

T06N R02W
S11

Claims: 65-01131A

Prepared by:

RON HOWERTON

Modified

Date: 23 FEB 01

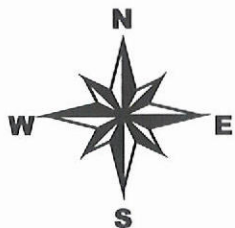
 Place of use

 POD

 SECTION

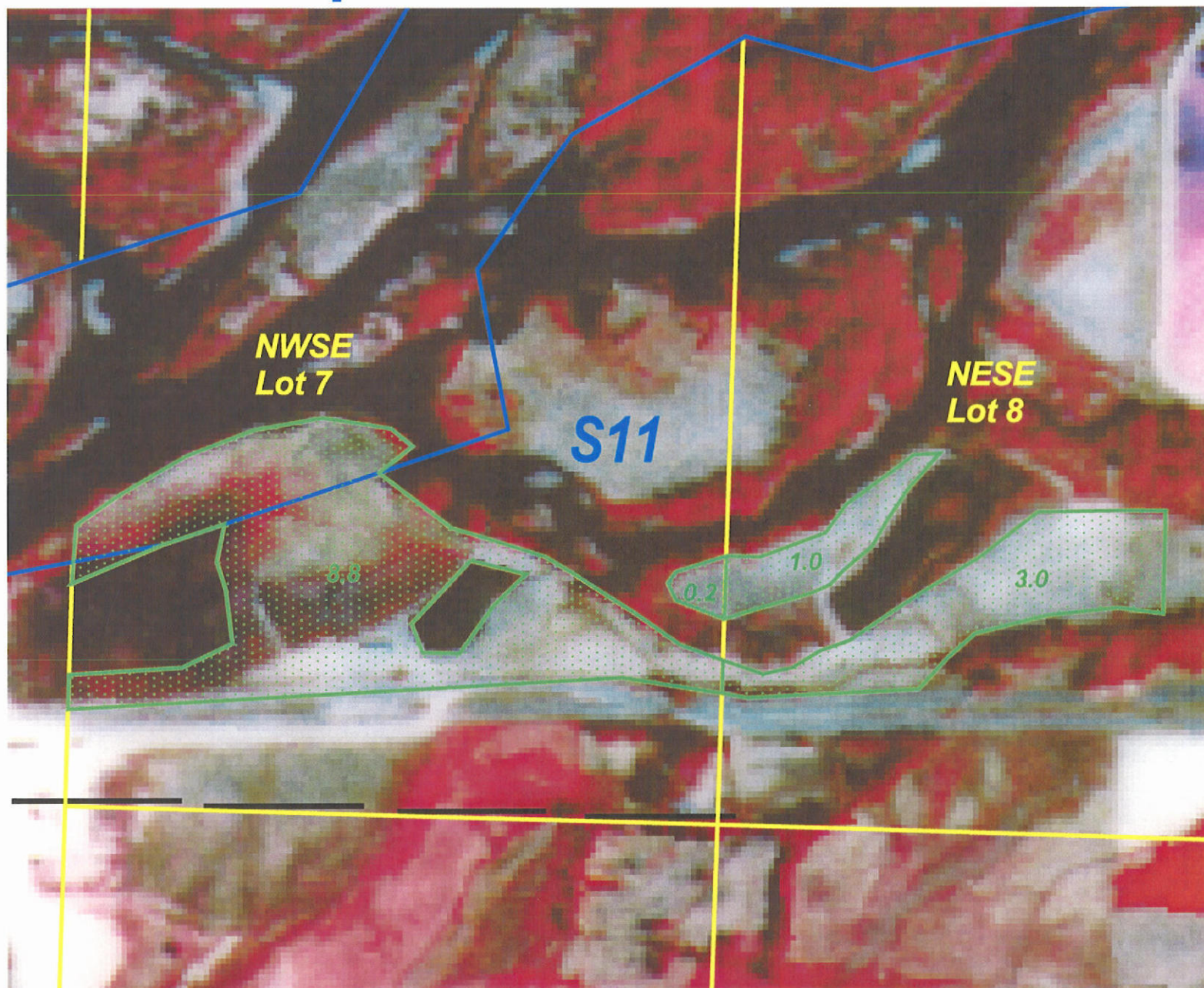
 1/4 1/4

13 Acres

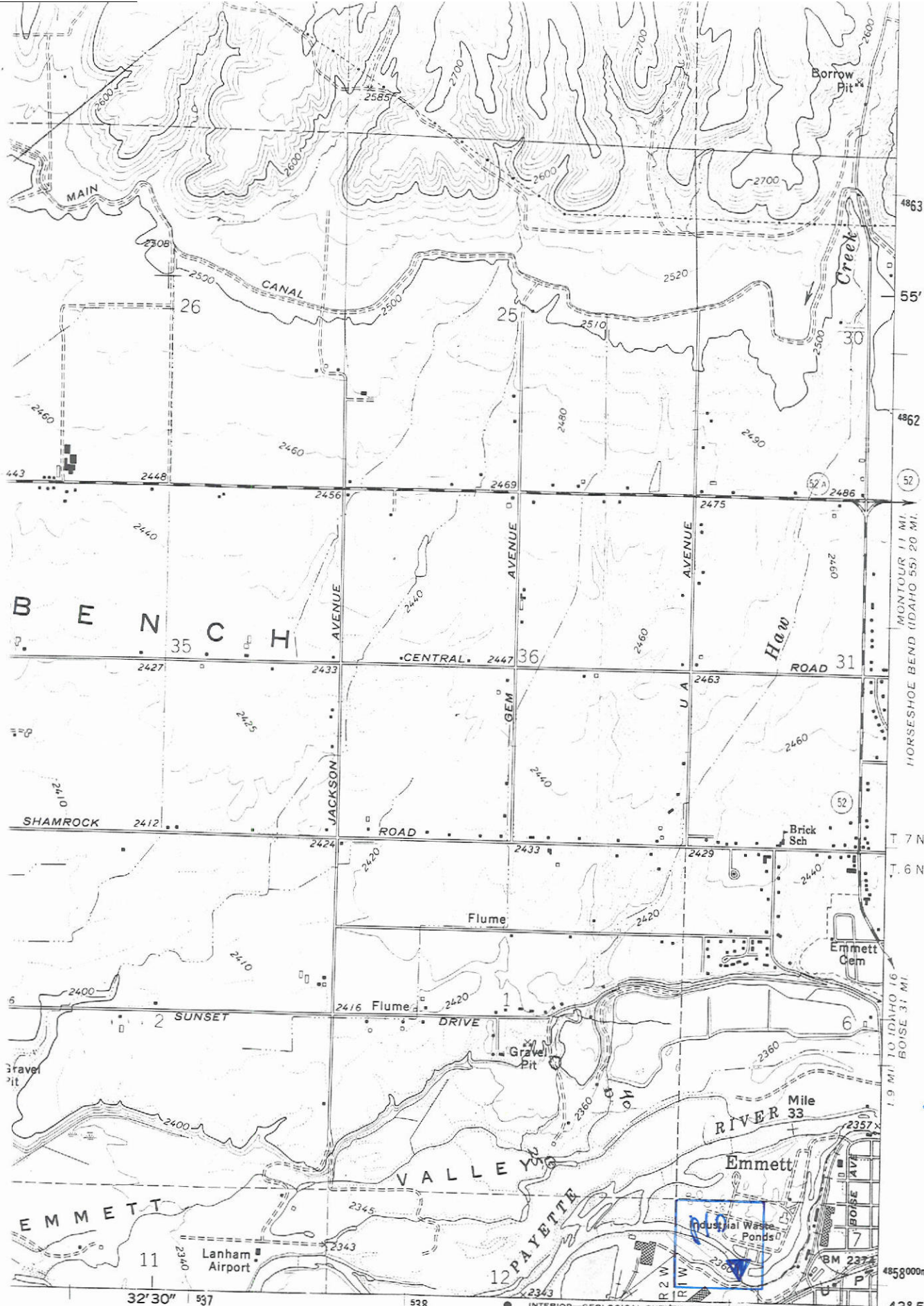


1987 NAPP

Idaho Department of Water Resources



0 0.1 0.2 0.3 0.4 Miles

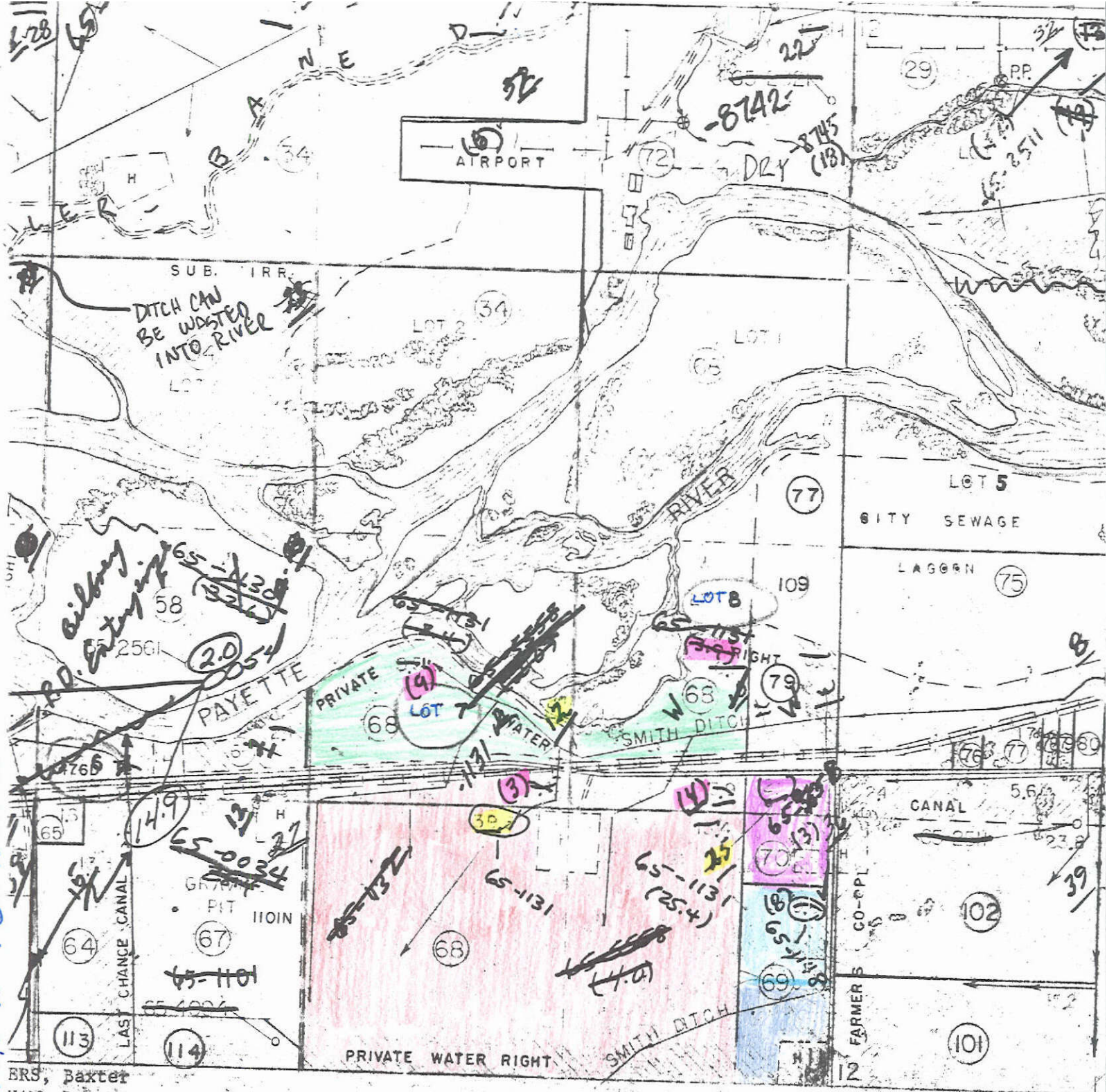


ROAD CLASSIFICATION

Primary highway, hard surface —————
 Secondary highway, hard surface —————
 Light-duty road, hard or improved surface —————
 Unimproved road - - - - -

(MONTOUR 1:62 500
 271 IV

PRBA BLUE LINE MAP "A" TON R2W S11



ERS, Baxter
HAM, Rex E.
SE CASCADE CORP. 0585M/0586D/7094D
Y OF EMMETT
B, Earl 5081D
LS, Myrtle 0949D
BERRY, Paul F. 3283D/3284D
N, Louis
SEN, Wayne B. 1752D
T, John B.
AN, Bill 5047D/6653D
S, Ben
T, Sam 5418D
DEE BOX FACTORY 5360L/5361L
HAM, F. H.
S, Wm. J. 7183D/5577D
EGATE, Lizzie

GREEN = LAND NORTH OF RR
VOGEL
Total Deeded in Lot 8 = 4Ac
Total Deeded in Lot 7 North of RR = 9Ac
Total = 13 Acres

109. WILKERSON, O. A.
110. WILKERSON, O. A.
111. WILKERSON, O. A.
112. WILKERSON, O. A.
113. CAMPBELL, Vernon
114. UNIVERSAL LUMBER & SUPPLY
115. HEBERT, Dennis Jr.
* CAMPBELL, Della 0921D/09
* CHAPMAN, H. S. 0969D
* CLEMENTS, W. J. 0954E
* DEL MONTE SAND 1101N
* DELTMAN, W. E. 1244I/12
* GILLIHAN, J. M. 5288D
* HILL, M. D. 5076K
* HAWKES, E. M. 5404L
* HENRITZ, J. H.

(84) CORNETT, Richard
(89) HOLMES, D.

3-WAY SPLIT TREE

CLAIM: 65-01131

AGENT: Ron Howerton

Date: 01-29-01

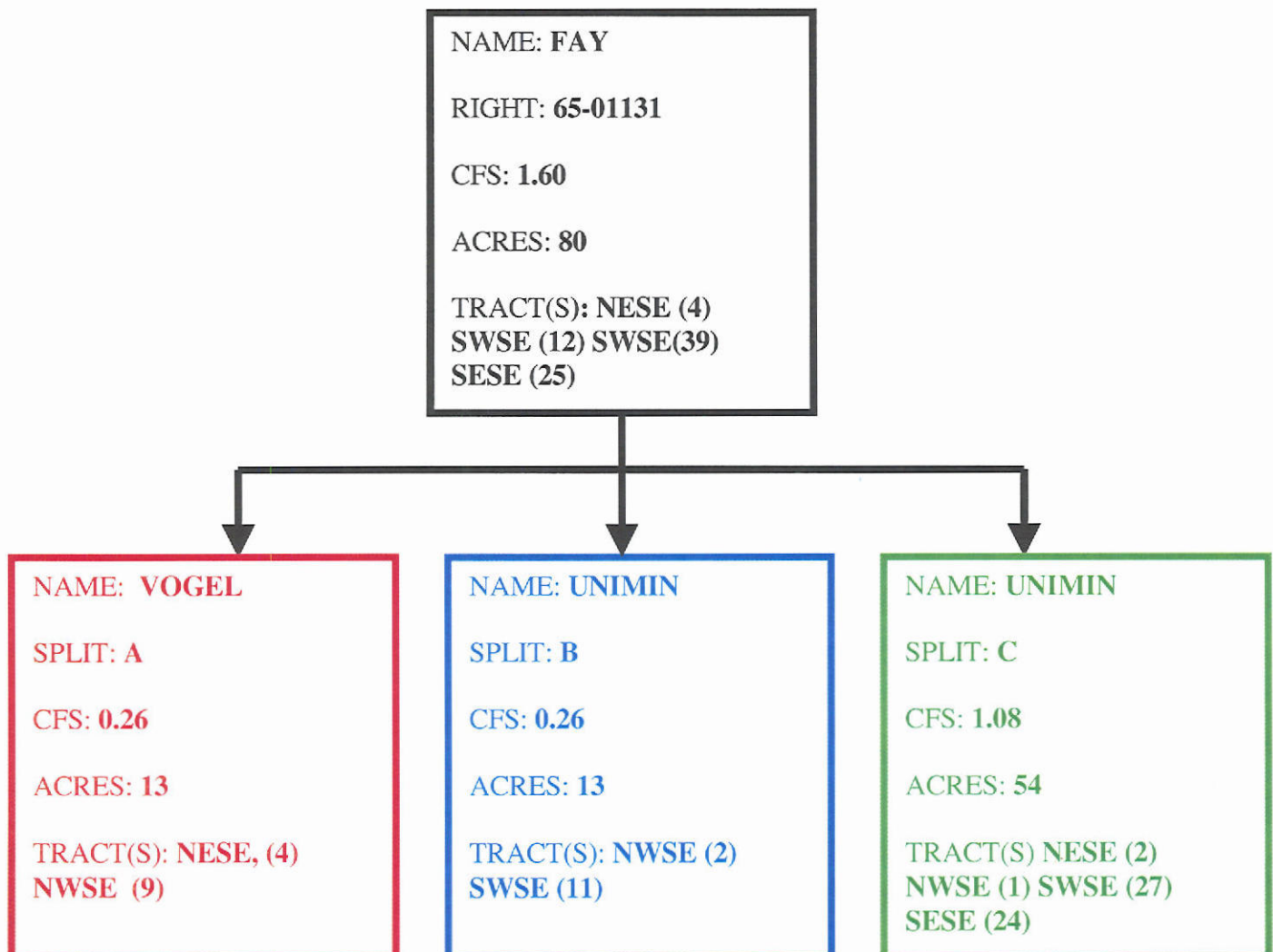
FACTOR = CFS 1.60 / ACRES 80 = 0.02 CFS

SPLIT A = **FACTOR** x **N acres (13)** = **CFS = 0.26**

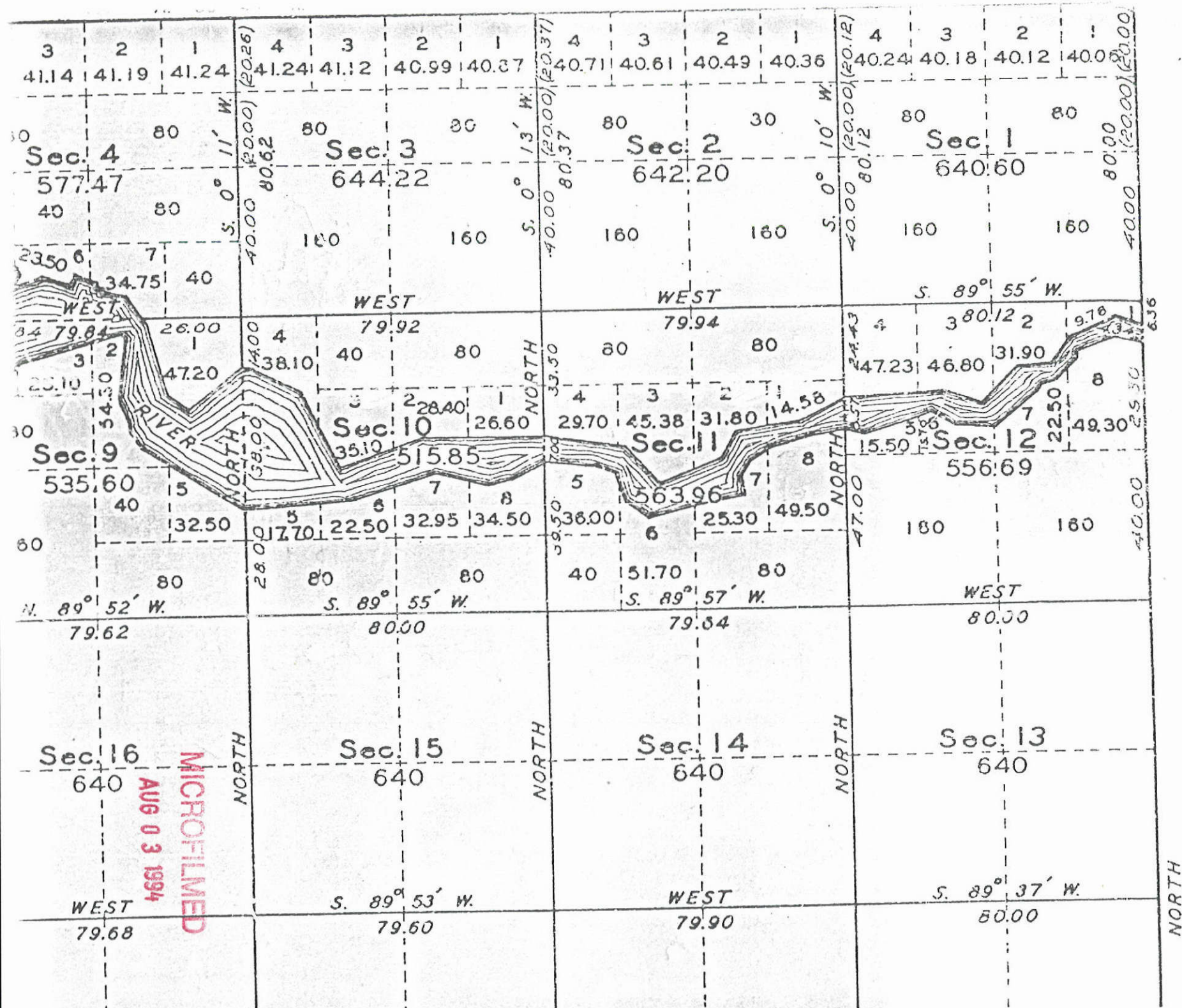
SPLIT B = **FACTOR** x **N acres (13)** = **CFS = 0.26**

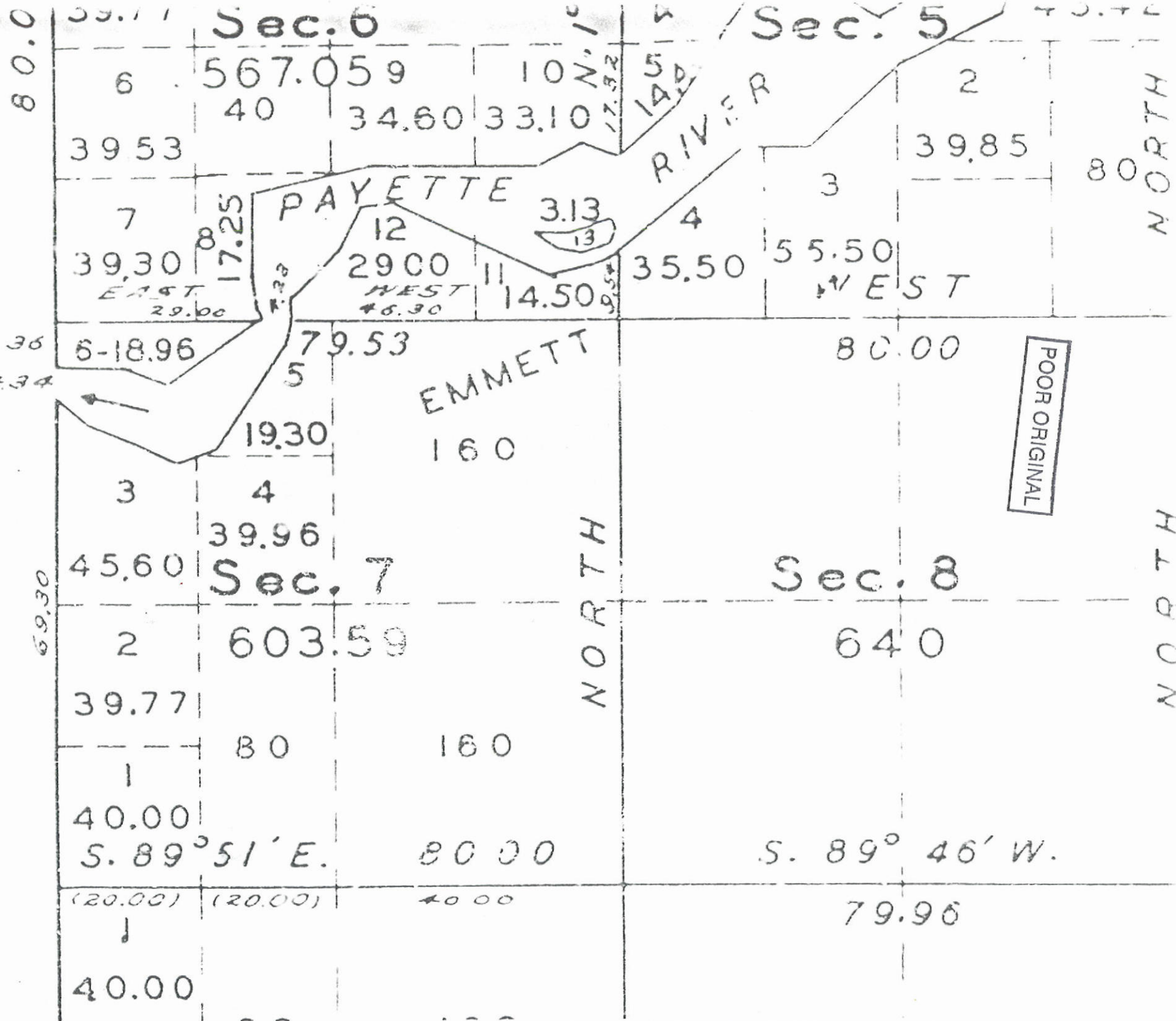
SPLIT C = **FACTOR** x **N acres (54)** = **CFS = 1.08**

TOTALS = (80) (1.60)



POOR ORIGINAL





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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A65-01131A**
Date Received: 3/ 2/1990
Receipt No: W010355
Received By: _____

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

1. Name: ELLIS C VOGEL 208-467-2319
Address: 1033 LILAC LANE
EMMETT ID 83617
AND
Name: KATHERINE S VOGEL 208-467-2319
Address: 1033 LILAC LANE
EMMETT ID 83617

2. Date of Priority: OCT 5, 1875

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	01W	7	SW	NW		3	GEM

5. Description of diverting works:
DITCHES FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.320		

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

8. Total consumptive use is 56.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

MICROFILMED

AUG 03 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	02W	11	NE	SE	8	IRR 4.0
			NW	SE	7	IRR 12.0
Section Acres						16.0
Total Acres						16.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

CLAIM NO. A65-12721 - WILDLIFE/REC. STOR. RTS.

14. Remarks:

THIS CLAIM IS A SPLIT OF THE ORIG. CLAIM NO. 65-00131 - THE CLAIMANT DOES NOT OWN THE S1/2SE1/4.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

MICROFILMED

State of Idaho)
County of) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

As soon as you know your new address, mail this card to all of the people, businesses, and publications who send you mail.

For publications, tape an old address label over name and old address sections and complete new address. **65-01131A**

Your Name (Print or type. Last name, first name, middle initial.) 65-12721 VOGEL, ELLIS C. & KATHERINE S.					
Old Address	No. & Street 505 FAIR LANE	Apt./Suite No.	PO Box	RR No.	Rural Box No.
	City NAMPA	State ID	ZIP + 4 83686-1111		
New Address	No. & Street 1033 LILAC LANE	Apt./Suite No.	PO Box	RR No.	Rural Box No.
	City EMMETT	State ID	ZIP + 4 83617-1111		
Sign Here Katherine Vogel		Date new address in effect 8-1-93		Keyline No. (If any)	

PS Form 3576, November 1990

RECEIVER: Be sure to record the above new address.

MICROFILMED

AUG 03 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 26, 2002

KATHERINE S VOGEL
1033 LILAC LN
EMMETT ID 83617

RE: Water Right No. 65-12721 & 65-1131A

Dear Mrs. Vogel:

I have received a request to review your water rights, as referenced above. It is to my understanding that you were concerned about your late husband, Ellis, being taken off these water rights, and that the rights were decreed incorrectly. After reviewing these rights and the partial decrees, records indicate that both rights were decreed in *both* your name and Ellis' name. I have enclosed a copy of the decrees for your review.

I did not find any information in the file referencing a request to remove Ellis' from the water rights. In order to correct these water rights, please sign the enclosed form, and return with a copy of the deed showing the transfer into your name only; or a copy of the death certificate for Ellis.

Thank you for your patience and cooperation. I apologize for any inconvenience this may have caused. If you have any questions regarding this letter, feel free to contact this office at (208) 334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield".

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

Katherine

Vogel

8/15/02

office visit

65-1131A } Recommended Ellis & Katherine
65-12721 } Vogel

Partial decrees issued

8/15/02 SARA site:

Summary report shows 65-1131A Katherine
65-12721 Ellis

partial decree shows 65-1131A } NAME + address
65-12721 } blank

Katherine recalled asking someone to correct both
records some time ago ~~since~~ since her husband,
Ellis, is deceased.

Appears 65-1131A was corrected
65-12721 was incorrectly changed --- dropped her
instead of him.
- alt shows both names.

(Permit 65-22350 is already just in her name).

→ CAN correct 65-12721 so just Katherine & send
to her? 1033 Lihac Ln. Emmett 83617
365-2873



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

May 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

"When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001.** IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

01/26/2001

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

RIGHT NUMBER: 65-1131A

NAME AND ADDRESS: ELLIS C VOGEL
KATHERINE S VOGEL
1033 LILAC LANE
EMMETT, ID 83617

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.26 CFS

PRIORITY DATE: 10/05/1875

POINT OF DIVERSION: T06N R01W S7 LOT 3 NWNW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	0.26 CFS

PLACE OF USE:

IRRIGATION Within GEM County
T06N R02W S11 LOT 8 NESE 4 T06N R02W S11 LOT 7 NWSE 9

13 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

**T06N R02W
S11**

Idaho Department of Water Resources

Claims: 65-01131A

Prepared by:

RON HOWERTON

Modified

Date: 23 FEB 01

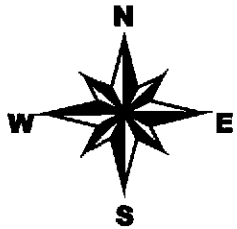
 **Place of use**

● **POD**

 **SECTION**

 **1/4 1/4**

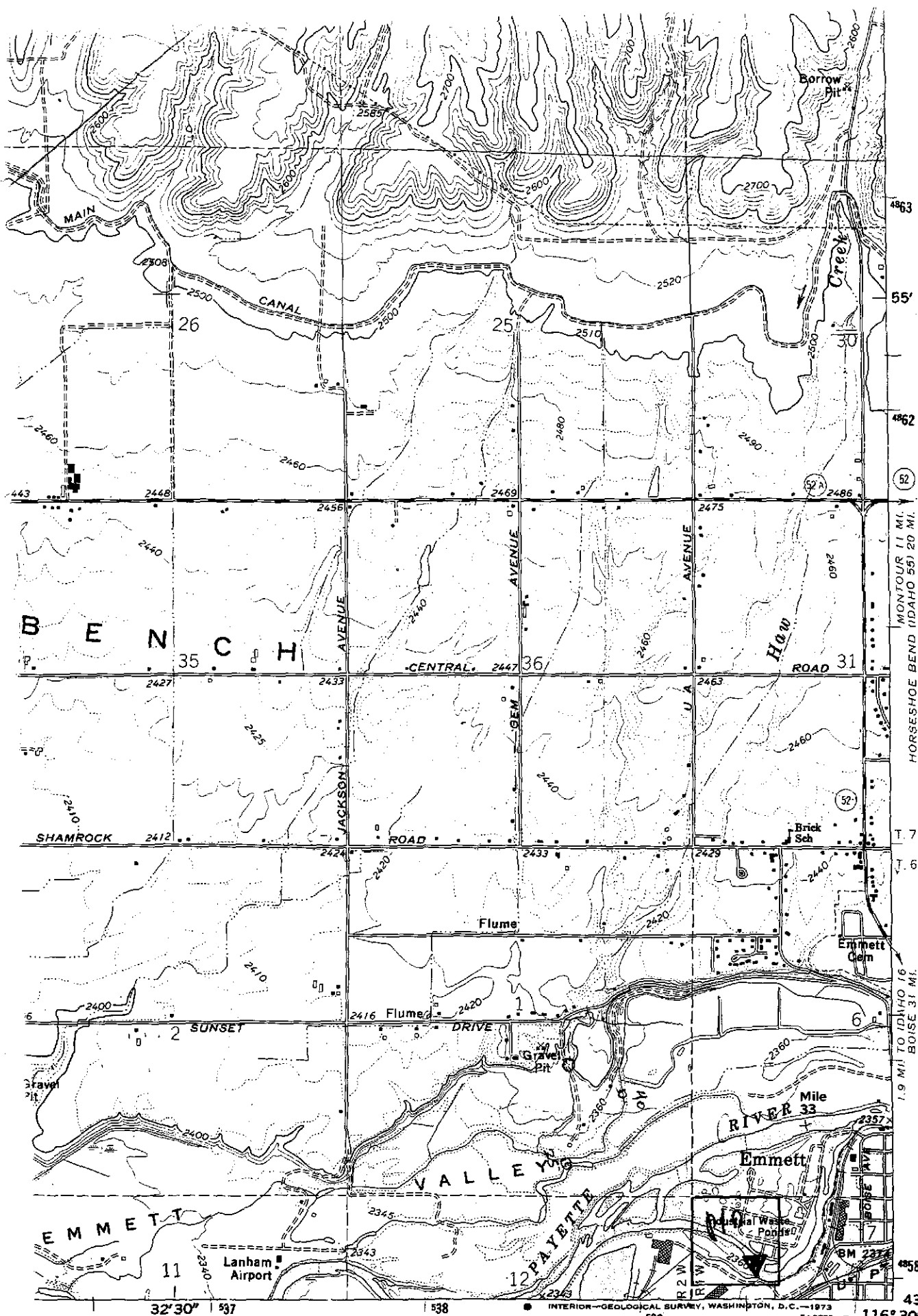
13 Acres



1987 NAPP



0 0.1 0.2 0.3 0.4 Miles



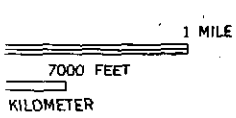
4.2

MONTOUR 1.1 MI.
HORSESHOE BEND (IDAHO 55) 20 MI.

1.9 MI TO IDAHO 16
BOISE 31 MI.

T6W
R1W
S7
Lot 3 NW 1/4

WE
1971
TOP



ROAD CLASSIFICATION

Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road

MONTOUR 1.62 S.
271 N

3-WAY SPLIT TREE

CLAIM: 65-01131

AGENT: Ron Howerton

Date: 01-29-01

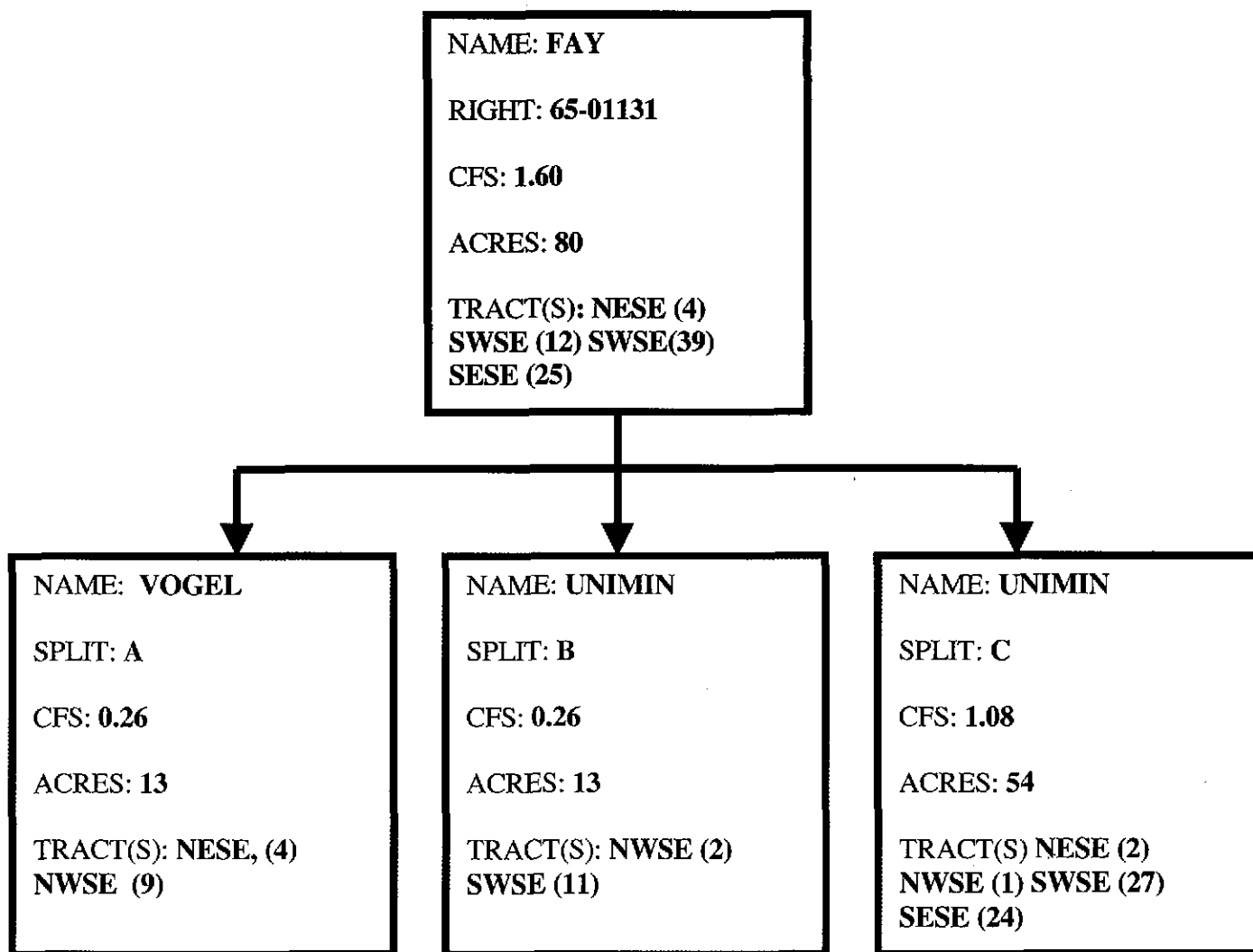
FACTOR = CFS 1.60 / ACRES 80 = 0.02 CFS

SPLIT A = FACTOR x N acres (13) = CFS = 0.26

SPLIT B = FACTOR x N acres (13) = CFS = 0.26

SPLIT C = FACTOR x N acres (54) = CFS = 1.08

TOTALS = (80) (1.60)





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

February 23, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Katherine S. Vogel
1033 Lilac Lane
Emmett ID 83617

Re: A65-01131A

Dear Katherine,

I am enclosing a new modified layout, which is more accurately depicted as I indicated I would do, with respect to our meeting and discussion 2/23/01.

The irrigated lands that I have recommended for your portion, as we discussed are as accurate I could find from historic records from the prior Payette Basin Adjudication.

The Payette Basin Adjudication map copy I showed you indicated that all your lands were North of the railroad tracks.

The Payette Basin Adjudication decree listed a total of four (4)-irrigated acres in government lot 8.

It listed twelve (12) acres located in government lot 7, however, three (3) of the twelve decreed acres were South of the railroad tracks, leaving nine (9) decreed acres for your portion North of the railroad tracts. Thus, four (4) plus nine (9) = 13 total.

I compared the map used in the Payette Basin Adjudication and used 1987 infrared satellite imagery to re-verify the 13 acres.

Please feel free to call me at 334-2190 for any additional concerns you may have here.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Howerton'.

Ron Howerton
Senior Water Right Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

February 6, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Boise Cascade Corp
Joe Munson
PO Box 50
Boise ID 83728

Ellis C. Vogel ✓
Katherine S. Vogel
1033 Lilac Lane
Emmett ID 83617

Johnson E. Smith
617 Airport Road
Emmett ID 83617

Water District No. 65
Mark Limbaugh
102 North Main Street
Payette ID 83661

Robert H. Steinebach
1077 Airport Road
Emmett ID 83617

Robert D Worthington
Judith A Worthington
715 Airport Road
Emmett ID 83617

Unimin Corporation
Richard A. Cummings
PO Box 1545
Boise ID 83701

Re: Conveyance loss for Smith Ditch senior 1875 decreed irrigation rights:

A65-01131A (Vogel)
A65-01131B (Unimin)
A65-01131C (Unimin/Craig)

A65-01148A (Steinebach)
A65-01148B (Worthington)
A65-05558 (Smith)

Dear Water Users:

I am Ron Howerton, a Senior Water Right Agent with the Snake River Basin Adjudication. I have talked personally to some of you already. The Idaho Department of Water Resources will shortly be mailing out recommendations in a Preliminary Report for the above water rights. The mailing is tentatively scheduled to go out February 21, 2001. Public meetings are also tentatively scheduled for March 13th and 14th 2001. I wanted to give everyone a heads up as to how I am proceeding to recognize conveyance loss to these prior decreed rights.

Dave Tuthill, the Snake River Basin Adjudication Bureau Chief and I have discussed possibilities of how to recognize conveyance loss for these rights. In our analysis conveyance loss could not be added directly to the prior decreed rights. We did come up with a possible solution.

We contacted Joe Munson, the legal representative for Boise Cascade Corporation, and proposed that their Industrial right 65-00587 might be used to cover the conveyance loss for the above rights.

In order to cover conveyance loss for the above rights, with their right, a special quantity remark needs to be added. Joe Munson is checking his resources and will advise me if our remark proposal is acceptable to their Industrial right 65-00587.

MEMO TO FILE

Senior Agent: Ron Howerton

Date: 01-29-01

Snake River Basin Adjudication Analysis for RECOMMENDATIONS OF:
Split Claim(s) A65-01131A, A65-01131B & A65-01131C

Payette Basin Adjudication decreed right 65-01131 was decreed as shown below:

65-01131
80 ACRES
1.6 CFS

1. The original claims splits were filed as follows:

A65-01131A:	A65-01131B	A65-01131C	CLAIM
VOGEL	UNIMIN	UNIMIN	TOTALS
16 ACRES	13 ACRES	56 ACRES	85 ACRES
0.32 CFS	0.26 CFS	1.12 CFS	1.7 CFS

2. The Snake River Basin Adjudication split recommendations are:

A65-01131A:	A65-01131B	A65-01131C	CLAIM
VOGEL	UNIMIN	UNIMIN	TOTALS
13 ACRES	13 ACRES	54 ACRES	80 ACRES
0.26 CFS	0.26 CFS	2.12 CFS	1.6 CFS

VOGEL A65-01131A RECOMMENDATION:

The Payette Basin Adjudication blue line map illustrates that 13 decreed acres were north of the railroad tracks. Tax records for 1994 verifies that the ownership of the land north of the railroad tracts is in the name of Vogel. The Payette Basin Adjudication decree listed a total of four (4)-irrigated acres in government lot 8. It listed twelve (12) acres located in government lot 7, however, three (3) of the twelve decreed acres were South of the railroad tracks, leaving nine (9) decreed acres for North of the railroad tracts. Thus, four (4) plus nine (9) = 13 total for the Vogel Split. I compared the map used in the Payette Basin Adjudication with the 1987 NAPP infrared satellite imagery to re-verify the 13 acres. *Thus, reducing the original split claim to 13 acres.*

UNIMIN A65-01131B RECOMMENDATION:

The tax records for 1994 show an outline of the 13 acres and verified ownership by Gem County Assessors office. The claimed POU was claimed as Government Lot 7 for a total of 13 acres on an ortho photo quad map. The SWSE was not claimed, however, the drawing of the map claimed, showed the actual location all acres were in also in the SWSE. *No change in recommendation, except clarification of Lot 7 & the SWSE tracts.*

The following proposed remark is:

65-00587 QUANTITY REMARK:

A PORTION OF THIS WATER RIGHT, IN THE AMOUNT OF 0.76 CFS, IS DESIGNATED TO PROVIDE CONVEYANCE WATER FROM THE POINT OF DIVERSION TO THE FIELD HEADGATE FOR THE FOLLOWING WATER RIGHTS:

<u>65-01131A</u>	<u>.11 CFS</u>
<u>65-01131B</u>	<u>.11 CFS</u>
<u>65-01131C</u>	<u>.44 CFS</u>
<u>65-01148A</u>	<u>.02 CFS</u>
<u>65-01148B</u>	<u>.04 CFS</u>
<u>65-05558</u>	<u>.04 CFS</u>
 <u>TOTAL</u>	 <u>.76 CFS</u>

The conveyance loss amounts are based upon Water Master Mark Limbaugh's calculations determining the percentage of conveyance loss at 29%. A spreadsheet is attached for your reference. Formula below:

CONVEYANCE RATE =
RECOMMENDED RATE / (1.0 - PERCENT LOSS) - RECOMMENDED RATE

Corrected split right total acres and pro-rated CFS needed to be determined first before using Mark Limbaugh's 29% ditch loss estimate.

My analysis of to how many acres to recommend and CFS for these rights was determined by using Payette Basin Adjudication records. Then, for non-and split rights, tax lot information and satellite imagery was used in finalizing the correct split acre totals. Then the CFS was pro-rated based upon total acreage of the split rights.

Attached is a layout of the Smith Ditch irrigation senior 1875 rights that did not have conveyance loss included in the Payette Basin Adjudication.

Also attached is a layout of your proposed water right.

Please feel free to call me at 334-2190 for any concerns you may have here. Otherwise I look forward to seeing you at our public meetings we have tentatively scheduled in March 2000.

Sincerely,



Ron Howerton
Senior Water Right Agent

UNIMIN A65-01131C RECOMMENDATION:

Both A65-01131A & "B" claims were clarified now for 13 acres each and rate of flow was prorated at an inch per acre as shown on split tree dated 1/29/01. Thus leaving the remainder of 54 acres to recommend for split "C".

The Vogel recommendation was clarified by using the Payette Basin Adjudication blueline map and tax records and three acres were accordingly reduced.

The Unimin "C" split was claimed for 56 acres and indicated the split might be 54 acres, if there was no enlargement issues.

The Payette Basin Adjudication blueline map showed an area within the S ½ that was labeled H for home. These outlines generally indicate that irrigation is not included in this area. Thus, I assumed that a portion in the S ½ of section 11 probably would not be digitized for irrigation around the home area.

The claim file map illustrated that another owner had land in the upper center of the north ½ just south of the railroad. It also showed an area on the east portion of the south ½ tracts south of the railroad was also someone else's property.

The process here first was to eliminate the east portion of the south ½ tracts south of the railroad. Other rights covered these lands: A65-01148A, A65-01148B & A65-05558.

Second was to look at the land in the upper center of the north ½ just south of the railroad. No additional claims were made here and the area didn't look irrigated except for a very small portion on the east border of a tract belonging to Craig. Smith ditch appears to cut across here and has a potential less than an acre of being irrigated. Since no claim was filed here and if any irrigation use was here it could be very incidental by the ditch flowing through that location.

When digitizing remaining needed 54 acres to balance the splits, I found 1.3 acres to be in addition to the original four (4) acres decreed in Lot 8. However, no enlargement was in this recommendation by recommending the 1.3 acres because the total is only 54 acres for the Unimin "C" split.

The blueline map used in the Payette Basin Adjudication was not clear here and probably should have listed some acres south of the railroad in Lot 8. However, instead they listed 25 acres in the SESE. I only found 24 in the SESE, thus, the remaining digitized 1.3 acres could be recommended here to Lot 8. *Finally, after correcting the original split claim from 56 acres to 54 acres and then clarification was made to Lots 7 and Lot 8 and the SWSE & SESE tracts. Then all splits were matched up to the illustrated claim file map and totals completed!*

AJ5809NP
No. A65-01131A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/25/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELLIS C VOGEL	10/05/1875	IRRIGATION	03-15 11-15	0.320 CFS	
C	KATHERINE S VOGEL 1033 LILAC LANE EMMETT ID 83617 (208) 467-2319					
TOTAL DIVERSION:					0.320 CFS	
CONSUMPTIVE USE:						

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T06N R01W S07 Lot03(~~SWNW~~)

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
06N	02W	11	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
																			08-04 07-12	:
																			TOTAL ACRES	10.0
																			9	18.0

POU County: GEM

Non-Irrigation Uses: NONE.

Other Rights: CLAIM NO. A65-12721 - WILDLIFE/REC. STOR. RTS.

Remarks: GEN THIS CLAIM IS A SPLIT OF THE ORIG. CLAIM NO. 65-00131 - THE CLAIMANT DOES NOT OWN THE S1/2SE1/4.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: '65

Field Inspection Flag:
Presumption Flag:

OVERLAP with 65-12721 - WILDLIFE AND
RECREATION STORAGE.
4-MAJOR PONDS
WITHIN SAME
TRACTS
(NO-CONDITIONS
OR RMK
NEEDED)

SPLIT COMMENT:

CORRECTED
SPLIT INFORMATION
BASED UPON
PRBA BLUELINE
& 1994 TAX INFO
C18

.26 CFS
~~56.00 AFA~~

Proved
at 0.021 AFA
FROM SPLIT
RIGHT

PER PRBA
BLUELINE
&
GIS

WR5809NP
No. 65-01131

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/25/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
P	J. G. FAY C/O MRS. VIRGINIA FAY PAYNTER 1024 SUMMERWIND PLACE NAMPA ID 83651	10/05/1875	IRRIGATION	03/15 11/15	1.600 CFS	
				TOTAL DIVERSION:	1.600 CFS	
C	J. G. FAY C/O MRS. VIRGINIA FAY PAYNTER 4303 CASCADE ROAD EMMETT ID 83617					

Water Source: PAYETTE RIVER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T06N R01W S07 Lot 03()

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
06N	02W	11	:					:					:					:	08-04	07-12	39	25	:	80.0
																						TOTAL ACRES		80.0

Pou County: GEM

Dates:	App. Received:	Priority Date:	10/05/1875
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee: ,

Audit: 04/02/86 04/30/88 CONVERT 08/05/92 NAME-ADD

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A65-01131A
Date Received: 3/ 2/1990
Receipt No: W010355
Received By: _____

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

1. Name: ELLIS C VOGEL 208-467-2319
Address: 505 FAIR LANE
Nampa ID 83686

AND

Name: KATHERINE S VOGEL 208-467-2319
Address: 505 FAIR LANE
Nampa ID 83686

2. Date of Priority: OCT 5, 1875

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	01W	7	SW	NW		3	GEM

5. Description of diverting works:
DITCHES FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.320		

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

8. Total consumptive use is 56.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	02W	11	NE	SE	8	IRR	4.0
			NW	SE	7	IRR	12.0
Section Acres							16.0
Total Acres							16.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

CLAIM NO. A65-12721 - WILDLIFE/REC. STOR. RTS.

14. Remarks:

THIS CLAIM IS A SPLIT OF THE ORIG. CLAIM NO. 65-00131 - THE CLAIMANT DOES NOT OWN THE S1/2SE1/4.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO

Decree Plaintiff

A & C CORP., ET AL.

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

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State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 4-17-92

LEGAL DESCRIPTION OF PROPERTY: Township D6N Range 02W
Section 11, 1/4 of NE 1/4 of SE 1/4, Govt. Lot 8, BM.
Lot _____, Block _____, Subdivision/Townsite _____ & NW 1/4 SE 1/4, Govt. Lot 7.
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A65-01131A
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): KENNETH E. DROULARD EMPLOYEE PENSION
1512 12TH AVE, RD.
NAMPA, IDAHO 83651
- ☐ New Owner/Claimant (Purchaser): ELLIS C. VOGEL & KATHERINE S. VOGEL
- ☐ New Mailing Address: 505 FAIR LANE
NAMPA, IDAHO 83686
- ☐ New Telephone Number: (208) 467-2319
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Ellis C. Vogel Date 4-17-92
Katherine S. Vogel Date 4-17-92
- ☐ Signature of Former Owner/Claimant(s): Kenneth E. Droulard Date _____
Theresa Droulard Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 6-11-92 By: JAN

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

WARRANTY DEED

For Value Received Kenneth E. Droulard Professional Association Employee Pension Trust.

the grantor s, do hereby grant, bargain, sell and convey unto
 Ellis C. Vogel and Katherine S. Vogel
 husband and wife
 505 Fair Lane, Nampa, Idaho 83686

the grantee s, the following described premises, in Gem County Idaho, to wit:

All of Lots 7 and 8, in Section 11, Township 6 North, Range 2 West of the Boise Meridian, Gem County, Idaho.

EXCEPT the East 27 rods of said Lot 8.

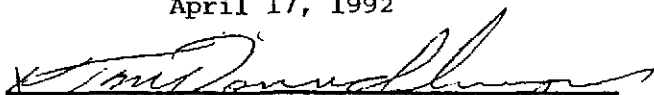
ALSO EXCEPT all land located South of the Oregon Shortline Railroad right of way.

EXCEPT all ditch and road rights of ways.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that they are the owner s in fee simple of said premises; that they are free from all encumbrances except current years taxes, public utility easements and U. S. Patent Reservations. Any change in property due to meander line as shown by the Government Survey of the Payette River.

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

Dated: April 17, 1992


 Thomas M. Donndelinger- Trustee


 Kenneth E. Droulard- Trustee

STATE OF IDAHO, COUNTY OF Gem

On this 17th day of April 1992
 before me, a notary public in and for said State, personally appeared

Thomas M. Donndelinger, Trustee
 and Kenneth E. Droulard- Trustee

of Kenneth E. Droulard Professional Association Employee Pension Trust

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


 Notary Public

Residing at Emmett
 Comm. Expires 7/11/94

STATE OF IDAHO, COUNTY OF

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

at minutes past o'clock m.,
 this day of 19 in my office, and duly recorded in Book
 of Deeds at page

Ex-Officio Recorder

By Deputy

Fees \$
 Mail to:



First American Title Company of Idaho

INSTRUMENT NO.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A65-01131A
Date Received: ~~2/27/1990~~ 3-1-1990
Receipt No: WD10355 (late fee)
Received By: [Signature] only

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH E. DROULARD EMPLOYEE PENSION 208-466-2661
Address: 1512 12TH AVE. RD.
NAMPA, ID 83651

2. Date of Priority: OCT 05, 1875

3. Source: PAYETTE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	01W	7	SW	NW		3	GEM

5. Description of diverting works:
DITCHES FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	~~1.600~~		
			32		

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

A.F.A.

8. Total consumptive use is 56.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	02W	11	NE	SE	8	IRR	4.0
			NW	SE	7	IRR	12.0

Section Acres 16.0

A65-01131A

Page 1

Date: 02/27/90

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10. Place of Use: Continued

Total Acres 16.0

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

CLAIM NO. A65-12721 - WILDLIFE/REC. STOR. RTS.

14. Remarks:

THIS CLAIM IS A SPLIT OF THE ORIG. CLAIM NO. 65-00131 - THE
CLAIMANT DOES NOT OWN THE S1/2SE1/4.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

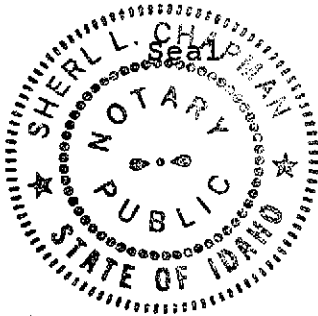
For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *R. E. Donald* Date: 3/1/90
Trustee Date: _____

State of Idaho)
County of Ada) SS.

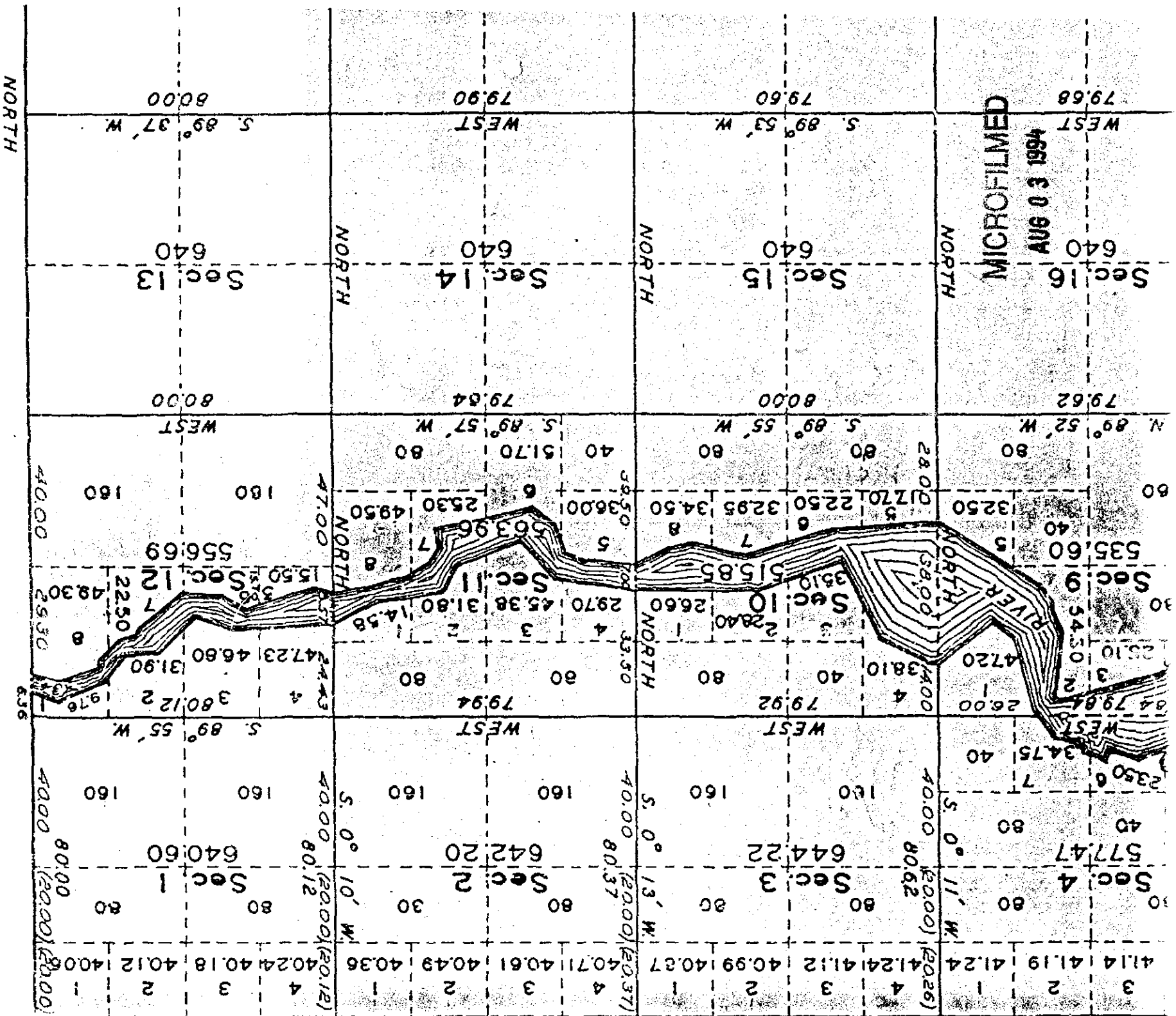
Subscribed and sworn (or affirmed) before me this 1 day
of March 19 90 *Sherell L. Chapman*
Notary Public



Residing at 2889 Cottonway Meadows
My Commission Expires 6/14/94

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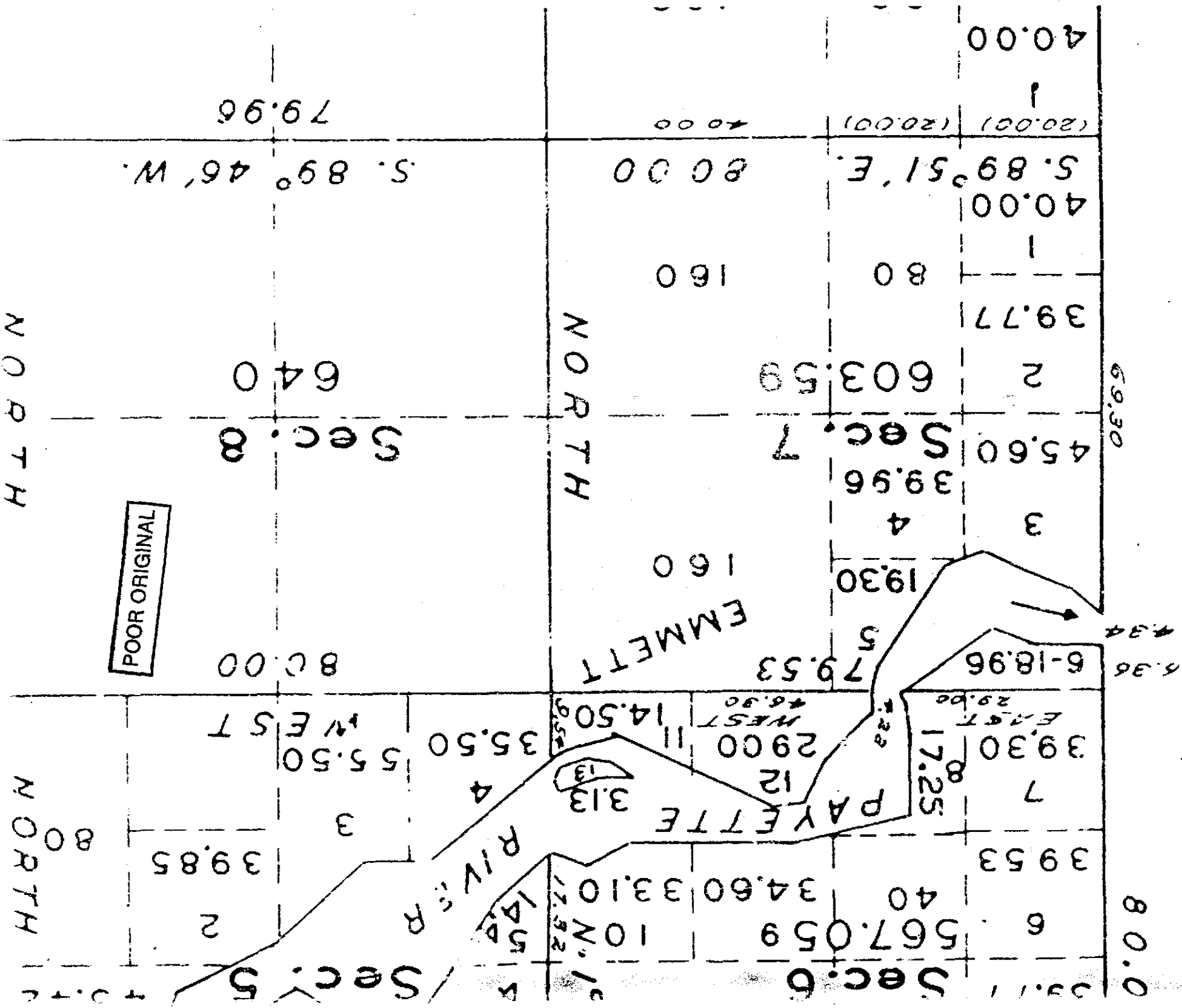
AUG 03 1994



POOR ORIGINAL

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AUG 03 1994



MEMO
TO
FILE

11/2/92

A65-01131A

1. THIS CLAIM COULD POSSIBLY BE IN ERROR FOR THE AMOUNT OF ACRES.
2. SPLITS B & C WERE VERY WELL DOCUMENTED FOR SPECIFIC AMOUNTS. (SEE THE ATTACHED COPIES OF OWNERSHIP CHANGES).
3. A FIELD EXAM SHOULD BE MADE TO POSSIBLY CORRECT OR VERIFY THIS QUESTION.
4. IT APPEARS THAT THE "A" PORTION WAS FILED THROUGH SHERL CHAPMAN.
5. B & C SPLITS WERE DONE AT THIS OFFICE BY MYSELF.
6. SEE SPLIT SHEET FOR TOTAL'S.

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CLAIM 65-01131 SPLIT

80 ACRES SPLIT INTO A,B,C.

1) 65-01131A ELLIS & KATHERINE VOGEL

$$\frac{80 \text{ AC}}{1.6} \cdot \frac{16}{X} = 0.32 \text{ CFS}$$

CLAIMED .32 CFS / 16 AC.

2) 65-01131B UNIMIN CORP

$$\frac{80 \text{ AC}}{1.6} \cdot \frac{13}{X} = 0.26 \text{ CFS}$$

CLAIMED .26 CFS / 13 AC

3) 65-01131C UNIMIN CORP

$$\frac{80 \text{ AC}}{1.6} \cdot \frac{56}{X}$$

CLAIMED 1.12 CFS / 56 AC

	CFS	ACRES
A	0.32	16
B	0.26	13
C	1.12	56
	<u>1.7 CFS</u>	<u>85</u>

↑ MORE THAN 80 ACRES

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CHANGE IN OWNERSHIP

Water Right Number(s): 65-1131 B

Name and Address of
Former Claimant:

J. G. Fay c/o Virginia Fay Paynter
4303 Cascade Road
Emmett, ID 83617

New Claimant:

Unimin Corporation

New Mailing Address:

Richard A. Cummings
Paige A. Parker
Imhoff & Lynch
Post Office Box 739
Boise, Idaho 83701

New Telephone Number: (208) 366-6900

Does the change in ownership result in a splitting of the water rights claimed? Yes.

If yes, then describe the portion of the water right that is now claimed by the new owner: Prorate share of water right held by former claimant permit No. 65-1131 = 13/80th of 1.60 cfs or .26 cfs.

Attach proof of ownership

Describe proof attached:

1. Warranty Deed from J.G. Fay and Sylvia Fay, husband and wife, to Del Monte Sand Company (January 16, 1973).
2. Agreement of Merger between Del Monte Properties company and Pebble Beach Corporation (January 24, 1977).
3. Warranty Deed from Pebble Beach Corporation to Wedron Silica Company (August, 1979).
4. Correction Warranty Deed from Wedron Silica Company to Martin Marietta Corporation (October 24, 1979).
5. Correction Warranty Deed from Wedron Silica Company to Martin Marietta Corporation (February 27, 1980).

CHANGE IN OWNERSHIP

Water Right Number(s):
Former Claimant:

Department of Water Resources
Western Regional Office

65-1131 C
J. G. Fay c/o Virginia Fay Paynter
4303 Cascade Road
Emmett, ID 83617

New Claimant:

Unimin Corporation

New Mailing Address:

Richard A. Cummings
Paige A. Parker
Imhoff & Lynch
Post Office Box 739
Boise, Idaho 83701

RECEIVED
OCT 10 1990

Department of Water Resources
Western Regional Office

New Telephone Number:

(208) 336-6900

Does the change in ownership result in a splitting of the water rights claimed? Yes.

If yes, then describe the portion of the water right that is now claimed by the new owner: Pro rata share of water right held by former claimant permit No. 65-1131 = 56/80th of 1.60 cfs or 1.12 cfs is now held and claimed by Unimin Corporation.

Attach proof of ownership
Describe proof attached:

1. Warranty Deed from Gerald Dean Fay and Jan Fay, husband and wife, and Hugh D. Paynter and Virginia Paynter, husband and wife, to DMO Enterprises, Inc., a Delaware corporation (June 25, 1990)
2. Warranty Deed from DMO Enterprises, Inc., a Delaware corporation, to Unimin Corporation, a Delaware Corporation (September 27, 1990).

Signature of Claimant(s):

UNIMIN CORPORATION

By: 
RICHARD A. CUMMINGS, Attorney for
Unimin Corporation

Date: October 9, 1990.

CHANGE IN OWNERSHIP

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AUG 03 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 29, 1992

Re: Notice of Claim to a Water Right No. A65-01131A & A65-12721

Ellis C. Vogel
Katherine S. Vogel
505 Fair Lane
Nampa, ID 83686

Mr. & Mrs. Vogel:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, reading 'Jan Shurte'.

JAN SHURTE
WATER RIGHT SUPERVISOR
ADJUDICATION SECTION

JS:lh
Enclosure

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AUG 03 1994