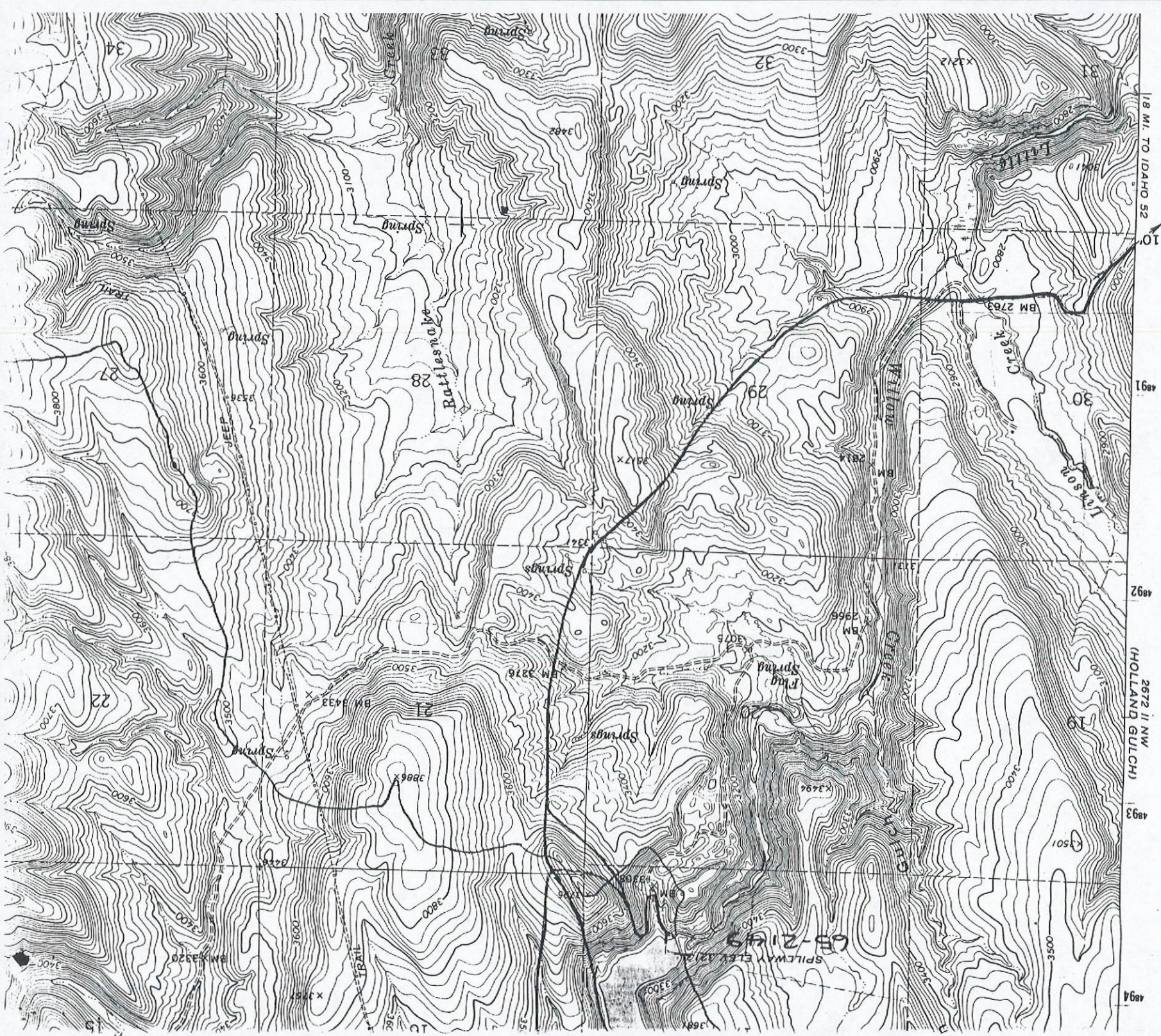
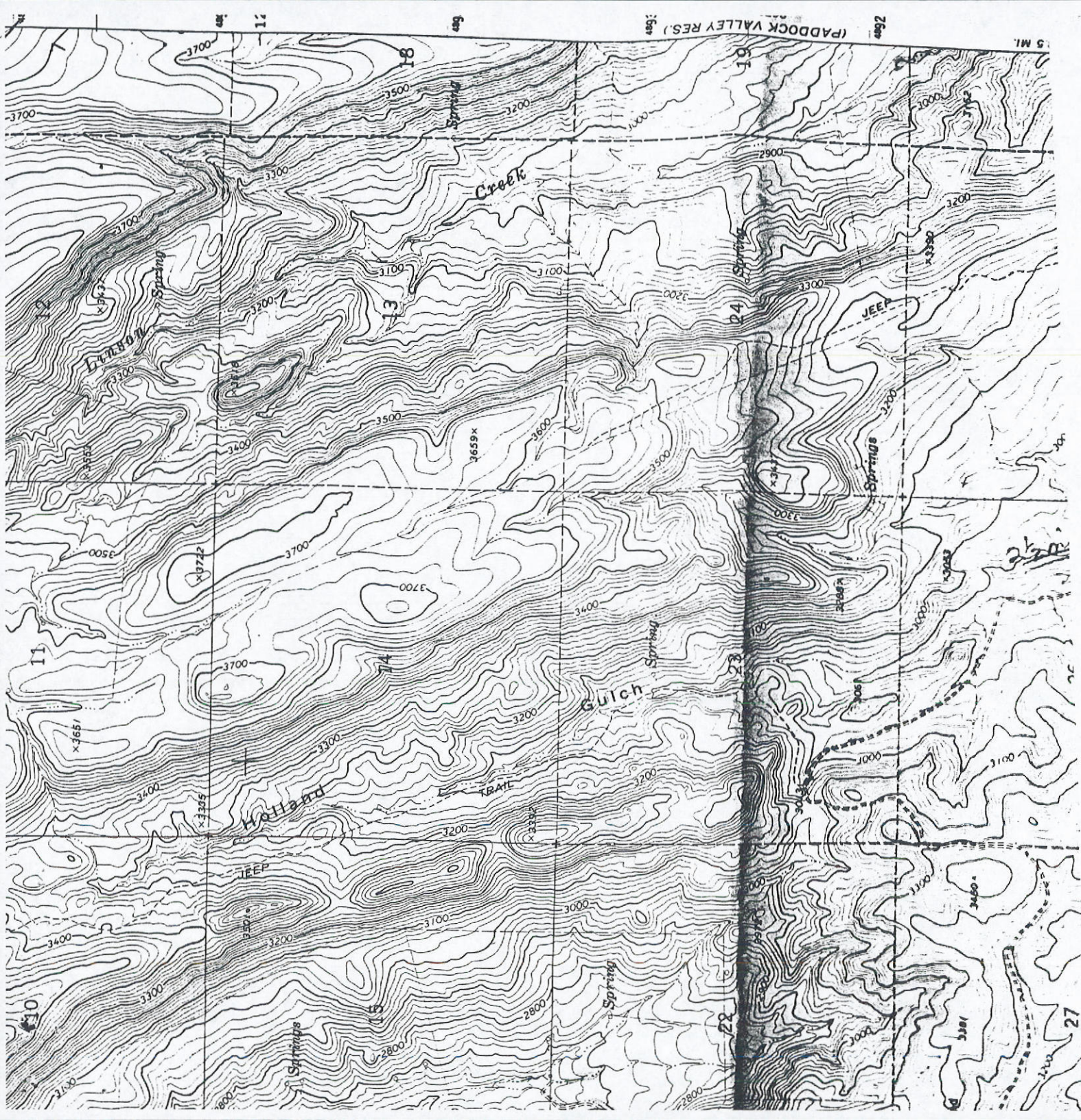


