on the south bank of said Creek 900 feet, approximately, upstream from the SE corner of said Section 6; (3) at a point on the north bank of said Creek 1690 feet, approximately, downstream from the SE corner of said Section 6.

3.

That Susie E. Shoup, Edgar S. Edwards, Anna Wright, Ettie S. Suydam and Ethel E. Bundy are entitled to the right to the use of 40 inches or 40/50ths cubic feet per second of time of the continuous flow of the waters of said Creek, dating from June 1, 1902, for domestic and agricultural purposes on and appurtenant to the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and Lots numbered 3, 4 and 9 of Section 6 of Township 22 North of Range 22 East of the Boise Meridian, in Lemhi County, Idaho, to be measured at the point of diversion on the north bank of said Creek at or near what has for years been known as the Old Arrastre.

4.

That Bertha K. Rose is entitled to the right to the use of 83 inches or 1.66 cubic feet per second of time of the continuous flow of the waters of said Creek, dating from June 1, 1912, for domestic and agricultural purposes on and appurtenant to the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and Lot number 9 of Sec-

tion 18 of Township 22 North of Range 22 East of the Boise Meridian, in Lemhi County, Idaho, to be measured at the point of diversion on the south bank of the south fork of said Creek on the Specie Payment Placer Claim about where it is crossed by the Tom Dig Bee quartz Claim.

5.

That John Webb is entitled to the right to the use of $22\frac{1}{2}$ inches or 22.5/50ths cubic feet per second of time of the continuous flow of the waters of said Creek, dating from June 1, 1912, for domestic and agricultural purposes on and appurtenant to that part of Lot numbered 5 of Section 18, Township 22 North, Range 22 East Boise Meridian described as beginning at the southwest corner of said Lot 5 and run thence North 556 feet; thence East 1076 feet to the west bank of the Salmon River; thence southeasterly along said bank 593 feet, more or less, to the southerly line of said Lot 5; thence West 1282 feet to the place of beginning, containing 15 acres more or less, in Lemhi County, Idaho, to be measured at the point of diversion on the south bank of the south fork of said Creek about $3\frac{1}{2}$ miles from the mouth of said Creek.

6.

That Eva D. Webb is entitled to the right to the use of $22\frac{1}{2}$ inches or 22.5/50ths cubic feet per second of time of the continuous flow of the waters of said Creek, dating from June 1, 1912, for domestic and agricultural purposes on and appurtenant to Lots numbered 9 and 11, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ and Lot 5 of Section 18, Township 22 North, Range 22 East Boise Meridian in Lemhi County, Idaho, to be measured at the point of diversion mentioned in Paragraph 5 herein above.

7.

That Linda M. Reynolds and Myrtle Reynolds are entitled to the right to the use of 5 inches or 5/50ths cubic feet per second of time of the continuous flow of the waters of said Creek for domestic purposes and 100 inches or 2 cubic feet per second of time of the

continuous flow of the waters of said Creek for mining purposes, all dating from March 1, 1931, for such use on and appurtenant to the Gold Nugget Placer Mining Claim, amended location notice of which is of record in Book Z of Mining Claims at page 131 thereof, records of Lemhi County, Idaho; and the right to the use of 100 inches or 2 cubic feet per second of time of the continuous flow of the waters of said Creek, dating from August 20, 1934, for mining purposes on and appurtenant to the Roosevelt Placer Mining Claim, location notice of which is recorded in Book W of Mining Claims at page 588 thereof, records of Lemhi County, Idaho; the said water to be measured at the point of diversion on the north bank of the south fork of said Creek below the point of diversion of Bertha H. Rose; PROVIDED, however, that all of said water shall be used on the water shed of said Creek and in such manner and at such places that the same will return or will be returned to the bed of said Creek, without diminution, above the next lower point of diversion for the unimpaired use of the other parties hereto as hereinprovided and determined.

8.

That Emerson Hill, Frank Glennon and Hans Laueson are entitled to the right to the use of 50 inches or 1 cubic foot per second of time of the continuous flow of the waters of said Creek, dating from August 7, 1931, for milling purposes on and appurtenant to the Last Chance No 1 to 8, inclusive, lode mining claims in the Eureka Mining District in Section 14, Township 22 North, Range 22 East of the Boise Meridian, in Lemhi County, Idaho, to be measured at the point of diversion as now established and existing on the south bank of the south fork of said Creek.

9.

That the agricultural appropriators above named have used on their respective lands and premises above described, during each and every irrigation season, all of the high waters of said Creek in the proportion of their respective decreed rights, dating from March 1, 1931, and that the right of said appropriators to the use of

the said high waters in said manner is hereby decreed to each.

10.

That the Queen Gulch, socalled, is a natural water course which is used by the defendants Bertha M. Rose, John Webb and Eva D. Webb as a part of their respective irrigation systems, and that each of said defendants is entitled to take from said natural water course only the amount of decreed water which each places therein, the same to be determined by measuring devices of recognized design placed at the points where each defendant discharges decreed water into said Queen Gulch and at the points where each of said defendants takes decreed water therefrom; and, that if there is not flowing in said Queen Gulch sufficient water for each of said defendants to take out the full amount of water each has placed therein, the loss shall be sustained by each defendant in the proportion to the amount of decreed water each has measured into said Queen Gulch above.

11.

That the defendants Frank Malcolm, James R. Hibbs, Adolph Magnuson, John A. Brunney, Louis S. Stone, William A. Anders and William Reynolds have no right whatsoever to the use of any of the waters of said Wallace Creek.

12.

That each and every of the parties to this action, their employees, agents, attorneys and all persons acting in aid of them, or any of them, be, and they are hereby perpetually restrained and enjoined from in any manner whatsoever interfering with the rights of any other party to this action, as the same are herein and hereby adjudicated, and that each party hereto shall pay his or her own costs and disbursements incurred herein.

Done and dated this 27th day of January 1941.

Guy Stevens
District Judge.

Filed and entered February 1, 1941
W.L. Kimmonds, Clerk of the Dist. Court
By Margaret Shoup, Deputy.
Book D of Judgments, page 456- 457.

State of Idaho, :
 : ss
County of Lemhi. :

I, W. W. Simmonds, Clerk of the District Court
and Ex-Officio Auditor and Recorder in and for said county, do
hereby certify that the above and foregoing is a full, true and
complete copy of Decree, in the above entitled case of Bertha
N. Rose, et. al, plaintiffs, vs. Eva D. Webb, et al, defendants,
as the same appears of record in my office in Book 8 of
Judgments, pages 456-457 official records of Lemhi
County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal this 27th day of September, 1944.

W. W. Simmonds
Clerk of the District Court and Ex-Offi-
cio Auditor and Recorder

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

IN THE MATTER OF APPLICATION FOR)
LICENSE UNDER PERMIT NO. 19134)
BY JOHN AND EVA D. WEBB AND) NOTICE OF APPEAL
PROTESTED BY HOLDERS OF WATER)
RIGHTS ON WALLACE CREEK)

To Honorable Mark R. Kulp, State Reclamation Engineer, and
John Webb and Eva D. Webb:-

You, and each of you, will please take notice
that Earl C. Pyeatt and Margaret L. Pyeatt, feeling them-
selves aggrieved by the statements contained in the license
issued under Permit No. 19134 by John Webb and Eva D. Webb,
and specifically set out in the petition filed herewith,
hereby appeal therefrom to the District Court of the Sixth
Judicial District of the State of Idaho, in and for the
County of Lemhi, in which said county the use of the water
claimed is situated.

Earl C. Pyeatt

Margaret L. Pyeatt

E.H. Casterlin
Box 1776
Boise, Idaho
Attorney at Law

Service of the foregoing and receipt of copy thereof this
27 day of December, 1944, is hereby acknowledged.

Mark R. Kulp.

State Reclamation Engineer.

19.34

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

IN THE MATTER OF APPLICATION FOR)
LICENSE UNDER PERMIT NO. 19134)
BY JOHN AND EVA D. WEBB, AND PRO-) PRAECIPE
TESTED BY HOLDERS OF WATER RIGHTS)
ON WALLACE CREEK)

To Honorable Mark R. Kulp, State Reclamation Engineer,-

Margaret L. Pyeatt and Earl C. Pyeatt, being about to appeal to the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi, from the statement contained in the license issued under Permit No. 19134, will you please prepare and certify for that purpose the record necessary under the requirements of Section 41-217, Idaho Code Annotated, 1932, and in accordance with said Section ?

Earl C. Pyeatt

Margaret L. Pyeatt

E.H. Casterlin,
Attorney at Law
Box 1776, Boise, Idaho.

Service of the foregoing and receipt of copy this 27 day of December, 1944, is acknowledged.

Mark R. Kulp.

Mark R. Kulp
State Reclamation Engineer.

19134

December 4, 1944

Re: Permit No. 19134

Mr. John Webb
Box 791
Salmon, Idaho

Dear Mr. Webb:

We enclose herein License and Certificate of
Water Right confirming the right of John Webb and
Eva D. Webb to the use of 12 acre feet of the water of Wallace
Lake, through Wallace Creek, in Lemhi County, with priority
of May 13, 1941, for the irrigation of land in Sections 7 and
18, Township 22 North, Range 22 East, E. M.

The Department's Receipt No. 18720, for the \$5.00 fee paid
by you in connection with this proof, is also enclosed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19134

November 24, 1944

Re: Permit No. 19134

Mr. F. A. McCall
Attorney at Law
Salmon, Idaho

Dear Mr. McCall:

I am enclosing herewith copy of a decision
in the matter of the protests against the
issuance of a License under Permit No. 19134,
in the name of John and Eva D. Webb.

This is for your information, and you will,
of course, advise your clients in accordance
therewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A
Encl.

19134

November 24, 1944

Re: Permit No. 19134

John & Eva D. Webb
Salmon, Idaho

Dear Mr. and Mrs. Webb:

I am enclosing herewith a copy of decision rendered in the matter of the issuance of a license under your above numbered permit.

Upon receipt of the statutory fee of \$5.00 a license will be issued accordingly, for twelve (12) acre feet of the water of Wallace Lake.

Very truly yours,

MARA R. KULP
State Reclamation Engineer

A
Encl.

19134

November 24, 1944

Re: Permit No. 19134

Mr. Charles C. Thomas
Salmon, Idaho

Dear Mr. Thomas:

Reference is made to your letter of September 26th, 1944, relative to water rights in Wallace Lake, or Wallace Creek.

A decision has been rendered in this matter as of this date and a license will be issued to John and Eva D. Webb, for the storage of approximately twelve acre feet of water, or the amount which can be stored between the elevations 0.5 foot and 2.0 feet respectively above the elevation to which Wallace Lake can be drained by their present outlet structure.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A

19134

November 24, 1944

Re: Permit No. 19134

Mr. A. H. Casterlin
C/o U. S. District Court
Federal Bldg.
Boise, Idaho

Dear Mr. Casterlin:

I am enclosing herein, for your information,
copy of a decision in the matter of the
issuance of a License under Permit No. 19134,
in the name of John Webb and Ava Webb.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A
Encl.

19134

✓
November 24, 1944

Re: Permit No. 19134

Mr. C. Walker Lyon
Attorney at Law
Salmon, Idaho

Dear Mr. Lyon:

I am enclosing herewith a copy of the
decision rendered in the matter of the
issuance of a License under Permit No.
19134, in the name of John Webb and Eva
D. Webb.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

Encl.

19134

November 24, 1944

Re: Permit No. 19134

Mr. C. N. Woods,
Regional Forester
Intermountain Region
Ogden, Utah

Dear Mr. Woods:

I am enclosing, for your information, a copy of the decision rendered in the matter of the issuance of a License under the above numbered permit, to John and Eva D. Webb.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A
Encl.

19134

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

IN THE MATTER OF APPLICATION FOR)
LICENSE UNDER PERMIT NO. 19134, BY ()
JOHN AND EVA D. WEBB, AND PROTESTED)
BY HOLDERS OF WATER RIGHTS ON ()
WALLACE CREEK)

DECISION OF THE
STATE RECLAMATION ENGINEER

On the sixth day of October, 1943, John Webb and Eva D. Webb, of Salmon, Idaho, made proof of beneficial use under Permit No. 19134, before Mr. C. Walker Lyon, Notary Public, Salmon, Idaho, who received and forwarded to the State Department of Reclamation certain protests against the granting of the License.

On the eighth day of September, 1944, an examination was made by the Field Engineer of the Department of Reclamation, and a report was made.

On the twenty-first day of September, 1944, a statement was sent to the applicants and protestants, and their attorneys, reviewing certain pertinent information, and stating that further pertinent information would be accepted and considered by the State Reclamation Engineer at any time before 10:30 A.M. September 30, 1944, after which time the application for License under Permit No. 19134 would be reviewed.

Numerous and conflicting affidavits were received, and all assembled information was reviewed by the State Reclamation Engineer, subsequent to September 30, 1944.

It is the opinion of the State Reclamation Engineer that:

1. Water was stored in Wallace Lake and put to beneficial use.
2. The State Reclamation Engineer is without authority to determine whether the water stored and used was decreed water or unappropriated water.
3. The regulated storage level of Wallace Lake was raised by the outlet works of the applicants approximately 1.5 feet above the natural storage level.
4. The applicants should be issued a license to store twelve (12) acre feet of the unappropriated waters of Wallace Lake in Wallace Lake, or the amount that can be stored between an elevation 0.5 foot above the level to which the lake could be drained by the applicants' present outlet structure, and an elevation 2 feet above the level to which the lake could be drained by the applicants' present outlet structure.

Therefore, a License will be issued to John Webb and Eva D. Webb under Permit No. 19134 for the storage of approximately twelve (12) acre feet of water, or the amount which can be stored between the elevations 0.5 foot and 2.0 feet respectively above the elevation to which Wallace Lake can be drained by the applicants' present outlet structure.

Either the applicants or the protestants, feeling themselves aggrieved by this decision, have recourse by appeal to the District Court, under Section 41-217, Idaho Code Annotated.

Dated November 22, 1944.

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

19134

RECEIVED

SEP 30 1944

Department of Reclamation

To Honorable Mark Kulp,
State Engineer,
Boise, Idaho,

Dear Sir:-

Re:- Application No 19134.

Memorandum statement.

The facts in this proceeding seem to show that the rights to the use of the normal and high water flow of Wallace Creek, Lemhi County, Idaho, were determined by a decree of the District Court for the Sixth Judicial District entered January 2, 1941, in a suit wherein Bertha N. Rose and others were plaintiffs and Eva D. Webb and John Webb, the applicants herein, and others were defendants. This decree allocates the water, both the normal and the high water flow, to the lands described in the instant proceeding and application.

If Wallace Lake is a source of supply for Wallace Creek, which seems to be well established by the affidavits filed herein, then the natural flow of the waters from the lake has been decreed and (1) the parties to the decree are entitled to have the conditions of the lake as they existed on the date of the decree maintained intact and (2) there is no water subject to appropriation excepting water which may be stored without changing the conditions of the lake.

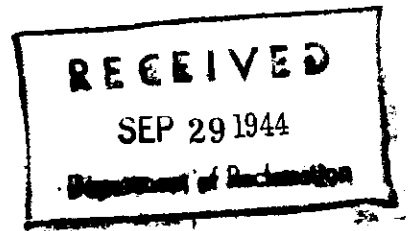
This being true, Application No 19134 should be construed to apply to stored water and any permit issued thereon should make the storage rights subordinate to and subject to the terms of the decree. By so doing the rights of all parties would be protected and there would be no conflict between the terms of the decree and the permit.

Respectrully,

E. H. Castleton
Attorney for and of Counsel
for Bertha N. Rose and Margaret
Pyeatt, successor in interest.

Boise, Idaho. 100x 1776.

19134



State of Idaho, :
: ss
County of Lemhi. :

Margaret L. Pyeatt, being first duly sworn, and answering interrogatories a, b, c, d and e, as the same appear under 5 in the Summary contained in the notice entitled "To Applicants for License Certificate for water right under Permit No. 19134", deposes and says as follows:

(a) Upon information received from the Forest Service at Salmon, Idaho, which information I believe, I allege the fact to be that the tentative high water line, as established by the Forest Service, ^{and} ~~above~~ lake level when visible surface flow ceased, prior to the installation of control structures, is practically the same.

(b) Upon information received from the Forest Service at Salmon, Idaho, which information I believe, I allege the fact to be that the lake level normally fell below the level at which the visible surface outflow ceased, two feet.

(c) The same as it is now.

(d) During the latter part of high water and after.

(e) After.

Margaret L. Pyeatt

Subscribed and sworn to before me this 28th day of September, 1944.

