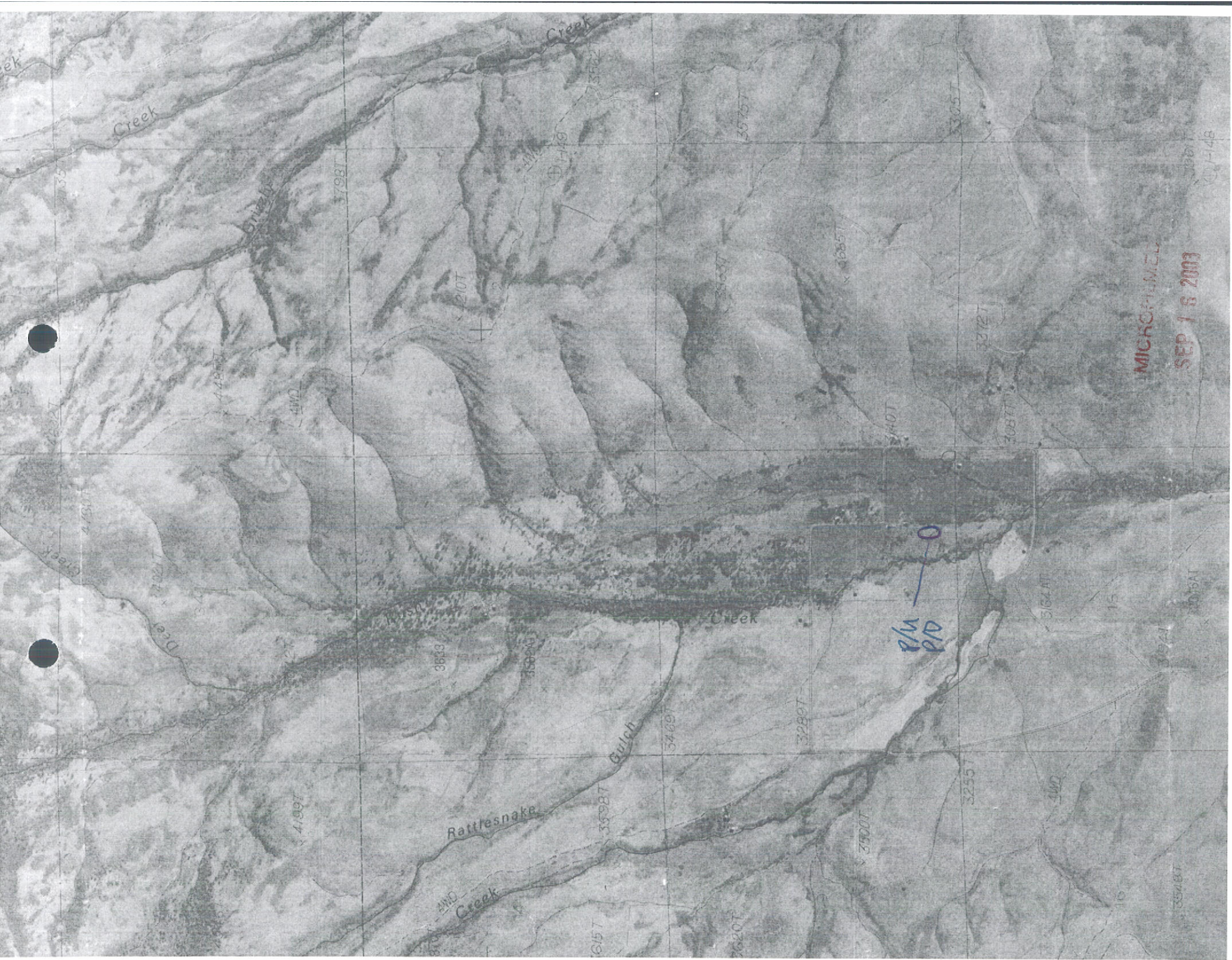




MICROFILMED

SEP 16 2003

10-148



67-14405
12/13/03 Im

MICROFILMED
SEP 16 2009



Affidavit of Publication

STATE OF IDAHO

County of Washington

RECEIVED

FEB 20 2003

WATER RESOURCES
WESTERN REGION

ss

Norman Dopf, being duly sworn deposes and says he is the publisher of the Upper Country News-Reporter, a weekly newspaper published at Cambridge, in the County of Washington, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the annexed, a printed copy of which is attached hereto and made a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began February 6, 2003 and ended February 13, 2003.

Norman Dopf

Subscribed and sworn to before me this

19 day of
February, 2003.

Debbie S Maxwell

Notary Public in and for the State
of Idaho, residing at Cambridge, ID
Idaho 83610
83612 Council

DEBBIE S. MAXWELL
Notary Public
State of Idaho

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

KERMIT WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

67-14405 ✓st

Point(s) of Diversion SWSE S10 T15N R03W
WASHINGTON County Source RUSH CREEK
Tributary To WEISER RIVER

Use: IRRIGATION STORAGE 01/01 To 12/31 50 AFA
Use: IRRIGATION FROM STORAGE

3/15 To 10/31 50 AGA
Use: DIVERSION TO STORAGE 11/01 To 06/15 1
CFS

Total Diversion 1 CFS
Date Filed: 12/16/2002
Place Of Use: IRRIGATION STORAGE
T15N R03W S10 SWSE
Place Of Use: IRRIGATION FROM STORAGE
T15N R03W S10 SWSE
Place Of Use: DIVERSION TO STORAGE
T15N R03W S10 SWSE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 02/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published on February 6 and 13, 2003

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SEP 16 2003

Amt. of Fee \$: 100.00
Receipt No. 068698
Receipt By: [Signature]
Date Received: 4-22-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

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APR 22 2003

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 67-14405 Telephone No. 208-257-3428
2. Name of Permit Holder(s): Kermit L. Wiggins
3. Mailing Address: P.O. Box 86
City Cambridge State ID Zip 83610
4. Source of Water: Rush Creek If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): X Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 1.00 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X
8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Kermit L. Wiggins Telephone Number: 208-257-3428
Address: P.O. Box 86 Cambridge, Id 83610
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Date: 4-18-03
(include your title, if on behalf of company or organization)

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SEP 16 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 67-14405

Priority: December 16, 2002

Maximum Diversion Rate: 1.00 CFS

This is to certify, that KERMIT L WIGGINS
PO BOX 86
CAMBRIDGE ID 83610-0086

has applied for a permit to appropriate water from:

Source: RUSH CREEK

Tributary: WEISER RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION FROM STORAGE	03/15 to 10/31		50.0 AF
IRRIGATION STORAGE	01/01 to 12/31		50.0 AF
DIVERSION TO STORAGE	11/01 to 06/15	1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

RUSH CREEK SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, Twp 15N, Rge 03W, B.M., WASHINGTON County

PLACE OF USE: IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
15N	03W	10									28.0						32.0	40.0	100.0	
																			Total Acres:	100

PLACE OF USE: IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03W	10															X		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2004**.
2. Subject to all prior water rights.
3. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
4. Diversion of water after June 15 of each year in violation of the conditions of this water right is cause for the director to cancel or revoke this water right.
5. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
6. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 7th day of April, 2003.

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SEP 16 2003

[Signature]
for KARL J DREHER, Director

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WESTERN REGION

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WATER RESOURCES
WESTERN REGION

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MAR - 4 2003

Department of Water Resources

Ident. No.

14405

67-7931

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DEC 03 2002

WATER RESOURCES
WESTERN REGIONFORM 202
12/99STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Kermit L. Wiggins Phone 208-257-3428
Mailing address P.O. Box 86 Cambridge Idaho 83610
2. Source of water supply Rush Creek which is a tributary of Weiser
3. Location of point of diversion is Township 15N Range 03W Sec. 10 In the SWSE ¼, ¼, Govt. Lot _____, B.M., WA County, _____
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 50 for Irrigation Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 50 for Irrigation from Storage purposes from 3/15 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.0 for DIV to STORAGE purposes from 11/1 to 6/15 (both dates inclusive) *
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1 CFS cubic feet per second and/or (b) 50 acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source 10 inch pipe line
- b. Height of storage dam 20 feet; active reservoir capacity 50 acre-feet; total reservoir capacity 50 acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW. N/A
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

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SEP 16 2003

* Dates per reservoir Agreement for 67-7931

3. 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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

ACREAGE COVERED ON 67-7931

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03W	10	NE		SW			NW	SE			SW	SE				X		700A

Total number of acres to be irrigated 700

10. Describe any other water rights used for the same purposes as described above. I use flood water from Rush Creek and two other ponds on this Acreage.

11. a. Who owns the property at the point of diversion? Armocost Estate

b. Who owns the land to be irrigated or place of use? Kermit Wiggins

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Location "Grandfathered" 1883

12. Remarks: Application is for additional storage volume in a reservoir, which is currently limited to 20 AF per right 67-7931.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Kermit Wiggins
Signature of Applicant (and title, if applicable)

Received by KG Date 12/31/02 Time 10:57 Preliminary check by W029901
Fee \$ 10000 Receipted by KG # W0299571 Date 12/31/02
Publication prepared by KG Date 2-6-03 Published in Idaho City News
Publication approved KG Date 2-29-03

NOT RECORDED

2003

RECEIVED

NOV 18 2002

WATER RESOURCES
WESTERN REGION

RECEIVED

DEC 03 2002

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

KERMIT WIGGINS

Mailing Address

PO BOX 86

CAMBRIDGE ID 83610

Application No.
(if known)

67-14405

IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

under protest

Signature

Kermit Wiggins

Date

11-15-02

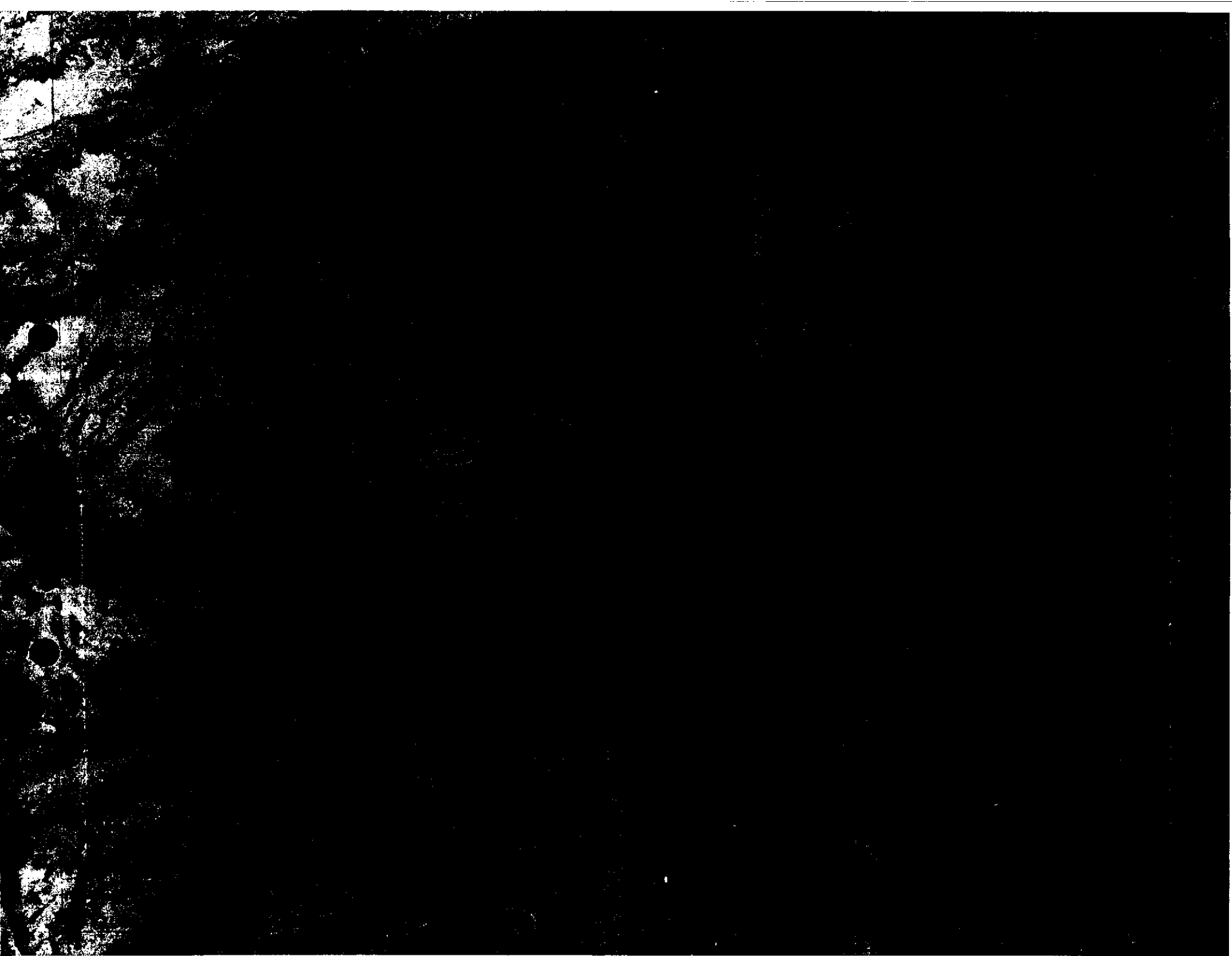
Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

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SEP 16 2003

T15N R3W
S10 SWSE
No Gov Lt





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 5, 2003

KERMIT L WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 67-14405

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Western** Regional Office of the department in Boise (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

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SEP 16 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 67-14405

Reviewed By: dgibson

Date: May 2, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		W029871, C068698	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		04/22/2003
Date proof due	-	04/01/2004
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	12/16/2002
New priority date	=	12/16/2002

Deficiencies of Actions Items

Acknowledge proof.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 16, 2003

KERMIT L WIGGINS
PO BOX 86
CAMBRIDGE ID 83610-0086

RE: Permit No. 67-14405

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

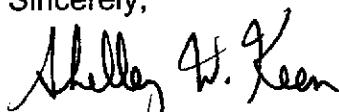
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SEP 16 2003

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

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SEP 16 2003

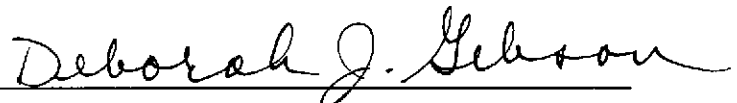
CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

67-14405

**KERMIT L WIGGINS
PO BOX 86
CAMBRIDGE ID 83610-0086**



**Deborah J. Gibson
Administrative Assistant**

**MICROFILMED
SEP 16 2003**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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SEP 16 2003

MEMORANDUM

Date: April 04, 2003
To: Water Right File 67-14405
From: dgibson
Re: Permit Review

Permit issued for storage purposes only. Also see permit no. 67-7931 for irrigation from this same storage reservoir.

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SEP 16 2003

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

MAR - 4 2003

Department of Water Resources

Initial review by 6 Date 12/31/02 Application # 67-14405

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County
- ☒ Quantity (Flow and /or Volume)
- ☒ Period of use
- ☒ Nature of proposed use (Include description of use)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map (Show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (for > 1 home in restricted area $\geq$ 5 homes in non-restricted area)
- ☒ Signature (if applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Government Lots
☒ P/D none
☒ P/U

ADDITIONAL INFORMATION

☒ **ADVERTISE REMARKS (Yes or No)**

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☒ Overlapping point of diversion
- ☒ Critical groundwater area
- ☒ Ground water management area
- ☒ 1992 moratorium
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to Dam Safety staff (for any storage)
- ☒ Mitigation plan Check any that apply
- ☐ Immediate = acceptable plan required and submitted
- ☒ Future = open areas, acceptance of condition of approval is in file
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach Large Diversion supplementary analysis sheet)

☒ **REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT**

see attached letters

Date Requested

11/19/02
12/9/02

Date Response Received

12/3/02
12/16/02

PROCESSINGAPPLICATION # 67-14405

YES NO

☒ ☐ In form for advertising
☒ ☐ Statewide advertising (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number, and date recorded on application

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED

YES NO

☐ ☒ I.D. Environmental Quality
☐ ☒ I.D. District Health
☒ ☐ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☒ ☐ Water Dist # 67
☐ ☒ Water Planning Bureau
☒ ☐ Other see attached

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐ Affidavit of publication received
☒ ☐ Application published correctly? If not, record action taken _____

☒ ☐ Publication dates and paper recorded on application

☐ ☐ Final date for protest 2-24-03

☐ ☒ Protests received

☐ ☒ Recommendations attached

☒ ☐ Measuring device required

☒ ☐ Water delivered by water master? District # 67

☒ ☐ Special conditions of approval or cover letter

121, apply conditions on permit no. 67-7931. No storage of water is authorized ~~without~~ unless approved by dam safety personnel of IDWR

Recommended Date of Priority 12/16/02

Recommendation ☒ Approve ☐ Deny by Barys Date 2/26/03

ADDITIONAL INFORMATION

☒ See attached proof report, note any Legal Notice Remarks &/or Comments

☒ See attached shapefile

Comment Mailing List for Wiggins Application

Idaho Department of Fish and Game

Weiser River Watermaster
Water District 67

Jim Bumgarner
2934 Hwy 71
Cambridge ID 83610

Ron Ford
3475 Ford Ranch Rd
Cambridge ID 83610

Ethel Pearson
2982 Cutler Rd
Cambridge ID 83610-5166

Rex Jones
3030 Rush Creek Rd
Cambridge ID 83610

Marjorie Bemis
2995 Cemetery Rd
PO Box 188
Cambridge ID 83610

Carroll Kemp
Box 111
Cambridge ID 83610

Tom Hubbard
3042 Legg Ln
Cambridge ID 83610

W. Atteberry
3494 Rush Creek Rd
Cambridge ID 83610-5110

Melvin Newbold
Brett Newbold
3473 Rush Creek Rd
Cambridge ID 83610

Hubert Ward
3561 Ward Rd
Cambridge ID 83610

Gary Farrens
Rt 1 Box 206A
Cambridge ID 83610

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 67-14405

WATER RIGHT NUMBER: 67-14405

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KERMIT WIGGINS PO BOX 86 CAMBRIDGE, ID 83610 (208)257-3428

Priority Date: 12/16/2002

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
RUSH CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	01/01 to 12/31		50.00 AF
IRRIGATION FROM STORAGE	03/15 to 10/31		50.00 AF
DIVERSION TO STORAGE	11/01 to 06/15	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

RUSH CREEK	SW1/4SE1/4	Sec. 10, Twp 15N, Rge 03W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15N	03W	10															X		

IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15N	03W	10															X		

DIVERSION TO STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 67-14405

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15N 03W 10															X		

Conditions of Approval:Remarks:Comments:

1. Imattson 1/7/2003 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

2. Imattson 1/7/2003 Comment/Analysis

Comment: Applicant also has natural flow rights 67-4542 and 67-4514 from Rush Creek for irrigation and storage rights 67-7704 and 67-7723 from Rush Creek for two upper reservoirs (aka #1 and #2) located above this reservoir (aka #3). Transfer no. 4148 allowed an exchange, whereby stored water is released and measured back into Rush Creek from the #1 and #2 upper reservoirs to allow exchanged water to be directly diverted upstream from Rush Creek for irrigation.

This application is for additional storage for the lower #3 reservoir listed on permit 67-7931. This permit originally listed Rush Creek and an unnamed stream as the reservoir sources, which was protested because the protestants did not want any more water exchanged from Rush Creek during the irrigation season. The permit was issued, listing only the unnamed stream as the water source, but allowed the applicant to use Rush Creek water to fill the reservoir during the non-irrigation season until June 15 per a protest agreement and Dept. memo. The permit limited the reservoir capacity to 20 af. An exam was conducted in 2001, which found 22 af storage capacity (< 10% of the original permit amount). The license recommendation is still pending.

