



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 5, 2006

JAMES L BUMGARNER
2934 HWY 71
CAMBRIDGE ID 83610

RE: Water right 67-272

Dear Mr. Bumgarner,

As you may know, the Idaho Department of Water Resources (IDWR) is currently in the process of reviewing Snake River Basin Adjudication (SRBA) claims in basin 67.

While reviewing the SRBA claims you filed that were involved in Transfer 1955, I found that you did not claim water right 67-272 in the SRBA. I wanted to bring that to your attention because if you do not claim it, then the water right will disappear once the SRBA is complete. And I checked the water master delivery records and you are being assessed for that 3 inches of water described in 67-272.

For your convenience, I am enclosing a completed claim form. I just filled it out with the same elements of water right 67-272 except for the place of use. The place of use is the same as was claimed with your other rights.

If you choose to file on 67-272, please look over the enclosed claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to this office with the filing fee of \$50.00.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosure(s)

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 67-272
Date Received: 10/13/1989
Receipt No:
Received By:

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

1. Name of Claimant(s)

JAMES L BUMGARNER Phone: (208)257-3422
2934 HWY 71
CAMBRIDGE ID USA 83610

2. Date of Priority: 05/01/1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	03W	34	SE SW NW	WASHINGTON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	10/31	0.06	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
14N	03W	3	NW	NW	4	IRRIGATION	40
			SW	NW		IRRIGATION	40
			NW	SW		IRRIGATION	35
						Section Acres	115

14N	03W	4	NE	NE	1	IRRIGATION	35
			NW	NE	2	IRRIGATION	40
			SW	NE		IRRIGATION	20
			SE	NE		IRRIGATION	37
						Section Acres	132
15N	03W	34	NW	SW		IRRIGATION	10
			SW	SW		IRRIGATION	35
						Section Acres	45
						Total Acres	292

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.

This claim solicited from claimant on 4-5-06. Status set to temporary until signed claim is returned along with appropriate filing fee.

This right is limited to the irrigation of 8.0 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 266.0 acres in a single irrigation season. Combined Right Nos.: 67-244, 67-245, 67-261, 67-263, 67-264, 67-272, 67-4045, 67-10796, and 67-11445.

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

05/12/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-272

NAME AND ADDRESS: JAMES L BUMGARNER
2934 HWY 71
CAMBRIDGE ID 83610

SOURCE: RUSH CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.060 CFS

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:

T15N R03W S34 SESWNW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	0.060 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T14N R03W S03 Lot 4 NWNW	41.00	T14N R03W S03	SWNW	40.00	
T14N R03W S03	NWSW	34.00	T14N R03W S04 Lot 1 NENE	30.00	
T14N R03W S04 Lot 2 NWNE	35.00	T14N R03W S04	SWNE	18.00	
T14N R03W S04	SENE	34.00	T15N R03W S34	NWSW	6.00
T15N R03W S34	SWSW	29.00			

267 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 266.0 acres in a single irrigation season. Combined Right Nos.: 67-244, 67-245, 67-261, 67-263, 67-264, 67-272, 67-4045, 67-10796, and 67-11445.

This right is limited to the irrigation of 8.0 acres within the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



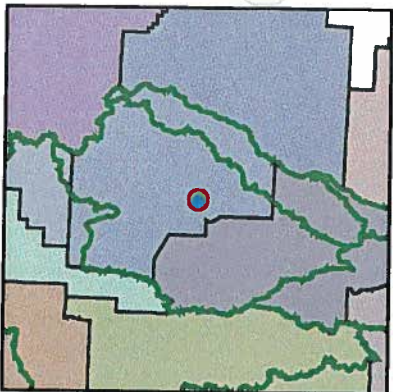
Idaho Department of Water Resources

SRBA Recommendation:

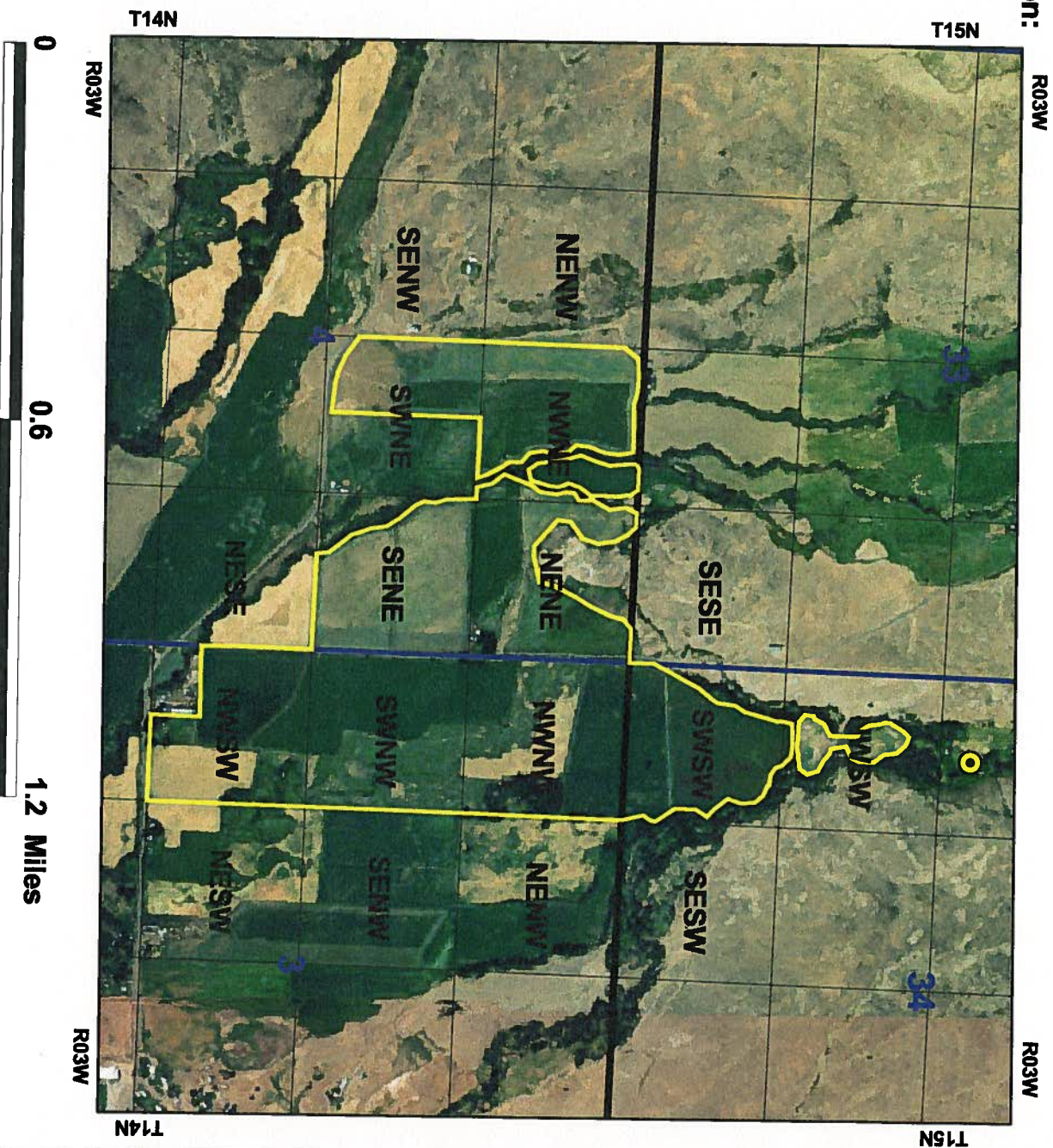
67-272

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



Prepared by C. Saxton
On Friday, May 12, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-272 V1

WATER RIGHT NUMBER: 67-272 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES L BUMGARNER 2934 HWY 71 CAMBRIDGE, ID 83610 (208)257-3422
Original Owner	GEORGE W HALL CAMBRIDGE, ID 83610

Priority Date: 05/01/1884

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.060 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

RUSH CREEK	SE1/4SW1/4NW1/4	Sec. 34, Twp 15N, Rge 03W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	03W	3						41.0	40.0				34.0						115.0
								L 4											
14N	03W	4	30.0	35.0	18.0	34.0													117.0
			L 1	L 2															
15N	03W	34									6.0	29.0							35.0

Total Acres: 267

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 266.0 acres in a single irrigation season. Combined Right Nos.: 67-244, 67-245, 67-261, 67-263, 67-264, 67-272, 67-4045, 67-10796, and 67-11445.
2. K06 This right is limited to the irrigation of 8.0 acres within the place of use described above in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-272 V1

3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. csaxton 5/12/2006 TR 1955

Comment: Transfer 1955 was filed to make a permissible place of use with rights 67-241, 67-242, 67-243, 67-344, 67-345, 67-361, 67-362, 67-263, 67-264, 67-272, and 67-273. The transfer application was protested and a hearing was held. The order issued defined the acreage for each of the rights. However, the acreage calculation was not based on 5/8 inches per acre as defined in the Muir v. Allison decree. Because the purpose of the transfer was to address the place of use under these rights specifically, we will use the acreage limitations defined by the order.

2. csaxton 5/12/2006 Recommendation

Comment: Recommended as claimed which was defied by TR 1955. Not going to answer all the questions. See any other right in this series for notes.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	5/12/2006 3:49:31 PM	csaxton			Active
Priority Date	5/12/2006 3:50:03 PM	csaxton			Active
Summary			05/12/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	5/12/2006 3:49:33 PM	csaxton	(No) 1. Do you want to schedule an appointment?
POU	5/12/2006 3:53:45 PM	csaxton	Comment for 1: Desktop Review Updated shape for Active POU

Claim

Basin	Sequence	Suffix	Basin	Status	Priority Date	Rate(cts)	Volume(ac)	Source	Water Use(s)	Owner(s)	Source Table
67	233		Decreed	Active	5/1/1910	0.1		PINE CREEK IRRIGATION	BUMGARNEI	Claim	
67	244		Decreed	Active	1899-06-01	0.47		RUSH CREE IRRIGATION	BUMGARNEI	Claim	
67	245		Decreed	Active	6/1/1900	0.38		RUSH CREE IRRIGATION	BUMGARNEI	Claim	
67	261		Decreed	Active	1883-05-01	0.15		RUSH CREE IRRIGATION	BUMGARNEI	Claim	
67	263		Decreed	Active	1896-05-01	0.23		RUSH CREE IRRIGATION	BUMGARNEI	Claim	
67	264		Decreed	Active	5/1/1901	0.13		RUSH CREE IRRIGATION	BUMGARNEI	Claim	
67	272		Decreed	Active	1884-05-01	0.06		RUSH CREE IRRIGATION	BUMGARNEI	Claim	
67	4045		Statutory	Active	5/1/1936	7		RUSH CREE IRRIGATION	BUMGARNEI	Claim	
67	7370		License	Active	2/12/1978	1.41	425.7	WEISER RIV IRRIGATION	BUMGARNEI	Claim	
67	10796		Decreed	Active	1890-05-01	0.5		RUSH CREE IRRIGATION	BUMGARNEI	Claim	
67	11445		Decreed	Active	1878-05-01	1.1		RUSH CREE IRRIGATION	BUMGARNEI	Claim	

Recommendation

Basin	Sequence	Suffix	Basin	Status	Priority Date	Rate(cts)	TR 1956 Ac	@ 5/8"	Source	Water Use(s)	Owner(s)	Source Table
67	244		Decreed	Active	1899-06-01	0.47	37	37.6	RUSH CREE IRRIGATION	BUMGARNEI	Recommend	
67	245		Decreed	Active	6/1/1900	0.38	30	30.4	RUSH CREE IRRIGATION	BUMGARNEI	Recommend	
67	261		Decreed	Active	1883-05-01	0.15	32	12	RUSH CREE IRRIGATION	BUMGARNEI	Recommend	
67	263		Decreed	Active	1896-05-01	0.225	48	18	RUSH CREE IRRIGATION	BUMGARNEI	Recommend	
67	264		Decreed	Active	5/1/1901	0.13	27	10.4	RUSH CREE IRRIGATION	BUMGARNEI	Recommend	
67	272		Decreed	Active	1884-05-01	0.06	8	4.8	RUSH CREE IRRIGATION	BUMGARNEI	Recommend	
67	10796		Decreed	Active	1890-05-01	0.5	85	40	RUSH CREE IRRIGATION	BUMGARNEI	Recommend	262, 273
67	11445		Decreed	Active	1878-05-01	1.098	113	87.84	RUSH CREE IRRIGATION	BUMGARNEI	Recommend	241, 242, 243
67	4045		B-Use	Active	5/1/1936	3.013	372	236.24	RUSH CREE IRRIGATION	BUMGARNEI	Recommend	
Decreed and flood water combine make 1" per acre =						2.327	267	N/A	RUSH CREE IRRIGATION	BUMGARNEI	Recommend	
67	233		Decreed		5/1/1910	0.1			PINE CREEK IRRIGATION	BUMGARNEI	Recommend	
67	4070		B-Use	Active	5/10/1918	0.76			PINE CREEK IRRIGATION	NOAH, CREE	Recommend	
67	7370		License		2/12/1978	1.41	425.7		WEISER RIV IRRIGATION	BUMGARNEI	Recommend	

WR

67	241		Decreed	Active	1878-05-01	0.44			RUSH CREE IRRIGATION	BUMGARNEI	WaterRight	
67	242		Decreed	Active	1878-05-01	0.5			RUSH CREE IRRIGATION	BUMGARNEI	WaterRight	
67	243		Decreed	Active	1878-05-01	0.16			RUSH CREE IRRIGATION	BUMGARNEI	WaterRight	
67	244		Decreed	Active	1899-06-01	0.47			RUSH CREE IRRIGATION	BUMGARNEI	WaterRight	
67	245		Decreed	Active	6/1/1900	0.38			RUSH CREE IRRIGATION	BUMGARNEI	WaterRight	
67	261		Decreed	Active	1883-05-01	0.15			RUSH CREE IRRIGATION	BUMGARNEI	WaterRight	
67	262		Decreed	Active	1890-05-01	0.25			RUSH CREE IRRIGATION	BUMGARNEI	WaterRight	
67	263		Decreed	Active	1896-05-01	0.23			RUSH CREE IRRIGATION	BUMGARNEI	WaterRight	
67	264		Decreed	Active	5/1/1901	0.13			RUSH CREE IRRIGATION	BUMGARNEI	WaterRight	
67	272		Decreed	Active	1884-05-01	0.06			RUSH CREE IRRIGATION	BUMGARNEI	WaterRight	
67	273		Decreed	Active	1890-05-01	0.25			RUSH CREE IRRIGATION	BUMGARNEI	WaterRight	
67	4045		Statutory	Active	6/1/1936	7			RUSH CREE IRRIGATION	BUMGARNEI	WaterRight	
67	7370		License	Active	2/12/1978	1.41	425.7		WEISER RIV IRRIGATION	BUMGARNEI	WaterRight	

RECEIVED

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

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

DEPARTMENT OF
CIVIL CASE NUMBER 39576

Ident. Number 67-272
Date Received: 10/13/1989
Receipt No: C081100
Received By: CB 5-1-06

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

1. Name of Claimant(s)

JAMES L BUMGARNER Phone: (208)257-3422

2934 HWY 71
CAMBRIDGE ID USA 83610

2. Date of Priority: 05/01/1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	03W	34	SE SW NW	WASHINGTON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	10/31	0.06	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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14N	03W	3	NW NW 4	IRRIGATION	40
			SW NW	IRRIGATION	40
			NW SW	IRRIGATION	35
Section Acres					115

14N	03W	4	NE	NE	1	IRRIGATION	35
			NW	NE	2	IRRIGATION	40
			SW	NE		IRRIGATION	20
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						Total Acres	292

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.

This claim solicited from claimant on 4-5-06. Status set to temporary until signed claim is returned along with appropriate filing fee.

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15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): James Bungamer Date: 4-16-06

Date: _____

State of Idaho)

County of Washington) SS.

Subscribed and sworn (or affirmed) before me this

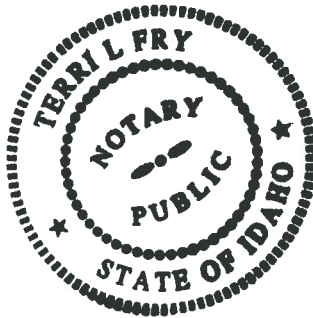
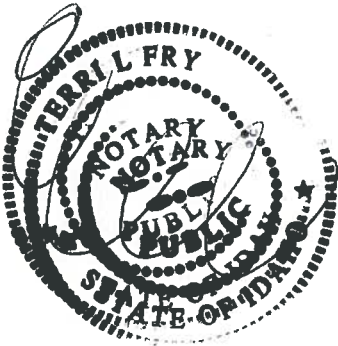
of April 9 2006

Terry L Fry

Notary Public

Residing at Cambridge, Id

My commission Expires April 16, 2008



Idaho Department of Water Resources Receipt

Receipt ID C081102

Payment Amount \$50.00 Date Received 5/1/2006 11:53:17 AM Region State Status
Payment Type Check Check Number 1237

Payer BUMGARNER FARMS

Comment NOTICE OF CLAIM TO A WATER RIGHT #67-272

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ADJUDICATION FILING FEE	0337	41503	1155	



Signature Line (Dept. Representative)