

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 11 2008

By _____ Clerk

Deputy Clerk

COPY

RECEIVED

JUL 17 2008

DEPARTMENT OF
WATER RESOURCES

**SUPPLEMENTAL DIRECTOR'S REPORT REGARDING
SUBCASE NO. 74-15015**

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
David R. Tuthill Jr., Director
Donald V. Shaff, Adjudication Bureau Chief

July 11, 2008

I. INTRODUCTION

In accordance with Idaho Code § 42-1412(4), Administrative Order 1 and Special Master Terrence A. Dolan's May 20, 2008, *Order Requesting 706 Report and Alternative Recommendation*, the Director of the Idaho Department of Water Resources ("IDWR" or "Department") submits this Supplemental Director's Report ("Report") regarding subcase number 74-15015. The Report was prepared under the supervision of David R. Tuthill, Jr., Director, and Donald V. Shaff, Adjudication Bureau Chief.

The following Department employees have knowledge of the information contained in the Report: Nathaniel Arave, Water Resource Agent; Ernest Carlsen, Water Resource Program Manager.

II. DISCUSSION

A. Background.

In 1970, the Lemhi County District Court ("Lemhi Court") commenced a general stream adjudication for the Lemhi River, known as the Lemhi Adjudication. On December 30, 1982, the Lemhi Court executed a partial decree pursuant to Idaho Rule of Civil Procedure 54(b) ("Lemhi Decree"), resolving most of the issues in the Lemhi Adjudication. On October 14, 1992, the Lemhi Court ordered the Lemhi Decree be considered a final decree. Water right no. 74-209 was decreed by the Lemhi Court to Clark H. and/or Harriet C. Riggan¹ for the irrigation of 27 acres with .34 cfs from one point of diversion off Wimpey Creek, bearing a priority date of May 1, 1897, based on an earlier decree. That earlier decree, Minnie M. Shenon et al. v. Nellie Albertson et al. ("Shenon Decree"), concerned the use of the waters of Wimpey Creek in Lemhi County

¹ IDWR understands that Clark and Harriet were the parents of the present claimant to 74-15015, James E. Riggan.

and quantified 18/50^{ths} of a cubic foot of water or 0.36 cfs with a 5/1/1897 priority date for the land upon which water right no. 74-209 was based.

Clark and Harriet Riggan originally filed a claim for water right no. 74-209 in the Snake River Basin Adjudication (“SRBA”), which was renumbered because of a split as water right no. 74-15015. In their claim, the Riggans sought .36 cfs from Wimpey Creek with a May 1, 1897 priority date; those three elements match the Shenon Decree. Also in their claim, the Riggans wanted the water to irrigate 28 acres from one point of diversion; the Shenon Decree did not specify a number of acres or point(s) of diversion.

On June 27, 2006, the Department received an objection from James E. Riggan stating that when his family purchased the property in the early 1960s, they had irrigated “72+ acres” from three points of diversion. Specifically, he objected to the quantity, place of use and point of diversion elements, seeking 1-1.5”/acre for 72 acres with three points of diversion.

Because Riggan’s parents originally claimed less quantity, acres and points of diversion, the Department told Riggan that in order to pursue the different elements, it would be necessary to amend the claim. On July 19, 2007, Special Master Dolan granted Riggan’s motion to file a Standard Form 4 Amended Notice of Claim to effectuate the changes in quantity, place of use and points of diversion. The amended claim sought 2.16 cfs for 72 acres with three points of diversion. On July 19, 2007, Special Master Dolan also ordered the Department to prepare an Amended Director’s Report (“ADR”) for water right no. 74-15015.

On September 21, 2007, the Department filed its ADR but did not change the quantity to 2.16 cfs, the place of use to 72 acres or the points of diversion to three.

Instead, the Department recommended the claim as it was originally recommended in the January 19, 2006 Basin 74 Director's Report. The changes were not made because water right no. 74-15015 was previously decreed in the Lemhi Adjudication as water right no. 74-209 based on the Shenon Decree for 27 acres with .34 cfs from one point of diversion. The legal doctrine of *res judicata* bars reconsideration of the nature and extent of all water rights previously adjudicated. *See, e.g.*, Idaho Code § 42-1420. The Department considers itself barred in this instance from recommending elements inconsistent with the two prior judicial determinations.²

On October 17, 2007, the Department received an objection from Riggan regarding the ADR, stating that the Department should recommend 1-1.5"/acre for 72 acres with three points of diversion for water right no. 74-15015. On May 20, 2008, Special Master Dolan issued an *Order Requesting 706 Report and Alternative Recommendation*, in which he asked the Department to "prepare and file with the Court ... [a] 706 Report concerning the underlying facts and data upon which it based its recommendation. In addition, the Report shall include an 'alternative recommendation' in the event Mr. Riggan's claim is allowed."

B. Department's Recommendation.

In its investigation of the claim, the Department reviewed documents provided by Riggan regarding historic use of the water. Copies of the information submitted by Riggan to the Department are attached hereto as Attachment A. In addition, on May 9, 2008, Nate Arave conducted a follow-up site examination of Riggan's place of use.

² The Department notes there is a supplemental decree entered for Wimpey Creek waters, dated September 14, 1961, which recognized two additional rights off Wimpey Creek. Water right no. 74-214 bears an April 10, 1918 priority, and water right no. 74-215 has a priority date of May 2, 1919.

Based on that site examination and his discussions with Riggan, by letter dated May 12, 2008, Arave suggested Riggan consider, as a solution to his objection to water right no. 74-15015, filing a late claim for the sought-after acres, quantity and points of diversion based on beneficial use, instead of basing the right on a decree that did not support those elements. Arave included in his letter to Riggan a draft copy of a claim for said beneficial use right, numbered 74-15861. A copy of Arave's May 12, 2008 letter to Riggan explaining the possibility of a late claim is attached hereto as Attachment B. On May 28, 2008, Riggan filed a motion for late claim for water right no. 74-15861.

Riggan's motion for late claim is presently scheduled to be heard by Judge Melanson on Tuesday, August 19, 2008, at 1:30 p.m. If Judge Melanson were to grant Riggan's motion for late claim, the Department could then fully consider the matter. As it now stands, it is the Department's understanding that the area watermaster has historically delivered the proposed beneficial use quantity to Riggan and his predecessors-in-interest, and that, in turn, Riggan and his predecessors-in-interest have historically put said water to beneficial use. As part of his SF4 Amended Notice of Claim, Riggan provided the Department with an aerial photo dated September 1939 which shows irrigation on the place of use. See SF4 in Attachment A. Additional evidence exists suggesting an even earlier priority date. The long-term historic use is supported, in part, by the presence of 100+ year old cottonwood trees and tree stumps. Arave took a couple of pictures of the old tree stumps during his May 2008 site examination, and color copies of those photos are attached hereto as Attachment C.