Dam safety investigated reservoir #3 in 2002 and found the storage volume had been increased to 37 af and requested an application for permit be filed to account for the additional 17 af. As a result, applicant filed this application for an additional 50 af, listing Rush Creek as the source for 1 cfs diversion to storage from 11/1 to 6/15. Acres irrigated from the reservoir are covered on right 67-7931. No additional irrigation has been proposed. The original protestants for permit 67-7931 will be sent notice along with several other Rush Creek users as recommended by the Weiser River watermaster.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 67-14405

Dates and Other Information:

Application Received Date: 12/16/2002

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: Application is for additional storage volume in a reservoir which is currently limited to 20 AF per right 67-7931.

Other Water Rights: I use flood water from Rush Creek and two other ponds on this acreage.

Time to Complete Works: 1

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

67-14405
12/13/03 lm

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 67-7931

WATER RIGHT NUMBER: 67-7931

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOANA WIGGINS PO BOX 86 CAMBRIDGE, ID 83610-0086 (208)257-3428
Current Owner	KERMIT WIGGINS PO BOX 86 CAMBRIDGE, ID 83610-0086 (208)257-3428

Priority Date: 10/01/1993

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	RUSH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	1.000 CFS	
IRRIGATION STORAGE	1/01 to 12/31		20.00 AF
IRRIGATION FROM STORAGE	4/01 to 10/31		20.00 AF
<u>Total Diversion:</u>		1.000 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	SW1/4SE1/4	Sec. 10, Twp 15N, Rge 03W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03W	10									28.0						32.0	40.0	100.0

Total Acres: 100

IRRIGATION STORAGE same as IRRIGATIONIRRIGATION FROM STORAGE same as IRRIGATIONConditions of Approval:

- 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
- 086 No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
- 087 Diversion of water after June 15 of each year in violation of the conditions of this water right is cause for the director to cancel or revoke this water right.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 67-7931

4. 120 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. 18A The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
6. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
7. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
8. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Remarks:Comments:

1. SLESTER 5/20/1996 ADDITIONAL INFORMATION

Comment: Application revised ("amended") 5-17-96 to reduce acres and to delete Rush Creek exchange concept. Re-advertising n/a in this case & thus no add'l. fee required for revision (=reduction). System will collect runoff in storage pond in SWSE S.10 (div. to storage thus n/a) & pump from pond to 100 acres nearby. Appl. map revised based on IDWR letter of 5-1-96 & applicant's response of returning "amended" version with signature.

Dates and Other Information:

Permit Proof Due Date: 6/1/2001
Permit Proof Made Date: 5/25/2001
Permit Approved Date: 6/3/1999
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date: 7/27/2001
Date Sent to State Office: 8/30/2001
Date Received at State Office: 9/4/2001
State or Federal:
Owner Name Connector: OR
Water District Number: 67
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

State of Idaho
Department of Water Resources

RECEIVED

RECOMMENDATION OF WATERMASTER

FEB 14 2003

WATER RESOURCES
WESTERN REGIONApplication Number: # 67-14405Applicant's Name: Kermit Wiggins

Watermaster's Recommendation:

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

as long as he fills only during fill
time + no others object's

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

d) Additional Comments: _____

Dated this 13 day of Feb. 2003

Water District Number: 67 Watermaster's Signature Bosco [Signature]

SEP 16 2003

RECOMMENDATION OF WATERMASTER

Application Number: Kermit Wiggling

Applicant's Name: 67-14405

Watermaster's Recommendation:

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

As long as Kermit fills the pond between November and June if there is sufficient water flows during June, and there are no other objections from other water users.

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

Additional Comments:

Dated this 13 day of February, 2003

Water District Number 67 Watermaster's Signature Bosco Bosler

MICROFILMED
SEP 16 2003

Graves, Lori

From: Bosco Bosler [boscob@ruralnetwork.net]
Sent: Thursday, February 13, 2003 10:57 AM
To: lgraves@idwr.state.id.us
Subject: Wiggins Permit

Lori,

Just mailed the comments sheet to you and realized that there needs to be a clause saying that he can't fill till June 15 on bad water years (Like this one).

This email of permits and comments is great IF IT WOULD WORK!
I have been trying for the past 4 days to send in comments, but finally mailed it today. Hope it gets better!

Bosco

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SEP 16 2003

Affidavit of Publication

STATE OF IDAHO

County of Washington

RECEIVED

FEB 20 2003

WATER RESOURCES
WESTERN REGION

SS

Norman Dopf, being duly sworn deposes and says he is the publisher of the Upper Country News-Reporter, a weekly newspaper published at Cambridge, in the County of Washington, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the annexed, a printed copy of which is attached hereto and made a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began February 6, 2003 and ended February 13, 2003.

Norman Dopf

Subscribed and sworn to before me this

19 day of
February, 2003.

Debbie S. Maxwell

Notary Public in and for the State
of Idaho, residing at Cambridge, ID
Idaho 83610
83612 Council

DEBBIE S. MAXWELL
Notary Public
State of Idaho

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

KERMIT WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

67-14405 ✓

Point(s) of Diversion SWSE S10 T15N R03W
WASHINGTON County Source RUSH CREEK
Tributary To WEISER RIVER

Use: IRRIGATION STORAGE 01/01 To 12/31 50 AFA

Use: IRRIGATION FROM STORAGE

3/15 To 10/31 50

Use: DIVERSION TO STORAGE 11/01 To 06/15 1 CFS

Total Diversion 1 CFS

Date Filed: 12/16/2002

Place Of Use: IRRIGATION STORAGE

T15N R03W S10 SWSE

Place of Use: IRRIGATION FROM STORAGE

T15N R03W S10 SWSE

Place of Use DIVERSION TO STORAGE

T15N R03W S10 SWSE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 02/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published on February 6 and 13, 2003

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SEP 16 2003

Mattson, Lisa

To: eleitzin@idfg.state.id.us
Subject: Comment Letters

FEBRUARY 5, 2003

ERIC LEITZINGER
STATE OF IDAHO
DEPT OF FISH & GAME

Re: Application for Water Right No. 65-22715 in the Name of Daryl J Sermersheim.
Application for Water Right No. 77-14145 in the Name of Regents of the University of Idaho.
Application for Water Right No. 65-22756 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22757 in the Name of Ronald J Pascoe.
Application for Water Right No. 65-22753 in the Name of Brian Hagen.
Application for Water Right No. 65-22754 in the Name of Donald Lynn Dixon.
Application for Water Right No. 65-22755 in the Name of Roberta Marmon.
Application for Water Right No. 67-14405 in the Name of Kermit Wiggins.

Dear Mr. Leitzinger:

Enclosed are copies of the above-referenced applications that the proposed use is from surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by February 24, 2003.

If you have any questions regarding the application, please contact this office at 334-2190. Contact the following agents for questions on a specific permit:

Lori Graves

Application for Water Right No. 65-22753 in the Name of Brian Hagen.
Application for Water Right No. 65-22754 in the Name of Donald Lynn Dixon.
Application for Water Right No. 65-22755 in the Name of Roberta Marmon.
Application for Water Right No. 67-14405 in the Name of Kermit Wiggins.

Dan Nelson

Application for Water Right No. 65-22715 in the Name of Daryl J Sermersheim.
Application for Water Right No. 77-14145 in the Name of Regents of the University of Idaho.

Steve Lester

Application for Water Right No. 65-22756 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22757 in the Name of Ronald J Pascoe.



65-22753 2-03.pdf 65-22754 2-03.pdf 65-22755 2-03.pdf 67-14405 2-03.pdf

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SEP 16 2003



65-22715 2-03.pdf 77-14145 2-03.pdf



65-22756 2-03.pdf 65-22756 2-03.pdf



Sincerely,

Lisa Mattson
Water Resources Agent
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705
334-2190 phone
334-2348 fax

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SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 12, 2003

JIM BUMGARNER
2934 HWY 71
CAMBRIDGE ID 83610

Re: Application for Water Right No. 67-14405 in the Name of Kermit L Wiggins.

Dear JIM BUMGARNER:

You were recently sent a copy of this application and a letter explaining what to do in the event you wished to protest the application. That letter had an incorrect date listed as the deadline for protesting the application. The correct deadline for submitting a protest is February 24, 2003.

If you desire to file a formal protest against the approval of this application, your written protest along with the \$25.00 protest fee, must be received in this office by February 24, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,

Lori Graves

LG:lm

Letter sent to attached list

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SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 5, 2003

JIM BUMGARNER
2934 HWY 71
CAMBRIDGE ID 83610

Re: Application for Water Right No. 67-14405 in the Name of Kermit L. Wiggins.

Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application, your written protest along with the \$25.00 protest fee, must be received in this office by February 4, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,

Lori Graves

LG:lm

Encl: Copy of Application

Letter sent to attached list
LM

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SEP 16 2003

JIM BUMGARNER
2934 HWY 71
CAMBRIDGE ID 83610

REX JONES
3030 RUSH CREEK RD
CAMBRIDGE ID 83610

TOM HUBBARD
3042 LEGG LN
CAMBRIDGE ID 83610

HUBERT WARD
3561 WARD RD
CAMBRIDGE ID 83610

RON FORD
3475 FORD RANCH RD
CAMBRIDGE ID 83610

MARJORIE BEMIS
2995 CEMETERY RD
PO BOX 188
CAMBRIDGE ID 83610

W ATTEBERRY
3494 RUSH CREEK RD
CAMBRIDGE ID 83610-5110

GARY FARRENS
3360 COW CREEK RD
CAMBRIDGE ID 83610

ETHEL PEARSON
2982 CUTLER RD
CAMBRIDGE ID 83610-5166

CAROLL KEMP
PO BOX 92
STANTON NE 68779-0092

MELVIN NEWBOLD
BRETT NEWBOLD
3473 RUSH CREEK RD
CAMBRIDGE ID 83610

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SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 5, 2003

BOSCO BOSLER
WATER DISTRICT 67
2711 SHOEPEG RD
MIDVALE ID 83645

Re: Application for Water Right No. 67-14405 in the Name of Kermit L. Wiggins.