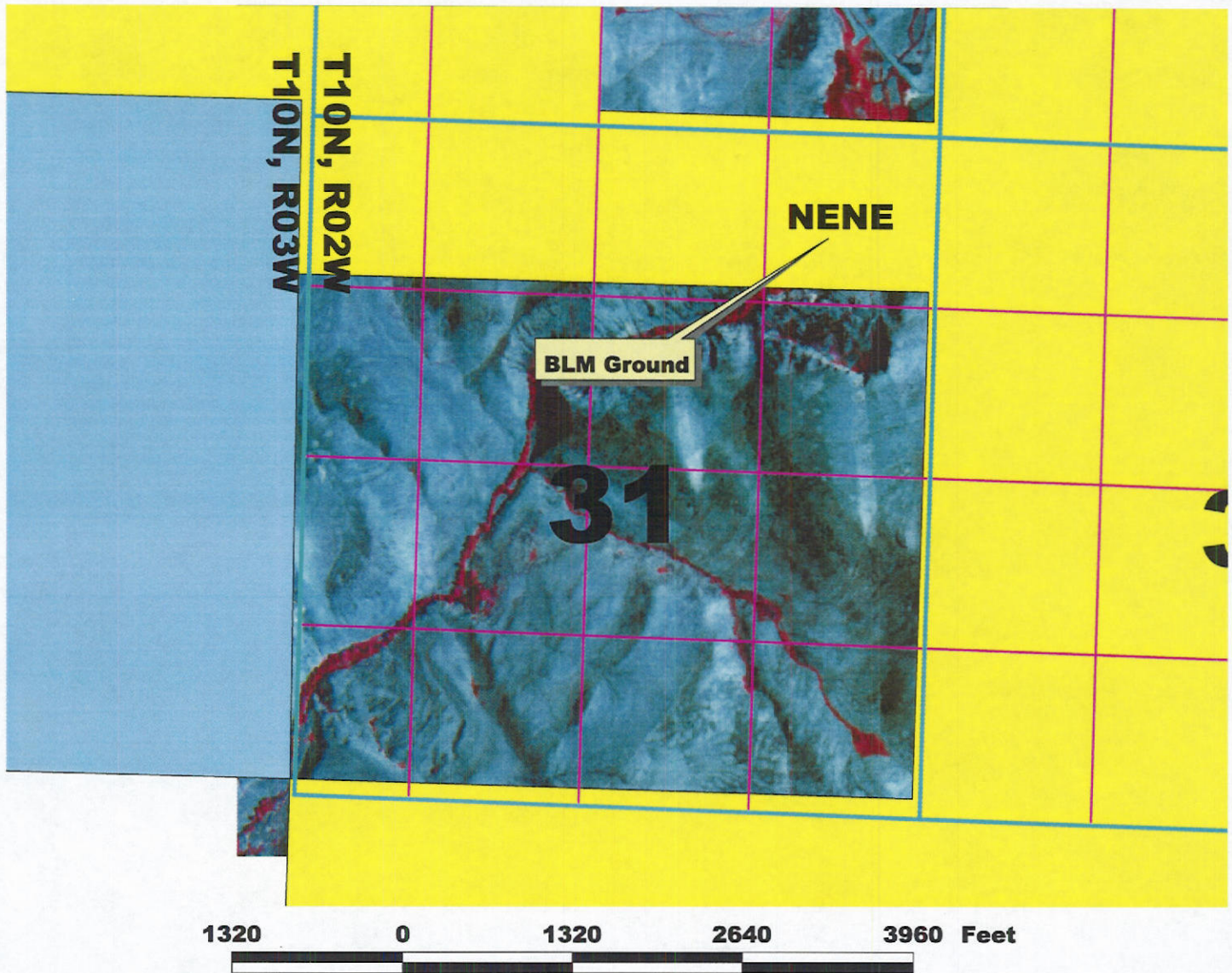


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BLM Objection to Vogel - 65-22232



- S10n02w.shp
- T10n02w.shp
- Idown.shp
- B.L.M.
- Bureau of Indian Affairs
- Department of Energy
- Forest Service
- Military Reservations
- National Parks & Monuments
- Open water
- Private
- State of Idaho
- U.S. Fish & Wildlife Service