Based on the site exam and review of other information provided, it is the Department's position that what Riggan seeks from water right no. 74-15015 cannot be

recommended because water right no. 74-15015 is based on the Shenon and Lemhi Decrees. Instead, it is the Department's position that, but for *res judicata*, water right no. 74-15861 could be recommended as a beneficial use claim as described in Attachment D. To minimize confusion, Attachment D bears a large red stamp DRAFT across its face. Based on the site exam and other information reviewed and were it not barred by *res judicata*, March 15, 1907 is the earliest priority date the Department would be willing to recommend for water right no. 74-15861 because it postdates the Shenon Decree and is based on evidence of beneficial use.

However, because water right nos. 74-15015 and 74-15861 are overlapping claims, the Department would have a different recommendation for water right no. 74-15015 if the motion to file the late claim for water right no. 74-15861 were granted. In that case, but for *res judicata*, the Department would recommend water right no. 74-15015 as described in Attachment E, which reflects the combined use limits and additional points of diversion for the overlapping claims. As the Department did with Attachment D, it has marked Attachment E with a large red stamp DRAFT so as to minimize confusion. As long as water right no. 74-15861 is granted, Attachment E is the Department's recommendation for water right no. 74-15015 regardless of the priority date determined for water right no. 74-15861.

III. CONCLUSION

As it stands currently, because of *res judicata*, the Department would recommend water right no. 74-15015 as described in its January 19, 2006 Director's Report and the subsequent ADR. But for *res judicata*, the Department's recommendation for water right no. 74-15861 is based on evidence of beneficial use as described in Attachment D. And

but for *res judicata* and if and only if the motion to file late claim for water right no. 74-15861 is granted, then the Department would change its recommendation for water right no. 74-15015 to reflect the overlap as described in Attachment E.

Respectfully submitted this 11th day of July 2008.

for 
Nathaniel Arave
Water Resource Agent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the following described document on the persons listed below by United States mail with the correct postage affixed thereto on this 11th day of July 2008.

DOCUMENT SERVED:

SUPPLEMENTAL DIRECTOR'S REPORT REGARDING SUBCASE NO. 74-10146

Persons Served:

Ray Rigby and Jerry Rigby
Rigby Thatcher Andrus Rigby Kam & Moller, Chartered
25 N. 2nd E.
PO Box 250
Rexburg, Idaho 83440

James E. Riggan
267 Hwy 28
Salmon, ID 83467


for Idaho Department of Water Resources

Attachment A

RECEIVED

OCT 18 2007

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

A. Subcase 74-15015
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: James E. Riggan
Address: 267 Hwy. 28
Salmon, ID 83467
Daytime Phone: 208-756-3710

Name & Address of Attorney, if any:

JERRY RIGBY
RIGBY, ANDRUS, AND MOELLER
P.O. Box 250
REXBURG, ID 83440

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: James E. Riggan
Address: 267 Hwy. 28
Salmon, ID 83467

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 1-1 1/2 in. per acre
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: This property has three (3) points of diversion.
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 72 acres
10. ☐ **I object because:**
☐ This water right Should not exist.

☒ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): This property was purchased by my family in the early 1960's. Since that time, there has been 72 + acres irrigated from three (3) points of diversion. SRBA contends there is one (1) point of diversion, which is incorrect.

F.

VERIFICATION (must be completed)

State of IDAHO)
)ss.
County of LEMHI)

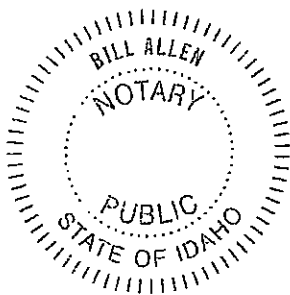
James E. Riggan, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

James E. Riggan
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: OCTOBER 12, 2007



Bill Allen
Notary Public for IDAHO
Residing at: SALMON
My Commission Expires: 2/19/2009

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 10-15, 2006I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

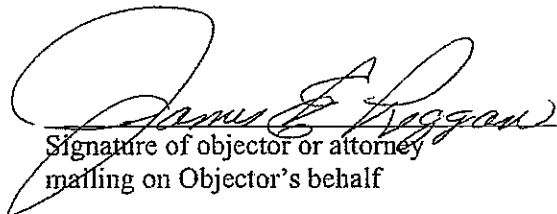
Name: James E. Riggan
Address: 267 Hwy. 28
Salmon, ID 83467

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Signature of objector or attorney
mailing on Objector's behalf

