

04/07/2006

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

RIGHT NUMBER: 67-11167

NAME AND ADDRESS: ROBERT L BUMGARNER
PO BOX 264
CAMBRIDGE ID 83610

SOURCE: RUSH CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.410 CFS

PRIORITY DATE: 06/21/1921

POINT OF DIVERSION:

T15N R03W S34 NESWSW 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	0.410 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T14N R03W S03 Lot 2 NWNE	3.60	T14N R03W S03 SWNE	12.00
T14N R03W S03 SENE	9.00	T14N R03W S03 Lot 3 NENW	30.40

55 ACRES TOTAL

Right Nos. 67-274 and 67-11167 are limited to the irrigation of a combined total of 55.0 acres in a single irrigation season.

Right Nos. 67-11167 and 67-14262 are limited to the irrigation of a combined total of 80.4 acres 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 - Beneficial Use



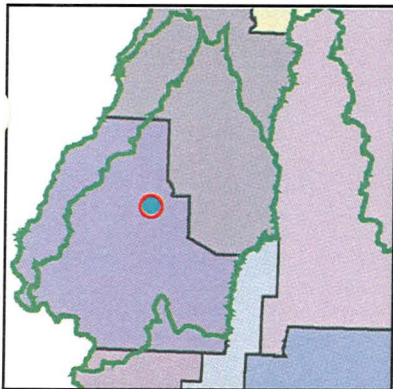
Idaho Department of Water Resources

Adjudication Claim:

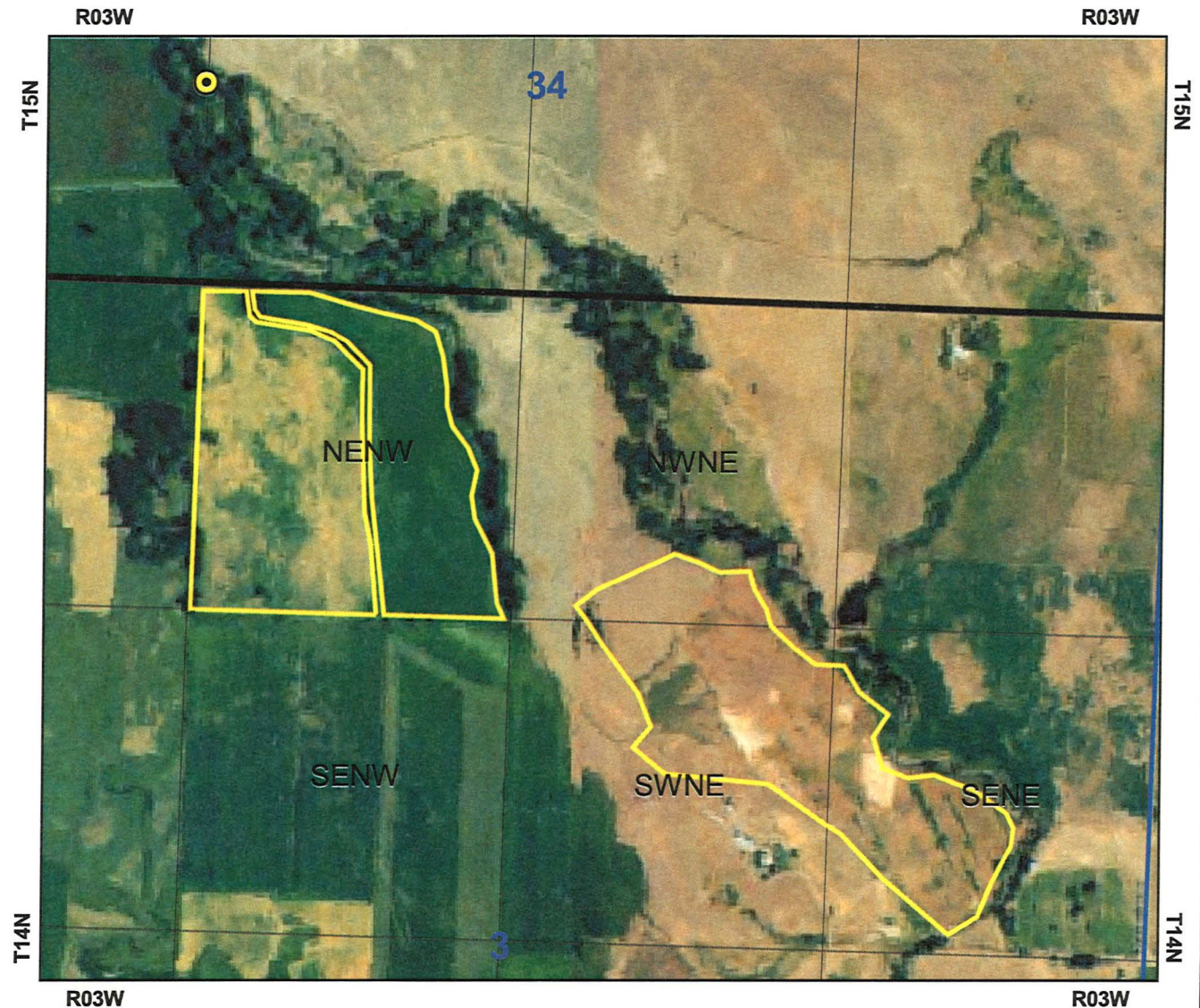
67-11167

Legend

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



Washington County
IDWR Basin 67



0 0.3 0.6 Miles

Prepared by C. Saxton
On Friday, April 7, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11167 V1

WATER RIGHT NUMBER: 67-11167 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT L BUMGARNER PO BOX 264 CAMBRIDGE, ID 83610 (208)257-3739

Priority Date: 06/21/1921

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	0.410 CFS	
	<u>Total Diversion:</u>	0.410 CFS	

Location of Point(s) of Diversion

RUSH CREEK	NE1/4SW1/4SW1/4	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		3.6	12.0	9.0	30.4												55.0
				L 2			L 3												

Total Acres: 55

Conditions of Approval:

1. E55 Right Nos. 67-274 and 67-11167 are limited to the irrigation of a combined total of 55.0 acres in a single irrigation season.
2. 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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11167 V1

Comments:

1. csaxton 4/7/2006 Flood Water

Comment: This claim is for flood water that overlaps decreed rights 67-274 and 67-14262 and brings up total diversion rate to 1 inch per acre when used in combination with decreed water.

2. csaxton 4/7/2006 EOP

Comment: EOP was not provided so I am limited to recommending only acreage that directly overlaps decreed acres which appears to be an accurate recommendation of beneficial use anyway.

3. csaxton 4/7/2006 POD

Comment: Claimed POD lists legal as section 3. that POD does not make sense and should be section 34.

4. csaxton 4/7/2006 Copied From Claim

Comment: THIS FLOOD WATER IS SUPPLEMENT TO DECREED RIGHTS.

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	4/7/2006 2:18:39 PM	csaxton			Active
Priority Date	4/7/2006 2:19:27 PM	csaxton			Active
Contacts	4/7/2006 2:26:51 PM	csaxton			Active
POD	4/7/2006 2:27:19 PM	csaxton			Active
Source	4/7/2006 2:33:38 PM	csaxton			Active
POU	4/7/2006 2:34:30 PM	csaxton			Active
Use	4/7/2006 2:36:27 PM	csaxton			Active
Season	4/7/2006 2:36:47 PM	csaxton			Active
Quantity	4/7/2006 2:39:35 PM	csaxton			Active
Summary			04/07/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11167 V1

Contacts	4/7/2006 2:26:55 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
POD	4/7/2006 2:27:23 PM	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?
POD	4/7/2006 2:31:09 PM	csaxton	Updated shape
POD	4/7/2006 2:31:27 PM	csaxton	Updated PLS
Source	4/7/2006 2:33:42 PM	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 - Direct overlap with Decreed rights from the same source.
POU	4/7/2006 2:34:35 PM	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? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - Direct overlap with decreed right. Same POU as decreed.
Use	4/7/2006 2:36:31 PM	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 that directly overlaps decreed water.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11167 V1

Season	4/7/2006 2:36:52 PM	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 administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	4/7/2006 2:28:45 PM	csaxton	Updated shape
Quantity	4/7/2006 2:39:40 PM	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 - Picture of POD shows that diversion system has the capacity to carry the diversion rate recommended.
Contacts	4/7/2006 2:18:43 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
General	4/7/2006 2:19:31 PM	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 - Direct overlap with flood water. Can recommend priority as claimed without EOP which was not provided.
POU	4/7/2006 2:35:12 PM	csaxton	Updated shape for Active POU
POU	4/7/2006 2:35:28 PM	csaxton	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-11167 V1

Summary	4/7/2006 2:45:19 PM	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?
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Water Supply Bank:

Claim

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	274		Decreed	Active	1887-05-01	0.38	40	RUSH CREEK	IRRIGATION	BUMGARNER, I	Claim
67	11166		Decreed	Parent	1895-05-01	0.78		RUSH CREEK	IRRIGATION		Claim
67	11167		Beneficial	Active	6/21/1921	1.8	90	RUSH CREEK	IRRIGATION	BUMGARNER, I	Claim
67	11168		Beneficial	Active	6/21/1921	1		RUSH CREEK	IRRIGATION	BUMGARNER, I	Claim
67	14262		Decreed	Active	1895-05-01	0.625	81	RUSH CREEK	IRRIGATION	BUMGARNER, I	Claim
67	14263		Decreed	Active	1895-05-01	0.15	19	RUSH CREEK	IRRIGATION	ZUNDEL, LELA	Claim

Recommendation

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	274		Decreed		1887-05-01	0.38	30.4	RUSH CREEK	IRRIGATION	BUMGARNER, I	Recommendation
67	14262		Decreed		1895-05-01	0.625	50	RUSH CREEK	IRRIGATION	BUMGARNER, I	Recommendation
67	14263		Decreed		1895-05-01	0.15	12	RUSH CREEK	IRRIGATION	ZUNDEL, LELA	Recommendation
67	11167		B-use		6/21/1921	0.41	55	RUSH CREEK	IRRIGATION	BUMGARNER, I	Recommendation
3/8" per ac											
67	11168		B-use		6/21/1921	0.28	37.4	RUSH CREEK	IRRIGATION	BUMGARNER, I	Recommendation
3/8" per ac											

WR

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	274		Decreed	Active	1887-05-01	0.38		RUSH CREEK	IRRIGATION	MACEY, HATTI	wrWaterRight

Robert L. Bumgarner POD



GPS'd by Bosco Bosler on 7/20/04. Tag #: A0014014

Contacts Data Entry Form

Claim Number: 67-11167

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	ROBERT L BUMGARNER	PO BOX 264	CAMBRIDGE	ID	83610	(208)257-3739

Date of Field Exam: 6-10-05 Time: 0800Accompanied By: Robert Phone Number: 208-257-3739Relationship to Claimant: Owner

Directions to Property (if different from above) and/or update owner information:

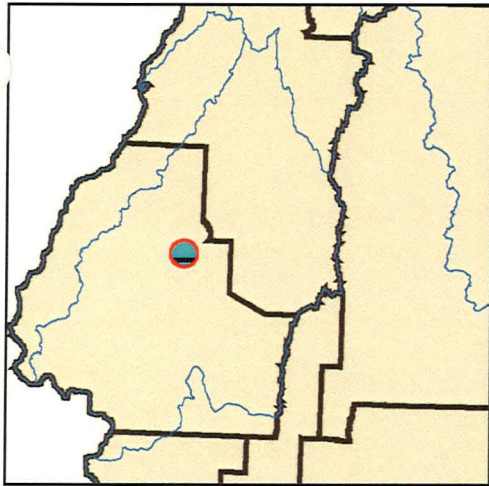
this is Part of n/r # 274
1/4 1/4 NW ~~NE~~ SOLD - 67-140263 Zundeh
1/4 1/4 SE NE SOLD - 67-140262

Reviewer: [Signature]Date: 6-10-05

Idaho Department of Water Resources



T14N R03W



Rush Creek Rd

Adjudication Claim Number: **67-11167**



Legend

- PLS Sections
- Quarter Quarters

Prepared by D. Narsavage
On Tuesday, May 17, 2005
1987 Aerial Photography

Adj67-11167



67-00274

67-14262

67-11168

67-11167

POD

Friday. 0830

Robert Buncarker

208-257-3739

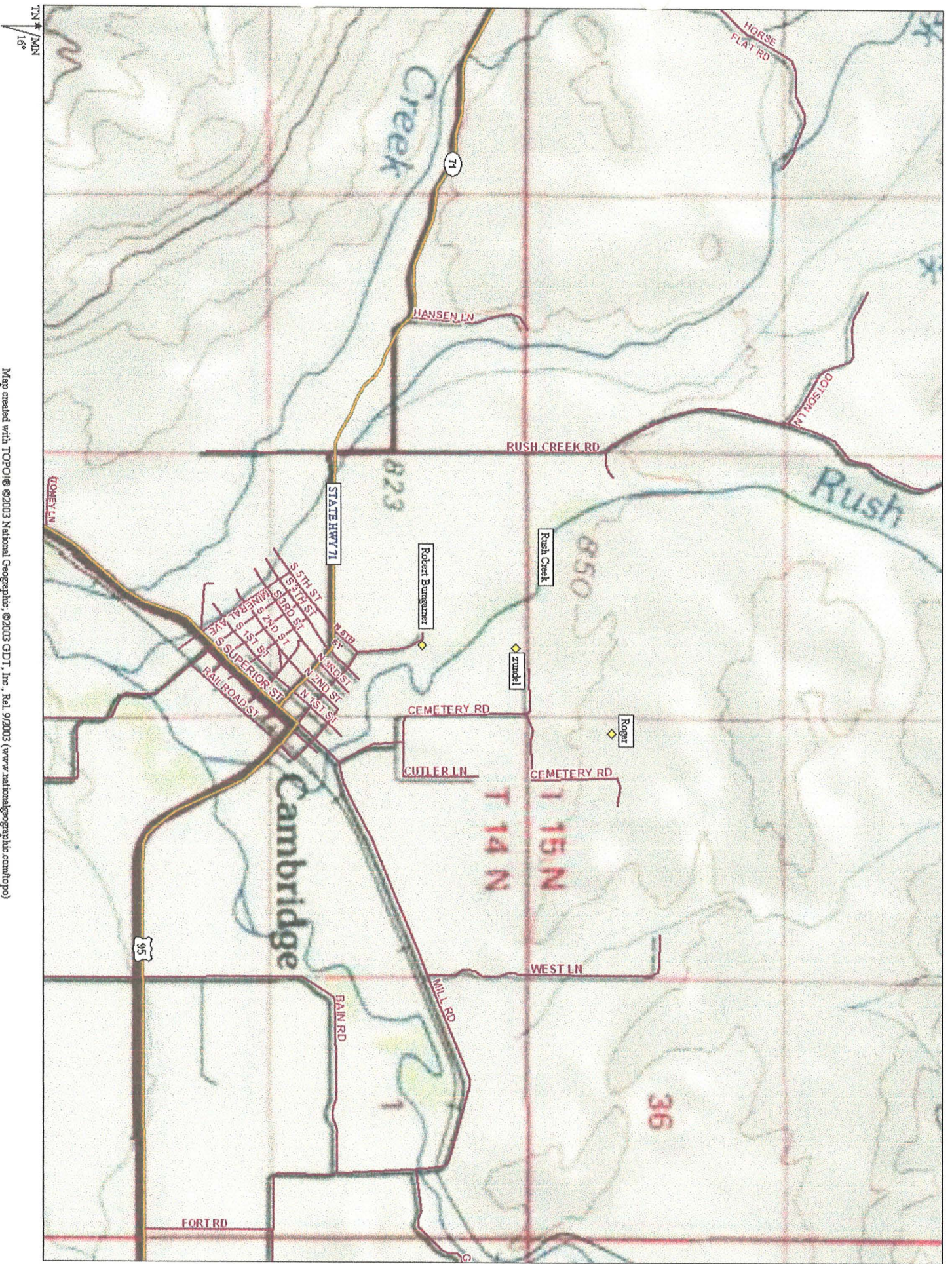
3409

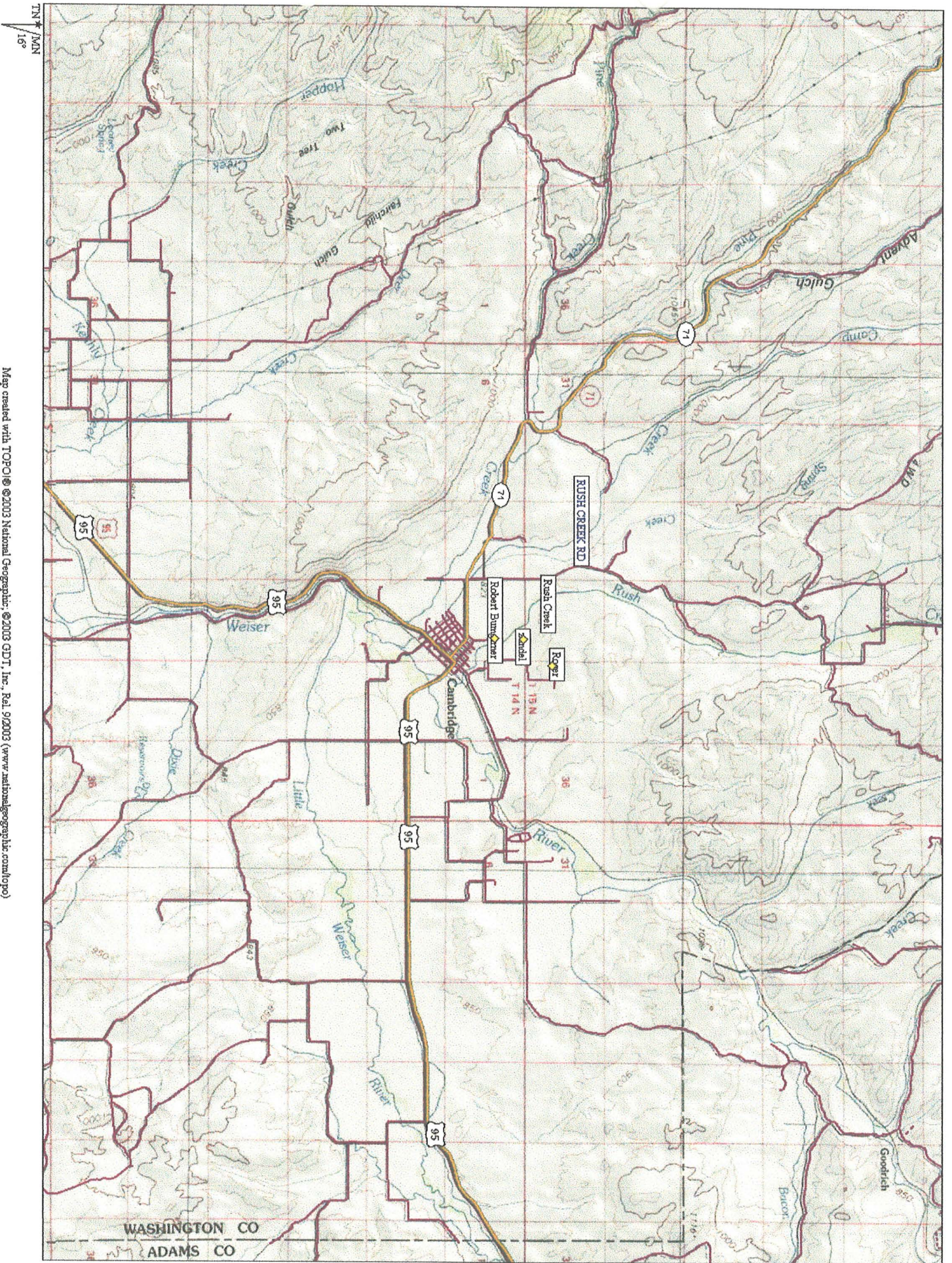
550-0622

Pou

1.8 CFS
90"

Pre/Dates
6/24/1921





TN
16°

AL 1-00274
02263
11166
11167
11168
11169
07243CLAIMANT'S NAME: Robert L. Bumgarner

DATE:

EMPLOYEE: Helen H-T

10/27/89

RE: Received

This claims are not late; Mr. Bumgarner
filed incomplete claims postmarked on
10/19/89.

He ~~then~~ made an appointment and was
in on this date and filed complete
claims.

MICROFILMED
OCT 05 1992

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A67-11167
Date Received: 10/27/1989
Receipt No: CO12568
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT L. BUMGARNER 208-257-3739
Address: P.O. BOX 264
CAMBRIDGE, ID 83610

2. Date of Priority: JUN 21, 1921

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
15N	03W	3	NW	SE	SW		WASHINGTON

5. Description of diverting works:
HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.800		

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

8. Total consumptive use is 270.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	03W	3	NW	NE		IRR	20.0
			SW	NE		IRR	15.0
			SE	NE		IRR	15.0
			NE	NW		IRR	40.0

Section Acres 90.0

A67-11167

Page 1

Date: 10/27/89

SCANNED
APR 09 2004

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Total Acres 90.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

A67-11166, A67-00274

14. Remarks:

THIS FLOOD WATER IS SUPPLEMENT TO DECREED RIGHTS.

15. Basis of Claim: BENEFICIAL USE

POINT OF DIVERSION
NW 1/4 SE 1/4 SW 1/4
Section 34 15 North
Section 3 15 West
T100N R100W

34 35

3

2

25 AC

8 AC

32 AC

50 AC

MICROFILMED

OCT 05 1992

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 X 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): Robert L. Bunnigan Date: 10-27-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of October 19 89

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994