Prepared by: **Craig Saxton**
Date: **March 2002**

SERVOIR

CLAIM 405-22333 INIT

T. R. S. Q/Q

P/D 10N 34E 12 NW 30 SE 30

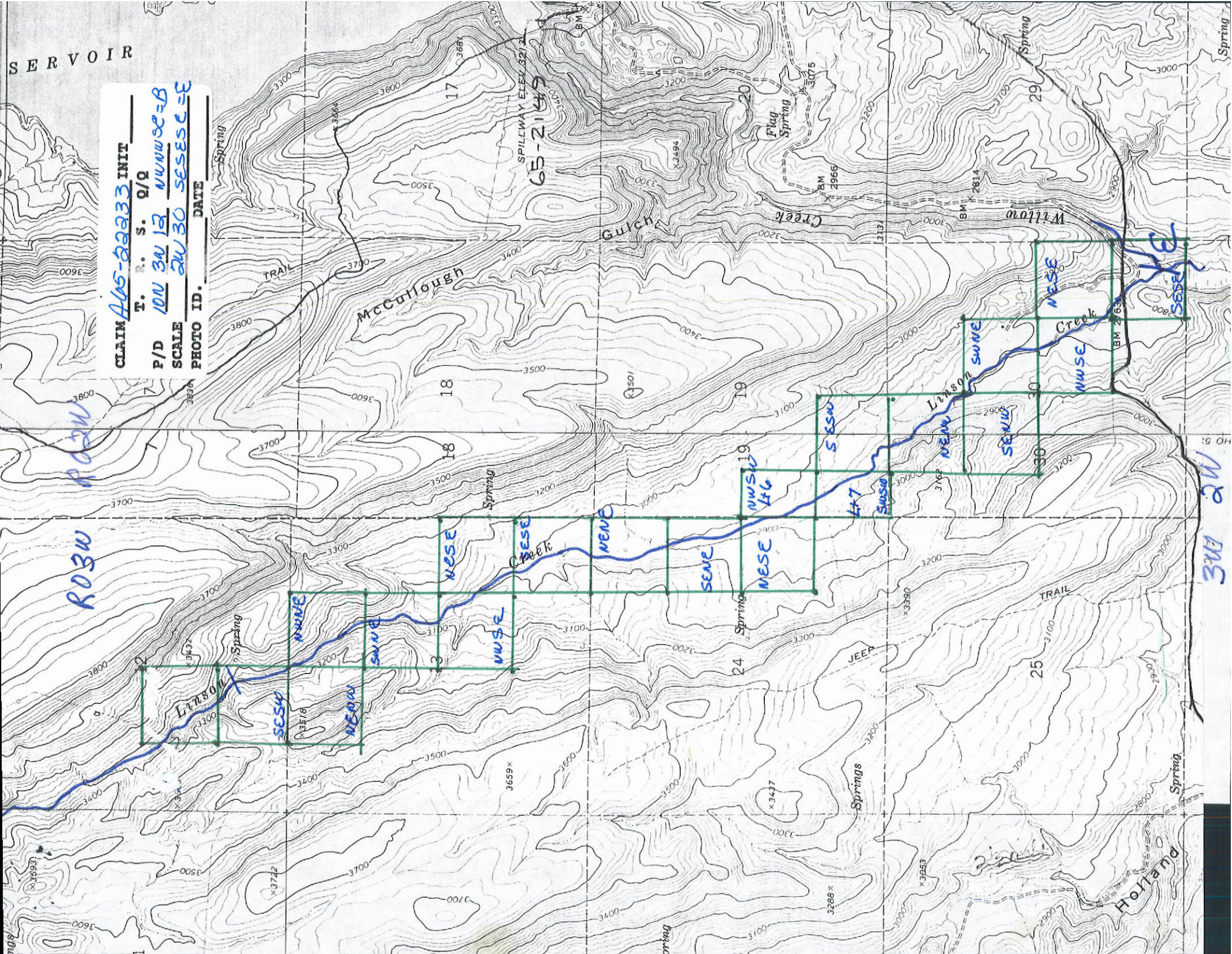
SCALE 2W 30 SE 30

PHOTO ID. DATE

65-2145

R03W

M2 2W 30E



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: **A65-22233**
Date Received: 9/17/1998
Receipt No: W024406
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: TOM VOGEL
Address: 114 PADDOCK VALLY RD
PAYETTE ID

208-741-9177

83661

OR

Name: MARVA VOGEL
Address: 114 PADDOCK VALLY RD
PAYETTE ID

208-741-9177

83661

2. Date of Priority: JAN 1, 1890

3. Source: LINSON CREEK

Trib. to: LITTLE WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County	
Beginning Point of Instream Flow						
10N	03W	12	NW	NW	SE	WASHINGTON
Ending Point of Instream Flow <i>SE</i> <i>SE</i>						
10N	02W	30	<i>NW</i>	<i>NW</i>	SE	WASHINGTON

5. Description of diverting works:
INSTREAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10N	02W	19	SW		NW		STOCK	
			SW		SW		STOCK	
			SW		SE		STOCK	
		30	NW		NE		STOCK	
			NE		NW		STOCK	
			SE		NW		STOCK	
			NE		SW		STOCK	
			SE		SE		STOCK	
	03W	12	SW		SW		STOCK	
		13	NE		NW		STOCK	
			SE		NW		STOCK	
			NE		SW		STOCK	
			SE		SW		STOCK	
		24	NE		NE		STOCK	
			NE		SE		STOCK	

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

STOCKWATER, 300 RANGE CATTLE

15. Basis of Claim: BENEFICIAL USE

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

Date Received

Receipt Number

9/16/98

W024406

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Tom or Marva Vogel Phone (208) 241-9177

Mailing Address 114 Addock Valley Rd Payette, Id. Zip 83661

2. Date of Priority (Only one (1) per claim) 1-1 1890

3. Source of water supply (a) Linson Creek
which is tributary to (b) Little Willow Creek

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 10 N Range 3 W Section 12, NW 1/4 of SE 1/4 of NW 1/4,

Govt. Lot _____ B.M., County of Washington

ending point is: Township 10 N Range 2 W Section 30, _____ 1/4 of SE 1/4 of
SE 1/4, Govt. Lot _____ B.M., County of Washington

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stock water purposes from 1-1 to 12-31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .02 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 300 head

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10N	3W	12																	
		13																	
		24	✓																
	2W	19																	
		30		✓			✓			✓	✓								✓