Dear Watermaster:

Enclosed is the copy of the above-referenced application for permit. Also enclosed is the form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Lori Graves

LG:lm

Encl: Copy of Application
Recommendation of Watermaster Form

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SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 16, 2003

RECEIVED

JAN 22 2003

WATER RESOURCES
WESTERN REGION

Kermit Wiggins
P. O. Box 86
Cambridge, ID 83610

RE: Wiggins No. 3 Dam

D67-7921

Dear Mr. Wiggins:

The Department's latest inspection of Wiggins No. 3 Dam indicated it is in satisfactory condition and adequately maintained. We commend your recent efforts to flatten the upstream slope of the embankment to increase the dam's cross section, and to construct a spillway channel on the northeast corner of the dam. The following maintenance is recommended to keep the dam operating safely:

- The downstream slope and crest of the embankment and the spillway channel should be seeded with grass to help prevent erosion caused by surface runoff.
- Monitor the upstream slope of the embankment for erosion caused by wave action. Any erosion that is noted shall be repaired by adding earth material and rock riprap to maintain an adequate cross section and stability of the dam.

In accordance with Title 42, Chapter 17, Idaho Code, the Department has issued the enclosed certificate authorizing storage at the facility. The following conditions must be adhered to while storing water at the dam:

- During filling and while the reservoir is full, the embankment shall be monitored closely for seepage, erosion, cracking, settlement or sloughing. If any problems of this nature are noted, you must notify the Department immediately.
- Storage in the reservoir is restricted to 20 ac-ft; therefore, the maximum reservoir level shall not exceed elevation 106.3 feet according to the Department's survey, which is 2.0 feet below the spillway pipe invert elevation.

Prior to expiration of the certificate, November 1, 2003, the dam will be re-examined to evaluate its condition and the performance of maintenance.

You recently filed a new water right application, no. 67-14405, for an additional 50 ac-ft of storage in the reservoir, over and above the 20 ac-ft that is covered under water right permit 67-7931. After application 67-14405 is approved and a water right permit is issued, the 20 ac-ft restriction on the reservoir storage will be removed and you will be allowed to store water up to the spillway elevation.

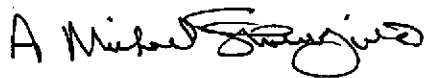
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SEP 16 2003

Kermit Wiggins
RE: D67-7931
Page 2

Should you have any questions, please contact John Westra, phone 334-2190, in our Western Regional Office, or contact me, phone 327-7952, in the State Office in Boise.

Sincerely,



A. Michael Stubblefield, P.E.
Dam Safety Section

Enclosure

Cc: IDWR – Western Region
Bosco Bosler, Watermaster

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SEP 16 2003

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

DAM AND RESERVOIR CERTIFICATE OF APPROVAL

This is to certify that **WIGGINS NO. 3 Dam and Reservoir**, located in SW1/4, SE1/4, Section 10, Township 15N, Range 3W, B.M., Washington County, State of Idaho has been inspected by the Department of Water Resources of the State of Idaho, as provided in Title 42 Chapter 17, Idaho Code, and approval is hereby given to impound water in accordance with and subject to the following terms and conditions: REFER TO THE CONDITIONS OUTLINED IN THE DEPARTMENT'S ACCOMPANYING APPROVAL LETTER.

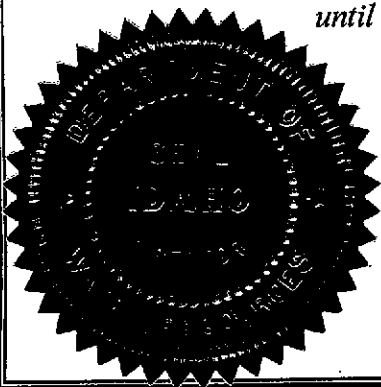
This certificate shall remain valid until revoked or modified by the Department of Water Resources or until the 1st day of November, 2003.

This certificate has been issued and the seal of the

Director affixed at Boise, Idaho this

16th day of January 2003.

Gary Paul
Acting Chief, Resource Protection Bureau



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SEP 18 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 9, 2002

Kermit Wiggins
PO Box 86
Cambridge ID 83610

RE: Application For Permit

Dear Mr. Wiggins:

Per our phone conversation today, the purpose of this application is to increase the amount of water you can store in an existing reservoir. Currently, 20 af is allowed to be stored in the reservoir per water right 67-7931. This application would allow you an additional 50 af of storage volume. As you stated, no additional acres are proposed for development other than those found irrigated per water right 67-7931.

As discussed, please initial the highlighted lines on the application and complete number 7 and 11c. Please return the completed application to my attention within the next 30 days from the date of this letter. If we do not hear from you by January 9, 2002, IDWR will take action to void your application. Please contact me at the above address or telephone number if you have any questions.

Sincerely,

Lori Graves
Sr. Water Resource Agent

Encl: application

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SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 19, 2002

Kermit Wiggins
PO Box 86
Cambridge ID 83610

Re: Application Fee

Dear Mr. Wiggins:

This office received your application for permit November 18, 2002 with a \$100 filing fee. \$100 is enough to cover up to .20 cfs and/or 20 af. Your application listed 1.0 cfs and 50 af. This amount requires a \$250 fee. I have enclosed a copy of our fee chart and your original application.

At this point, you have two options:

1. Return the application as completed with an additional \$150 filing fee.
2. Reduce the application's cfs and volume amounts to within the \$100 range as specified above. If this option is chosen, please **initial** the changes and return.

Please return the above requested information within 30 days from the date of this letter. If we do not hear from you by December 19, 2002, IDWR will take action to void your application. Please contact me at the above address or telephone number if you have any questions.

Sincerely,

Lori Graves
Sr. Water Resource Agent

Encls

MICROFILMED

SEP 16 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

*Pending
license rec-
ommendation*

A. GENERAL INFORMATION

Permit No. 67-7931

1. Owner: Kermit and Joana Wiggins Phone No. 257-3428

Current Address: PO Box 86, Cambridge ID 83610

2. Accompanied by: Kermit EXAM DATE: 7/27/01:

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Unnamed Stream tributary to Rush Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 67-4514, 67-4542, 67-7930

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	SE	10	15N	3W	Wash	Aerial Photos

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	3W	10																	

MICROFILMED

SEP 18 2003

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

SEE TRANSFER 4148.

y Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). (Arc View Photo)

y Aerial Photo Attached (required for irrigation of 10+ acres).

y Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Diesel Tractor	60		Diesel	

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Theoretical

E. NARRATIVE/REMARKS/COMMENTS

A 60 hp portable diesel tractor pump is used to divert storage water into an existing mainline system to irrigate 85 acres. Two qtr mile wheel lines and three qtr mile hand lines are used for irrigation. The reservoir is 5.8 acres in surface area with 22 af storage capacity. Applicant also has a natural flow rights 67-4542 and 67-4514 from Rush Creek for irrigation and storage rights 67-7704 and 67-7723 from Rush Creek for two reservoirs located above this permit's reservoir. Transfer 4148 allows an exchange, whereby stored water is released and measured back into Rush Creek from the two upper reservoirs to allow exchanged water to be directly diverted upstream from Rush Creek for irrigation.

Application 67-7931 originally listed Rush Creek and an unnamed stream as the reservoir sources, which was protested. Protestants did not want more water exchanged from Rush Creek during the irrigation season, which applicant agreed not to do as long as he could divert from Rush Creek during the non-irrigation season to fill his lower reservoir. The permit was then issued, listing only the unnamed stream as the source, but allowing the applicant to use Rush Creek water to fill the reservoir during the non-irrigation season until June 15 (see attached reservoir agreement and dept. memo).

The unnamed stream was not flowing at the time of the exam. The stream is a result of wastewater during the irrigation season and spring runoff during the non-irrigation season. The capacity of the stream is actually the capacity of the natural run-off draw that the reservoir was built on. A measurement is not possible. The natural draw obviously has the capacity for 1 cfs, especially during spring run-off periods. **The primary source of water for the reservoir is Rush Creek during the non-irrigation season.**

The same pipeline diversion from Rush Creek used during the irrigation season for the rights listed above is also

used for this permit's storage component during the non-irrigation season. **Although Rush Creek is not listed as a source on the permit, the ability to divert from Rush Creek during the non-irrigation season and the Rush Creek p/d should be specified in the license's conditions to reflect department acknowledgement of the reservoir agreement during the protest negotiations.** The Rush Creek diversion has the capacity for 1 cfs and is monitored by the watermaster per licenses 67-7704 and 67-7723.

Water right permit 67-7930 for groundwater was not developed and relinquished by the applicant. No other rights are used.

Have conditions of permit approval been met? ☒ yes ☐ no (measuring devices were installed for Rush Creek diversion per transfer 4148...same system used for this permit, no measurement possible for natural draw (unnamed stream)).

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F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

$$\frac{60 \times 8.8 \times .7}{30 + 60 \times 2.31} = 2.19 \text{ cfs}$$

$$30 + 60 \times 2.31$$

Limited to 1.0 cfs per permit.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 85 \times 4 = 340$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.0 \times 231 \times 1.9835 = 458.2$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 340$$

2. Volume Calculations for Other Uses:

Dam safety file has reservoir specs.

Found 22 af. Recommend 20 af per permit. (2 additional af found are within 10% of permit amount...no additional filing pursued)

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/15	10/31	1.0	340
Irrigation Storage	1/1	12/31		20
Irrigation Fr Stor	3/15	10/31		20
Totals:			<u>1.0</u>	<u>340</u>

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other**I. AUTHENTICATION**

Lori Graves - Senior Agent

Field Examiner's Name

Lori Graves

Date

12/9/02

Reviewer _____

Date _____

MICROFILMED

SEAL

SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

November 5, 2002

Kermit Wiggins
PO Box 86
Cambridge, ID 83610

*Dam Safety
correspondence
& notes*

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RE: Wiggins #3 Reservoir Storage #67-7931

Dear Mr. Wiggins:

In reference to our 10/29 conversation at your ranch regarding the #3 Reservoir storage volume. I have reviewed the entire allocation file #67-7931 from the initial application to the license field examination. Enclosed are photocopies of the documents marked in numerical sequence as the following:

#1-Original Application filed 10/1/93 for 1.0 cfs flow, 20 ac-ft storage, 260 ac. irrigation
The application was protested

#2-Amended Application filed 5/17/96; acres irrigated were reduced to 100 ac, Rush Creek exchange concept was deleted, (see comment sheet).

-- Protest Agreement is signed by parties 11/28/98

#3-Permit to Appropriate Water is approved 6/3/99 for 1 cfs flow and 20 ac-ft of reservoir storage.

#4-Proof of Beneficial Use Filed with the Department 5/25/01; \$175.00 fees paid, \$75.00 was refunded.

--- License Field Exam completed by Lori Graves 8/6/01; recommended 1 cfs flow, 20 ac-ft storage. License is pending.

I would draw to your attention, the 20 ac-ft storage volume has not been modified/changed through the allocation process. Our recent reservoir volume survey reveal a storage volume of 37.0 ac-ft to the elevation of the new auxiliary spillway, (see attached survey sheets). **If you intend to store the 37 ac-ft volume, an Application for Permit must be submitted to the Department for the additional 17 ac-ft of storage.** Enclosed are the necessary forms and instructions needed. Please submit the completed application to the Department as soon as possible.

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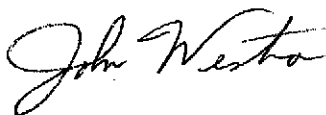
SEP 16 2003

Kermit Wiggins
RE: D67-7931
Page 2.

Please be advised that storage of water in the reservoir is not authorized. I have informed the #67 District Watermaster and Department staff of the status. If upon inspection, there is water being stored in the reservoir, the Department will issue a notice of violation (NOV) in accordance with Idaho Code 42-1701B.

Should you have any questions or need assistance in filing the application, please contact me or Lori Graves at the Western Regional Office, phone 334-2190.

Sincerely,



John Westra
Western Region

Enclosure
cc: IDWR State Office
Bosco Bosler, Watermaster #67

MICROFILMED

SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

September 20, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Kermit Wiggins
PO Box 86
Cambridge ID 83610

RE: Wiggins #3 Dam

67-7931

Dear Mr. Wiggins:

Enclosed are the Department's recent dam embankment survey and reservoir storage calculation for the Wiggins #3 facility. As previously discussed, construction of a dam without preparation of plans, and supervision of a registered engineer is limited to 20 ft hydraulic height (lowest elevation at the toe to maximum reservoir storage elevation) under the Dam Safety Statutes. At a 20 ft hydraulic height, the facility would have a maximum storage elevation of 110.0 ft. and a reservoir storage volume of 31.3 acre-feet. The present spillway inlet elevation is 109.3 ft therefore, the spillway inlet can be raised 0.7 ft. Please review the attached sheets for reference.

The following facility modifications and water right permit approvals must be satisfactorily completed before a storage certificate can be issued allowing you to store water at the dam:

-Submit an Application for Permit (water right)

At present permit #67-7931 only authorizes 20 acre-feet of reservoir storage; an additional 12 acre-feet of storage is required. Enclosed are a copy of permit #67-7931 and Application for Permit forms. The forms should be completed and submitted for Department approval.

-Flatten east upstream embankment slope and curve area to 2.5:1 slope as discussed at our on-site meeting. Areas prone to erosion from wave action should be rock armored for protection. The crest of the dam embankment should be maintained at a elevation 115.0 ft.

-Construct an emergency spillway in the low area in the northeast corner of the reservoir. The channel should have a base width of 10 ft. with sloping sides, and have a crest elevation of 110.5 ft (1/2 ft above the CMP pipe spillway inlet). The crest area should be rock armored to prevent erosion and scouring if the channel is utilized.

Once the modifications have been completed, please contact me so that an inspection can be scheduled. Should you have any questions or need assistance with the Application for Permit forms, please contact me, phone 334-2190, or Mike Stubblefield at our State Office Dam Safety Section, phone 327-7952.

Sincerely,

John Westra
Western Region

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SEP 16 2003

Enclosure; cc: IDWR State Office

67-7931-MEM1-02

Memorandum

Wiggins #3 Dam

Telephone Conversation with Kermit Wiggins

From: J. Westra, Western Region.

Date: 7/12/02

RE: Wiggins #3 Dam

Department Letter 7/8/02

Mr. Wiggins called regarding the 7/8/02 Department letter he recently received. He is planning to do the work to regrade the upstream slope to meet the Departments specifications. He has arrangements with the county for a rock riprap source to the south of the farm. We discussed, the Department was not requiring him to do anything at this point with the downstream slope unless a problem was encountered. The crest needs to be level and regraded.

He wants to proceed with applying for construction of a 20 ft dam, and file a new water right application to cover the additional reservoir storage, as the facility exists. Once the reservoir is dried up and work can begin, he will contact me to set a meeting to go over specifics again. He would also like a more accurate determination of the increased reservoir storage capacity for the water right application at that time. I agreed.

Mr. Wiggins also inquired about the board issue in front of the Wiggins #2 spillway pipe. If our survey last spring proved it acceptable. He would like response from the Department.

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SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 8, 2002

Kermit L. Wiggins
P.O. Box 86
Cambridge, ID 83610

RE: Wiggins No. 3 Dam

D67-7931

Dear Mr. Wiggins:

The Department has reviewed your application to construct a small dam in Section 10, Township 15 North, Range 3 West, B.M., in Washington County, Idaho. A copy of the approved application is enclosed.

Your attached letter contains details on construction of the dam, which was completed in 1999. The dam as constructed does not conform to the Dam Safety Rules and the information outlined on the application. Before the Department can allow storage at the dam, the following items must be modified:

- During the April 16, 2002 inspection of the dam, the slopes of the dam were noted to be overly steep and did not meet the Dam Safety Rule requirement of 3:1 upstream and 2:1 downstream. The upstream slope along the entire length of the embankment must be flattened to at least 2.5:1 if rock is used and 3:1 if earth is used. The crest of the dam must be regraded to fill in cracks that have occurred due to the overly steep slopes. No work is needed on the downstream slope at this time; however, if any instability is noted in the future, the downstream slope of the embankment may need to be modified at that time.
- Since your water right only allows you 20 acre-feet of storage, the spillway pipe must be modified so that the maximum reservoir water surface does not exceed elevation 108.0 feet, according to the Department's 4/16/02 survey, copy enclosed. This will entail lowering the spillway crest 4.3 feet below its present elevation, by completely removing the riser from the upstream end of the pipe.

As noted in our April 19, 2002 letter, if you disagree with our findings, please provide the Department with technical documentation to prove otherwise. Also, if you desire to utilize more of the storage that is available, you can file a new application for a water right and another application for construction (enlargement) of a dam and the appropriate fees. However, unless you hire a registered professional engineer to investigate the dam and prepare plans and specifications for construction of the dam and submit them for review and approval, you are limited to a dam height of 20 feet, which is measured from the lowest elevation along the downstream toe vertically to the maximum storage elevation.

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SEP 16 2003

RECEIVED
JUL 09 2002

WATER RESOURCES

Kermit L. Wiggins
RE: D67-7931
Page 2

Once the above modifications are completed, please notify John Westra, phone (208) 334-2190, in our Western Regional Office so that an inspection can be conducted. If upon inspection the modifications are satisfactory, a storage certificate will be issued allowing you to store water at the dam.

Should you have any questions, please contact me, phone (208) 327-7952, in the State Office, Dam Safety Section in Boise, or contact Mr. Westra.

Sincerely,



A. Michael Stubblefield, P.E.
Dam Safety Section

Enclosure

✓Cc: IDWR – Western Region

MICROFILMED

SEP 16 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR CONSTRUCTION OF SMALL DAM

As required for construction or alteration of a dam 20 feet or less in height
and capable of storing less than 100 acre-feet of water.

Name of Owner (print or type): Kermit Wiggins Phone No. 257-3428

Post Office Address: PO Box 86 Cambridge ID 83610

Application for: ☐ Construction of new dam, ☐ Reconstruction, Alteration of existing dam

Location: SW 1/4, SE 1/4, Section 10, Township 15N, Range 03W
Washington County.

Source of Water Unnamed Stream, Rush Creek pipeline tributary to Rush Creek
(Name, Unnamed Stream, Other-describe) (Stream Name)

Drainage Area: 40 Est. acres, above the site of the dam.
(Approximate)

Downstream Development Low Hazard

Describe land use below site of dam, indicate approximate distances to buildings or development, roads, etc.

Ranch buildings at approx 1/2 mile downstream on Rush Creek, elevated from
creek and would not be affected. Rush Creek crosses county road at approx 1/2 mile
and 2 miles. Enters Cambridge at approx 7 miles. Pasture / Rangeland border
Rush Creek.

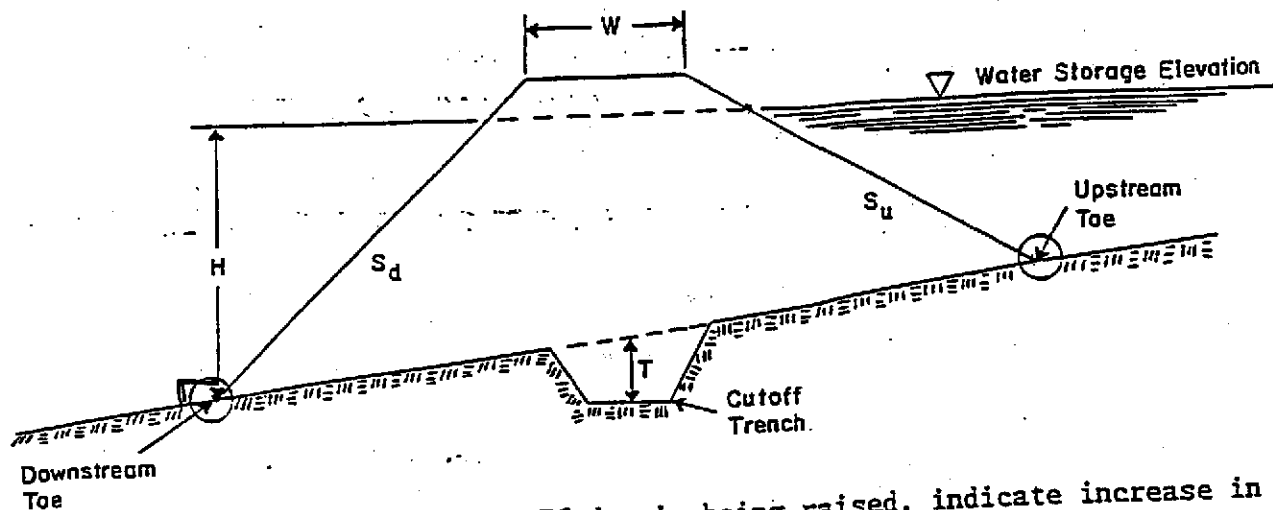
NOTE: If the small dam is (to be) located in or immediately above a high risk area (urban concentrated development, or in proximity to a habitable dwelling, that could be adversely affected by a release from the dam) this application shall be accompanied by plans and specifications prepared by a registered engineer.