ATTACHMENT #3

GOV. LOT 2

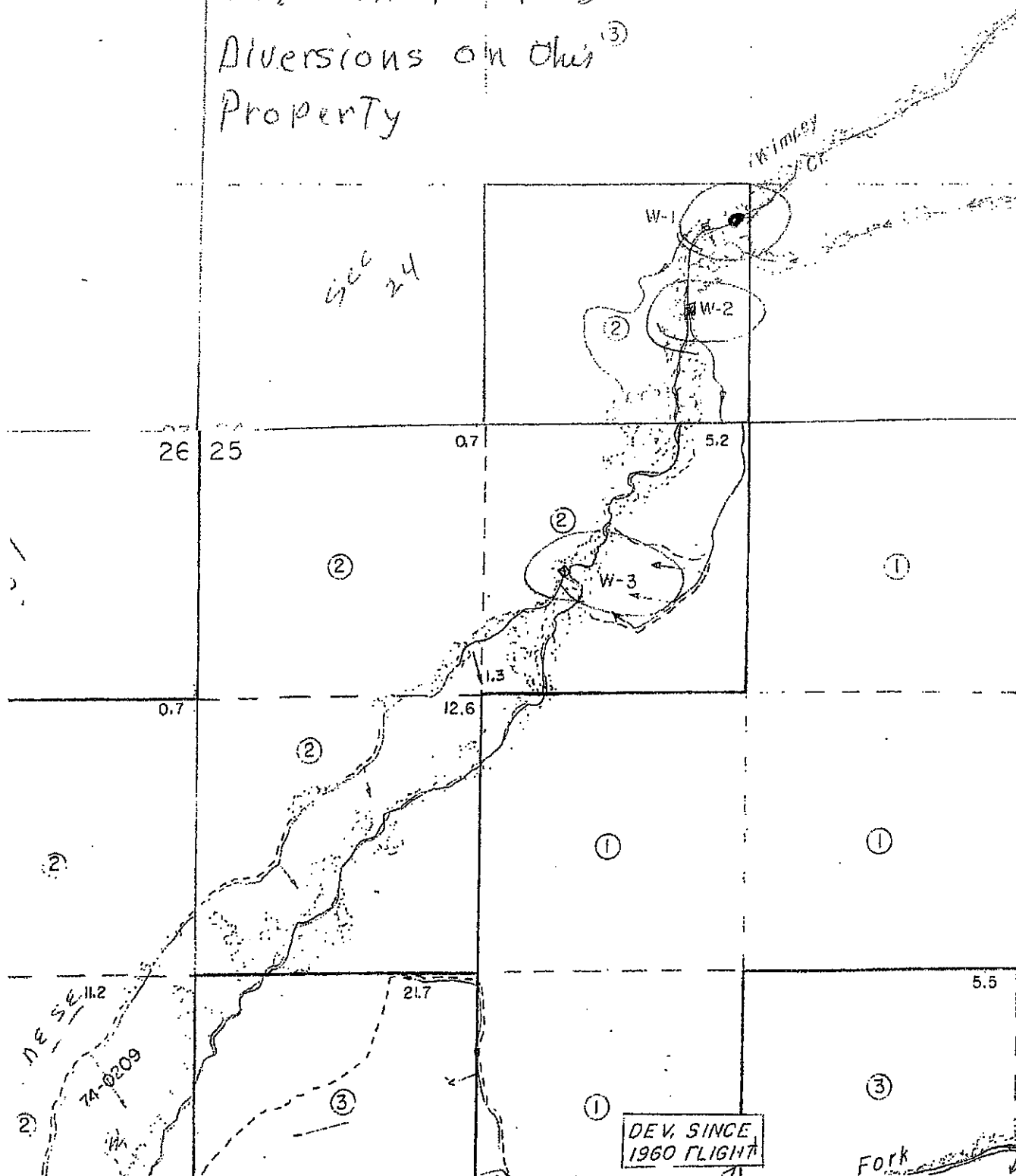
GOV. LOT 3

GOV. LOT 4

Orig - 11

7A-1:95

1970 Map of 3
Diversions on this⁽³⁾
Property



1939- map of Property

3- Diversions - 72+ acres irrigated



2005 map - from IDWR

3-Diversions 72+ acres irrigated



RECEIVED

JUN 13 2007

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase 74-15015

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is JAMES E. RIGGAN

My address is 267 HIGHWAY 28
SALMON, ID 83467

My phone number is: Work 208-756-3710 Home 208-756-3710

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:

THIS PROPERTY WAS PURCHASED BY MY FAMILY IN THE EARLY 1960'S. SINCE THAT TIME, THERE HAS BEEN 72+ ACRES IRRIGATED FROM THREE (3) POINTS OF DIVERSION. SRBA CONTENDS THERE IS ONE (1) POINT OF DIVERSION AND 27 ACRES, WHICH APPEARS INCORRECT.



I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

1939 PHOTOGRAPH OF IRRIGATED LAND IN THIS PARCEL
CONSISTING OF THREE (3) DIVERSIONS. THE NRCS HAS
COMPLETED A GRS ON THIS PARCEL WHICH CONTAINS 72 + ACRES.
THIS 1939 MAP OF IRRIGATED LAND IS THE SAME AS THE 2005
IRRIGATED MAP. SEE ATTACHMENTS # 1, 2, AND 3.

I have attached:

☒ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

FILING FEE WAIVED BY IDWR (NATE ARAUE)

VERIFICATION (Must be completed)

State of Idaho

County of Lemhi

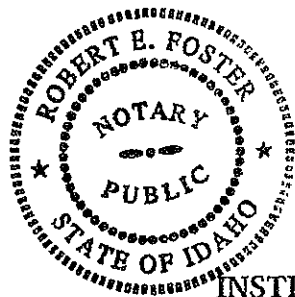
JAMES E. RIGGAN, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

James E. Riggan
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 6-4-07
(Insert Date)



Robert E. Foster
Notary Public for Idaho
Residing at: Salmon Id
My Commission expires: 3-6-13

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on 6-11-2007, ~~199~~ I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

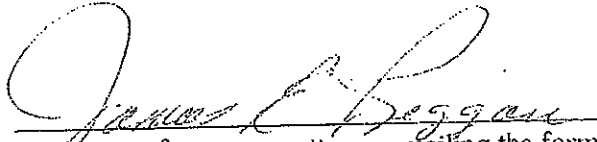
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)


Signature of person or attorney mailing the form

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 74-15015
Date Received: 5/14/2007
Receipt No:
Received By:

AMENDED AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES E RIGGAN Phone: (208)756-3710

267 HWY 28
SALMON ID USA 83467

2. Date of Priority: 05/01/1897

3. Source: WIMPEY CREEK , WIMPEY CREEK , WIMPEY CREEK Trib. to: LEMHI RIVER ,
LEMHI RIVER , LEMHI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
21N	23E	25	NW	NE	NW	LEMHI	
21N	23E	24	NW	SE	SW	LEMHI	
21N	23E	24	SW	SE	SW	LEMHI	

5. Description of diverting works:

Head Gate Gravity fed to sprinklers

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	2.16	

7. Total Quantity Appropriated is:
2.16 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
21N	23E	24	SE	SW	IRRIGATION	10
					Section Acres	10
21N	23E	25	NE	NW	IRRIGATION	18
			SW	NW	IRRIGATION	19
			NW	NW	IRRIGATION	2
					Section Acres	39
21N	23E	26	SE	NE	IRRIGATION	2
			NE	SE	IRRIGATION	21
					Section Acres	23
					Total Acres	72

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

SPLIT FROM FORMER RIGHT 74-209

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): James E. Higgins Date: 6-4-07

_____ Date:

State of Idaho)
County of Lemhi) SS.

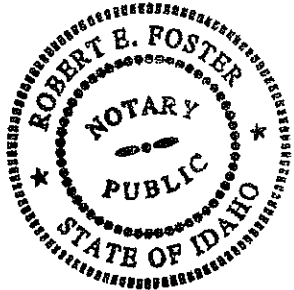
Subscribed and sworn (or affirmed) before me this
of 6-4 2007