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Washington

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

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

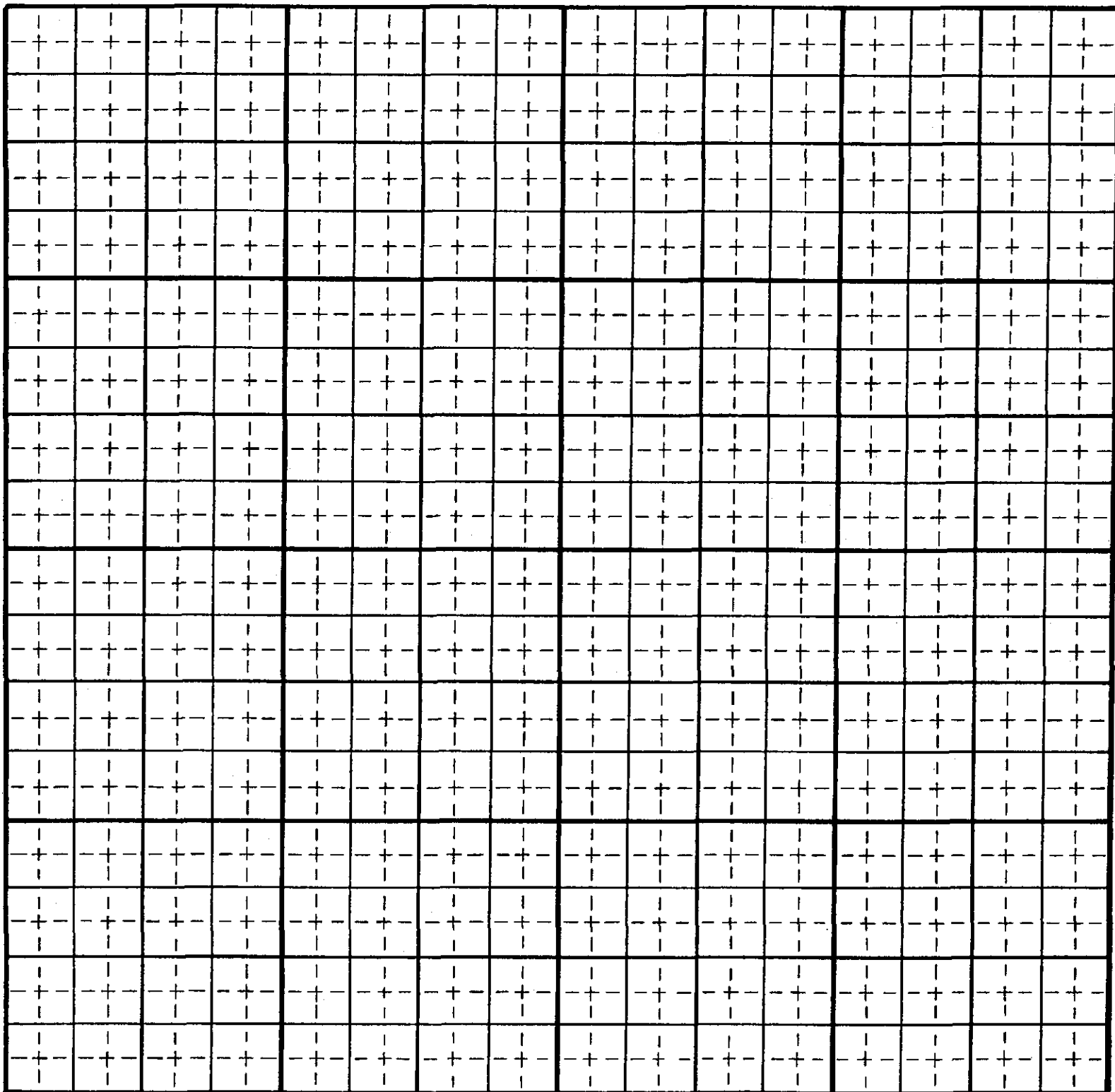
14. Remarks:

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Tom Vogel Date 9/16/98

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____ }
County of ADA } SS.

Subscribed and sworn (or affirmed) before me this 16 day of Sept 19 98

SEAL

Notary Public

Residing at

My Commission Expires

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

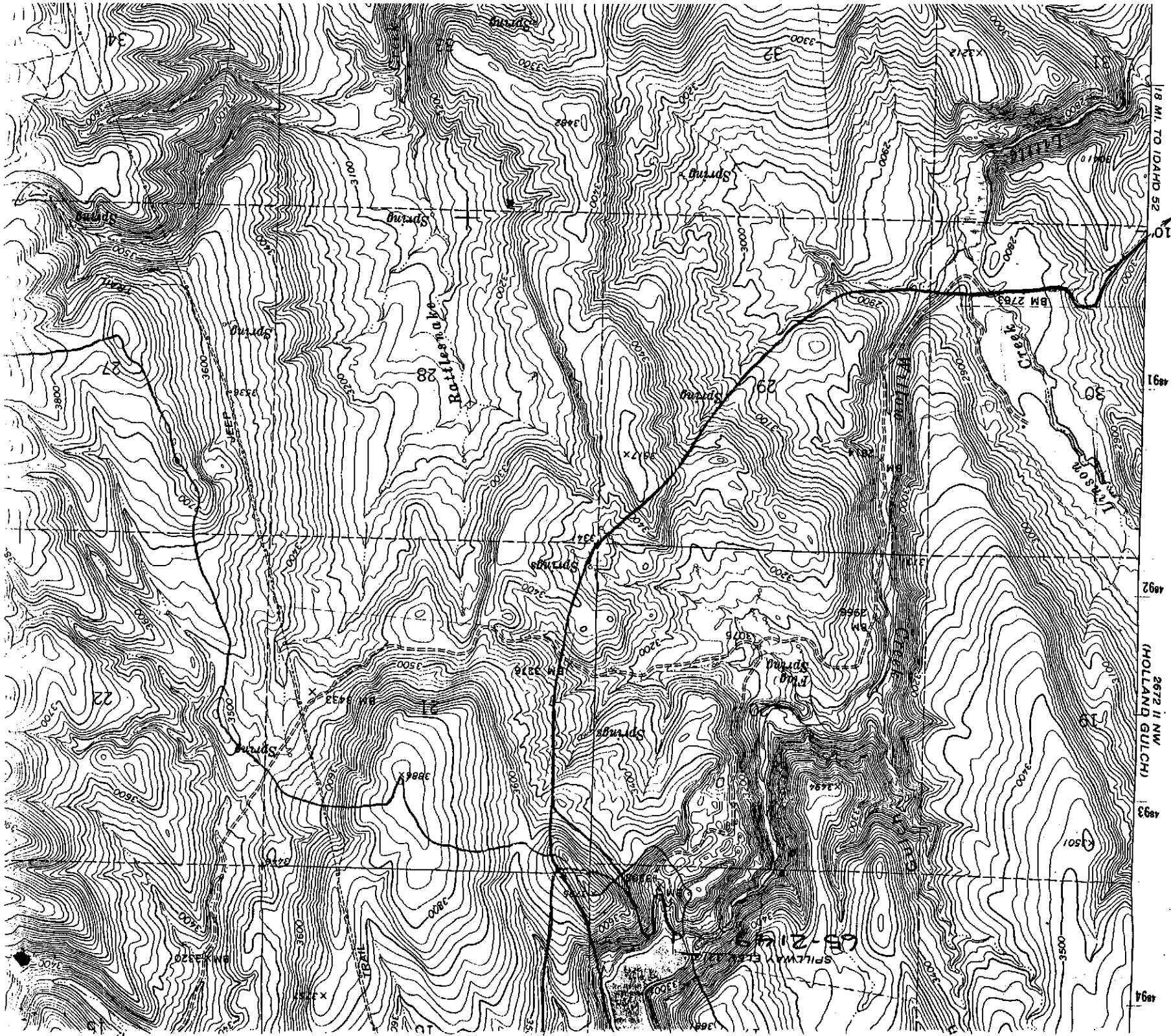
Signature Tom Vogel

Address 114 Addock Valley Rd. Payette, Id. 83661

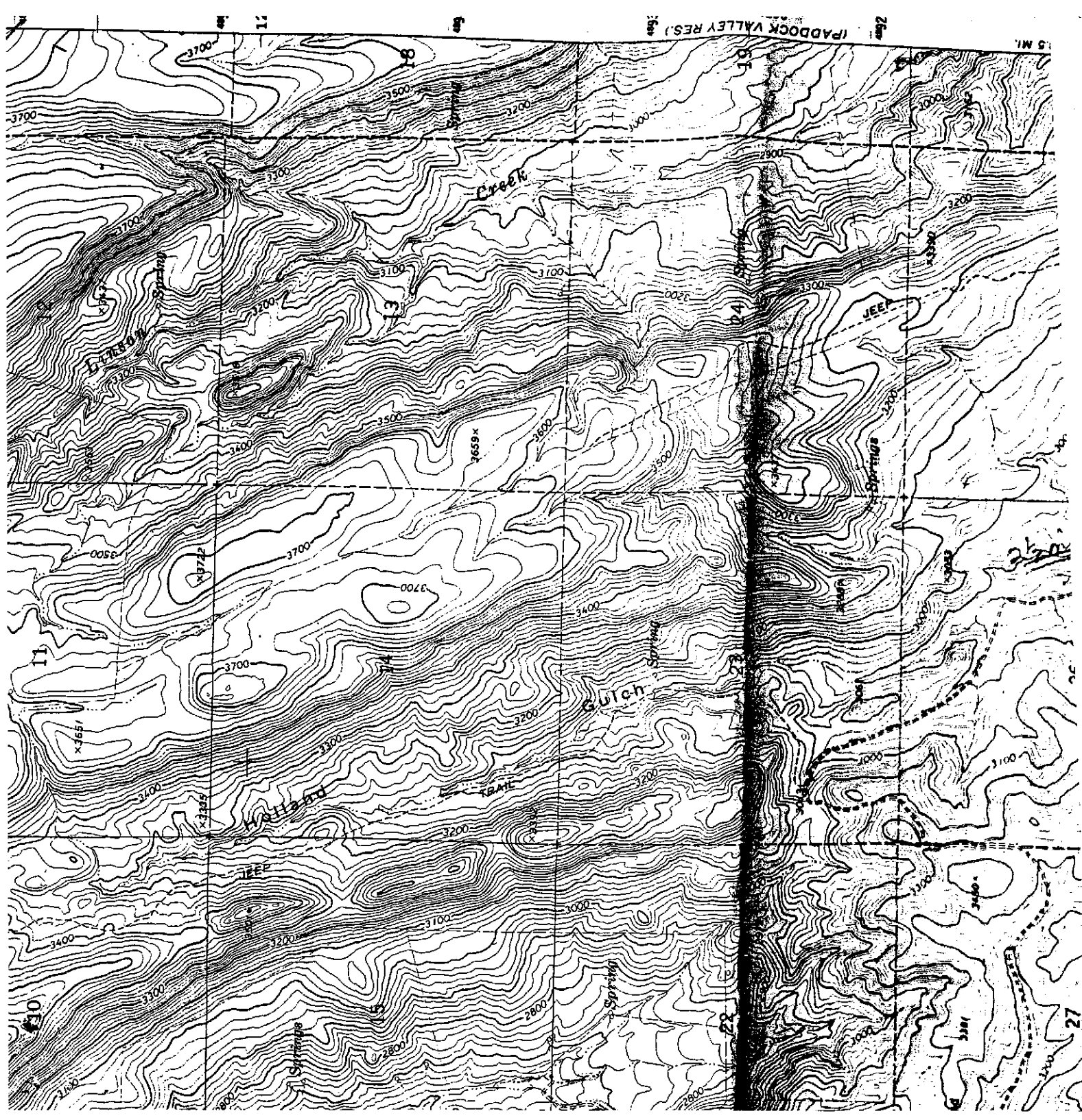
Date 9/16/98

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



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0.3



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

In Re SRBA	)	SUBCASE NO.: 65-22233
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
_____	)	

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTOR:

IDWR CONCURRENCE:

Larry A. Brown date
Attorney, U.S. Dept. of Justice
Environment & Natural Resources Div.

Roxanne Brown date
Sr. Water Resource Agent

CLAIMANT:

Marva Vogel date

Tom Vogel date

CERTIFICATE OF MAILING

I certify that on _____, 2002, I delivered the original and copies of this form to the following persons, postage prepaid if required, and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☐ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Office of the Attorney General	☐ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

IDWR Document Repository	☐ overnight mail
P.O. Box 83720	☐ regular mail
Boise, ID 83720-0098	☐ hand-delivered
	☐ facsimile

3. Copies to all parties to the subcase:

U.S. Dept. of Justice	☐ overnight mail
Environment & Natural Resource Div.	☐ regular mail
General Litigation Section	☐ hand-delivered
550 W. Fort St., MSC 033	☐ facsimile
Boise, ID 83724	

Marva and Tom Vogel	☐ overnight mail
114 Paddock Valley Rd.	☐ regular mail
Payette, ID 83661	☐ hand-delivered
	☐ facsimile

