

15W
3W

15W
3W

20



Creek

Gulch

Rattlesnake

Creek

MICROFILMED

OCT 02 1992

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: A67-04542

Date Received: 10-4-89

Receipt No: 1004800

Received By:

RECEIVED
OCT 4 1989

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

Department of Water Resources

1. Name: KERMIT L. WIGGINS 208-257-3428
Address: P.O. BOX 86
CAMBRIDGE, ID 83610

OR
Name: JOANA R. WIGGINS 208-257-3428
Address: P.O. BOX 86
CAMBRIDGE, ID 83610

2. Date of Priority: JUN 01, 1869

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15N	03W	3	SW	SW	NE		WASHINGTON

5. Description of diverting works:
DAM, HEADGATE, PIPELINE GRAVITY IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.800		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15N	03W	10	NW SE		IRR	40.0
Section Acres						40.0
Total Acres						40.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-07704, A67-07723

14. Remarks:

THIS CLAIM IS BASED UPON BENEFICIAL USE. THE ORIGINAL POSTED NOTICE BY JOHN CUDDY AND EDWARD D. TYNE IS ATTACHED. IT WAS POSTED ON SEPT. 21ST. 1869 AND THEREFORE THIS IS THE DATE CLAIMED BY THIS NOTICE. IN RESEARCHING THIS RIGHT, IT WAS FOUND THAT THE MUIR-ALLISON DECREE DID NOT INCLUDE A RIGHT FOR THIS PROPERTY (AT LEAST THERE WAS NO RIGHT RECOGNIZABLE TO THESE LANDS) THUS WE TRIED TO DISCOVER IF THE OWERS HAD BEEN NOTIFIED ABOUT THE ADJUDICATION IN 1916-1923. NO LISTS SHOWED CHARLES WALLACE, THE OWNER AT THAT TIME, AS HAVING BEEN NOTIFIED.

THE FILING FOR WATER BY CUDDY IN 1869 IS ON PAGE 1 OF BOOK 1 OF THE TERRITORIAL FILINGS. THIS WATER RIGHT IS LISTED FOR RUSH CREEK SEE ATTACHED INDEX FOR THIS REGION.

THIS WATER RIGHT HAS ALWAYS BEEN USED AND EVEN THE ORIGINAL DITCH REMAINS.

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: 3

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): *Bernie McGinn* Date: Oct 4, 1989
Date: _____

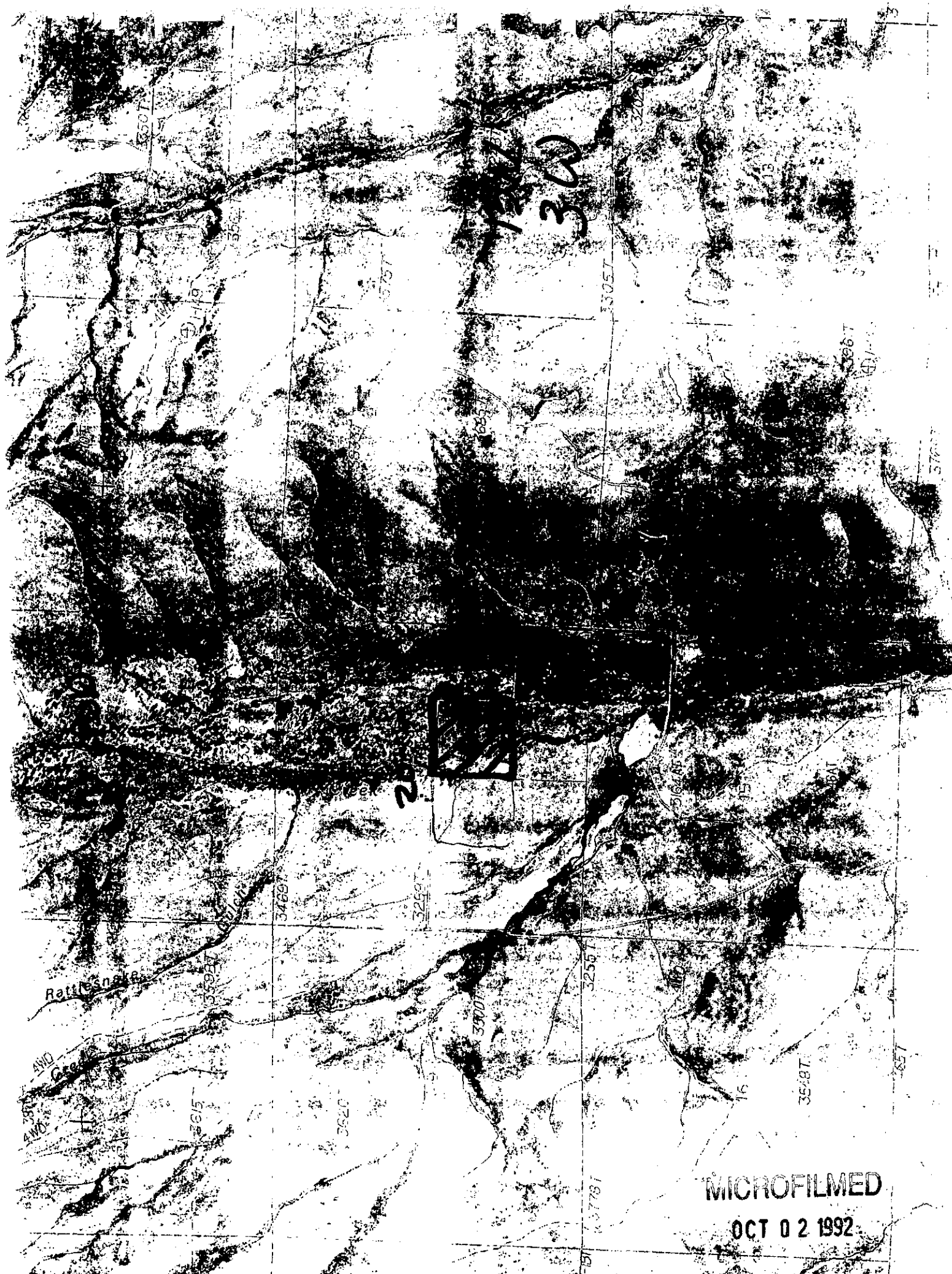
State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of October 19 89

Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994



124
360

2

Rattlesnake

Cape

BAT

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OCT 02 1992

Names	Water	Date	Book	Page
Cuddy John & Co	Rush Creek	Sep 16 1889	1	1
Colson James	" "	Aug 20 1880	"	30
Case Harrison	Cottonwood "	May 26 1881	"	33
Cornett Jacob	Fall Creek	June 14 1883	"	71
Chaffa M D	Little river	" 18 1883	"	73
Childs Henry E.	Hornet Creek	Aug 17 1883	"	79
Colson Jas & Anthony	Wier River	June 18 1884	"	106
Cuddy John	weiser River	Aug 19 1884	"	110
Cuddy John	main "	Aug 17 1885	"	134
Carriek Thos & Etal.	Goose Creek	July 23 1886	"	153
Craig L. H. & Etal.	Shugil Creek	June 10 1885	"	137
Colson James & Etal.	Lin. Etal. Creek	May 28 1886	"	150
Campbell Norman H.	Indian Creek	May 9 1887	1	172
Clark, G. W.	Little Salmon	June 4 1888	1	174
Clay, Thomas.	Goose Creek	Sept 21 1888	1	208
Childs John	Goose Creek	May 18 1889	1	224
Childs H. C.	Lin Creek	Apr 28 1890	1	242
Craven Jas A	Jenkins Creek	Aug 4 "	1	254
Childs Henry E.	Indian Creek	May 20 1891	1	262
Clifton John R.	Crooked River	Oct. 8 "	"	271
Cooper	Indian Creek	" "	"	280
Cosens John	Jenkins Creek	June 25 1892	"	299
Carriek Thomas Etal.	Bear Creek	Oct 14 1891	"	302
Carewell Wm J	Shed Creek	Aug. 1, 1892	"	304
Cockrell L. M.	Bear Creek	May 29 1893	"	321
Cotter Daniel O.	Crow Springs	June 12 "	"	326
Campbell J. H.	Springs	July 19 1894	"	330
Cornett, Jacob	"	Aug. 16 "	"	343
Cordell, Bedney	Crane Creek	" 27 "	1	348
Caldwell J. A.	Crane Creek	Nov 30 "	"	349
Craig J. A.	Bear Creek	May 25 1895	"	358
Cornell Hilguy	Little Verde River	Jan 29 1896	"	415
Campbell J. H.	Harro Springs	Feb 29 "	"	416
Cummings H. & Etal.	Bear Creek	May 29 1897	"	436

95 74-
 Notice is hereby given that we John Cuddy
 and Edward D Tyne have this 16th day of
 September A D 1869, Claimed and appropri-
 ated and we do hereby Claim and approp-
 riate for Irrigating and Milling purposes
 One thousand cubic feet per Minute of
 the water of Rush Creek upper Weiser
 Valley in Ada County Idaho Territory and
 that for said purposes it is our intention
 to take and turn said 1000 cubic feet of
 water per minute from the bed or Channel
 of said Creek in a flume or Ditch at a
 point on said Creek about two miles
 above the Lower end of a certain Pine
 Grove near a pine tree marked C & T.
 and to conduct the same in such flume
 or ditch on the Bank of said Creek about
 two miles to lower end of said pine Grove
 and to the place at which we have already
 commenced the erection of a water power
 mill on said rush creek

witness our hands
 the day and year first above written

John Cuddy
 Edward D Tyne

Filed for Record at 6 O'clock P M
 Sept 21st 1869.