Robert E. Foster

Notary Public

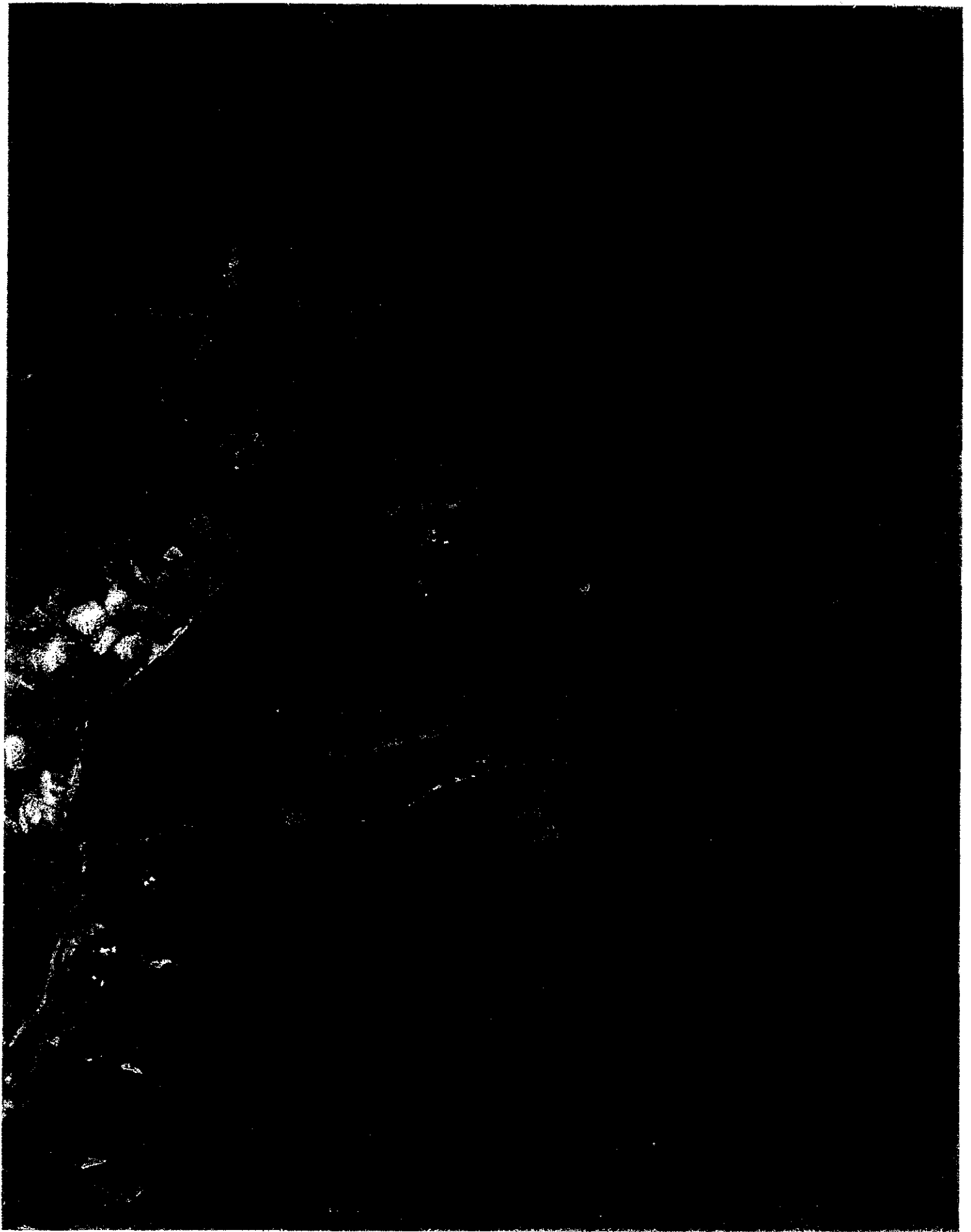
Residing at Salmon Id

My commission Expires 3-6-13





Sept- 1939



2004

5

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase 74-15015
(Insert water right number)

Case 39576

STANDARD FORM 4

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aug 6

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is JAMES E. RIGGAN

My address is 267 HWY. 28
SALMON, ID 83467

My phone number is: Work 208-756-3710 Home 208-756-3710

I am an attorney representing ---

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

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neg 7
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A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:

THIS PROPERTY WAS PURCHASED BY MY FAMILY IN THE EARLY 1960'S. SINCE THAT TIME, THERE HAS BEEN 72+ ACRES IRRIGATED FROM THREE (3) POINTS OF DIVERSION. SRBA CONTENDS THERE IS ONE (1) POINT OF DIVERSION AND 27 ACRES, WHICH APPEARS INCORRECT.

orig 8

- ☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

1939 PHOTOGRAPH OF IRRIGATED LAND IN THIS PARCEL
CONSISTING OF THREE (3) DIVERSIONS. THE NRCS HAS DONE A
GPS ON THIS PARCEL WHICH CONTAINS 72+ ACRES. THIS 1939
MAP OF IRRIGATED LAND IS THE SAME AS THE 2005 IRRIGATED
MAP. SEE ATTACHMENTS #1, 2, AND 3.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).

- ☒ Payment of the following additional fees required by IDWR:

Filing Fee
Variable Fee
\$95.00

pages 9

VERIFICATION (Must be completed)

State of Idaho

County of Lemhi

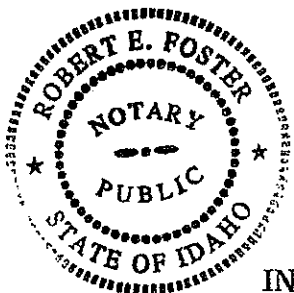
James E. Riggan, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

James E. Riggan
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 5-14-07
(Insert Date)



Robert E. Foster
Notary Public for Idaho
Residing at: Salmon Idaho
My Commission expires: 3-6-2007

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

miss 10

CERTIFICATE OF MAILING

I certify that on May 14, ²⁰⁰⁷~~199~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court ✓
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

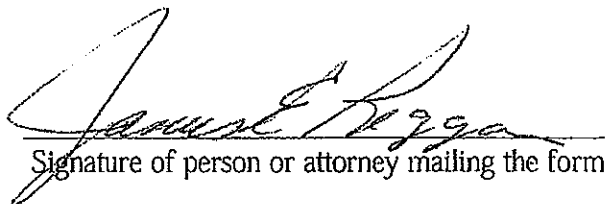
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)


Signature of person or attorney mailing the form

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

74-15015

Date Received

Receipt Number

Amended
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) James E Riggan Phone () 208-756-3710

Mailing Address 167 Hwy 18, Salmon Id, Zip 83467

2. Date of Priority (Only one (1) per claim) 5-1-1897

3. Source of water supply (a) West Fork Wimpsey Creek
which is tributary to (b) Lemhi River

4. a. Location of existing point of diversion is: Township 21N Range 23E Section 25

SW 1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of Lemhi

Additional points of diversion if any: 21N. 23E. Sec 24. NE. SW.

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Head gate gravity feed sprinkler

page 2

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount 2.168 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	
21N	23E	24												10.					10.0
		26					18.0		22.0										40.0
		26													22				22.0

Total number of acres irrigated 72.0

11. In which county (ies) are lands listed above as place of use located? Lamb

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

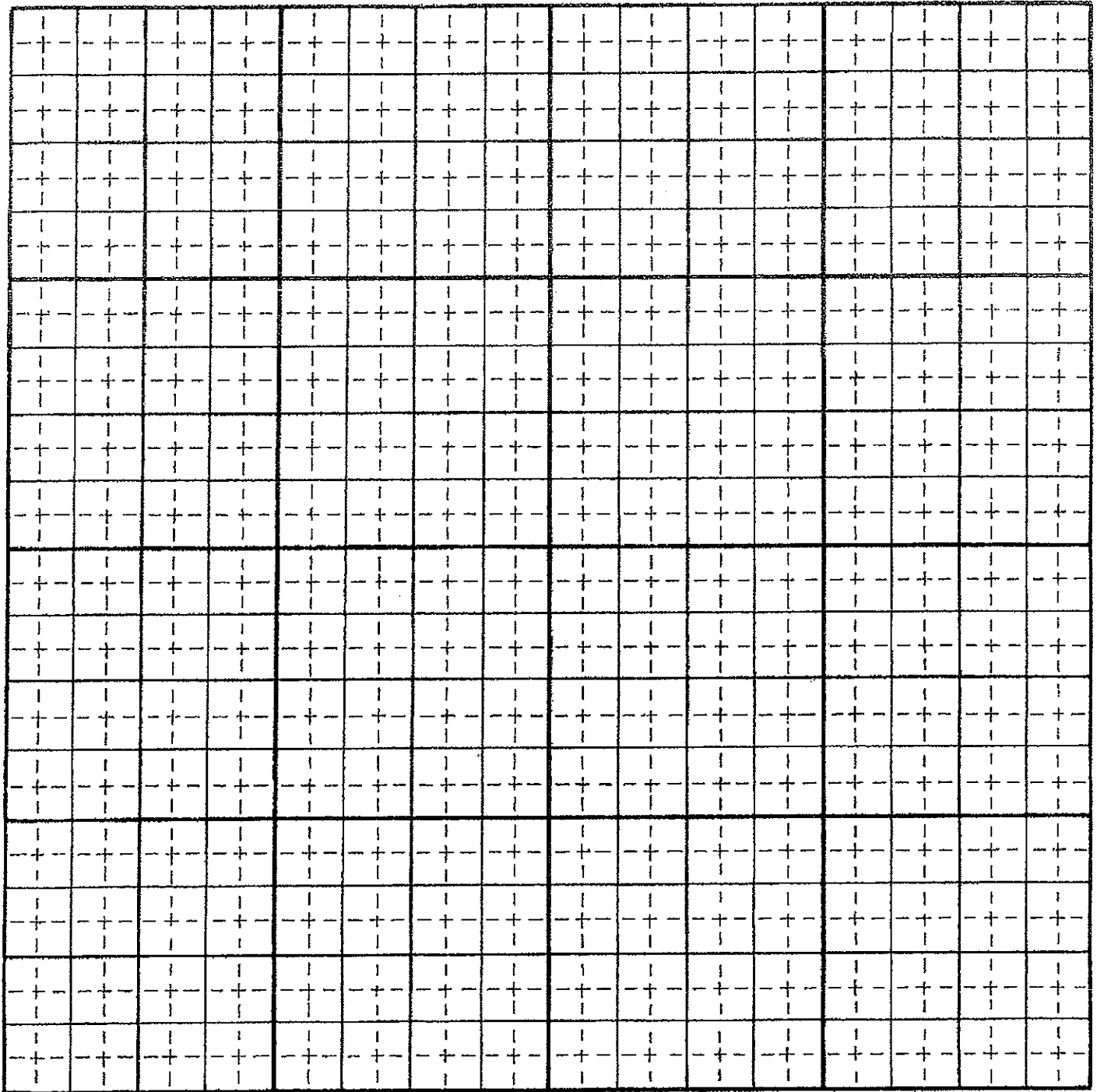
14. Remarks:

Last Name _____ Ident No. _____

Fig 3

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

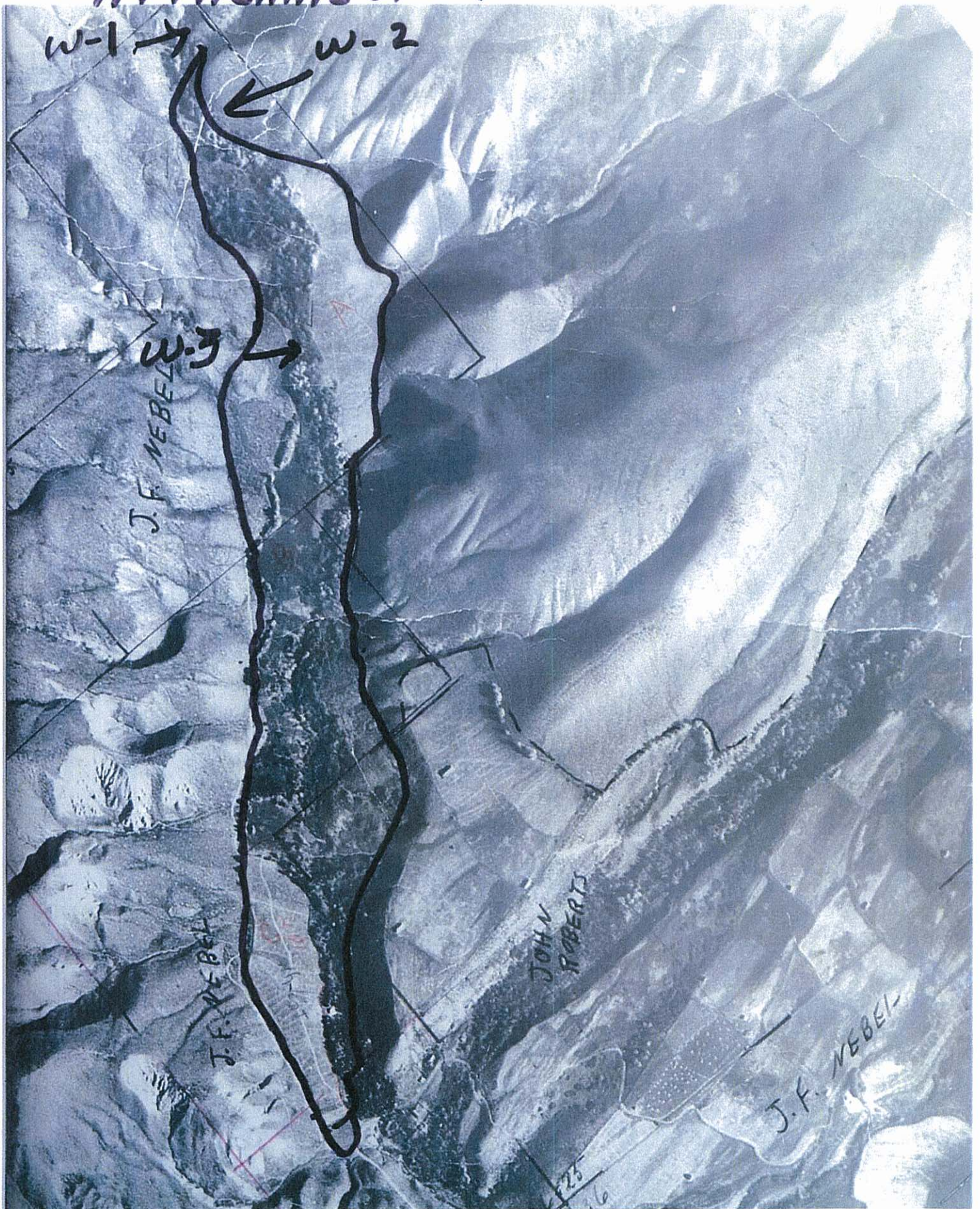
Scale: 2 inches equals 1 mile *See attached*