Reservoir: Surface area 4 acres; Storage Capacity 20 acre-feet

Reservoir Storage Purpose: Irrigation
(Irrigation, Stocking, Recreation, Other-describe)

SEP 16 2003

OF DAM AND APPURTENANT STRUCTURES
 Type of dam (embankment, or describe) Earthen Embankment



Hydraulic Height (H) 18 feet. If dam is being raised, indicate increase in height
 feet.

Crest Length 1150 feet. Crest (top of dam) Width (W) 14 feet.

Downstream Slope (S_d) 2 : 1; Upstream Slope (S_u) 3 : 1.

Depth of Cutoff Trench (T) 8 feet.

Width of Cutoff Trench feet.

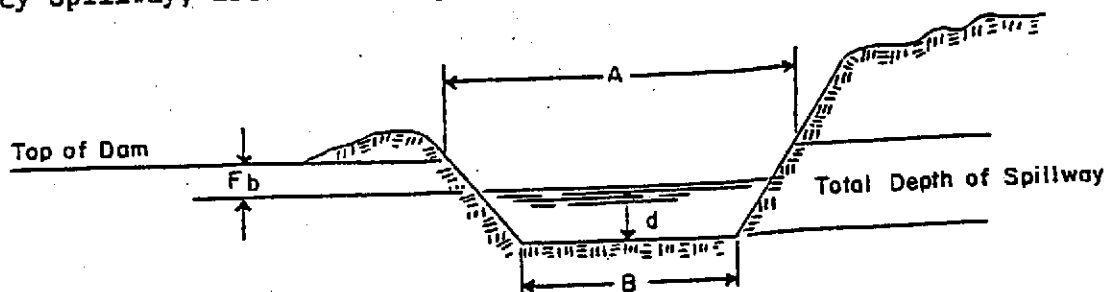
TLET 18 inches (Size); culvert pipe (Type); Maximum Release Rate cfs.
 (under full reservoir head)

Size and number of anti-seep collars (2) one 5ft from top of pipe - one 15ft from bottom
(also indicate spacing of collars along outlet)
18" pipe is 80ft. long

SPILLWAY

☒ Service (auxiliary) Spillway, describe 18" CMP 2 - 4' x 4' x 18" wide
 (CUTOFF COLLAR SIZE & NO.)

☐ Emergency Spillway, Located at: ☐ left, ☐ right abutment, ☐ other location.



Total Depth of Spillway (below top of dam) 7.0 feet.

Spillway: Bottom width (B) NA feet; Top Width (A) NA feet.

Discharge Capacity of Spillway NA cfs at spillway flow depth (d) NA feet

Freeboard (F_b) NA feet (total depth of spillway minus the spillway flow depth).

Spillway Channel Lining CMP SPILLWAY PIPE
 (Rock Cut Other-describe)

SEP 16 2003

CONSTRUCTION SCHEDULE

Proposed date for start of construction CONSTRUCTED IN 2001

July 1, 2002
(Date)

[Signature]
Applicant's Signature

FOR DEPARTMENT USE ONLY

Date application received 7/3/02

By Larrie Fontaine

Fee \$ 20.00

Date receipted 7/3/02

Receipted by JF

W029410

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

In accordance with the provisions of Title 42, Chapter 17, Idaho Code, and the Department's Rules and Regulations for Safety of Dams, the application for construction of DIGGINS NO. 3 dam is hereby approved, subject to the following conditions:

- This action does not constitute the required authority to appropriate water under Idaho Water Law.
- ~~The applicant shall notify the Department at the following times and at such other times deemed necessary, to conduct inspections.~~
 - a. ~~After clearing and excavation of the foundation area, and prior to placing fill material.~~
 - b. ~~After installation of the outlet conduit, and before placing any backfill material around the conduit.~~
 - c. ~~After construction is complete and before any water is stored in the reservoir.~~
- Approval of the application for construction of the dam shall not be construed to grant the applicant other authorization required to proceed. It is the responsibility of the applicant (dam owner) to secure all lands, easements, and rights-of-way; water rights; or the approval of other regulatory agencies, prior to commencing to construct the dam or to store water in the reservoir area.
- In the event the owner fails to pursue actual construction and maintain reasonable progress on construction of the dam, in conformance with this approval, the Director may revoke the approval one year after such approval.
- Additional Conditions:

Witness my hand this 8th day of July, 2002.

MICROFILMED

SEP 16 2003

[Signature]
CHIEF-RESOURCE PROTECTION BUREAU

Cambridge, Idaho
July 1, 2002

John Westra
Western Region
Department of Water Resources
State of Idaho
2735 Airport Way
Boise, Idaho 83705

RECEIVED
JUL 03 2002
WATER RESOURCES
WESTERN REGION

RE: Wiggins Dam No. 3 D67-7931

Dear John,

Dam #3 was started in 1993 by removing top soil down to stable ground to a depth of about 8 feet and a width of 16 feet.

The trench was then refilled with stable soil in one foot lifts and compacted by rubber tires on an eighteen yard scraper and a small crawler tractor pulling a large sheepsfoot roller.

The dam was constructed using a large crawler tractor, a paddle-wheel scraper, small crawler tractor with a sheepsfoot roller.

The construction of the dam was delayed for about two years due to my health problems. Also the neighbors protested the exchange of water from Rush Creek. We held some hearing and I changed the water exchange part of the permit and stated I would pump from the reservoir. The neighbors dropped their complaint and I started working on it again in 1997. The dam was completed in 1999. Some shaping was done on the top and low spots were filled in 2001.

The installation of the spillway pipe was made in 1997. It is 18 inch culvert pipe with two cement cut-off collars: one five feet from the upper end and one 15 feet from the lower end. They are 18 inches wide and 4 feet long and extend one foot below and one foot above the pipe

The construction material is of a heavy soil, very suitable for dam construction and compacts well.

The sheepsfoot roller is built in two pieces and is very good to roll the embankments. All embankments were worked with a small crawler tractor.

I hope this information is sufficient.

Enclosed is the completed permit and a check for \$20,000.00 to complete this project.

Thank you.



SEP 16 2003

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR CONSTRUCTION OF SMALL DAM

As required for construction or alteration of a dam 20 feet or less in height
and capable of storing less than 100 acre-feet of water.

- Name of Owner (print or type): Kermit Wiggins Phone No. 257-3428
Post Office Address: PO Box 86 Cambridge ID 83610
Application for: ☐ Construction of new dam, ☐ Reconstruction, Alteration of existing dam
Location: SW 1/4, SE 1/4, Section 10, Township 15N, Range 03W
Washington County.
Source of Water Unnamed Stream, Rush Creek pipeline tributary to Rush Creek
(Name, Unnamed Stream, Other-describe) (Stream Name)
Drainage Area: 40 Est. acres, above the site of the dam.
(Approximate)
Downstream Development Low Hazard

Describe land use below site of dam, indicate approximate distances to buildings or development, roads, etc.

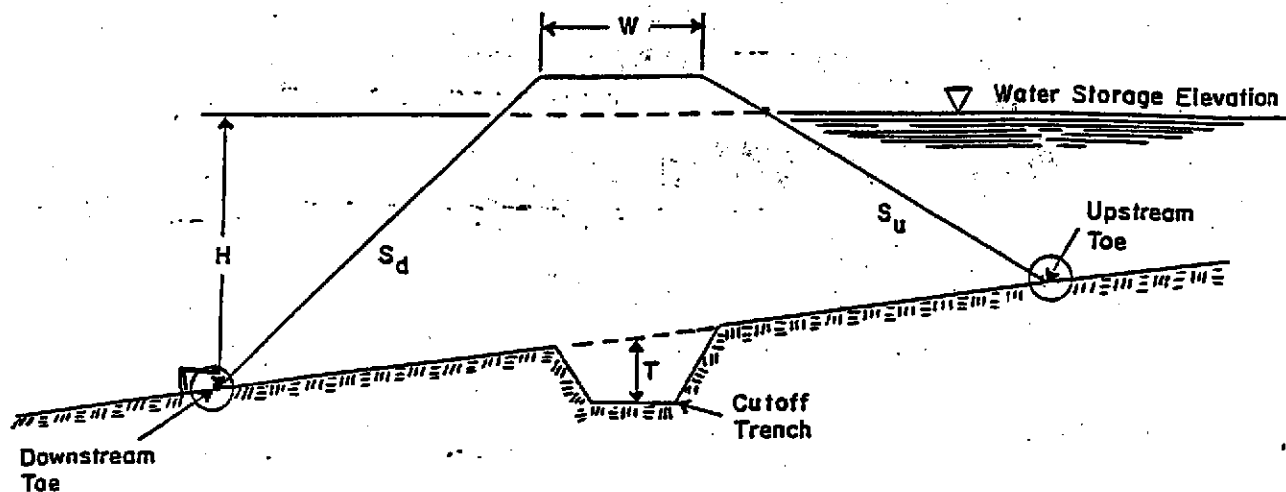
Ranch buildings at approx. 1/2 mile downstream on Rush Creek, elevated from
creek and would not be affected. Rush Creek crosses County road at approx 1/2 mile
and 2 miles. Enters Cambridge at approx. 7 miles. Pasture / Rangeland border
Rush Creek.

NOTE: If the small dam is (to be) located in or immediately above a high risk area (urban concentrated development, or in proximity to a habitable dwelling, that could be adversely affected by a release from the dam) this application shall be accompanied by plans and specifications prepared by a registered engineer.