G. A. McCall
Notary Public for State of Idaho
Residing at Salmon, Idaho.

C O P Y

(original delivered to Webb by Otis personally)

Form 832
(Revised Nov. 1933)



SPECIAL USE PERMIT

U
USES - Salmon
Reservoir - (Wallace Lake)
Webb, John
7/29/41

(Case designation)

Permission is hereby granted to John Webb
of Salmon, Idaho

to use the following-described lands: SE $\frac{1}{4}$, Sec. 8, Twp. 22 N., R. 21 E., B.M., at the
(Describe the lands to be occupied, if unsurveyed, by metes and bounds, with reference to a road or
out-let of Wallace Lake
stream or well-known landmark; right of way by terminal points, direction, and lands occupied)

for the purpose of constructing a headgate and open conduit for storage and trans-
(Briefly but clearly describe the use, giving area of inclosures, length and width of right of way, etc.)
mission of water for irrigation.

subject to the following conditions:

1. The permittee shall pay to the Regional Fiscal Agent designated by the Forest officer for deposit to the credit of the Treasurer of the United States, in consideration for this use, the sum of no charge dollars (\$ -----) for the period from August 1, 1941, to December 31, 1941, and thereafter annually, on January 1, ----- dollars (\$ -----).

2. The permittee shall comply with the regulations of the Department of Agriculture governing the National Forest, shall observe all sanitary laws and regulations applicable to the premises, and shall keep the premises in a neat and orderly condition and dispose of all refuse and locate outhouses and cesspools as required by the Forest officers.

3. This permit is subject to all valid claims.

4. The permittee shall take all reasonable precaution to prevent and suppress forest fires.

8-712

19134

5. The permittee, if engaged in business, shall conduct same in an orderly manner and in accordance with all requirements of the laws of the State of Idaho, as well as the laws of the United States.

6. The permittee shall pay the United States for any damage to its property resulting from this use.

7. The permittee shall fully repair all damage, other than ordinary wear and tear, to roads and trails in the National Forests caused by the permittee in the exercise of the privilege granted by this permit.

8. Construction work (or occupancy and use) under this permit shall begin within One months, be completed within 6 months years from the date of the permit, and this use shall be actually exercised at least 150 days each year, unless the time is extended or shortened.

9. In case of change of address, permittee shall immediately notify the Forest Supervisor.

10. The charges for this use may be readjusted whenever necessary to place this permit on a basis consistent with the charge to other permittees for like privileges. A general readjustment will be made at the end of five years from the date of issuance of permit and at the end of each five-year period thereafter.

11. No National Forest timber may be cut or destroyed without first obtaining a permit from the Forest Supervisor.

12. Upon the abandonment, termination, or revocation of this permit, and in the absence of an agreement to the contrary, the permittee, if all the rental charges due the Government have been paid, may, within a reasonable period to be determined by the issuing officer, remove all structures which have been placed on the premises by him, except where the material was furnished by the Forest Service, but upon failure to remove the structures within that period they shall become the property of the United States.

13. This permit may be transferred with the approval of the officer by whom it was given or his successor, subject to such conditions as may be imposed at the time of transfer. It shall terminate upon breach of any of the conditions herein or at the discretion of the Regional Forester or the Forester.

14. The permittee shall provide, whenever requested by the Forest officers, a way across the land covered by this permit for the free ingress or egress of Forest officers and for users of National Forest land and purchasers of National Forest products.

15. This permits is issued to authorize use of land for the purpose described.
(Special stipulations necessary)

It does not confer right to use the water involved.

16. Construction of the headgate shall be of concrete, set on bedrock. It shall have a minimum thickness of 12" and be constructed in a workman like manner.

17. The headgate shall be of such height that it will control the water of Wallace Lake only between the high water line and the low water line of the lake as shall be determined by the Forest Officer in charge prior to construction. Maximum fluctuation of the water level shall not exceed 2', (two feet).

18. The permittee agrees to clean up and remove all debris resulting from construction and use of the proposed improvements.

19. The permittee agrees and assumes responsibility for any damage to property that may result from construction or use of the proposed improvements.

September 15, 1941
(Date)

s/ Art Buckingham
(Signature of officer issuing permit)

Acting Forest Supervisor
(Title)

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
INTERMOUNTAIN REGION



ADDRESS REPLY TO
REGIONAL FORESTER
AND REFER TO

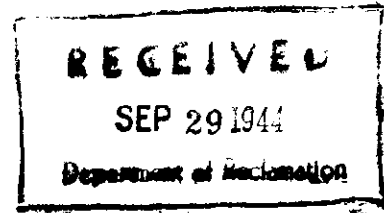


FOREST SERVICE BUILDING
OGDEN, UTAH

U
USES - Salmon
Reservoir (Wallace Lake)
Webb, John
7-29-41

September 28, 1944

Mr. E. V. Berg,
Commissioner of Reclamation
State Capitol, Boise, Idaho



Dear Mr. Berg:

Reference is made to Mr. Kulp's report "To Applicants for License Certificate for Water Right Under Permit No. 19134, copy of which was sent this office.

On July 29, 1941 the Forest Service issued special use permit to John Webb, copy of which is enclosed.

No objection is raised by the Forest Service to the use of the national forest lands for the purpose of storing water under the conditions set forth in the permit.

As to the high water lake level, the high water line established by the Forest Service is the same as the lake level when surface flow ceased, prior to the installation of the control structure.

The difference between high and low water levels of the lake were determined to 2 feet. The lakes natural outlet is not visible but through boulders.

Very sincerely yours,

W. B. RICE, Regional Forester

By *A. J. Ford*
Acting

Enclosure

19134

September 29, 1944

Re: Permit no. 19134

Mr. John Webb
Salmon, Idaho

Dear Mr. Webb:

We acknowledge receipt of your letter of
September 27th, enclosing affidavits in
connection with the above numbered Permit.

These have been duly placed on file, and
will be given full consideration before
final action is taken in the matter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A

19134

Salmon, Idaho
September 27th, 1944

State Reclamation Engineer
Room 107, State Capitol
Boise, Idaho

Dear Mr. Culp:

Enclosed herewith are eleven affidavits, to show conclusively that I have stored two feet of water in Wallace Lake which would have wasted into the Salmon River, under my permit No. 19134.

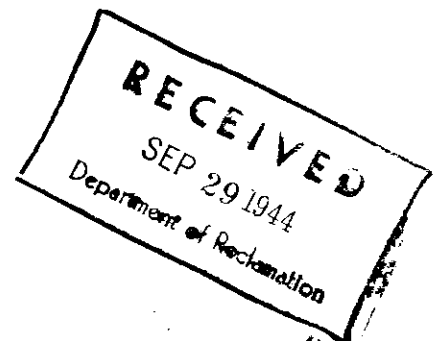
The Forest Ranger who raised the high water mark of the lake two feet for me was Otis Slavin who has now been transferred from Salmon, Idaho, to the vicinity of Ashton, Idaho, and is unavailable to sign an affidavit in support of my permit, but should your department wish this Ranger to make an affidavit, it can readily be obtained if sufficient time were allowed.

There are many more affidavits that I could obtain in this matter, but they would only re-state the facts that are shown and strengthen the proof thereof.

Should the enclosed affidavits not be satisfactory enough for the granting of my permit, I shall be very glad to submit more and also submit any additional affidavits that you would consider necessary on any new point.

Yours very truly,

John Webb



A F F I D A V I T.

Under Permit No. 19134

STATE OF IDAHO)
) ss.
COUNTY OF LEMHI)

J. K. GILSON, Being duly sworn according to law, deposes and says:

That I have no interest in connection with the use of the waters of Wallace Lake or Wallace Creek whatsoever and have no interest in placing water to beneficial use under State of Idaho Permit No. 19134.

That I am acquainted with the waters of Wallace Creek, Lemhi County, State of Idaho, and the water contributing thereto including Wallace Lake.

That I have read the decree of Wallace Creek as determined before Honorable Guy Stevens, Judge of the Sixth Judicial District of the State of Idaho, on the 1st day of October, 1940.

That I know of my own personal knowledge that water from Wallace Creek and the South Fork thereof goes to waste during the spring of the year over and above the decreed users rights.

That I have seen the dam and irrigation works of the applicants, John Webb and Eva D. Webb, and know that during the period of high water run-off they save and store wasted water and could tell by the conditions of the dam and diversion works that water had flowed over and above such works during the run-off period.

That I know that such storage in Wallace Lake was filled before the irrigation season of the users of Wallace Creek.

That on many hot days water that would go to waste which it would be impossible to use is saved by the applicants in such storage reservoirs.

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That Wallace Lake is only a portion of the waters contributory to Wallace Creek and that in the spring runoff season existing decrees could be filled without any water whatsoever from Wallace Lake.



Subscribed and sworn to before me this 26th day of
September, 1944.


Notary Public for Idaho
Residing at Salmon, Idaho

AFFIDAVIT SUPPORTING PERMIT NO. 19134

STATE OF IDAHO)
COUNTY OF LEMHI) ss.

DU SHANE BROWN, being duly sworn according to law, deposes and says as follows:

That I am not interested in any way in the waters of Wallace Creek or Wallace Lake, Lemhi County, Idaho, and have no interest in the granting of Permit No. 19134 by the State of Idaho.

That I am acquainted with the dam and works of John and Eva D. Webb at the lower end of Wallace Lake.

That the tentative high water line as established by the Forest Service is about two (2) feet above the lake level when visible surface flow ceased prior to installation of the control structures of the said Webbs.

That there are two pins at the lower end of said Wallace Lake. When the water of the lake would strike the bottom of the lower pin this would be the previous high water level of Wallace Lake. When the water of the lake would strike the bottom of the upper pin the level of the lake would be two (2) feet above its normal high water line before any structures were placed therein by the said Webbs's.

That it is very evident that the upper Forest Service pin has established a ^{water} line which raised the lake vertically two feet higher than it had ever been before the dam was placed across the lower end of said Lake by said Webbs's.

That the bottom of the headgate in said dam is approximately even with the lower pin and the top of the headgate is approximately even with the upper pin thereby giving the said Webbs' control of two (2) feet of impounded water above the prior water level.

Du Shane Brown

Subscribed and sworn to before me this 27th day of September,

1944

[Signature]
Notary Public for Idaho
Residing at Salmon, Idaho

19134

AFFIDAVIT SUPPORTING PERMIT NO. 19134

STATE OF IDAHO)
) ss.
COUNTY OF LEMHI)

DR. W. T. WILLIAMSON, being duly sworn according to law,
deposes and says as follows:

That I am not interested in any way in the waters of Wallace
Creek or Wallace Lake, Lemhi County, Idaho, and have no interest in
the granting of Permit No. 19134 by the State of Idaho.

That I had occasion to take a fishing trip in the vicinity
of said Wallace Lake on the 27 day of June, 1943, and walked all
around the said Lake.

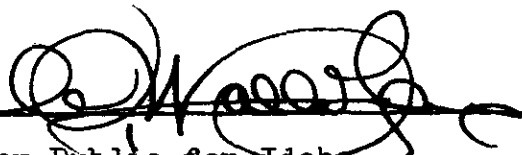
That I observed that the dam of John Webb and Eva D. Webb
was closed and that a small amount of water was running over the top
of their works.

That I could tell the Lake had been raised about two (2) feet
above its normal high water because of the fact that the water had
been raised among the trees and that some of the fish in the lake
were around the tree roots.

That it appeared to me that if the said dam had not been
placed at the lower end of the lake the water of the lake would have
been about two (2) feet lower.

W. T. Williamson

Subscribed and sworn to before me this 27th day of September,
1944.


Notary Public for Idaho
Residing at Salmon, Idaho

19134

AFFIDAVIT SUPPORTING PERMIT NO. 19134

STATE OF IDAHO)
COUNTY OF LEMHI) ss.

HARVEY IVERSON, being duly sworn according to law, deposes
and says as follows:

That I am not interested in any way in the waters of Wallace
Creek or Wallace Lake, Lemhi County, Idaho, and have no interest in
the granting of Permit No. 19134 by the State of Idaho.

That I am well acquainted with Wallace Creek and Wallace Lake
having operated a ranch on Wallace Creek for one year.

Evidently true ✓
That I have had occasion to visit Wallace Lake since the dam
was placed at the lower end thereof by John Webb and Eva D. Webb and
know of my own knowledge that they have raised the high water level
of the Lake two (2) feet. Such high water level being ~~when~~ the lake
would have overflowed into the South Fork of Wallace Creek before the
said works were built.

That I have read the decree of the Honorable Guy Stevens,
Judge of the Sixth Judicial District of the State of Idaho, dated
January 27th, 1941, and know the amounts of water decreed therein,
and know of my own knowledge that in the spring run-off there is
normally water wasted into the Salmon River over and above the decreed
rights which ~~now~~ the said John Webb and Eva D. Webb are now impounding.

Harvey Iverson

Subscribed and sworn to before me this 27th day of September,
1944.

[Signature]
Notary Public for Idaho
Residing at Salmon, Idaho

19134

AFFIDAVIT SUPPORTING PERMIT NO. 19134.

STATE OF IDAHO)
) ss.
COUNTY OF LEMHI)

H. T. CARLSON, being duly sworn according to law, deposes and says as follows:

That I am not interested in any way in the waters of Wallace Creek or Wallace Lake, Lemhi County, Idaho, and have no interest in the granting of Permit No. 19134 by the State of Idaho.

That I have read the decree of the Honorable Guy Stevens, Judge of the Sixth Judicial District of the State of Idaho, dated January 27th, 1944, and know the amounts of water decreed therein, and know of my own knowledge that in the spring run-off there is normally water wasted into the Salmon River over and above the decreed rights which the said John Webb and Eva D. Webb are now impounding.

That I have visited the Lake at different times in late August and early September, the time which the applicants begin to withdraw storage water and at such times no visible surface water was flowing through the outlet of Wallace Lake and that such water level had fallen below the high water level of Wallace Lake before any structures were placed therein.

H. T. Carlson

Subscribed and sworn to before me this 27th day of September, 1944.

B. M. [Signature]
Notary Public for Idaho
Residing at Salmon, Idaho

19134

AFFIDAVIT SUPPORTING PERMIT NO. 19134

STATE OF IDAHO)
) ss.
COUNTY OF LEMHI)

EDWARD C. WALDAL, being duly sworn according to law, deposes and says as follows:

That I am not interested in any way in the waters of Wallace Creek or Wallace Lake, Lemhi County, Idaho, and have no interest in the granting of Permit No. 19134 by the State of Idaho.

That I have read the decree of the Honorable Guy Stevens, Judge of the Sixth Judicial District of the State of Idaho, dated January 27th, 1941, and know the amounts of water decreed therein, and know of my own knowledge that in the spring run-off there is normally water wasted into the Salmon River over and above the decreed rights which the said John Webb and Eva D Webb are now impounding.

That I am well acquainted with the dam and works of John Webb and Eva D. Webb and the pins placed there by the Forest Service Ranger.

That there is one pin placed in the rocks of Wallace Lake that when the water would be at the bottom of the pin, water would be just flowing out of the bottom of the headgate of said parties. This pin is placed at the natural high water level of Wallace Lake before any dam or works were placed therein by the Webbs.

That about forty-three feet higher on a bank of Wallace Lake there is another pin which if the water just touches the bottom of the pin the normal high water line of the lake existing before the dam and works were built would be raised two (2) feet.

That there is a blazed tree near such pin and on the blazed part of the tree is written forty-two feet nine inches N. to low water pin.

That it is very evident that Wallace Lake has been raised by the said Webbs' two (2) feet above the normal high water line of the lake and that these two pins set a new high water line two feet above the old one that existed before.

19134

That I have never seen Wallace Lake at its lowest, but have seen it one foot, vertically, below the level at which visible surface outflow ceased before control structures were placed in said Lake.

That the natural or unregulated Lake level, when applicants begin ~~with~~ ^(have been) drawing storage would be below the lake level when visible surface flow ceased prior to installing control structures.

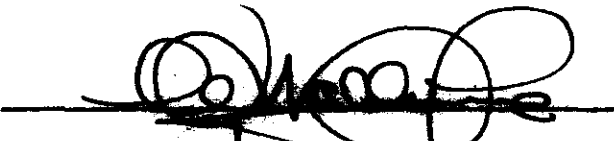
That the storage water is impounded by the said Webbs' during the high water period of Wallace Creek.

That the said storage is filled at the beginning of the early irrigating season.

That I know of my own knowledge that the decreed users of Wallace Creek do not need any water whatsoever from Wallace Lake in the spring of the year when said storage is filled to fully meet their decrees.

Edward C. Waldal

Subscribed and sworn to before me this 27th day of September, 1944.