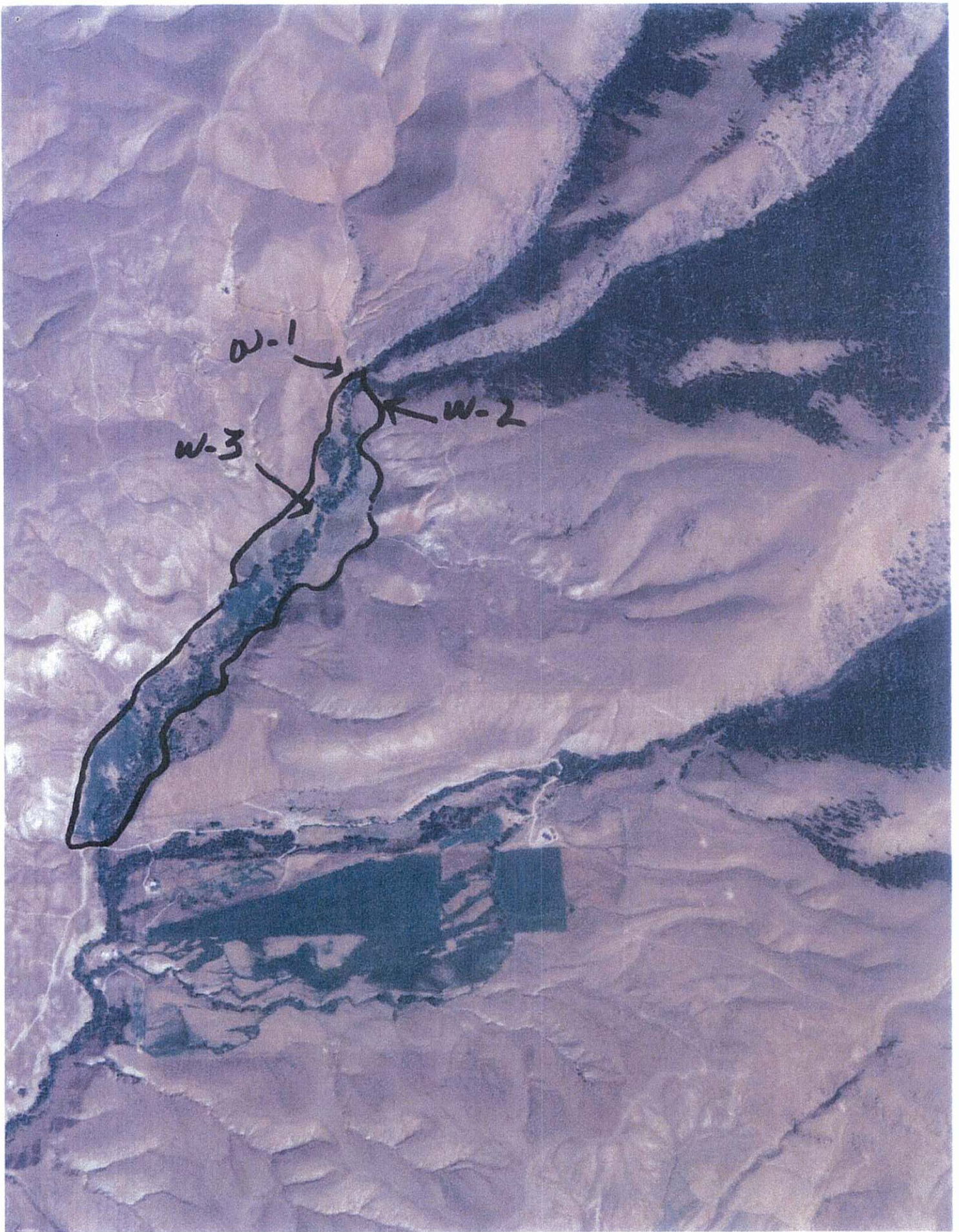


Last Name _____ Ident No. _____

PHOTO
1939

ATTACHMENT #1

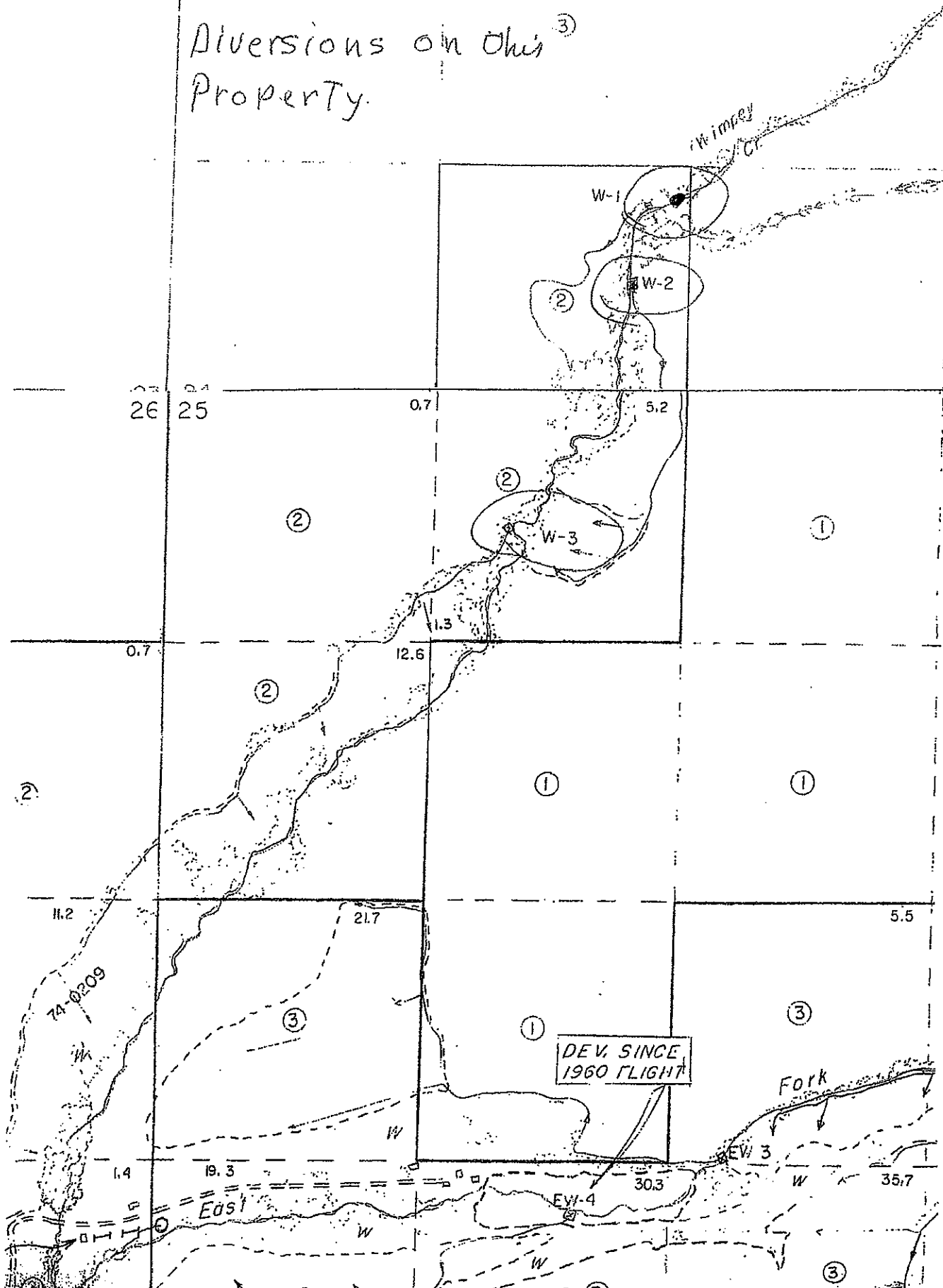




ATTACHMENT #2 2005

11

1970 Map of 3 #1 ATTACHMENT #3
 Diversions on this³
 Property.



4

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒ _____
If applicable provide IDWR Water Right Number 74-15015
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) James E. Reggan Date 5-14-07

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Lemhi) SS.

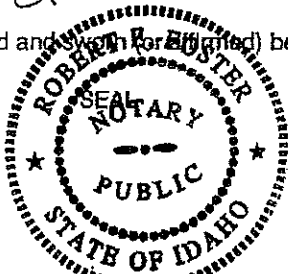
Subscribed and sworn to before me this

14th

day of

May

18 2007



Notary Public

Robert E. Foster

Residing at

Salmon, ID

My Commission Expires

3-6-2013

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Attachment B



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 12, 2008

RE: Late Claim 74-15861

JAMES E RIGGAN
267 HWY 28
SALMON ID 83467

Dear Mr. Riggan,

Thank you for your time and assistance in conducting the field exam on Friday 5/9/2008. I have generated a late claim pursuant to my findings during this visit. I have enclosed a copy of the diagram of the delivery system used to irrigate your place on Wimpey Creek. The total acres irrigated are 73. I determined a diversion rate which would be required for irrigation of this ground using the Worstall method. I have enclosed a copy of this analysis for each ditch. The results of these analyses have shown that 1.58 cfs would be required to irrigate this ground delivering an inch to the acre. Currently 0.36 cfs is recommended under water right 74-15015 and as a result 1.24 would need to be used under claim 74-15861. The Shennon decree was issued in 1906. I have used a 3/15/1907 priority data on this claim because it would be the earliest which can be recommended. I would be comfortable recommending this priority date based upon the age of the trees growing along these ditches if the Lemhi Decree did not preclude me from doing so. I have also enclosed a copy of an SF4 which will need to be submitted with this late claim.

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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 74-15861
Date Received: 5/12/2008
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES E RIGGAN Phone: (208)756-3710

267 HWY 28
SALMON ID USA 83467

2. Date of Priority: 03/15/1907

3. Source: WIMPEY CREEK Trib. to: LEMHI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
21N	23E	24	NE	SE	SW	LEMHI	
21N	23E	24	NE	SE	SW	LEMHI	
21N	23E	24	SE	SE	SW	LEMHI	
21N	23E	25	SW	NE	NW	LEMHI	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.24	

7. Total Quantity Appropriated is:
1.24 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
21N	23E	24	SE	SW	IRRIGATION	7.2
					Section Acres	7.2
21N	23E	25	NE	NW	IRRIGATION	28
			SW	NW	IRRIGATION	15
			SE	NW	IRRIGATION	1
			NW	SW	IRRIGATION	2
			NW	NW	IRRIGATION	3.3
					Section Acres	49.3