W L Fleppen
 Recorder

ATTACHMENT A

SRBA CLAIM CHECK PER BENEFICIAL USE EXAM

EXAMINER JK DATE SUBMITTED 6/3/91
ADJUDICATION AGENT _____ RESPONSE DUE DATE by JK 6/3/91
COUNTY Washington OWNER'S NAME Wiggins

PERMIT DATA	T	R	S	Q/Q	T	R	S	Q/Q
P/D								
P/U								

ADJUDICATION DATA RELATING TO THIS PERMIT NUMBER

A. Check Permit Number for Adjudication Claim Filing

- ☐ Claim required for permit but not filed
(examiner needs to notify permit holder during exam) -
☒ Claim filed for permit and copy attached *
☐ Claim filed although not required (proof filed after 11-19-87)
☐ No claim filed or required.

B. Check Adjudication Claims Relating to the Permit Holder but are Different Claims (new number - different right)

- ☒ Name index search
☒ Non-data entry claims search
☐ Claim found but large system no exam required *

Claims found requiring exam	Date field exam conducted	Exam data is in, Permit file	Attached
--------------------------------	------------------------------	---------------------------------	----------

<u>A67-07704</u> Adj No.	<u>6/6/91</u>	☒	☐
<u>A67-07723</u> Adj No.	<u>6/6/91</u>	☒	☐
<u>A67-04542</u> Adj No.	<u>6/6/91</u>	☒	☐

} See 67-07704
67-07723

* copies included only if pertinent to permit field exam

CLAIM NO.	Exam DATE
<u>A67-10579</u>	<u>6/6/91</u>
<u>A67-10580</u>	<u>6/6/91</u>

} Exam data is in AS file

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OCT 02 1992

A67. 04542

FIELD EXAM INFO

Exam DATE - 6/6/91

conducted with K. Wiggins, owner

Other rights examined 67-07704 } permits for licensing
67-07723 }

A67-10579 } same well but for
A67-10580 } different houses, same stock.

P/O from Rock Cr: 5.3 on/over line NWSWNE-SWSWNE

Common p/d for } Wiggins A67-07704, A67-07723, A67-04542
Newbold A67-04490

Mess. with flowmeter (see 67-07704 Exam) 3.57 cfs
div. capacity, measured during high runoff period.

Plm claimed 40 ac. 5.10 NWSE

Found 32 ac. NWSE & 28 ac. NESW

Can allow, with amended claim, up to 60 ac. per
original stat. claim & up to 1.20 cfs (no loss
since pipeline used so .02 cfs/ac is max.). ^{conveyance}

Irrigates with 4" pipe along N. border of plm,
to risers for wheel/hand lines, also risers along
E. border area of NESW.

See 67-07704 permit exam for Orthophoto, ASES
photo, photographs, etc.

See copy of overlay review, attached.

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DO NOT
allow season
of use & excess
of claim or
of other rights
in water district
unless can find
strong justification
to do this
(see std. season
3/15-11/15)

OVERLAP REVIEW, CONTINUEDFOR SRBA PURPOSES:

Common DIVERSION FOR	A67-07704	1.40 cfs
	A67-07723	1.00 cfs
	A67-04542	.80 cfs (increased to 1.2)
	A67-04490	1.44 cfs
		<u>4.64 cfs</u>

- System capacity measured at high flow 3.57 cfs

- Volume capacity for std. season 3/15 - 11/15:

$$(3.57)(246)(1.9835) = 1741.9 \text{ a.f.a.}$$

- Irrig. req't (diversion volume) for ^{area}~~area~~ = 4.0 afa/ac

$$\frac{1741.9}{4} = 435.5 \text{ acres can receive full div. volume from 3.57 cfs diversion}$$

CC: A67-04542

A67-04510

A67-04490

A67-11094

67-04154

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OCT 02 1992

(no AS claim found 11/8/91 per AS2)

Wiggins

9/11/8/91

P6. 1 of

67-07704

67-07723

OVERLAP REVIEW

P/O - see ASCS photo for 3 divisions close together

67-07704

67-07723

67-04542

67-04490 - Newbold

Wiggins

Same diversion pipe from creek.

Diversion capacity = 3.57 cfs

67-04154 Farners

A67-11094 Attebeary

Same diversion ditch (Farners Ditch)

but separate from Wiggins-Newbold.

Located adjacent to Wiggins-Newbold pld.

67-04510

Riggins Ditch located just north/northeast of the above two diversions.

P/U

67-07704

67-07723

Same
ACRES,
Wiggins

Same area, total of $\frac{80.1 \text{ ac}}{60 \text{ ac}} = 1.3 \text{ ac./ac.}$

From storage

67-04542

stat. claim

$\frac{1.80 \text{ cfs}}{60 \text{ ac}}$

= .03 cfs/ac live flow

claims 25 ac. in NESW & 35 ac. in NESW

NOTE: A67-04542 claims $\frac{.80 \text{ cfs}}{40 \text{ ac}} = .02 \text{ cfs/ac}$

claims 40 ac. in NWSE.

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OCT 02 1992

Only 32 ac. found in NWSE.

Does owner want to amend A67-04542 to change 8 ac. to NESW? to increase area to 60 per 6/6/91 exam results? to increase flow to $60 \times .02 = 1.20$?

to be
determined
in
SABA
Recommendations
at
later
date