



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

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EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 12, 2008

RE: Claim 74-15015

James E Riggan
267 HWY 28
Salmon, Id 83467

Dear Mr. Riggan,

I would like to inform you of the disposition of your water right so that you may have a role in shaping its outcome. The claim filed with the Lemhi Adjudication court was based upon a 1906 decree Minnie M. Shenon et al. vs. Nellie Albertson et al. This decree quantified 18/50^{ths} of a cubic foot or 0.36 cfs under an 1897 priority date. The department would have been limited to recommending this quantity under 74-209 in the Lemhi Adjudication. As a result a beneficial use claim should have been filed at that time for the additional cfs and acreage above and beyond what was recommended. Furthermore only one point of diversion was claimed and only 27.9 acres. At this time the department cannot recommend a beneficial use claim in basin 74 because the Lemhi Decree (1984) is after the mandatory permit date (1971). It would be possible to recommend an enlargement under a beneficial use claim if it was filed with the SRBA court. I have enclosed a copy of the Lemhi Adjudication claim and the above mentioned decree with this mailing.

If you have any questions or concerns please contact me at the number listed below.

Respectfully Submitted,

Nate Arave
Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Drive Suite A
Idaho Falls, Id 83402-1718
(208)-525-7161 ext. 2248

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

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF SURFACE WATERS AND TRIBUTARIES FROM WHATEVER SOURCE OF THE LEMHI RIVER DRAINAGE BASIN.

NOTICE OF CLAIM

IDENT. NO.

MAP NO.

TO A

WATER RIGHT

74-0209

21-23-E

Notice is hereby given that Clark H. and/or Harriet C. Riggan

(Name of Claimant)

Baker, Idaho 83461

(Mailing Address)

claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to the LEMHI River;

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) May 1, 1897

(2) Describe source of water: (Name of stream, lake, spring, etc., or groundwater) Wimpey Creek tributary to the Lemhi River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity 0.70 Use Irrigation Period of Use From April To November 1
(CFS, GPD, AF.) (Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive)

Quantity 0.70 Use Irrigation Period of Use From April To November 1
(CFS, GPD, AF.) (Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive)

Quantity 0.70 Use Irrigation Period of Use From April To November 1
(CFS, GPD, AF.) (Domestic, irrigation, stock, etc.) (Mo., Day) (Both Dates Inclusive)

(4) 0.70 TOTAL QUANTITY CLAIMED.
(CFS, GPD, AF.)

(5) A) Point of Diversion: Give location of point where water is diverted from its source Salmon River Sec. 25, Twp. 21N, Rge. 23E, B.M.; additional points:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Headgate and Ditch

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
21N	23E	25					1.3	0.7	12.6										14.6
21N	23E	26				0.7									11.2		1.4		13.3

Total No. of acres 27.9

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

(7) Effluent, sewage waste, or return water from this use is discharged into Wimpey Creek

(8) If you are claiming water as a member of an organization, list name of organization:

(9) Remarks

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.

☒ B) Right decreed by court, cite title of case Minnie M. Shenon et al

vs. MXX Nellie Albertson et al

☐ C) Right based on application, license, or claim filed with the Idaho Department of Water Administration.

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

Individual

September 13, 1971
(Date)

Harriet C. Riggan
(Signature of Claimant)

Organization

(Signature of Spouse)

State of Idaho

County of Lemhi

Organization
Seal

(Signature of Authorized Agent)

On this 13th day of September, in the year 1971, before me,

a notary public, personally appeared Harriet C. Riggan, known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they, corporation, partnership or) executed the same.

Notary Public residing at Salmon, Idaho

My commission expires July 14, 1974

lgs

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Ira McLain failing to appear and answer to plaintiffs complaint his default was duly entered. The trial having taken place before the Court, and oral and documentary evidence having been introduced by the respective parties, and the evidence being closed, the case was on the 10th day of April, A. D. 1906, submitted to the Court for its consideration and decision, and the Court being fully advised in the premises, and having filed its findings of fact and conclusions of law herein, and order that judgment be entered in accordance therewith.

Wherefore, by reason of the law and the findings aforesaid, it is ordered, adjudged and decreed: That the rights of the parties to this action to the use of the waters of Wimpey Creek in Lemhi County, Idaho, be and the same is settled and quieted, and the waters of said stream are hereby allotted, in the way and manner following, to wit:-

1. That plaintiffs are entitled to have, and are hereby awarded the right to the use of twenty-three fifteenths of one cubic foot per second of the waters of Wimpey Creek, Lemhi County, for the irrigation of the west half of the south-west quarter of Section 34 in Township 21 North of Range 23 East of the Boise Meridian, their right to the use thereof to date from May 1st, 1890. Said right is the second appropriation of the waters of Wimpey Creek to the amount, and for the purpose aforesaid, and is appurtenant to said land.

2. That the defendant and cross-complainant, George S. Lewis is entitled to have, and is hereby awarded, the right to the use of one cubic foot per second of the waters of the South fork or branch of said creek for the irrigation of the west half of the south-west quarter, the south-east quarter of the south-west quarter and the south-west quarter of the south-east quarter of Section 25, and the north half of the north-west quarter, and the north-west quarter of the north-east quarter of Section 36 in said township, his right to the use thereof to date from May 1st, 1888. Said right is the first appropriation of the waters of said

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creek, to the amount, and for the purpose aforesaid, and is appurtenant to said land.

3. That said defendant and cross-complainant George S. Lewis is entitled to have, and is hereby awarded, the right to the use of three and one-half cubic feet per second of the waters of the South fork or branch, and from the main channel of said creek for the irrigation of the aforesaid land, described in paragraph two, his right to the use thereof to date from May 1st 1891. Said right is equal in time and right with the right of the defendant, Nellie Albertson hereinafter set forth, and the third appropriation of the waters of said creek, to the amount, and for the purpose aforesaid, and is appurtenant to said land.

4. That said defendant and cross-complainant George S. Lewis is entitled to have, and is hereby awarded the right to the use of eighteen-fifteenths of one cubic foot per second of the waters of said creek for the irrigation of the south-west quarter of the north-east quarter of said Section 25, and the south-east quarter of the north-east quarter, and the east half of the south-east quarter of Section 26 in said township, his right to the use thereof, to date from May 1st, 1897. Said right is equal in time and right with the right of the defendant, Leopold Schlegelmilch hereinafter set forth, and the fifth appropriation of the waters of said creek, to the amount and for the purpose aforesaid, and is appurtenant to said land.

5. That the defendant and cross-complainant, Nellie Albertson is entitled to have, and is hereby awarded, the right to the use of thirty-five-fifteenths of one cubic foot per second of the waters of said creek, for the irrigation of the south-east quarter of the south-west quarter and the south-west quarter of the south-east quarter of Section 34 in said township, her right to the use thereof to date from the first day of May, 1891. Said right is equal in time and right with the right of the defendant and cross-complainant, George S. Lewis to the use of said three and one-half cubic feet per second of the waters of said creek, above set forth, and is

18/50 = 0.36 cfs
74-600 is for 0.36 cfs