21N	23E	26	SE	NE	IRRIGATION	1.5
			NE	SE	IRRIGATION	15
					Section Acres	16.5
					Total Acres	73

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used: 74-15015

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: Riggan D1 BY: N Arave DATE: 0-Jan-1900

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	894	2.0	1.50	0.03	0.34	0.34	0.0997	0.03	0.37
2				0.00		0.00	0.0000	0.00	0.00
3				0.00		0.00	0.0000	0.00	0.00
4				0.00		0.00	0.0000	0.00	0.00
5				0.00		0.00	0.0000	0.00	0.00
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	894			0.03	0.34			0.03	

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY;
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;
IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE
PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

Notes:

- 1 Length of ditch determination based on GIS imagery.
- 2 Width of ditch determined from field visit
- 3 Seepage factor based on California Department of Water Resources inspection manual's value for sandy loam soil types. Soil type determined during field visit 5-9-2008.

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: Riggan D2

BY: N Arave

DATE: 0-Jan-1900

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	257	2.0	1.50	0.01	0.03	0.03	0.3746	0.01	0.04
2				0.00		0.00	0.0000	0.00	0.00
3				0.00		0.00	0.0000	0.00	0.00
4				0.00		0.00	0.0000	0.00	0.00
5				0.00		0.00	0.0000	0.00	0.00
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	257			0.01	0.03			0.01	

REACH = SECTION OF CHANNEL

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OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

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REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;
IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE
PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

Notes:

- 1 Length of ditch determination based on GIS imagery.
- 2 Width of ditch determined from field visit
- 3 Seepage factor based on California Department of Water Resources inspection manual's value for sandy loam soil types. Soil type determined during field visit 5-9-2008.

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: Riggan D3

BY: N Arave

DATE: 0-Jan-1900

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	856	2.0	1.50	0.03	0.28	0.28	0.1150	0.03	0.31
2				0.00		0.00	0.0000	0.00	0.00
3				0.00		0.00	0.0000	0.00	0.00
4				0.00		0.00	0.0000	0.00	0.00
5				0.00		0.00	0.0000	0.00	0.00
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	856			0.03	0.28			0.03	

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FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

Notes:

- 1 Length of ditch determination based on GIS imagery.
- 2 Width of ditch determined from field visit
- 3 Seepage factor based on California Department of Water Resources inspection manual's value for sandy loam soil types. Soil type determined during field visit 5-9-2008.

