

$15N - 3u$

Existing plan other
rights is proposed
T. 4148

Topographic map showing the Pipeline Route. The map includes contour lines and a scale bar indicating 0 to 200 feet.

snake

510-

12/18

31401T

- Same Area as T. 4148
(67-04514-07704-07723)
and 67-07930.

- No gut ltr

✓ 546510/5/93

APPL. 67-07931
system

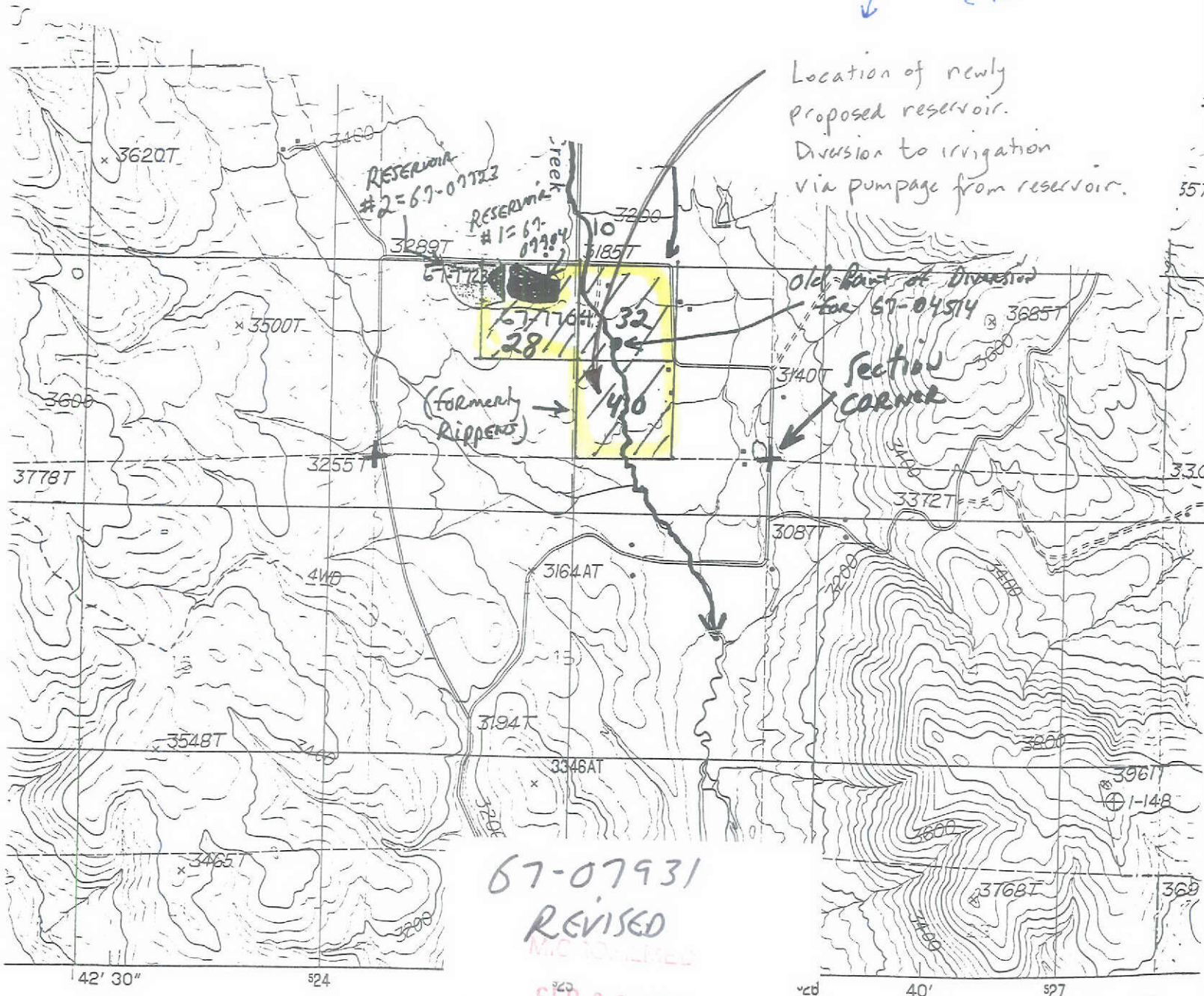
/// = REVISED

42' 30" 524
* per p/y list & T. 4148 file

SCALE 1:24 000

Wiggins
Application For Permit

← this is DRT's note
re his 5/21/96 letter
c amended app.
-SZ 12/10/98

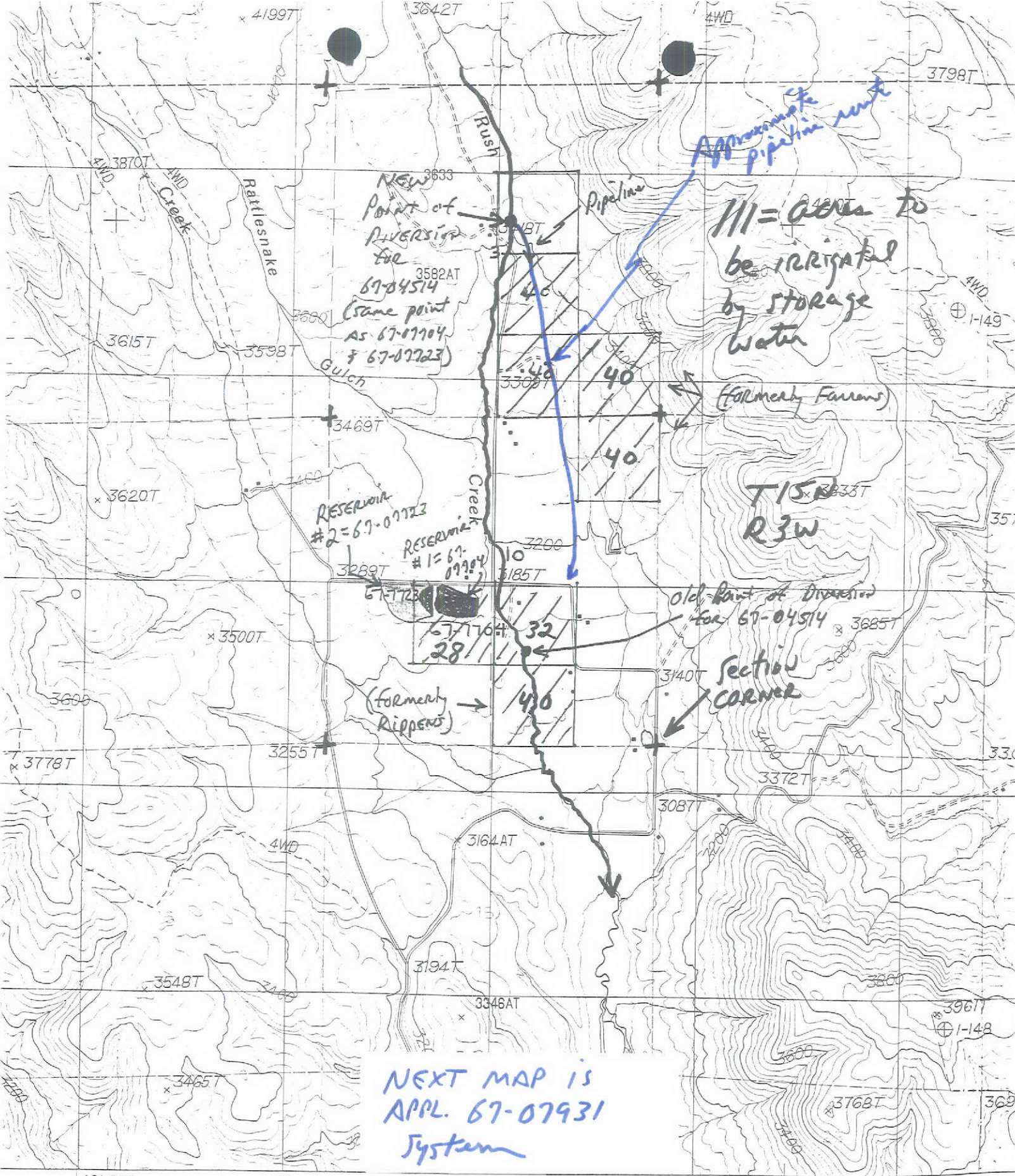


SCALE 1:24 000

SEP 30 1999
24 000

Attachment B

From Transfer 4148 File



NEXT MAP is
APPL. 67-07931
System

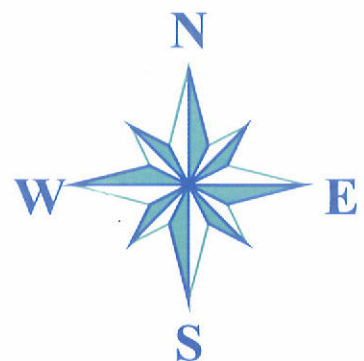
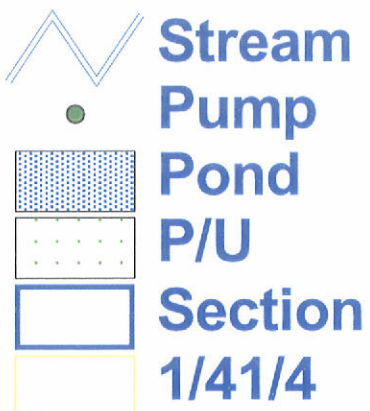
SCALE 1:24 000

Attachment B

from Transfer 41148 File

SEP 30 1990

67-7931





N-D

24

N-D

2

24

N-D

1

25.6

14.7

9/16
76/15

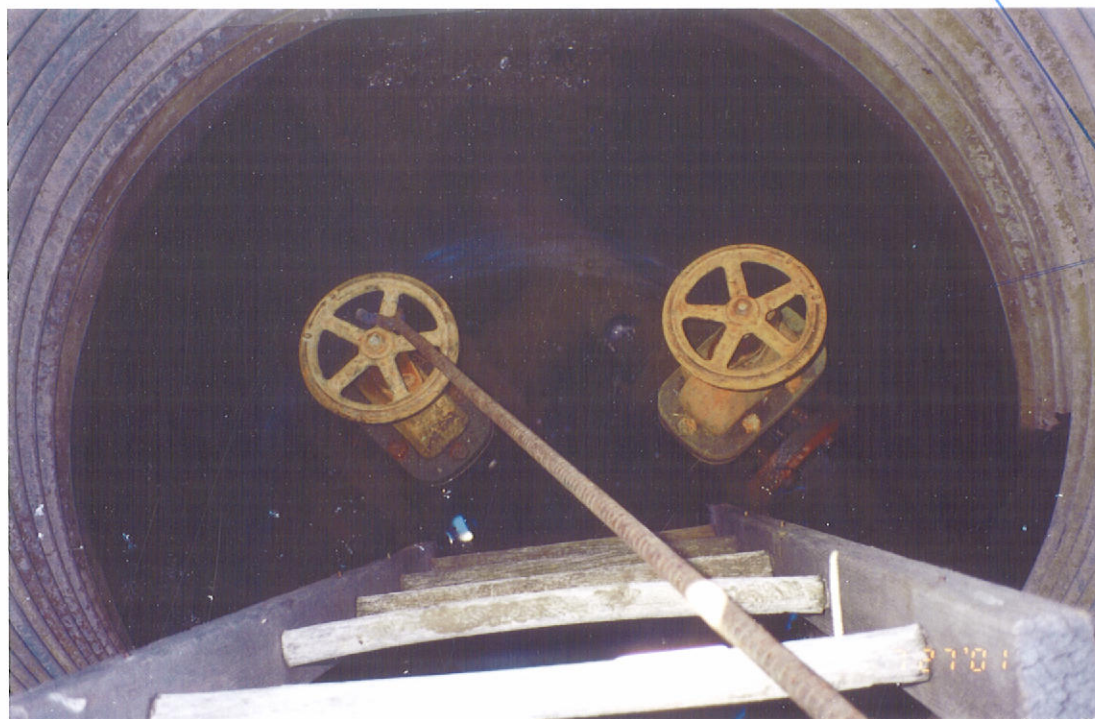
This is
a darker
copy!



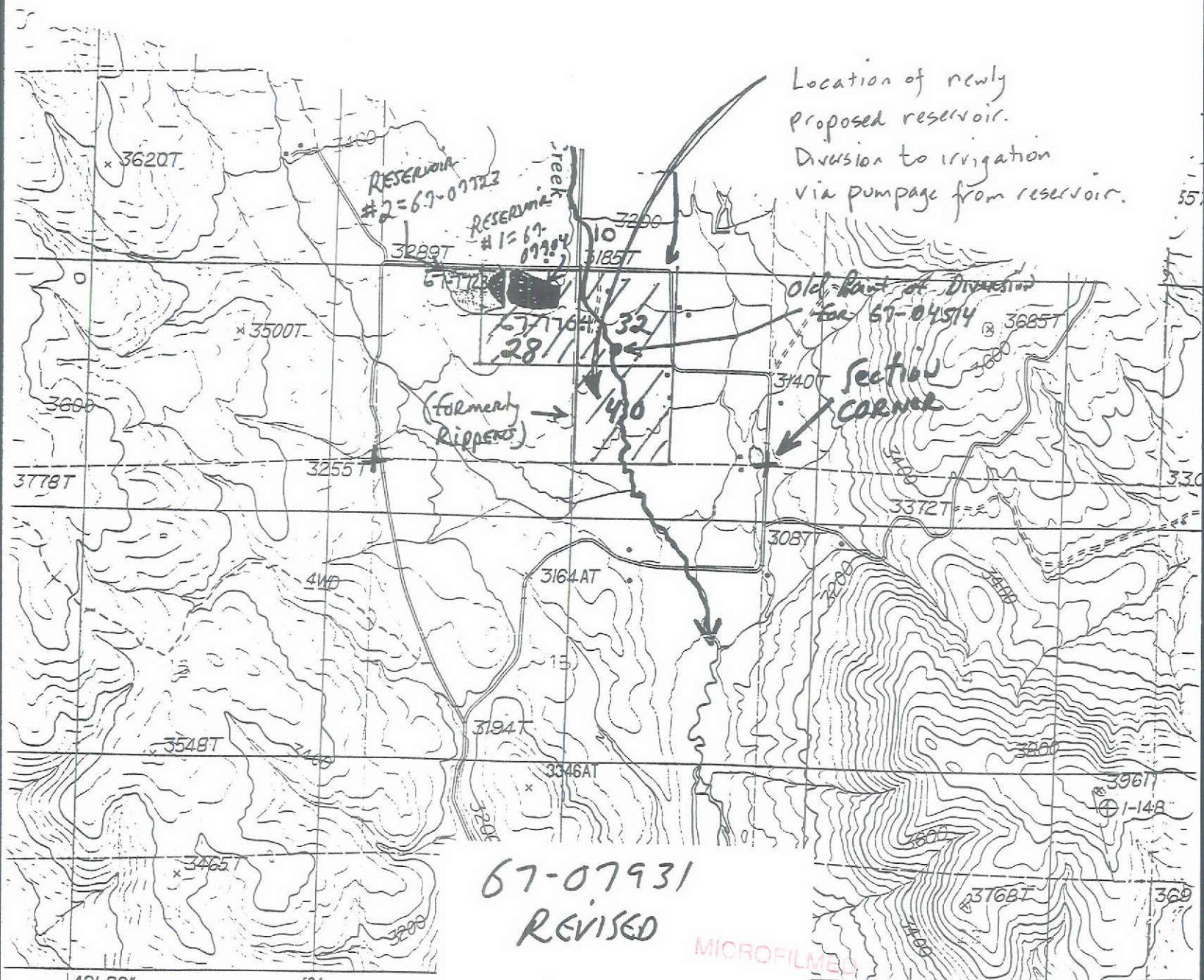
spillway pipe



Pump & control station on south end of reservoir



mainline controlling works

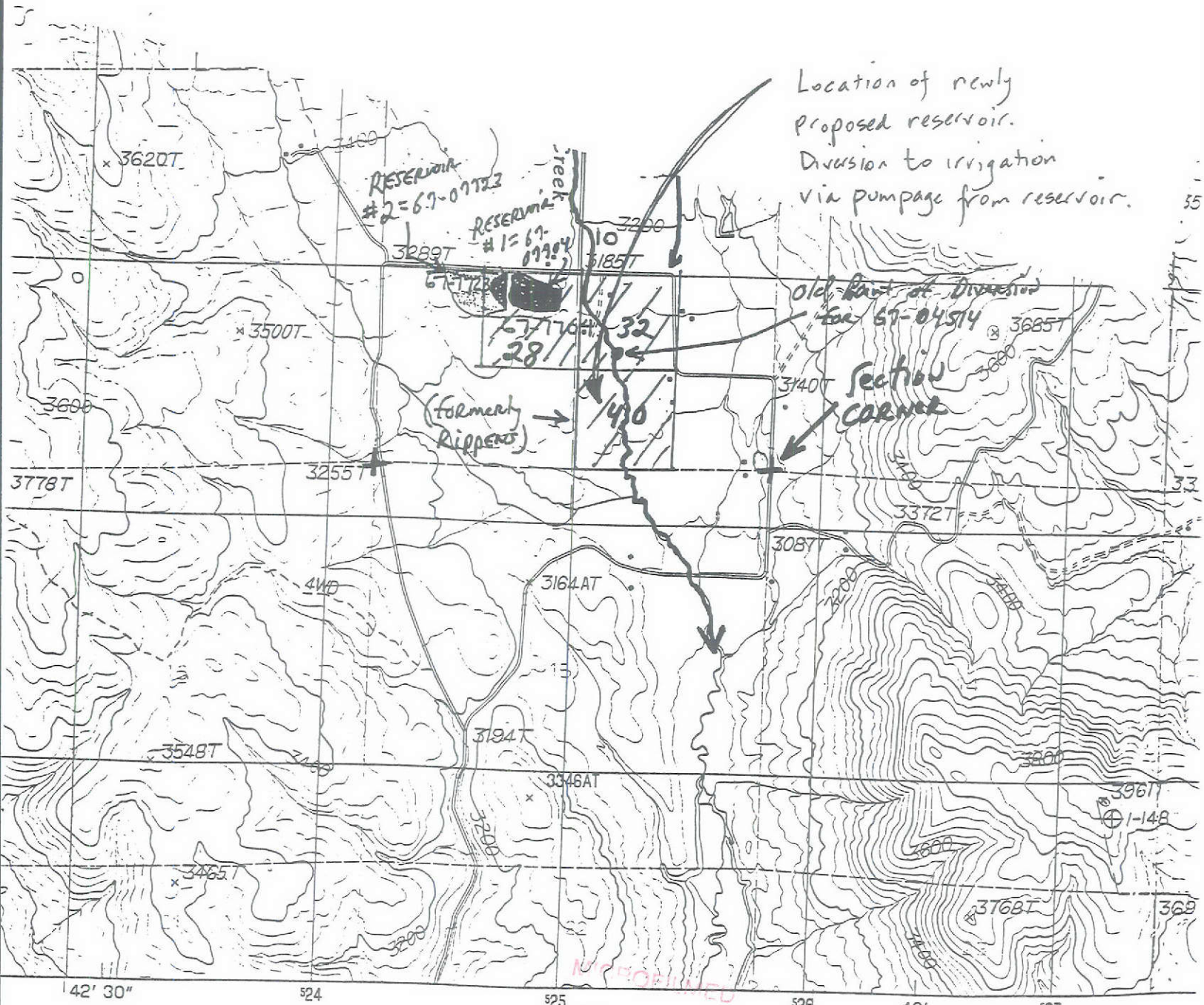


67-07931
REVISED

MICROFILMED
SEP 30 1999

Attachment B

from Transfer 4148 file



142' 30"

524

525

526

40'

527

SCALE 1:24 000

SEP 30 1999

Attachment B

from Transfer 4148 file

RECEIVED

MAY 25 2001

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 67-7931 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):

X
Irrigation (No. of acres): 100 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 120 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 X or No _____

Has the measuring device been installed?

Yes _____ or No X

8. Fee Enclosed: \$ 125.00 (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: 3460 Rush Creek Rd Cambridge, Idaho

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: Kermit L. Wiggins Date: 5-21-01
(include your title, if on behalf of company or organization)

MICROFILMED

AUG 8 2001

RECEIVED

RECEIVED

JAN 26 1999

MAY 17 1996

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES

Ident. No. 67-07931

Amended

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: KERMIT WIGGINS 208-257-3428
Address: PO BOX 86
CAMBRIDGE ID 83610
OR
Name: JOANA WIGGINS 208-257-3428
Address: PO BOX 86
CAMBRIDGE ID 83610
2. Source: UNNAMED STREAM Trib. to: RUSH CREEK
3. Location of Point of Diversion: SWSE Sec. 10, Township 15N, Range 03W
WASHINGTON County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/01	10/31	1.000		
IRRIGATION STORAGE	01/01	12/31			20.00
IRRIGATION FROM STORAGE	04/01	10/31			20.00
5. Total quantity to be appropriated is:
1.000 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
DAM AND POND TO PUMPING SYSTEM
 - b. Height of storage dam 15 feet; active reservoir capacity 20.00
acre-feet; total reservoir capacity 20.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 year(s).

MICROFILMED

SEP 30 1999

REVISED VERSION

8. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
15N 03W 10	NESW 28	NWSE 32	SWSE 40	100

Total number of acres irrigated: 100

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

11. Map of proposed point of diversion and place of use attached? ☒

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

Bernie L. Higgins
Applicant

Received by FL Date 5/17/96 Time 11:40 Preliminary check by FL

Fee \$ 90.00 Receipted by JFW #W016819 Date 10/ 1/1993

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Orig. d.o.p. = 10/1/93 with \$90 filing fee
Revised version = 5/17/96 add'l fee N/A
no charge in d.o.p.? -FL 5/20/96

MICROFILMED
SEP 30 1999

SD-0420-2
ADD COMMENT

Idaho Department of Water Resources
Modify Comment

Date: 05/20/96
Time: 14:07:23

Water Right Number: 67-07931

Comment Date: 5/20/1996 User ID: SLESTER

Subject: ADDITIONAL INFORMATION

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'tl. 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.

(Enter=Add) (Gold4=Prev) (Gold5=Next) (Gold7=Return to Comment Selection)

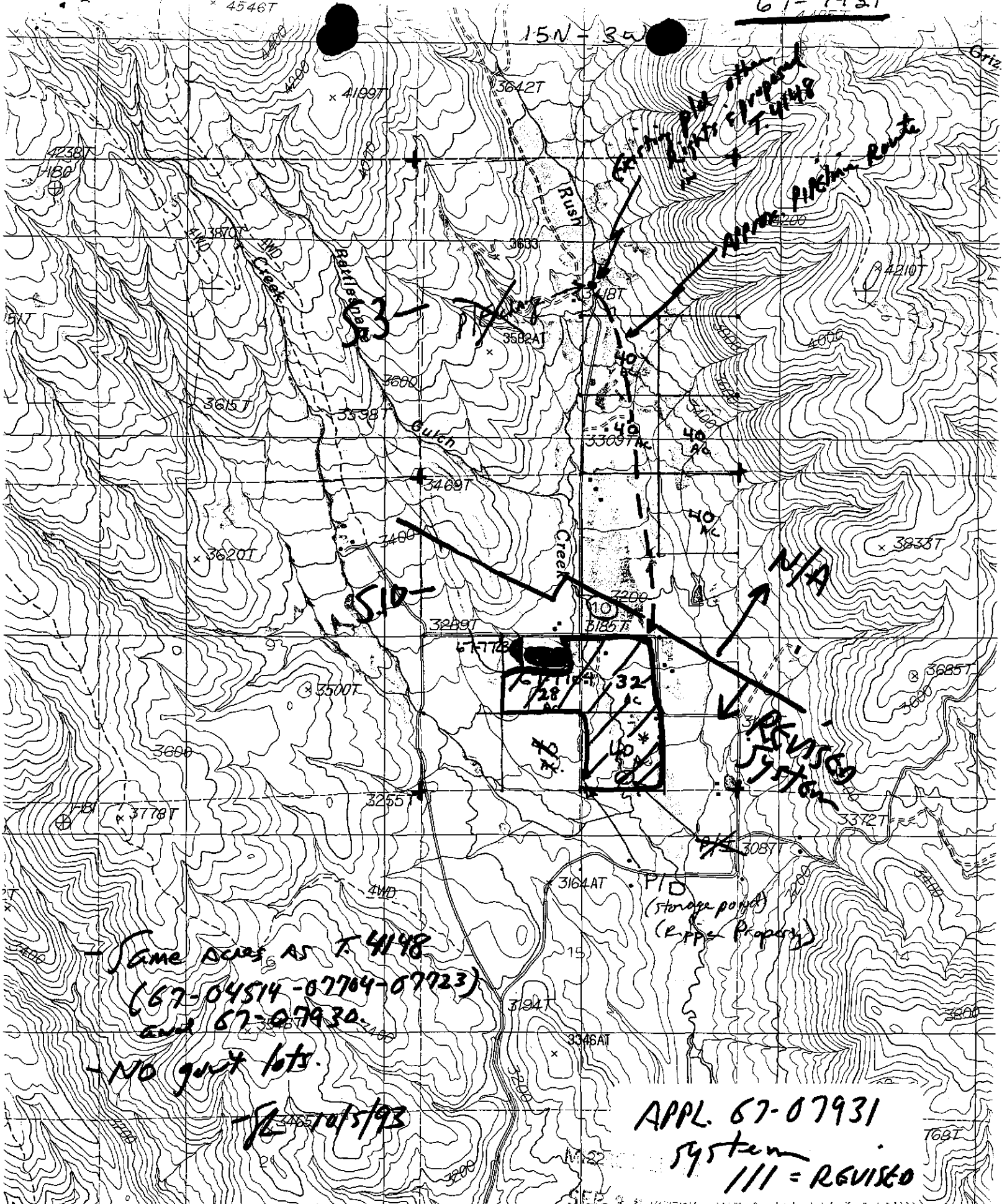
MICROFILMED

SEP 30 1999

* 4546T

67-7931

15N-34



- Same as T. 4148
(67-04514-07704-07723)
and 67-07930

- NO govt lots.

5/10/93

APPL 67-07931
system
111 = REVISED

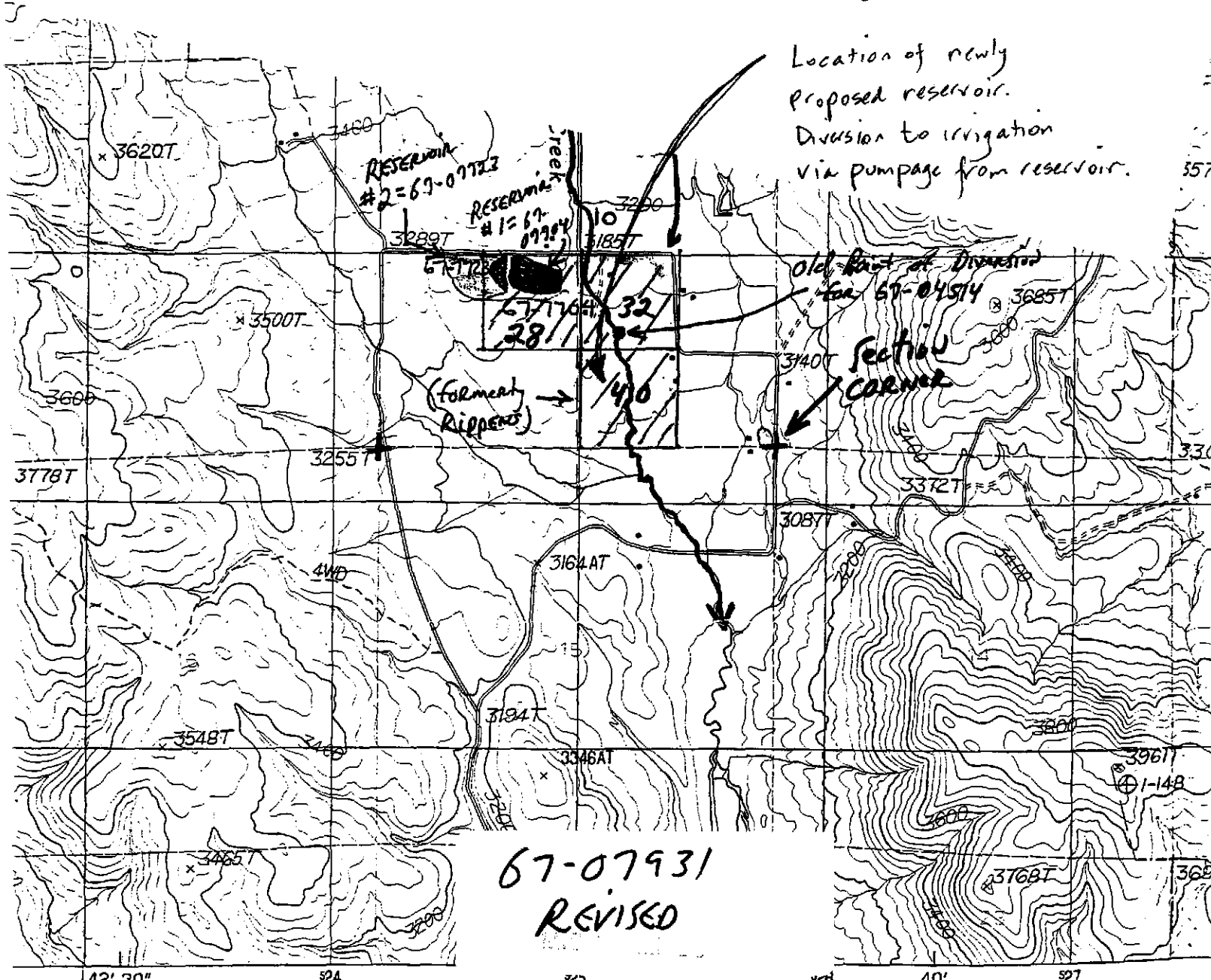
* per p/4 list & T. 4148 file

SCALE 1:24 000

Wiggins
Application For Permit

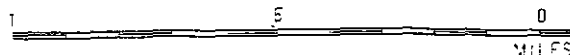
Handwritten notes in top left corner, partially illegible.

*this is DRT's note
re his 5/21/96 letter
& Amended appl.
- 12/10/98*



67-07931
REVISED

SCALE 1:24 000



Attachment B

En Transfer 4148 file

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 67-07931

Proposed Priority: October 1, 1993

Maximum Diversion Rate:

1.00 CFS

This is to certify, that KERMIT WIGGINS

JOANA WIGGINS

PO BOX 86

CAMBRIDGE ID 83610-0086

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of RUSH CREEK

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	04/01 to 10/31	1.00 CFS	
IRRIGATION STORAGE	01/01 to 12/31		20.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		20.0 AF
	Totals	1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 10, Township 15N, Range 03W
WASHINGTON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
15N	03W	10	NESW 28.0	NWSE 32.0	SWSE 40.0	100.0

Total number of acres irrigated: 100.0

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 2001.
2. Subject to all prior water rights.
3. 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.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
5. 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.
6. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.

MICROFILMED
SEP 30 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

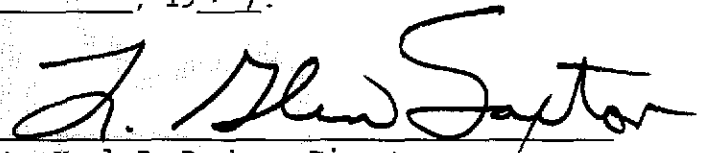
NO. 67-07931

CONDITIONS OF APPROVAL AND REMARKS

7. 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.
8. 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.
9. 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.
10. 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.

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

3rd day of June, 1999.


for Karl J. Dreher, Director

RECORDED
SEP 30 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: KERMIT WIGGINS 208-257-3428
Address: PO BOX 86
CAMBRIDGE ID 83610

OR
Name: JOANA WIGGINS 208-257-3428
Address: PO BOX 86
CAMBRIDGE ID 83610

2. Source: UNNAMED STREAM Trib. to: RUSH CREEK
~~RUSH CREEK~~ ~~WEISER RIVER~~
3. Location of Point of Diversion: SWSE Sec. 10, Township 15N, Range 03W
WASHINGTON County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/01	10/31	1.000		
IRRIGATION STORAGE	01/01	12/31			20.00
IRRIGATION FROM STORAGE	04/01	10/31			20.00

5. Total quantity to be appropriated is:
1.000 CFS (and/or) ~~20.00 AF~~

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
DAM AND POND TO GRAVITY SYSTEM; EX WITH RUSH CREEK
- b. Height of storage dam 15 feet; active reservoir capacity 20.00
acre-feet; total reservoir capacity 20.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
- c. Proposed well diameter is inches; proposed depth of well is
feet.
- d. Is groundwater with a temperature greater than 85F being sought? NO
- e. If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 year(s).

MICROFILMED

SEP 30 1999

* d'base modified, see top & remarks.
Storage not shown is total.

- SL 10/5/93

Original

8. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
15N 03W 3	NWSE 40	SWSE 40	SESE 40	120
10	NENE 40	NESW 28	NWSE 32	140
	SWSE 40			140

Total number of acres irrigated: 260

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks: Point of injection into Rush Creek located in SWSE, S10, T15N, R03W. *
Point of Exchange from Rush Creek located in SWNE, S3, T15N, R03W.
Reservoir located in SWSE, S10, T15N, R03W.
11. Map of proposed point of diversion and place of use attached? [✓]

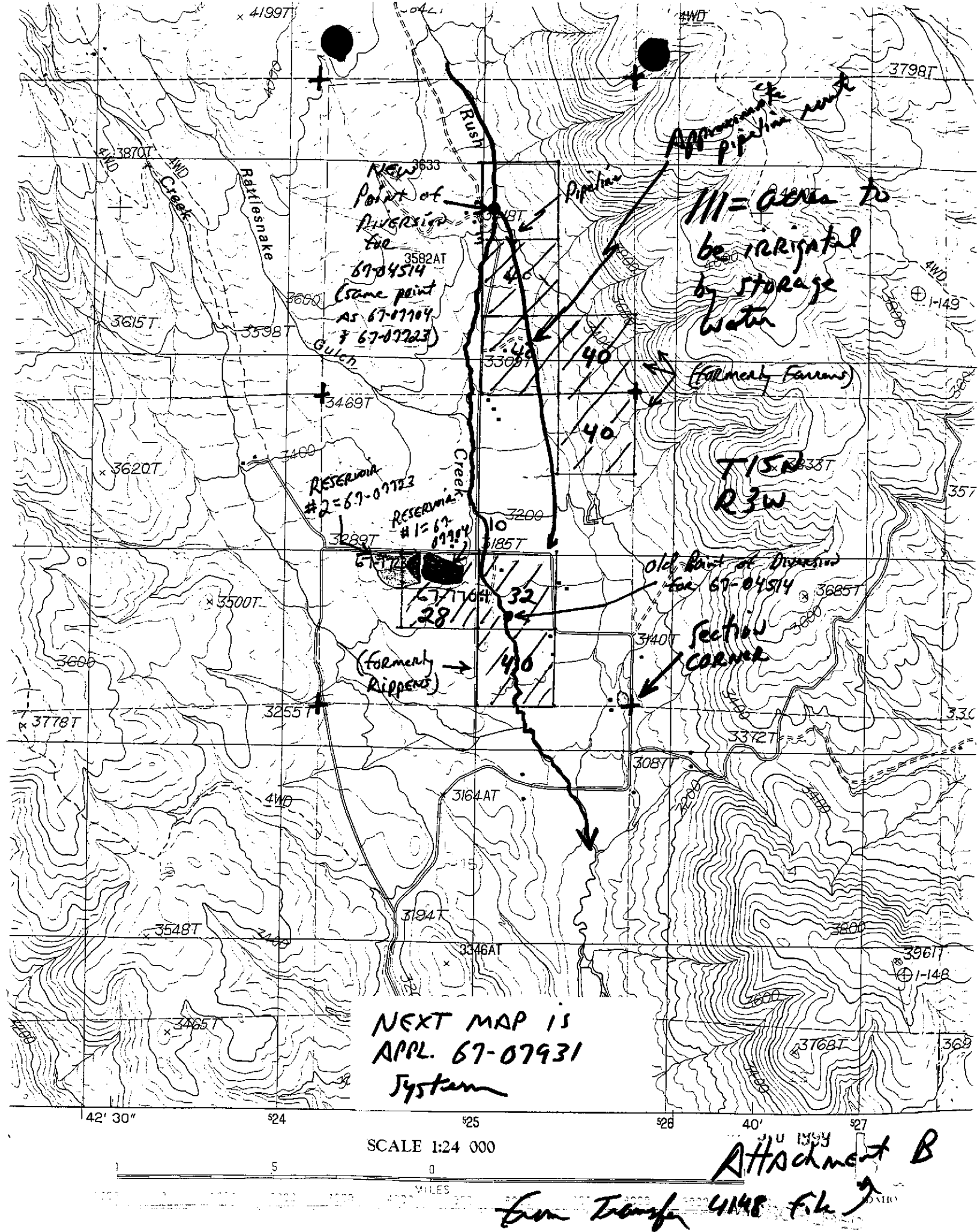
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Hermit L. Wiggins
Applicant

Received by JFW Date 10/1/93 Time 3:00 PM Preliminary check by [Signature]
Fee \$ 45.22 Receipted by JOSE # W016819 Date 10/1/93
Publication prepared by [Signature] Date 10-13-93 Published in Upper City News
Publication approved [Signature] Date 11-15-93

* d'base updated per appl. info & conv with JFW who assisted applicant in this filing.
[Signature] 10/5/93

Dam Safety is aware of this filing per JFW.
"ON-stream" storage so diversion to storage M/A (collebs
Resort in low area).



40 JUL 1999 327
Attachment B

from Transfer 4148 File 7

SEP 3 11 1964

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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

RECEIVED

DEC - 9 2002

Department of Water Resources

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
			SW	SE	10	15N

2. Place(s) of Use:

TWP	RGE	SEC	NE																
15N	3W	10									27					33	25		85

Please...

- ☐ Read
☒ Handle
☐ Approve

And...

- ☐ Forward
☐ Return
☐ Keep or Recycle
☐ Review with Me

ROUTING & REQUEST

To: KAY WALKER

*(to replace original exam)
no claim in SRBA
9/21/04 - KW*

From: ly

Date: 12/9/02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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:

[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

RECEIVED

DEC - 9 2002

Department of Water Resources

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)).

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

$$60 \times 8.8 \times 7 = 2.19 \text{ cfs}$$

$$30 + 60 \times 2.31$$

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 _____

SEAL

RECEIVED

SEP - 4 2001

Department of Water Resources

☒ Blank Field Report Form

☒ Copy of Permit

☒ Copy of Proof of Beneficial Use

☒ Copies of any Amendments/Orders with Conditions of Approval

☒ Well Inspection Form (If Needed)

☒ Aerial Photo Required? ☐ yes ☐ no If yes: ☐ copy attached

☒ SRBA Claim Required (required if proof filed by 11-19-1987)

☐ Yes ☐ No If yes: ☐ claim filed? (check AJ5, AJQ1, AJQ4)

☒ Copy of U.S.G.S. Quad

☒ Check for Government Lots. If so, make a copy of government plat

☒ Check of P/D index 6/8/6/01 (initial & date)

Overlap ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?*

Type of Overlap: ☐ Same source ☐ Other source

☒ Check of P/U index 6/8/6/01 (initial & date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached?*

Type of Overlap: ☐ Same land, same source

☐ Same land, other source

☐ Other land &/or other uses

***copies attached only if needed for analysis**

4 Irrigation from groundwater (all basins):

Surface water currently or previously used **Yes** **No**

If yes: identify water source, water right, and explain current or previous use.

 Scheduling Letter Sent? _____ (initial & date)

☒ Appointment Made and Telephone Conversation Memo Attached

 Fully Completed and Signed Field Report Form

 Photographs of Point of Diversion and Place of Use

C. Review and Processing:

Exam Completed Ly 8/6/01 (signature of examiner & date)
Exam Sent to State Office St 8-30-01 (initial & date)

SEP 14 2001 K

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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:

[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

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 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 dept. acknowledgement of the reservoir agreement.

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 per transfer 4148...same system used for this permit).

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
Totals:			1.0	340

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 8/6/01

Reviewer _____ Date _____

SEAL

RESERVOIR AGREEMENT

THIS AGREEMENT made and entered into this 12 day of Nov., 1998, by and between KERMIT WIGGINS and JOANA WIGGINS, hereinafter referred to as "Applicants" and THOMAS &/or DORIS HUBBARD, hereinafter referred to as "Protestants."

WITNESSETH:

WHEREAS, Applicants have developed a reservoir with a point of diversion located at SWSE Sec. 10, Township 15 N., Range 03W, Washington County. On October 1, 1993 Applicants applied for a permit, permit number 67-07931, with the Department of Water Resources to appropriate the public waters of the State of Idaho.

WHEREAS, Protestants objected to the original application because they believed that the exchange of water from other reservoirs owned by Applicants would interfere with their riparian water rights.

WHEREAS, Applicant has agreed to withdraw the plan for exchange of water from his original application and instead use only early spring run off from Rush Creek to fill the reservoir.

NOW THEREFORE, in consideration of the mutual covenants, promises, and conditions herein set forth, the parties hereby agree as follows:

1. That On October 1, 1993 Applicants applied for water under permit number 67-07931.
2. That Applicants will not use exchange water by dumping out of the reservoir

while using water out of Rush Creek in an equal amount under permit number 67-07931.

3. That the reservoir will be filled during early spring run off subject to all earlier water rights.

4. That Protestants hereby withdraw their objections to application for permit number 67-07931 with the Department of Water Resources and agree to the issuance of this permit subject to all prior water rights.

5. This Agreement shall be binding on the heirs, assigns, representatives and agents of the parties hereto.

Kermit Wiggins
Kermit Wiggins

Joana Wiggins
Joana Wiggins

Thomas &/or Doris Hubbard

Doris Hubbard

MEMO

RECEIVED

JAN 26 1993

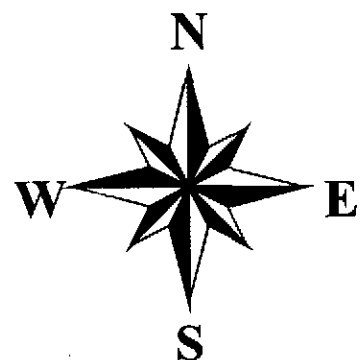
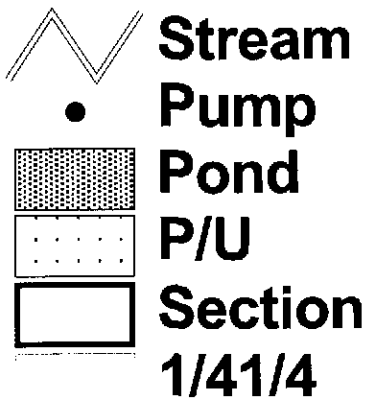
Department of Water Resources

To: File No. 67-07931 in the Name of Kermit &/or Joana Wiggins
From: Gary Spackman *Gary*
Subject: Conditions of Approval
Date: January 21, 1999

After an extended period of negotiations starting in 1994, Kermit Wiggins and the protestants have signed an agreement withdrawing the protests and allowing the application to be considered by IDWR upon certain conditions being imposed. Each of the protestants signed a separate agreement titled a "reservoir agreement," but the language of all the agreements is identical. I recommend that this right be approved with the following conditions:

1. Use of water under this water right will be regulated by the Watermaster of State Water District No. 67, Weiser River.
2. Storage in the reservoir is only authorized when surface water rights in Rush Creek are not being delivered. Storage shall cease on June 15 of each year unless storage beyond June 15 is expressly authorized by the Watermaster of Water District No. 67, Weiser River.
3. After specific notification by the Watermaster of Water District No. 67, the right holder shall install suitable measuring devices to determine the inflow and outflow from the reservoir.

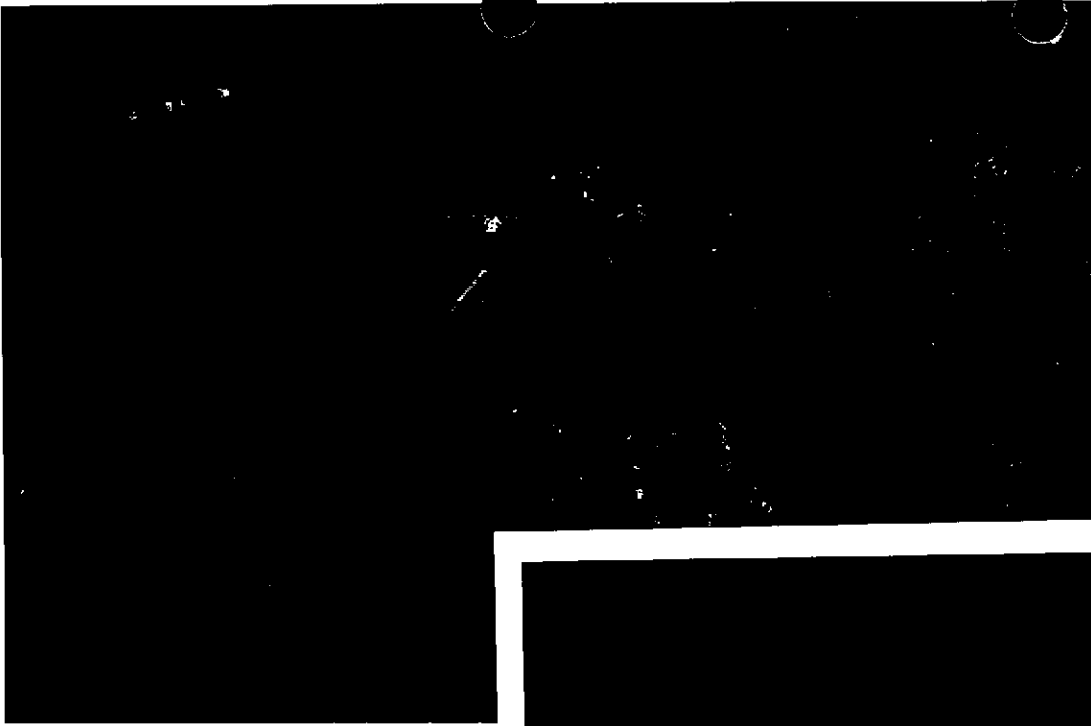
67-7931





Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	67-305	HELEN M FORD, KEITH FORD,	BEAVER CREEK	15N03W10										14	30	11					55
Right	67-305	JOSEPH HUTCHINGS,	BEAVER CREEK	15N03W10										X	X	X					0
App	67-7930	JOANA WIGGINS, KERMIT WIGGINS,	GROUND WATER	15N03W10	40								28					32	40		140
Permit	67-7930	JOANA WIGGINS, KERMIT WIGGINS,	GROUND WATER	15N03W10	40								28					32	40		140
Claim	67-11094	W G ATTEBERRY, SHIRLEY S ATTEBERRY,	RUSH CREEK	15N03W10																30	30
Claim	67-12329	GARY FARRENS, LORRAINE FARRENS,	RUSH CREEK	15N03W10	10																10
Claim	67-286	BESSIE NEWBOLD, MELVIN NEWBOLD,	RUSH CREEK	15N03W10			3														3
Claim	67-286	MELVIN L NEWBOLD, BESSIE NEWBOLD,	RUSH CREEK	15N03W10													2				2
Claim	67-287	KERMIT L WIGGINS, JOANA WIGGINS,	RUSH CREEK	15N03W10	10																10
Claim	67-291		RUSH CREEK	15N03W10					X	X	X	X									0
Claim	67-291B	PATRICIA J HELDT, WOODROW F HELDT,	RUSH CREEK	15N03W10								20									20
Claim	67-4049	HELEN M FORD, KEITH FORD,	RUSH CREEK	15N03W10										14	30	11					55
Claim	67-4066	PATRICIA J HELDT, WOODROW F HELDT,	RUSH CREEK	15N03W10								10									10
Claim	67-4154		RUSH CREEK	15N03W10		40															40
Claim	67-4328	WILLIAM C PHIPPS,	RUSH CREEK	15N03W10		30															30
Claim	67-4490	MELVIN NEWBOLD, BESSIE NEWBOLD,	RUSH CREEK	15N03W10			35	30									30				95
Claim	67-4514	JOANA WIGGINS, KERMIT L WIGGINS,	RUSH CREEK	15N03W10	40								28					32	40		140
Claim	67-4542	KERMIT L WIGGINS, JOANA R WIGGINS,	RUSH CREEK	15N03W10														40			40
Claim	67-7704	JOANNA R WIGGINS, KERMIT L WIGGINS,	RUSH CREEK	15N03W10									X								0
Right	67-285	W H GIBSON,	RUSH CREEK	15N03W10		X	X														0
Right	67-286	MINTA DUGGER,	RUSH CREEK	15N03W10													X				0
Right	67-287	J EDWARD WICKS,	RUSH CREEK	15N03W10	X																0
Right	67-291	A MILTON HINSHAW,	RUSH CREEK	15N03W10					X	X	X	X									0
Right	67-4049	GEORGE FORD,	RUSH CREEK	15N03W10										40	40	40					120
Right	67-4066	MICHELLE F MORGAN, W FORBES MORGAN IV,	RUSH CREEK	15N03W10								10									10
Right	67-4154	GARY FARRENS,	RUSH CREEK	15N03W10		40															40
Right	67-4328	FRANCES M PHIPPS, WILLIAM C PHIPPS,	RUSH CREEK	15N03W10		40															40
Right	67-4490	BESSIE NEWBOLD, MELVIN NEWBOLD,	RUSH CREEK	15N03W10			40	30									25				95
Right	67-4514	KERMIT L WIGGINS,	RUSH CREEK	15N03W10	40								28					32	40		140
Right	67-4542	KERMIT L WIGGINS,	RUSH CREEK	15N03W10									25					35			60
Right	67-4586	HUBERT V WARD, BETTY J WARD,	RUSH CREEK	15N03W10					30	40	40										110
App	67-7931	JOANA WIGGINS, KERMIT WIGGINS,	UNNAMED STREAM	15N03W10									28					32	40		100
Permit	67-7931	JOANA WIGGINS, KERMIT WIGGINS,	UNNAMED STREAM	15N03W10									28					32	40		100



spillway pipe



Pump & control
station on
south end
of reservoir



mainline
controlling
worker



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

June 14, 2001

KERMIT WIGGINS
JOANA WIGGINS
PO BOX 86
CAMBRIDGE ID 83610-0086

PROOF ACKNOWLEDGMENT LETTER

RE: Permit No. 67-07931

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and a \$125.00 license examination fee submitted for the above referenced permit. Your permit allows development of the water right to divert 1.00 cfs. Therefore, the amount due was \$100.00 not \$125.00. You have overpaid the field examination fee by \$25.00.

Additionally, the department received a Request for Extension of Time from you with a check in the amount of \$50.00. This document has been withdrawn as you requested and I am enclosing the original document with this letter.

I will ask that the amounts overpaid be refunded to you. The department will issue a check in the amount of \$75.00 and will mail it to you in 7-10 business days.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. The measurement device and controlling works must be installed prior to diversion of water and the field exam in order to avoid any delay associated with issuance of your licensed water right.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right 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.

MICROFILMED

JUN 14 2001

Page 2

If you have questions concerning the field examination, please contact the department's **Western** Regional Office in Boise at (208) 334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR - Region
Fiscal

MICROFILMED

AUG 08 2001

Memorandum

To: DEBBIE ALLEN
FINANCIAL SECTION MANAGER

From: DEBORAH J. GIBSON *dg*
WATER ALLOCATION BUREAU

Date: June 14, 2001

Re: Kermit Wiggins filing fees and
Water Right No. 67-07931

On May 25, 2001, Kermit Wiggins filed a Proof of Beneficial Use and a Request for Extension of Time. He paid \$125.00 examination fee with the proof and a \$50.00 filing fee with the request. On June 7, 2001 Mr. Wiggins responded to a letter I sent him and spoke with Glen Saxton. He requested that the Proof be accepted and the Request for Extension be withdrawn. Glen issued a memo to that effect (see attached). Mr. Wiggins overpaid his examination fee by \$25.00 and since he wishes to withdraw the Request the \$50.00 fee is not appropriate. Therefore, please refund Mr. Wiggins \$75.00. (See the attached copies of receipts, no. C053941 in the amount of \$125.00 and receipt no. C053942 in the amount \$50.00.)

Please mail the refund to the following address:

Kermit Wiggins
P.O. Box 86
Cambridge, ID 83610-0086

Thank you.

MICROFILMED
AUG 8 2001

Idaho Department of Water Resources Receipt

Receipt ID C053941

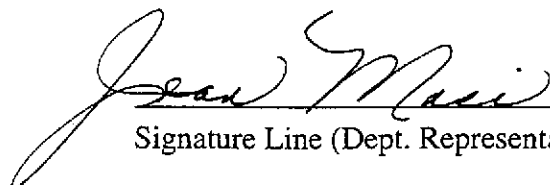
Payment Amount \$125.00 Date Received 5/25/01 9:06:35 AM Region State Status
Payment Type Check Check Number 138

Payer WIGGINS RANCH LLC WIGGINS KERMIT L OR JAONA

Comment WATER RIGHT # 67-7931

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$125.00	BENEFICIAL USE	0229	21	56104	1155


Signature Line (Dept. Representative)

MICROFILMED
AUG 08 2001

Idaho Department of Water Resources Receipt

Receipt ID C053942

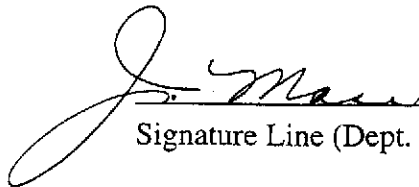
Payment Amount \$50.00 Date Received 5/25/01 9:12:05 AM Region State Status
Payment Type Check Check Number 139

Payer WIGGINS RANCH LLC WIGGINS KERMIT L JOANA R

Comment WATER RIGHT NO 67-7931

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	EXTENSIONS	0229	21	56103	1155


Signature Line (Dept. Representative)

MICROFILMED
AUG 08 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 67-7931

Reviewed By: dgibson

Date: June 12, 2001

	<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.:		C053941	Well driller's report filed?		X
Additional Amount Due:		-25.00	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?		X

Priority Calculation

Date proof received	05/25/2001
Date proof due	- 06/01/2001
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 10/01/1993
New priority date	= 10/01/1993

Deficiencies of Actions Items

Acknowledge proof. Refund overpayment and withdraw request for extension and fee

Reminder to finish measurement device before the field exam is conducted, or it may delay processing your water right license.

MICROFILMED

AUG 08 2001

MEMORANDUM

To: Debbie
From: Glen
RE: PHONE CALL - KERMIT WIGGINS
Date: June 7, 2001

Kermit Wiggins called today and advised that he wants to file proof of beneficial use of water. It looks like we then need to refund \$75 of the \$175 fees he paid.

*Permit holder pd. Reg. of Extension
fee of \$50.⁰⁰ & over paid his proof of
benef. use fee by \$25.⁰⁰*

MICROFILMED

3/12 3 4 2001



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

May 29, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KERMIT WIGGINS
JOANA WIGGINS
PO BOX 86
CAMBRIDGE ID 83610-0086

Re: Permit No. 67-07931

Dear Mr. and Mrs. Wiggins:

On May 25, 2001 the department received both a Proof of Beneficial Use and a Request for Extension of Time from you regarding the above-referenced permit. The department can accept only one of these forms. I am enclosing copies of the documents you filed, to determine which form is appropriate for filing at this time. The Request for Extension of Time is appropriate if the diversion system is not complete, and you request additional time to complete it. Or, the Proof of Beneficial Use is filed when the diversion is complete, and the water is being applied to its intended "beneficial" use.

Please contact me immediately to clarify which form you believe is appropriate for filing at this time. I will process the appropriate form, return the unnecessary form to you, and request a refund check to you for the excess fee you have paid. You can reach me at the above address, or my direct telephone line is (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

AUG 08 2001

March 31, 2001

JOANA WIGGINS
KERMIT WIGGINS
PO BOX 86
CAMBRIDGE, ID 836100086

PROOF DUE NOTICE

RE: PERMIT NO. 67-7931

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

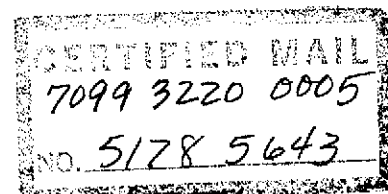
Sincerely,

Deborah J. Gibson , Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

AUG 08 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 4, 1999

KERMIT WIGGINS
JOANA WIGGINS
PO BOX 86
CAMBRIDGE ID 83610-0086

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 67-07931

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the IDWR 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 at least sixty days prior to the commencement of work in the stream.

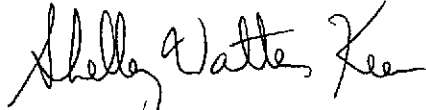
Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

SEP 30 1999

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

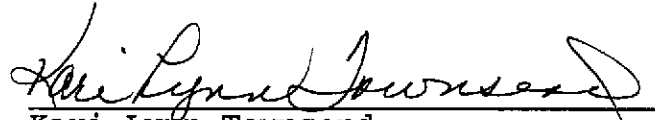
SEP 30 1992

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of June, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 67-07931

KERMIT WIGGINS
JOANA WIGGINS
PO BOX 86
CAMBRIDGE ID 83610-0086


Kari Lynn Townsend
Secretary

RECEIVED
SEP 30 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

MEMORANDUM

DATE: June 1, 1999

TO: Water Right File 67-07931

FROM: Shelley W. Keen ^(suk)

RE: Approval condition no. 10 on the permit

Kermit and Joanna Wiggins (Wiggins) filed application 67-07931 for a water right on October 1, 1993, seeking to appropriate 1.0 cubic feet per second (cfs) from ground water for irrigation purposes. The application was protested, and the protests were resolved in November, 1998. IDWR mailed a letter to Wiggins on March 3, 1998, and again on December 24, 1998, explaining that Wiggins could be required to mitigate for depletions to the Snake River resulting from their use of water under the permit if the depletions reduced base flows determined by the State of Idaho to be necessary for salmon migration, thereby requiring flow augmentation. The December 24, 1998, letter also advised that if Wiggins wished to show that their proposed use of water for irrigation purposes exceeded the public interest of not requiring others to augment flows for salmon migration caused by depletions under the permit, IDWR would consider their application but additional information would be required. A "Request to Process" form was mailed with both the letters, posing three alternatives from which Wiggins were to choose one. Wiggins questioned the need for the consent form in his response dated March 30, 1998. Wiggins also declined to sign and return the form while conversing with IDWR personnel in May, 1998.

Rather than hold the application without approval, the regional manager recommends approving the application with the usual condition explaining that mitigation may be required in the future. If Wiggins still decline to accept the condition, they can petition for reconsideration.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy StenNo.: 67-7931 Name: Wiggins Date: 5/25/99 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 264-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)

WMD (✓ MAP)

- > 0.24 cfs/5 acres - North / East / West
- ≤ 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- No MD

WMD

- Supp. irr. use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr. source)
- Supp. irr. + uses - 100-101
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED: - YES / NO; WHEN: 12/30/98 RESPONSE: OK

IN/ABOVE MSF (✓ MAP)

IN-STREAM DEVELOPMENT - 052 (stream channel alteration)

WD (✓ MAP & LISTING)

- > 0.20 cfs - 004 (WD # 67)
- ≤ 0.20 cfs - 004 (WD # 67)
- 01M-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 -P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R (65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 005, 067

USE:

- STORAGE (✓ 3 compo.) - 008A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA
- IRR ~~≤ 5 acres~~ - R06/R07/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- STOCKWATER - R37 (BLM/USFS); NA
- MINING - 054(req) -081-P10
- FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- MUNICIPAL
- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp. to SW? - 102
- DOMESTIC
- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- FIRE PROTECTION - 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 000
- 42-248 AREA - 004 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) -

- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU) _____

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

- 6 /1/ 2001

COMMENTS:

MEMORANDUM

DATE: February 3, 1999
TO: Gary Spackman, Western Region
THRU: Shelley Keen *SK*
FROM: Cindy Zimmerman *CZ*
SUBJECT: Review of Application for Permit No. 67-07931

During the review of this application, I noted the completed "Request for Processing" form requested by the department on December 24, 1998, is not in the application file. As you said, the missing documentation is a simple oversight on a complex file.

In follow-up to our telephone conversation this morning, I am returning this application to you for verification of my findings and any action you deem appropriate.

Thanks,

Cindy

NOT REFILED
SEP 30 1999

MEMO

RECEIVED

JAN 26 1999

Department of Water Resources

To: File No. 67-07931 in the Name of Kermit &/or Joana Wiggins
From: Gary Spackman *Gary*
Subject: Conditions of Approval
Date: January 21, 1999

After an extended period of negotiations starting in 1994, Kermit Wiggins and the protestants have signed an agreement withdrawing the protests and allowing the application to be considered by IDWR upon certain conditions being imposed. Each of the protestants signed a separate agreement titled a "reservoir agreement," but the language of all the agreements is identical. I recommend that this right be approved with the following conditions:

1. Use of water under this water right will be regulated by the Watermaster of State Water District No. 67, Weiser River.
2. Storage in the reservoir is only authorized when surface water rights in Rush Creek are not being delivered. Storage shall cease on June 15 of each year unless storage beyond June 15 is expressly authorized by the Watermaster of Water District No. 67, Weiser River.
3. After specific notification by the Watermaster of Water District No. 67, the right holder shall install suitable measuring devices to determine the inflow and outflow from the reservoir.

MICROFILMED

SEP 30 1999

4/93
RECEIVED

JAN 26 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: JEDATE: 10/5/93APPLICATION: 67-07931REQUIRED INFORMATION

JE Update - 5/20/96

Name: (If applicant is a corporation or partnership, 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:

Signature: (If applicant is corp., partnership or partnership is required)

Fee:

Yes ☐ No ☐ In form to receipt:

Gov't. Lots:

☒ P/D
☐ P/U
ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe application on the back.)

☐ ☒ Overlapping point of diversion:

☐ ☐ Field check required: Field check by

☐ ☐ Field report attached:

☐ ☐ Critical groundwater area:

☐ ☐ Groundwater management area:

☐ ☐ 1992 moratorium

☐ ☐ Copy to SCA staff (perennial stream, non-pump diversion):

☐ ☐ Send dam safety information: already has

☐ ☐ Send power requirement letter:

☐ ☐ Send fish farm requirement letter:

☐ ☐ Power residency affidavit:

☐ ☐ Power efficiency form:

☐ ☐ Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)

☒ ☐ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)

Large Div. n/a (abbreviated for already irrigated land)

*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: 10/5/93

☒ ☐ Additional information on reverse side:

Applicant has not
Responded to
several requests to
complete this.

"Future mit'g" correlation
should be added.
-JE 9/1 + 12/10/98

See response rec'd 11/10 & filed in 67-07930; plus County Comm.
letter rec'd 12/16.

N/A,
now
100
acres

4/93
RECEIVED

JAN 26 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET15N 3W S.3
S.10

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: SLDATE: 10/5/93APPLICATION: 67-07931REQUIRED INFORMATION

SL Update - 5/20/96

Name: (If applicant is a corporation or partnership, 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:
 Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
 Fee:
 Yes ☐ No ☐ In form to receipt:

Gov't. Lots:

☒ P/D
☐ P/U
ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on the back.)
☐ ☒ Overlapping point of diversion:
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☐ ☐ Critical groundwater area:
☐ ☐ Groundwater management area:
☐ ☐ 1992 moratorium
☐ ☐ Copy to SCA staff (perennial stream, non-pump diversion):
☐ ☐ Send dam safety information: already has
☐ ☐ Send power requirement letter:
☐ ☐ Send fish farm requirement letter:
☐ ☐ Power residency affidavit:
☐ ☐ Power efficiency form:
☐ ☐ Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☒ ☐ 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
☒ ☐ Large Div. info (abbreviated for already irrigated land)
☐ ☐ DATE REQUESTED: 10/5/93
☒ ☐ Additional information on reverse side:

N/A,
now
100
acres

See response rec'd 11/10 & filed in 67-07930; plus county comm.
 letter rec'd 12/16.

PROCESSING

APPLICATION NO.

67-07931

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

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

(YES) NO

☐ ☒
☐ ☒
☒ ☐
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # 67

Other

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:

Protests received. Final date for protest 12-20-93

Protest dates, resolution of protest recorded on application:

Recommendations attached: ~~Approved, Done~~

Measuring device required:

Measuring port required:

Water delivered by water master? District # 67, Weiser R

Special conditions of approval or cover letter:

~~See below for additional information. See memo dated 12/20/93 1/21/99~~

See below for additional information

Recommended Date or Priority 10/1/93

Recommended by: Doug S

Date 1/20/99

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

Same P/U for same owner as 67-07930, concurrent appl. for ground water & T. 4148 (3 Rush Ck. rights via same Rush Ck. pld's pipeline). Additionally, 67-00287 & 67-04542 are two other Rush Ck. rights for part of same P/U.

Update - See 5/20/96 pour comp for details - no rights/claims from lower stream source for the 100 acres in question.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT GRUNDER
IDFG SOUTHWEST REGION
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit No. 67-07931 in the Name of Kermit Wiggins

Dear Scott:

Enclosed is an application that was filed in 1993. Notice of the application was published in 1994, and was protested by six (6) individuals. The original application proposes storage on an unnamed stream tributary to Rush Creek. During periods of low flow, the applicant originally proposed to divert water from Rush Creek above the reservoir, and release reservoir water to Rush Creek to compensate for his diversion. The protestants objected to this exchange proposal, and Wiggins finally agreed that he would not exchange water in the reservoir with water flowing in Rush Creek, and the protestants withdrew their protests. Because this application was published in 1994, the protest period has expired. Nonetheless, we seek the comment of Fish & Game regarding this application to help us to reach a decision.

Sincerely,

Gary Spackman

GS:st

*Gary -
The IDFG does not
see any big problems associated
with application. Thank you.
Z. H. K. Alexander*

MICROFILMED

SEP 30 1999

IDFG
12-31-98



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KERMIT WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

Re: Application for Water Right No. 67-07931

Dear Mr. Wiggins:

The Idaho Department of Water Resources (IDWR) received withdrawals of protest from all of the protestants to application for water right no. 67-07931. I am now reviewing the application.

Enclosed is a letter and a Request to Process form that IDWR is sending to all applicants for water rights. The letter explains the reason for the "Request to Process" form. IDWR has asked that all applicants complete the Request to Process form prior to approving an application for permit. Our files reflect that you have discussed this matter previously with Steve Lester of this office. Steve stated to me that you were reluctant to sign the form.

This letter is a request for information pursuant to Idaho Code § 42-204. I ask that you return the completed form within thirty (30) days of the date of this letter. Failure to submit the requested information is cause for the director to void your application.

I am also sending a letter to Scott Grunder of Fish & Game asking him for comment. We are now requesting comment from Fish & Game for every proposed surface water diversion.

Sincerely,



Gary Spackman

GS:st

CC: Lary C. Walker, Attorney at Law, PO Box 828, Weiser, Idaho 83672

MICROFILMED

SEP 30 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KERMIT WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

RE: APPLICATION FOR PERMIT NO. 67-07931

Dear Applicant:

You have filed the above referenced application for permit to appropriate water for a consumptive use. If the appropriation is completed as described in the application, it may result in some reduction in flows in the Snake River. As you are undoubtedly aware, various actions are being taken throughout the Snake River and Columbia River Basins to protect endangered and threatened anadromous fish. These actions include the acquisition of water supplies to maintain or enhance streamflows during migration periods.

Federal funds are being used to obtain the rights to both natural flow and stored water to augment flows in order to meet flow targets in the Snake and Columbia Rivers. While the necessity and value of flow augmentation has not yet been established, the State of Idaho has cooperated with the other states in the Pacific Northwest and with federal agencies to allow limited flow augmentation on a trial basis while additional data are gathered to determine the most appropriate way to stabilize and enhance fish populations.

Under Idaho law, an application to appropriate water cannot be granted unless the six criteria listed in Section 42-203A, Idaho Code, are satisfied. One of these criterion is that the proposed use must be in the "local public interest" where the local public interest is defined as "the affairs of the people in the area directly affected by the proposed use." If granting an application to appropriate would reduce flows in the Snake River such that additional water would have to be secured from other sources for flow augmentation, it may be difficult to show that granting the application would be in the local public interest. As a result, the Idaho Department of Water Resources (IDWR) has delayed processing applications which, without mitigation, may deplete flows in the Snake River.

Proposed appropriations of water, such as that described in your application, may also have value with respect to the local public interest and should be given consideration, provided salmon recovery efforts would not be affected and the appropriation would not result in additional flow augmentation being required. Consequently, IDWR is processing applications to appropriate water when the applicant either:

- (1) can 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;

MICROFILMED

SEP 30 1992

- (2) proposes adequate mitigation (or make-up water) as part of the proposed appropriation to offset anticipated depletions to flows in the Snake River during periods of anadromous fish migration; or
- (3) agrees to provide mitigation as needed in the future if it is determined that not mitigating depletions caused by the applicant's appropriation would result in additional water being required from other sources to augment flows during migration periods of anadromous fish.

The purchase or rental of storage water, which can be used for flow augmentation, may be the most available form of mitigation that could be used for mitigation, should mitigation be necessary. Under alternative 3 above, mitigation is not required when the application is processed, but may be required in the future based upon a finding by IDWR that depletions to Snake River flows resulting from appropriations made under permits issued after January 1, 1998 have increased the amounts of water required from other sources to augment flows for migrating anadromous fish. This alternative would entail including the following condition of approval if the application for a permit to appropriate water is approved:

The Director retains jurisdiction over this permit and any subsequent license to require the right holder to provide purchased or leased water from natural flow or storage, or other mitigation acceptable to the Director, to offset depletion of Lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is 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 and any subsequent license.

For applications where one of the three conditions listed above is met, and the application is otherwise of proper form, IDWR will process the application. Alternatively, an applicant may choose to have IDWR continue to delay processing an application for permit until a later date. In that case, IDWR can hold your application pending changes in salmon recovery strategies, such as the potential elimination of flow augmentation requirements, and corresponding changes in IDWR policies. The priority date (seniority) of the proposed appropriation is protected for applications held because of IDWR policies. If you choose to have IDWR continue to hold your application at this time, you do not need to reply to this letter.

Please contact me if you have any questions about your application.

Sincerely,

Water Allocation Staff

Enclosure

RECORDED
SEP 30 1999

REQUEST TO PROCESS

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

Name of Applicant _____

Mailing Address _____

Application No. _____
(if known)

_____ **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.

Signature _____

Date _____

Please return this form to:

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

MONROE-12-110
SEP 30 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT GRUNDER
IDFG SOUTHWEST REGION
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit No. 67-07931 in the Name of Kermit Wiggins

Dear Scott:

Enclosed is an application that was filed in 1993. Notice of the application was published in 1994, and was protested by six (6) individuals. The original application proposes storage on an unnamed stream tributary to Rush Creek. During periods of low flow, the applicant originally proposed to divert water from Rush Creek above the reservoir, and release reservoir water to Rush Creek to compensate for his diversion. The protestants objected to this exchange proposal, and Wiggins finally agreed that he would not exchange water in the reservoir with water flowing in Rush Creek, and the protestants withdrew their protests. Because this application was published in 1994, the protest period has expired. Nonetheless, we seek the comment of Fish & Game regarding this application to help us to reach a decision.

Sincerely,

Gary Spackman

GS:st

Encl. - copy of app.

MICROFILMED

SEP 30 1999

LARY C. WALKER LAW OFFICE

Lary C. Walker
Attorney at Law

232 East Main St.
P.O. Box 828
Weiser, ID 83672
Telephone (208) 549-0390
FAX (208) 549-0404

Aaron J. Bazzoli
Associate Attorney

November 18, 1998

RECEIVED

NOV 19 1998

**WATER RESOURCES
WESTERN REGION**

Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082
Attn: Gary Spackman

Re: Permit No. 67-07931
Our File: Kermit Wiggins 98-5935

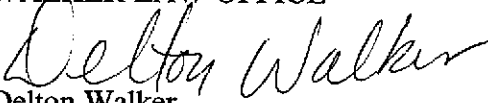
Dear Mr. Spackman,

In the matter of application for permit number 67-07931 we have prepared and all objecting parties have signed identical agreements withdrawing their objections to the application upon the conditions set out in the agreements. The hearing scheduled on November 17, 1998 regarding this matter was cancelled because it appeared that the protesting parties would withdraw their objections through this agreement.

All objecting parties signed the agreements and we have enclosed them for your record so that the application process Mr. Wiggins began in 1993 can go forward. If there are any other problems or obstacles that will not allow the application to go forward, please contact our office and ask for Delton Walker.

Thank you.

WALKER LAW OFFICE


Delton Walker
Paralegal

MICROFILMED
SEP 30 1999

RESERVOIR AGREEMENT

THIS AGREEMENT made and entered into this 12 day of Nov., 1998, by and between KERMIT WIGGINS and JOANA WIGGINS, hereinafter referred to as "Applicants" and MELVIN &/or INEZ DOTSON, hereinafter referred to as "Protestants."

W I T N E S S E T H :

WHEREAS, Applicants have developed a reservoir with a point of diversion located at SWSE Sec. 10, Township 15 N., Range 03W, Washington County. On October 1, 1993 Applicants applied for a permit, permit number 67-07931, with the Department of Water Resources to appropriate the public waters of the State of Idaho.

WHEREAS, Protestants objected to the original application because they believed that the exchange of water from other reservoirs owned by Applicants would interfere with their riparian water rights.

WHEREAS, Applicant has agreed to withdraw the plan for exchange of water from his original application and instead use only early spring run off from Rush Creek to fill the reservoir.

NOW THEREFORE, in consideration of the mutual covenants, promises, and conditions herein set forth, the parties hereby agree as follows:

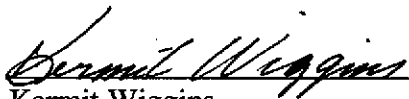
1. That On October 1, 1993 Applicants applied for water under permit number 67-07931.
2. That Applicants will not use exchange water by dumping out of the reservoir

while using water out of Rush Creek in an equal amount under permit number 67-07931.

3. That the reservoir will be filled during early spring run off subject to all earlier water rights.

4. That Protestants hereby withdraw their objections to application for permit number 67-07931 with the Department of Water Resources and agree to the issuance of this permit subject to all prior water rights.

5. This Agreement shall be binding on the heirs, assigns, representatives and agents of the parties hereto.


Kermit Wiggins


Joana Wiggins


Melvin &/or Inez Dotson

STATE OF IDAHO)
County of Washington) :ss.

On this 12th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared KERMIT WIGGINS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

John C. Hemenway
Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

STATE OF IDAHO)
County of Washington) :ss.

On this 12th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared JOANA WIGGINS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

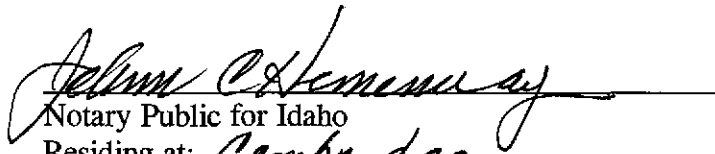
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

John C. Hemenway
Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

STATE OF IDAHO)
)
 :ss.
County of Washington)

On this 16th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared HUBERT WARD, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.


Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

STATE OF IDAHO)
)
 :ss.
County of)

On this ____ day of _____, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared BETTY WARD, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

Notary Public for Idaho
Residing at:
My Commission Expires:

NOTARIZED
SEP 30 1999

RESERVOIR AGREEMENT

THIS AGREEMENT made and entered into this 12 day of Nov., 1998, by and between KERMIT WIGGINS and JOANA WIGGINS, hereinafter referred to as "Applicants" and HUBERT &/or BETTY WARD, hereinafter referred to as "Protestants."

W I T N E S S E T H :

WHEREAS, Applicants have developed a reservoir with a point of diversion located at SWSE Sec. 10, Township 15 N., Range 03W, Washington County. On October 1, 1993 Applicants applied for a permit, permit number 67-07931, with the Department of Water Resources to appropriate the public waters of the State of Idaho.

WHEREAS, Protestants objected to the original application because they believed that the exchange of water from other reservoirs owned by Applicants would interfere with their riparian water rights.

WHEREAS, Applicant has agreed to withdraw the plan for exchange of water from his original application and instead use only early spring run off from Rush Creek to fill the reservoir.

NOW THEREFORE, in consideration of the mutual covenants, promises, and conditions herein set forth, the parties hereby agree as follows:

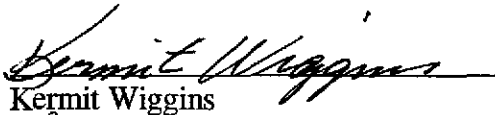
1. That On October 1, 1993 Applicants applied for water under permit number 67-07931.
2. That Applicants will not use exchange water by dumping out of the reservoir

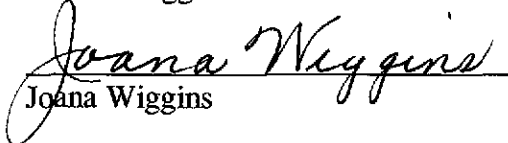
while using water out of Rush Creek in an equal amount under permit number 67-07931.

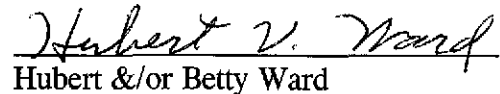
3. That the reservoir will be filled during early spring run off subject to all earlier water rights.

4. That Protestants hereby withdraw their objections to application for permit number 67-07931 with the Department of Water Resources and agree to the issuance of this permit subject to all prior water rights.

5. This Agreement shall be binding on the heirs, assigns, representatives and agents of the parties hereto.


Kermit Wiggins


Joana Wiggins


Hubert &/or Betty Ward

STATE OF IDAHO)
)
County of Washington) :ss.

On this 12th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared KERMIT WIGGINS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

John C. Hemenway
Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

STATE OF IDAHO)
)
County of Washington) :ss.

On this 12th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared JOANA WIGGINS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

John C. Hemenway
Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

NOTARIZED

SEP 30 1999

STATE OF IDAHO)
 :SS.
County of)

On this ____ day of _____, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared WOODROW HELDT, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

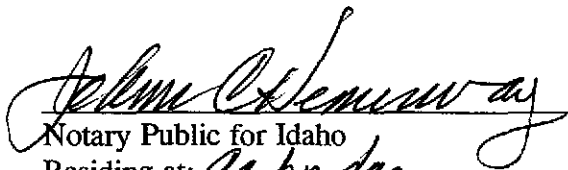
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

Notary Public for Idaho
Residing at:
My Commission Expires:

STATE OF IDAHO)
 :SS.
County of Washington)

On this 16th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared PATRICIA HELDT, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.



Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

RECORDED
SEP 30 1999

RESERVOIR AGREEMENT

THIS AGREEMENT made and entered into this 12 day of Nov., 1998, by and between KERMIT WIGGINS and JOANA WIGGINS, hereinafter referred to as "Applicants" and WOODROW &/or PATRICIA HELDT, hereinafter referred to as "Protestants."

WITNESSETH:

WHEREAS, Applicants have developed a reservoir with a point of diversion located at SWSE Sec. 10, Township 15 N., Range 03W, Washington County. On October 1, 1993 Applicants applied for a permit, permit number 67-07931, with the Department of Water Resources to appropriate the public waters of the State of Idaho.

WHEREAS, Protestants objected to the original application because they believed that the exchange of water from other reservoirs owned by Applicants would interfere with their riparian water rights.

WHEREAS, Applicant has agreed to withdraw the plan for exchange of water from his original application and instead use only early spring run off from Rush Creek to fill the reservoir.

NOW THEREFORE, in consideration of the mutual covenants, promises, and conditions herein set forth, the parties hereby agree as follows:

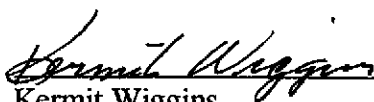
1. That On October 1, 1993 Applicants applied for water under permit number 67-07931.
2. That Applicants will not use exchange water by dumping out of the reservoir

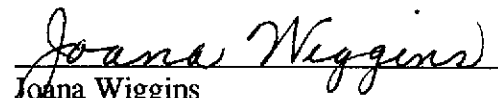
while using water out of Rush Creek in an equal amount under permit number 67-07931.

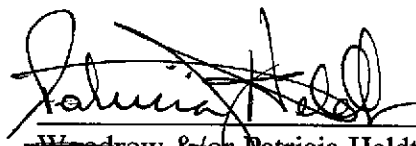
3. That the reservoir will be filled during early spring run off subject to all earlier water rights.

4. That Protestants hereby withdraw their objections to application for permit number 67-07931 with the Department of Water Resources and agree to the issuance of this permit subject to all prior water rights.

5. This Agreement shall be binding on the heirs, assigns, representatives and agents of the parties hereto.


Kermit Wiggins


Joana Wiggins


~~Woodrow &/or Patricia Heldt~~

STATE OF IDAHO)
County of Washington) :ss.

On this 12th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared KERMIT WIGGINS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

John C. Hemmery
Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

STATE OF IDAHO .)
County of Washington) :ss.

On this 12th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared JOANA WIGGINS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

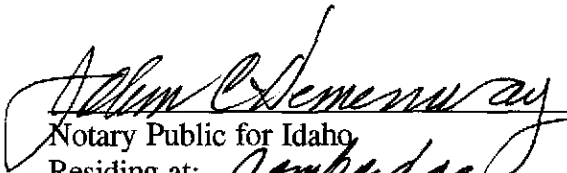
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

John C. Hemmery
Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

STATE OF IDAHO)
County of Washington) :ss.

On this 16th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared CHARLES EDWARDS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.


Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

STATE OF IDAHO)
County of) :ss.

On this ____ day of _____, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared CLARA EDWARDS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

Notary Public for Idaho
Residing at:
My Commission Expires:

RESERVOIR AGREEMENT

THIS AGREEMENT made and entered into this 12 day of Nov., 1998, by and between KERMIT WIGGINS and JOANA WIGGINS, hereinafter referred to as "Applicants" and CHARLES &/or CLARA EDWARDS, hereinafter referred to as "Protestants."

W I T N E S S E T H :

WHEREAS, Applicants have developed a reservoir with a point of diversion located at SWSE Sec. 10, Township 15 N., Range 03W, Washington County. On October 1, 1993 Applicants applied for a permit, permit number 67-07931, with the Department of Water Resources to appropriate the public waters of the State of Idaho.

WHEREAS, Protestants objected to the original application because they believed that the exchange of water from other reservoirs owned by Applicants would interfere with their riparian water rights.

WHEREAS, Applicant has agreed to withdraw the plan for exchange of water from his original application and instead use only early spring run off from Rush Creek to fill the reservoir.

NOW THEREFORE, in consideration of the mutual covenants, promises, and conditions herein set forth, the parties hereby agree as follows:

1. That On October 1, 1993 Applicants applied for water under permit number 67-07931.
2. That Applicants will not use exchange water by dumping out of the reservoir

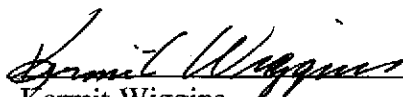
MICROFILMED
SEP 30 1999

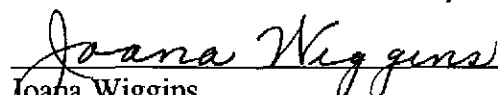
while using water out of Rush Creek in an equal amount under permit number 67-07931.

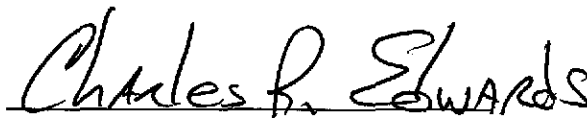
3. That the reservoir will be filled during early spring run off subject to all earlier water rights.

4. That Protestants hereby withdraw their objections to application for permit number 67-07931 with the Department of Water Resources and agree to the issuance of this permit subject to all prior water rights.

5. This Agreement shall be binding on the heirs, assigns, representatives and agents of the parties hereto.


Kermit Wiggins


Joana Wiggins


Charles &/or Clara Edwards

MICROFILMED
SEP 30 1999

STATE OF IDAHO)
County of Washington) :SS.

On this 12th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared KERMIT WIGGINS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

John C. Hemmery
Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

STATE OF IDAHO)
County of Washington) :SS.

On this 12th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared JOANA WIGGINS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

John C. Hemmery
Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

STATE OF IDAHO)
County of Washington):SS.

On this 16th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared MELVIN DOTSON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

William C. Hemmway
Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

STATE OF IDAHO)
County of):SS.

On this ____ day of _____, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared INEZ DOTSON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

Notary Public for Idaho
Residing at:
My Commission Expires:

RECORDED
SEP 30 1999

RESERVOIR AGREEMENT

THIS AGREEMENT made and entered into this 12 day of Nov., 1998, by and between KERMIT WIGGINS and JOANA WIGGINS, hereinafter referred to as "Applicants" and W.G. &/or SHIRLEY ATTEBERRY, hereinafter referred to as "Protestants."

WITNESSETH:

WHEREAS, Applicants have developed a reservoir with a point of diversion located at SWSE Sec. 10, Township 15 N., Range 03W, Washington County. On October 1, 1993 Applicants applied for a permit, permit number 67-07931, with the Department of Water Resources to appropriate the public waters of the State of Idaho.

WHEREAS, Protestants objected to the original application because they believed that the exchange of water from other reservoirs owned by Applicants would interfere with their riparian water rights.

WHEREAS, Applicant has agreed to withdraw the plan for exchange of water from his original application and instead use only early spring run off from Rush Creek to fill the reservoir.

NOW THEREFORE, in consideration of the mutual covenants, promises, and conditions herein set forth, the parties hereby agree as follows:

1. That On October 1, 1993 Applicants applied for water under permit number 67-07931.
2. That Applicants will not use exchange water by dumping out of the reservoir

MICROFILMED

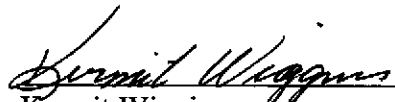
SEP 30 1999

while using water out of Rush Creek in an equal amount under permit number 67-07931.

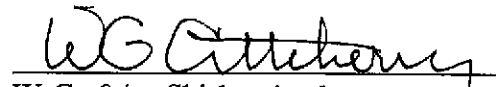
3. That the reservoir will be filled during early spring run off subject to all earlier water rights.

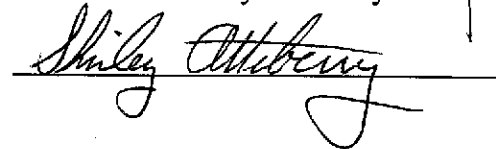
4. That Protestants hereby withdraw their objections to application for permit number 67-07931 with the Department of Water Resources and agree to the issuance of this permit subject to all prior water rights.

5. This Agreement shall be binding on the heirs, assigns, representatives and agents of the parties hereto.


Kermit Wiggins


Joana Wiggins


W.G. &/or Shirley Atteberry


Shirley Atteberry

STATE OF IDAHO)
)
County of Washington) :SS.

On this 12th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared KERMIT WIGGINS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

John C. Hemmery
Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

STATE OF IDAHO)
)
County of Washington) :SS.

On this 12th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared JOANA WIGGINS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

John C. Hemmery
Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

SEP 30 1999

STATE OF IDAHO)
)
) :SS.
County of)

On this ____ day of _____, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared THOMAS HUBBARD, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

Notary Public for Idaho
Residing at:
My Commission Expires:

STATE OF IDAHO)
)
) :SS.
County of Washington)

On this 17th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared DORIS HUBBARD, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

William C. Newman
Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

SEP 30 1999

RESERVOIR AGREEMENT

THIS AGREEMENT made and entered into this 12 day of Nov., 1998, by and between KERMIT WIGGINS and JOANA WIGGINS, hereinafter referred to as "Applicants" and THOMAS &/or DORIS HUBBARD, hereinafter referred to as "Protestants."

W I T N E S S E T H :

WHEREAS, Applicants have developed a reservoir with a point of diversion located at SWSE Sec. 10, Township 15 N., Range 03W, Washington County. On October 1, 1993 Applicants applied for a permit, permit number 67-07931, with the Department of Water Resources to appropriate the public waters of the State of Idaho.

WHEREAS, Protestants objected to the original application because they believed that the exchange of water from other reservoirs owned by Applicants would interfere with their riparian water rights.

WHEREAS, Applicant has agreed to withdraw the plan for exchange of water from his original application and instead use only early spring run off from Rush Creek to fill the reservoir.

NOW THEREFORE, in consideration of the mutual covenants, promises, and conditions herein set forth, the parties hereby agree as follows:

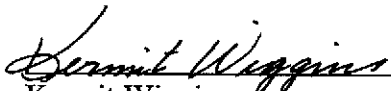
1. That On October 1, 1993 Applicants applied for water under permit number 67-07931.
2. That Applicants will not use exchange water by dumping out of the reservoir

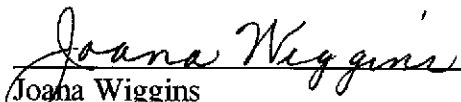
while using water out of Rush Creek in an equal amount under permit number 67-07931.

3. That the reservoir will be filled during early spring run off subject to all earlier water rights.

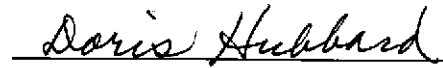
4. That Protestants hereby withdraw their objections to application for permit number 67-07931 with the Department of Water Resources and agree to the issuance of this permit subject to all prior water rights.

5. This Agreement shall be binding on the heirs, assigns, representatives and agents of the parties hereto.


Kermit Wiggins


Joana Wiggins

Thomas &/or Doris Hubbard


Doris Hubbard

STATE OF IDAHO)
 :SS.
County of Washington)

On this 12th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared KERMIT WIGGINS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

John C. Hemmery
Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

STATE OF IDAHO)
 :SS.
County of Washington)

On this 12th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared JOANA WIGGINS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

John C. Hemmery
Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

SEP 30 1999

STATE OF IDAHO)
 :SS.
County of)

On this ____ day of _____, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared THOMAS HUBBARD, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

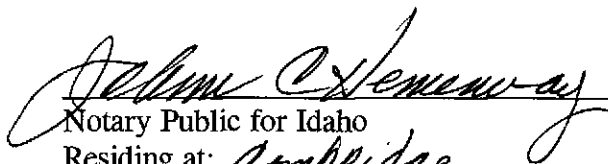
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

Notary Public for Idaho
Residing at:
My Commission Expires:

STATE OF IDAHO)
County of Washington):SS.

On this 17th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared DORIS HUBBARD, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.



Notary Public for Idaho
Residing at: Cambridge
My Commission Expires: 11-18-99

SEP 30 1999

PROTEST INFORMATION SHEET

APPLICANT : Kermit &/or Joana Wiggins WR # 67-7931

Date Filed: 10-1-93

Protest Date December 20, 1993

Protestant(s) Name & Address:

Woodrow &/or Patricia Heldt, 3447 Rush Cr. Rd., Cambridge, Id 83610

Hurbert &/or Betty Ward, Route 1 Box 230, Cambridge Id 83610

W.G. &/or Shirley Atteberry, 3494 Rush Cr. Rd., Cambridge, Id 83610

Clara &/or Charles Edwards, 3069 Rush Cr. Rd., Cambridge, Id 83610

Melvin &/or Inez Dotson, 3101 Rush Cr. Rd., Cambridge, Id 83610

Thomas &/or Doris Hubbard, 3042 Legg Ln., Cambridge Id 83610

Attorney - Name & Address _____

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement Letters _____

Hearing Notice _____

Hearing Date _____

Other: _____

SEP 30 1993

PROTEST INFORMATION SHEET

APPLICANT : Kermit &/or Joana Wiggins WR # 67-7931

Date Filed: 10-1-93

Protest Date December 20, 1993

Protestant(s) Name & Address:

257-3564 Woodrow &/or Patricia Heldt, 3447 Rush Cr. Rd., Cambridge, Id 83610 ✓
257-3554 Hurbert &/or Betty Ward, Route 1 Box 230, Cambridge Id 83610 ✓
257-3562 W.G. &/or Shirley Atteberry, 3494 Rush Cr. Rd., Cambridge, Id 83610 ✓
257-3732 Clara &/or Charles Edwards, 3069 Rush Cr. Rd., Cambridge, Id 83610 ✓
257-3416 Melvin &/or Inez Dotson, 3101 Rush Cr. Rd., Cambridge, Id 83610 ✓
257-3820 Thomas &/or Doris Hubbard, 3042 Legg Ln., Cambridge Id 83610 ✓

Attorney - Name & Address _____

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement Letters _____

Hearing Notice _____

Hearing Date _____

Other: _____

SEP 30 1999

CONVERSATION MEMORANDUM

DATE 10/26/98
FILE 67-07931

NAME OF PARTY DeHun Walker & Larry Walker's office
EMPLOYEE R

RE: Protests -

DeHun W., president & Applicant's attorney's office, called to discuss possible protest withdrawal. Law office hopes to conclude agreement so that 11/17/98 protest conference won't be needed.

We also discuss the "Request To Process" form that Applicant still has not completed.

DeHun W. again

10/29/98

Protest withdrawal agreement has been drafted for signature. Should receive it & done soon so looks like protest conf. may not be needed.

NOTED

SEP 30 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 9/14/98

TO: Larry Walker

FROM: Steve Latta

Fax 208-549-0404

DOCUMENT DESCRIPTION: Wiggins Appl. 67-07391:
generic letter & "Request to Process" form as
discussing scheduling of pre-hearing conference in process.
Have noted that you are unavailable Oct 19-31.

TOTAL PAGES SENT: 3 + COVER SHEET

CONTACT: _____

RECEIVED

SEP 30 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 10/20/98

TO: Walker Law
ATTN: Delton

FROM: J. Westra

DOCUMENT DESCRIPTION:

Wiggins Application Conference Notice
#67-07931

TOTAL PAGES SENT: 1 + COVER SHEET

CONTACT: _____

RECEIVED

SEP 30 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 67-07931 IN THE)
NAME OF KERMIT &/OR JOANA)
WIGGINS.)

NOTICE OF CONFERENCE

In October 1, 1993, Kermit &/or Joana Wiggins filed with the Department of Water Resources (department) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Woodrow &/or Patricia Heldt, Hubert &/or Betty Ward, W. G. &/or Shirley Atteberry, Charles &/or Clara Edwards, Melvin &/or Inez Dotson and Thomas &/or Doris Hubbard.

The department has scheduled a conference for the protest to be held on Tuesday, November 17, 1998, at 10:00 a.m. at Kay's Cafe, Highway 95, Cambridge, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

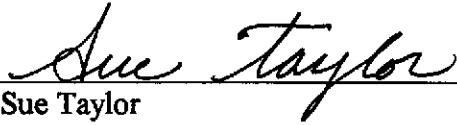
The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 7th day of October 1998.



Gary Spackman

I hereby certify that on the 7th day of October 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

WOODROW &/OR PATRICIA HELDT
3447 RUSH CR RD
CAMBRIDGE ID 83610

HUBERT V &/OR BETTY WARD
RT 1 BOX 230
CAMBRIDGE ID 83610

W G &/OR SHIRLEY ATTEBERRY
3494 RUSH CR RD
CAMBRIDGE ID 83610

CLARA M &/OR CHARLES R EDWARDS
3079 RUSH CR RD
CAMBRIDGE ID 83610

MELVIN A &/OR INEZ G DOTSON
3101 RUSH CR RD
CAMBRIDGE ID 83610

THOMAS &/OR DORIS HUBBARD
3042 LEGG LN
CAMBRIDGE ID 83610

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED

SEP 30 1999

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

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SEP 30 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

October 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

**KAY'S CAFE
ATTN: DONNA
HIGHWAY 95
CAMBRIDGE ID 83610**

Dear Donna:

The purpose of this letter is to confirm the reservation for the Department of Water Resources on November 17, 1998, at 10:00 a.m.

If there are any questions or problems please call Sue Taylor at (208) 334-2190.

Sincerely,


Gary Spackman

GS:st

MICROFILMED

SEP 30 1999

CONVERSATION MEMORANDUM

DATE 9/14/98

FILE 67-07931

NAME OF PARTY Larry Walker 208-549-0390

EMPLOYEE RZ

RE: Attorney for Applicant

Called to check on status:

- 1) ~~part~~ protests not withdrawn per 6/10/96 letter from protestors.
- 2) still need "request to process" form completed

Forwarded copy of director's letter re "request to process" form for Larry's review.

He said he is not available for conference 10/19-10/31 (has trial then)

fox = 549-0404

MICROFILMED

SEP 30 1999

CONVERSATION MEMORANDUM

DATE

5/6/98

FILE

67-07931

NAME OF PARTY

Kermit Wiggins 208-257-3428

EMPLOYEE

JL

RE:

"Response Form" (re my 3/3/98 letter)

Mr. Wiggins called today to discuss my 3/3 letter & his 3/30 reply. So far he has declined to sign "response form" so processing has halted.

Lots of back & forth on these issues plus the pipeline controversy w/ Newbolds (I'm working with Mr. on that other issue - have file on it if needed).

Will respond to his 3/30 letter soon.

Pipeline was eliminated from this App.

(update)

9/1/98

Now sent reply to his 3/30 letter - dept. halted "response form" letters & waited until just recently before had approved letter to use on the "system flow" issues.

Can discuss a protest conference.

SEP 30 1999

CONVERSATION MEMORANDUM

DATE 8/31/98
FILE 67-07931

NAME OF PARTY

Gerry Myers - Watermaster

EMPLOYEE

82

RE:

Wiggins' Reservoir

Gerry called to confirm status of
Wiggins' new reservoir below home & west of
Rush Creek. That is 67-07931, protected area.

Gerry said he had Wiggins' dump the
water held in this reservoir due to
downstream call for water. Watermaster made
the correct decision.

Told him that manager is working on
scheduling protest conference for late October so
hope to resolve prior to next irriga-
season.

MICROFILMED

SEP 30 1999

Cambridge, Idaho
March 30, 1998

RECEIVED

APR 01 1998

WATER RESOURCES
WESTERN REGION

Steve Lester
Water Rights Supervisor
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RE: Application for Permit No. 67-07931

Dear Mr. Lester,

In referece to your letter of March 3 it was my understanding that the matter of protest on Permit No. 67-07931 was over the exchange of water. I agreed to drop the exchange of water. Please refer to my letter to David Tuthill of July 10, 1995. When the amended applications was prepared some changes were made besides the exchange of water. I pointed out this mistake in my letter and stated that only the exchange of water should be changed.

The additional questions I have concerns the fishery aspect of your letter.

Is the downstream fishery impact only for Rush Creek or is it for the Snake River Basin?

From July on, Rush Creek is not a contributing stream to the Weiser River. If I sign the condition of approval, will it make it necessary for Rush Creek to become a contributing stream?

It has been my understanding that agriculture irrigation was the priority use of Idaho water. Is fishery now the number one use of this water? Has there been some changes in the laws?

I would like some more correspondence on this matter. Thank you for your cooperation.

Sincerely,



Kermit L. Wiggins

MICROFILM

SEP 30 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

MARCH 3, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KERMIT &/OR JOANA WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

RE: APPLICATION FOR PERMIT NO. 67-07931

Dear Mr. and Mrs. Wiggins:

The above referenced application for permit that includes storage from Rush Creek and an unnamed stream (runoff) was filed in 1993 and remains protested. This filing involves irrigation, which is a consumptive use. Your proposed development might impact the water supply related to downstream fishery resources sometime in the future.

Applications that include consumptive use can be processed if applicants are willing to accept a condition of approval that can require mitigation at a later date if the need for mitigation is clearly documented. Mitigation can include steps such as purchasing storage water to offset adverse impacts to fishery resources.

Enclosed is a response form to be completed and returned if you are willing to accept this condition of approval. Please note that mitigation is not required at this time but might be in the future. Your response at this time can save time later in the process once the protest issues are resolved.

Please let me know if you have any questions about your application.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Steve Lester'.

Steve Lester
Water Rights Supervisor

Enclosure

RECEIVED

SEP 30 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 6, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KERMIT &/OR JOANA WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

Re: Amended Application for Permit No. 67-07931

Dear Mr. & Mrs. Wiggins:

Enclosed for your review is the above-referenced amended application for permit. Please review this application and let us know as soon as possible if it meets with your approval and we will set the matter for a conference.

Please call this office if you have any questions in this matter.

Sincerely,

Steve Lester
Deputy Regional Manager

SL/st

Encl.

RECEIVED
SEP 30 1999

Cambridge, Idaho
June 5, 1996

David R. Tuthill
Manager, Western Regional Office
Department of Water Resources
Boise, Idaho 83705

RE: Application for Permit No. 67-07931

Dear Mr. Tuthill,

After reading your letter of May 21, 1996 sent to Interested Party, I am concerned about the wording in the first paragraph, ie: " Note that this version does not contemplate diversion and FILLING from Rush Creek."

In your letter of may 1 1996 you acknowledged the mistake for irrigation, storage etc. and that I would drop the EXCHANGE of water from Rush Creek.

When I signed the amended application I only wanted to drop the exchange of water when I am irrigating. I will pump from the pond. I still want to be able to fill the pond to its capacity from Rush Creek during flood water season if it doesn't fill from run off.

I am afraid this will cause me a problem if we don't resolve this wording now.

Please refer to your letters of May 1 and May 21.

Thank you.

Sincerely,



Kermit Wiggins

wor

RECEIVED

JUN 10 1996

WATER RESOURCES
WESTERN REGION

REC'D - 10/10/96

SEP 10 1996

June 10, 1996

RECEIVED
JUN 14 1996
WATER RESOURCES
WESTERN REGION

David C. Tuthill
Manager, Western Regional Office
Idaho Dept. of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

SUBJECT: Application for Permit No. 67-07931/Kermit or
Joana Wiggins

Dear Sir:

We have reviewed the amended version of the above-referenced application for permit. The amended conditions answer some of our concerns as to the use and management of the water.

However, we are still faced with the question of where is this water coming from? Attachment B shows neither the location of the proposed reservoir nor the un-named stream from which the water is to be diverted. We cannot consider a withdrawal of our protest without this information. Nor do we understand how IDWR can consider issuance of a permit without more detail.

Thank you for the opportunity to review this permit application.

John & Shirley Atteberry
John & Shirley Atteberry
Hubert Ward
Hubert & Betty Ward

Charles & Clara Edwards
Charles & Clara Edwards

Woodrow & Patricia Heldt
Woodrow & Patricia Heldt
Melvin & Inez Dotson
Melvin & Inez Dotson
Thomas & Doris Hubbard
Thomas & Doris Hubbard

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SEP 30 1999

May 21, 1996

Distribution: See Attached

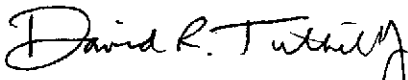
RE: Amended Application for Permit No. 67-07931 in the Name of
Kermit or Joana Wiggins

Dear Interested Party:

Enclosed please find an amended version of the above-referenced application for permit. Note that this version does not contemplate diversion and filling from Rush Creek but rather proposes diversion and pumping of water that gathers in an unnamed stream tributary to Rush Creek.

I have enclosed with this letter a document entitled "Withdrawal of Protest and Agreement of Conditions." It is my understanding that this document and the amended application serve to address the concerns expressed by the protestants at the conference held in this matter on February 14, 1994. If this is the case, please sign and return this document to this office by June 14, 1996. If not, please specify the nature of your continuing concern in a letter to this office.

Sincerely,



David R. Tuthill, Jr., P. E.
Manager, Western Regional Office

Enclosures

MICROFILMED

SEP 30 1999

KERMIT &/OR JOANA WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

W G &/OR SHIRLEY ATTEBERRY
3494 RUSH CR RD
CAMBRIDGE ID 83610

WOODROW &/OR PATRICIA HELDT
3447 RUSH CR RD
CAMBRIDGE ID 83610

HUBERT &/OR BETTY WARD
RT 1 BOX 230
CAMBRIDGE ID 83610

MELVIN &/OR INEX DOTSON
3101 RUSH CR RD
CAMBRIDGE ID 83610

CHARLES &/OR CLARA EDWARDS
3079 RUSH CR RD
CAMBRIDGE ID 83610

THOMAS &/OR DORIS HUBBARD
3042 LEGG LN
CAMBRIDGE ID 83610

MICROFILMED

SEP 30 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR) WITHDRAWAL OF PROTEST
PERMIT NO. 67-07931) AND
IN THE NAME OF KERMIT OR JOANA WIGGINS) AGREEMENT OF CONDITIONS

The undersigned applicant agrees to abide by the following conditions which will be made a part of the permit issued based on the above-referenced application for permit number 67-07931. Accordingly, the undersigned protestant agrees to withdraw the protest to the approval of the application.

1. This water right is subject to all prior water rights.

2. Use of water under this right is subject to control by the watermaster of Water District No. 67, Weiser River and tributaries.

3. A lockable controlling works and a measuring device of a type approved by the department shall be permanently installed and maintained as a part of the diverting works. This device shall be maintained by the water right holder and shall be made available to inspection by the watermaster.

4. 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 the permit holder had no control.

5. The time allowed for completion of works and application of water to a beneficial use under this water right is limited to two years from the date of approval of the water right permit.

DATED this _____ day of _____, 1995

Applicant: _____

DATED this _____ day of _____, 1995

Protestant: _____

MICROFILMED
SEP 30 1999

RECEIVED

MAY 17 1996

WATER RESOURCES
WESTERN REGION

Ident. No. 67-07931

Amended

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: KERMIT WIGGINS 208-257-3428
Address: PO BOX 86
CAMBRIDGE ID 83610
OR
Name: JOANA WIGGINS 208-257-3428
Address: PO BOX 86
CAMBRIDGE ID 83610
2. Source: UNNAMED STREAM Trib. to: RUSH CREEK
3. Location of Point of Diversion: SWSE Sec. 10, Township 15N, Range 03W
WASHINGTON County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/01	10/31	1.000		
IRRIGATION STORAGE	01/01	12/31			20.00
IRRIGATION FROM STORAGE	04/01	10/31			20.00
5. Total quantity to be appropriated is:
1.000 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
DAM AND POND TO PUMPING SYSTEM
 - b. Height of storage dam 15 feet; active reservoir capacity 20.00
acre-feet; total reservoir capacity 20.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 year(s).

MICROFILMED
SEP 30 1999

REVISED VERSION

8. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
15N 03W 10	NESW 28	NWSE 32	SWSE 40	100

Total number of acres irrigated: 100

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?

APPLICANT

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

APPLICANT

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

10. Remarks:

11. Map of proposed point of diversion and place of use attached? ☒

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

Kenneth L. Higgins
Applicant

Received by JL Date 5/17/96 Time 11:00 Preliminary check by JL

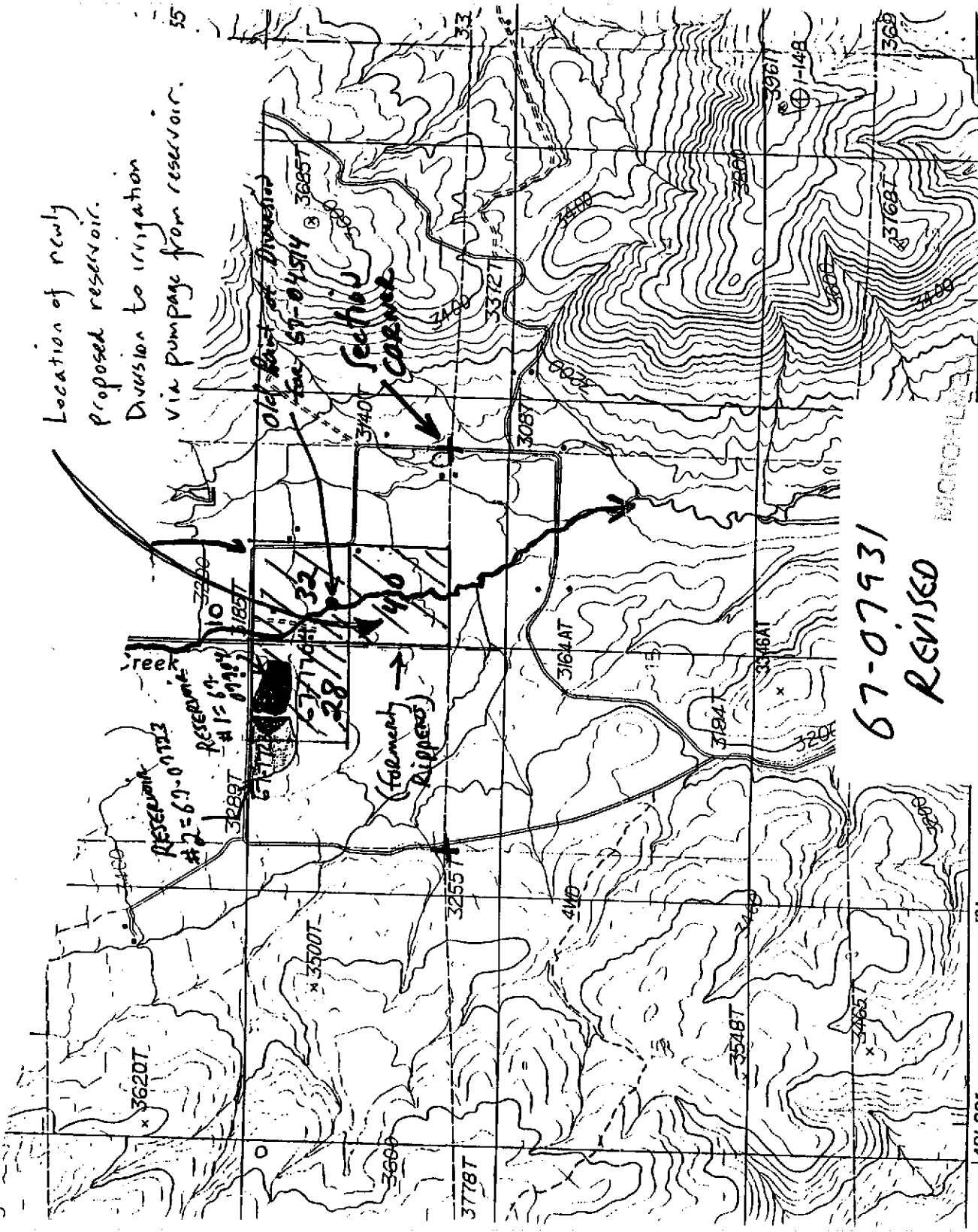
Fee \$ 90.00 Receipted by JFW #W016819 Date 10/ 1/1993

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Orig. d.o.p. = 10/1/93 with \$90 filing fee
Revised version = 5/17/96 add'l fee N/A
no change in d.o.p.? -JL 5/20/96

RECORDED
SEP 30 1999



SCALE 1:24 000

60-833

527

40' 32' Attachment B

100

from Transfer 4148 f.h. J

III



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 1, 1996

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

RE: Application for Permit No. 67-07931

Dear Mr. and Mrs. Wiggins:

I am in receipt of your letter dated July 10, 1995, relative to the above-referenced water right application. The letter and file escaped attention, and I apologize for the lateness of this response.

Your letter is correct in pointing out that the uses shown on the application are irrigation, irrigation storage and irrigation from storage. Your letter indicates that if dropping the exchange of water from Rush Creek will satisfy concerns of the protestants, then you will modify your application accordingly.

In response to this statement I have prepared an amended application, enclosed. Note that the acres to be irrigated now total 100. If the application correctly identifies your proposal please sign the application and forward it to this office. Upon receipt of the amended application I will plan to forward the application to the protestants to solicit withdrawals of protests.

Sincerely,

David R. Tuthill, Jr., P. E.
Manager, Western Region Office

Enclosure

MICROFILMED
SEP 30 1999

Ident. No. 67-07931

Amended

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: KERMIT WIGGINS 208-257-3428
Address: PO BOX 86
CAMBRIDGE ID 83610
OR
Name: JOANA WIGGINS 208-257-3428
Address: PO BOX 86
CAMBRIDGE ID 83610

2. Source: UNNAMED STREAM Trib. to: RUSH CREEK
3. Location of Point of Diversion: SWSE Sec. 10, Township 15N, Range 03W
WASHINGTON County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/01	10/31	1.000		
IRRIGATION STORAGE	01/01	12/31			20.00
IRRIGATION FROM STORAGE	04/01	10/31			20.00

5. Total quantity to be appropriated is:
1.000 CFS (and/or) AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
DAM AND POND TO PUMPING SYSTEM
b. Height of storage dam 15 feet; active reservoir capacity 20.00
acre-feet; total reservoir capacity 20.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
c. Proposed well diameter is inches; proposed depth of well is
feet.
d. Is groundwater with a temperature greater than 85F being sought? NO
e. If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 year(s).

MICROFILMED
SEP 30 1999

8. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
15N 03W 10	NESW 28	NWSE 32	SWSE 40	100

Total number of acres irrigated: 100

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
APPLICANT
- b. Who owns the land to be irrigated or place of use?
APPLICANT
- c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

11. Map of proposed point of diversion and place of use attached? []

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

Applicant

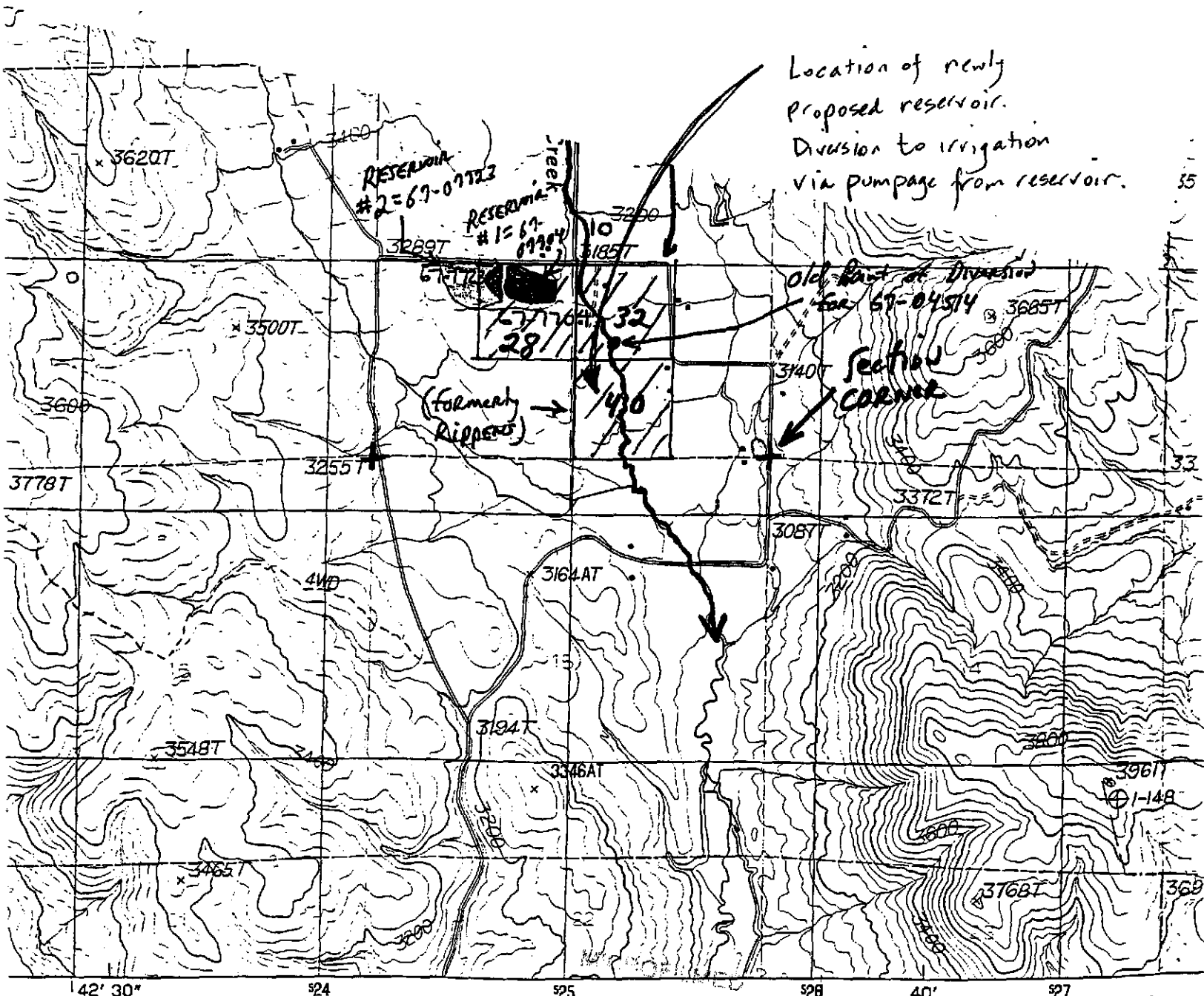
Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 90.00 Receipted by _____ #W016819 Date 10/ 1/1993

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

MICROFILMED
SEP 30 1993



SCALE 1:24 000 SEP 30 1999

Attachment B

from Transfer 4148 file

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
6707931	T15N R03W S10 UNNAMED STREAM																	
	:									28						32	40	100
6700285	RUSH CREEK :			I	I													
A6700285	RUSH CREEK :				03													3
6700286	RUSH CREEK :														I			
A6700286	RUSH CREEK :														02			2
6700287	RUSH CREEK :	I																
A6700287	RUSH CREEK :	10																10
6700291	RUSH CREEK :						I	I	I	I								
A6700291B	RUSH CREEK :									20								20
6700305	BEAVER CRE :										I	I	I					
A6700305	BEAVER CRE :										14	30	11					55
6704049	RUSH CREEK :										40	40	40					120
A6704049	RUSH CREEK :										14	30	11					55
6704056	RUSH CREEK :								10									10
A6704056	RUSH CREEK :								10									10
6704154	RUSH CREEK :		40															40
6704328	RUSH CREEK :		40															40
A6704328	RUSH CREEK :		30															30
6704490	RUSH CREEK :			40	30										25			95
A6704490	RUSH CREEK :			10	30										30			70
A6704490	RUSH CREEK :			35	30										30			95
6704514	RUSH CREEK :	40								28						32	40	140
A6704514	RUSH CREEK :	40								28						32	40	140
6704542	RUSH CREEK :									25						35		60
A6704542	RUSH CREEK :															40		40
6704586	RUSH CREEK :					30	40	40										110
6707704	RUSH CREEK :	40								28						32	40	140
A6707704	RUSH CREEK :	40								28						32	40	140
6707723	RUSH CREEK :	40								28						32	40	140
A6707723	RUSH CREEK :	40								28						32	40	140
6707908	BEAVER CRE :										14	30	11					55
6707930	GROUNDWATE :	40								28						32	40	140
A6711094	RUSH CREEK :																30	30
A6712329	RUSH CREEK :	10																10

NONE from same source as 67-07931

-JR

MICROFILMED

SEP 30 1999

Overlap

WR0749NP
No. 67-07931

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/20/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	KERMIT WIGGINS	10/01/1993	IRRIGATION	04/01 10/31	1.000 CFS	
C	JOANA WIGGINS		IRRIGATION STORAGE	01/01 12/31		20.00 AFA
			IRRIGATION FROM STORAGE	04/01 10/31		20.00 AFA
TOTAL DIVERSION:					1.000 CFS	

Water Source: UNNAMED STREAM

Tributary to: RUSH CREEK

Stage: APPLICATION

Point(s) of Diversion: T15N R03W S10 SWSE WASHINGTON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
15N	03W	10	:					:					:	28				:	32	40			:	100.0
TOTAL ACRES																							100.0	

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Pou County: WASHINGTON

Other Water Rights Listing Overlapping Place(s) of use:

67-04514 67-04542 67-07930

Dates: App. Received: 10/01/1993 Priority Date: 10/01/1993
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 05/20/1996 User-ID: SLESTER Subject: ADDITIONAL INFORMATION
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'tl. 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.

Audit: 10/01/93 WESTRA 10/04/93 WESTRA 10/05/93 LESTER 04/11/94 TAYLOR
04/17/95 STAYLOR 05/24/95 RLOVEALL 05/01/96 DTUTHILL 05/20/96 SLESTER

MICROFILMED
SEP 30 1999

Cambridge, Idaho
July 10, 1995

RECEIVED

JUL 12 1995

WATER RESOURCES
WESTERN REGION

David R. Tuthill Jr. P.E. *DR*
Manager, Western Regional Office
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RE: Application for Permit of Water Right No. 67-7931

Dear Mr. Tuthill,

I received your letter dated July 5, 1995 and have a question on the proposed use of water.

Your letter states water to be provided for fish propagation and stock water, when in fact, the original permit was for the purpose of irrigation, irrigation storage and irrigation from storage to be used in conjunction with the gravity flow system and exchanged with Rush Creek. The source of this water to be from ground water and Rush Creek through the pipeline during flood water season.

I talked with you on the telephone sometime last fall and expressed my concerns over the protests of my neighbors about the exchange of the water from Rush Creek through the pipeline. At that time I had decided to drop my request for the exchange of the water through the pipeline and set up a pump to divert the water from storage. I did not follow up this conversation with a letter. I apologize for that.

I do want to go ahead with the construction of the reservoir for the purpose of irrigation, irrigation storage, irrigation from storage to be pumped from storage.

I have a letter on file dated December 18, 1993 from concerned neighbors stating they would not object to or oppose the storage of water if it is not exchanged through the pipeline. If dropping the exchange of this water will satisfy the concerns of my neighbors, this is what I will do.

It is my hope you will reconsider this application and permit me to go ahead with my construction. I hope to complete this project this fall.

Thank you for your cooperation.

Sincerely,

Kermit L. Wiggins
Kermit L. Wiggins *by J.R.W.*

MICROFILMED

SEP 30 1999

RECEIVED

JUL 12 1995

WATER RESOURCES
WESTERN REGION

Ident. No. 67-07931

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: KERMIT WIGGINS 208-257-3428
Address: PO BOX 86
CAMBRIDGE ID 83610
OR
Name: JOANA WIGGINS 208-257-3428
Address: PO BOX 86
CAMBRIDGE ID 83610
2. Source: UNNAMED STREAM Trib. to: RUSH CREEK
RUSH CREEK WEISER RIVER
3. Location of Point of Diversion: SWSE Sec. 10, Township 15N, Range 03W
WASHINGTON County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/15	10/15	1.000		
IRRIGATION STORAGE	01/01	12/31			20.00
IRRIGATION FROM STORAGE	04/15	10/15			20.00
5. Total quantity to be appropriated is:
1.000 CFS (and/or) 20.00 AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
DAM AND POND TO GRAVITY SYSTEM; EX WITH RUSH CREEK
 - b. Height of storage dam 15 feet; active reservoir capacity 20.00
acre-feet; total reservoir capacity 20.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 year(s).

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SEP 30 1999

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
15N	03W	3	NWSE 40	SWSE 40	SESE 40	120
		10	NENE 40	NESW 28	NWSE 32	140
			SWSE 40			140

Total number of acres irrigated: 260

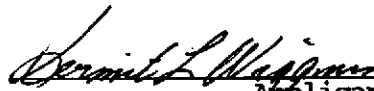
Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
APPLICANT
- b. Who owns the land to be irrigated or place of use?
APPLICANT
- c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

11. Map of proposed point of diversion and place of use attached? []

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


Applicant

Received by VEW Date 10/1/93 Time 3:00 PM Preliminary check by _____

Fee \$ 45.00 Receipted by JOJO JEW # W016819 Date 10/1/93

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

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SEP 30 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

July 5, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KERMIT &/OR JOANA WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

Re: Application for Permit of Water Right No. 67-7931

Dear Applicant:

NOTICE OF PENDING ORDER REJECTING APPLICATION FOR PERMIT

On October 1, 1993, Kermit &/or Joana Wiggins filed with the Department of Water Resources an application for permit no. 67-7931 to provide water for fish propagation and stock water located within Sec. 10, T15N, R03W, B.M.

This application was protested by Woodrow &/or Patricia Heldt, Hubert &/or Betty Ward, W.G. &/or Shirley Atteberry, Charles &/or Clara Edwards, Melvin &/or Inez Dotson and Thomas &/or Doris Hubbard. The conference held on February 14, 1994, did not resolve the matter of protest.

The department received a request from the Wiggins' to wait until after the County Commission primary on May 24, 1994, to respond with their decision.

The department corresponded with you on September 22, 1994, but received no communication from you.

The purpose of this letter is to request that you withdraw your application for permit or explain why the department should not reject your application. Enclosed is a withdrawal form that should be signed and returned to me, unless you have an explanation that would prevent the department from rejecting your application.

If you fail to respond to this inquiry within thirty (30) days from the date of this letter, the Department will act to reject your application. The application will be rejected on the grounds that it is speculative in that you are not prepared to conduct a conference and/or hearing to resolve the protest on the application.

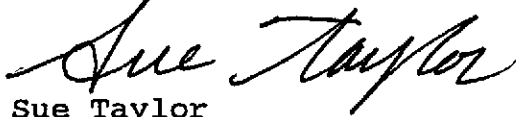
Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

SEP 30 1995

I hereby certify that on this 6th day of July, 1995,
I sent the original copy of this letter, postage prepaid, to the
person and address listed above.

Sincerely,



Sue Taylor
Secretary/Office Coordinator

MICROFILMED

SEP 30 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 22, 1994

KERMIT &/OR JOANA WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

Re: Application for Permit #67-7931

Dear Mr. & Mrs. Wiggins:

The purpose of this letter is to inquire as to the status of the above-referenced application for permit.

Please let us know if you wish to proceed with this application at this time.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. R. Tuthill, Jr.'.

DAVID R. TUTHILL, JR. P.E.
Manager, Western Regional Office

DRT/st

MICROFILMED

SEP 30 1999

CONVERSATION MEMORANDUM

DATE 3/4/94FILE 67-7931NAME OF PARTY Mrs WigginsEMPLOYEE D. Tuttle

RE: _____

I requested from Mrs. Wiggins a decision on how they wish to proceed w.r.t. this app. She said that she & her husband are discussing/considering this and they will respond with their decision.

Over

/ wait until after Co. Commissioner primary on May 24th

MICROFILMED

SEP 30 1999

FROM Dave Tuthill

DATE 2/25/1994

TO Christa Poncia

SUBJECT Payment for Conf Room

The only location we could find for a conference in Cambridge is the Sr Citizen Center. They charge a \$^{35.00} fee.

Would you please pay for this room, with account 62002?

(Invoice attached)

Thanks, Dave Tuthill

SIGNATURE

MAILED
SEP 30 1999

67-07931 Water Rt Conf

Notes by Conf Officer, D. Tutthill

2/14/1994

Applicant present, representing himself.

Protestants present - see Signin sheet.

Concerns of Protestants

1. This system is being proposed for the economic benefit of the applicant. Protestants would not be objecting to a proposed pumping plant.
2. Local public interest relative to impacts on the stream between the point of exchange and the point of injection.

Items of Concern

1 - maybe

2 - Maybe

3 - No

4 - No

5 - Yes

6 - Yes

A hearing will be needed if the applicant wishes to pursue this app. He requested a few days to consider his position before we proceed. *Dar*

SEP 30 1999

February 14, 1994

Prepared Statement.

Water has always been a problem on Rush Creek. As far back as water has been diverted from the creek, the people involved have been unwilling to work together to solve the problems of short water. Instead they have stopped every effort to solve some of the problems.

As far back as the 1940's and 50's, efforts were being made to build storage facilities on Rush Creek. It went as far as to move machinery to a site only to come up against a disagreement between two of the people involved over who was going to get what part of the water. The machinery was moved away without any work being done. My brother-in-law, Lee Williams was to do this work and I know this for a fact.

This unwillingness to work together went on into the 1970's and at that point developed to a point of gun play.

I purchased my place in 1970. I was aware of the water problems and vowed never to get involved in this ongoing conflict. At that time while using only flood water, I started a plan to solve my own problems of short water by building storage facilities. I never had a good place for a reservoir and I spent 6 years making a place for a small storage facility.

With some neighborly cooperation a facility could have been built that would have solved the water problems for the parties concerned.

One neighbor asked one of my family members what I was doing and when told that I was building a reservoir, they replied, "Your ~~idea~~ sure has a vivid imagination." As my goal of an irrigation system come closer to reality, it became more and more apparent that I was going to meet resistance to my project.

I started to put my pipeline up the county road. I applied and received all the permits from the county but was met with opposition from Wards and Phipps to the point I was afraid that some of the people working for me would be hurt. As Wards logging truck came within inches of hitting one of my workers.

When Mr. Ward come down to the work site not knowing what his objections were, I asked him and was taken back when the only reason that he could give was, "Well you never know what the water running down the pipe will do to the wild life."

SEP 30 1999

Well I abandoned the pipe line on the county road leaving \$2000.00 worth of pipe in the ground that I can never use and made other plans to accomplish my goal, In an effort to get along with my neighbors.

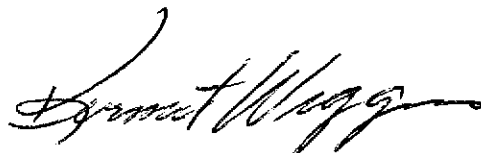
This conflict has now spread to other projects that I do to the point that I can't build fence, I can't work in my own field without one of the parties that signed the complaint involved here today complaining to someone.

I have made many efforts to be neighborly to the people involved here today not one of you can deny that, yet you make every effort to carry the conflict to every project I undertake and we're here today on yet another.

The way I understand your complaint, your objection is to my exchange of water, stating that it takes value from your property. Have you given any consideration to the fact that if you stop me from diverting water ~~from~~ for irrigation as provided by Idaho water law, you take from the value of my property?

Also I have applied for and received the necessary information to get a permit to drill a irrigation well on the Farrens place. I also have installed new headlines in the system and now I can do a better job of irrigating this property. This leaves more ground water above both Wards and Heldts. Last year ground water stood in holes outside the stream bed in both Wards and Heldts property and long the county road, adding to reperian area and also the fisheries.

Not only do I believe that the area in question will not be adversely affected, I know the area down stream will be enhanced. I believe that it is time to ^{be} realistic. Look at the over all picture ^{as to} ~~the~~ the benifits of the added stream flow made possible by storeage and added water from the well on the Farrens property which will enhance the overall community. ~~Also~~



WDRG-4

SEP 30 1939

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
2735 Airport Way, Boise, ID 83705

Re: Applicant: Kermit &/or Joana Wiggins **WR #** 67-7931

Place: IDWR, 2735 Airport Way, Boise, Idaho 83705

Date: February 14, 1994

Conducted by: David R. Tuthill, Jr., P.E.

NAME**ADDRESS**

Thomas Hubbard Cambridge

Inez Dotson 11

Walter Dotson

Woodrow Heldt

John Atterberry

Shirley Atberry

Betty L. Ward J

Hubert Ward

Clara Edwards

Patricia Helst

Bernie L. Wiggins

2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 26

SEP 30 1999

IN THE MATTER OF APPLICATION)
)
FOR PERMIT NO. 67-7931 IN THE) NOTICE OF CONFERENCE
)
)
NAME OF KERMIT &/OR JOANA WIGGINS)

Dated this 2nd day of February, 1994.

UNRECORDED

SEP 30 1969

I hereby certify that on the 2nd day of February, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

Certified Mail

KERMIT L WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

W G "JOHN" &/OR
SHIRLEY S ATTEBERRY
3494 RUSH CR RD
CAMBRIDGE ID 83610

WOODROW F &/OR
PATRICIA J HELDT
3447 RUSH CR RD
CAMBRIDGE ID 83610

HUBERT V &/OR BETTY
J WARD
RT 1 BOX 230
CAMBRIDGE ID 83610

MELVIN A &/OR INEZ
G DOTSON
3101 RUSH CR RD
CAMBRIDGE ID 83610

CHARLES &/OR CLARA M EDWARDS
3079 RUSH CR RD
CAMBRIDGE ID 83610

THOMAS H &/OR DORIS HUBBARD
3042 LEGG LN
CAMBRIDGE ID 83610

REC'D
SEP 30 1995

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize

NOT RECORDED
SEP 30 1999

themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

NOTED
SEP 30 1993

P 311 572 540

**Receipt for
Certified Mail**

No Insurance Coverage Provided

MELVIN A &/OR INEZ
G DOTSON
3101 RUSH CR RD
CAMBRIDGE ID 83610

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 2.27
Postmark or Date	

PS Form 3800, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

U.S. GPO: 1991-302-916

P 311 572 539



**Receipt for
Certified Mail**

No Insurance Coverage Provided

HUBERT V &/OR BETTY
J WARD
RT 1 BOX 230
CAMBRIDGE ID 83610

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 2 ²⁹
Postmark or Date	

PS Form 3800, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
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6. Save this receipt and present it if you make inquiry.

U.S. GPO: 1991-302-916

P 311 572 538



**Receipt for
Certified Mail**

No Insurance Coverage Provided

WOODROW F &/OR
PATRICIA J HELDT
3447 RUSH CR RD
CAMBRIDGE ID 83610

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 2 29

Postmark or Date

PS Form 3800, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

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6. Save this receipt and present it if you make inquiry.

☆ U.S. GPO: 1991-302-916

P 311 572 537

**Receipt for
Certified Mail**

No Insurance Coverage Provided

W G "JOHN" &/OR
SHIRLEY S ATTEBERRY
3494 RUSH CR RD
CAMBRIDGE ID 83610

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 2.29

Postmark or Date

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

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6. Save this receipt and present it if you make inquiry.

☆ U.S. GPO: 1991-302-916

P 311 579 630



**Receipt for
Certified Mail**

No Insurance Coverage Provided

KERMIT L WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 2.29
Postmark or Date	

PS Form 3800, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

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5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

☆ U.S. GPO: 1991-302-916

P 311 572 542



**Receipt for
Certified Mail**

No Insurance Coverage Provided

**THOMAS &/OR
DORIS HUBBARD
3042 LEGG LN
CAMBRIDGE ID 83610**

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 2.29

Postmark or Date

PS Form 3800, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

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4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

☆ U.S. GPO: 1991-302-916

P 311 572 541



**Receipt for
Certified Mail**

No Insurance Coverage Provided

**CHARLES &/OR
CLARA EDWARDS
3079 RUSH CR RD
CAMBRIDGE ID 83610**

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

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4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

☆ U.S. GPO: 1991—302-916

Is your RETURN ADDRESS completed on a reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

61 1, 21

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

THOMAS &/OR
DORIS HUBBARD
3042 LEGG LN
CAMBRIDGE ID 83610

4a. Article Number
P 311 572 542

4b. Service Type

☐ Registered	☐ Insured
☒ Certified	☐ COD
☐ Express Mail	☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)
Ms. Thomas Hubbard

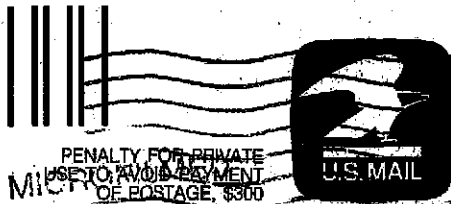
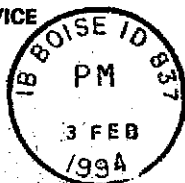
6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

EDL ETV
UNITED STATES POSTAL SERVICE

Official Business



RECEIVED

FEB 04 1994

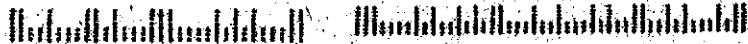
SEP 30 1999

WATER R.
WESTERN REG.

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

56



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

67 1931

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

KERMIT L WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

4a. Article Number

P 311 579 630

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

2-3-94

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Kristie Kanady

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



RECEIVED

FEB 04 1994

WATER RESOURCES
WESTERN REGION

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

6-1-93
I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

HUBERT V &/OR BETTY
J WARD
RT 1 BOX 230
CAMBRIDGE ID 83610

4a. Article Number

P 311 572 539

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

2-4-94

5. Signature (Addressee)

X Hubert V. Ward

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RECEIVED
FEB 07 1994
WATER RESOURCES
WESTERN REGION

SEP 30 1999

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

61-1131

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

CHARLES &/OR
CLARA EDWARDS
3079 RUSH CR RD
CAMBRIDGE ID 83610

4a. Article Number

P 311 572 541

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

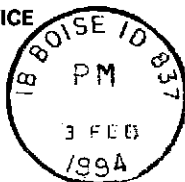
2-3-94

5. Signature (Addressee)**8. Addressee's Address (Only if requested and fee is paid)****6. Signature (Agent)**

Kaci K. Edwards

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

RECEIVED

FEB 04 1994

WATER RESOURCES
WESTERN REGION

SEP 30 1999

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MELVIN A &/OR INEZ
G DOTSON
3101 RUSH CR RD
CAMBRIDGE ID 83610

4a. Article Number

P 311 572 540

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

2-3-94

5. Signature (Addressee)

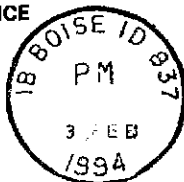
Melvin & Inez Dotson

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RECEIVED

FEB 04 1994

WATER RESOURCES

WESTERN REGION

UNDELIVERED

SEP 30 1999

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

61-1751

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

W G "JOHN" &/OR
SHIRLEY S ATTEBERRY
3494 RUSH CR RD
CAMBRIDGE ID 83610

4a. Article Number

9 311 572 537

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

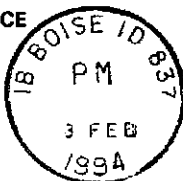
UNITED STATES POSTAL SERVICE

Official Business

RECEIVED

FEB 04 1994

WATER RESOURCES
WESTERN REGION



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



MICROFILMED

SEP 30 1999

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

06



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

61-1,31

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

WOODROW F &/OR
PATRICIA J HELDT U S DES
3447 RUSH CR RD
CAMBRIDGE ID 83610-0100

4a. Article Number

P 311 572 538

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

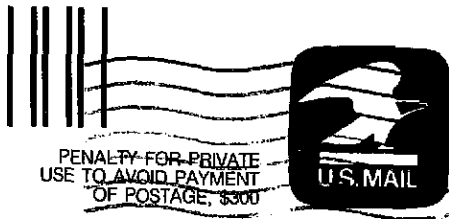
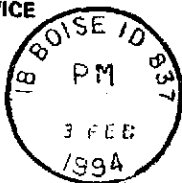
Woodrow F Helldt

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

BOISE IDAHO
UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

RECEIVED

MICROFILMED

FEB 04 1994

SEP 30 1999

WATER RESOURCES
WESTERN REGION
Provide your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

06





State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 21, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

To: Protestants on the Attached List

Re: Application for Permit No. 67-7931 in the Name of Kermit Wiggins

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script, reading 'D R Tuthill Jr'.

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st

MICROFILMED

SEP 30 1999

WOODROW &/OR PATRICIA HELDT
3447 RUSH CR RD
CAMBRIDGE ID 83610

HUBERT V &/OR BETTY J WARD
RT 1 BOX 230
CAMBRIDGE ID 83610

W G &/OR SHIRLEY ATTEBERRY
3494 RUSH CR RD
CAMBRIDGE ID 83610

CLARA M &/OR CHARLES R EDWARDS
3079 RUSH CR RD
CAMBRIDGE ID 83610

MELVIN A &/OR INEZ G DOTSON
3101 RUSH CR RD
CAMBRIDGE ID 83610

THOMAS H &/OR DORIS H. HUBBARD
3042 LEGG LN
CAMBRIDGE ID 83610

MICROFILMED

SEP 30 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 21, 1993

CECIL D. ANDRUS
GOVERNOR

KERMIT &/OR JOANA WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

R. KEITH HIGGINSON
DIRECTOR

Re: Application for Permit No. 67-7931

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David R. Tuthill, Jr.'.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

RECORDED

SEP 30 1999

December 18, 1993

RECEIVED

DEC 20 1993

WATER RESOURCES
WESTERN REGION

R. Keith Higginson, Director
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Subject: Notice of Proposed Amendment to Application for Water Right No. 67-07931 for Kermit and Joana Wiggins.

Dear Sir:

When we read the Notice of Application for Water Right No. 67-07931 published on 10-08 and 10-28, 1993, we understood it to be for storage of surplus runoff and use of water from storage for irrigation. As we have stated in the past, we are not opposed to storage of surplus water and use of that water for irrigation and other purposes. Therefore, we did not protest that application.

Having read the Notice of Clarification for Application for Water Right No. 67-07931 published on 12-01 and 12-08, 1993, we now understand the application is for an exchange of the stored water for Rush Creek water to be diverted from a point approximately two miles upstream.

As owners of existing Rush Creek water rights, we oppose and protest this application for the following reasons:

1. The proposed exchange of water would further reduce the flow of water in Rush Creek in the reach between the proposed diversion and the proposed release during the critical dry months of the year.
2. This would have an adverse effect on the Rush Creek wild trout fishery and riparian vegetation and wildlife through this reach, thereby impacting the enjoyment of Rush Creek by the property owners (including Heldts and Wards) and reducing the value of their properties. *and fisher persons*
3. The proposed exchange would complicate and intensify the already annoying situation presented by the existing exchange system. The potential for abuse of this water right is great (whether perceived or actual) and should not be compounded by expansion of the existing exchange system.
4. The source of the water for the proposed storage pond is unclear. The source should be identified by outlining the watershed and the facilities to collect the water.

We urge you to deny the exchange portion of this application.

MICROFILMED

SEP 30 1999

Respectfully yours,

Woodrow F. Heldt

Woodrow F. Heldt
3447 Rush Creek Road
Cambridge, Idaho 83610

Patricia J. Heldt

Patricia J. Heldt

Hubert V. Ward

Hubert V. Ward
Route 1, Box 230
Cambridge, Idaho 83610

Betty J. Ward

Betty J. Ward

W.G. Atteberry

W.G. Atteberry
3494 Rush Creek Road
Cambridge, Idaho 83610

Shirley S. Atteberry

Shirley S. Atteberry

Clara M. Edwards

Clara M. Edwards
3079 Rush Creek Road
Cambridge, Idaho 83610

Charles R. Edwards

Charles R. Edwards
P. O. Box 281
Cambridge, Idaho 83610

Melvin A. Dotson

Melvin A. Dotson
3101 Rush Creek Road
Cambridge, Idaho 83610

Inez G. Dotson

Inez G. Dotson

Thomas H. Hubbard

Thomas H. Hubbard
3042 Legg Lane
Cambridge, ID 83610

Doris H. Hubbard

Doris H. Hubbard

SEP 30 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 30, 1993

GERALD MYERS
HC 70 BOX 2010
MIDVALE ID 83654

Re: Application for Water Rights Nos. 67-7930 and 67-7931 in
the Name of Kermit &/or Joana Wiggins

Dear Mr. Myers:

Enclosed is a copy of "Notice of Clarification" of the
above-referenced water rights which is being advertised in The
Upper County News Reporter.

Please review the Notice and also the applications that were
sent to you on October 14, 1993, and return any comments you
might have within two weeks. If you have questions or need
information, feel free to contact this office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure: Notice of Clarification

RECORDED

SEP 30 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 10, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Kermit and Joana Wiggins
PO Box 86
Cambridge, ID 83610

RE: Application for Permit Nos. 67-07930 and 67-07931

Dear Mr. and Mrs. Wiggins:

Your reply concerning supplemental information for the above-referenced applications was received today. The reply was in response to my letter dated October 5, 1993. One item is missing in your response - written comments from the Washington County Commissioners regarding your proposal.

Please have the commissioners write to this office with their comments as soon as possible. Thank you for your efforts in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Water Rights Supervisor

RECEIVED
SEP 30 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 24, 1993

Kermit and Joana Wiggins
PO Box 86
Cambridge, ID 83610

RE: Application for Permit No. 67-07931

Dear Mr. and Mrs. Wiggins:

The above-referenced application for permit for an unnamed stream for irrigation and irrigation storage use (20 acre-foot pond) will be readvertised on Dec. 2 and 9, 1993, in the Cambridge newspaper. The need for a second public notice period is to clarify the proposal. The original ad did not adequately explain the method whereby you would collect water away from Rush Creek but divert an equal amount through the existing Rush Creek pipeline.

Because the proposed water right has the potential to impact Rush Creek flows between your existing Rush Creek diversion and the point at which new pond water will be injected into the creek, the clarification is necessary. I wanted to let you know about the clarifying advertisement prior to its publication.

Sincerely,

Steve Lester
Water Rights Supervisor

ACKNOWLEDGED
SEP 3 11 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 14, 1993

GERALD MYERS
HC 70 BOX 2010
MIDVALE ID 83654

Dear Mr. Myers:

Re: Applications for Water Right Nos. 67-7932 in the Name of
Denys &/or Pamela Murphy and 67-7931 in the Name of
Kermitt &/or Joana Wiggins

Dear Mr. Myers:

Enclosed are a copies of the above referenced applications for
water right.

Please review the applications and return any comments you
might have within two weeks. If you have questions or need
information, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dave'.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure: Copies of Applications

RECEIVED
SEP 30 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 5, 1993

Kermit and/or Joana Wiggins
P.O. Box 86
Cambridge, ID 83610

RE: Application for Permit Nos. 67-07930 and 67-07931

Dear Mr. and Mrs. Wiggins:

I regret that I missed our appointment the other day -- a critical situation in a local water district required my immediate attention. It looks like you were in good hands with John and Linda at the Regional Office.

The above-referenced irrigation applications are in the process of being advertised. After advertising but before the applications can be forwarded from this office to our state office for final action, other information is needed.

Based on Idaho Code 42-203A(5)(a-e), additional information is needed for applications for permit involving irrigation of more than 200 acres and/or diversions exceeding 5.00 cfs or 500 acre-feet of storage. Please provide information relating to the proposed water rights as outlined in the attached copy of Water Appropriation Rules 4,5,3,1 through 4,5,3,5. This covers the following items:

- a) effect on existing water rights
- b) sufficiency of water supply
- c) good faith, delay, or speculative purposes
- d) financial resources
- e) local public interest

Because the applications propose irrigation on already irrigated land served by other rights, it is not necessary to answer all the questions. You can abbreviate your response. The items to be answered are marked with an asterik. A response within 30 days is requested. Please call me at 334-2190 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Water Rights Supervisor

Enclosure: Large Diversion Information Requirement

RECEIVED
SEP 30 1993

67-07931

WIGGINS, KERMIT
WIGGINS, JOANA
PO BOX 86
CAMBRIDGE, ID 83610

Source: UNNAMED STREAM

Tributary: RUSH CREEK

Diversion Pt: SWSE Sec 10 T 15N R 03W in WASHINGTON County.

Use: IRRIGATION (1.000 CFS)
IRRIGATION STORAGE (20.00 AF)
IRRIGATION FROM STORAGE (20.00 AF)
Total Diversion: (1.000 CFS)

Date Filed: 10/ 1/1993

In: WASHINGTON County

T15N R03W S03	NWSE	SWSE	SESE	
S10	NENE	NESW	NWSE	SWSE

260.0 ACRES TOTAL

100-11-1
SEP 30 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 24, 1993

UPPER COUNTY NEWS REPORTER
PO BOX 98
CAMBRIDGE ID 83601

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before December 20, 1993.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Sue'.

Sue Taylor
Secretary, Office Coordinator

Enclosure

1-10-11-11-11

SEP 30 1993

Affidavit of Publication

STATE OF IDAHO }
County of Washington } ss.

Stuart 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 Oct. 20, 19 93.

and ended Oct. 27, 19 93.

Stuart Dopf

Subscribed and sworn to before me

this 1st day of

November, 19 93

John C. Henry
Notary Public in and for the State of Idaho, residing at Cambridge, Idaho 83610.

RECEIVED

NOV 02 1993

WATER RESOURCES
WESTERN REGION

10/21/93

SEP 30 1993

Public Notices

NOTICE OF APPLICATION FOR WATER RIGHT

The Following applications have been filed to appropriate the public waters of the State of Idaho:

67-07930

WIGGINS, KERMIT

WIGGINS, JOANA

P.O. BOX 86

CAMBRIDGE, ID 83610

Source: GROUNDWATER

Diversion Pt: NWSE Sec. 3 T
15N R 3W in WASHINGTON
County.

Use: DIVERSION TO STORAGE (1.000 CFS)

IRRIGATION STORAGE
(10:00 AF)

IRRIGATION FROM STORAGE (10:00 AF)

IRRIGATION (1.000 CFS)

Total Diversion: (1.000 CFS)

Date Filed: 10/1/1993

In: WASHINGTON COUNTY,
T15N R3W S03, NWSE,
SWSE, SESE, S10, NENE,
NESW, NWSE, SWSE 260.0
ACRES TOTAL.

67-07931

WIGGINS, KERMIT

WIGGINS, JOANA

PO BOX 86

CAMBRIDGE, ID 83610

Source: UNNAMED STREAM
Tributary: RUSH CREEK

Diversion Pt: SWSE Sec. 10 T
15N R 3W in WASHINGTON
county.

Use: IRRIGATION (1.000 CFS)

IRRIGATION STORAGE —
(20.00 AF)

IRRIGATION FROM STORAGE
(20.00 AF)

Total Diversion: (1.000 CFS)

Date Filed: 10/1/1993.

In: WASHINGTON County
T15N R3W S3, NWSE, SWSE,
SESE, S10, NENE, NESW,
NWSE, SWSE, 260.00 ACRES
TOTAL.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735, Airport Way, Boise, Idaho 83705 on or before NOVEMBER 8, 1993.

R. KEITH HIGGINSON,
Director

Published 10/21/1993 and
10/28/1993.

NOTICE OF CLARIFICATION FOR APPLICATION FOR WATER RIGHT

A Notice of Application for Water Right No. 67-07931 was published on 10-21 and 10-28, 1993, for Kermit and Joana Wiggins of Cambridge, Idaho, for 1.00 cfs from an unnamed stream (runoff) tributary to Rush Creek. Runoff water will be collected in a 20 acre-foot pond and used for irrigation, irrigation storage, and irrigation from storage on 260 acres in portions of Sec. 3 and 10, T15N, R3W, Washington County. The point of diversion will be the pond site approximately 1/8 mile west of Rush Creek in SWSE, Sec. 10, T15N, R3W.

The application is now clarified as follows: This water will be delivered to the acres by withdrawing an equal amount of water from Rush Creek via the existing Wiggins' Rush Creek pipeline located upstream approximately 1.5 miles at a point in SWNE, Sec. 3, T15N, R3W. The amount of water withdrawn from Rush Creek will be returned to Rush Creek from the pond at a point in SWSE, Sec. 10, T15N, R3W south of the Wiggins' homesite. This right does not seek additional Rush Creek water; instead it proposes an exchange of unnamed stream (runoff) water for Rush Creek water.

Any protest against the approval of the proposed amendment must be filed with the Department of Water Resources, 2735 Airport Way, Boise, ID 83705 on before December 20, 1993.

R. Keith Higginson, Director

Published in the The Upper County News Reporter December 1 & 8, 1993.

SEP 30 1993

Affidavit of Publication

STATE OF IDAHO }
County of Washington } ss.

Stuart 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 December 1, 19 93 and ended December 8, 19 93

Stuart Dopf

Subscribed and sworn to before me
this 5th day of

JANUARY, 19 94

John C. Henry
Notary Public in and for the State
of Idaho, residing at Cambridge,
Idaho 83610.

Com. exp 11-18-99

Public Notices

Public Notices

NOTICE OF CLARIFICATION FOR APPLICATION FOR WATER RIGHT

A Notice of Application for Water Right No. 67-07931 was published on 10-21 and 10-28, 1993, for Kermit and Joana Wiggins of Cambridge, Idaho, for 1.00 cfs from an unnamed stream (runoff) tributary to Rush Creek. Runoff water will be collected in a 20 acre-foot pond and used for irrigation, irrigation storage, and irrigation from storage on 260 acres in portions of Sec. 3 and 10, T15N, R3W, Washington County. The point of diversion will be the pond site approximately 1/8 mile west of Rush Creek in SWSE, Sec. 10, T15N, R3W.

The application is now clarified as follows: This water will be delivered to the acres by withdrawing an equal amount of water from Rush Creek via the existing Wiggins' Rush Creek pipeline located upstream approximately 1.5 miles at a point in SWNE, Sec. 3, T15N, R3W. The amount of water withdrawn from Rush Creek will be returned to Rush Creek from the pond at a point in SWSE, Sec. 10, T15N, R3W south of the Wiggins' homesite. This right does not seek additional Rush Creek water; instead it proposes an exchange of unnamed stream (runoff) water for Rush Creek water.

Any protest against the approval of the proposed amendment must be filed with the Department of Water Resources, 2735 Airport Way, Boise, ID 83705 on or before December 20, 1993.

R. Keith Higginson, Director

Published in the Upper Country News Reporter,
December 1 and 8, 1993.