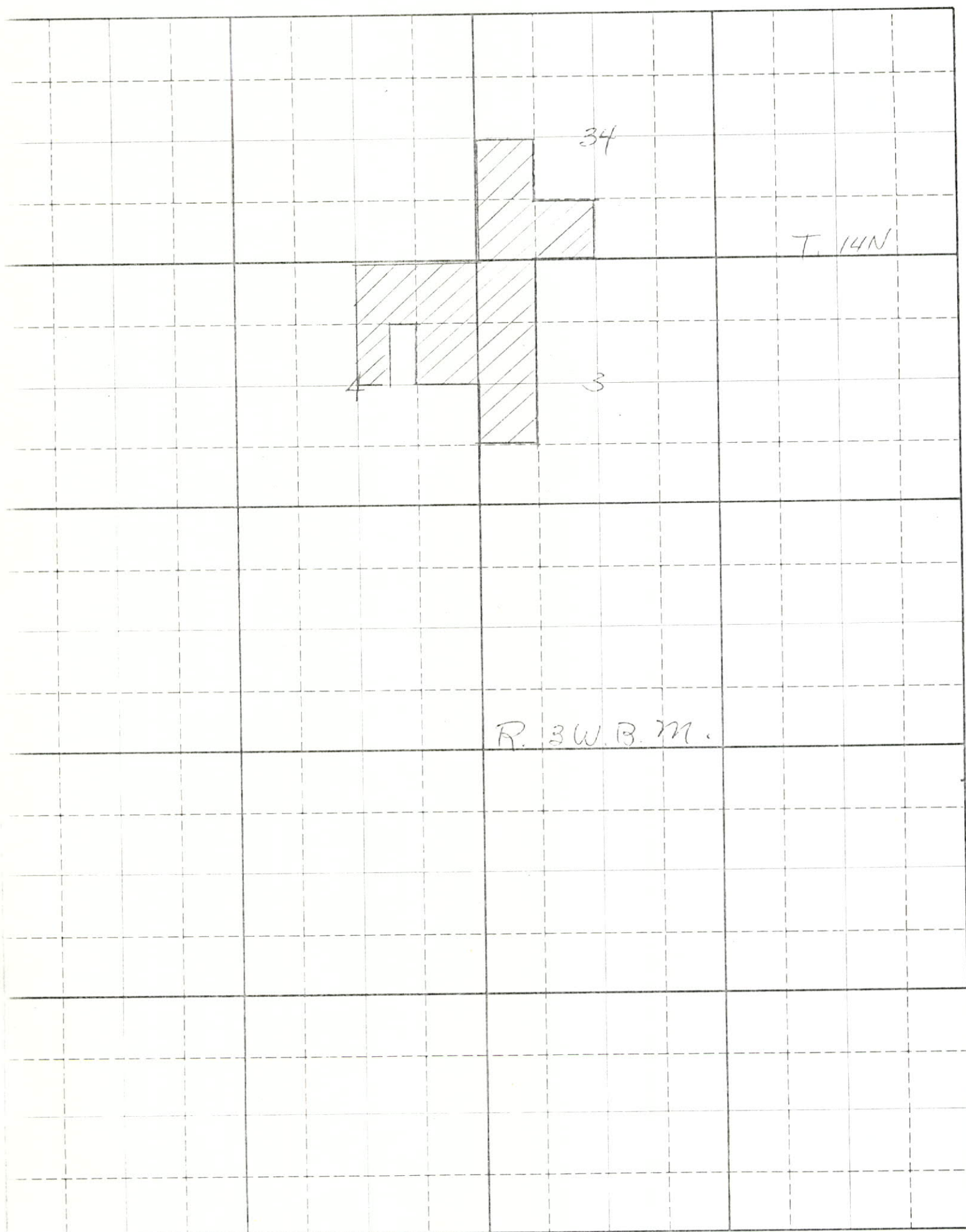




SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

Cambridge, Idaho  
February 18, 1974

Dept. of Water Administration  
R. Keith Higgins, Director  
Bellevue  
Erie, Mo 64577

Dear Mr. Higginson,

Is a 1/2 bar near of Rush Creek water in Washington County. I herewith filing a formal protest of the application for a proposed change of water right No's. 67-0241, 67-0242, 67-0243, 67-0244, 67-0245, 67-0246, 67-0247, 67-0248, 67-0249, 67-0250, 67-0251, 67-0252, 67-0272, 67-0273 filed by John L. Hagerman and also a protest of the application of proposed change of water right No's 67-0246, 67-0249, 67-0248, 67-0257, 67-0258 filed by Morris W. McGary.

My objection to these applications is on the grounds that if these are accepted, it would be jeopardizing the next in line water right. If Mr. Baumgartner and Mr. McElroy are allowed to combine their water rights, which vary in priority dates, and transfer them from one piece of ground to another.

Sincerely,

Sincerely,  
Albert Langer

Cambridge, Idaho  
April 12, 1971

Dept. of Water Administration  
R. Keith Higgins, Director  
Boise, Idaho 83707

Dear Mr. Higgins,

As a water user of Park Creek, in Valley-  
ton County, I am hereby filing a formal protest  
of the application for a proposed change of  
right No's 87-0241, 87-0242, 87-0243, 87-0244,  
87-0245, 87-0246, 87-0247, 87-0248, 87-0249  
by James L. Bergner and also a protest of the  
application of proposed change of right No's  
87-0240, 87-0241, 87-0242, 87-0243, 87-0244  
by Morris S. McGee.

My objection to these applications is on the  
grounds that if these are accepted, it would be  
jeopardizing the water right which might be  
Bergner and Mr. McGee are all of a certain water  
right, which they are trying to take and  
transfer the water right to ground water.

Melvin A. Ditson

Cambridge, Idaho  
February 13, 1974

Dept. of Labor Administration  
 7. Faith Higgins, Director  
 St. Lawrence  
 Boston, Maine 02107

for Mr. Eggington,

As further user of Wash Creek water in Washington County I am herewith filing a formal protest of the application for a proposed change of water right No's 67-0241, 67-0242, 67-0243, 67-0244, 67-0245, 67-0246, 67-0247, 67-0248, 67-0249, 67-0250, 67-0251, 67-0252, 67-0253, 67-0254, 67-0255, 67-0256, 67-0257, 67-0258, 67-0259, 67-0260, 67-0261, 67-0262, 67-0263, 67-0264, 67-0265, 67-0266, 67-0267, 67-0268, 67-0269, 67-0270, 67-0271, 67-0272, 67-0273, 67-0274, 67-0275, 67-0276, 67-0277, 67-0278, 67-0279, 67-0280, 67-0281, 67-0282, 67-0283, 67-0284, 67-0285, 67-0286, 67-0287, 67-0288, 67-0289, 67-0290, 67-0291, 67-0292, 67-0293, 67-0294, 67-0295, 67-0296, 67-0297, 67-0298, 67-0299, 67-0300, 67-0301, 67-0302, 67-0303, 67-0304, 67-0305, 67-0306, 67-0307, 67-0308, 67-0309, 67-0310, 67-0311, 67-0312, 67-0313, 67-0314, 67-0315, 67-0316, 67-0317, 67-0318, 67-0319, 67-0320, 67-0321, 67-0322, 67-0323, 67-0324, 67-0325, 67-0326, 67-0327, 67-0328, 67-0329, 67-0330, 67-0331, 67-0332, 67-0333, 67-0334, 67-0335, 67-0336, 67-0337, 67-0338, 67-0339, 67-0340, 67-0341, 67-0342, 67-0343, 67-0344, 67-0345, 67-0346, 67-0347, 67-0348, 67-0349, 67-0350, 67-0351, 67-0352, 67-0353, 67-0354, 67-0355, 67-0356, 67-0357, 67-0358, 67-0359, 67-0360, 67-0361, 67-0362, 67-0363, 67-0364, 67-0365, 67-0366, 67-0367, 67-0368, 67-0369, 67-0370, 67-0371, 67-0372, 67-0373, 67-0374, 67-0375, 67-0376, 67-0377, 67-0378, 67-0379, 67-0380, 67-0381, 67-0382, 67-0383, 67-0384, 67-0385, 67-0386, 67-0387, 67-0388, 67-0389, 67-0390, 67-0391, 67-0392, 67-0393, 67-0394, 67-0395, 67-0396, 67-0397, 67-0398, 67-0399, 67-0400, 67-0401, 67-0402, 67-0403, 67-0404, 67-0405, 67-0406, 67-0407, 67-0408, 67-0409, 67-0410, 67-0411, 67-0412, 67-0413, 67-0414, 67-0415, 67-0416, 67-0417, 67-0418, 67-0419, 67-0420, 67-0421, 67-0422, 67-0423, 67-0424, 67-0425, 67-0426, 67-0427, 67-0428, 67-0429, 67-0430, 67-0431, 67-0432, 67-0433, 67-0434, 67-0435, 67-0436, 67-0437, 67-0438, 67-0439, 67-0440, 67-0441, 67-0442, 67-0443, 67-0444, 67-0445, 67-0446, 67-0447, 67-0448, 67-0449, 67-0450, 67-0451, 67-0452, 67-0453, 67-0454, 67-0455, 67-0456, 67-0457, 67-0458, 67-0459, 67-0460, 67-0461, 67-0462, 67-0463, 67-0464, 67-0465, 67-0466, 67-0467, 67-0468, 67-0469, 67-0470, 67-0471, 67-0472, 67-0473, 67-0474, 67-0475, 67-0476, 67-0477, 67-0478, 67-0479, 67-0480, 67-0481, 67-0482, 67-0483, 67-0484, 67-0485, 67-0486, 67-0487, 67-0488, 67-0489, 67-0490, 67-0491, 67-0492, 67-0493, 67-0494, 67-0495, 67-0496, 67-0497, 67-0498, 67-0499, 67-0500, 67-0501, 67-0502, 67-0503, 67-0504, 67-0505, 67-0506, 67-0507, 67-0508, 67-0509, 67-0510, 67-0511, 67-0512, 67-0513, 67-0514, 67-0515, 67-0516, 67-0517, 67-0518, 67-0519, 67-0520, 67-0521, 67-0522, 67-0523, 67-0524, 67-0525, 67-0526, 67-0527, 67-0528, 67-0529, 67-0530, 67-0531, 67-0532, 67-0533, 67-0534, 67-0535, 67-0536, 67-0537, 67-0538, 67-0539, 67-0540, 67-0541, 67-0542, 67-0543, 67-0544, 67-0545, 67-0546, 67-0547, 67-0548, 67-0549, 67-0550, 67-0551, 67-0552, 67-0553, 67-0554, 67-0555, 67-0556, 67-0557, 67-0558, 67-0559, 67-0560, 67-0561, 67-0562, 67-0563, 67-0564, 67-0565, 67-0566, 67-0567, 67-0568, 67-0569, 67-0570, 67-0571, 67-0572, 67-0573, 67-0574, 67-0575, 67-0576, 67-0577, 67-0578, 67-0579, 67-0580, 67-0581, 67-0582, 67-0583, 67-0584, 67-0585, 67-0586, 67-0587, 67-0588, 67-0589, 67-0590, 67-0591, 67-0592, 67-0593, 67-0594, 67-0595, 67-0596, 67-0597, 67-0598, 67-0599, 67-0600, 67-0601, 67-0602, 67-0603, 67-0604, 67-0605, 67-0606, 67-0607, 67-0608, 67-0609, 67-0610, 67-0611, 67-0612, 67-0613, 67-0614, 67-0615, 67-0616, 67-0617, 67-0618, 67-0619, 67-0620, 67-0621, 67-0622, 67-0623, 67-0624, 67-0625, 67-0626, 67-0627, 67-0628, 67-0629, 67-0630, 67-0631, 67-0632, 67-0633, 67-0634, 67-0635, 67-0636, 67-0637, 67-0638, 67-0639, 67-0640, 67-0641, 67-0642, 67-0643, 67-0644, 67-0645, 67-0646, 67-0647, 67-0648, 67-0649, 67-0650, 67-0651, 67-0652, 67-0653, 67-0654, 67-0655, 67-0656, 67-0657, 67-0658, 67-0659, 67-0660, 67-0661, 67-0662, 67-0663, 67-0664, 67-0665, 67-0666, 67-0667, 67-0668, 67-0669, 67-0670, 67-0671, 67-0672, 67-0673, 67-0674, 67-0675, 67-0676, 67-0677, 67-0678, 67-0679, 67-0680, 67-0681, 67-0682, 67-0683, 67-0684, 67-0685, 67-0686, 67-0687, 67-0688, 67-0689, 67-0690, 67-0691, 67-0

My objection to these applications is on the grounds that if these are accepted, it would be jeopardizing the next in-line water right if Mr. Engstrom and Mr. Eddy are allowed to combine their water rights, which vary in priority dates, and transfer them from one piece of ground to another.

Wm Warren  
Gary Warren

RECEIVED

Dear Mr. Higgins,

My objection to these applications arises from the grounds that if these are accepted, it would be jeopardizing the title in line where right is Mr. Hargraves and Mr. McCoy are allowed to establish their own rights, which vary in priority of time, and transfer from one and piece of ground to another.

George and

RECEIVED

Cedarville, Idaho  
February 10, 1974

Dept. of Water Administration  
R. Keith H. Laska, Director  
Statehouse  
Boise, Idaho 83727

Dear Mr. Wiggins,

As a water user of Bush Creek water in Washington County I am hereby filing a second protest of the application for a proposed change of water right No's. 67-0241, 67-0242, 67-0243, 67-0244, 67-245, 67-0246, 67-242, 67-247, 67-1272 filed by James E. Burgamer and also a protest of the application of proposed change of water right No's 67-0216, 67-0219, 67-0240, 67-0217, 67-0218 filed by Morris W. McGay.

My objection to these applications is on the grounds that if these are accepted, it will be jeopardizing the flow in line and a right to it. Burgamer and Mr McGay are allowed to combine their water rights, which vary in priority dates, and transfer them from one piece of ground to another.

Sincerely,

Jack Rippen  
Pat Rippen  
Arvidson Rippen

FILED

| TRANSFER NO. | NAME               | AMOUNT<br>C.F.S. | BALANCE<br>C.F.S. | RIGHT<br>NO.                                                                                                          |
|--------------|--------------------|------------------|-------------------|-----------------------------------------------------------------------------------------------------------------------|
| 1955         | James L. Bumgarner | 3.004            | 0                 | 67-0241<br>67-0242<br>67-0243<br>67-0244<br>67-0245<br>67-0261<br>67-0262<br>67-0263<br>67-0264<br>67-0272<br>67-0273 |

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BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST THE APPROVAL OF  
APPLICATION FOR TRANSFER NO. 67-0241, 67-0242, 67-0243,  
67-0244, 67-0245, 67-0261, 67-0262, 67-0263, 67-0264,  
67-0272, and 67-0273 IN THE NAME OF JAMES L. BUMGARNER

MEMORANDUM DECISION  
AND ORDER

On June 2, 1921, the 7th Judicial District Court in Washington County decreed the water of Rush Creek, tributary to the Weiser River in the case entitled John T. Muir v.s. William Allison, et. al.

On January 18, 1974, James L. Bumgarner filed with the Department of Water Resources an application for transfer of water rights identified as follows:

| <u>Right No.</u> | <u>Decreed To</u>     | <u>Amount</u>      | <u>Priority</u> | <u>Place of Use</u>                                                                   |
|------------------|-----------------------|--------------------|-----------------|---------------------------------------------------------------------------------------|
| 67-0241          | Christian Larson      | 22"                | May 1, 1878     | W $\frac{1}{2}$ NE $\frac{1}{4}$ , Sec. 4, T14N, R3W, (60ac)                          |
| 67-0242          | James L. & Karl Lewis | 25"                | May 1, 1878     | SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 4, T14N, R3E, (40ac)                         |
| 67-0243          | James L. Lewis        | 7-7/8"             | May 1, 1878     | SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3,       |
| 67-0244          |                       | 23 $\frac{1}{2}$ " | June 1, 1899    | T14N, R3W, "                                                                          |
| 67-0245          |                       | 19"                | June 1, 1900    | " " " (80ac)                                                                          |
| 67-0261          | George W. Hall        | 7 $\frac{1}{2}$ "  | May 1, 1883     | W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 34, T15N, |
| 67-0262          |                       | 12 $\frac{1}{2}$ " | May 1, 1890     | R3W, Lot 4, Sec. 3, T14N, R3W,                                                        |
| 67-0263          |                       | 11 $\frac{1}{4}$ " | May 1, 1896     | " " " " "                                                                             |
| 67-0264          |                       | 6 $\frac{1}{4}$ "  | May 1, 1901     | " " " (160ac)                                                                         |
| 67-0272          | George A. Jefferson   | 3-1/8"             | May 1, 1884     | Lot 1, Sec. 4, T14N, R3W, (40ac)                                                      |
| 67-0273          |                       | 12-3/8"            | May 1, 1890     | " " " "                                                                               |
| TOTAL            |                       |                    |                 | 380acr                                                                                |

The application does not request a change in the point of diversion or the total place of use for all rights but requests that each of the rights be made appurtenant to the 380 acre total place of use.

Notice of the proposed change was caused to be published in the Upper Country News Reporter, at Cambridge, Idaho, and protests against the approval of the application for transfer were received from Elbert Langer, Melvin A. Dotson, Glen Farrens, Gary Farrens, George Ford, Jack Rippen, Dale Rippen, Arnold M. Rippen, Hubert V. Ward, and W. Forbes Morgan IV, all of Cambridge, Idaho.

A hearing was held and the primary issues identified as: 1) Would the proposed change constitute an enlargement of the existing water right? 2) Would the proposed change cause injury to the existing water rights? Based upon the evidence obtained at the hearing and the Director's understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

## FINDINGS OF FACT

1. The water rights requested to be changed are presently being used.
2. There are other users downstream that depend upon return flow to satisfy their existing water rights.
3. An increase in the number of acres irrigated above that originally decreed, results in an increase in the amount of water consumed. For example, in this instance if there is no water available to irrigate the acreage under Right No. 67-0261 with a priority of 1883 but the water under Right No. 67-0241 with a priority of 1878 is used to irrigate that acreage instead of returning to the stream after it has irrigated the land it was decreed to, then less water would be available to fill the other water rights on Rush Creek.
4. The place of use under Right No. 67-0243, 67-0244, and 67-0245 is described as 80 acres and the total rate of diversion of the three rights is 1.01 cfs. The rate of diversion per acre equals 1.01 divided by 80 acres or 0.013 cfs per acre. Using this ratio to determine the number of acres irrigated under each right results in the following:

| RIGHT NO. | RATE OF DIVERSION | NO. OF ACRES |
|-----------|-------------------|--------------|
| 67-0243   | 0.16              | 13           |
| 67-0244   | 0.47              | 37           |
| 67-0245   | 0.38              | 30           |

In a similar manner, the number of irrigated acres under the following rights would be:

| RIGHT NO. | RATE OF DIVERSION | NO. OF ACRES |
|-----------|-------------------|--------------|
| 67-0261   | 0.15              | 32           |
| 67-0262   | 0.25              | 53           |
| 67-0263   | 0.225             | 48           |
| 67-0264   | 0.125             | 27           |
| 67-0272   | 0.0625            | 8            |
| 67-0273   | 0.2475            | 32           |

## CONCLUSIONS OF LAW

1. An enlargement of the existing right cannot be allowed, therefore, the number of acres of land irrigated must be reduced by the number of acres to which the water right was originally decreed during the times there is not water available to fill that decreed right.

Therefore, the number of acres irrigated must be restricted as follows:

| Right No. | Priority     | No. of Acres Under Rights | No. of acres that may be irrigated when water is available for this priority right |
|-----------|--------------|---------------------------|------------------------------------------------------------------------------------|
| 67-0264   | May 1, 1901  | 27                        | 380                                                                                |
| 67-0245   | June 1, 1900 | 30                        | 353                                                                                |
| 67-0244   | June 1, 1899 | 37                        | 323                                                                                |
| 67-0263   | May 1, 1896  | 48                        | 286                                                                                |
| 67-0262   | May 1, 1890  | 53                        | 238                                                                                |
| 67-0273   | May 1, 1890  | 32                        |                                                                                    |
| 67-0272   | May 1, 1884  | 8                         | 153                                                                                |
| 67-0261   | May 1, 1883  | 32                        | 145                                                                                |

| Right No. | Priority    | No. of Acres Under Rights |
|-----------|-------------|---------------------------|
| 67-0241   | May 1, 1878 | 60                        |
| 67-0242   | May 1, 1878 | 40                        |
| 67-0243   | May 1, 1878 | 13                        |

No. of acres that may be irrigated when water is available for this priority right

113

# ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Transfer No. 1956 of Water Right No's. 67-0241, 67-0242, 67-0243, 67-0244, 67-0245, 67-0261, 67-0262, 67-0263, 67-0264, 67-0272, 67-0273 is APPROVED subject to the following limitations and conditions:

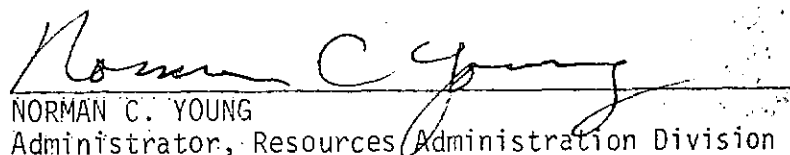
1. That a measuring device of a type approved by the Department and an adjustable lockable headgate shall be permanently installed and maintained at the point of diversion.

2. The water shall be under the control of the watermaster or his deputy of Water District No. 67.

3. That the maximum number of acres that may be irrigated when water is available to fill the right are as follows:

| <u>Right No.</u> | <u>Priority</u> | <u>No. of Acres</u> |
|------------------|-----------------|---------------------|
| 67-0264          | May 1, 1901     | 380                 |
| 67-0245          | June 1, 1900    | 353                 |
| 67-0244          | June 1, 1899    | 323                 |
| 67-0263          | May 1, 1896     | 286                 |
| 67-0262          | May 1, 1890     | 238                 |
| 67-0273          | May 1, 1890     |                     |
| 67-0272          | May 1, 1884     | 153                 |
| 67-0261          | May 1, 1883     | 145                 |
| 67-0241          | May 1, 1878     | 113                 |
| 67-0242          | May 1, 1878     |                     |
| 67-0243          | May 1, 1878     |                     |

Dated this 23<sup>rd</sup> day of May, 1978.

  
 NORMAN C. YOUNG  
 Administrator, Resources Administration Division

Transfer No. 1955

**ATTACHED**

1. Name of Right Holder James L. Bumgarner  
Post office address Cambridge, Idaho

2. Right obtained by:

a. Decree to See attachment in Case of Muir  
 (Name)  
 vs. Allison et al, Dated June 20, 1921 in 7th Judicial District  
 (Name of Court)  
 Court, County of Washington

b.. License No. \_\_\_\_\_ issued by the State of Idaho, Department of Reclamation.

3. Source of water Rush Creek tributary to Weiser River  
(Name of stream or source)

4. Date of Priority See attachment

5. Amount of water a. 3.004 c.f.s. and/or

b. \_\_\_\_\_ acre feet/annum

6. Water is used for Irrigation from March 15 to Nov. 15  
(Month, Day) (Month, Day)

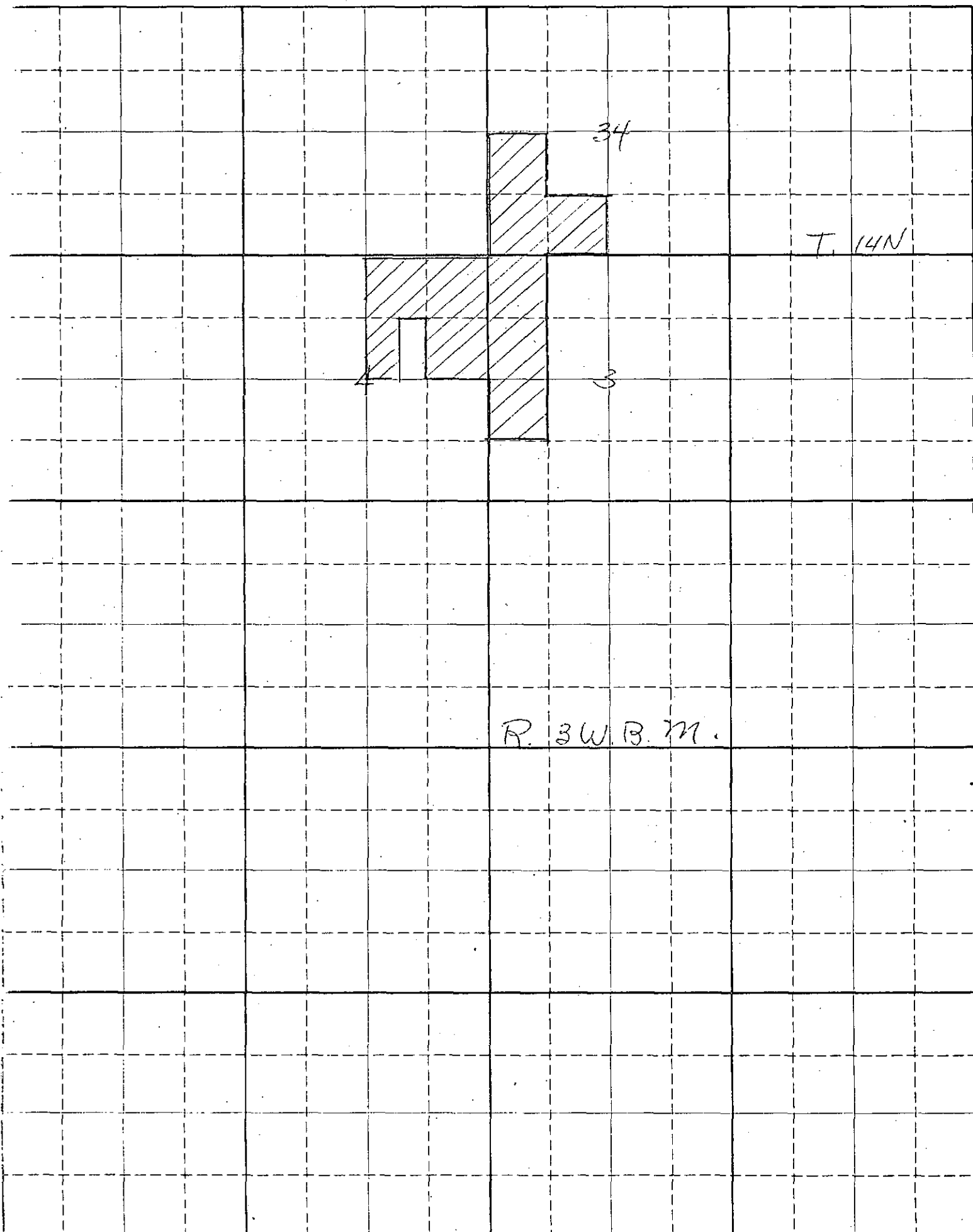
7. Original location of point of diversion is \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_,  
Township \_\_\_\_\_, Range \_\_\_\_\_, B.M. in \_\_\_\_\_ County;

Additional points of diversion, if any \_\_\_\_\_

8. Lands presently irrigated or place of use:

[illegible]

Total number of acres presently irrigated \_\_\_\_\_



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired: By purchase

10. CHANGE IN POINT OF DIVERSION No change

a. Quantity to be diverted at new point: c.f.s. and/or acre feet

b. New point of diversion:  $\frac{1}{4}$   $\frac{1}{4}$ , Section , Township , Range , B.M.

c. Description of method of diversion and conveyance from new points of diversion:

d. Is water to be conveyed to the lands previously irrigated? Yes No

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

f. Do you intend to make the transfer permanent?

g. Do you intend to abandon completely the old point of diversion?

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 14N  | 3W    | 3    |                  |                  |                  |                  |                  | Lot 4<br>40      | 40               |                  |                  | 40               |                  |                  |                  |                  |                  |                  | 120    |
| 14N  | 3W    | 4    | Lot 1<br>40      | 40               | 20               | 40               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 140    |
| 15N  | 3W    | 34   |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 40               | 40               |                  |                  |                  |                  | 120    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 380

b. Do you intend to make the transfer permanent? yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:  
No. To better utilize water rights on lands to which it is decreed.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

James L. Bingham  
(signature of applicant)

Subscribed and sworn to before me this 18<sup>th</sup> day of January, 1974

Lyle Glen Saxon  
(notary public)

My commission expires 14 July 1974

**ACTION OF STATE RECLAMATION ENGINEER  
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 67-0243, 67-0244, 67-0241, 67-0242, 67-0245, 67-0261, 67-0262, 67-0272, 67-0273 and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

PURSUANT TO MEMORANDUM DECISION AND ORDER DATED THIS DATE.

2. Denial of said application is for the following reasons:

Witness my hand this 23<sup>rd</sup> day of May, 1978

Norman C. Young  
Administrator ~~SIX TEX RAILROADS TEXAS RAILROADS~~

**FOR DEPARTMENT USE ONLY**

Received by R.W.H. Date 1-18-74

Prelim. check by R.W.H. Date 1-18-74

Fee received by MSB Date 1-18-74 Fee \$30 <sup>DU</sup>

Approved for publication by Lyle Glen Saxon

Published in New Republic Dates 2-7 & 2-14-74

Hearing held \_\_\_\_\_

Protest filed by: \_\_\_\_\_ Date \_\_\_\_\_

|                      |         |
|----------------------|---------|
| Elbert Langer        | 2/25/74 |
| Hubert V. Ward       | 2/20/74 |
| Melvin A. Dotson     | 2/20/74 |
| W. Forbes Morgan, IV | 2/25/74 |
| Glen & Gary Farrens  | 2/20/74 |
| George Ford          | 2/20/74 |
| Jack Dale &          |         |
| Arnold M. Rippen     | 2/20/74 |

67-0241

Christian Larson 22" May 1, 1878  
67-0241

$W\frac{1}{2}NE\frac{1}{4}$ , Sec. 4, T.14 N, R.3 W. (60 acres)

67-0242

James L. & Karl Lewis 25" May 1, 1878  
67-0242

$SE\frac{1}{4}NE\frac{1}{4}$ , Sec. 4, T.14 N, R.3 E. (40 acres)

67-0243

James L. Lewis 7-7/8" May 1, 1878  
67-0243  
67-0244 23 1/2" June 1, 1899  
67-0245 19" June 1, 1900

$SW\frac{1}{4}NW\frac{1}{4}$ ,  $NW\frac{1}{4}SW\frac{1}{4}$ , Sec. 3,  
T.14 N, R.3 W. (80 acres)  
"  
"

George W. Hall 7 1/2" May 1, 1883  
67-0261

$W\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ , Sec. 34, T.15 N  
R.3 W. (120 acres)  
Lot 4, Sec. 3, T.14 N, R.3 W. (40 acres)

67-0262 12 1/2" May 1, 1890  
67-0263 11 1/4" May 1, 1896  
67-0264 6 1/2" May 1, 1901

"  
"  
"

George A. Jefferson 3-1/8" May 1, 1884  
67-0272  
67-0273 12-3/8" May 1, 1890

Lot 1, Sec. 4, T.14 N, R.3 W. (40 acres)  
"

TOTAL (380 acres)

11. 1. 1930

Cambridge, Idaho  
February 18, 1974

Dept. of Water Administration  
R. Keith Higginson, Director  
Boise, Idaho 83727

Dear Mr. Higginson,

As a water user of Rush Creek water in Washington County I am herewith filing a formal protest of the application for a proposed change of water right No's. 67-0241, 67-0242, 67-0243, 67-0244, 67-0245, 67-0261, 67-0262, 67-0272, 67-0273 filed by James L. Bugarnier and also a protest of the application of proposed change of water right No's 67-0246, 67-0249, 67-0240, 67-0257, 67-0258 filed by Morris B. McCoy.

My objection to these applications is on the grounds that if these are accepted, it would be jeopardizing the next in line water right if Mr. Bugarnier and Mr. McCoy are allowed to combine their water rights, which vary in priority dates, and transfer them from one piece of ground to another.

Sincerely,

Albert L. Lauer

RECEIVED

SEP 19 1964

Dear Mr. Higginson,

The objection to these applications is on the grounds that if these are accepted, it would be jeopardizing the west in-line water right if Mr. Baumgartner and Mr. McCoy are allowed to combine their water rights, which vary in priority, class, and transfer their free one piece of ground to another.

Melvin A. Ditson

19620714

Cambridge, Idaho  
February 13, 1974

Dept. of Water Administration  
L. Keith Higinson, Director  
Statehouse  
Boise, Idaho 83707

Dear Mr. Higinson,

As a water user of Rush Creek Water in Washington County I am herewith filing a formal protest of the application for a proposed change of water right No's 67-0243, 67-0242, 67-0243, 67-0244, 67-0245, 67-0251, 67-0252, 67-0272, 67-0275 filed by James L. Hargraves and also a protest of the application of proposed change of water right No's 67-0246, 67-0249, 67-0253, 67-0257, 67-0258 filed by Lewis B. McCoy.

My objection to these applications is on the grounds that if these are accepted, it would be jeopardizing the next in-line water right if Mr. Hargraves and Mr. McCoy are allowed to combine their water rights, which vary in priority dates, and transfer them from one piece of ground to another.

*Wen Farrens*  
*Gary Farrens*

Cambridge, Maine  
February 10, 1974

Dept. of Water Administration  
R. Keith Higgins, Director  
Statehouse  
Brine, Idaho 83407

Dear Mr. Higgins,

As a water user of Rush Creek water in Washington County I am herewith filing a formal protest of the application for a proposed change of water right No's 67-0241, 67-0242, 67-0243, 67-0244, 67-0245, 67-0246, 67-0247, 67-0248, 67-0249, 67-0250, 67-0251, 67-0252, 67-0253, 67-0254, 67-0255, 67-0256, 67-0257, 67-0258, 67-0259, 67-0260, 67-0261, 67-0262, 67-0263, 67-0264, 67-0265, 67-0266, 67-0267, 67-0268, 67-0269, 67-0270, 67-0271, 67-0272, 67-0273, 67-0274, 67-0275, 67-0276, 67-0277, 67-0278, 67-0279, 67-0280, 67-0281, 67-0282, 67-0283, 67-0284, 67-0285, 67-0286, 67-0287, 67-0288, 67-0289, 67-0290, 67-0291, 67-0292, 67-0293, 67-0294, 67-0295, 67-0296, 67-0297, 67-0298, 67-0299, 67-0300, 67-0301, 67-0302, 67-0303, 67-0304, 67-0305, 67-0306, 67-0307, 67-0308, 67-0309, 67-0310, 67-0311, 67-0312, 67-0313, 67-0314, 67-0315, 67-0316, 67-0317, 67-0318, 67-0319, 67-0320, 67-0321, 67-0322, 67-0323, 67-0324, 67-0325, 67-0326, 67-0327, 67-0328, 67-0329, 67-0330, 67-0331, 67-0332, 67-0333, 67-0334, 67-0335, 67-0336, 67-0337, 67-0338, 67-0339, 67-0340, 67-0341, 67-0342, 67-0343, 67-0344, 67-0345, 67-0346, 67-0347, 67-0348, 67-0349, 67-0350, 67-0351, 67-0352, 67-0353, 67-0354, 67-0355, 67-0356, 67-0357, 67-0358, 67-0359, 67-0360, 67-0361, 67-0362, 67-0363, 67-0364, 67-0365, 67-0366, 67-0367, 67-0368, 67-0369, 67-0370, 67-0371, 67-0372, 67-0373, 67-0374, 67-0375, 67-0376, 67-0377, 67-0378, 67-0379, 67-0380, 67-0381, 67-0382, 67-0383, 67-0384, 67-0385, 67-0386, 67-0387, 67-0388, 67-0389, 67-0390, 67-0391, 67-0392, 67-0393, 67-0394, 67-0395, 67-0396, 67-0397, 67-0398, 67-0399, 67-0400, 67-0401, 67-0402, 67-0403, 67-0404, 67-0405, 67-0406, 67-0407, 67-0408, 67-0409, 67-0410, 67-0411, 67-0412, 67-0413, 67-0414, 67-0415, 67-0416, 67-0417, 67-0418, 67-0419, 67-0420, 67-0421, 67-0422, 67-0423, 67-0424, 67-0425, 67-0426, 67-0427, 67-0428, 67-0429, 67-0430, 67-0431, 67-0432, 67-0433, 67-0434, 67-0435, 67-0436, 67-0437, 67-0438, 67-0439, 67-0440, 67-0441, 67-0442, 67-0443, 67-0444, 67-0445, 67-0446, 67-0447, 67-0448, 67-0449, 67-0450, 67-0451, 67-0452, 67-0453, 67-0454, 67-0455, 67-0456, 67-0457, 67-0458, 67-0459, 67-0460, 67-0461, 67-0462, 67-0463, 67-0464, 67-0465, 67-0466, 67-0467, 67-0468, 67-0469, 67-0470, 67-0471, 67-0472, 67-0473, 67-0474, 67-0475, 67-0476, 67-0477, 67-0478, 67-0479, 67-0480, 67-0481, 67-0482, 67-0483, 67-0484, 67-0485, 67-0486, 67-0487, 67-0488, 67-0489, 67-0490, 67-0491, 67-0492, 67-0493, 67-0494, 67-0495, 67-0496, 67-0497, 67-0498, 67-0499, 67-0500, 67-0501, 67-0502, 67-0503, 67-0504, 67-0505, 67-0506, 67-0507, 67-0508, 67-0509, 67-0510, 67-0511, 67-0512, 67-0513, 67-0514, 67-0515, 67-0516, 67-0517, 67-0518, 67-0519, 67-0520, 67-0521, 67-0522, 67-0523, 67-0524, 67-0525, 67-0526, 67-0527, 67-0528, 67-0529, 67-0530, 67-0531, 67-0532, 67-0533, 67-0534, 67-0535, 67-0536, 67-0537, 67-0538, 67-0539, 67-0540, 67-0541, 67-0542, 67-0543, 67-0544, 67-0545, 67-0546, 67-0547, 67-0548, 67-0549, 67-0550, 67-0551, 67-0552, 67-0553, 67-0554, 67-0555, 67-0556, 67-0557, 67-0558, 67-0559, 67-0560, 67-0561, 67-0562, 67-0563, 67-0564, 67-0565, 67-0566, 67-0567, 67-0568, 67-0569, 67-0570, 67-0571, 67-0572, 67-0573, 67-0574, 67-0575, 67-0576, 67-0577, 67-0578, 67-0579, 67-0580, 67-0581, 67-0582, 67-0583, 67-0584, 67-0585, 67-0586, 67-0587, 67-0588, 67-0589, 67-0590, 67-0591, 67-0592, 67-0593, 67-0594, 67-0595, 67-0596, 67-0597, 67-0598, 67-0599, 67-0600, 67-0601, 67-0602, 67-0603, 67-0604, 67-0605, 67-0606, 67-0607, 67-0608, 67-0609, 67-0610, 67-0611, 67-0612, 67-0613, 67-0614, 67-0615, 67-0616, 67-0617, 67-0618, 67-0619, 67-0620, 67-0621, 67-0622, 67-0623, 67-0624, 67-0625, 67-0626, 67-0627, 67-0628, 67-0629, 67-0630, 67-0631, 67-0632, 67-0633, 67-0634, 67-0635, 67-0636, 67-0637, 67-0638, 67-0639, 67-0640, 67-0641, 67-0642, 67-0643, 67-0644, 67-0645, 67-0646, 67-0647, 67-0648, 67-0649, 67-0650, 67-0651, 67-0652, 67-0653, 67-0654, 67-0655, 67-0656, 67-0657, 67-0658, 67-0659, 67-0660, 67-0661, 67-0662, 67-0663, 67-0664, 67-0665, 67-0666, 67-0667, 67-0668, 67-0669, 67-0670, 67-0671, 67-0672, 67-0673, 67-0674, 67-0675, 67-0676, 67-0677, 67-0678, 67-0679, 67-0680, 67-0681, 67-0682, 67-0683, 67-0684, 67-0685, 67-0686, 67-0687, 67-0688, 67-0689, 67-0690, 67-0691, 67-

My objection to these applications is on the grounds that if these are accepted, it would be jeopardizing the rest in line water right if Mr. Bumgarner and Mr. McCoy are allowed to combine their water rights, which vary in priority dates, and transfer them from one piece of ground to another.

George A. A.

RECEIVED

Cambridge, Idaho  
February 10, 1974

State of Idaho  
Department of Water Administration

Dept. of Water Administration  
R. Keith Higginson, Director  
Statehouse  
Boise, Idaho 83727

Dear Mr. Higginson,

As a water user of Rush Creek water in Washington County I am herewith filing a formal protest of the application for a proposed change of water right No's. 67-0241, 67-0242, 67-0243, 67-0244, 67-0245, 67-0261, 67-0262, 67-0271, 67-0273 filed by James L. Bungarner and also a protest of the application of proposed change of water right No's 67-0246, 67-0249, 67-0248, 67-0257, 67-0258 filed by Morris E. McCoy.

My objection to these applications is on the grounds that if these are accepted, it would be jeopardizing the next in line water right of Mr. Bungarner and Mr McCoy are all used to combine their water rights, which vary in priority dates, and transfer them from one piece of ground to another.

Sincerely,

Jack Rippon  
Seth Rippon  
Arnold M. Rippon

MAILED

Cambridge, Idaho  
February 18, 1974

Dept. of Water Administration  
R. Keith Higginson, Director  
Statehouse  
Boise, Idaho 83707

Dear Mr. Higginson,

As a water user of Rush Creek water in Washington County I am herewith filing a formal protest of the application for a proposed change of water right No's 67-0241, 67-0242, 67-0243, 67-0244, 67-0245, 67-0261, 67-0262, 67-0272, 67-0273 filed by James L. Bumgarner and also a protest of the application of proposed change of water right No's 67-0246, 67-0249, 67-0248, 67-0257, 67-0258 filed by Morris B. McCoy.

My objection to these applications is on the grounds that if these are accepted, it would be jeopardizing the next in line water right if Mr. Bumgarner and Mr. McCoy are allowed to combine their water rights, which vary in priority dates, and transfer them from one piece of ground to another.

*Robert W. Ward*

MICROFILMED

RECEIVED  
FEB 25 1974  
Department of Water Administration

Box 72  
Cambridge, Idaho 83610  
February 21, 1974

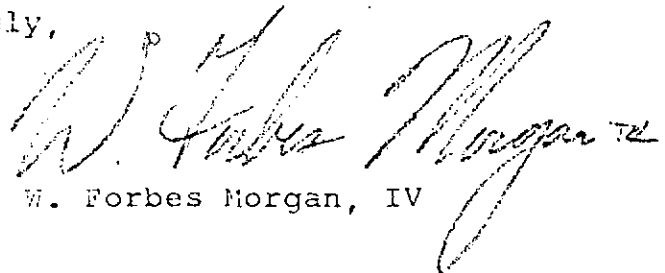
Mr. R. Keith Higginson, Director  
Dept. of Water Administration  
Statehouse  
Boise, Idaho 83707

Dear Mr. Higginson:

As a water user of Rush Creek in Washington County I am herewith filing a formal protest of the application for a proposed change of water right No's 67-0241, 67-0242, 67-0243, 67-0244, 67-0245, 67-0261, 67-0262, 67-0272, 67-0273 filed by James L. Bumgarner and also a protest of the application of proposed change of water right No's 67-0246, 67-0249, 67-0248, 67-0257, 67-0258 filed by Morris B. McCoy.

My objection to these applications is on the grounds that if these are accepted, it would be jeopardizing the next in line water right if Mr. Bumgarner and Mr. McCoy are allowed to combine their water rights, which vary in priority dates, and transfer them from one piece of ground to another.

Sincerely,

  
W. Forbes Morgan, IV

RECEIVED

**NOTICE OF PROPOSED  
CHANGE OF WATER RIGHT  
NOS. 67-0241, 67-0242, 67-0243,  
67-0244, 67-0245, 67-0261, 67-0262,  
67-0272, 67-0273**

Notice is hereby given that JAMES L. BUMGARDNER, of Cambridge, Idaho has applied to the Department of Water Administration for a change of place of use of the waters of Rush Creek, trib. to Weiser River. The right sought to be changed is evidenced by decree in Case of Muir vs. Allison et al, dated June 20, 1921 in the 7th Judicial District Court, County of Washington and is recorded as follows: Christian Larson, No. 67-0241, 22 inches, priority date, May 1, 1878; James I. & Karl Lewis, No. 67-0242, 25 inches, May 1, 1878; James L. Lewis, No. 67-0243, 7-7/8 inches, May 1, 1878, 67-0244, 23 1/2 inches, June 1, 1899, No. 67-0245, 19 inches, June 1, 1900; George W. Hall, No. 67-0261, 7 1/2 inches, May 1, 1883, No. 67-0262, 12 1/2 inches, May 1, 1890, 11 1/4 inches, May 1, 1896, 6 1/4 inches, May 1, 1901, George A. Jefferson, No. 67-0272, 3 1/4 inches, May 1, 1884, No. 67-0273, 12 3/4 inches, May 1, 1890. The water is used for irrigation purposes within W 1/2 NE 1/4, SE 1/4 NE 1/4, Lot 1, Sec. 4; SW 1/4 NW 1/4, NW 1/4 SW 1/4, Lot 4, Sec. 3, Twp. 14 N., Rge. 3 W.; W 1/2 SW 1/4, SE 1/4 SW 1/4, Sec. 34, Twp. 15 N., Rge. 3 W., B.M., Washington County.

**TO BE CHANGED AS FOLLOWS**  
The water will be used for irrigation purposes within W 1/2 NW 1/4, NW 1/4 SW 1/4, Sec. 3, NE 1/4, Sec. 4, Twp. 14 N., R. 3 W., W 1/2 SW 1/4, SE 1/4 SW 1/4, S. 34, T. 15 N., R. 3 W., B.M.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration on or before Feb. 25, 1974.

R. KEITH HIGGINSON  
Director

Published in the Upper Country News-Reporter, Cambridge, Idaho on Feb. 7, 1974 and Feb. 14, 1974.

*Mal*  
2-19-74

**AFFIDAVIT OF PUBLICATION**

State of Idaho }  
County of Washington } ss.

Stuart Dopf, being first duly sworn, deposes and says that he is the publisher, foreman, principal clerk, of THE NEWS-REPORTER, a weekly newspaper published at Cambridge, Washington County, Idaho, and that said paper has been published continuously for more than 78 weeks immediately preceding the first publication of the attached notice; that said paper is in general circulation in the county aforesaid and in the vicinity of Cambridge, Idaho; that the notice, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement thereto; that the publication of said notice began with the issue of Feb. 7, 1974, and ended with the issue of Feb. 14, 1974.

*Stuart Dopf*

Subscribed and sworn to before me this  
14<sup>th</sup> day of February, 1974.  
*May Callison*  
Notary Public for Idaho, residing at  
Cambridge, Idaho

May 26, 1978

Re: Transfer No. 1955

✓ James L. Bumgarner  
Cambridge,  
Idaho 83610

Dear Mr. Bumgarner:

Enclosed is a copy of your approved Application for Transfer of Water Right No.'s 67-0241, 67-0242, 67-0243, 67-0244, 67-0245, 67-0261, 67-0262, 67-0263, 67-0264, 67-0272, and 67-0273, along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Order.

You should be aware that any person who does not agree with the decision may request a re-hearing before the Director of the Department of Water Resources within 20 days, or may appeal directly to the District Court within 60 days of the date of the decision.

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:kw  
Enclosures

cc: ✓ Elbert Langer  
✓ Melvin A. Dotson  
✓ Glen & Gary Farrens  
✓ George Ford  
✓ Jack, Dale & Arnold M. Rippen  
✓ Hubert V. Ward  
✓ W. Forbes Morgan, IV  
Enc: Copy of Memorandum Decision and Order

DATE 4-5-78

- ① Error in <sup>designation</sup> Section 4 <sup>corrected by NCV</sup>
- ② Hearing notes - 1974
- ③ Explain   
 ↑ ?

tion - Bumgarner

Action on ~~new~~ matter has been non-existent since approx 1975. Each year for the past two years the applicant has complained to the Dept or a legislator that no action has been taken. (It came up again at the annual W.D. meeting this year).

A.K. Dunn recently signed a similar app of trans for mcy. The format of memo decision was similar & the proposal was similar.

I have reviewed this BDF has, so after you do, let's get it signed & out of here so we won't continue to take heat.

SIGNATURE

JH

## ROUTING SLIP

DATE 4/4/78

TO:

Cilen So

FROM: (show title)

Jim Ja

FOR YOUR:

- ☐ Information  
☒ Approval  
☐ Signature

REVIEW AND:

- ☐ Call Me  
☐ Comment & Return  
☐ Take Proper Action  
☐ Draft a Reply for Me

PER:

- ☐ Our Conversation  
☐ Your Request  
☐ Boss's Request

Hope everything is right  
 this time, I did check and  
 couldn't find any errors.

This should be  
 prepared for Norm's  
 signature, attached  
 to file & then returned  
 to me.

JH

67-0241, 67-0242, 67-0243, 67-0244, 67-0245, 67-0261, 67-0262, 67-0272, 67-0273,

James L. Bumgarner

Courtroom, Washington County Courthouse, Weiser, Idaho

ROSTER OF ATTENDANCE

| Name               | Address    | Representing  |
|--------------------|------------|---------------|
| Larry C. Walker    | 232 E Main | Jim Bumgarner |
| Larry Tanen        | Cambridge  | Self          |
| George Ford        | Cambridge  | Self          |
| Richardson         | "          |               |
| Dale Rippen        | "          | Self          |
| William Dotson     | "          |               |
| Arnold M. Rippen   | "          | Self          |
| Keith Ford         | "          | Self          |
| Jack Rippen        | "          | Self          |
| W. Todd Morgan, IV | Cambridge  | Self          |
| Michelle Morgan    | Cambridge  | Self          |

NAME AND  
ADDRESS  
OF SENDER

Indicate type of mail

☐ INSURED ☐ C. O. D.  
☒ CERTIFIED

Affix stamp here if issued as  
certificate of mailing or for  
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

| NUMBER OF<br>ARTICLE                          | NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS   | POSTAGE                                              | FEE | DUE SENDER<br>IF C. O. D.                    | ENDORSE-<br>MENT <sup>1</sup> | R. R.<br>FEE                                                                                                                                                                                                                                                                                                                                           | S. D.<br>FEE | S. H.<br>FEE <sup>2</sup> | RESTRICTED DELIVERY FEE<br>Remarks |
|-----------------------------------------------|------------------------------------------------------|------------------------------------------------------|-----|----------------------------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------------------|------------------------------------|
| 1 44052                                       | Robert H. Remaklus, P.O. Box 759, Cascade, Idaho     |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | All in below                       |
| 2 44053                                       | Everett & Mary R. Allen, Cascade, Idaho              |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | All but last                       |
| 3 44054                                       | Virgil & Adela Lathrop, 7414 Althebrook Lane         |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | 65-7407                            |
| 4 44055                                       | Sy & Lucille Martensen, 367 Anderson, Caldwell       |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | 65-7443                            |
| 5 44056                                       | Joe & Virginia Gabica, 4004 Granger Dr. Boise        |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | 65-7453                            |
| 6 44057                                       | David N. Asdell & Lena E., 1591 Martin, San Jose, CA |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | 65-7456                            |
| 7 44058                                       | West Mtn. Lodge & Norman Korman, 5344 S. 1st, Blaine |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | 65-7438                            |
| 8 44059                                       | City of Cascade, P.O. Box 759, Cascade, Idaho        |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | 65-7438                            |
| 9 44060                                       | Jack Yensen, Rt. 1, McCall, Idaho                    |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | 65-7457                            |
| 10 44061                                      | William Eld, Eld Ranches, Inc., McCall, Idaho        |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | 65-7457                            |
| 11 44062                                      | Morris B. McCoy, Cambridge, Idaho                    |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | 67-0246                            |
| 12 44063                                      | Elbert Langer, Cambridge, Idaho                      |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | " "                                |
| 13 44064                                      | Melvin A. Dotson, Cambridge, Idaho                   |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | " "                                |
| 14 44065                                      | Glen & Gary Farrons, Cambridge, Idaho                |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | " "                                |
| 15 44066                                      | George Ford, Cambridge, Idaho                        |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | " "                                |
| 16 44067                                      | Jack Dale & Arnold H. Kippen, Cambridge, ID          |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | " "                                |
| 17 44068                                      | Hubert V. Ward, Cambridge, Idaho                     |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | " "                                |
| 18 44069                                      | W. Forbes Morgan, IV, Box 72, Cambridge, ID          |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | " "                                |
| 19 44070                                      | Don Ridenauer, Cambridge, Idaho                      |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | " "                                |
| 20 44071                                      | James L. Bumgarner, Cambridge, Idaho                 |                                                      |     |                                              |                               |                                                                                                                                                                                                                                                                                                                                                        |              |                           | 67-0241                            |
| TOTAL NUMBER OF<br>PIECES LISTED<br>BY SENDER |                                                      | TOTAL NUMBER OF<br>PIECES RECEIVED<br>AT POST OFFICE |     | POSTMASTER, PER (Name of receiving employee) |                               | <sup>1</sup> Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid - This Side Up."<br><sup>2</sup> Special-handling charges apply only to third- and fourth-class parcels. Special-delivery service also includes special-handling service. |              |                           |                                    |

PS For 3877-A—Feb. 1972

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION  
OF THE  
STATE OF IDAHO

In the Matter of Protests Against Approval )  
of Application for Transfer of Water Right )  
Nos. 67-0241, 67-0242, 67-0243, 67-0244, )  
67-0245, 67-0261, 67-0262, 67-0272, 67-0273, )  
JAMES L. BUMGARNER )

NOTICE OF CONFERENCE

AND/OR HEARING

On January 18, 1974, James L. Bumgarner filed with the Department of Water Administration an application for transfer of a water right. The Department received protests against approval of said application from Elbert Langer, Melvin A. Dotson, Glen and Gary Farrens, George Ford, Jack, Dale and Arnold M. Rippen, Hubert V. Ward, and W. Forbes Morgan.

The Department has set the matter of protests for conference and/or hearing for Wednesday, April 17, 1974, at 1:30 p.m., in the Courtroom of the Washington County Courthouse, Weiser, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 14th day of March, 1974.

*Kenneth H. Foit*

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

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus  
Governor  
R. Keith Higginson  
Director

614 State Street  
Statehouse — Annex 2  
Boise, Idaho 83720  
(208) 384-2190

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

March 14, 1974

Washington County Courthouse  
Clerk of the District Court  
Weiser, Idaho 83672

Dear Sir:

This is to confirm the use of the Courtroom for conferences and/or hearing to be held by this office on Wednesday, April 17, 1974 at 10:00 a.m., Thursday, April 18, 1974, at 10:00 a.m., and Friday, April 19, 1974 at 1:00 p.m.

Thank you for your cooperation in this matter.

Sincerely,

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

KHF:def

MICROFILMED

< March 4, 1974

James L. Bumgarner  
Cambridge, ID 83610

Re: Application for Transfer No. 67-0241, 67-0242, 67-0243, 67-0244, 67-0245,  
67-0261, 67-0262, 67-0272, 67-0273

Dear Mr. Bumgarner:

We are enclosing copies of the protests against the above referenced application for transfer of water right which we received in this office. The following are the items we can consider at a conference and/or hearing in either approving or denying a transfer application:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

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

KHF:def

Enclosures

March 4, 1974

W. Forbes Morgan, IV  
Box 72  
Cambridge, ID 83610

Re: Application for Transfer No. 67-0246, 67-0249, 67-0248, 67-0257, 67-0258 -  
Morris B. McCoy  
Application for Transfer No. 67-0241, 67-0242, 67-0243, 67-0244, 67-0245,  
67-0261, 67-0262, 67-0272, 67-0273 -  
James L. Bumgarner

Dear Mr. Morgan:

We acknowledge receipt of your protests against the above referenced applications for transfer of water right. The following are the items we can consider at a conference and/or hearing in either approving or denying a transfer application:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

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

KHF:def

March 4, 1974

Hubert V. Ward  
Cambridge, ID 83610

Re: Application for Transfer No. 67-0246, 67-0249, 67-0248, 67-0257, 67-0258 -  
Morris B. McCoy  
Application for Transfer No. 67-0241, 67-0242, 67-0243, 67-0244, 67-0245,  
67-0261, 67-0262, 67-0272, 67-0273 -  
James L. Bumgarner

Dear Mr. Ward:

We acknowledge receipt of your protests against the above referenced applications for transfer of water right. The following are the items we can consider at a conference and/or hearing in either approving or denying a transfer application:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

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

KHF:def

March 4, 1974

C Jack, Dale & Arnold M. Rippen  
Cambridge, ID 83610

O Re: Application for Transfer No. 67-0246, 67-0249, 67-0248, 67-0257, 67-0258 -  
Morris B. McCoy  
Application for Transfer No. 67-0241, 67-0242, 67-0243, 67-0244, 67-0245,  
67-0261, 67-0262, 67-0272, 67-0273 -  
James L. Bumgarner

P Dear Messrs: Rippen:

P We acknowledge receipt of your protests against the above referenced applications for transfer of water right. The following are the items we can consider at a conference and/or hearing in either approving or denying a transfer application:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original rights?

Y You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

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

KHF: def

March 4, 1974

George Ford  
Cambridge, ID 83610

Re: Application for Transfer No. 67-0246, 67-0249, 67-0248, 67-0257, 67-0258 -  
Morris B. McCoy  
Application for Transfer No. 67-0241, 67-0242, 67-0243, 67-0244, 67-0245,  
67-0261, 67-0262, 67-0272, 67-0273 -  
James L. Bumgarner

Dear Mr. Ford:

We acknowledge receipt of your protests against the above referenced applications for transfer of water right. The following are the items we can consider at a conference and/or hearing in either approving or denying a transfer application:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

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

KHF:df

March 4, 1974

C  
Glen & Gary Farrens  
Cambridge, ID 83610

O  
Re: Application for Transfer No. 67-0246, 67-0249, 67-0248, 67-0257, 67-0258 -  
Morris B. McCoy  
Application for Transfer No. 67-0241, 67-0242, 67-0243, 67-0244, 67-0245,  
67-0261, 67-0262, 67-0272, 67-0273 -  
James L. Bumgarner

P  
Dear Messrs. Farrens:

Y  
We acknowledge receipt of your protests against the above referenced applications for transfer of water right. The following are the items we can consider at a conference and/or hearing in either approving or denying a transfer application:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

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

KHF: def

March 4, 1974

C  
Melvin A. Dotson  
Cambridge, ID 83610

O  
Re: Application for Transfer No. 67-0246, 67-0249, 67-0248, 67-0257, 67-0258 -  
Morris B. McCoy  
Application for Transfer No. 67-0241, 67-0242, 67-0243, 67-0244, 67-0245,  
67-0261, 67-0262, 67-0272, 67-0273 -  
James L. Bumgarner

P  
Dear Mr. Dotson:

We acknowledge receipt of your protests against the above referenced applications for transfer of water right. The following are the items we can consider at a conference and/or hearing in either approving or denying a transfer application:

- Y
1. Are other water rights injured by the transfer?
  2. Does the change constitute an enlargement in the use of the original rights?

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

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

KHF:def

C March 4, 1974

Elbert Langer  
Cambridge, ID 83610

O Re: Application for Transfer No. 67-0246, 67-0249, 67-0248, 67-0257, 67-0258 -  
Morris B. McCoy  
Application for Transfer No. 67-0241, 67-0242, 67-0243, 67-0244, 67-0245,  
67-0261, 67-0262, 67-0272, 67-0273 -  
James L. Bumgarner

P Dear Mr. Langer:

P We acknowledge receipt of your protests against the above referenced applications for transfer of water right. The following are the items we can consider at a conference and/or hearing in either approving or denying a transfer application:

- Y
1. Are other water rights injured by the transfer?
  2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may of further assistance, please contact us.

Sincerely,

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

KHF:def

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 67-0241, 67-0242, 67-0243, 67-0244, 67-0245, 67-0261, 67-0262, 67-0272, 67-0273

Notice is hereby given that JAMES L. BUMGARNER of Cambridge, Idaho has applied to the Department of Water Administration for a change of place of use of the waters of Rush Creek, trib. to Weiser River. The right sought to be changed is evidenced by decree in Case of Muir vs. Allison et al, dated June 20, 1921 in 7th Judicial District Court, County of Washington and is recorded as follows: Christian Larson, No. 67-0241, 22 inches, priority date, May 1, 1878; James L. & Karl Lewis, No. 67-0242, 25 inches, May 1, 1878; James L. Lewis, No. 67-0243, 7-7/8 inches, May 1, 1878, 67-0244, 23 1/2 inches, June 1, 1899, No. 67-0245, 19 inches, June 1, 1900; George W. Hall, No. 67-0261, 7 1/2 inches, May 1, 1883, No. 67-0262, 12 1/2 inches, May 1, 1890, 11 1/4 inches, May 1, 1896, 6 1/4, May 1, 1901, George A. Jefferson, No. 67-0272, 3-1/8 inches, May 1, 1884, No. 67-0273, 12-3/8 inches, May 1, 1890. The water is used for irrigation purposes within W 1/2 NE 1/4, SE 1/4 NE 1/4, Lot 1, Sec. 4; SW 1/4 NW 1/4, NW 1/4 SW 1/4, Lot 4, Sec. 3, Twp. 14 N., Rge. 3 W.; W 1/2 SW 1/4, SE 1/4 SW 1/4, Sec. 34, Twp. 15 N., Rge. 3 W., B.M., Washington County.

TO BE CHANGED AS FOLLOWS

The water will be used for irrigation purposes within W 1/2 NW 1/4, NW 1/4 SW 1/4, Sec. 3, NE 1/4, Sec. 4, Twp. 14 N., R. 3 W., W 1/2 NE 1/4, SE 1/4 SW 1/4, S. 34, T. 15 N., R. 3 W., B.M.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration on or before Feb. 25, 1974.

R. KEITH HIGGINSON  
Director

Published in the Upper Country News Reporter, Cambridge, Idaho on Feb. 7, 1974 and Feb. 14, 1974.

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus  
Governor

R. Keith Hingston  
Director

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



Water Rights Administration  
Water Resource Protection  
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)

Sincerely,

*Bill submitted 2-19-74 by dh*