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: Riggan ~~23~~ 24 BY: N Arave DATE: 0-Jan-1900

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	1438	2.0	1.50	0.05	0.81	0.81	0.0673	0.05	0.86
2				0.00		0.00	0.0000	0.00	0.00
3				0.00		0.00	0.0000	0.00	0.00
4				0.00		0.00	0.0000	0.00	0.00
5				0.00		0.00	0.0000	0.00	0.00
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	1438			0.05	0.81			0.05	

REACH = SECTION OF CHANNEL

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AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

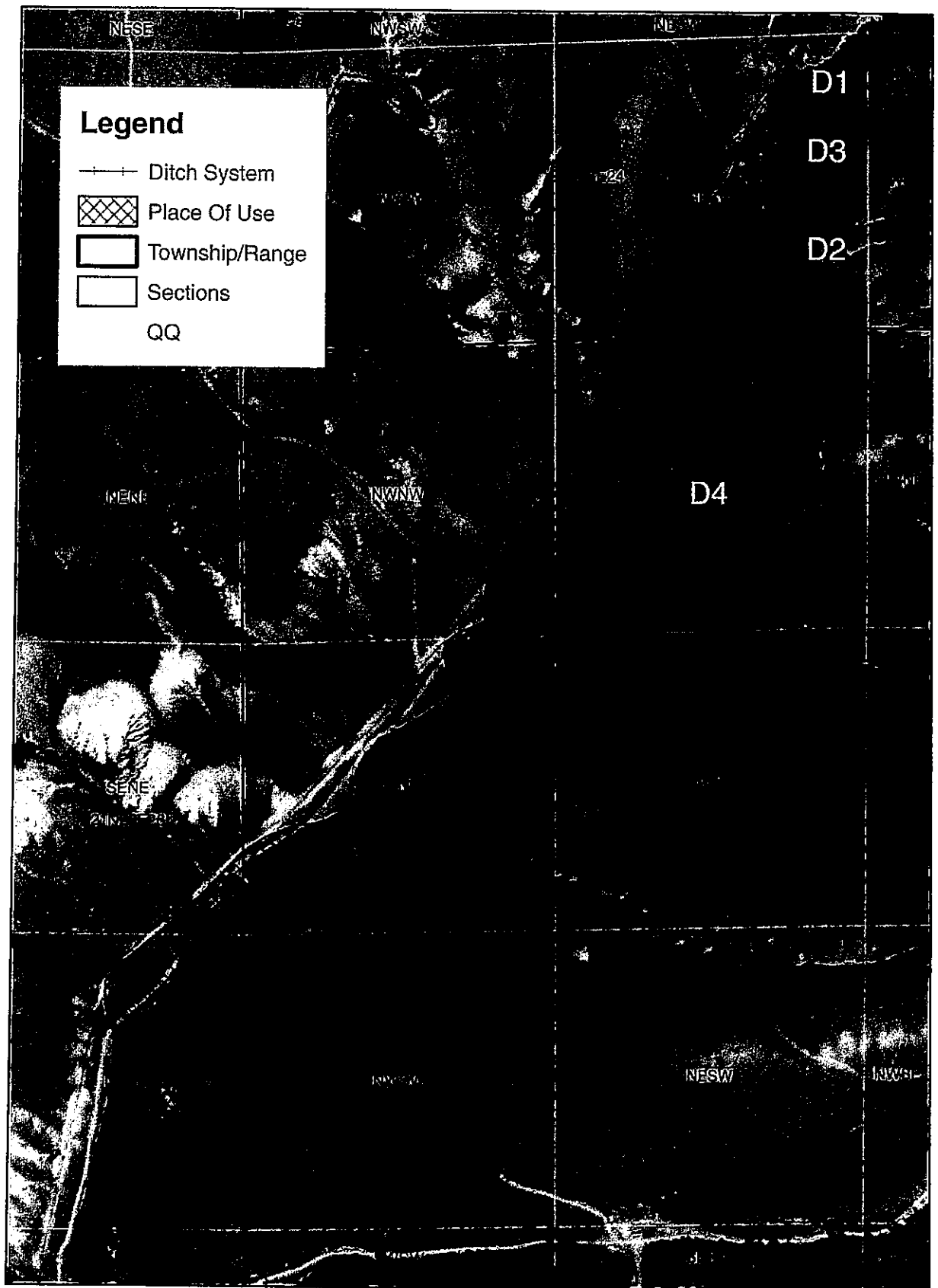
DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY;
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;
IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE
PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

Notes:

- 1 Length of ditch determination based on GIS imagery.
- 2 Width of ditch determined from field visit
- 3 Seepage factor based on California Department of Water Resources inspection manual's value for sandy loam soil types. Soil type determined during field visit 5-9-2008.

74-15861 Delivery System



Attachment C

Numerous Ditches with 100+ year old
Cotton woods. picture 1



Attachment D

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-15861

NAME AND ADDRESS: JAMES E RIGGAN
267 HWY 28
SALMON ID 83467

SOURCE: WIMPEY CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 1.24 CFS

PRIORITY DATE: 05/01/1897

POINT OF
DIVERSION:

T21N R23E S25 SWNENW Within LEMHI County
T21N R23E S24 NESESW Within LEMHI County
T21N R23E S24 NESESW Within LEMHI County
T21N R23E S24 SESESW Within LEMHI County

DRAFT

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	03/15 11/15	0.340 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T21N R23E S24 SESW 7.20	T21N R23E S25 NENW	28.00
	T21N R23E S25 NWNW 3.30	T21N R23E S25 SWNW	15.00
	T21N R23E S25 SENW 1.00	T21N R23E S25 NWSW	2.00
	T21N R23E S25 NWSW 2.00	T21N R23E S25 NWNW	3.30
	T21N R23E S26 SENE 1.50	T21N R23E S26 NESE	15.00
	73 ACRES TOTAL		

Right Nos. 74-15015 and 74-15861 are limited to the irrigation of a combined total of 73 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

74-15861

Attachment E

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-15015

NAME AND ADDRESS: JAMES E RIGGAN
267 HWY 28
SALMON ID 83467

SOURCE: WIMPEY CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 0.340 CFS

PRIORITY DATE: 05/01/1897

POINT OF
DIVERSION:

T21N R23E S25 SWNEENW Within LEMHI County
T21N R23E S24 NESESW Within LEMHI County
T21N R23E S24 NESESW Within LEMHI County
T21N R23E S24 SESESW Within LEMHI County

DRAFT

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.340 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T21N R23E S24	SESW	7.20	T21N R23E S25	NENW	28
T21N R23E S25	NWNW	3.3	T21N R23E S25	SWNW	15
T21N R23E S25	SENW	1.0	T21N R23E S25	NWSW	2
T21N R23E S25	NWSW	2.0	T21N R23E S25	NWNW	3.3
T21N R23E S26	SENE	1.5	T21N R23E S26	NESE	15

73 ACRES TOTAL

Right Nos. 74-15015 and 74-15861 are limited to the irrigation of a combined total of 73 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed