

Page 1 of 6

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 05 2008

Transfer No. 74579

RECEIVED

FEB 11 2008

APPLICATION FOR TRANSFER OF WATER RIGHTS
PART 1

NORTHWESTERN REGION

Don J. & Vicki A VOGEL

Phone 208-746-9590Mailing address 1009 GRELLE AVE, LEWISTON, IDEmail wa@calieone.net

83501

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use☐ Change nature of use ☐ Change period of use ☒ Other Change of ownership2. Describe the reason for the proposed changes Above applicants purchased "place of use."
In addition, the 2nd diversion point (located on our property) was
listed on Adjudication Claim Report but was not included on
Adjudication Recommended Right Report.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>79-10405</u>		<u>0.04</u>	<u>Domestic</u>	<u>01/01</u> to <u>12/31</u>
				to
				to
				to

2. Total amount of water being transferred 0.04 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Spring tributary to sinks

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	SE	NW	24	31N	03W	LEWIS	
3	NE	SW	NE	24	31N	03W	LEWIS	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31N	03W	24			X														

Total Acres _____

PART 1

6. General Information:

- a. Description of diversion system 1. NWSENW diversion point spring water is collected & dispersed thru 1" poly pipe to holding tank. 2. SWNE lot 3 spring water is collected in holding tank & pumped into 2nd tank.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Water use is for domestic use.
- d. Remarks:
Both springs have gone dry in the late summer/early fall for the past several years.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total Acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

Attached Report

1. Right as evidenced by:
 - a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
 - b. License No. _____ issued by the Idaho Department of Water Resources.
 - c. Claim No. _____ on file with the Idaho Department of Water Resources.
 - d. Transfer No. _____ which produced this right.
2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

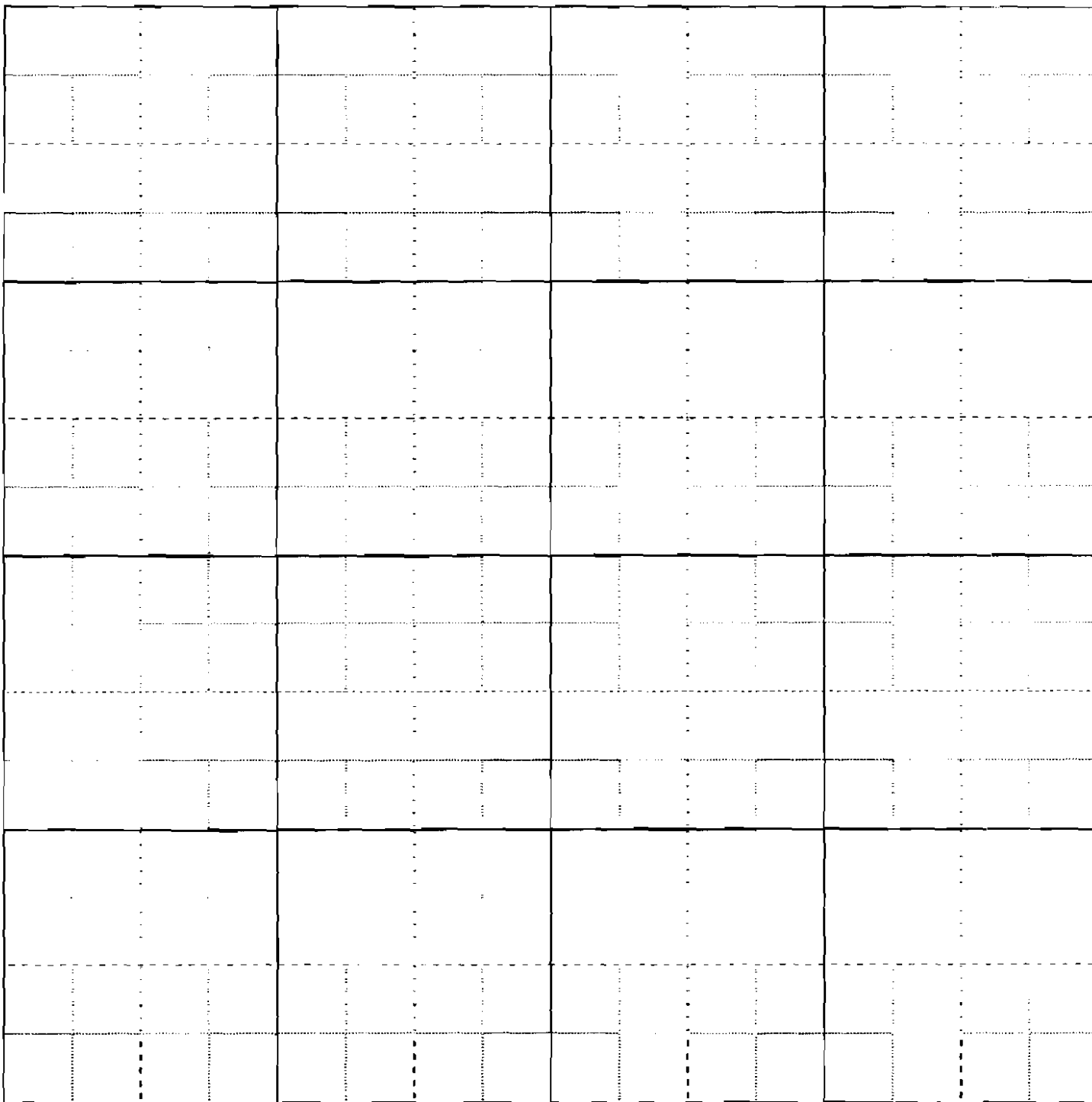
9. Describe any other water rights used for the same purpose as described above _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