- Reservoir: Surface area 4 acres; Storage Capacity 20 acre-feet
Reservoir Storage Purpose: Irrigation
(Irrigation, Stockwater, Recreation, Other-describe)

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SEP 16 2003

Type of dam (embankment, other, describe) Earthen Embankment



Hydraulic Height (H) 18 feet. If dam is being raised, indicate increase in height feet.

Crest Length 1150 feet. Crest (top of dam) Width (W) 14 feet.

Downstream Slope (S_d) 2 : 1; Upstream Slope (S_u) 3 : 1.

Depth of Cutoff Trench (T) 8 feet.

Width of Cutoff Trench feet.

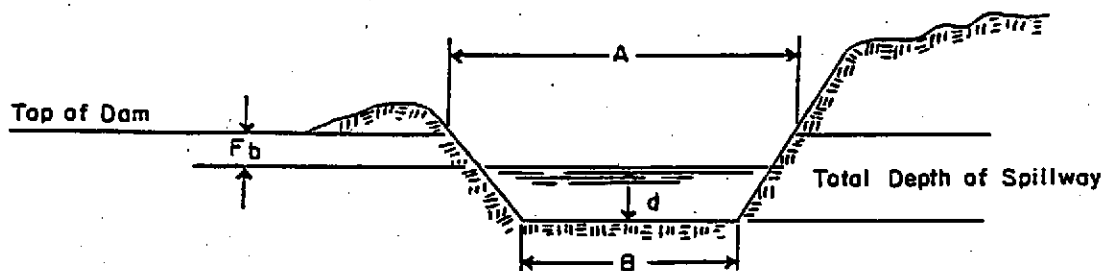
18" inches; culvert pipe (Type) ; Maximum Release Rate cfs. (under full reservoir head)

Size and number of anti-seep collars (2) one 5ft from top of pipe - one 15ft from bottom (also indicate spacing of collars along outlet)
18" pipe is 80ft. long

ILLWAY

☒ Service (auxiliary) Spillway, describe 18" CMP 2 - 4' x 4' x 18" wide (CUTOFF COLLAR SIZE AND NO.)

☐ Emergency Spillway, Located at: ☐ left, ☐ right abutment, ☐ other location.



Total Depth of Spillway (below top of dam) 7.0 feet.

Spillway: Bottom width (B) NA feet; Top Width (A) NA feet.

Discharge Capacity of Spillway NA cfs at spillway flow depth (d) NA feet

Freeboard (F_b) NA feet (total depth of spillway minus the spillway flow depth).

Spillway Channel Lining CMP SPILLWAY PIPE (Rock Cut, Rock Riprap, Other-describe)

SEP 16 2003

CONSTRUCTION SCHEDULE

Proposed date for start of construction CONSTRUCTED IN 2001

July 1, 2002
(Date)

[Signature]

Applicant's Signature

FOR DEPARTMENT USE ONLY

Date application received 7/3/02

By Lariv Fontaine

Fee \$ 20⁰⁰

Date receipted 7/3/02

Receipted by JF

W029410

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

In accordance with the provisions of Title 42, Chapter 17, Idaho Code, and the Department's Rules and Regulations for Safety of Dams, the application for construction of _____ dam is hereby approved, subject to the following conditions:

- . This action does not constitute the required authority to appropriate water under Idaho Water Law.
- . The applicant shall notify the Department at the following times and at such other times deemed necessary, to conduct inspections.
 - a. After clearing and excavation of the foundation area, and prior to placing fill material.
 - b. After installation of the outlet conduit, and before placing any backfill material around the conduit.
 - c. After construction is complete and before any water is stored in the reservoir.
- . Approval of the application for construction of the dam shall not be construed to grant the applicant other authorization required to proceed. It is the responsibility of the applicant (dam owner) to secure all lands, easements, and rights-of-way; water rights; or the approval of other regulatory agencies, prior to commencing to construct the dam or to store water in the reservoir area.
- . In the event the owner fails to pursue actual construction and maintain reasonable progress on construction of the dam, in conformance with this approval, the Director may revoke the approval one year after such approval.
- . Additional Conditions:

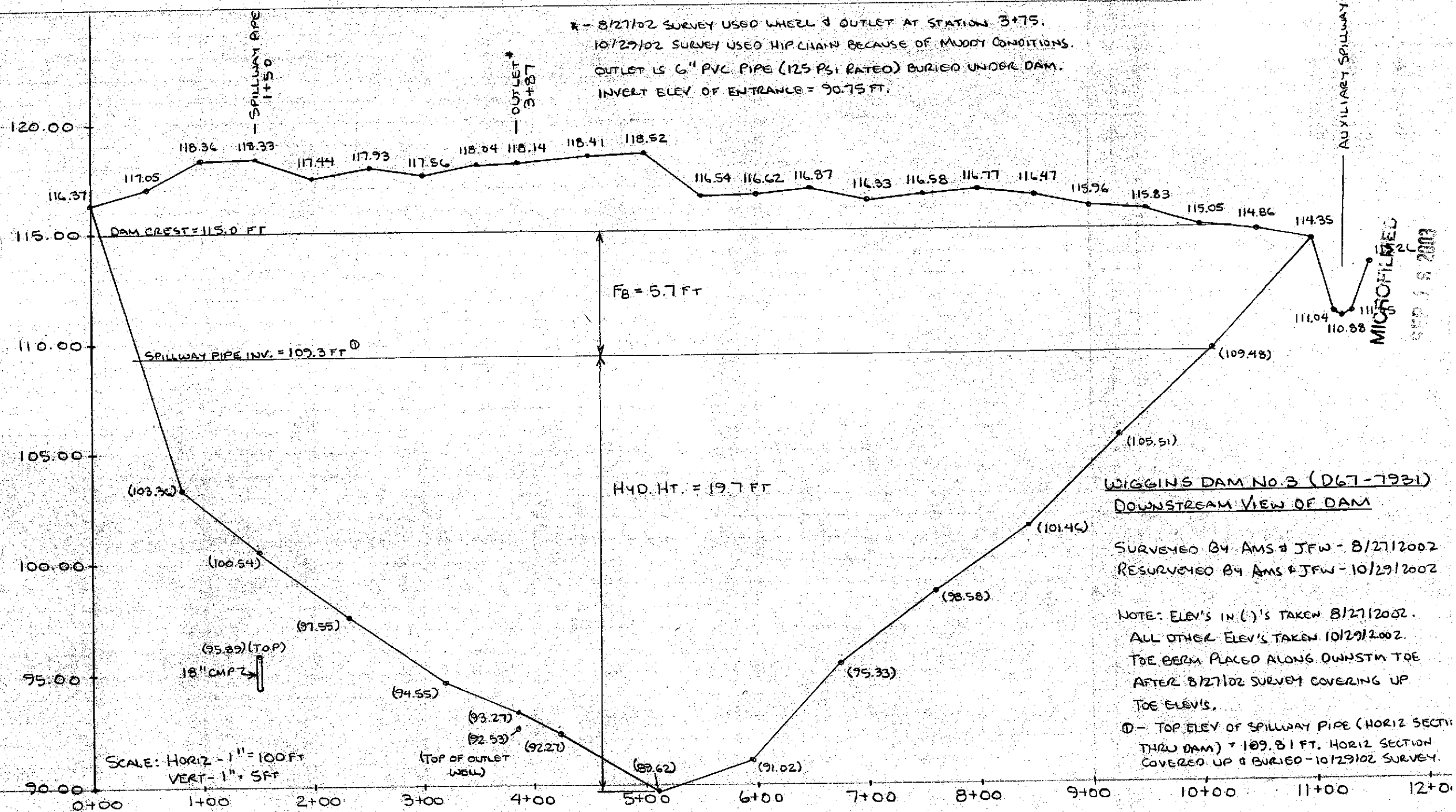
Witness my hand this _____ day of _____, 19____.

MICROFILMED

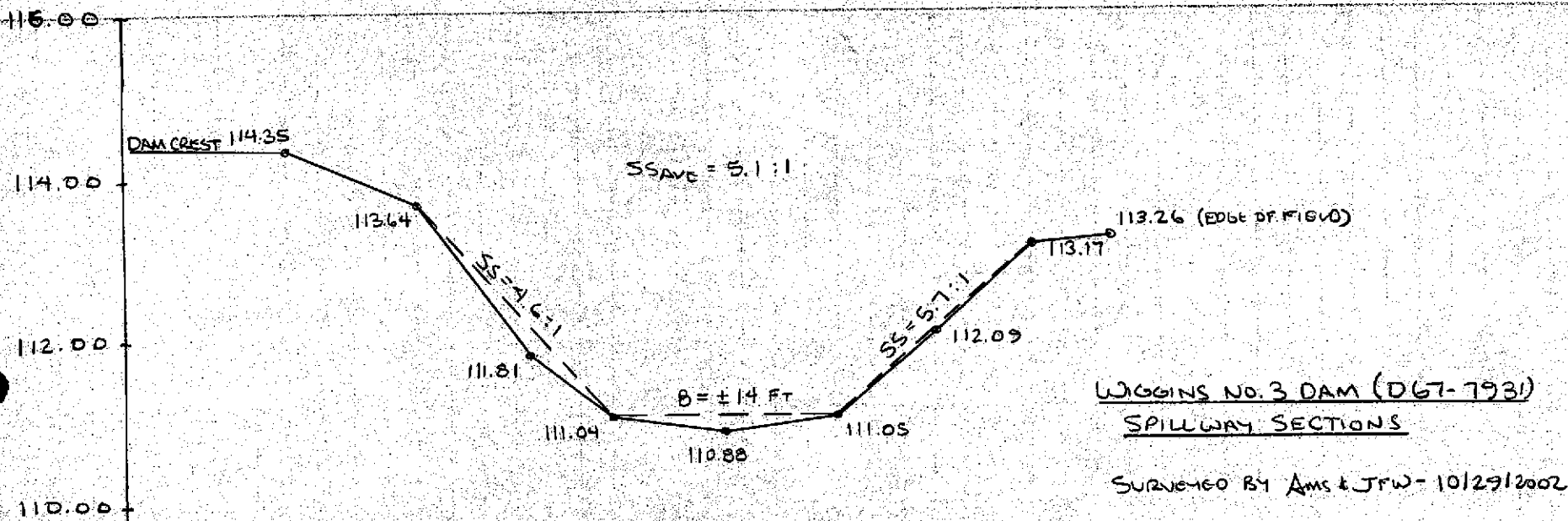
SEP 16 2003

BM = 100.00 FT. SET 1/2" REBAR PIN NEXT TO CORNER FENCE POST LOCATED SOUTHWEST OF DAM.

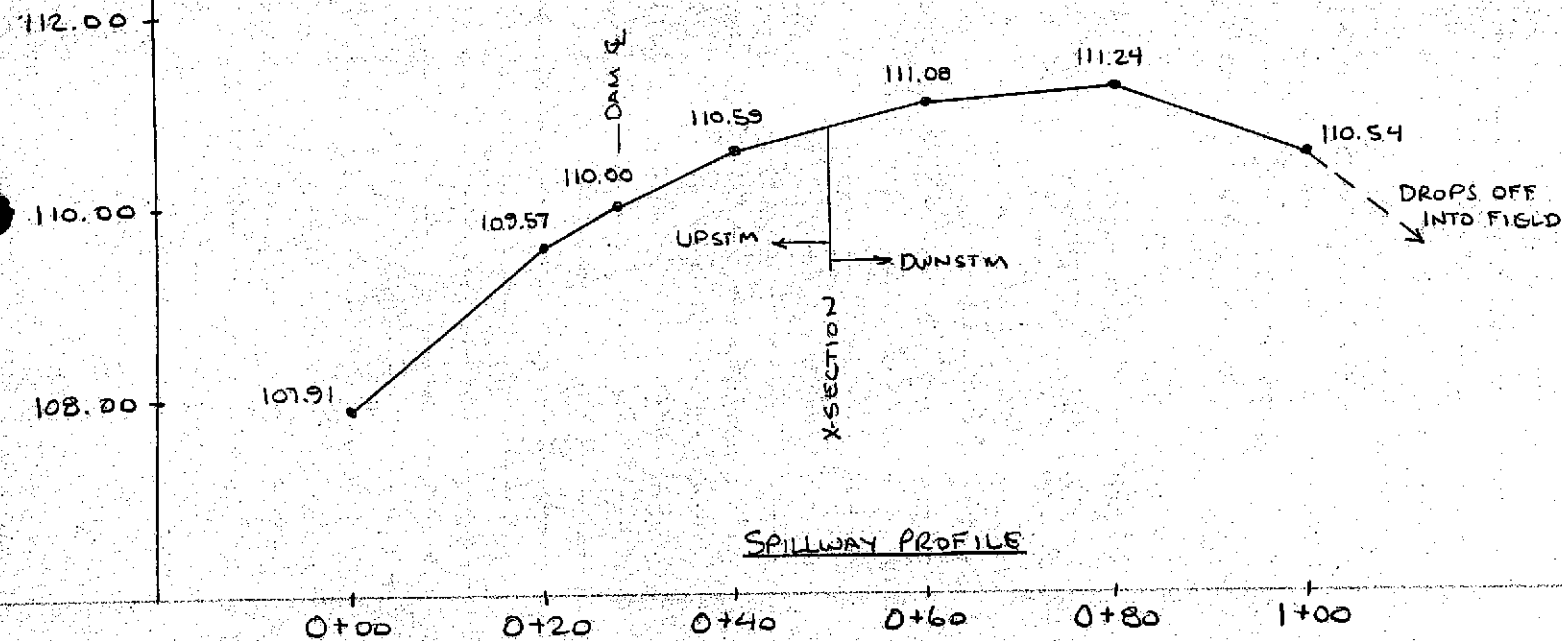
* - 8/27/02 SURVEY USED WHEEL & OUTLET AT STATION 3+75.
 10/29/02 SURVEY USED HIP CHAIN BECAUSE OF MUDDY CONDITIONS.
 OUTLET IS 6" PVC PIPE (125 PSI RATED) BURIED UNDER DAM.
 INVERT ELEV OF ENTRANCE = 90.75 FT.



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 SEP 15 2003



SPILLWAY X-SECTION TAKEN @ 0+50 ON PROFILE



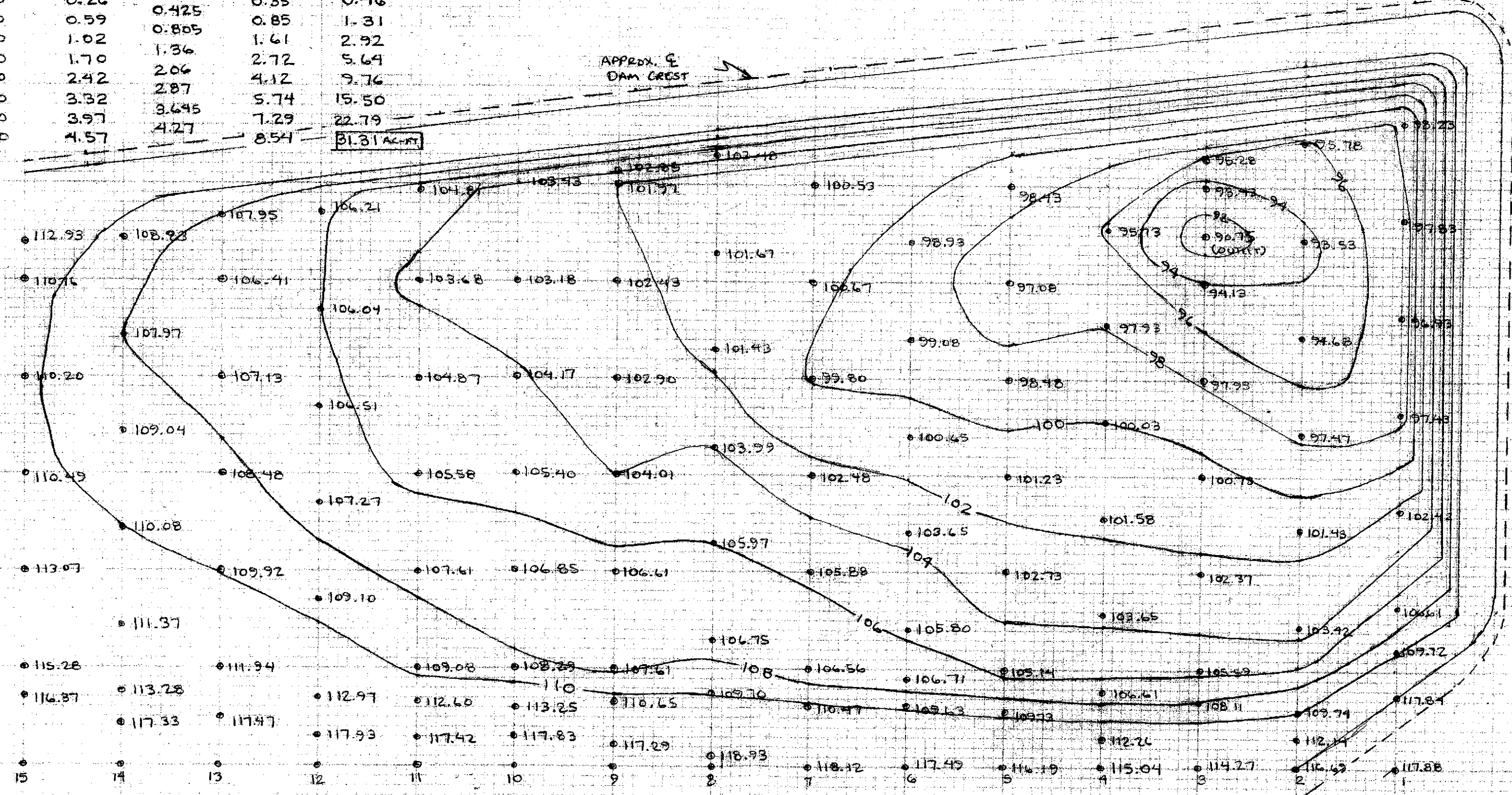
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SEP 16 2003

(FT)	(ACRES)	(ACRES)	(AC-FT)	(AC-FT)
CONTOUR	AREA	AVE AD-A	VOLUME	Σ VOLUME
90.75	-	-	-	-
92.0	0.01	0.005	0.01	0.01
94.0	0.09	0.05	0.10	0.11
96.0	0.26	0.175	0.35	0.46
98.0	0.59	0.425	0.85	1.31
100.0	1.02	0.805	1.61	2.92
102.0	1.70	1.36	2.72	5.64
104.0	2.42	2.06	4.12	9.76
106.0	3.32	2.87	5.74	15.50
108.0	3.97	3.645	7.29	22.79
110.0	4.57	4.27	8.54	31.31 AC-FT

PRESENT SPILLWAY ELEV = 109.84 FT STORAGE CAPACITY = ± 28.4 AC-FT
 AT H40 HT = 20.0 FT, RESV ELEV = ± 119.0 FT & STORAGE CAP = ± 31.3 AC-FT

APPROX. E
DAM CREST



SCALE: 1" = 50 FT
 WIGGINS DAM NO 3 (D67-7931)
 RESERVOIR CONTOUR MAP

SURVEYED BY AMS & JWR 8/27/2002
 DRAWN BY AMS - 8/28/2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 29, 2003

Legal Notice Department
Upper County News Reporter
PO BOX 9
Cambridge ID 83601

RE: Application for Permit No. 67-14405

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 02/24/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

SEP 16 2003

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

67-14405

KERMIT WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

Point(s) of Diversion SWSE S10 T15N R03W WASHINGTON County Source RUSH CREEK
Tributary To WEISER RIVER

Use: IRRIGATION STORAGE 01/01 To 12/31 50 AFA

Use: IRRIGATION FROM 03/15 To 10/31 50 AFA
STORAGE

Use: DIVERSION TO STORAGE 11/01 To 06/15 1 CFS

Total Diversion: 1 CFS

Date Filed: 12/16/2002

Place Of Use: IRRIGATION STORAGE

T15N R03W S10 SWSE

Place Of Use: IRRIGATION FROM STORAGE

T15N R03W S10 SWSE

Place Of Use: DIVERSION TO STORAGE

T15N R03W S10 SWSE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

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SEP 16 2003