Signature of person mailing this document

RIGHT NUMBER: 65-22233

NAME AND ADDRESS: TOM VOGEL
114 PADDOCK VALLEY RD
PAYETTE ID 83661

MARVA VOGEL
114 PADDOCK VALLEY RD
PAYETTE ID 83661

SOURCE: LINSON CREEK TRIBUTARY: LITTLE WILLOW CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1890

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

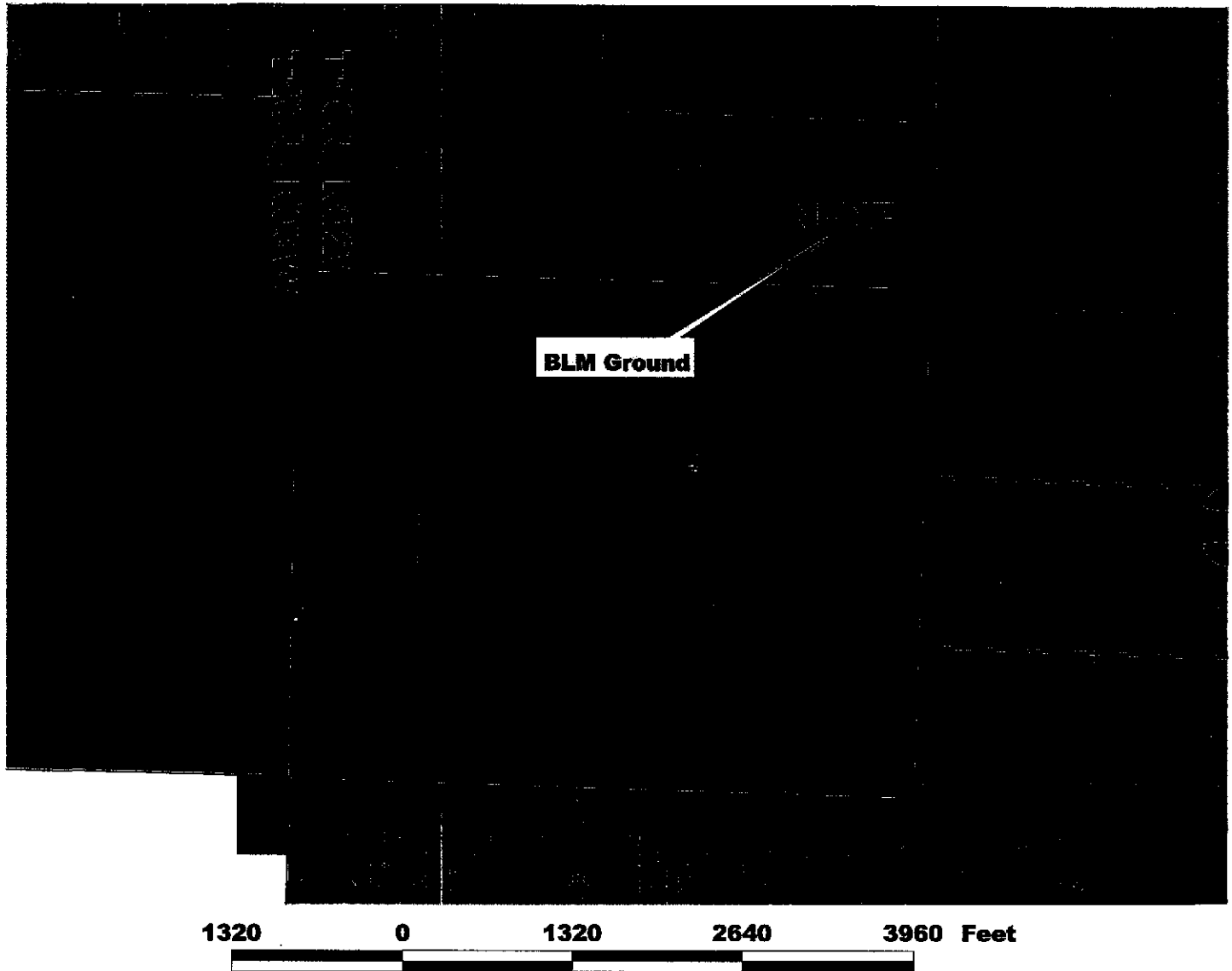
PLACE OF USE: STOCKWATER Within WASHINGTON County

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

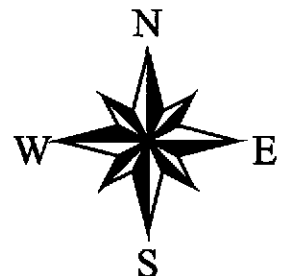
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
STOCKWATER, 300 RANGE CATTLE



BLM Objection to Vogel - 65-22232



- ☐ S10n02w.shp
- ☐ T10n02w.shp
- ☐ Idown.shp
- ☐ B.L.M.
- ☐ Bureau of Indian Affairs
- ☐ Department of Energy
- ☐ Forest Service
- ☐ Military Reservations
- ☐ National Parks & Monuments
- ☐ Open water
- ☐ Private
- ☐ State of Idaho
- ☐ U.S. Fish & Wildlife Service



Prepared by: Craig Saxton
Date: March 2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

1649

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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

In Re SRBA

Case No. 39576

A. Subcase 65-22233

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B.

NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C.

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Tom Vogel

Address: 114 Paddock Valley Rd; Payette ID 83661

Name: Marva Vogel

Address: 114 Paddock Valley Rd; Payette ID 83661

Name:

Address:;

Name:

Address:;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: See attached
5. ☒ **Point(s) of Diversion**
Should be: See attached
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant does not have a valid water right with the elements claimed.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

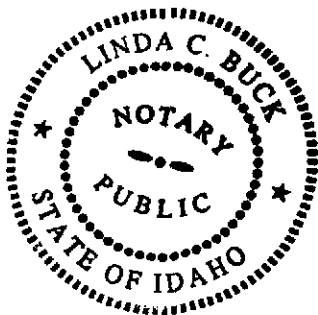
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Larry C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 01-16-2002



Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on Jan. 18, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Tom Vogel

Address: 114 Paddock Valley Rd; Payette ID 83661

Name: Marva Vogel

Address: 114 Paddock Valley Rd; Payette ID 83661

Name:

Address:;

Name:

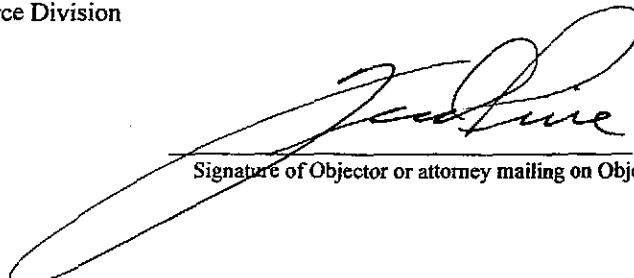
Address:;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449


Signature of Objector or attorney mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-22233

NAME AND ADDRESS: TOM VOGEL
114 PADDOCK VALLEY RD
PAYETTE ID 83661

MARVA VOGEL
114 PADDOCK VALLEY RD
PAYETTE ID 83661

SOURCE: LINSON CREEK

TRIBUTARY: LITTLE WILLOW CREEK

QUANTITY: 0.020 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1890

POINT OF
DIVERSION:

T10N R02W S30 SESESE End of Stream Flow Within WASHINGTON County
T10N R03W S12 NESESW Begin of Stream Flow Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within WASHINGTON County

T10N R02W S19 Lot 6 NWSW	T10N R02W S19 Lot 7 SWSW
T10N R02W S19 SESW	T10N R02W S30 SWNE
T10N R02W S30 NENW	T10N R02W S30 SENW
<u>T10N R02W S30 NESESW</u>	T10N R02W S30 NESE
T10N R02W S30 NWSE	T10N R02W S30 SESE
T10N R03W S12 SESW	T10N R03W S13 NWNE
T10N R03W S13 SWNE	T10N R03W S13 NENW
T10N R03W S13 Lot 3 (NESE)	T10N R03W S13 NWSE
T10N R03W S13 Lot 4 (SESE)	T10N R03W S24 NENE
T10N R03W S24 SENE	T10N R03W S24 NESE

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 300 RANGE CATTLE

65-22277: Forfeiture Issue Objection From an outside party,
Issue is Objector wants Right Forfeited.

Recommended in Payette decree in 1985. Recommended
based on Ad rules; stating forfeiture could not
be recommended.

To be Fought out By neighbors

65-18247: Stockwater: Al Moses - Claimant - Good Guy
(Black Canyon) Recommended use to private owner on public land
(Grazing Association) Objector is Department of lands.

Shannon & Harvey?
Chusick

Little land + David Little - Recommended on state lands
Little

65-80097 : BLM objection - Disallowed - BLM filed objection
developed. Not included in Payette decree

65-01996 : BLM objection

Huntaker: Check Govt lots

65-07574 : BLM objection - Says there is no "Lot 2"
Lot 12 SEW - BLM owns.

Vogel : ob, to Priority & PDR
65-22233

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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

In Re SRBA

Case No. 39576

A. Subcase 65-22253
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Deon L. Canaday & Michael R. Canaday
Address: 10500 Main St.
Montour, ID 83617

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) of Diversion**
Should be:
 6. ☐ **Instream Flow Description**
Should be:
 7. ☐ **Purpose(s) of Use**
Should be:
 8. ☐ **Period of Year**
Should be:
 9. ☐ **Place of Use**
Should be:
 11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

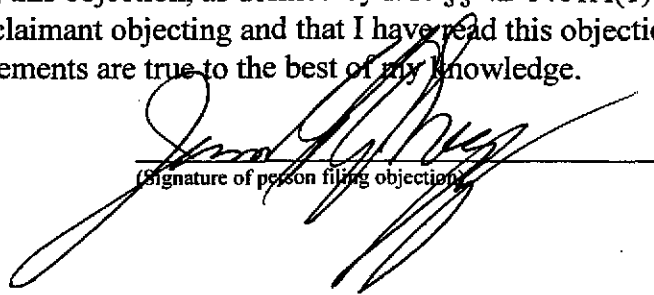
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

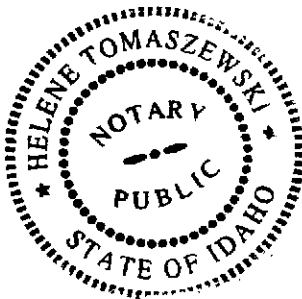
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

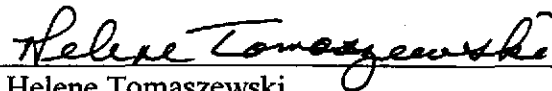

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002





Helene Tomaszewski

Notary Public for: Idaho

Residing at: Meridian

My Commission Expires: 01-16-2002

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Deon L. Canaday & Michael R. Canaday

Address: 10500 Main St.
Montour, ID 83617

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

10/30/2000

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

RIGHT NUMBER: 65-22233

NAME AND ADDRESS: TOM VOGEL
MARVA VOGEL
114 PADDOCK VALLEY RD
PAYETTE, ID 83661

SOURCE: LINSON CREEK **TRIBUTARY:** LITTLE WILLOW CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1890

POINT OF DIVERSION:	T10N R02W S30 T10N R03W S12	SESESE NESESW	Within WASHINGTON County Within WASHINGTON County
----------------------------	--------------------------------	------------------	--

**PURPOSE AND
PERIOD OF USE:**

<u>PURPOSE OF USE</u> STOCKWATER	<u>PERIOD OF USE</u> 01-01 12-31	<u>QUANTITY</u> 0.02 CFS
--	--	------------------------------------

PLACE OF USE:

<u>STOCKWATER Within</u>			
<u>WASHINGTON County</u>			
T10N R02W S19	LOT 6	NWSW	T10N R02W S19
T10N R02W S19		SESW	T10N R02W S30
T10N R02W S30		NENW	T10N R02W S30
T10N R02W S30		NESW	T10N R02W S30
T10N R02W S30		NWSE	T10N R02W S30
T10N R03W S12		SESW	T10N R03W S13
T10N R03W S13		SWNE	T10N R03W S13
T10N R03W S13		NESE	T10N R03W S13
T10N R03W S13		SESE	T10N R03W S24
T10N R03W S24		SENE	T10N R03W S24
			LOT 7 SWSW
			SWNE
			SENW
			NESE
			SESE
			NWNE
			NENW
			NWSE
			NENE
			NESE

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 300 RANGE CATTLE

03/09/2001

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 13, 2001

Water right number: 65-22233

TOM VOGEL
114 PADDOCK VALLEY RD
PAYETTE ID 83661
Telephone Number: (208)741-9177

MARVA VOGEL
114 PADDOCK VALLEY RD
PAYETTE ID 83661
Telephone Number: (208)741-9177

RECEIVED

APR 10 2001

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

✓ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4-6-01 SIGNATURE: Tom Vogel
Please print your name: Tom Vogel

IDWR Regional Office, 2735 Airport Way, Boise, ID 83705, (208) 334-2190

AJ5809NP
No. A65-22233

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/09/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TOM VOGEL	01/01/1890	STOCKWATER	01-01 12-31	0.020 CFS	
C	MARVA VOGEL					
	114 PADDOCK VALLY RD					
	PAYETTE ID 83661					
	(208) 741-9177					
				TOTAL DIVERSION:	0.020 CFS	

Water Source: LINSON CREEK

Tributary to: LITTLE WILLOW CREEK

Stage: BENEFICIAL USE

Point(s) of Beginning Stream Reach: T10N R03W S12

Point(s) of Ending Stream Reach: T10N R02W S30

~~NW1/4~~ NESESW
~~NW1/4~~ SESESE

WASHINGTON County

WASHINGTON County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE						
				NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
10N	02W	19	:																			:
10N	02W	30	:																			:
10N	03W	12	:																			:
10N	03W	13	:																			:
10N	03W	24	:																			:

POU County: WASHINGTON

Remarks: EXP STOCKWATER, 300 RANGE CATTLE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 09/17/98 SBOCK

Prostream

N11 + N13

SERVOIR

CLAIM 405-22333 INIT

T. S. S. Q/Q

P/D 10N 34 13 WNWSE-B

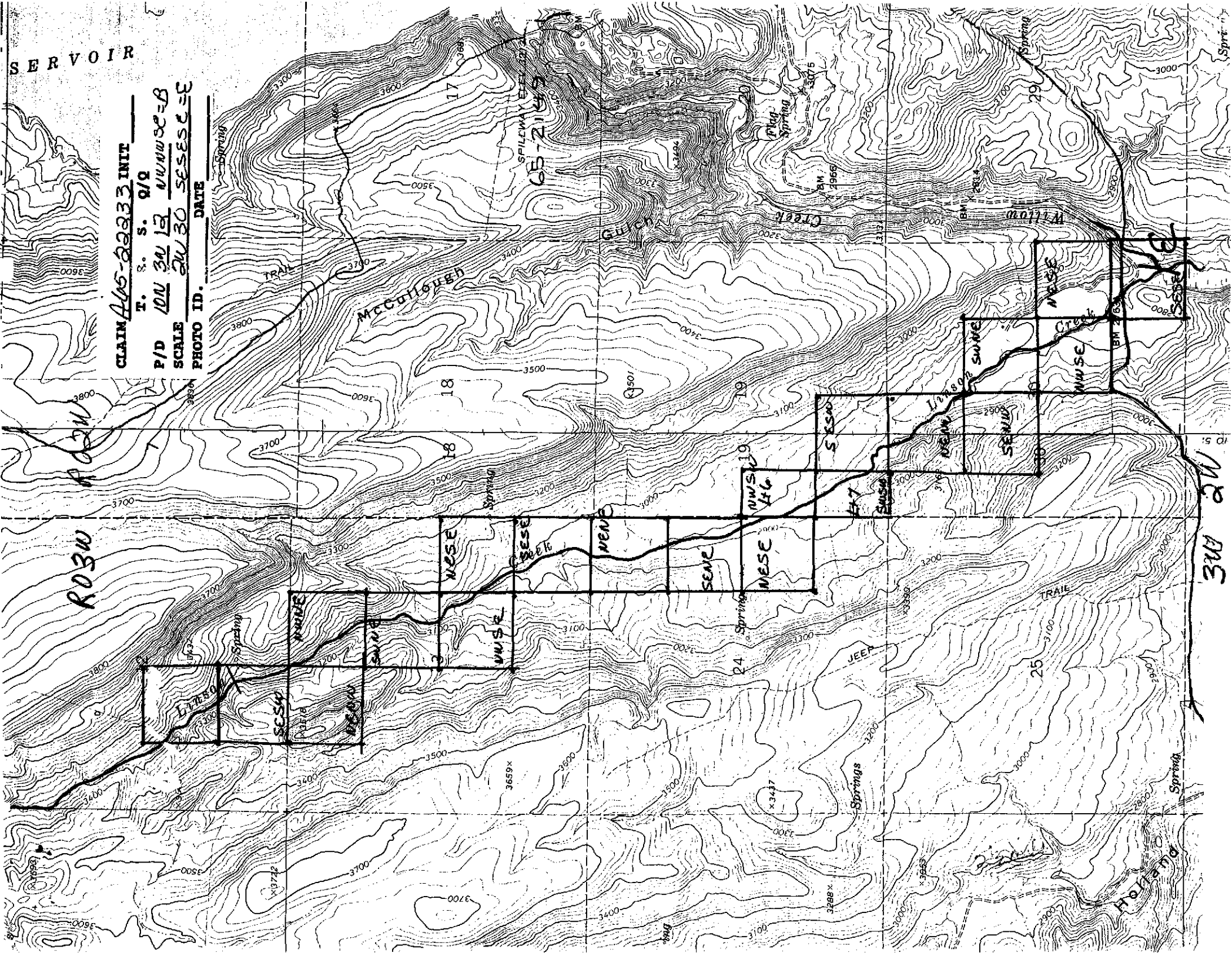
SCALE 2W 30 SESESE-E

PHOTO ID. DATE

R03W

R02W

M02W
30E



RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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

In Re SRBA)

Case No. 39576)

A. Subcase 65-22233

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:

David W. Gehlert (303 312-7352)

Trial Attorney, General Litigation Section
Environment and Natural Resource Division

U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Tom Vogel & Marva Vogel

Address: 114 Paddock Valley Rd.
Payette, ID 83661

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) of Diversion**
Should be:
 6. ☐ **Instream Flow Description**
Should be:
 7. ☐ **Purpose(s) of Use**
Should be:
 8. ☐ **Period of Year**
Should be:
 9. ☐ **Place of Use**
Should be:
 11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

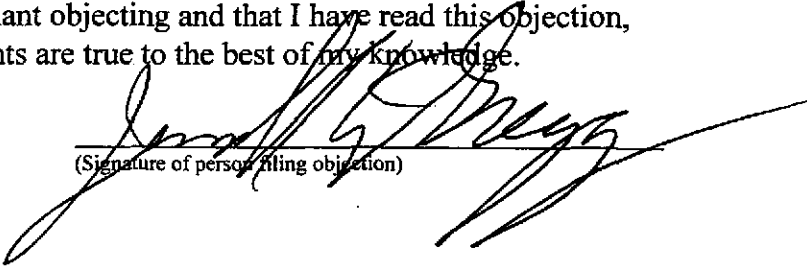
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

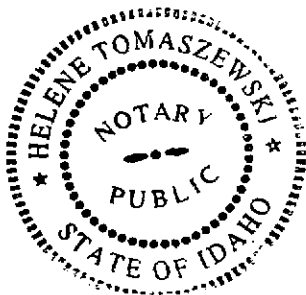
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

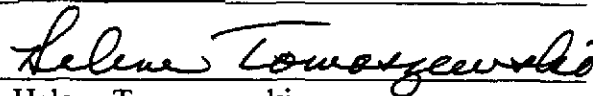

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002





Helene Tomaszewski

Notary Public for: Idaho

Residing at: Meridian

My Commission Expires: 01-16-2002

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Tom Vogel & Marva Vogel

Address: 114 Paddock Valley Rd.
Payette, ID 83661

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf