

04/07/2006

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

RIGHT NUMBER: 67-14263

NAME AND ADDRESS: LELAND ZUNDEL
2975 CEMETERY RD
CAMBRIDGE ID 83610

SHEILA ZUNDEL
2975 CEMETARY RD
CAMBRIDGE ID 83610

SOURCE: RUSH CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.150 CFS

PRIORITY DATE: 05/01/1895

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	0.150 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T14N R03W S03 Lot 2 NWNE 12.00

12 ACRES TOTAL

Right Nos. 67-11168 and 67-14623 are limited to the irrigation of a combined total of 37.4 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 - Decreed



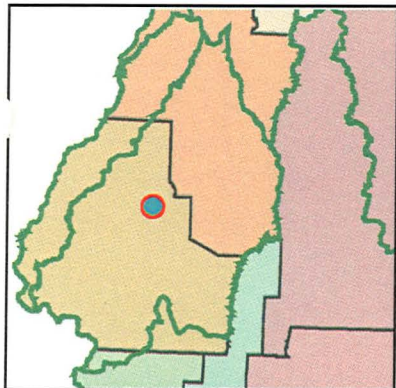
Idaho Department of Water Resources

Adjudication Claim:

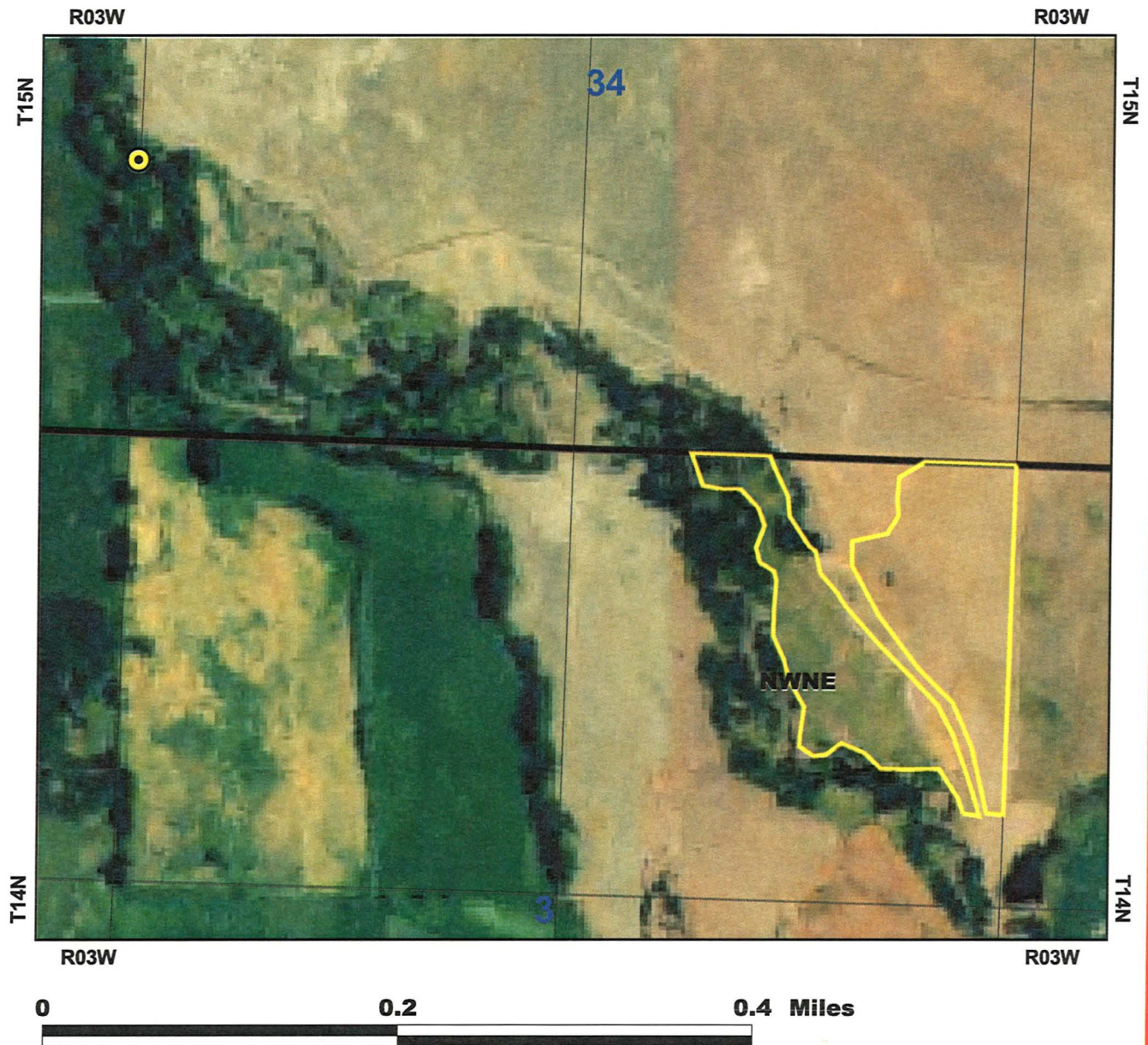
67-14263

Legend

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

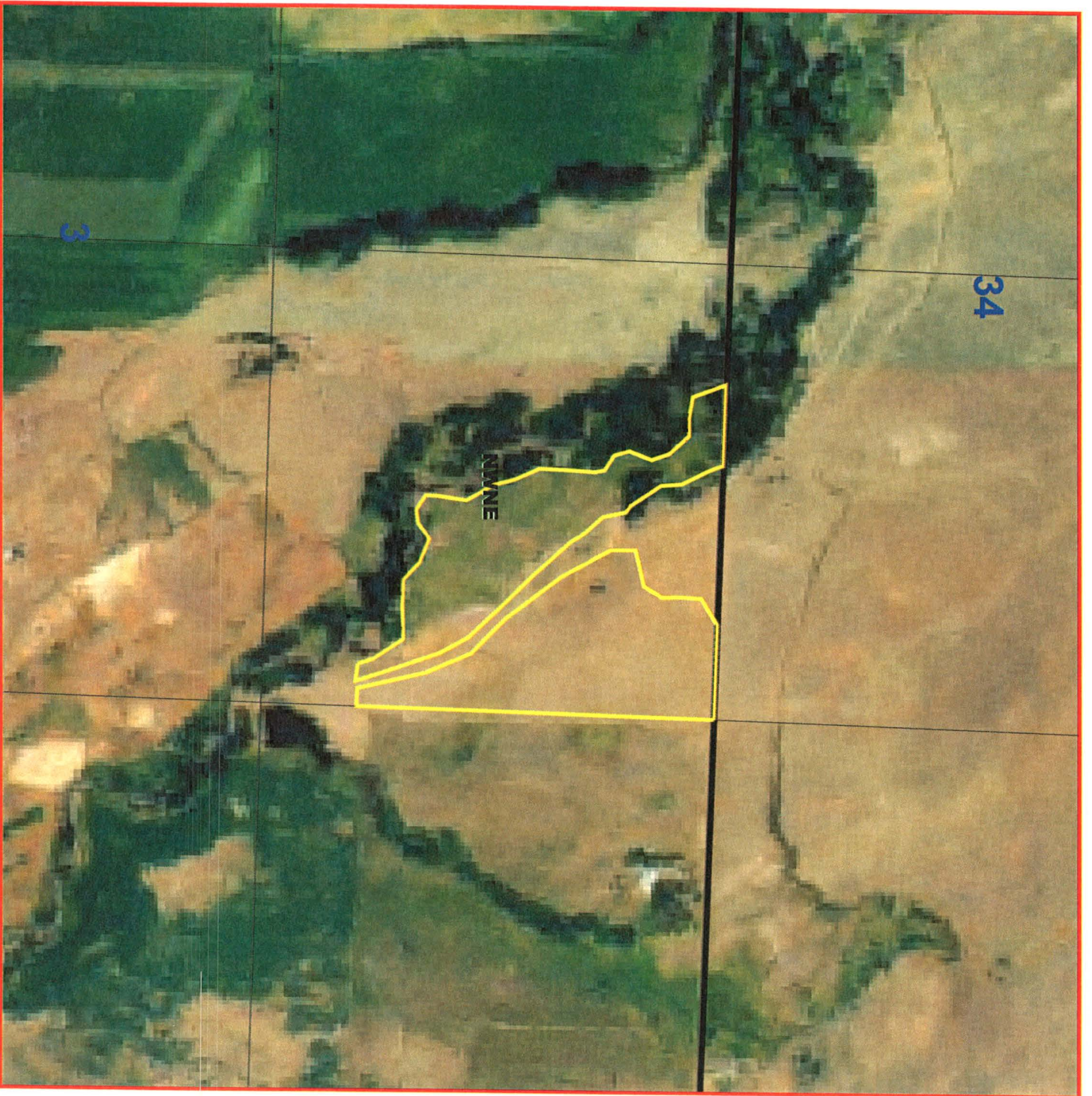
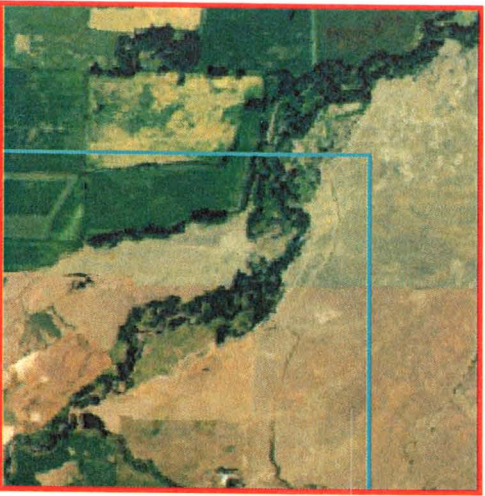


Washington County
IDWR Basin 67



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

67-14263



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14263 V1

WATER RIGHT NUMBER: 67-14263 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ROBERT L BUMGARNER PO BOX 264 CAMBRIDGE, ID 83610 (208)257-3739
Original Owner	CHARLES F HULET , ZZ
Current Owner	LELAND ZUNDEL 2975 CEMETERY RD CAMBRIDGE, ID 83610 (208)257-3944
Current Owner	SHEILA ZUNDEL 2975 CEMETARY RD CAMBRIDGE, ID 83610 (208)257-3944

Priority Date: 05/01/1895

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	0.150 CFS	
	<u>Total Diversion:</u>	0.150 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
14N	03W	3	NE	NW	SW	SE	12.0
			12.0				
			L 2				

Total Acres: 12

Conditions of Approval:

1. E55 Right Nos. 67-11168 and 67-14623 are limited to the irrigation of a combined total of 37.4 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14263 V1

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:Comments:

1. csaxton 4/7/2006 Copied From Claim (1)

Comment: This claim is the result of a change in ownership for a portion of 67-11166. by RB 6/2001

2. csaxton 4/7/2006 67-290

Comment: The elements of this recommendation are those of decreed right 67-290.

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 2:55:47 PM	csaxton			Active
Priority Date	4/7/2006 2:56:22 PM	csaxton			Active
POD	4/7/2006 2:56:31 PM	csaxton			Active
Source	4/7/2006 2:57:28 PM	csaxton			Active
POU	4/7/2006 2:57:44 PM	csaxton			Active
Use	4/7/2006 2:58:35 PM	csaxton			Active
Season	4/7/2006 2:58:52 PM	csaxton			Active
Quantity	4/7/2006 3:01:14 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>
POU	4/7/2006 2:58:04 PM	csaxton	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14263 V1

POD	4/7/2006 2:57:00 PM	csaxton	Updated shape
Quantity	4/7/2006 3:01:19 PM	csaxton	(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? (No) 8. Does the parent right have an annual diversion volume limit? (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?
Summary	4/7/2006 3:03:42 PM	csaxton	(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? (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? (Yes) 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?
Contacts	4/7/2006 2:55:52 PM	csaxton	(No) 1. Do you want to schedule an appointment?
General	4/7/2006 2:56:27 PM	csaxton	Comment for 1: Desktop Review (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	4/7/2006 2:56:37 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14263 V1

POD	4/7/2006 2:57:12 PM	csaxton	Updated PLS
Source	4/7/2006 2:57:33 PM	csaxton	(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?
POU	4/7/2006 2:57:49 PM	csaxton	(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? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	4/7/2006 2:58:15 PM	csaxton	Updated PLS for Active POU
Use	4/7/2006 2:58:40 PM	csaxton	(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?
Season	4/7/2006 2:58:57 PM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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?

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,	Recommendation
67	14262		Decreed		1895-05-01	0.625	50	RUSH CREEK	IRRIGATION	BUMGARNER,	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,	Recommendation
3/8" per ac											
67	11168		B-use		6/21/1921	0.28	37.4	RUSH CREEK	IRRIGATION	BUMGARNER,	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

Split history for Decreed Right 67-288 & 67-290

WR History

67-288	Hulet
0.625	cfs
50.0	ac

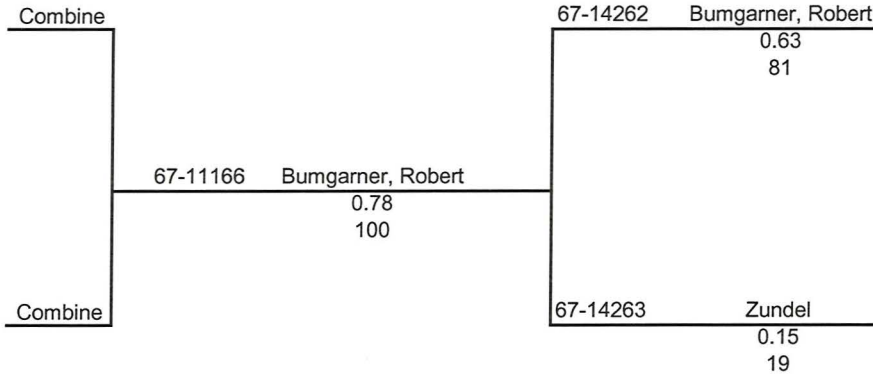
** calculated at 5/8" per acre*

67-290	Kingsbury
0.15	cfs
12	ac

** calculated at 5/8 inches per acre*

Combine
0.775
62.0

Claim History



Sum CFS =	0.780
Sum Acre=	100
Sum AF =	n/a

Extra CFS =	0.632
Extra Ac =	0
Extra AFA =	n/a

Recommendation

67-14262	Bumgarner, Robert
	0.625
	50

67-14263	Zundel
	0.150
	12

Sum CFS =	0.775
Sum Acre=	62.0
Sum AF =	n/a

Extra CFS =	0.000
Extra Ac =	0.0
Extra AFA =	n/a

***Last updated 4-7-06 (csaxton)**

For digital copy of Excel spreadsheet file: See Craig L. Saxton

Robert L. Bumgarner POD



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

MEMORANDUM

Date: April 7, 2006

To: 67-14262 and 67-14263

From: Craig L. Saxton

RE: Irrigated POU

Claim 67-11166 was filed as a combination of 67-288 and 67-290 and claimed more acres than was decreed under these two rights. The claim was split through change of ownership splitting the right into 67-14262 and 67-14263.

67-14263 is held by Zundel and the POU claimed appears to be the same POU described under decreed right 67-290. The POU described under 67-290 was decreed for 12 acre in the NWNE of section 3. After the split, 67-14263 claims 21.86 acres within the NWNE of Section 3.

1987 photography shows about 9 acres of irrigation within the claimed POU for 67-14263. However, the 2004 photography I could find over 12 acres of ground that is green and could be irrigated. I looked at 1977 color photography in IDWR files called U2 air photos. They are not scanned or in ArcView, but the photo I am referencing can be found using the following information:

U2 Airphotos
2328-77-138
19/8/77
Southwest Idaho

The 1977 photo shows signs of irrigation in the NE corner of Zundels property but even with this corner being irrigated, the total irrigated ground at that time would not exceed 12 acres. Thus it appears that more ground could have been historically irrigated than was shown in the 1987 photography.

I think it is safe to recommend the 12 acres of irrigation that was decreed to the property as we have support of historical use from the 1977 photography, and from the 2004 photography showing irrigation, we could consider it resumption of the right. However, I cannot recommend more than 12 acres because I can not confirm that more was irrigated prior to the mandatory permit statute.

Robert L. Bumgarner POD



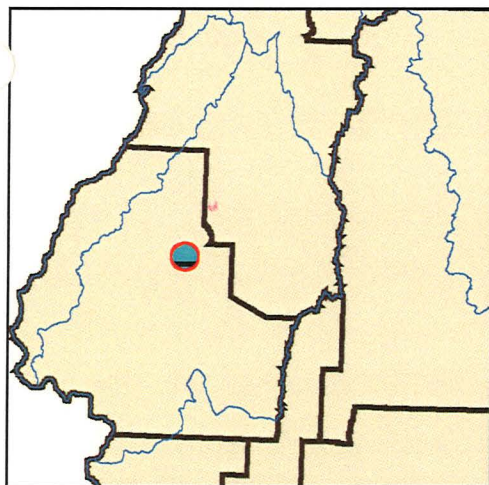
GPS'd by Bosco Bosler on 7/20/04. Tag #: A0014014 by Bosco Bosler

Idaho Department of Water Resources



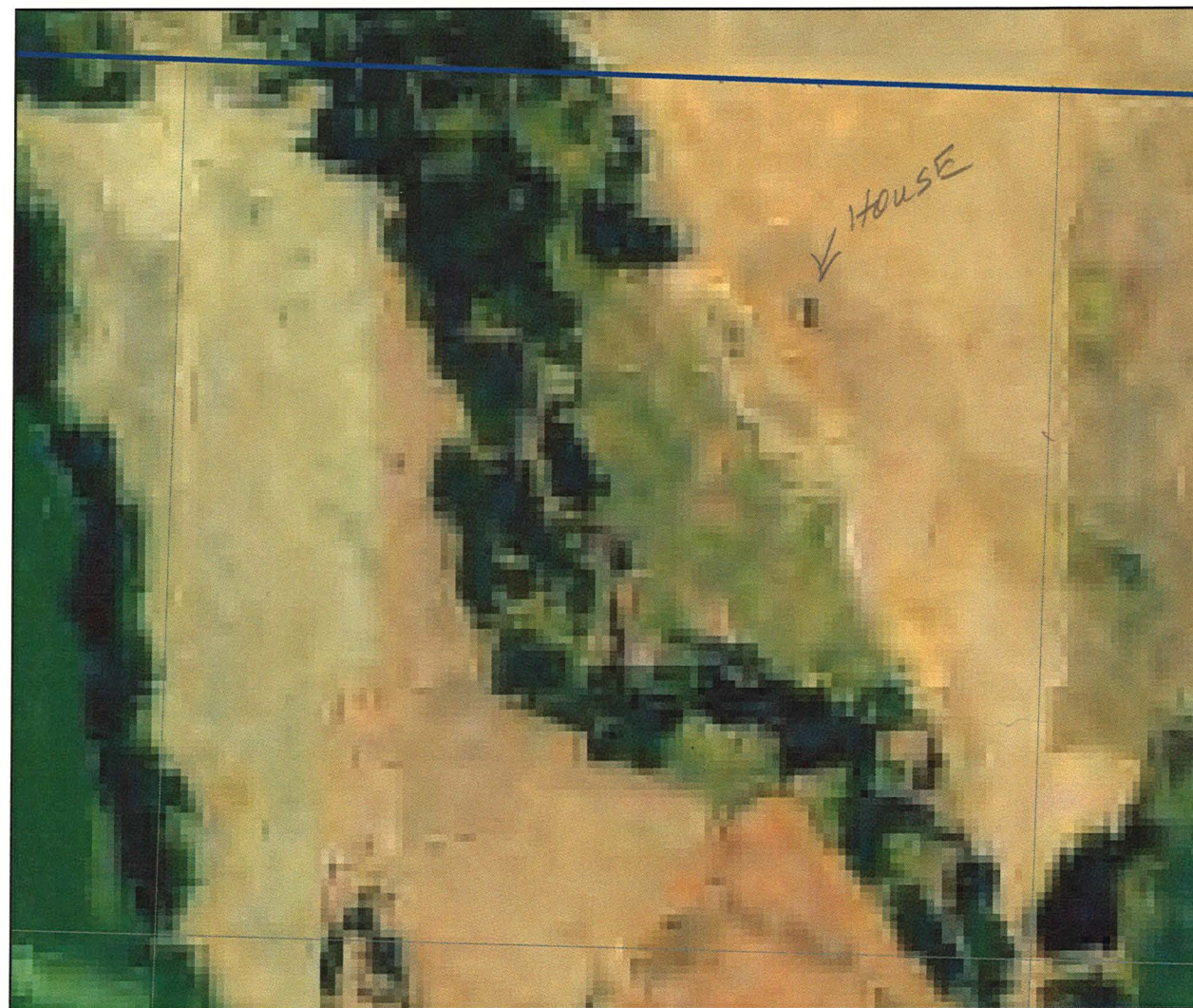
T14N R03W

Adjudication Claim Number: **67-14263**



Legend

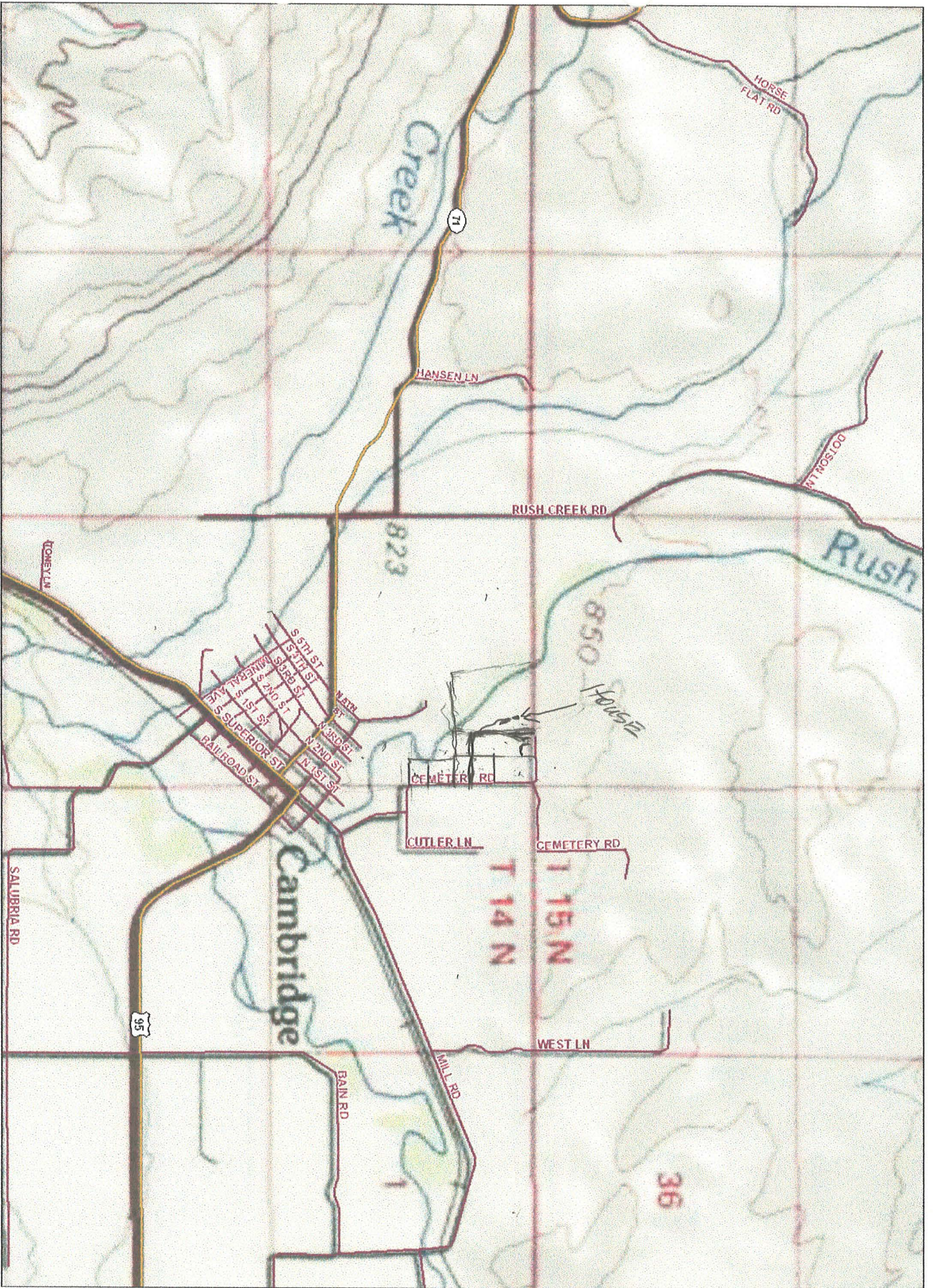
-  PLS Sections
-  Quarter Quarters



0 0.1 0.2 Miles



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



67-14263 Lehard Zundeh 208-257-3944

Red Tag # A0014016 RIDENOUR Ditch.

FLOOD.

Pou.

PR/date 05/01/1895

George W. Hall (cont.)

Fred M Suiter and Grace Z Suiter

C E Schmitts

John Tinsley

Elizabeth Norton

John Norton

Louis Robson

G W Tuttle

George A Jefferson

Hattie Macey

Rush Creek (Con)

J M Atwell

Edward Byers, sub for William Cope

Eva Barber

✓ Jerome B Cox

Hels C Nelson

R E Wilson and Edwin J Hill

" " " "

Hub B Poyner

✓ W H Gibson

✓ Manta Dugger

J Edward Wicks

Charles F Hulet

A H Nunnalee

A L Kingsbury

A Milton Hinshaw

James L Warren

John Carriock

Elihu W Hinshaw, sub for Devaney & Carter

Philbrick & Greenwood

Walter E Ford

William Thelen

E E Lorton

Marion C Potter

Daniel W Bradshaw

Bilas L Craddock

Edward E Lorton

Rush Creek (Con)

Charles R Edwards

E E Edwards admin of David G Edwards Estate

Joseph Hutchings (Beaver Creek)

11 1/2

6 1/2

12 1/2

4 3/8

- 13 5/8

- 2 3/8

- 4 3/4

- 2 3/8

- 2 3/8

3 1/8

12 3/8

19

9 1/2

12 1/2

7 1/2

16 T 676

19

12 1/2

16

136

16

6

2 1/2

1 1/2

19

31 1/2

14

7 1/2

19

75

32

18 1/2

3 1/8

3 3/4

12 1/2

25

9 3/8

19

23

63

27

20

45

May 1, 1896 67 0263

May 1, 1901 67 0264

Aug. 23, 1883 67 0265 T 1765

Aug 23 1883 67 0266

Aug 23, 1883 67 0267 T 1765

Aug 23, 1883 67 0268 T 1765

Aug 23, 1883 67 0269 T 1765

Aug 23, 1883 67 0270 T 1765

Aug 23, 1883 67 0271 T 1765

May 1, 1884 67 0272 T 1765

May 1, 1890 67 0273 T 1765

May 1, 1887 67 0274

May 1, 1888 67 0275

May 1, 1889 67 0276

May 1, 1892 67 0277

May 1, 1890 67 0278

May 1, 1890 67 0279 sec memo

April 30, 1890 67 0280

May 1, 1891 67 0281

Oct 29, 1908 67 0282

May 1, 1892 67 0283

May 1, 1894 67 0284

May 1, 1894 67 0285

May 1, 1894 67 0286

May 1, 1895 67 0287

May 1, 1895 67 0288

May 1, 1895 67 0289

May 1, 1895 67 0290

May 1, 1896 67 0291

May 1, 1897 67 0292

May 1, 1899 67 0293

May 1, 1899 67 0294

June 1, 1900 67 0295

May 1, 1902 67 0296

May 23, 1903 67 0297

May 1, 1904 67 0298

May 1, 1904 67 0299

Oct 29, 1908 67 0300

Oct 29, 1908 67 0301

Oct 29, 1908 67 0302

March 20, 1911 67 0303 T 222

March 20, 1911 67 0304

June 1, 1883 67 0305

JUL 24 1936

Township 14 North, Range 3 West Boise Meridian, save and excepting therefrom the right of way of the P & I N Railway.

- 268 ELIZABETH NORTON: The east half of the Northwest Quarter of the Southwest Quarter of the Northwest Quarter Section 2, Township 14 North, Range 3 West Boise Meridian.
- 269 JOHN NORTON: The Northwest Quarter of the Southeast Quarter of the Northwest Quarter Section 2, Township 14 North, Range 3, West Boise Meridian.
- 270 LOUIS ROBSON: East half Northeast Quarter Southwest Quarter Northwest Quarter, Section 2, Township 14, North, Range 3 West Boise Meridian.
- 271 C W TUTTLE: The West half of the Northeast Quarter of the Southwest Quarter of the Northwest Quarter Section 2, Township 14 North, Range 3 West Boise Meridian.
- 272-73 GEORGE A JEFFERSON: Lot number 1, Section 4, Township 14 North, Range 3 West Boise Meridian.
- 274 HATTIE MACEY: Lot 3, Section 3, Township 14 North, Range 3 West Boise Meridian.
- 275 J M ATWELL: The West half of the Northwest Quarter, the Northeast Quarter of the Northwest Quarter, and the Northwest Quarter of the Northeast Quarter of Section 34, Township 15 North, Range 3 West Boise Meridian.
- 276-77 EDWARD BYERS: The South half of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 27, Township 15, North, Range 3 West Boise Meridian.
- 278 EVA BARBER: The South half of the Northeast Quarter of Section 2, Township 14 North, Range 3 West Boise Meridian.
- 279 ✓ JEROME B COX: The West half of the Southeast Quarter, the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter, Section 2, Township 15 North, Range 3 West Boise Meridian.
- 280 NELS C NELSON: The North half of the Northeast Quarter of the Southeast Quarter of Section 3; and the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 2, Township 14 North, Range 3 West Boise Meridian.
- R E WILSON AND EDWIN J HILL: The East half of the Southeast Quarter of Section 26, the South half of the Southwest Quarter of Section 25, and the North half of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 36, Township 15 North, Range 3 West Boise Meridian.
- HUB B POYNTER: The West half of the Northwest Quarter, the Northeast Quarter of the Northwest Quarter, and the Northwest Quarter of the Northeast Quarter of Section 27, Township 15 North, Range 3 West Boise Meridian.
- ✓ W H GIBSON: The West half of the Northeast Quarter of Section 10, Township 15 North, Range 3 West Boise Meridian.
- MINTA DUGGER: The Northeast Quarter of the Southeast Quarter of Section 10, Township 15 North, Range 3 West Boise Meridian.
- J EDWARD WICKS: The West half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 3 and the Northeast Quarter of the Northeast Quarter of Section 10, all in Township 15 North, Range 3 West Boise Meridian.
- CHARLES F HULET: The South half of the Northeast Quarter, and the South half of the South half of the North half of the Northeast Quarter of Section 3, Township 14 North, Range 3 West Boise Meridian.
- A H MUNNALLEE: The North Three Quarter of Lot 1, Section 3, Township 14 North, Range 3 West Boise Meridian.

JUL 24 1926

A L KINGSBURY: The North half of Lot 2, and the North half of the South half of said Lot 2 Section 3, Township 14 North, Range 3 West Boise Meridian.

A MILTON HINSHAW: The Southwest Quarter of Section 3, and the Northwest Quarter of Section 10 all in Township 15 North, Range 3 West Boise Meridian.

JAMES L WARREN: The Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 9, Township 15 North, Range 3 West Boise Meridian.

JOHN CARRICK: The West half of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter, and the Northeast Quarter of the Southeast Quarter of Section 15, Township 15 North, Range 3 West Boise Meridian.

ELIHU W HINSHAW: The West half of the Northwest Quarter, the Southeast Quarter of the Northeast Quarter and the Northwest Quarter of the Southwest Quarter Section 34, Township 16 North, Range 3 West Boise Meridian.

PHILBRICK & GREENWOOD: The West half of the Southeast Quarter, and the East half of the Southwest Quarter Section 34, Township 16 North, Range 3 West Boise Meridian.

WALTER E FORD: The Northwest Quarter of the Northwest Quarter and the South half of the Northwest quarter of Section 3, Township 15 North, Range 3 West Boise Meridian.

WILLIAM THIELER: Lot 4 Section 2, Township 14 North, Range 3 West Boise Meridian.

E E LORTON: The Southwest Quarter of the Southwest Quarter, Section 36, Township 15 North, Range 3 West Boise Meridian.

MARION C POTTER: The South half of the Southeast Quarter Section 15, and the North half of the Northeast Quarter Section 22, Township 15 North, Range 3 West Boise Meridian.

DANIEL W BRADSHAW: The Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, and the West half of the Southeast Quarter of Section 36, Township 15 North, Range 3 West Boise Meridian.

BILAS A GRADDOCK: The Southeast Quarter of the Southwest Quarter of Section 36, Township 15 North, Range 3 West Boise Meridian.

EDWARD E LORTON: The Northwest Quarter of the Southwest Quarter, the South half of the Northeast Quarter, and the Southeast Quarter of the Northwest Quarter Section 35, Township 15 North, Range 3 West Boise Meridian.

CHARLES R EDWARDS: The Southeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, and the Northwest Quarter of the Southeast Quarter, Section 28, Township 15 North, Range 3 West Boise Meridian. #227

E E EDWARDS, ADMIN.: The Northeast Quarter of the Southeast Quarter Section 29; and the North half of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter Section 28, Township 15 North, Range 3 West Boise Meridian.

JOSEPH HUTCHINGS: The West half of the Southwest Quarter of Section 10, the Southeast Quarter of the Southwest Quarter of Section 10, and the Northeast Quarter of the Northwest Quarter of Section 15, Township 15 North, Range 3 West Boise Meridian.

AMERICAN FALLS DEVELOPMENT COMPANY: The West half of the Southeast Quarter and the East half of the Southwest Quarter, Section 34, Township 16 North, Range 3 West Boise Meridian.

J P OGILVIE: The South half of the Northwest Quarter of Section 11, and the

JUL 24 1906

RUSH CREEK

Joseph Hutchings (Beaver Creek)	45	June 1, 1883
Daniel W. Bradshaw	19	Oct. 29, 1908
Silas L. Craddock	23	" " "
Edward E. Lorton	63	" " "
Charles R. Edwards	27	March 20, 1911
E. E. Edwards, admin of David G. Edwards estate.	20	" " "
R. E. Wilson and Edwin J. Hill	16 136	May 1, 1891 Oct. 29, 1908
R. E. Wilson	20 8 22 19 4	" " " May 1, 1878 June 1, 1899 " " 1900 Oct. 23, 1883
L. Etta Wilson	22 8	May 1, 1883 " " 1907
A. H. Nunnalee	14	May 1, 1905
John Tinsley	14	October 23, 1883
James Parke	4	" " "
Eva Barber	16	May 1, 1890
Village of Cambridge	2 7/8 20 2 1/8	Oct. 23, 1883 April 30, 1890 May 1, 1895
John Carriek	32	" " 1899
James L. Warren	75	" " 1897
Edward Byers, sub. for William Cope	12 1/2 7 1/2	" " 1889 " " 1892
Jerome B. Cox	19	" " 1890
Hub B. Peynor	16 6	" " 1892 " " 1894
A. Milton Hinshaw	19	" " 1896
W. H. Gibson	2 1/2	" " 1894
J. Edward Wicks	19	" " 1895
Minta Dugger	1 1/2	" " 1883
Margaret Haller	39	" " 1883
Nels C. Nelson	12 1/2	April 30, 1890
Charles F. Hulet	31 1/2	May 1, 1895
LeRoy T. Braden	2 1/2	Oct 23, 1883

JUL 24 1996

RUSH CREEK (CON.)

J. M. Atwell	9½	May	1, 1888
Walter E. Ford	3½	"	" 1902
George A. Jefferson	3 1/8 12 3/8	"	" 1884
		"	" 1890
The Estate of Christian Larson	22	"	" 1878
Hattie Macey	19	"	" 1887
Moses H. Hopper	8 1	"	" 1883
		April	30, 1890
~~Erwin Tinsley~~			
James L. & Karl Lewis	25	May	1, 1878
James L. Lewis	7 7/8	"	" "
George W. Hall	7½ 12½ 11½ 6½	"	" 1883
		"	" 1890
		"	" 1896
		"	" 1901
James L. Lewis	23½	June	1, 1899
Fred M. Suiter and Grace Z. Suiter	12½	Aug	23, 1883
C. E. Schmitz	4 3/8	"	" "
John Tinsley	13 5/8	"	" "
Elizabeth Norton	2 3/8	"	" "
John Norton	4 ¾	"	" "
Louis Robson	2 3/8	"	" "
C. W. Tuttle	2 3/8	"	" "
A. L. Kingsbury	7½	May	1, 1895
Elihu W. Hinshaw sub. for Devaney & Carter	18½	"	" 1899
Philbrick & Greenwood	3 1/8	June	1, 1900
William Thelen	12½	May	23, 1903
E. E. Lorton	25	"	" 1, 1904
Marion C. Potter	9 3/8	"	" "

JUL 24 1896

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 67-14263
Date Received: 10/27/1989
Receipt No:
Received By:

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

1. Name of Claimant(s)

LELAND ZUNDEL Phone: (208)257-3944

2975 CEMETERY RD
CAMBRIDGE ID USA 83610

SHEILA ZUNDEL Phone: (208)257-3944

2975 CEMETARY RD
CAMBRIDGE ID USA 83610

2. Date of Priority: 05/01/1895

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	NW SE SW	WASHINGTON	

5. Description of diverting works:

2 DIVERSION IN CREEK: CONCRETE DAM; HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.15	

7. Total Quantity Appropriated is:
0.15 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	NE	IRRIGATION	19
					Section Acres	19
					Total Acres	19

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a change in ownership for a portion of 67-11166.
by RB 6/2001

Change of ownership was received on June 12, 2001 requesting split of 67-11166. The change of ownership form designated the split portions and initially, the split was done as requested. However, when reviewing the splits of claim 67-11166 (67-14262 and 67-14263) it appears that the split was based on something other than acreage irrigated. It appears to have been acreage owned. This split should have been based on acreage irrigated or as close as possible. I am amending claims 67-14262 and 67-14263 to more accurately represent their portions of original SRBA claim 67-11166 (csaxton 4-7-06).

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.

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 67-14263
Date Received: 10/27/1989
Receipt No:
Received By:

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

1. Name of Claimant(s): LELAND ZUNDEL Phone: (208)257-3944
2975 CEMETERY RD
CAMBRIDGE ID USA 83610

SHEILA ZUNDEL Phone: (208)257-3944
2975 CEMETARY RD
CAMBRIDGE ID USA 83610

2. Date of Priority: 05/01/1895

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	NW SE SW	WASHINGTON	

5. Description of diverting works:

2 DIVERSION IN CREEK: CONCRETE DAM; HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.17	

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

SCANNED
APR 12 2004

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 NE		IRRIGATION	21.862
					Section Acres	21.862
					Total Acres	21.862

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:

This claim is the result of a change in ownership for a portion of 67-11166. by RB 6/2001

15. Basis of Claim: Decreed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JUN 22 2001

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>A67-11166</u>				
	<u>split</u>				
	<u>67-14262</u>				
	<u>67-14263</u>				

Department of Water Resources

RECEIVED

JUN 12 2001

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) Robert L. Bumgarner
4. New Owner/Claimant(s) Leland & Sheila Zundel
 Name Connector (Check one): [] and, [] or, ☒ and/or
- New Mailing Address 2975 Cemetery Rd.
- City, State and ZIP Code Cambridge, ID 83610
- New Telephone Number 208 257-3944
5. Date you acquired the property 1998

6.

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JUN 13 2001
Department of Water Resources

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number <u>67-11166</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.17 cfs</u>	<u>21.862 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>0.17 cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	

7.

Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Island Feed
De & Hat Feed

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by <u>RHewitt</u>	Date <u>6/12/2001</u>	Fee <u>0</u>
Received by _____	Date _____	Receipt No. _____
Processed by <u>RHewitt</u> AJ	Date <u>6/12/2001</u>	WR _____ Date _____

100-98-6746

INSTRUMENT NO. 174906
PAGE 1 OF 1

WARRANTY DEED

RECEIVED

For Value Received

ROBERT L. BUMGARNER AND KAREN BUMGARNER, husband and wife

JUN 12 2001

The grantors do hereby grant, bargain, sell and convey unto

LELAND S. ZUNDEL AND SHEILA E. ZUNDEL, husband and wife

the grantees, whose current address is

434 EAST 2ND NORTH, ST. ANTHONY, ID 83445

the following described premises, in WASHINGTON

Department of Water Resources

County Idaho, to-wit:

Lot 5 of MOUNTAIN VIEW ESTATES SUBDIVISION to the City of Cambridge, Idaho, as per Plat recorded in Book 1 of Plats, pages 153 and 153a, in the office of the County Recorder of Washington County, Idaho.

Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise belonging.

Subject to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: DECEMBER 16, 1998

Robert L. Bumgarner
ROBERT L. BUMGARNER

Karen Bumgarner
KAREN BUMGARNER

STATE OF IDAHO, COUNTY OF WASHINGTON

On this 16 day of DECEMBER, 1998, before me, a notary public in and for the said State, personally appeared:

ROBERT L. BUMGARNER AND KAREN BUMGARNER

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that they executed the same.

Residing at
Comm. Expires

WEISER
11/4/2003

Notary Public
Idaho

STATE OF IDAHO, COUNTY OF WASHINGTON

I hereby certify that this instrument was filed for record at the request of WEISER VALLEY TITLE

at 40 minutes past FIFTEEN o'clock P. M.,
this 16TH day of DECEMBER
19 98, in my office, and duly recorded in ~~832X~~
of Deeds ~~832X~~ #174906

SHARON WIDNER

Ex-Officio Recorder

Paddy Dorsett

Deputy

Fees \$ 3.00

Mall to: WEISER VALLEY TITLE

Cmp. Index
Cmp. Rel.
File
Compare
Card Rel.
Bk. Rel.
Update
Return
Copy

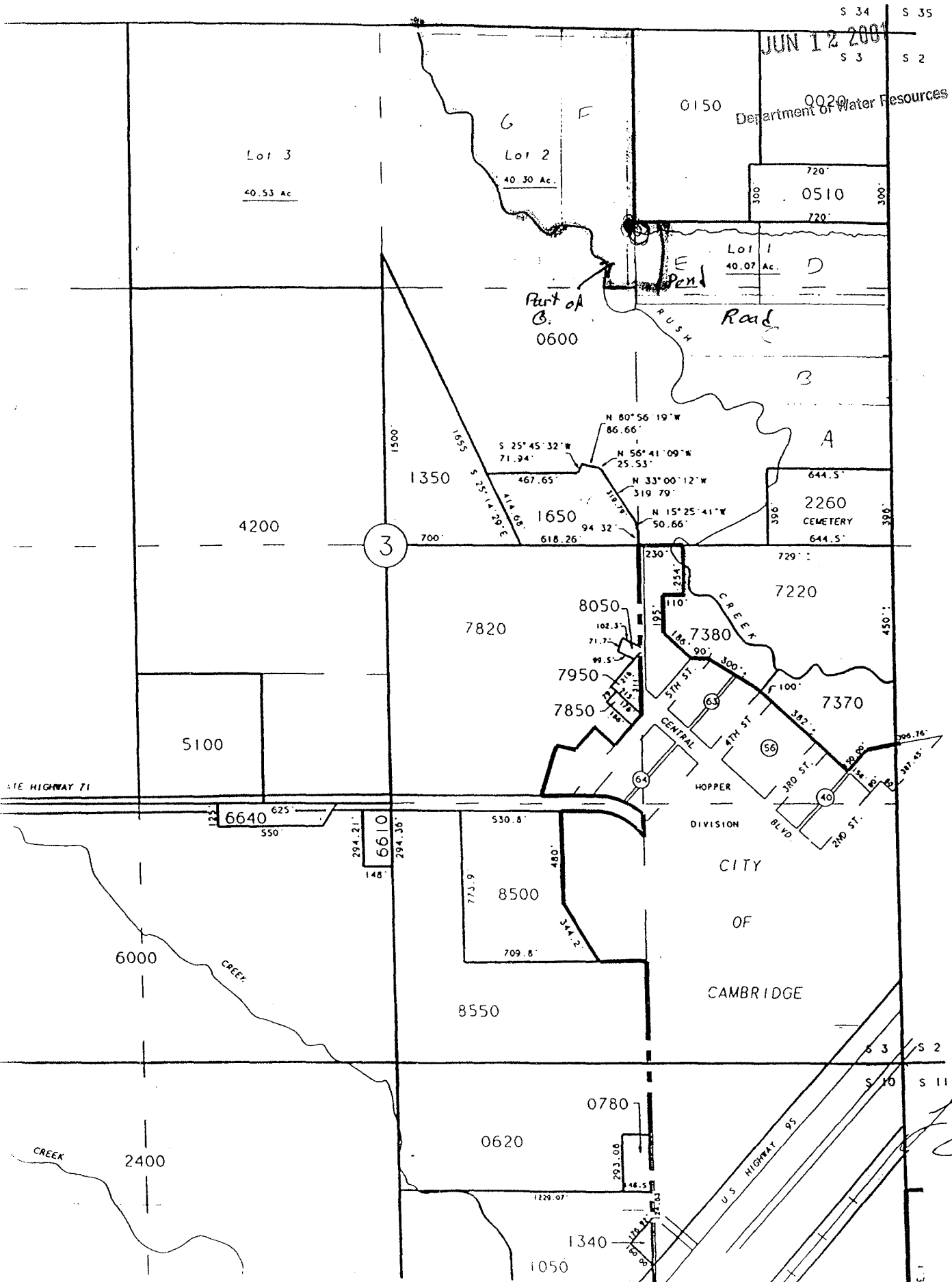
Ex A

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JUN 12 2001

Department of Water Resources

WAS



AJ5809NP
No. A67-11166

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/09/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT L BUMGARNER PO BOX 264 CAMBRIDGE ID 83612 (208) 257-3739	05/01/1895	IRRIGATION	03-15 11-15	0.780 CFS	
					TOTAL DIVERSION:	0.780 CFS
					~~CONSUMPTIVE USE:~~	~~300.00 AFA~~

Water Source: RUSH CREEK

Tributary to: WEISER RIVER

Stage: DECREED

Point(s) of Diversion:

T15N R03W S34

NWSESW

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	Lt	Ac	Lt	Ac	:	
14N	03W	3	:	10		40		15		35				:					:						:	100.0
																							TOTAL ACRES	100.0		

Lee Zundel 1.6 # 21,862

POU County: WASHINGTON

Other Rights: NONE

Remarks: GEN UPPER DIVERSION STRUCTURE IS USED TO SUPPLY WATER DESCRIBED
IN A67-00274 IN ADDITION TO THIS WATER RIGHT.
LOWER DIVERSION IS USED TO SUPPLY WATER DESCRIBED IN A67-00290
IN ADDITION TO THIS WATER RIGHT.
THIS CLAIM REPRESENTS A COMBINATION OF DECREED RIGHTS 67-00288
AND 67-00290. SOURCE, DATE OF PRIORITY DATE, POINT OF DIVERSION
AND PLACE OF USE IS THE SAME FOR BOTH RIGHTS.

Dates: Exam Made Date: Verified Date: 04/16/1985 Objection Filed Date:

Misc: Water District Number: 67 Field Inspection Flag:
Presumption Flag:

Audit: 10/27/89 HARRINGT 03/30/95 POST-STD

Department of Water Resources

RECEIVED
JUN 12 2001

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: A67-11166
Date Received: 10-27-89
Receipt No: C012568
Received By: REL

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 83612

2. Date of Priority: MAY 01, 1895

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	34	NW	SE	SW		WASHINGTON

5. Description of diverting works:
2 DIVERSION IN CREEK: CONCRETE DAM; HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.780		

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

8. Total consumptive use is 300.0 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	NE	NE		IRR	10.0
			NW	NE		IRR	40.0
			SW	NE		IRR	15.0
			SE	NE		IRR	35.0

Section Acres 100.0

A67-11166

Page 1

Date: 10/27/89

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Total Acres 100.0

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:
NONE

14. Remarks:

UPPER DIVERSION STRUCTURE IS USED TO SUPPLY WATER DESCRIBED
IN A67-00274 IN ADDITION TO THIS WATER RIGHT.
LOWER DIVERSION IS USED TO SUPPLY WATER DESCRIBED IN A67-00290
IN ADDITION TO THIS WATER RIGHT.
THIS CLAIM REPRESENTS A COMBINATION OF DECREED RIGHTS 67-00288
AND 67-00290. SOURCE, DATE OF PRIORITY DATE, POINT OF DIVERSION
AND PLACE OF USE IS THE SAME FOR BOTH RIGHTS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

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. Bungarner 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
My Commission Expires _____