Notary Public for Idaho
Residing at Salmon, Idaho

19134

AFFIDAVIT SUPPORTING PERMIT NO. 19134.

STATE OF IDAHO)
) ss.
COUNTY OF LEMHI)

DAVID O. McFARLAND, being duly sworn according to law,
deposes and says as follows:

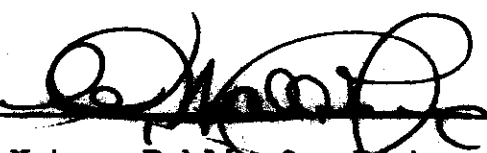
That I am not interested in any way in the waters of Wallace
Creek or Wallace Lake, Lemhi County, Idaho, and have no interest
in the granting of Permit No. 19134 by the State of Idaho.

That I am well acquainted with the waters of the South Fork
or Wallace Creek and Wallace Lake.

That I have read the decree of the Honorable Guy Stevens,
Judge of the Sixth Judicial District of the State of Idaho, dated
January 27th, 1944, and know the amounts of water decreed therein,
and know of my own knowledge that in the spring run-off there is
normally water wasted into the Salmon River over and above the
decreed rights.

David O. McFarland

Subscribed and sworn to before me this 27th day of September,
1944.


Notary Public for Idaho
Residing at Salmon, Idaho

19134

AFFIDAVIT SUPPORTING PERMIT NO. 19134

STATE OF IDAHO)
) ss.
COUNTY OF LEMHI)

✓
WILLIAM WEBB, being duly sworn according to Law, deposes
and says as follows:

That I am not interested in any way in the waters of Wallace
Creek or Wallace Lake, Lemhi County, Idaho and have no interest in
the granting of Permit No. 19134 by the State of Idaho.

That I am well acquainted with the said waters of Wallace
Creek and Wallace Lake.

✓ That I have read the decree of the Honorable Guy Stevens,
Judge of the Sixth Judicial District of the State of Idaho, dated
January 27th, 1941, and know the amounts of water decreed therein,
and know of my own knowledge that in the spring run-off there is
normally water wasted into the Salmon River over and above the
decreed rights which the said John Webb and Eva D. Webb are now im-
pounding.

✓ That the tentative high water line that was established by the
United States Forrest Service is approximately two (2) feet above the
lake level when visible surface flow ceased prior to the installation
of the works of John and Eva D. Webb.

✓ That the said John Webb and Eva D. Webb have controlled the
water level of the lake above the normal high water line existing
before the building of their works and the new high water line es-
tablished by the Forest Service about two (2) feet higher, this causing
the impounding of two (2) feet, vertically, of water in Wallace Lake
which had never been impounded before.

logical
✓ That the Lake level in my estimation would normally fall from
two to three feet below the level at which visible surface outflow
ceased.

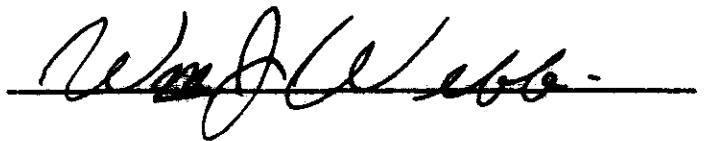
That the natural or unregulated lake level at the time when
applicants withdraw storage would be about eighteen (18) inches.

19134

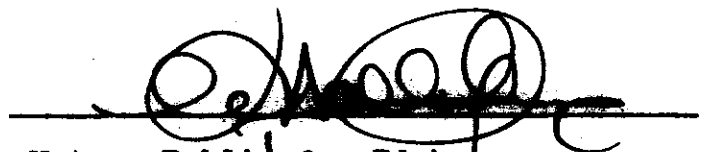
That the storage is filled during the high water period of Wallace Creek.

That the storage is filled in the beginning of the early irrigation season.

That I know of my own knowledge that there is enough water flowing during the high water period of Wallace Creek when the storage is being filled to take care of all decreed rights of Wallace Creek without needing any water whatsoever from Wallace Lake.



Subscribed and sworn to before me this 27th day of September, 1944.



Notary Public for Idaho
Residing at Salmon, Idaho

AFFIDAVIT SUPPORTING PERMIT NO. 19134

STATE OF IDAHO)
) ss.
COUNTY OF LEMHI)

JOHN WEBB, being duly sworn according to law , deposes and says as follows:

That he is one of the applicants under Idaho Permit No. 19134 and makes this Affidavit in support of his proof under such Permit.

That in support of the review of information assembled and signed by Mark Culp, State Reclamation Engineer, I state:

That the tentative high water line established by the Forrest Service at the time they granted my free use permit for a reservoir was two (2) feet above the lake level when visible surface flow ceased. I was to Build a two (2) foot dam and headgate and control the water above such lake level when visible surface flow would have ceased.

That I have never measured the verticle normal receding of the lake, but would estimate it to be about three to four feet and know that it normally recedes back from the lower end of the lake from twenty (20) to one hundred (100) feet horizontally.

That the natural and unregulated lake level when I would begin drawing storage water would be about three (3) feet vertically lower than the lake level when visible surface outflow ceased before my works were constructed.

That our storage is filled during the high water period of Wallace Creek when there is more than enough water for all decreed users and with water which would ordinarily have flowed down Wallace Creek and into the Salmon River.

That the storage is filled during the beginning of the irrigating season..

That water in Wallace Lake even now runs over the top of my closed headgate after I have raised the Lake two (2) feet higher than it has ever been .

19134

That the users of the South Fork of Wallace Creek have had more water this year than ever before due to my construction works.

That the protestants have attempted to confuse the Department in stating that I have used any decreed water to store and by leading the Department to think that Wallace Creek is fed almost entirely by the waters of Wallace Lake. There are gulches which flow water into the South Fork of Wallace Creek all summer which can be readily proven by examination.

That there has been confusion in this matter in that the protestants have attempted to show that my works only control the natural fluxuation of the lake between the high water and the low water thereof, but the Lake itself definitely proves that I have raised the natural high level up two (2) feet and have absolutely impounded this water which had never been impounded before.

That at the time of building my structures the Forest Ranger placed an iron pin or bar at a point where when the water touched the bottom thereof it was at the highest possible level of the lake for the reason that it would then run over its natural outlet. The Ranger then placed a pin upon the side hill away from the natural outlet with a level at a place which when the water touched the bottom thereof, there would be two (2) feet of additional water impounded. I was not to lower the Lake below the lower pin or raise the Lake above the upper pin, thereby giving me control by my headgate of two feet of additional water that I was to impound. This then established the high water level and the low water level of my works.

That I take my storage water from the Lake when the water would ordinarily have been way below the previous high water level of the Lake by measuring the water at my point of diversion, the Queen Ditch, then lowering my headgate allowing the water to flow down the South Fork of Wallace Creek and then re-measuring the water at the same point diverting the amount of water that was now at this point over and above the previous measurement, thereby being sure not to take anything from

the creek that was not my impounded water.

John Webb

Subscribed and sworn to before me this 27th day of September,
1944.

[Signature]
Notary Public for Idaho
Residing at Salmon, Idaho

AFFIDAVIT SUPPORTING PERMIT NO. 19134

STATE OF IDAHO)
) ss.
COUNTY OF LEMHI)

FRANK MALCOLM, being duly sworn according to law, deposes and says as follows:

That I am not interested in any way in the waters of Wallace Creek or Wallace Lake, Lemhi County, Idaho, and have no interest in granting of Permit No. 19134 by the State of Idaho.

That I am well acquainted with the waters of Wallace Creek and Wallace Lake having owned a ranch situated on Wallace Creek for many years.

That I have read the decree of the Honorable Guy Stevens, Judge of the Sixth Judicial District of the State of Idaho, heard October 1, 1940, and dated January 27, 1941, and know the amounts of water decreed therein.

very probable
That I know of my own knowledge that more water flows down the South Fork of Wallace Creek in the spring of the year than is decreed.

ditto
That before the dam of John Webb and Eva D. Webb was placed at the lower end of Wallace Lake the water that they now save was wasted by running into the Salmon, River.

That the storage is filled during the high period of Wallace Creek.

That the storage is filled at the beginning of the irrigating season.

ditto
That I estimate that the decreed users need none of the waters of Wallace Lake to meet their decreed amounts during the time the storage is gathered.

Frank Malcolm

Subscribed and sworn to before me this 27th day of September, 1944.

[Signature]
Notary Public for Idaho
Residing at Salmon, Idaho

19134

AFFIDAVIT SUPPORTING PERMIT NO. 19134

STATE OF IDAHO)
) ss.
COUNTY OF LEMHI)

THEODORE SLAVIN, being duly sworn according to law, deposes and says as follows:

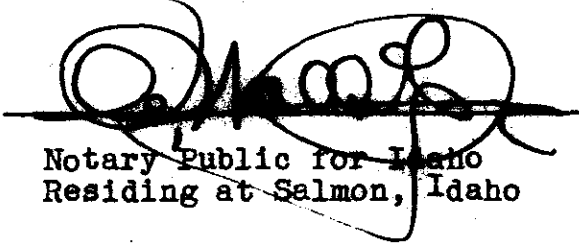
That I am not interested in any way in the waters of Wallace Creek or Wallace Lake, Lemhi County, Idaho, and have no interest in the granting of Permit No. 19134 by the State of Idaho.

That I am well acquainted with the waters of the South Fork of Wallace Creek and Wallace Lake.

That I have read the decree of the Honorable Guy Stevens, Judge of the Sixth Judicial District of the State of Idaho, dated January 27th, 1941, and know the amounts of water decreed therein, and know of my own knowledge that in the spring run-off there is normally water wasted into the Salmon River over and above the decreed rights.

Theodore Slavin

Subscribed and sworn to before me this 27th day of September, 1944.


Notary Public for Idaho
Residing at Salmon, Idaho

19134

September 29, 1944

Re: Permit No. 19134

Mr. F. A. McCall
Attorney at Law
Salmon, Idaho

Dear Mr. McCall:

We acknowledge receipt of your letter of September 27th, 1944, with enclosures as stated, in the matter of the above numbered application, in the names of John Webb and Eva D. Webb.

These instruments have been placed on file, and will be given careful consideration in the final determination of the matter.

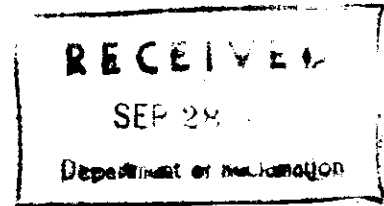
Very truly yours,

MARK R. KULP
State Reclamation Engineer

19134

F. A. MCCALL
ATTORNEY AT LAW
SALMON, IDAHO

September 27, 1944



Department of Reclamation
Boise
Idaho

Re: Application of John Webb and Eva D. Webb

Gentlemen:

I inclose herewith affidavits on behalf of the protestants in the above entitled matter.

It is the contention of protestants that the application above referred to and which is the basis of the pending proceeding is one for the appropriation of waters from Wallace Lake, which are placed there by the forces of nature, and that the allegations of said application are entirely insufficient to support any claim for waters stored in said lake by artificial means.

Section 41-202, I. C. A., as amended by Session Laws of 1935, provides, among other things, that "whenever it is desired to appropriate and store flood or winter flow waters the applicants shall specify in acre feet the quantity of such flood or winter flow which he intends to store".

The application, which is upon a form prescribed by the Department of Reclamation, contains the following statements; under the indicated subdivisions:

- "2. Quantity of water claimed: 1.5 cubic feet per second.
- 3. Source of water supply: Wallace Lake.
- 8. Kinds of works: Ditch and headgate. . . .
- 15. (a) Is reservoir to be used? (No answer)
- (b) Name of reservoir and number of Storage Permit: (No answer).
- (c) Date of filing of Application for Storage Permit and Name of Applicant: (No answer)"

Under the head of remarks applicants amplify their statement under "3" as follows: "Applicants intend to take all the water applied for from Wallace Lake by lowering the outlet thereof not to exceed four feet."

"4. The point of diversion from the Lake will be at the natural outlet thereof in approximately the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 8, Twp. 22 N., Rge. 22 E. B. M. Water will be conveyed in the natural channel to the present point of diversion of applicant's ditch which is approximately 3 $\frac{1}{2}$ miles above the mouth of Wallace Creek."

The application closes with the following statement:

" BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth."

19134

F. A. McCALL
ATTORNEY AT LAW
SALMON, IDAHO

Department of Reclamation, September 27, 1944

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It is submitted that the allegations of this application for permit clearly indicate that the applicants had no intention at the time of its preparation of storing water in the lake but show beyond cavil that they intended "to take all of the water applied for from Wallace Lake by lowering the outlet thereof not to exceed four feet", and that their "ditch and headgate" referred to in subdivision 8 were to be placed there for the purpose, not of holding back the water placed by them in said lake, but, for the purpose, sole and specific, of enabling them to take at will the water naturally there.

It is, therefore, our contention that the only question for decision by the Department is: Were the waters which are the subject of this controversy unappropriated at the time of the filing of the said application?

If the waters which find their way into Wallace Lake escape therefrom either by overflowing the banks of said lake or by flowing through underground channels find their way into Wallace Creek then they are a part of said creek and have been appropriated by and decreed to the parties mentioned in that certain decree made and entered in the District Court of the Sixth Judicial District of the State of Idaho on January 27, 1941, a certified copy of which decree is submitted herewith.

The Department will note that the applicants themselves allege, in their application, under Remarks: Subdivision 4, there is a natural outlet to said lake and that the natural channel of Wallace Creek leads directly therefrom.

The affidavit of Burt W. Simer, submitted herewith, shows that when there is no water overflowing from said lake that the water is rising from the ground a short distance below said lake which could come from no other source than from Lake Wallace through a subterranean passage. This theory is supported by the affidavits of Charles J. Goff and Yens L. Coates.

The affidavit of William Reynolds is to the effect that the lake and surrounding vicinity has a very high altitude; that the snow does not begin to melt to any appreciable extent prior to the first of June and that by reason of this high altitude the snow alternately melts and freezes with the result that it flows into the lake so slowly as to keep it at approximately the same level and that this condition continues for a period of two months or more.

The affidavit of C. N. Gillim shows that the lake was full and water escaping therefrom as late as the middle of August in the year 1939.

We, therefore, contend that the evidence conclusively shows that practically all of the water caused by the melting snow, which is very heavy in this vicinity, flows into the lake during the irrigating season and that such snow melts so slowly and gradually during the irrigating season as to give a continuous flow of water into the lake

19134

F. A. McCALL
ATTORNEY AT LAW
SALMON, IDAHO

Department of Reclamation, September 27, 1944

Page #3

and that it escapes therefrom into Wallace Creek by overflowing the bank of the lake and by subterranean channels through the boulders which form the lower bank of the lake.

We, therefore, contend, that Wallace Lake and Wallace Creek together constitute a natural stream, whose waters, including high water, had been appropriated and decreed prior to the filing of the application herein.

Respectfully submitted,

F. A. McCall,
attorney for Protestants

FAMc:li

19134

State of Idaho, :
 : ss
County of Lemhi. :

William Reynolds, being first duly sworn, deposes and says, as follows: That he has been a resident of Lemhi County, Idaho fourteen years last past; that during the years 1930, 1931 and 1932 from the first of June to the first of October of each year he spent in prospecting in the vicinity of Wallace Lake; and Wallace Creek; that he was past said lake many times during that time and is familiar with the conditions surrounding it; that the lake and the mountains lying above it are very high; that the snowfall in **that** vicinity during the ordinary season is from four to seven feet; that very little of the snow melts before the first of June and practically all of it melts and runs into the lake subsequent to that time; that for a long time thereafter the snow thaws during the day time and freezes again each night, thus causing the lake to remain at practically the same level for two months or more; that during said time he occasionally crossed the gulch at some distance below the natural outlet of Wallace Lake. At this point the water comes from under the rocks and forms a number of small streams; that such water could only come from the lake and flows into Wallace Creek.

(?)

William Reynolds

Subscribed and sworn to before me September 26, 1944.

P. A. McCaule
Notary Public for Idaho, resid-
ing at Salmon, Idaho.

State of Idaho, :
 : ss
County of Lemhi. :

C. N. Gilliam, being first duly sworn, deposes and says: That he has resided in the vicinity of Wallace Lake for fifteen years last past; that on or about the 15th day of August, 1939 affiant went fishing at Wallace Lake and while there he passed entirely around the lower end of the lake and at that time the lake was full and a small quantity of water was overflowing into the outlet channel.

C. N. Gilliam

Subscribed and sworn to before me this 26th day of
September, 1944.

F. A. McGowan
Notary Public for the State of
Idaho, residing at Salmon, Idaho.

State of Idaho, :
County of Lemhi. : ss

Yens L. Coates, being first duly sworn, deposes and says: That he has been a resident of Lemhi County, Idaho many years; that he has been water master for District 3-L and District 3-K for the past ten years; that on the ~~20th~~ day of August, 1944 he made a trip to Wallace Lake for the purpose of observing conditions there; that at the lower end of the lake he found an opening through which water was flowing; that he constructed a ^{twelve inch} cippoletti weir and the flow of water over the said weir was 1 1/8 inches, making five inches of water; he then closed the opening entirely and, after waiting an hour, he walked down the channel one hundred fifty feet, at which place there was no water, and by this time the water flowing through the opening had entirely disappeared. A short distance farther down the noise of water running through rocks became audible and by the time he had proceeded three hundred feet, or approximately four hundred feet from the opening, the amount of water increased in volume and apparently came from an underground source. In his opinion this water comes from Wallace Lake by subterranean passage and finds its way into Wallace Creek.

Subscribed and sworn to before me this 25th day of September, 1944.

P. A. McEneaney
Notary Public for Idaho, residing
at Salmon, Idaho.

19134

State of Idaho, :
: ss
County of Lemhi. :

Charles J. Goff, being first duly sworn, deposes and says: That he has been a resident of Lemhi County, Idaho, for the past thirty-five years; that during most of the said time he was engaged in placer mining in the vicinity of Leesburg, Idaho and during that time he was constantly engaged in conveying water from different streams to the place where he was engaged in placer mining and by reason of such experience is familiar with the natural flow of water in streams and has had years of experience in conducting water through ditches; that on or about the ^{20th} ~~21st~~ day of August, 1944 he made a trip to Wallace Lake for the purpose of observing conditions ~~there~~; that at the natural outlet of the said lake he found a concrete headgate, the bottom of which was several inches lower than the natural ^{low water} ~~shore~~ line of the lake; he also found that it had been necessary to dig a small channel or trench in the bottom of the lake in order that the water would flow into the said headgate; that there was at that time a small amount of water flowing through the headgate, which continued to flow through the ditch leading from the headgate for a short distance where it disappeared in the large boulders, which completely filled the depression through which the water must flow; he then continued down this gulch, or depression, a short distance and he could distinctly hear the water escaping through the boulders and some distance further down he could hear the water running in at least three different channels through the boulders; and, at a distance of about one-quarter mile from the headgate the water reappeared ~~forming~~ small springs and streams; that, in his opinion, the amount of water contained in these springs and streams was considerably in excess of the amount flowing through the headgate and it is ^{his} further opinion that the most of it could only come through some subterranean channel from the lake and that it is one of the sources of supply of Wallace Creek; that at the point where the water reappears the entire sur-

probably
considerable
contribution
from side
ditches plus
"lake" waters

face of the ground was springy and wet; that the growth of willows along this gulch definitely show that the water has flowed in this manner for many years.

Chas. J. Hoff

Subscribed and sworn to before me this 26th day of September,
1944.

R. A. McRae

Notary Public for State of Idaho,
Residing at Salmon, Idaho.

State of Idaho, :
 : ss
County of Lemhi. :

Bert W. Simer, being first duly sworn, deposes and says, as follows: That he has been a resident of Lemhi County, Idaho for many years and is familiar with the country in the vicinity of Wallace Lake; that during the summer and fall seasons of 1938 and for several years prior thereto he spent some time in this locality hunting and prospecting; that on each of these occasions he passed around the lower end of said Lake and at no time did he ever see any water running over the lower bank of the lake; that on several occasions he crossed the gulch in which said lake is located, from a quarter to half a mile down said gulch, at which place water rises from the ground, forming a stream. In his judgment this water could come from no other source than from Wallace Lake through a subterranean passage.

Bert W. Simer

Subscribed and sworn to before me this 25th day of September, 1944.

F. A. McCauley
Notary Public for Idaho, residing
at Salmon, Idaho.

Sept 26, 1934

State Reclamation Bureau
Boise Idaho.
Dear Sirs.

I am buying the Charlie Rose place, (on a contract basis) and understand there is to be a hearing concerning the Webb dams on Wallace creek headwaters.

Since this place I am on is one of the principle users of the Wallace creek floodwaters I should like to state that while I have not been here long enough to judge whether or not the dam is changing the amount of water issuing from Wallace creek, I still feel that holding back the flood waters have benefited this place the last two summers, by making the flow last longer, Mr Webb has let me have the use of part of the stored water after the shut my ditches dry.

19134

Mrs. Pratt stated last summer that it was my water Webb was using, but when she discovered it was running into my ditch this summer she or her father, Mr. Rose, nailed my headgate down.

I should like to see this matter settled as I dislike battling over water. There is enough water in Wallace creek for everyone if it were divided fairly.

Yours very truly,
Charles L. Thomas,
Salmon Idaho.



19134

This lake is a natural basin of about 8 acres, and evidently formed by a big rock slide from the mountain immediately adjacent.

No evidence of a natural outlet channel was noted; a small trench of 75 ft. length by 1-2 ft. wide by 1-2 ft. deep had been opened principally by rolling out small boulders; upon passing this opened waterway the lake discharge disappears among the very large boulders below, where it travels audibly but not visibly for some distance before reaching open creek channel below.

The water supply of this lake must be quite small, as indicated by the appearance of shore line, and the very limited tributary area of watershed; as mentioned above, there is no evidence of sufficient high water runoff to have left any evidence of a channel at this outlet.

The total range of controlled storage falls between the base of the concrete structure and a point designated as the high water limit by an iron bar near by, which is said to have been placed by the Forest Service at a time coincidental with designating the outlet grade; the two points are about two feet apart vertically, and probably coincide with the two 12-inch control boards at the concrete gateway,

Diversion from the South fork of Wallace Creek occurs at a point about two air-line miles from the lake, and thence by ditch to a point of delivery into Queen Gulch, so-called, about two air-line miles from its point of diversion; thence it flows approximately one mile to lands of Webb & Thomas, the latter of which was decreed to Bertha N. Rose.

The mouth of Queen Gulch is located approximately one mile from the left bank of Salmon River, and aside from its alluvial fan shows no mark of channel or course to the river, and is evidently of slight value as a source of water supply.

Referring to the Court Decree governing the water of Wallace Creek into which Wallace Lake drains, and with special reference to Paragraph 9, as follows:

"That the agricultural appropriators above named have used on their respective lands and premises above described, during each and every irrigation season, all of the high waters of said Creek in the proportion of their respective decreed rights, dating from March 1, 1931, and that the right of said appropriators to the use of the said high waters in said manner is hereby decreed to each".

It would thus appear that all of the waters of Wallace Creek have been awarded to the irrigation interests named therein, regardless of the possibility, if not probability, that there might be surplus waters at some periods which could be used by younger rights without detriment to these more fortunately situated.

Several protests against this permit (19134) have been received and filed; one dated Sept. 9, 1943, by Mrs. Bertha N. Rose, owner of decreed rights Nos. 1 and 2. Another protest, dated September 14, 1943, and bearing five signatures (Lynda M. Reynolds, et al.) states that Wallace Lake is the main source of supply of Wallace Creek. This is beside the fact that the watershed of Wallace Creek is approximately ten square miles, while the area directly tributary to Wallace Lake probably does not exceed 80 acres.

A third protest, dated October 20, 1943, has seven signers (Wm. Reynolds, et al.), and states that "Wallace Creek is fed almost entirely by the waters of Wallace Lake". Still another protest, dated August 28, 1944, by Margaret L. Pyeatt, states that Webb "is attempting to draw the low waters of the lake". This, it would appear, could only be done by mechanical means as the low water line is fixed by the concrete structure mentioned above.

The diversion from Wallace Creek into the Queen Ditch, so-called, is through the remains of an aged gate box; no water was being diverted at time of this visit.

Water flowing from the Lake through the control gate was passing through an eleven-inch width of opening between form members still in place, and to a depth of 2-3/4 inches at a sluggish rate of flow, with an estimated rate of 12 or 15 miner's inches.

The flow of the South fork of Wallace Creek a short distance below the intake of the Queen Ditch, had a flow of 4-1/8 inches deep over an 18" cippaletti weir board, which would indicate practically one second foot.

The gist of Paragraph 9 of the Decree creates some doubt as to the propriety of recommending the granting of this license; it has, however, been the experience of this Department that a great majority of the permits and licenses issued therefrom have been upon streams or the tributaries thereof which had previously been decreed to a greater or less extent.

Fred Johnson

19134

F. A. MCCALL
ATTORNEY AT LAW
SALMON, IDAHO

September 20, 1944



Department of Reclamation
Boise
Idaho

Attention: Mark R. Culp

Gentlemen:

I inclose herewith check for \$1.50 in payment of your charge for a certified copy of the application of John and Eva D. Webb and of Permit No. 19134 issued to them.

Has your field engineer filed his report? I am informed that he was here but he didn't make his presence known to any of us.

We shall very much appreciate having the hearing set for an early date if it can conveniently be done.

Very truly yours,

F. A. McCall

FAMc:li

R18656

19134

Statement Re. License Certificate for Water Right Under Permit
No. 19134 sent to the following parties:

Applicants - John & Eva D. Webb

Applicants' Attorney - C. Walker Lyon

Protestants - Charles H. & Bertha N. Rose

Earl & Margaret L. Pyett

William & Linda M. Reynolds

Emerson Hill

Protestants' Attorney - F. A. McCall

Forest Service Representative - Mr. C. N. Woods, Regional Forester,
Intermountain Region, Forest Service, Ogden, Utah.

9/21/44.

19134

To Applicants for License Certificate for Water Right Under Permit No. 19134:

Proof of beneficial use under Permit No. 19134 was made on October 6, 1943, and protests against said license were filed. An inspection was made by the Department of Reclamation on September 8, 1944. A review of the information assembled follows:

From the Field Engineer's report - "The lake (Wallace Lake) is a natural basin of about 8 acres, and evidently formed by a big rock slide from the mountain immediately adjacent."

"No evidence of a natural outlet channel was noted; a small trench of 75 ft. length by $\frac{1}{8}$ ft wide by $\frac{1}{8}$ ft. deep had been opened principally by rolling out small boulders; upon passing this opened waterway the lake discharge disappears among the very large boulders below, where it travels audibly but not visibly for some distance before reaching open creek channel below."

"The water supply of this lake must be quite small, as indicated by the appearance of the shore line, and the very limited tributary area of watershed; as mentioned above there is no evidence of sufficient high water runoff to have left any evidence of a channel at this outlet."

"The total range of controlled storage falls between the base of the concrete structure and a point designated as the high water limit by an iron bar near by, which is said to have been placed by the Forest Service at a time coincidental with designing the outlet grade; the two points are about two feet apart vertically,".

"The watershed of Wallace Creek is approximately ten square miles, while the area directly tributary to Wallace Lake probably does not exceed 80 acres."

"The diversion from Wallace Creek into the Queen Ditch, so-called, is through the remains of an aged gate box; no water was being diverted at the time of this visit."

"Water flowing from the Lake through the control gate was passing through an eleven-inch width of opening between form members still in place, and to a depth of $2 \frac{3}{4}$ inches at a sluggish rate of flow, with an estimated rate of flow of 12 or 15 miner's inches".

"The flow of the South fork of Wallace Creek a short distance below the intake of the Queen Ditch, had a flow of $4 \frac{1}{8}$ inches over an 18" Cippoletti weir board, which would indicate practically one second foot."

In addition to the report of the Field Engineer, protestants allege:

"A permit, allowing anyone to take any amount of water from the Lake would v be diminishing the flow of Wallace Creek. There is no stream running into this Lake, from above. It is fed only by the snow that lies on the mountains around it. This snow melts into the Lake just as the spring runoff from the lower mountains has subsided and the lake overflows through its natural outlet, thus holding up the supply of Wallace Creek. Later, when the waters of the Lake fall below the overflow level we have our extreme low water and Wallace Creek emerges from the bed of the outlet a short distance below the Lake (from an underground outlet)." "We have filed a complaint with the local Forest Office against this dam, because it has held back the high waters of the Lake, and in the past two years since has caused the waters of Wallace Creek to diminish far earlier in the season". "He (the applicant) is now using the water which was held by the dam but should have been allowed to flow gradually from the Lake and maintain the flow of the Creek." Note - The above extracts are from a protest dated September 14, 1943.

An affidavit properly notarized under date of October 20, 1943 states:

"That Wallace Creek is fed almost entirely by the waters of Wallace Lake, all of which find their way into said creek, said lake having no other outlet; that all of said waters, including the high waters of said creek, were decreed by the

19134

District Court of the Sixth Judicial District of the State of Idaho in and for Lemhi County on the 27th day of January, 1941, in an action in which the said John Webb and Eva D. Webb were parties; that said creek has no other source of supply except for a short time in the early spring when the snows lying below the said lake melt and run into said creek below the dam which is the subject of this controversy; that the said John Webb and Eva D. Webb are attempting to store flood and winter flow waters by impounding them in said lake, and for such purpose have constructed a dam across the narrow outlet at the lower end of said lake; that for more than thirty years prior to the building of said dam the waters produced by the melting snows lying upon the lands above said lake have drained into said lake, and have flowed from there either by escaping through the outlet across which said dam is now constructed or through small subterranean passages into Wallace Creek, and that all of such water has been used to irrigate the lands affected by this decree; protestants further allege that said lake and creek together constitute a natural stream, and that all of its waters have been appropriated by the persons named in said decree, including the said John Webb and Eva D. Webb; That said dam is an obstruction which holds back the waters of said stream during the most vital part of the irrigating season and is an unlawful interference with the rights of the users. The protests hereto filed with the Department of Reclamation, but not sworn to, are by reference made a part hereof."

Deposition of witnesses for Proof of Application of Water to Beneficial Use on October 6, 1943 states:

Question 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen so conveyed?

Answer. Between 40 and 45 inches of water through headgate.

Answer. About 45 farmers inches of water through headgate and Queen Ditch will hold about 60 inches.

Summary -

1. The natural fluctuation of Wallace Lake is about two feet vertically.
2. The regulated storage of water in Wallace Lake with a two-foot fluctuation between low water and high water and a surface area of approximately 8 acres is approximately 16 acre feet.
3. Applicant has constructed regulating works and utilized stored water.
4. Flow through outlet structure of lake is less than flow of the South Fork of Wallace Creek below Queen Ditch Division when no water is being diverted by Queen Ditch.
5. Evidence of the effect of storage regulation in the rate of discharge from the lake throughout the season is inconclusive. Questions not clear are (a) How high is tentative high water line as established by Forest Service above lake level when visible surface flow ceased, prior to installation of control structures? (b) How low did the lake level normally fall below level at which visible surface out-flow ceased? (c) What would have been the natural or unregulated lake level at time when applicant begins withdrawing storage? (d) Is storage filled before, during or after high water period of Wallace Creek? (e) Is storage filled before or after the beginning of the irrigation season?

Affidavits containing information pertinent to Item 5 of the above summary will be accepted and considered by the State Reclamation Engineer at Room 107, State Capitol, Boise, Idaho, at any time before 10:00 A. M., September 30, 1944, after which time the application for license under Permit No. 19134 will be reviewed.

Mark R. Kulp
Mark R. Kulp
State Reclamation Engineer

Copies to Applicants and Protestants.

To Applicants for License Certificate for Water Right Under Permit No. 19134:

Proof of beneficial use under Permit No. 19134 was made on October 6, 1943, and protests against said license were filed. An inspection was made by the Department of Reclamation on September 8, 1944. A review of the information assembled follows:

From the Field Engineer's report - "The lake (Wallace Lake) is a natural basin of about 8 acres, and evidently formed by a big rock slide from the mountain immediately adjacent."

"No evidence of a natural outlet channel was noted; a small trench of 75 ft. length by $\frac{1}{2}$ ft wide by $\frac{1}{2}$ ft. deep had been opened principally by rolling out small boulders; upon passing this opened waterway the lake discharge disappears among the very large boulders below, where it travels audibly but not visibly for some distance before reaching open creek channel below."

"The water supply of this lake must be quite small, as indicated by the appearance of the shore line, and the very limited tributary area of watershed; as mentioned above there is no evidence of sufficient high water runoff to have left any evidence of a channel at this outlet."

"The total range of controlled storage falls between the base of the concrete structure and a point designated as the high water limit by an iron bar near by, which is said to have been placed by the Forest Service at a time coincidental with designing the outlet grade; the two points are about two feet apart vertically,".

"The watershed of Wallace Creek is approximately ten square miles, while the area directly tributary to Wallace Lake probably does not exceed 80 acres."

"The diversion from Wallace Creek into the Queen Ditch, so-called, is through the remains of an aged gate box; no water was being diverted at the time of this visit."

"Water flowing from the Lake through the control gate was passing through an eleven-inch width of opening between form members still in place, and to a depth of $2 \frac{3}{4}$ inches at a sluggish rate of flow, with an estimated rate of flow of 12 or 13 miner's inches".

"The flow of the South fork of Wallace Creek a short distance below the intake of the Queen Ditch, had a flow of $4 \frac{1}{8}$ inches over an 18" Cippoletti weir board, which would indicate practically one second foot."

In addition to the report of the Field Engineer, protestants allege:

"A permit, allowing anyone to take any amount of water from the Lake would v be diminishing the flow of Wallace Creek. There is no stream running into this Lake, from above. It is fed only by the snow that lies on the mountains around it. This snow melts into the lake just as the spring runoff from the lower mountains has subsided and the lake overflows through its natural outlet, thus holding up the supply of Wallace Creek. Later, when the waters of the Lake fall below the overflow level we have our extreme low water and Wallace Creek emerges from the bed of the outlet a short distance below the lake (from an underground outlet)." "We have filed a complaint with the local Forest Office against this dam, because it has held back the high waters of the Lake, and in the past two years since has caused the waters of Wallace Creek to diminish far earlier in the season". "He (the applicant) is now using the water which was held by the dam but should have been allowed to flow gradually from the Lake and maintain the flow of the Creek." Note - The above extracts are from a protest dated September 14, 1943.

An affidavit properly notarized under date of October 20, 1943 states:

"That Wallace Creek is fed almost entirely by the waters of Wallace Lake, all of which find their way into said creek, said lake having no other outlet; that all of said waters, including the high waters of said creek, were decreed by the

19134

District Court of the Sixth Judicial District of the State of Idaho in and for Lemhi County on the 27th day of January, 1941, in an action in which the said John Webb and Eva D. Webb were parties; that said creek has no other source of supply except for a short time in the early spring when the snows lying below the said lake melt and run into said creek below the dam which is the subject of this controversy; that the said John Webb and Eva D. Webb are attempting to store flood and winter flow waters by impounding them in said lake, and for such purpose have constructed a dam across the narrow outlet at the lower end of said lake; that for more than thirty years prior to the building of said dam the waters produced by the melting snows lying upon the lands above said lake have drained into said lake, and have flowed from there either by escaping through the outlet across which said dam is now constructed or through small subterranean passages into Wallace Creek, and that all of such water has been used to irrigate the lands affected by this decree; protestants further allege that said lake and creek together constitute a natural stream, and that all of its waters have been appropriated by the persons named in said decree, including the said John Webb and Eva D. Webb; That said dam is an obstruction which holds back the waters of said stream during the most vital part of the irrigating season and is an unlawful interference with the rights of the users. The protests hereto filed with the Department of Reclamation, but not sworn to, are by reference made a part hereof."

Deposition of witnesses for Proof of Application of Water to Beneficial Use on October 6, 1943 states:

Question 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen so conveyed?

Answer. Between 40 and 45 inches of water through headgate.

Answer. About 45 farmers inches of water through headgate and Queen Ditch will hold about 60 inches.

Summary -

1. The natural fluctuation of Wallace Lake is about two feet vertically.
2. The regulated storage of water in Wallace Lake with a two-foot fluctuation between low water and high water and a surface area of approximately 8 acres is approximately 15 acre feet.
3. Applicant has constructed regulating works and utilized stored water.
4. Flow through outlet structure of lake is less than flow of the South Fork of Wallace Creek below Queen Ditch Division when no water is being diverted by Queen Ditch.
5. Evidence of the effect of storage regulation in the rate of discharge from the lake throughout the season is inconclusive. Questions not clear are (a) How high is tentative high water line as established by Forest Service above lake level when visible surface flow ceased, prior to installation of control structures? (b) How low did the lake level normally fall below level at which visible surface out-flow ceased? (c) What would have been the natural or unregulated lake level at time when applicant begins withdrawing storage? (d) Is storage filled before, during or after high water period of Wallace Creek? (e) Is storage filled before or after the beginning of the irrigation season?

Affidavits containing information pertinent to Item 5 of the above summary will be accepted and considered by the State Reclamation Engineer at Room 107, State Capitol, Boise, Idaho, at any time before 10:00 A. M., September 30, 1944, after which time the application for license under Permit No. 19134 will be reviewed.

Mark R. Kulp

Mark R. Kulp
State Reclamation Engineer

Copies to Applicants and Protestants.

19134

September 12, 1944

Re: Permit No. 19134

Mr. F. A. McCall
Attorney at Law
Salmon, Idaho

Dear Mr. McCall:

In reply to your letter of September 11, 1944,
we enclose certified copy of Application and
Permit No. 19134, in the name of John and Eva D.
Webb.

The fee for this amounts to \$1.50, for which you
may send us your check.

Our Field Engineer has not yet filed his report
on his investigation of this matter, and no
action will be taken until this report has been
received.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A
Encl.

19134

F. A. MCCALL
ATTORNEY AT LAW
SALMON, IDAHO

September 11th, 1944.

Department of Reclamation,
Attention Mark R. Kulp,
Boise, Idaho.

Gentlemen:

Re; Permit No. 19134

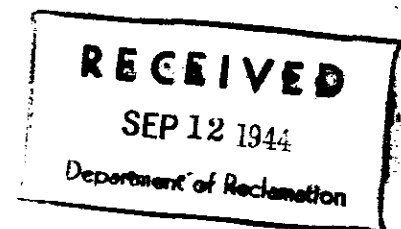
I shall appreciate it very much if you will furnish me, at your very earliest convenience, a copy of John and Eva D. Webb's application in the above entitled matter, and also a copy of the permit issued to them.

We would very earnestly request that the hearing upon this matter be set for the earliest date that will be convenient for you.

Kind ly send me your bill for the requested copies, and I shall remit promptly.

Very truly yours,

F. A. McCall



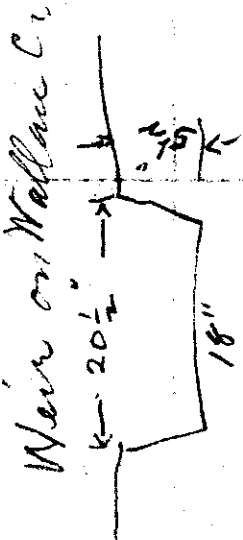
19134

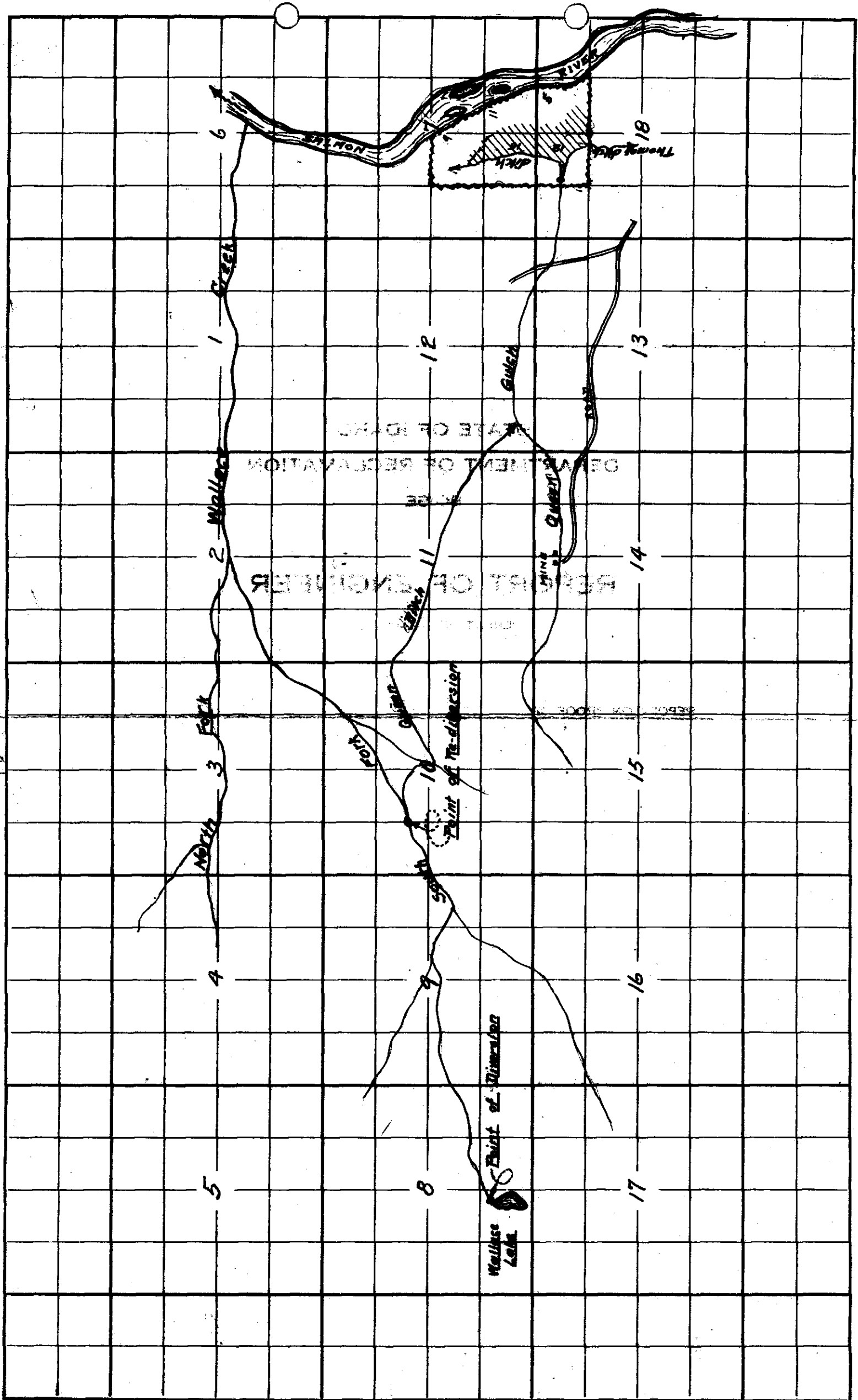
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19134

REPORT ON PROOF OF Beneficial Use





STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19134

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant John Webb & Eva D. Webb, Salmon, Idaho
2. Source of water supply: Wallace Lake
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, of Section _____
T. 22 N. R. 21 E. County of Lemhi
4. Describe works as they exist, giving dimensions and capacities of same: Outlet control consists of an earth and rock dike 2Ft. high X 2-3Ft. wide X 24Ft. long, and a concrete Gateway structure 32 inches high X (17" wide if forms were removed), 11" in the clear (present minimum width); Concrete wing walls 12Ft. long.
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):
Lots 9 & 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7;
Lot 5, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18;
Twp. 22 N., Range 22 E., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?
- Salmon River.

Remarks: The Outlet control gate consists of two 12" removable boards.This lake is a natural basin of about 8 acres, and evidently formed by a big rock slide from the mountain immediately adjacent.

No evidence of a natural outlet channel was noted; a small trench of 75 ft. length by 1-2 ft. wide by 1-2 ft. deep had been opened principally by rolling out small boulders; upon passing this opened waterway the lake discharge disappears among the very large boulders below, where it travels audibly but not visibly for some distance before reaching open creek channel below.

The water supply of this lake must be quite small, as indicated by the appearance of shore line, and the very limited tributary area of watershed; as mentioned above, there is no evidence of sufficient high water runoff to have left any evidence of a channel at this outlet.

The total range of controlled storage falls between the base of the concrete structure and a point designated as the high water limit by an iron bar near by, which is said to have been placed by the Forest Service at a time coincidently with designating the outlet grade; the two points are about two feet apart vertically, and probably coincide with the two 12-inch control boards at the concrete gateway.

Diversion from the South fork of Wallace Creek occurs at a point about two air-line miles from the lake, and thence by ditch to a point of delivery into Queen Gulch, so-called, about two air-line miles from its point of diversion; thence it flows approximately one mile to lands of Webb & Thomas, the latter of which was decreed to Bertha N. Rose.

The mouth of Queen Gulch is located approximately one mile from the left bank of Salmon River, and aside from its alluvial fan shows no mark of channel or course to the river, and is evidently of slight value as a source of water supply.

Referring to the Court Decree governing the water of Wallace Creek into which Wallace Lake drains, and with special reference to Paragraph 9, as follows:

"That the agricultural appropriators above named have used on their respective lands and premises above described, during each and every irrigation season, all of the high waters of said Creek in the proportion of their respective decreed rights, dating from March 1, 1931, and that the right of said appropriators to the use of the said high waters in said manner is hereby decreed to each".

It would thus appear that all of the waters of Wallace Creek have been awarded to the irrigation interests named therein, regardless of the possibility, if not probability, that there might be surplus waters at some periods which could be used by younger rights without detriment to those more fortunately situated.

Several protests against this permit (19134) have been received and filed; one dated Sept. 9, 1943, by Mrs. Bertha N. Rose, owner of decreed rights Nos. 1 and 2. Another protest, dated September 14, 1943, and bearing five signatures (Lynda M. Reynolds, et al.) states that Wallace Lake is the main source of supply of Wallace Creek. This is beside the fact that the watershed of Wallace Creek is approximately ten square miles, while the area directly tributary to Wallace Lake probably does not exceed 80 acres.

A third protest, dated October 20, 1943, has seven signers (Wm. Reynolds, et al.), and states that "Wallace Creek is fed almost entirely by the waters of Wallace Lake". Still another protest, dated August 28, 1944, by Margaret L. Pyeatt, states that Webb "is attempting to draw the low waters of the lake". This, it would appear, could only be done by mechanical means as the low water line is fixed by the concrete structure mentioned above.

The diversion from Wallace Creek into the Queen Ditch, so-called, is through the remains of an aged gate box; no water was being diverted at time of this visit.

Water flowing from the Lake through the control gate was passing through an eleven-inch width of opening between form members still in place, and to a depth of 2-3/4 inches at a sluggish rate of flow, with an estimated rate of 12 or 15 miner's inches.

The flow of the South fork of Wallace Creek a short distance below the intake of the Queen Ditch, had a flow of 4-1/8 inches deep over an 18" cippoletti weir board, which would indicate practically one second foot.

The gist of Paragraph 9 of the Decree creates some doubt as to the propriety of recommending the granting of this license; it has, however, been the experience of this Department that a great majority of the permits and licenses issued therefrom have been upon streams or the tributaries thereof which had previously been decreed to a greater or less extent.

a channel of less extent.

There have been upon the surface of the riprap the several other very large boulders which have been placed there by the Department of Reclamation. It has been found that the existence of the first of these boulders is of the nature of a dam and is to the right of

DEPARTMENT OF RECLAMATION

Green River, near a town of 4-1/2 miles from the mouth of the river. The town of the river is of the nature of a creek and is of the nature of the

REPORT OF ENGINEER

a further note of the river, which is of the nature of a river.

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Source of water supply:

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This examination was made on the 8th day of September, 1944.

(Signed) Fred H. Johnson
Examiner.

Permit No. 19134

Examination for...Beneficial...use...

County..... Lemhi.....

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make a plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.

✓
August 31, 1944

Re: Permit No. 19134

Margaret L. Pyeatt
Box 645
Salmon, Idaho

Dear Mrs. Pyeatt:

Reference is made to your letter of August 28th, in which you state that you do not quite understand the exact nature of Permit No. 19134 issued to John and Iva D. Webb.

This permit calls for 1.5 cubic feet per second of the unappropriated water of Wallace Lake; and states that the applicants intend to take the water applied for from Wallace Lake by lowering the outlet thereof not to exceed four feet.

In connection with this permit, a special use permit has been issued by the U. S. Forest Service, which specifies that the water level of Wallace Lake be lowered not to exceed two feet, or limiting the use of the water of said lake for storage purposes to water between the natural low water and the natural high water lines of the lake.

Our Field Engineer will make an examination of this matter at an early date, and following his report a date will be set for a hearing. You and all other interested parties will be notified of the time and place of such hearing, and no final action will be taken in the matter of issuing a license until all the evidence developed at the hearing has been carefully considered.

Very truly yours,

MARK H. KULP
State Reclamation Engineer

A

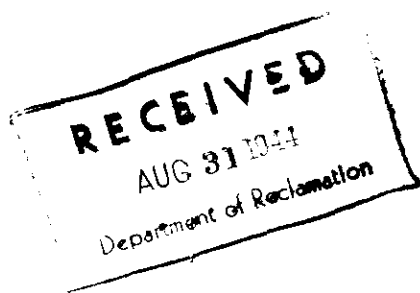
19134

Salmon, Idaho.
Aug 28-1944

Mark R Kulp,
State Reclamation Engineer,
Boise, Idaho,
Dear Mr Kulp:

We do not quite understand the exact nature of permit 19134 issued to John Webb and Eva R Webb. Will you kindly mail me a copy by return mail? We understood it to be a permit to store flood waters and as he hasn't been able to do this, due to nature of lake, he is now attempting to drain the low waters of the lake.

Yours very truly,
Margaret L Pyatt.
Box 645.



19134

✓
August 19, 1944

Re: Permit No. 19134

Margaret L. Pyeatt
Box 645
Salmon, Idaho

Dear Mrs. Pyeatt:

In reply to your inquiry of August 16th, we wish to advise that no final action has been taken as yet in regard to the issuance of a license under the above numbered permit, in the name of John and Ava D. Webb.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A

Chief Clerk

19134

Salmon Idaho
Aug 16 - 1944.

State Reclamation Engineer,
Boise, Idaho.

Dear Mr Spafford:

Will you kindly inform
me, at your very earliest convenience,
as to whether a License under permit No
19134, in the name of John Webb and Eva
D. Webb, has been issued? The users of
Wallace Creek protested this grant last
fall.

Yours very truly,

19134

Margaret L Pyatt.

October 25, 1943

Re: Permit No. 19134

Mr. F. M. McCall
Attorney at Law
Salmon, Idaho

Dear Mr. McCall:

Acknowledgment is made herewith of your letter of October 21, 1943, enclosing protest of certain water users of Wallace Creek against the issuing of a license under the above numbered permit in the name of John Webb and Eva M. Webb.

This has been placed on file, and will be given full consideration after a field examination has been made and we have a report from our Field engineer.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

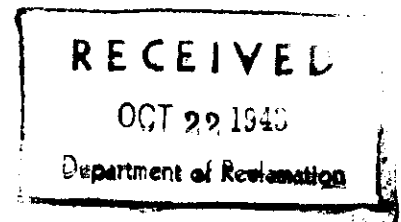
A

Chief Clerk

19134

F. A. MCCALL
ATTORNEY AT LAW
SALMON, IDAHO

October 21, 1943.



Department of Reclamation,
Boise, Idaho.

Gentlemen:

I am forwarding you herewith the protest of certain of the water users of Wallace Creek to the granting of a license to the beneficial use of $1\frac{1}{2}$ cubic feet of the waters of Wallace Lake to John Webb and Eva D. Webb under permit #19,134, which, I trust, is in proper form.

Very truly yours,

F. A. McCall

19134

S T A T E of I D A H O ,)
COUNTY of L E M H I .) ss.

We, the undersigned, being first duly sworn, depose and say as follows:

That we are the holders of decreed rights in the waters of Wallace Creek in the County of Lemhi, State of Idaho, and we protest against the issuance of a license to the beneficial use of $1\frac{1}{2}$ cubic feet of the Waters of Wallace^{Creek}/in said Lemhi County ~~to~~ John Webb and Eva D. Webb under permit 19,134, upon the following grounds to wit:

absurd
X
That Wallace Creek is fed almost entirely by the waters of Wallace Lake, all of which find their way into said creek, said lake having no other outlet; that all of said waters, including the high waters of said creek, were decreed by the District Court of the Sixth Judicial District of the State of Idaho in and for Lemhi County on the 27th day of January, 1941, in an action in which the said John Webb and Eva D. Webb were parties; that said creek has no other source of supply except for a short time in the early spring when the snows lying below the said lake melt and run into said creek below the dam which is the subject of this controversy; that the said John Webb and Eva D. Webb are attempting to store flood and winter flow waters by impounding them in said lake, and for such purpose have constructed a dam across the narrow outlet at the lower end of said lake; that for more than thirty years prior to the building of said dam the waters produced by the melting snows lying upon the lands above said lake have drained into said lake, and have flowed from there either by escaping through the outlet across which said dam is now constructed or through small subterranean passages into Wallace Creek, and that all of such water has been used to irrigate the lands affected by this decree; protestants further allege that said lake and creek together con-

19134

stitute a natural stream, and that all of its waters have been appropriated by the persons named in said decree, including the said John Webb and Eva D. Webb; That said dam is an obstruction which holds back the waters of said stream during the most vital part of the irrigating season and is an unlawful interference with the rights of the users. The protests hereto filed with the Department of Reclamation, but not sworn to, are by reference made a part hereof.

*Holding back
level up until
later in season
might cause harm
to effect (Reclamation
act) and thus
compensate*

Wherefore, protestants pray that a field examination be made by the Department of Reclamation and that upon the facts found the issuance of a permit to the said John Webb and Eva D. Webb be denied.

*William Reynolds
Earl Pyatt
Margaret L Pyatt
Bertha N. Rose.
Charles N. Rose
Linda M Reynolds
Emma Hill*

Subscribed and sworn to before me this 20th day of October,
1943.

F. A. McCall

Notary Public for Idaho,
Residing at Salmon, Idaho.

October 15th, 1943

Mrs. Bertha H. Rose,
Salmon, Idaho.

Dear Mrs Rose:

On September 10th, 1943, this office received a protest from you against the issuing of a License to Beneficial Use of Waters of the State under permit 19,134 held in the name of John Webb and Eva D. Webb.

This protest was signed by yourself, but you neglected to have the statement sworn to before a Notary as set by statute.

We are advised that it will be necessary for you to submit a new protest signed and sworn to before a Notary. Please submit this instrument at your earliest convenience.

No action will be taken by this Department concerning the issuance of a License under this permit until after a field examination has been made.

Yours very truly,

JAMES SPOFFORD
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

AWT:fld

19134

✓
October 14, 1943

Mr. C. Walker Lyon,
Attorney at Law,
Salmon, Idaho.

Dear Mr. Lyon:

Acknowledgement is made to your letter of October 6, 1943 enclosing depositions of John Webb holder of permit 19,134 and three witnesses concerning Proof of Application of Water to Beneficial Use also Proof of Publication and certificate regarding protests against granting of license for Beneficial Use under permit 19,134.

On account of the protests that have been made against the granting of this license, no action will be taken on the matter until after a field investigation has been made by this department, (Section 41-217 Idaho Code Annotated.)

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer

JS:fid
cc John Webb, Salmon, Idaho

1 9134

C. WALKER LYON
ATTORNEY AT LAW
SALMON, IDAHO

McNUTT BUILDING

October 6, 1943

PHONE 74

Department of Reclamation,
State of Idaho,
Boise, Idaho.

Gentlemen:

The matter of the Proof of Application of Water to Beneficial Use of John Webb and Eva D. Webb, Permit No. 19134, came before me this 6th day of October, 1943 as Notary Public.

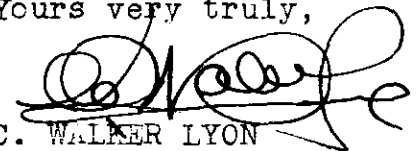
John Webb, the holder, appeared with two witnesses, Wallace A Keel and J. K. Gilson and later presented a third witness, William J. Webb. The depositions of all these parties are enclosed herewith, together with the proof of publication of the Notice.

Emerson Hill, Bertha N. Rose, Charles Rose, William Reynolds, Linda N. Reynolds, Earl Pyeatt, and Margaret L. Pyeatt, persons connected with land covered by the District Court Water Decree of Wallace Creek, Lemhi County, Idaho, entered their appearance in protest to the application.

I had no facilities to take testimony in this matter, nor did I think I should. The parties' protest, therefor, is shown by my Certificate filed herewith. The contention seems to be whether or not Mr. Webb impounds and saves any of the waters of Wallace Lake other than that which should go to the users of Wallace Creek under their decree.

Mr. Webb was hampered in putting on his proof by the incessant questioning and arguing of the appearing protesting persons, and it was very hard for me to obtain any statement on the depositions due to the confusion, and the hearing lasted from 2 o'clock PM until 5:30 o'clock PM. This matter was handled as well as it could under the circumstances.

Yours very truly,


C. WALKER LYON

CWL:mw

19134

CERTIFICATE

STATE OF IDAHO)
) SS.
COUNTY OF LEMHI)

I, C. WALKER LYON, a Notary Public for the State of Idaho, whose commission expires February 27, 1944, deposes and says:

That Emerson Hill, Bertha N. Rose, Charles Rose, William Reynolds, Linda N. Reynolds, Earl Pyeatt, Margaret L. Pyeatt, appeared before me October 6, 1943, in protest of the Proof of Application of Water to Beneficial Use of John Webb and Eva D. Webb, Permit No. 19134.

That the parties protest was substantially that no new water from Wallace Lake had been put to beneficial use and that the Permit asked for only interfered with the decreed water of Wallace Creek, Lemhi County, Idaho.

That there were no facilities obtainable to take testimony of the protestants if the same should have been done.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 6th day of October, 1943.



NOTARY PUBLIC

19134

Affidavit of Publication

STATE OF IDAHO. }
COUNTY OF LEMHI. } ss.

RALPH B. KNEPPER, being duly sworn, upon oath deposes and says: I am the printer,

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use.

Notice is hereby given that at two p. m. on the 6th day of October, 1943, at Salmon, county of Lemhi, state of Idaho, before C. Walker Lyon, notary public, proof will be submitted of the application to beneficial use of $1\frac{1}{2}$ cubic feet per second of the waters of Wallace Lake in accordance with the terms and conditions of Permit No. 19134 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are John Webb and Eva D. Webb, Salmon, Idaho.

The use to which said water has been applied is agricultural.

The amount applied to beneficial use is one and one half cubic feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Lots 9 and 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7; and Lot 5, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18; Township 22 North, Range 22 East of the Boise Meridian, county of Lemhi, state of Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Wallace creek.

The right to take water from such works is based upon Permit No. 19134.

The source of supply from which such water is diverted is Wallace Lake through Wallace creek.

The date of priority which said user is prepared to establish is May 13, 1941.

JAMES SPOFFORD,

publisher, and sole proprietor of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the Notice for Publication

..... a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for

four consecutive issues, commencing with the issue dated Sept. 1, 1943

and ending with the issue dated Sept. 22, 1943

Ralph B. Knipper

pre me, this 30th day of Sept., 1943

John D. Lyon

Notary Public for the State of Idaho,
Residing at Salmon, Idaho.

19134

Affidavit of Publication

STATE OF IDAHO. }
COUNTY OF LEMHI. } ss.

RALPH B. KNEPPER, being duly sworn, upon oath deposes and says: I am the printer, publisher, and sole proprietor of the **RECORDER HERALD**, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the Notice for Publication

..... a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for

four consecutive issues, commencing
with the issue dated Sept. 1, 1943

and ending with the issue dated.....
Sept. 22....., 1943

Ralph B. Knipper

Subscribed and sworn to before me, this 30th day of Sept., 19 43

Publication Fee \$11.50 Paid

Notary Public for the State of Idaho,
Residing at Salmon, Idaho.

19134

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19134

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. John Webb, Salmon, Idaho, Farmer, Salmon, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. None

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 19134, April 20, 1941, April 20, 1941

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Wallace Lake SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 22 North, Range 21 East of Boise Meridian, Lemhi County, Idaho.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Put in cement headgate 2 $\frac{1}{2}$ ' high, 8' long, on 28" wide dam. Put in dirt dam 20' long, 12" high and dam 40' long, 12" high other side, which empties into Wallace Creek, next into Queen Ditch for mile, then into Queen Gulch, Queen ditch capable of carrying 60 inches of water.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation -/on part of/ Lots 9, 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 7, and Lot 5, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 18, Township 22 North, Range 22 East B. M., Lemhi County, Idaho. Cultivated Land, Land already improved.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. _____

19134

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. Forty-five inches.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. None

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Farming seasons 1942 and 1943; irrigation through ditches; about two weeks 1942 and about one month 1943.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. From May 1, to July 15, on average have from 20 inches to 60 inches of water from Wallace Creek under decreed right with date of priority of June 1, 1912.

(Sign)

John Webb

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Salmon, County of Lemhi, State of Idaho, on this 6th day of October, A. D. 1943.

[Signature]
NOTARY PUBLIC FOR IDAHO
RESIDING AT SALMON, IDAHO

My commission expires 2/27/44

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19134**Proof of Application of Water to Beneficial Use****Deposition of Witness**

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Wallace A. Keele, Age 38 years, Salmon, Idaho, Cheese-maker,

Salmon, Idaho, Box 825.

Ques. 2. Are you acquainted with John Webb and Eva D. Webb, the holder of Permit No. 19134? How long have you known him and where does he reside?

Ans. John Webb since 1936 and Eva Webb this summer of 1943.

Salmon, Idaho

Ques. 3. Have you read or heard read said Permit No. 19134, and are you familiar with its provisions and conditions?

Ans. Yes - Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Wallace Lake is water supply, Bottom of lake in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 8, Township 22 North, Range 21 East of Boise Meridian, Lemhi County, Idaho, is place of diversion - Cement headgate and dam - cannot describe works for conveying water all alone to place of use

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Between 40 and 45 inches of water through headgate

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Agricultural purposes on the Webb Ranch; No - No.

19134

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Do not know.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None.

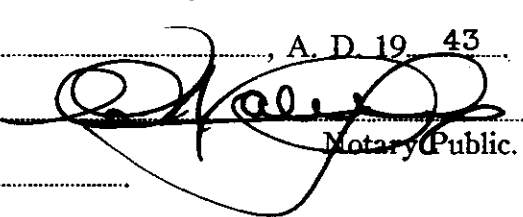
Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Didn't follow water from lake to property.

(Signed) Wallace A. Keefe

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Salmon, County of Lemhi, State of Idaho, on this 6th day of October, A. D. 19 43.

My commission expires 2/27/44


Notary Public.

PERMIT NO. 19134

Proof of Application of Water to Beneficial Use.

DEPOSITION OF WITNESS:

Question 1. State your name, age, residence, occupation and postoffice address.

Answer. William J. Webb; 53 years old; Salmon, Idaho; Farmer; Salmon, Idaho, Box 567.

Ques. 2. Are you acquainted with John Webb and Eva D. Webb the holder of Permit No. 19134? How long have you known him, and where does he reside?

Ans. John Webb all life; Eva D. Webb all my life.

Ques. 3. Have you read or heard read said Permit No. 19134, and are you familiar with its provisions and conditions?

Ans. Yes- Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Wallace Lake - Lower end of lake about SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, Township 22 North, Range 21 East B. M., Lemhi County, Idaho; Concrete and dirt dam; about 12' long, 12" thick, 2 $\frac{1}{2}$ ' high for cement part and 30 feet of dirt dam about 2 $\frac{1}{2}$ ' high; then into Wallace Creek; then into Queen Ditch; then into Queen Canyon; then onto ranch; Lake raised two feet.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed.

Ans. Headgate 100 inches; Queen ditch about 60 to 70 inches.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.)

Ans. Irrigation - 30 acres of Lots 9, 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 7, and Lot 5, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 18, Township 22 North, Range 22 East Boise Meridian, Lemhi County, Idaho.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent. None

Ans.

Ques. 8. (If for irrigation) State character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Cultivated land; supplements other water; 45 inches.

19134

Permit No.

Proof of Application of Water
to Beneficial Use.

DEPOSITION OF WITNESS.

Received and filed

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way
and to what extent?
Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application
to beneficial use of the water diverted under said permit.
Ans. 1943, Month of August, personal observation, one time to Lake
but many times at ranch.

_____ (Sign) William J. White.

I hereby certify that the foregoing testimony was read to the above subscriber before its signing,
that I believe him to be the person he represents himself to be, and that said testimony was subscribed
and sworn to before me, at my office in Salmon, County of Lemhi,
State of Idaho, on this 6th day of October, A. D. 1943.

NOTARY PUBLIC FOR IDAHO
COMM. EXP. 2/27/44

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19134

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. J. K. Jilson, 60 years old, Carmen, Idaho, Farmer,

Carmen, Idaho.

Ques. 2. Are you acquainted with John Webb and Eva D. Webb, the holder of Permit No. 19134? How long have you known him and where does he reside?

Ans. John Webb about 14 years; Eva D. Webb about 14 years.

Ques. 3. Have you read or heard read said Permit No. 19134, and are you familiar with its provisions and conditions?

Ans. Yes - Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Wallace Lake water supply; Lower end of Lake; Cement headgate; and dirt dam on each side; then into Wallace Creek; then into Queen Ditch; then into Queen Gulch; then onto ranch.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. About 45 farmers inches of water through headgate and Queen Ditch will hold about 60 inches.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation- Used on John & Eva D. Webb Ranch- Estimate about 100 acres irrigated - do not know sub-divisions; cultivated land; Keeps hay from dying; benefit ranch.

19134

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. No

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Farming land - about forty inches fo water.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Farming year 1943; personal observation; about 30^{to 35}/inches;

(Signed)

J. H. Gibson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Salmon, County of Lemhi, State of Idaho, on this 6th day of October, A. D. 19 43

My commission expires 2/27/44

[Signature]
Notary Public.

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

Re: Permit No. 19134
John & Eva D. Webb

BOISE, IDAHO, September 27, 1943

Mr. C. Walker Lyon
Notary Public
Salmon, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 19134

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On October 6, 1943, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Salmon, Idaho before C. Walker Lyon, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly.

JAMES SPOFFORD
Commissioner of Reclamation
State Reclamation Engineer

19134

September 20, 1943

Re: Permit No. 19134

40 = Linda M. Reynolds
Myrtle Reynolds Worden
Emerson Hill
Margaret L. Pyeatt
Earl Pyeatt

Salmon, Idaho

This is to acknowledge receipt of your protest,
dated September 14th, against the issuance of a
license under the above numbered permit, in the
name of John and Eva D. Webb.

This has been placed on file, and will be given
due consideration at the proper time.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

A

Chief Clerk

19134

Salmon, Idaho
September 14, 1943

RECEIVED

SEP 20 1943

Department of Reclamation

State Reclamation Engineer
Boise
Idaho

Re: Permit No. 19134, John Webb and Eva D. Webb, Salmon, Idaho

Dear Sir:

unreasonable
Notice of Proof of Application of $1\frac{1}{2}$ cu. ft. of the waters of Wallace Lake, to beneficial use, in accordance with Permit 19134 issued to John Webb and Eva D. Webb, has recently been published in the Recorder Herald, at Salmon. We, as the users of the decreed water of Wallace Creek wish to protest this application. First, because Wallace Lake is the main source of water supply of Wallace Creek, which was decreed in 1940 to the Creek's full capacity. This decree gave to John Webb and Eva D. Webb forty-five inches, according to their priority and equal to $1\frac{1}{2}$ inches of water per acre for the land which they had under cultivation at that time.

exaggeration
A permit, allowing anyone to take any amount of water from the Lake would be diminishing the flow of Wallace Creek. There is no stream running into this Lake, from above. It is fed only by the snow that lies on the mountains around it. This snow melts into the lake just as the spring run-off from the lower mountains has subsided and the lake overflows through its natural outlet, thus holding up the supply of Wallace Creek. Later, when the waters of the Lake fall below the overflow level we have our extreme low water and Wallace Creek emerges from the bed of the outlet a short distance below the Lake (from an underground outlet).

Subsequent to this decree, and during 1940, Mr. Webb obtained a permit from the local Forest Office to build a dam around the lower end and across the outlet of the Lake. We have filed a complaint with the local Forest Office against this dam, because it has held back the high waters of the Lake, and in the past two years since has caused the waters of Wallace Creek to diminish far earlier in the season.

Mr. Webb raised the headgate in his dam about two weeks ago and has water while, we, the users of a prior right, have not our full amount. He attempted to do the same last year but after we personally complained about it he discontinued using the water in this manner. He is now using the water which was held by the dam but should have been allowed to flow gradually from the Lake and maintain the flow of the Creek. Also, he is diverting it in an unlawful manner--not having proper measuring devices.

State Reclamation Engineer - September 14, 1943

Page #2

Finally, he has not sufficient land under Wallace Creek to justify the use of seventy-five inches of water. A survey was made for the decree, in 1940; based upon this survey the Court decreed water sufficient to irrigate only thirty acres of land.

Margaret L. Pyatt
Earl Pyatt

Linda M. Reynolds
M. H. Reynolds
E. H. Reynolds

19134

✓
September 13, 1943

Re: Permit No. 19134

Mrs. Bertha N. Rose
Salmon, Idaho

Dear Mrs. Rose:

This is to acknowledge receipt of your protest,
dated September 9th, against the issuance of a
license under the above numbered permit, in the
name of John and Eva D. Webb.

This has been duly filed, and will be given
full consideration at the proper time.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

See case Permit 16660

19134

Salmon, Idaho
September 9, 1943



State Reclamation Engineer
Boise
Idaho

Re: Permit No. 19134, John Webb and Eva D. Webb, Salmon, Idaho

Gentlemen:

I have just observed a Notice of Proof of Application of Water to Beneficial Use, which appeared yesterday in the Recorder-Herald, at Salmon, Idaho. I wish to protest the granting of this application for the following reasons:

First, the source of supply, from which the water is diverted, is Wallace Lake and is carried through Wallace Creek to the place of use. There is no measuring device used in connection with this water. The water must travel a distance of approximately three miles from the Lake to the place of use and, at the present time, there is not sufficient water in the Creek to cover the decreed water rights that are superior to any right held by Mr. and Mrs. Webb. In view of the fact that the water must travel through Wallace Creek the rights of the other parties are interfered with by the present use of any water from Wallace Lake. At the present time the amount of water turned in the Creek from Wallace Lake is estimated to be fifteen inches. This fifteen inches must travel approximately three miles and there is no measuring device at the point where the water is diverted from Wallace Creek to the Webb land and, at present, more water is being diverted from the Creek than is being placed in the Creek from Wallace Lake.

In view of the fact that the holders of the first water rights are not receiving the amount of their decreed rights at the present time, and for the reasons set forth above, I hereby wish to enter a protest against the granting of the above-named application.

Very truly yours,

Mrs Bertha N. Rose

Owner of first and second right

19134

Chas. Rose
Salmon
Idaho



State Reclamation Engineer

Boise

Idaho

19134

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at **two P.M.** on the **6th** day of **October**, 19**45**,
 at **Salmon**, County of **Lemhi**, State of Idaho, before
G. Walker Lyon, Notary Public, proof will be submitted of the
 application to beneficial use of **1 1/2** cubic feet per second of the waters of
Wallace Lake in accordance with the terms and conditions of Permit No. **19134**,
 heretofore issued by the **Department of Reclamation** of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....
John Webb and Eva D. Webb, Salmon, Idaho,

The use to which said water has been applied is **agricultural**.

The amount applied to beneficial use is **one and one half cubic feet**.

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) **Lots 9 and 11, SE 1/4 SW 1/4 of Section 7; and Lot 5, NE 1/4 NW 1/4**
of Section 18; Township 22 North, Range 22 East of
the Boise Meridian, County of Lemhi, State of Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is **Wallace Creek**.

The right to take water from such works is based upon Permit No. **19134**.

The source of supply from which such water is diverted is
Wallace Lake through Wallace Creek

The date of priority which said user is prepared to establish is **May 12, 1941**
~~April 10, 1941~~

JAMES SPOFFORD

19134
 Commissioner of Reclamation
 State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 19134

Date: August 24, 1943

Recorder-Herald
Salmon, Idaho

Gentlemen:-

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **Oct. 6, 1943**, the date set for proof, the expense of the publication to be paid by the applicants, **John & Eva D. Webb, Salmon, Idaho** to whom you should furnish proof of publication on or prior to date for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

JAMES SPOFFORD
~~Commissioner of Reclamation~~
State Reclamation Engineer

19134

✓
August 24, 1943

Re: Permit No. 19134

Mr. John Webb
Salmon, Idaho

Dear Mr. Webb:

We acknowledge receipt of duplicate notice, and also your authorization to have the notice published in the Recorder-Herald, of Salmon, Idaho, all in connection with beneficial use proof under the above numbered permit.

The notice has been sent to the newspaper, with instructions to publish it once a week for four consecutive weeks prior to October 6th, the date set for proof.

Inasmuch as this proof is due on or before September 13th, as per notice sent you, the priority date will have to be set forward the length of time this proof is past due, which will make it May 13, 1941, instead of April 20, 1941—and we have changed the notice accordingly.

About ten days before the date set for proof, we shall send to Mr. C. Walker Lyon, the Notary Public, depositions, consisting of one for you as holder, and one for each of two witnesses, so that he may have them in ample time for the proof.

On the day set, you should appear at Mr. Lyon's office, together with two disinterested witnesses, who are familiar with the terms of your permit, and the works constructed thereunder, for the purpose of executing the depositions.

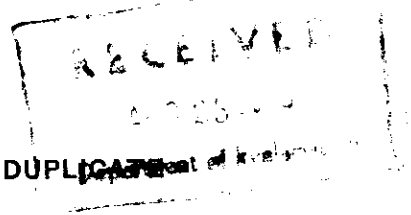
Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

A

Chief Clerk

19134



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 19, 1943

(P. O.) Salmon, Idaho

STATE RECLAMATION ENGINEER
TO THE ~~COMMISSIONER OF RECLAMATION~~

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Recorder-Herald of Salmon, Idaho, published in
the county in which the works are situated.

John W. Webb

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water
per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

19134

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

John Webb & Eva D. Webb
Salmon, Idaho

BOISE

July 9, 1943

Dear Sir:

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 19134, which should be filled out and returned to this office at least 40 days before the date upon which you wish to make proof. The proof must be submitted before a notary public or other officer authorized by law to administer oaths. The date for proof, as set out in your permit, is September 13, 1943 and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

JAMES SPOFFORD

commissioner of Reclamation
State Reclamation Engineer

19134

August 26, 1942

Re: Permit No. 19134

Mr. C. Walker Lyon
Attorney At Law
Salmon, Idaho

Dear Mr. Lyon:

We are enclosing herewith Certificate of Completion of Works issued on the above numbered Permit to appropriate 1.5 second feet of water from Wallace Lake in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 8, Township 22 North, Range 21 East, B. M., Lemhi County, for irrigation purposes.

This Department's Receipt Number 18318 covering the \$5.00 fee for Completion of Works is also enclosed.

Very truly yours,

E. V. BERG
Commissioner of Reclamation

By: ROY W. THOMPSON
Deputy Commissioner

RWT:djb
Encl.-2

19134

C. WALKER LYON
ATTORNEY AT LAW
SALMON, IDAHO

McNUTT BUILDING

PHONE 74

August 22, 1942

RE: Permit No. 19134



State Dept. Reclamation,
Boise, Idaho.

Gentlemen:

Enclosed herewith is the Proof of Completion
of Works of John Webb and Eva D. Webb in connection
with permit No. 19134, together with a check of Mrs.
John Webb for the amount of \$5.00.

If there are any further instruments that
you desire at this time, please write my office.

Yours very truly,

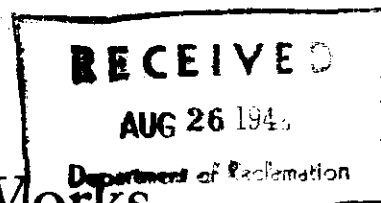


C. WALKER LYON

C.

19134

Permit No. 19134

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Lemhi

ss.

John Webb & Eva D. Webb

, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 19134, and that his postoffice address is Salmon, State of Idaho.

Second: That the name of the stream from which said water is to be directed is Wallace Lake through Wallace Creek.

Third: That the point of diversion of said water is Natural outlet of lake.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by September 13, 1942.

Fifth: That the use for which said water is intended is irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were (corrected) fully completed and consisted of the following:

1. Kind of works: Dam (Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam one feet, length of dam at top 60 feet, length of dam at bottom 60 feet. Material used in construction Earth

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir unknown acre feet.

(c) Size of headgate: Width $\frac{1}{8}$ feet, height $2\frac{1}{2}$ feet.

(d) Conduit ditch width at bottom one feet, width at water line $1\frac{1}{2}$ feet, depth of water $\frac{1}{2}$ feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is 2 miles.

Seventh: That said works are capable of conducting to the place of intended use $1\frac{1}{2}$ cubic second feet of water.

Eighth: That water appropriated under said permit is available for approx. 160 acres of land described as follows: Lots 9 and 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17; Lot 5, NE $\frac{1}{4}$ NW $\frac{1}{4}$, of section 18, Township 22 N., Range 22 East Boise Meridian, Lemhi County, State of Idaho.

Ninth: Remarks: That

Subscribed and sworn to before me this 20 day of August, 1942.

My commission expires 2/27/44

John Webb
Eva D. Webb (Sign here)
Notary Public.

19134

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

July 15, 1942

Re: Permit No. 19134

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

John Webb & Eva D. Webb
Salmon, Idaho

Boise, Idaho,

Dear Sir:—

Under the terms of your permit No. 19134 you are required to complete your diversion works on or before Sept. 13, 1942. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

L. V. SERG
Commissioner of Reclamation.

19134

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of an Extension of)
time for the Commencement of Work)
required by Permit No. 19134 in)
the name of John & Eva Webb, as)
provided under Section 41-204,)
I.C.A., as amended,)

ORDER GRANTING EXTENSION OF TIME.

WHEREAS, It becomes necessary to extend the time for compliance with the requirement for commencement of work under the terms and provisions of Permit No. 19134 to appropriate the public waters of the State of Idaho, as provided by Section 41-204 of the Idaho Code Annotated, as amended, for the following reasons to-wit:

THAT, Application for permit to appropriate the waters of Wallace Lake, Lemhi County, for irrigation purposes was filed in the office of the Department of Reclamation, April 20, 1941, approved April 28, 1941. Under the terms of said permit commencement of work was to begin on June 27, 1941. Due to the pendency in securing a special use permit from the United States Forest Service, for the use of said Lake, Permit No. 19134 has been held in suspense by the Department of Reclamation.

THAT on August 4, 1941, the Department of Reclamation received a letter from the United States Forest Service Agent, stating that a special use permit had been issued.

On Sept. 13, 1941, a letter was received from Mr. Preston Thatcher, attorney and agent for said applicants, stating the objection of the Forest Service had been withdrawn.

THAT, a special use permit had been issued by the Forest Service, subject to water permit number 19134, specifying that the water level in Wallace Lake be lowered not to exceed two feet, or to limit the use of the water of said lake for storage purposes to water between the natural low water and the natural high water lines of the lake.

THEREFORE, It is hereby ORDERED, that by reason of this pendency in procuring a Special Use Permit from the Forest Service as hereinafter set forth, the time for compliance with the commencement of work requirement of said permit number 19134, is hereby extended a period of sixty days; approval, Sept. 13, 1941; work to begin, Nov. 12, 1941; one-fifth to be completed, March 13, 1942; completion of works, Sept. 13, 1942; and beneficial use, Sept. 13, 1943.

WITNESS, The hand and seal of the Commissioner of Reclamation, this 16th day of Sept., 1941.

E. V. BERG, Commissioner of Reclamation.

ROY W. THOMPSON
BY ROY W. THOMPSON /s/
Deputy Commissioner.

RWT:ml.

19134

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of an Extension of)
time for the Commencement of Work)
required by Permit No. 19134 in)
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WITNESS, The hand and seal of the Commissioner of Reclamation, this 16th day of Sept., 1941.

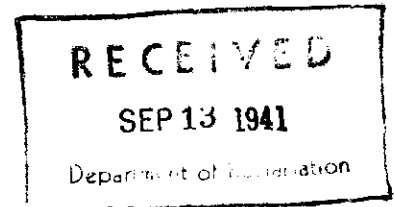
E. V. BERG, Commissioner of Reclamation.

BY: ROY W. THOMPSON /s/
Deputy Commissioner.

RWT:ml.

19134

LAW OFFICE
PRESTON THATCHER
SALMON, IDAHO



September 12, 1941

State of Idaho
Department of Reclamation
Boise, Idaho

Re: 19134
John & Eva Webb

Gentlemen:

On June 2nd I wrote you in the above matter asking that you withhold action in regard to the application until further action was taken by the Supervisor of the Salmon National Forest.

I am today informed by Floyd Godden, Supervisor of said forest, that some time ago his office wrote you to the effect that their objection to the granting of the application was withdrawn, subject to the permit specifying that the ~~order~~ level be lowered not more than two feet.

As Mr. and Mrs. Webb should like to commence work on the necessary headgates and ditch this fall, should appreciate your taking action on this application and advising me as soon as possible.

Very truly yours,

Preston Thatcher
Preston Thatcher

PT/bc

19134

C
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Form 532
(Revised Nov. 1933)



Original delivered to Webb by
Otis personally.

