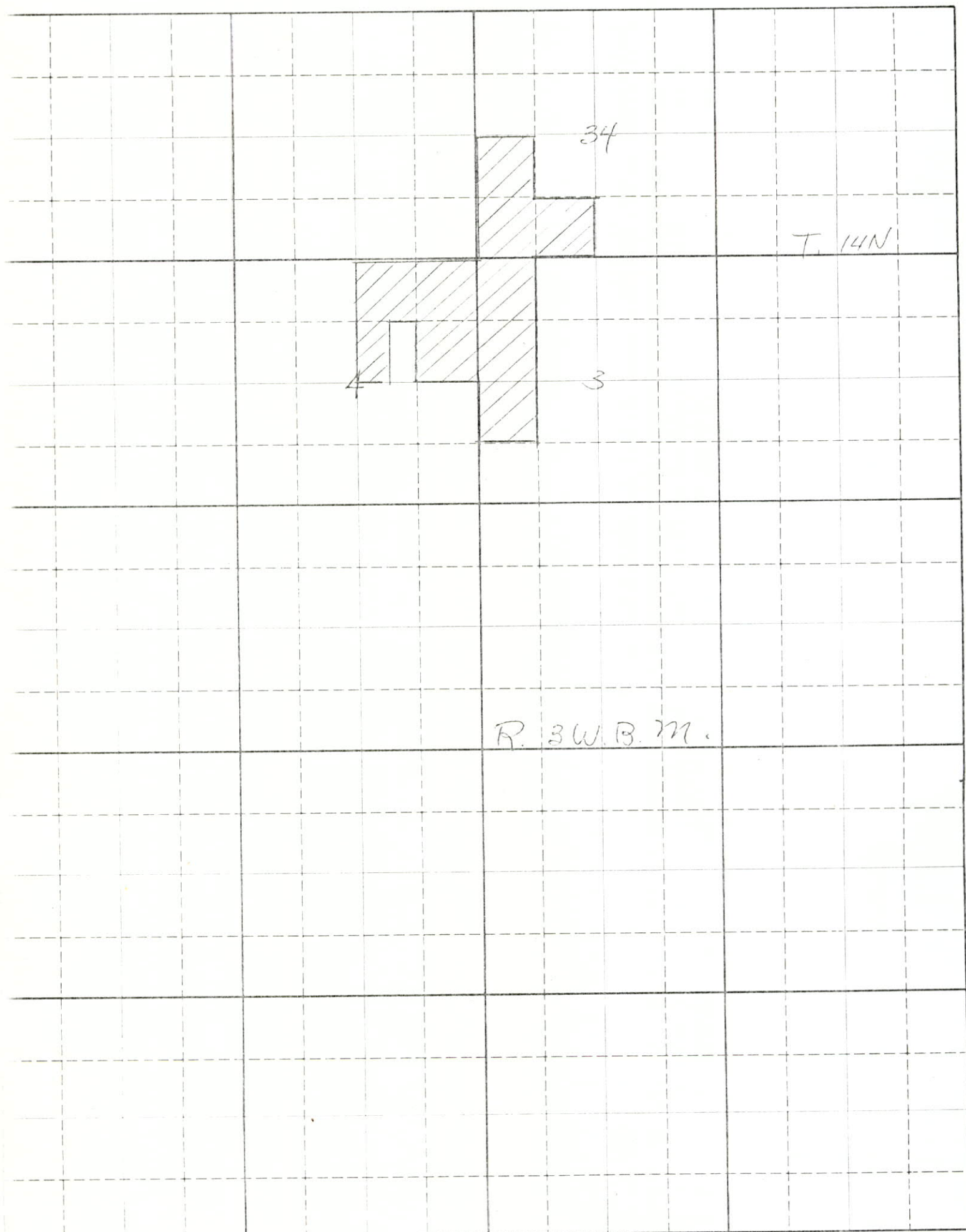




SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
1955	James L. Bumgarner	3.004	0	67-0241 67-0242 67-0243 67-0244 67-0245 67-0261 67-0262 67-0263 67-0264 67-0272 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				380ac

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 23rd day of May, 1978.


 NORMAN C. YOUNG
 Administrator, Resources Administration Division

Transfer No: 1955

ANNOUNCING

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

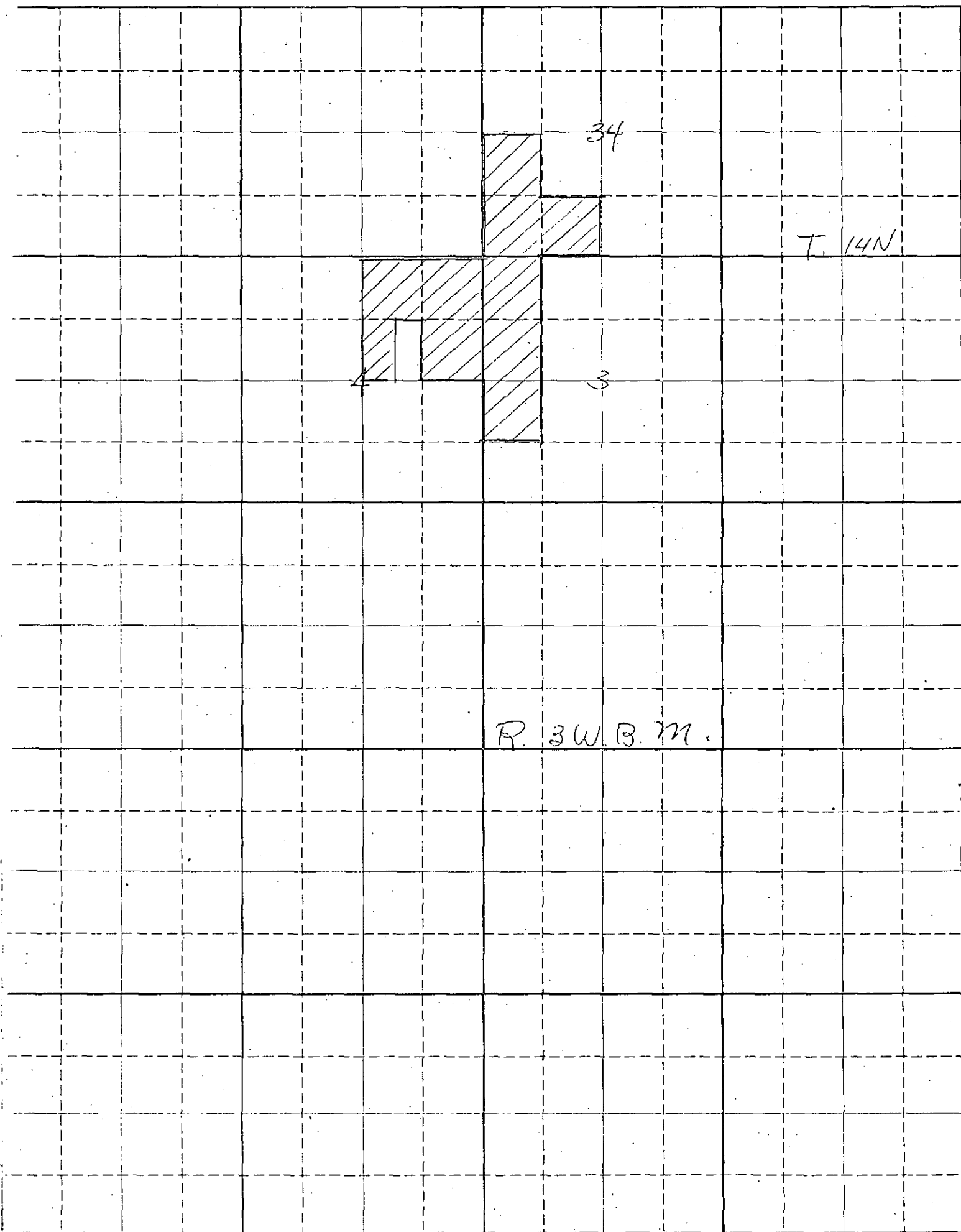
6. Water is used for Irrigation from March 15 to Nov. 15
(Month, Day) (Month, Day)

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	40	40			40							120
14N	3W	4	Lot 1	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. Benjamin
(signature of applicant)

Subscribed and sworn to before me this 18th day of January, 1974

Lyle Glen Saptor
(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 23rd day of May, 1978

Norman C. Young
Administrator

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 DOB Date 1-18-74 Fee \$ 30.00

Approved for publication by Super Granty

Published in Des Moines Register Dates 2-7-2-14-74

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
67-0241

22" May 1, 1878

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

67-0242

James L. & Karl Lewis
67-0242

25" May 1, 1878

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

67-0243

James L. Lewis
67-0243

7-7/8" May 1, 1878

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)

67-0244

23 $\frac{1}{2}$ " June 1, 1899

"

67-0245

19" June 1, 1900

"

George W. Hall
67-0261

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, T.15 N
R.3 W.

(120 acres)

67-0262

12 $\frac{1}{2}$ " May 1, 1890

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

67-0263

11 $\frac{1}{2}$ " May 1, 1896

"

67-0264

6 $\frac{1}{4}$ " May 1, 1901

"

George A. Jefferson
67-0272

3-1/8" May 1, 1884

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

67-0273

12-3/8" May 1, 1890

"

TOTAL (380 acres)

Cambridge, Idaho
February 18, 1974

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, 67-0272, 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 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. Bungarner 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 Langer

RECEIVED

SEP 19 1964

CONFIDENTIAL

Cambridge, Idaho
February 18, 1974

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

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 to'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 filed by James L. Hargraves and also a protest of the application of proposed change of water right to's 67-0246, 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 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. 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.

Glen Farrens
Gary Farrens

Enclosure

RECEIVED

Cambridge, Idaho
February 12, 1974

Dept. of Water Administration
R. Keith Higgins, Director
Statehouse
Boise, Idaho 83703

Dear Mr. Higgins:

As a water user of Rush Creek water in Washington County I am hereby 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 filed by Jaro L. Rungtarn 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. Rungtarn 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 Ford

RECEIVED

RECEIVED

Cambridge, Idaho
February 13, 1974

Superior Division

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

Dear Mr. Higginson,

As a water user of Buna Creek water in Washington County I am hereby 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, 67-0272 filed by James L. Bungarner and also a protest of the application of proposed change of water right No's 67-0246, 67-0247, 67-0248, 67-0257, 67-0258 filed by Morris W. McGoy.

My objection to these applications is on the grounds that if these are accepted, it would be jeopardizing the next in line water right 1971. Bungarner and Mr McGoy are all used to confine their water rights, which vary in priority dates, and transfer them from one piece of ground to another.

Sincerely,

Jack Ripper
Nate Ripper
Arnold M. Ripper

WATER RIGHTS

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. 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 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. Bungarner 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 D. May

MICROFILMED

RECEIVED
FEB 25 1974
Department of Water Administration

Box 72
Cambridge, Idaho 83610
February 21, 1974

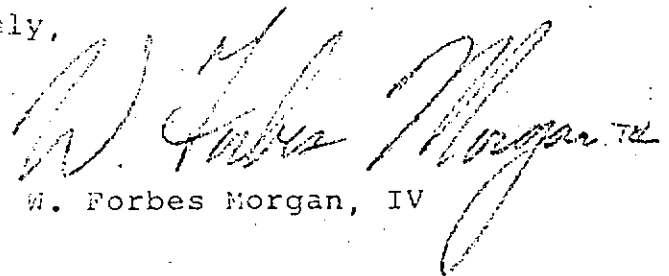
Mr. R. Keith Higginson, Director
Dept. of Water Administration
Statehouse
Boise, Idaho 83707

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 1/2 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

14th day of February, 1974.

May Collins

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 designation
Section 4 corrected by NCY
- ② Hearing notes - 1974
- ③ Explain
↑ ?

sion - Bumgarner

Action on this 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 for trans for m' Coy. 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	REF. No. (if any)
TO: Cilen So	
FROM: (show title) Jim Jo	
FOR YOUR:	REVIEW AND:
☐ Information	☐ Call Me
☒ Approval	☐ Comment & Return
☐ Signature	☐ 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.

PJJ

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 Fanens	Cambridge	Self
Georgi Ford	Cambridge	Self
Justin Over	"	
Dale Rippen	"	Self
Ormelvin Dotson	"	Self
Arnold M. Rippen	"	Self
Ruth 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 ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSE- MENT ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY FEE Remarks
1	44052 Robert H. Remaklus, P.O. Box 759, Cascade, Ida.								All of below
2	44053 Everett & Mary R. Allen, Cascade, Idaho								All but last
	44054 Virgil & Adela Lathrop, 7214 Altherbrook, Rose								65-7407
	44055 Sy & Lucille Martenes, 327 Anderson, Caldwell								65-7443
5	44056 Joe & Virginia Gabica, 4004 Granger Dr. Boise								65-7453
6	44057 David N. Asdell & Lena E., 15911 Martin, San Jose, CA								65-7456
7	44058 West Mtn. Lodge & Norman Bermyon, 5346 Santa Blvd.								65-7438
8	44059 City of Cascade, P.O. Box 754 Cascade, Id.								65-7438
9	44060 Jack Yensen, Rt. 1, McKell, Idaho								65-7457
10	44061 William Eld, Eld Ranch, Inc., McCull, Idaho								65-7457
11	44062 Morris B. McCoy, Cambridge, Idaho								67-0246
12	44063 Elbert Langer, Cambridge, Idaho								" "
13	44064 Melvin A. Datsan, Cambridge, Idaho								" "
14	44065 Glen & Gary Farrons, Cambridge, Idaho								" "
15	44066 George Ford, Cambridge, Idaho								" "
16	44067 Jack Dule & Arnold H. Rippen, Cambridge, Id.								" "
17	44068 Hubert V. Ward, Cambridge, Idaho								" "
18	44069 W. Forbes Morgan, IV, Box 72, Cambridge, Id.								" "
19	44070 Don Ridnauer, Cambridge, Idaho								" "
20	44071 James L. Brumgauer, Cambridge, Idaho								67-0241
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		¹ 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." ² Special-handling charges apply only to third- and fourth-class parcels. Special- delivery service also includes special-handling service.			

PS Form 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

RECORDED
INDEXED

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. FOIT, P. E.
Western District Engineer

KHF:def

March 4, 1974

C
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.

O
Dear Mr. Ward:

P
We acknowledge receipt of yyour 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?

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

07 APR 1974

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

Pear 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:

- 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

APR 11 1974

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:df

March 4, 1974

Melvin A. Dotson
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. 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:

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 1/2 inches, May 1, 1896, 6 1/2 inches, 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, SE 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.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Huganson
Director

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



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

February 1, 1974

Upper Country News Reporter
Box 98
Cambridge, ID 83610

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

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

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

(signature of claimant)

Sincerely,

Bill submitted 2-19-74 by LF