see attached

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

- omit 1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge: _____
3. Describe effects on other water uses resulting from the proposed change: _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

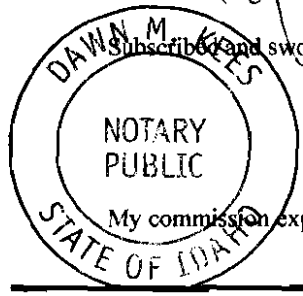
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Don J Vogel
(Signature of Applicant)

DON J VOGEL
Print Name (and title, if applicable)

Subscribed and sworn to before me this 30th day of January, 2008

Dawn M Keas
(Notary Public)



My commission expires August 11, 2009

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by DB for S.O. Date 2-5-08 Protest filed by _____

Prelim. Check by _____ Fee 100⁰⁰

Receipted by KAN/COR5861 Date 02/05/08

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

CREASON, MOORE, DOKKEN & MCINTOSH L.L.C.
LAWYERS
1219 IDAHO STREET
P.O. DRAWER 835
LEWISTON, IDAHO 83501
(208) 743-1518
FAX (208) 748-2231

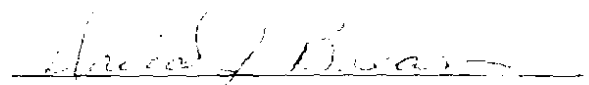
WARRANTY DEED

FOR VALUE RECEIVED, David J. Bream, a single man, the Grantor, does hereby grant, bargain, sell and convey unto Don J. Vogel and Vicki Vogel, husband and wife, whose address is 1009 Grelle Avenue, Lewiston, Idaho 83501, the Grantees, real property located in Lewis County, Idaho, and more particularly described on Exhibit A attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the premises, with their appurtenances, unto the Grantees, their heirs and assigns forever. Grantor does hereby covenant to and with the Grantees that they are the owners in fee simple of the above-described premises; that they are free from all encumbrances except taxes for the current year; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: June 18, 1999.

GRANTOR

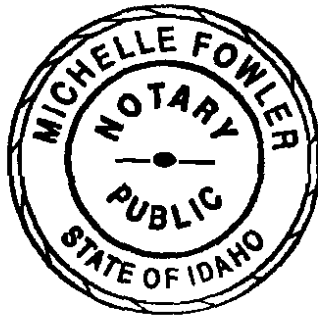

David J. Bream

Attachment A(4-12)

STATE OF IDAHO)
 : ss.
County of Nez Perce)

On this 11 day of June, 1999, before me, the undersigned, a notary public in and for said State, personally appeared David J. Bream, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public in and for said State,
residing at or employed in Lewiston.
Commission Expires: _____

(SEAL)

Real property containing 1.77 acres, more or less, located in Lewis County, Idaho, and more particularly described as follows:

That part of Government Lot 3 of Section 24 of Township 31 North, Range 3 West, B.M., Lewis County, Idaho, more particularly described as follows: Commencing at the quarter corner common to Sections 24 and 25 in said Township and Range; thence West along the South line of said Section 24 a distance of 70.00 feet; thence N.0°00'29"E. a distance of 3949.46 feet to a point on the North line of said Government Lot 3; thence S.89°55'30"E. along said North line a distance of 731.36 feet to a point on the mean high water line on the West bank of the Salmon River; thence S.21°21'02"E. along said high water line a distance of 138.67 feet to the true place of beginning; thence continue S.21°21'02"E. along said high water line a distance of 449.55 feet; thence S.19°08'54"E. along said high water line a distance of 61.16 feet; thence N.81°57'21"W. a distance of 256.20 feet; thence N.04°38'43"W. a distance of 365.13 feet; thence N.52°23'00"E. a distance of 125.64 feet to the true place of beginning.

SUBJECT TO A Conservation Easement and all rights incident thereto, including right of first refusal, wherein David J. Bream, is Grantor, and the United States of America is Grantee, recorded April 23, 1997, as Instrument No. 119605, of the Official Lewis County Records.

SUBJECT TO Covenants, conditions, restrictions and easements contained in a document dated August 1, 1981, wherein Effie Spaulding is Seller and Darell Bentz, et al. is Buyer, recorded August 27, 1981, as Instrument No. 90255 of the Official Lewis County Records.

SUBJECT TO Covenants, conditions, restrictions and easements contained in a contract dated April 29, 1987, wherein Effie Spaulding is Grantor and Darell Bentz, et al. is Grantee, recorded January 24, 1991, as Instrument No. 102125 of the Official Lewis County Records.

SUBJECT TO An Easement for the purpose shown below and rights incidental thereto as set forth in a document granted to Scot Robbins, no representation is made as to the present owner, for the purpose of right of way for access, etc., recorded November 29, 1989, as Instrument No. 100912 of the Official Lewis County Records, affecting a portion of said land, reference is made to said document for full particulars.

EXHIBIT A

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Creason, Moore, Dokken & McIntosh, P.L.L.C.
P.O. Drawer 835, Lewiston ID 83501
(208)743-1516; Fax(208)746-2231

SUBJECT TO Covenants, conditions, restrictions and easements contained in a deed and contract wherein Scott B. Robbins is Seller and D. Darell Bentz, et al. is Buyer, recorded April 3, 1992, as Instrument No. 113324 of the Official Lewis County Records.

SUBJECT TO An Easement for the purpose shown below and rights incidental thereto as set forth in a document granted to E. H. Robbins, no representation is made as to present owner, for the purpose of right of way for Airstrip Access, etc., recorded May 15, 1987, as Instrument No. 98016 of the Official Lewis County Records, affecting a portion of said land, reference is made to said document for full particulars.

SUBJECT TO Matters shown on a record of survey recorded March 31, 1995, as Instrument No. 117239 of the official Lewis County Records.

122543

STATE OF IDAHO
COUNTY OF LEWIS
FILED FOR RECORD
A. 11:20 O'CLOCK A.M. AT THE
RECORDS OFFICE
LEWIS COUNTY ABSTRACT CO., LTD

Cathy Jenson
COUNTY RECORDER
By Pauline Malone
DEPUTY

FEES \$12.00

LEWIS COUNTY ABSTRACT CO., LTD.

EXHIBIT A

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Creason, Moore, Dokken & McIntosh, P.L.L.C.
P.O. Drawer 835, Lewiston ID 83501
(208)743-1516; Fax(208)746-2231

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

01/06/2008

WATER RIGHT NO. 79-10405

Owner Type	Name and Address
Current Owner	DAVID J BREAM 912 BURRELL LEWISTON, ID 83501 (208)746-3569

Priority Date: 07/15/1964

Basis: Beneficial Use

Status: Active

Source	Tributary
SPRING	SINKS

Beneficial Use	From	To	Diversion Rate	Volume
DOMESTIC	01/01	12/31	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

SPRING	NWSENW	Sec. 24	Township 31N	Range 03W	LEWIS County
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DOMESTIC Use:

Number of other uses: 1 Lodge

Place(s) of use:

Attachment B
(3 pgs)

Place of Use Legal Description: DOMESTIC LEWIS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
31N	03W	24	3	SWNE										

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	N06	The quantity of water under this right shall not exceed 2,500 gallons per day.
3.	N11	The quantity of water decreed for this water right is not a determination of historical beneficial use.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

01/06/2008

WATER RIGHT NO. 79-10405

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID J BREAM 912 BURRELL LEWISTON, ID 83501 (208)746-3569

Priority Date: 07/15/1964

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	1/01	12/31	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

SPRING	SWNE Lt 3	Sec. 24	Township 31N	Range 03W	LEWIS County
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Place(s) of use:

Place of Use Legal Description: COMMERCIAL LEWIS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
31N	03W	24		SWNE SENE										

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

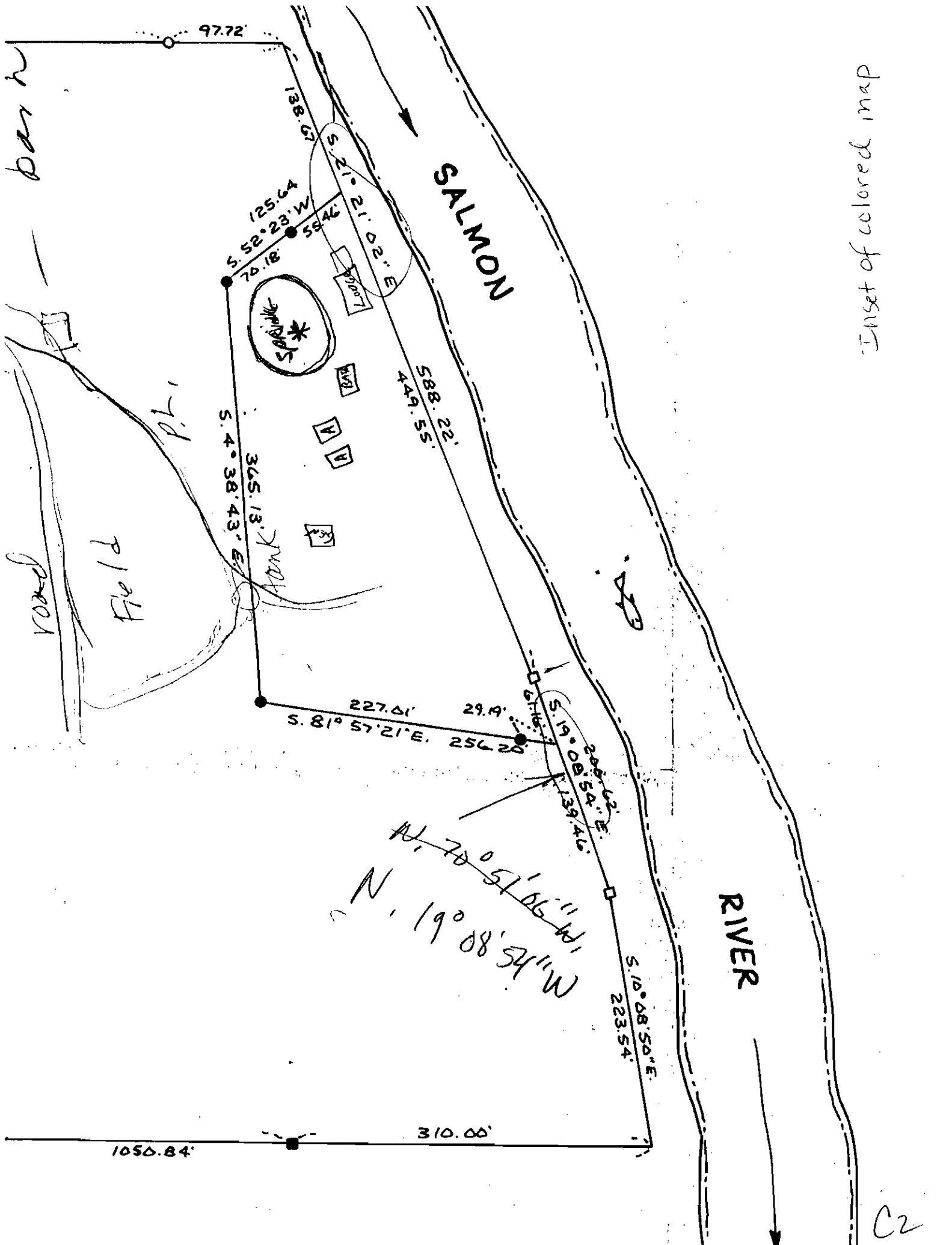
Mitigation Plan: False

Close

← NWSE NW 03W
sec. 24 31N

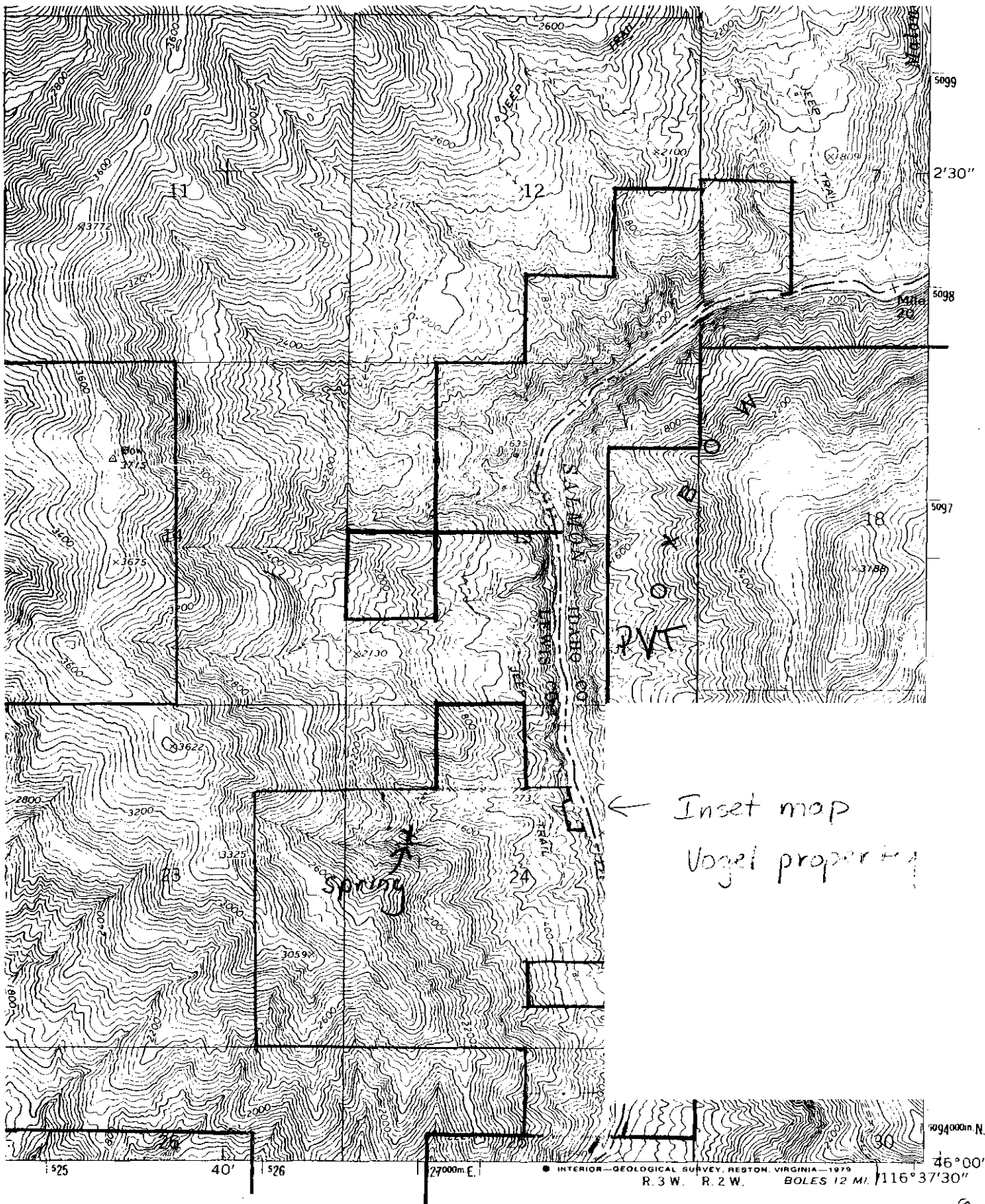
← Lot 3 NESWNE 03W
sec 24 31N
Vogel property

Attachment C
3/5/15

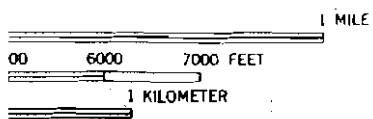


Inset of colored map

C2



← Inset map
Vogel property



ALSWNE

ROAD CLASSIFICATION
Unimproved dirt =====

OURS
1929



(BOLES)
2675' NE

C3