

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A67-04045
Date Received: 10/19/1989
Receipt No: W006402
Received By: DE JOL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES L. BUMGARNER 208-257-3422
Address: 2934 HWY 71
CAMBRIDGE, ID 83610

2. Date of Priority: MAY 01, 1936

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

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATE AND GRAVITY DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	7.000		876.00

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

8. Total consumptive use is 876.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14N	03W	3	NW	NW	4	IRR	40.0
			SW	NW		IRR	40.0
			NW	SW		IRR	35.0

Section Acres 115.0

A67-04045

Page 1

Date: 11/17/89

SCANNED
APR 08 2004

MICROFILMED
OCT 02 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14N	03W	4	NE		NE	1	IRR	35.0
			NW		NE	2	IRR	40.0
			SW		NE		IRR	20.0
			SE		NE		IRR	37.0
							Section Acres	132.0
15N	03W	34	NW		SW		IRR	10.0
			SW		SW		IRR	35.0
							Section Acres	45.0
							Total Acres	292.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

67-10792, 10793, 0272, 0263, 0244, 0245, 0264, 4045

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 _____ day
of _____ 19 _____
Notary Public

Seal

Residing at _____
My Commission Expires _____

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

RECEIVED

OCT 19 1989

Ident. Number: A67-04045
Date Received: 10/13/1989
Receipt No: W006402
Received By: _____

Department of Water Resources
Western Regional Office

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

1. Name: JAMES L. BUMGARNER 208-257-3422
Address: 2934 HWY 71
CAMBRIDGE, ID 83610

2. Date of Priority: MAY 01, 1936

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15N	03W	34	SW	NW			WASHINGTON

5. Description of diverting works:
HEADGATE AND GRAVITY DITCH.

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Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	7.000		

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Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	3	NW	NW	4	IRR	40.0
			SW	NW		IRR	40.0
			NW	SW		IRR	35.0

Section Acres 115.0

A67-04045

Page 1

Date: 10/13/89

MICROFILMED

OCT 02 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	4	NE	NE	1	IRR	35.0
			NW	NE	2	IRR	40.0
			SW	NE		IRR	20.0
			SE	NE		IRR	37.0
						Section Acres	132.0
15N	03W	34	NW	SW		IRR	10.0
			SW	SW		IRR	35.0
						Section Acres	45.0
						Total Acres	292.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

67-10792, 10793, 0272, 0263, 0244, 0245, 0264, 4045

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): James Bevington Date: 10-18-89
_____ Date: _____

State of Idaho)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 18TH day
of October 19 89 B. G. Soules
Notary Public

Seal

Residing at Cambridge
My Commission Expires 8-21-91

1/30/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Bungaine

CLAIM IDENT. NO.

AG7-04045

DATE RECEIVED

10/13/89

CK #

W006902

AMOUNT \$

—

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) N/A ☒ YES ☐ NO *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? N/A ☒ YES ☐ NO *
- Is the consumptive use correct? N/A ☒ YES ☐ NO *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ☒ YES ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒ YES ☐ NO *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A ☒ YES ☐ NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? Exempt ☒ YES ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? N/A ☒ YES ☐ NO *
22. Should this claim be receipted and data entered? ☒ YES ☐ NO *

Claim checked by:

Bmcl

Date:

11/15/89

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by: _____
Claim data entered by: _____
Sent to claimant by: _____

Date:

Date:

Date:

Checked by:

Date:

MICROFILMED

Comments:

OCT 02 1992

04/06/2006

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

RIGHT NUMBER: 67-4045

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

SOURCE: RUSH CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 2.387 CFS

PRIORITY DATE: 05/01/1936

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	2.387 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 267.0 acres in a single irrigation season. Combined Right Nos.: 67-244, 67-245, 67-261, 67-263, 67-264, 67-4045, 67-10796, and 67-11445.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



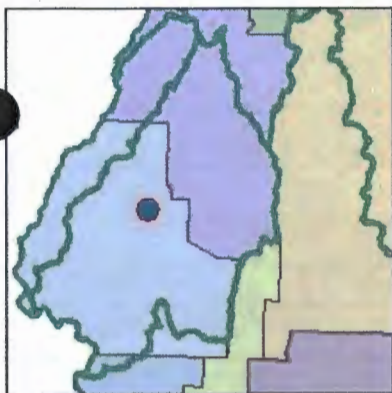
Idaho Department of Water Resources

Adjudication Claim:

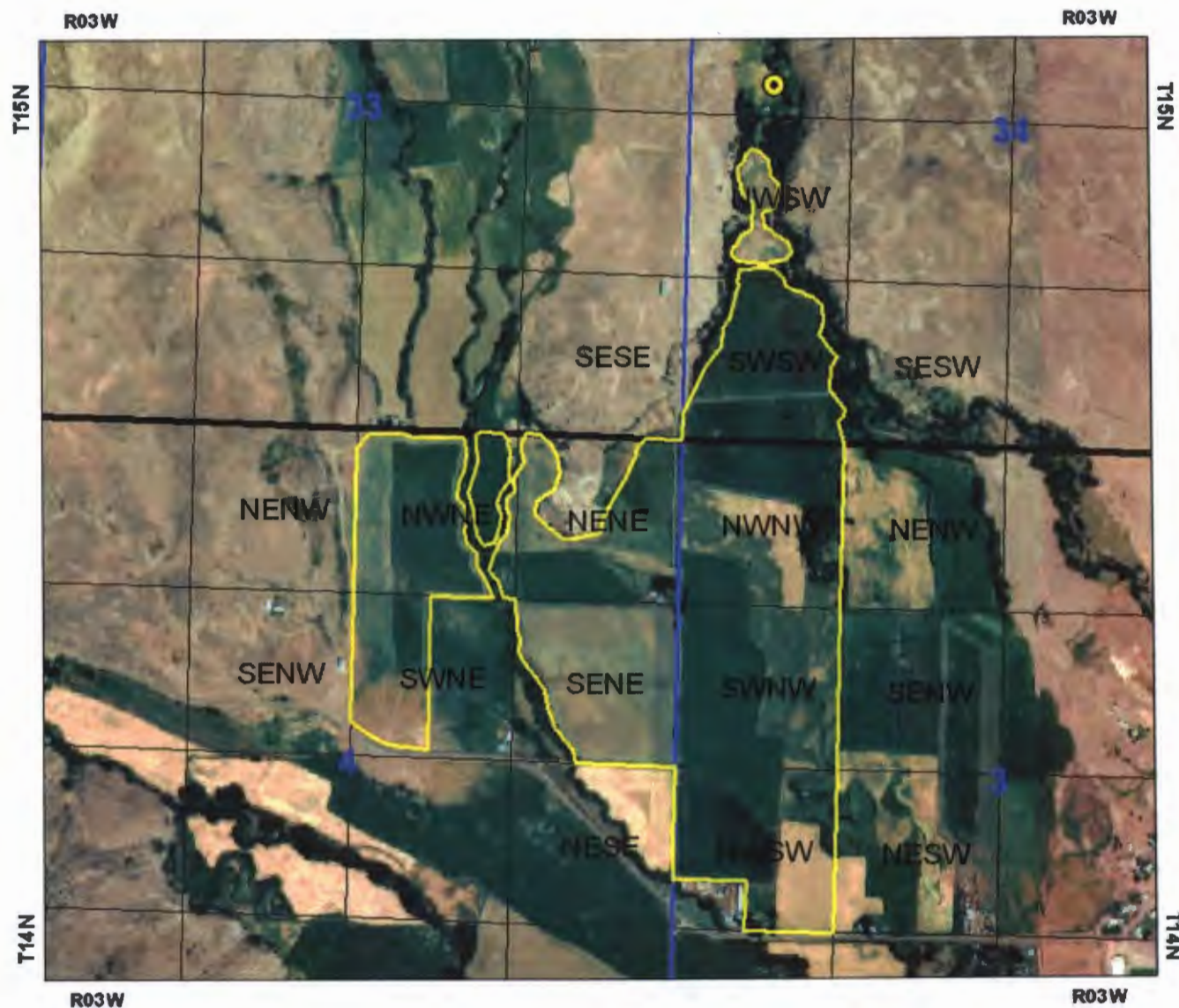
67-4045

Legend

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



Washington County
IDWR Basin 67



0 0.6 1.2 Miles

Prepared by C. Saxton
On Thursday, April 6, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4045 V1

WATER RIGHT NUMBER: 67-4045 V1

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

Priority Date: 05/01/1936
 Basis: Beneficial Use
 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	2.387 CFS	
	<u>Total Diversion:</u>	2.387 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. 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.
2. E56 The rights listed below are limited to the irrigation of a combined total of 267.0 acres in a single irrigation season. Combined Right Nos.: 67-244, 67-245, 67-261, 67-263, 67-264, 67-4045, 67-10796, and 67-11445.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4045 V1

Comments:

1. csaxton 4/6/2006 Priority Date

Comment: This claim is for flood water to be used on top of decreed rights described in TR 1955. TR 1955 made a PPU out of the decreed rights involved. If we assume that flood water was used to supplement the 5/8 inch per acre decreed water when it was available, we can assume that after TR 1955 described the new POU, the flood water was used on that POU too. Thus, I think we can recommend a priority date as claimed without evidence of priority because the flood water directly overlaps the decreed water.

2. csaxton 4/6/2006 Diversion Rate

Comment: The diversion rate recommended under this claim is the amount that will bring the total diversion rate between the flood water and the decreed water up to one full inch per acre. Watermaster Bosco Bosler confirmed that the POD claimed can divert the amount of water recommended for this right and the other rights diverted from that POD.

3. csaxton 4/6/2006 POD PLS

Comment: The POD PLS in the earlier documentation (14N,3W,S34,SW,NW) is downstream of the POU. Presumably this was a transcription error or typo. Should be 15N....

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: 67

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

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>
Priority Date	2/15/2005 3:46:43 PM	dnarsavage			Active
POD	2/15/2005 3:48:38 PM	dnarsavage			Active
Source	2/15/2005 3:49:12 PM	dnarsavage			Active
POU	2/15/2005 3:55:52 PM	dnarsavage			Active
Use	2/15/2005 3:55:53 PM	dnarsavage			Active
Quantity	2/15/2005 3:55:54 PM	dnarsavage			Active
Season	2/15/2005 3:55:54 PM	dnarsavage			Active
POD	2/17/2005 9:29:50 AM	dnarsavage			Active
Source	2/17/2005 9:31:19 AM	dnarsavage			Active
Use	2/17/2005 10:56:10 AM	dnarsavage			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4045 V1

Quantity	2/17/2005 11:09:30 AM	dnarsavage		Active
Summary			02/17/2005 dnarsavage	Active
POU	2/17/2005 11:10:30 AM	dnarsavage		Active
Contacts	4/6/2006 11:27:03 AM	csaxton		Active
Priority Date	4/6/2006 11:29:14 AM	csaxton		Active
POD	4/6/2006 11:29:24 AM	csaxton		Active
Source	4/6/2006 11:30:32 AM	csaxton		Active
POU	4/6/2006 11:31:17 AM	csaxton		Active
Use	4/6/2006 11:32:17 AM	csaxton		Active
Season	4/6/2006 11:32:33 AM	csaxton		Active
Quantity	4/6/2006 11:35:51 AM	csaxton		Active
Summary			04/06/2006 csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	2/15/2005 3:48:38 PM	dnarsavage	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2. Is the basis of this claim a Application or Permit? (Yes) 3. Has the licensed been issued? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	2/15/2005 3:55:53 PM	dnarsavage	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (Yes) 3. Is the basis of claim a Application or Permit? (Yes) 4. Has the licensed been issued yet?
Use	2/15/2005 3:55:54 PM	dnarsavage	(No) 1. Is the basis of this claim a Decree or License?
Season	2/15/2005 3:55:55 PM	dnarsavage	(No) 1. Is the basis of claim Decree or License?
Quantity	2/15/2005 3:55:55 PM	dnarsavage	(No) 1. Is the basis of this claim a Decree or License?
Priority Date	2/15/2005 3:46:44 PM	dnarsavage	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (Yes) 7. Is the basis of claim a Application or Permit? (Yes) 10a. Has proof of beneficial use been submitted? (No) 10b. Has the Field exam been completed? (Yes) 10e. Will the license be issued prior to filing the Directors Report? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4045 V1

Source	2/15/2005 3:49:13 PM	dnarsavage	(No) 1. Is the basis of claim Decree or License? (Yes) 2. Is the basis of claim an Application or Permit? (Yes) 3. Has the licensed been issued? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	2/17/2005 11:03:12 AM	dnarsavage	Edited Season Of Use
POU	2/17/2005 11:04:16 AM	dnarsavage	Edited Season Of Use
Quantity	2/17/2005 11:09:30 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use?
Summary	2/17/2005 11:10:22 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (No) 10. Would you like to set the verification date?
POU	2/17/2005 11:10:31 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU?
POD	4/6/2006 11:29:38 AM	csaxton	Updated shape
Contacts	4/6/2006 11:27:02 AM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: Desktop Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4045 V1

General	4/6/2006 11:29:13 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Overlap with decreed water. Recommend as claimed without need for additioanl evidence of priority.
POD	4/6/2006 11:29:24 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	4/6/2006 11:30:31 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Flood water on top of decreed water where source was determined by decree.
POU	4/6/2006 11:31:16 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Flood water on top of decreed water where recommended POU was determined by TR 1955.
POU	4/6/2006 11:31:33 AM	csaxton	Updated shape for Active POU
POU	4/6/2006 11:31:46 AM	csaxton	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4045 V1

Use	4/6/2006 11:32:16 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Flood water on top of decreed water where purpose of use was determined by decree.
Season	4/6/2006 11:32:33 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Summary	4/6/2006 11:44:02 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Quantity	4/6/2006 11:35:51 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Diversion rate capacity verified by watermaster Bosco Bosler on 4-6-06.
POD	4/6/2006 11:29:51 AM	csaxton	Updated PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4045 V1

POD	2/17/2005 9:29:50 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD?
Source	2/17/2005 9:31:19 AM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Use	2/17/2005 10:56:10 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POU	2/17/2005 11:08:02 AM	dnarsavage	Edited Season Of Use

Water Supply Bank:

Claim

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Volume(af)		Source	Water Use(s)	Owner(s)	Source Table
67	244		Decreed	Active	1899-06-01	0.47			RUSH CREEK	IRRIGATION	BUMGARNER	Claim
67	245		Decreed	Active	6/1/1900	0.38			RUSH CREEK	IRRIGATION	BUMGARNER	Claim
67	261		Decreed	Active	1883-05-01	0.15			RUSH CREEK	IRRIGATION	BUMGARNER	Claim
67	263		Decreed	Active	1896-05-01	0.23			RUSH CREEK	IRRIGATION	BUMGARNER	Claim
67	264		Decreed	Active	5/1/1901	0.13			RUSH CREEK	IRRIGATION	BUMGARNER	Claim
67	272		Decreed	Temporary	1883-05-01	0.15			RUSH CREEK	IRRIGATION	BUMGARNER	Claim
67	4045		Statutory	Active	5/1/1936	7			RUSH CREEK	IRRIGATION	BUMGARNER	Claim
67	10796		Decreed	Active	1890-05-01	0.5			RUSH CREEK	IRRIGATION	BUMGARNER	Claim
67	11445		Decreed	Active	1878-05-01	1.1			RUSH CREEK	IRRIGATION	BUMGARNER	Claim

Recommendation

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	IR 1956 Ac	@ 5/8"	Source	Water Use(s)	Owner(s)	Source Table
67	244		Decreed		1899-06-01	0.47	37	37.6	RUSH CREEK	IRRIGATION	BUMGARNER	Recommend
67	245		Decreed		6/1/1900	0.38	30	30.4	RUSH CREEK	IRRIGATION	BUMGARNER	Recommend
67	261		Decreed		1883-05-01	0.15	32	12	RUSH CREEK	IRRIGATION	BUMGARNER	Recommend
67	263		Decreed		1896-05-01	0.225	48	18	RUSH CREEK	IRRIGATION	BUMGARNER	Recommend
67	264		Decreed		5/1/1901	0.13	27	10.4	RUSH CREEK	IRRIGATION	BUMGARNER	Recommend
67	10796				1890-05-01	0.5	85	40	RUSH CREEK	IRRIGATION	BUMGARNER	Recommend
67	11445		Decreed	Active	1878-05-01	1.098	113	87.84	RUSH CREEK	IRRIGATION	BUMGARNER	Recommend
						2.953	372	236.24				
67	4045		B-Use	Active	5/1/1936	2.387	267	N/A	RUSH CREEK	IRRIGATION	BUMGARNER	Recommend
Decreed and flood water combine make 1" per acre =						5.34	25					

262, 273
241, 242, 243

WR

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Volume(af)		Source	Water Use(s)	Owner(s)	Source Table
67	241		Decreed	Active	1878-05-01	0.44			RUSH CREEK	IRRIGATION	BUMGARNER	wrWaterRight
67	242		Decreed	Active	1878-05-01	0.5			RUSH CREEK	IRRIGATION	BUMGARNER	wrWaterRight
67	243		Decreed	Active	1878-05-01	0.18			RUSH CREEK	IRRIGATION	BUMGARNER	wrWaterRight
67	244		Decreed	Active	1899-06-01	0.47			RUSH CREEK	IRRIGATION	BUMGARNER	wrWaterRight
67	245		Decreed	Active	6/1/1900	0.38			RUSH CREEK	IRRIGATION	BUMGARNER	wrWaterRight
67	261		Decreed	Active	1883-05-01	0.15			RUSH CREEK	IRRIGATION	BUMGARNER	wrWaterRight
67	262		Decreed	Active	1890-05-01	0.25			RUSH CREEK	IRRIGATION	BUMGARNER	wrWaterRight
67	263		Decreed	Active	1896-05-01	0.23			RUSH CREEK	IRRIGATION	BUMGARNER	wrWaterRight
67	264		Decreed	Active	5/1/1901	0.13			RUSH CREEK	IRRIGATION	BUMGARNER	wrWaterRight
67	272		Decreed	Active	1884-05-01	0.06			RUSH CREEK	IRRIGATION	BUMGARNER	wrWaterRight
67	273		Decreed	Active	1890-05-01	0.25			RUSH CREEK	IRRIGATION	BUMGARNER	wrWaterRight
67	4045		Statutory	Active	6/1/1936	7			RUSH CREEK	IRRIGATION	BUMGARNER	wrWaterRight

Saxton, Craig

From: Bosco Bosler [boscob@ruralnetwork.net]
Sent: Thursday, April 06, 2006 8:39 AM
To: Saxton, Craig
Subject: RE: Howdy

Hi Craig,

If Monica is up here doing field exams, I hope she has hip waders!!! I am headed to Missouri tomorrow so I probably won't be able to do much until May. It might dry out some by then.

Yes Jim Bumgarner has the ability to divert that much water and more. Hope this helps.

Bosco

From: Saxton, Craig [mailto:Craig.Saxton@idwr.idaho.gov]
Sent: Wednesday, April 05, 2006 11:13 AM
To: Bosler, Bosco
Subject: Howdy

Hey Bosco,

How is life? Little Wet? Monica is up there today doing field exams. I am guessing she is soaked. I assume there is still snow up by you. But when you are ready, we can get started doing Field Exams again.

Anyway, I am wondering if you can tell me if James Bumgarner's POD can divert 266 inches... (Tag # =A0014017) T15N, R3W, S34, SWNW - Rush Creek.

Hope all is going well.

Thanks,

Craig

Tag #: A0014017

Jim Bumgarner



Point of diversion. Picture taken By Bosco Bosler on 7-20-04.

Receipt Details for ID W006402

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
10/19/1989 1:40:12 PM	10/19/1989	Western	\$1,001.80	Check
Payer		BUMGARNER, JAMES		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
4696			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$1,001.80	ADJUDICATION CLAIM FEE	410162	9337	0 0		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
67	11445		\$342.80	Claim
67	261		\$50.00	Claim
67	186	A	\$152.00	Claim
67	4070		\$50.00	Claim
67	245		\$50.00	Claim
67	185	A	\$50.00	Claim
67	4045		\$50.00	Claim
67	264		\$50.00	Claim
67	263		\$50.00	Claim
67	244		\$50.00	Claim

67	233	\$57.00	Claim
67	10796	\$50.00	Claim

Print Report

RECEIVED

FEB 27 2006

WATER RESOURCES
WESTERN REGION

To Whom it MAY CONCERN,

I WAS BORN 1938 SEPT 14. IN
THE HOUSE THAT I LIVE IN, THAT IS ON THE
PROPERTY THAT IS BEING DESCRIBED ON THE
MAP THAT IS ENCLOSED. THE FLOOD WATER
MENTIONED HAS BEEN USED ON THIS PROPERTY
AS LONG AS I CAN REMEMBER.

James Bunge

RECEIVED

MAR 01 2006

DEPARTMENT OF
WATER RESOURCES

SCANNED

MAR 02 2006



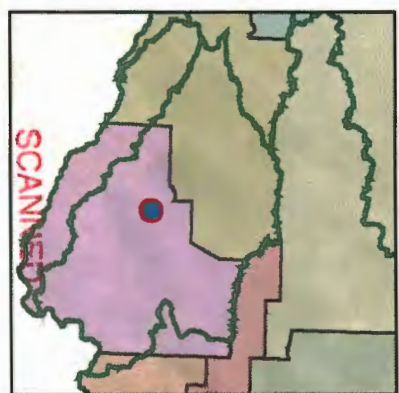
Idaho Department of Water Resources

Adjudication Claim Number: **67-4045**

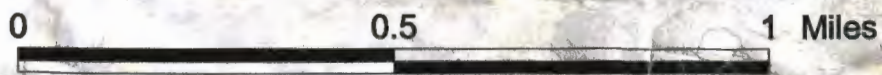
T14N R03W
T15N R03W

Legend

-  PLS Sections
-  GCDBQuarter Quarters



Washington County
IDWR Basin 67



Prepared by M. Van Bussum
On Wednesday, August 31, 2005
1987 Aerial Photography

MAR 02 2006

67-4045

JIM BUMGARNER

257-3422

DRE - CONVERSATION:

HAS GOBS OF DECREEED RIGHTS ~~IN SAME~~ IN
SAME QQS. IF THIS COVERS FLOOD WATER ON
TOP OF DECREE NO NEED FOR EOP.

CALLLED @ 3:10 PM ON 9/13

NO ONE ANSWERED. LEFT A SEMI-COHERENT MESSAGE
AND SAID WOULD TRY BACK TOMORROW MORNING.

PRE-CONVERSATION

DECREEED RIGHTS

241 (22")	245 (15")	264 (6 1/4")
242 (25")	261 (7 1/2")	272 (3 1/8")
243 (7 7/8")	262 (12 1/2")	273 (12 3/8")
244 (23 1/2")	263 (11 1/4")	

TRANSFER FILED IN 1978
ALL
COMBINING POB FOR ~~242 1/2~~
-GAVE MAX 380 acres

TOTAL = 240.6 acres ~~(150 3/8")~~

BUMGARNER CLAIMED A TOTAL OF 292 ac

SPOKE W/ DON SHAFF.

- WE CAN TREAT THE 380 acres AS A
PERMISSIBLE PLACE OF USE FOR ALL OF DECREEED
RIGHT.

CALLLED BUMGARNER @ 11 AM - 9/14/05

WILL WRITE AN AFFIDAVIT FOR FULL 292 acres ON
67-4045 AND RETURN MAP NEXT WEEK

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that James L. Bumgarner
(name of claimant)
of Cambridge, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Weiser River

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Rush Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>7.0</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>March 15</u>	To	<u>Nov. 15</u>
Amount		Use		Period of Use:	From		To	
Amount		Use		Period of Use:	From		To	
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 7.0 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1936

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34 Twp. 14 N Rge. 3 W B.M. County of Washington
Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Gravity diversion and ditch to place
of use

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 380

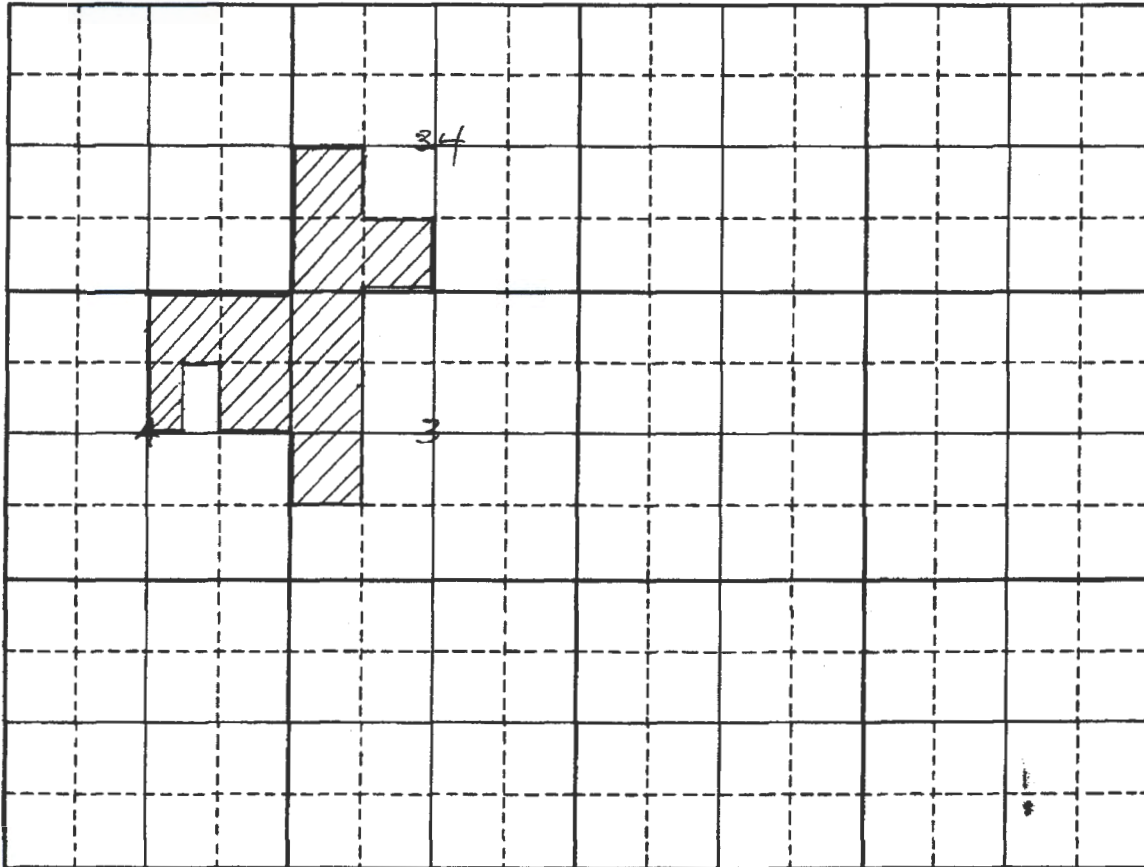
- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

~~67-4045~~

67 4045

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Ada ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 18th day of January, 1974

Notary Public

Residing at

Boise, Idaho

My commission expires

14 July 1974

For Department Use Only

Received by <u>R.W.H.</u>	Date <u>1-18-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>R.W.H.</u>	Date <u>1-18-74</u>		claimant by:	
\$10.00 fee received by <u>R.W.H.</u>	Date <u>1-18-74</u>			
Approved for publication by				
Published in <u>Upper County News Reporter</u>				
Dates <u>2-74 2-14-74</u>				

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

February 25, 1974

James L. Bumgarner
Cambridge, ID 83610

Re: Claim to a Water Right No. 67-4045

Dear Mr. Bumgarner:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence which you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KBF:def

Enclosure

67 4045

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

February 1, 1974

Upper Country News Reporter
Box 98
Cambridge, ID 83610

Re: Notice of Claim to a Water Right No. 67-4044 - Morris B. McCoy
67-4045 - James L. Bumgarner
Notice of Proposed Change No. 67-0241, 67-0242, 67-0243, 67-0244, 67-0245,
67-0261, 67-0262, 67-0272, 67-0273 - James Bumgarner
Notice of Proposed Change No. 67-0246, 67-0249, 67-0248, 67-0257, 67-0248 -
Morris B. McCoy
Application for Permit No. 67-7192 - Maurice W. Sanders &/or Edwin C. De Moss
67-7193 - Maurice W. Sanders &/or Edwin C. De Moss

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

67 4045

Sincerely,

Bill submitted 2-19-74 by df