SPECIAL USE PERMIT

U
USES - Salmon
Reservoir - (Wallace Lake)
6/16/41
(Case designation)

Permission is hereby granted to John Webb
of Salmon, Idaho
to use the following-described lands: SE 1/4, Sec. 8, Twp. 22 N. R. 21 E. B. M. at the
(Describe the lands to be occupied, if unsurveyed, by metes and bounds, with reference to a road or
outlet of Wallace Lake
stream or well-known landmark; right of way by terminal points, direction, and lands occupied)

for the purpose of constructing a headgate and open conduit for storage and trans-
(Briefly but clearly describe the use, giving area of inclosures, length and width of right of way, etc.)
mission of water for irrigation

subject to the following conditions:

1. The permittee shall pay to the Regional Fiscal Agent designated by the Forest officer for
deposit to the credit of the Treasurer of the United States, in consideration for this use, the sum of
no charge dollars (\$-----) for the period
from August 1, 1941, to December 31, 1941, and thereafter annually,
on January 1, ----- dollars (\$-----).

2. The permittee shall comply with the regulations of the Department of Agriculture governing
the National Forest, shall observe all sanitary laws and regulations applicable to the premises, and
shall keep the premises in a neat and orderly condition and dispose of all refuse and locate outhouses
and cesspools as required by the Forest officers.

3. This permit is subject to all valid claims.

4. The permittee shall take all reasonable precaution to prevent and suppress forest fires.

8-712

19134

5. The permittee, if engaged in business, shall conduct same in an orderly manner and in accordance with all requirements of the laws of the State of Idaho, as well as the laws of the United States.

6. The permittee shall pay the United States for any damage to its property resulting from this use.

7. The permittee shall fully repair all damage, other than ordinary wear and tear, to roads and trails in the National Forests caused by the permittee in the exercise of the privilege granted by this permit.

8. Construction work (or occupancy and use) under this permit shall begin within One months, be completed within 6 months years from the date of the permit, and this use shall be actually exercised at least 150 days each year, unless the time is extended or shortened.

9. In case of change of address, permittee shall immediately notify the Forest Supervisor.

10. The charges for this use may be readjusted whenever necessary to place this permit on a basis consistent with the charge to other permittees for like privileges. A general readjustment will be made at the end of five years from the date of issuance of permit and at the end of each five-year period thereafter.

11. No National Forest timber may be cut or destroyed without first obtaining a permit from the Forest Supervisor.

12. Upon the abandonment, termination, or revocation of this permit, and in the absence of an agreement to the contrary, the permittee, if all the rental charges due the Government have been paid, may, within a reasonable period to be determined by the issuing officer, remove all structures which have been placed on the premises by him, except where the material was furnished by the Forest Service, but upon failure to remove the structures within that period they shall become the property of the United States.

13. This permit may be transferred with the approval of the officer by whom it was given or his successor, subject to such conditions as may be imposed at the time of transfer. It shall terminate upon breach of any of the conditions herein or at the discretion of the Regional Forester or the Forester.

14. The permittee shall provide, whenever requested by the Forest officers, a way across the land covered by this permit for the free ingress or egress of Forest officers and for users of National Forest land and purchasers of National Forest products.

15. ~~This permit is issued to authorize use of land for the purpose described.~~
(Special stipulations necessary)

~~It does not confer right to use the water involved.~~

16. Construction of the headgate shall be of concrete, set on bedrock. It shall have a minimum thickness of 12" and be constructed in a workman like manner.

17. The headgate shall be of such height that it will control the water of Wallace Lake only between the high water line and the low water line of the lake as shall be determined by the Forest Officer in charge prior to construction. Maximum fluctuation of the water level shall not exceed 2', (two feet).

18. The permittee agrees to clean up and remove all debris resulting from construction and use of the proposed improvements.

19. The permittee agrees and assumes responsibility for any damage to property that may result from construction or use of the proposed improvements.

September 15, 1941
(Date)

s/ Art Buckingham
(Signature of officer issuing permit)

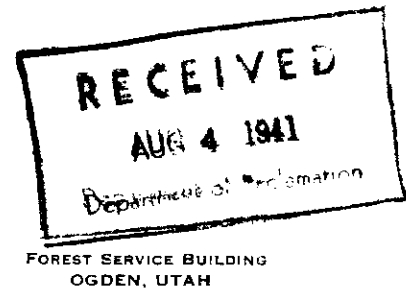
Acting Forest Supervisor
(Title)

This is a copy of the permit granted the applicants by the Forest Service, which said copy was furnished by the Forest Service and it will be noted that it does not authorize the construction of any dam but only of a headgate which will control the water of Wallace Lake only between the high water line and the low water line of the lake, and it will be further noted that the application was received by your office at 9:00 A. M. April 20, ~~1924~~ 1941, and the this permit was secured on September 15th, 1941.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
INTERMOUNTAIN REGION



ADDRESS REPLY TO
REGIONAL FORESTER
AND REFER TO



U
USES, Salmon
Reservoir (Wallace Lake)
Webb, Joh
7/29/41

August 1, 1941.

Mr. E. V. Berg,
Commissioner of Reclamation,
State Capitol,
Boise, Idaho.

Dear Mr. Berg:

Reference is made to your letter of May 6 and to our reply of May 19. Your cooperation in denying Mr. Webb's application for a water filing on Wallace Lake until we could work out a satisfactory arrangement with him is much appreciated.

Mr. Webb and the Forest Supervisor have since examined the site and Mr. Webb has agreed to limit his use of Wallace Lake to the water between the natural low water and the natural high water lines of the lake. This development will not interfere with the use of the lake by the public for recreation and we have approved the issuance of such a special use permit by Supervisor Godden subject to your approval of a similar filing on the water.

Very sincerely yours,

C. N. WOODS, Regional Forester,

By *W B Rice*
Acting.

19134

June 5, 1941.

Re: 19134
John & Eva Webb.

Mr. Preston Thatcher
Salmon, Idaho

Dear Mr. Thatcher:

We wish to acknowledge receipt of your letter of the 2nd in which you ask us to withhold action on the above stated application for permit until further action is taken by the Supervisor of the Salmon National Forest.

We hereby grant your request and will withhold action on said permit until we hear from you.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation.

BY: ROY W. THOMPSON
Deputy Commissioner.

RWT:al.

19134

LAW OFFICE
PRESTON THATCHER
SALMON, IDAHO



June 2, 1941

State of Idaho
Department of Reclamation
Boise, Idaho

Re: 19134
John & Eva D. Webb

Gentlemen:

This will acknowledge receipt of yours of May 29th in regard to the application of the above persons to appropriate waters of Wallace Lake in Lemhi County. Will also acknowledge copies of letters set therewith.

I have talked to Floyd Godden, Supervisor of the Salmon National Forest in regard to this application. He states that if Mr. and Mrs. Webb will file application in his office for a permit he will recommend that they be allowed to lower the Lake level a maximum of two feet each season.

This lowering would give Mr. and Mrs. Webb approximately 50 acre feet of water to supplement their other rights, which I believe would normally be sufficient for all purposes. Therefore, if you will withhold action on the application until this special application for permit can be disposed of, I shall appreciate it.

Very truly yours,

Preston Thatcher
Preston Thatcher

PT/bc

cc. Floyd Godden

19134

May 29, 1941

Re: 19134

Mr. Preston Thatcher
Salmon, Idaho

Dear Mr. Thatcher:

We are writing you relative to application for permit of John and Eva Webb to appropriate waters of Wallace Lake, Lemhi County.

We are enclosing a copy of a letter received from the U. S. Forest Service who are protesting the lowering or raising of the lake's shore line, thereby objecting to destroying any of its recreational value.

In view of the Forest Service objection to the use of this lake for storage purposes, the Commissioner thinks that the above application for permit should be denied. However, before final action is taken, we would like to hear from you regarding such action.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation.

RWT: ml.

BY: ROY W. THOMPSON
Deputy Commissioner.

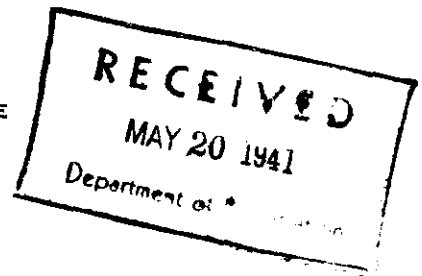
19134

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
INTERMOUNTAIN REGION



ADDRESS REPLY TO
REGIONAL FORESTER
AND REFER TO

U
USES - Salmon
General



FOREST SERVICE BUILDING
OGDEN, UTAH

May 19, 1941

Mr. E. V. Berg,
Commissioner of Reclamation,
State Capitol, Boise, Idaho.

Dear Mr. Berg:

Reference is made to your letter of May 6 regarding an application received for permission to reservoir Wallace Lake in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, T. 22 N., R. 21 E., B.M.

Wallace Lake is one of three small lakes along the main mountain west of Salmon, within an easy drive from Salmon. It is a beautiful little lake with high recreational value and very good fishing. We have consistently opposed draining this lake. About three years ago a mining company wanted to do it, and after going over it with their man he withdrew the application. The lower outlet of the lake will require a lot of excavation to get a drain because it is a large boulder field for several hundred feet with no live creek channel flowing through it. The water then carries on for almost a half mile under this boulder field and there undoubtedly is an enormous loss of water before it reaches the main creek channel. The lake is fringed by spruce trees right down to the shore line and if it were lowered or raised it would seriously affect its recreational value.

There is considerable use now made of this lake for camping and picnicing and we have planned on developing a picnic area there. We have felt for many years that due to its beauty, small size and availability to Salmon City, Wallace Lake would contribute more to the public good as a recreation area than it would if drained for a little water.

In view of the relatively small value of this lake for irrigation water compared with its importance to the community for recreation, this office would not feel free to grant a permit either to drain this lake or to construct a dam for raising it.

19134

We recommend most strongly that you deny the application to use this lake for storage.

Very sincerely yours,

C. N. WOODS, Regional Forester

By

A handwritten signature in cursive script, appearing to read "A. J. Favre".

Acting

May 9, 1941

RE: 19134

Preston Thatcher, Atty.
Salmon, Idaho

Dear Mr. Thatcher:

We wish to acknowledge receipt of your letter of May 7th relative to application of John & Eva D. Webb for permit to appropriate waters of Wallace Lake in Lemhi County.

The above referred to application received by this department April 20, 1941 and filed for record. The application was given a permit number 19134 and approved by the commissioner on the 28th, but is being held up due to correspondence with the Forest Service regarding the lowering of the water level in Wallace Lake.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation

BY: ROY W. THOMPSON
Deputy Commissioner.

RWT:ml.

19134

LAW OFFICE
PRESTON THATCHER
SALMON, IDAHO



May 7, 1941

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

On April 18th I forwarded to you application of John Webb and Eva D. Webb, for permit to appropriate waters of Wallace Creek in Lemhi County, together with my check in the sum of \$5.00.

To date I have received no word from you as to the receipt of the application or as to action which may be taken thereon.

Would you please advise me whether this application has been received, and if so, when action may be expected.

Very truly yours,

PT/bc

Preston Thatcher
Preston Thatcher

19134

May 6, 1941

Re: 26588

U. S. Forest Service
Ogden, Utah

Gentlemen:

We are in receipt of an application to appropriate the public waters of Idaho, from Wallace Lake, located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, Twp. 22 N., Rge. 21 E., B. M., in Lemhi County. We understand that this lake is located in the Lemhi National Forest.

The application applies for 120 acre feet of storage from Wallace Lake and states that the water surface of the Lake will not be lowered in excess of four feet.

Please notify this department, as soon as possible, if there is any objection by the Forest Service to our granting this permit.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation

BY: ROY W. THOMPSON
Deputy Commissioner.

RWT:al

19134

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 19134

Boise, Idaho,

~~April~~ 30, 1941

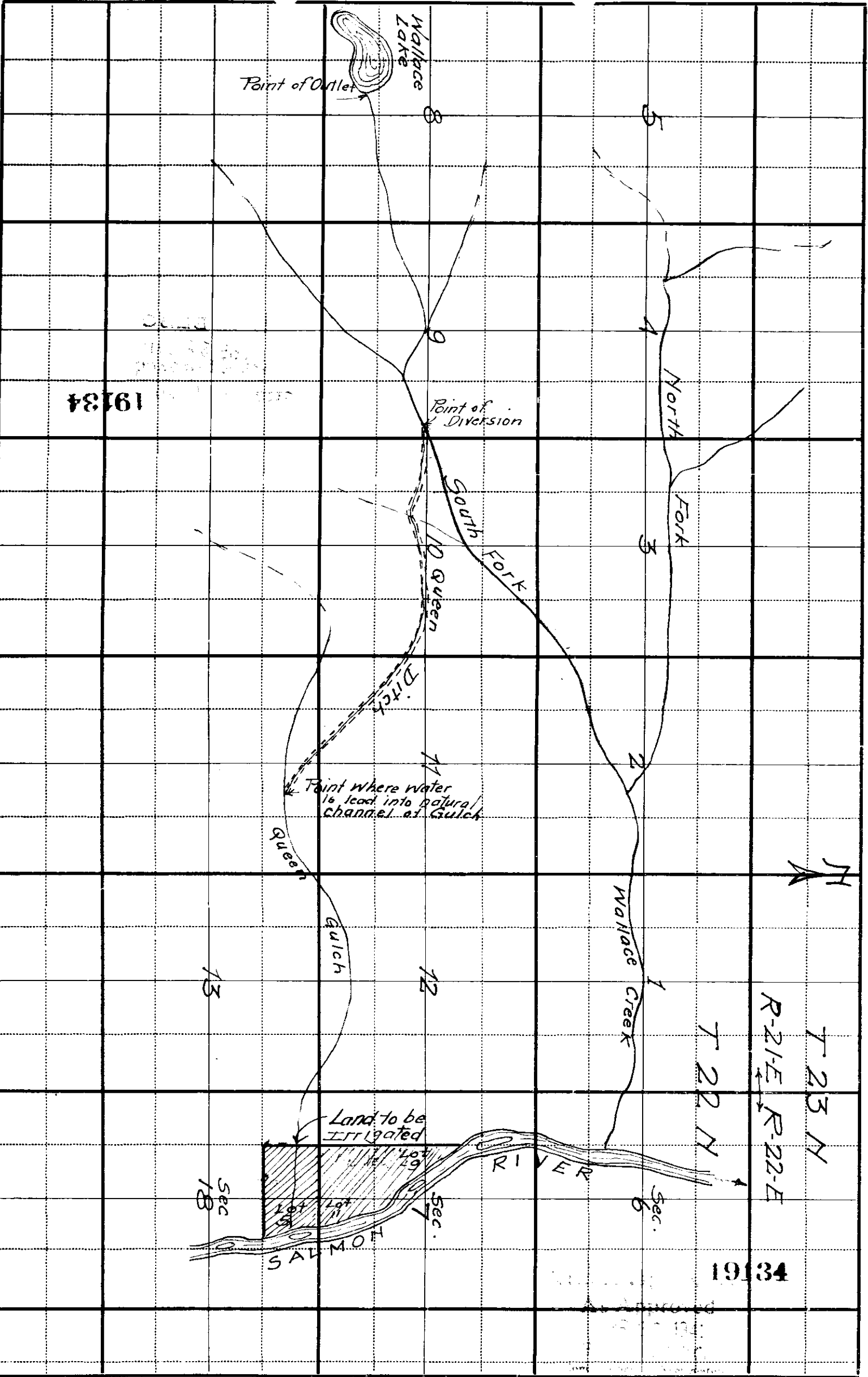
Dear Sir:

I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the ~~third~~ page.
Fourth

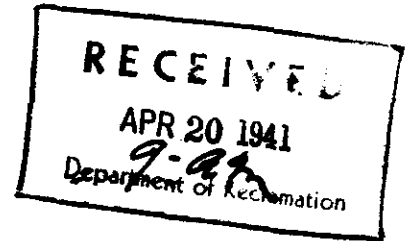
John & Eva Webb
Salmon, Idaho
R#17797, \$5.00.

E. V. BERG,
Commissioner of Reclamation.

19134



LAW OFFICE
PRESTON THATCHER
SALMON, IDAHO



April 18, 1941

STATE OF IDAHO
Department of Reclamation
Boise, Idaho

Dear Sir:

I am enclosing herewith application of John Webb & Eva D. Webb for permit to appropriate 120 acre feet of the water of Wallace Lake in Lemhi County. It will be noted that this 120 acre feet is to be drawn off at the rate of $1\frac{1}{2}$ cubic feet per second. It is contemplated to use this water after highwater has gone each year.

The map I submit herewith I think is sufficient under the circumstances as this Lake is on unsurveyed public domain.

If there are any special forms to fill out for application to appropriate the waters of the Lake I should appreciate having you send them to me.

I enclose herewith my check No. 2 in the sum of \$5.00 in payment of the filing fee.

Very truly yours,

Preston Thatcher
Preston Thatcher

FT/bc
Encl.

19134