

T06N R02W

S11

VOGEL

APPLICATION

Prepared by:

RON HOWERTON

Date: 26 FEB 01

Place of use

POD

SECTION

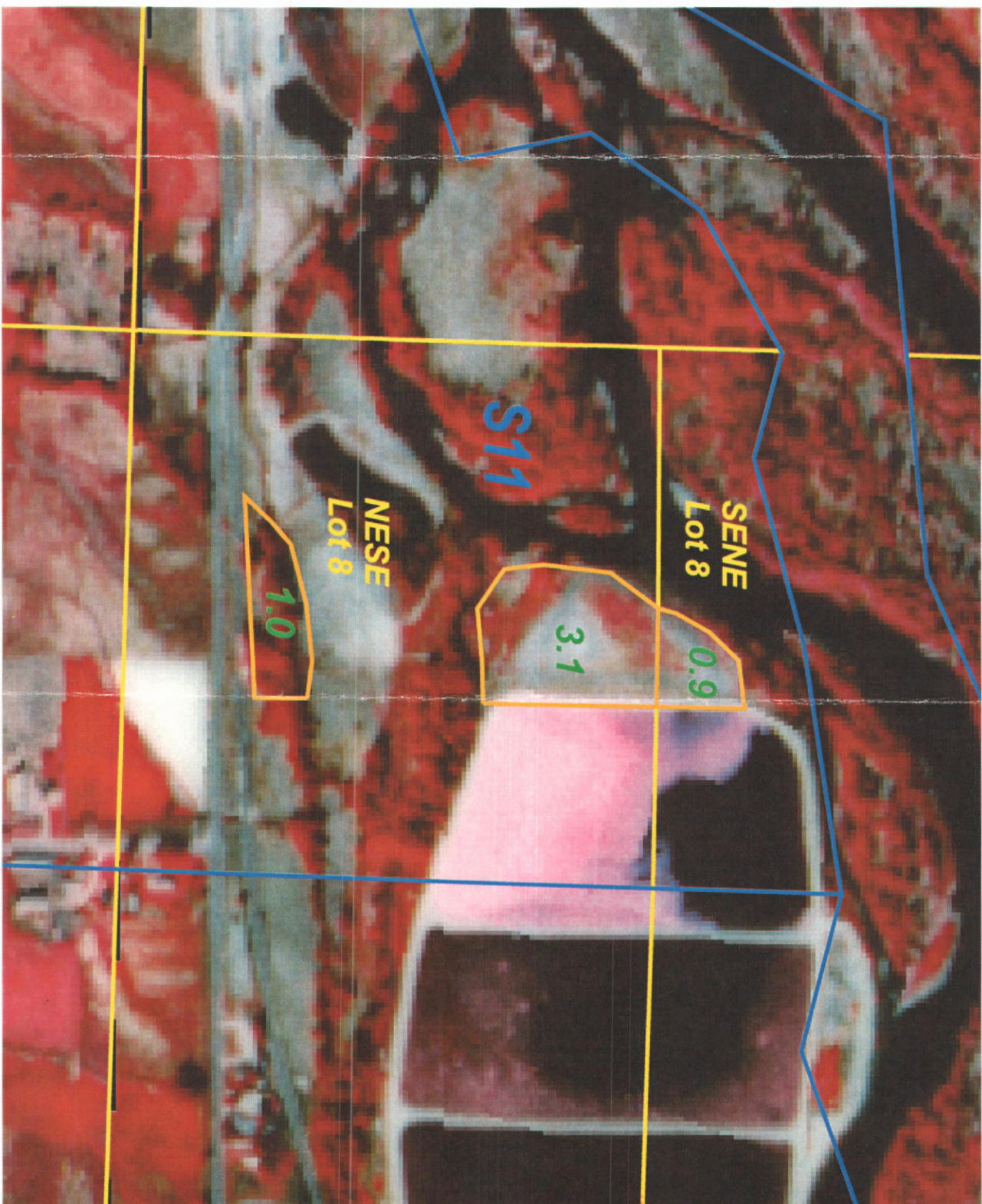
1/4 1/4

Acres

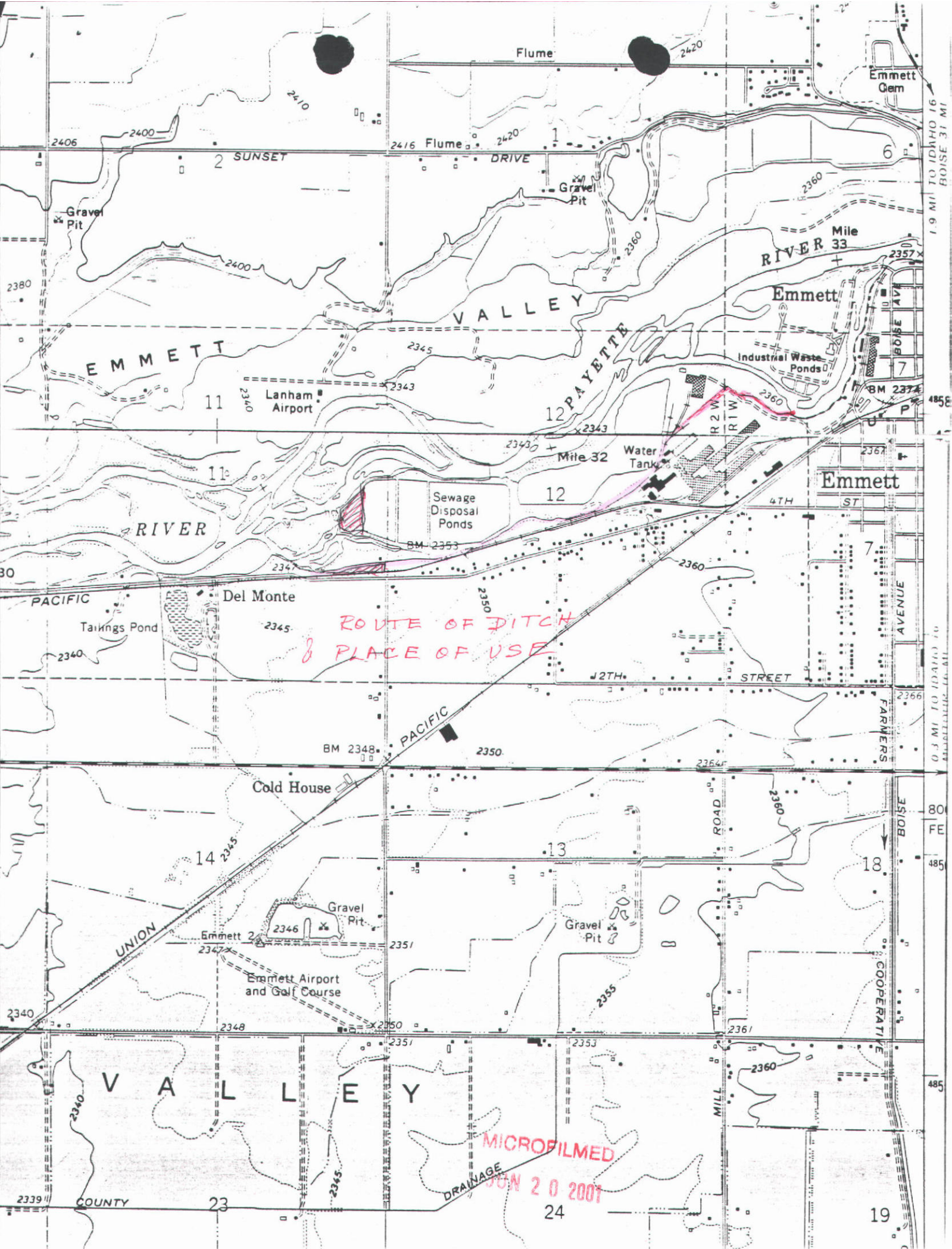


1987 NAPP

Idaho Department of Water Resources



JUN 20 2001



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APR 19 2001

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Gem)

DIXIE THOME

of Emmett, Gem County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States, and at all times
hereinafter mentioned was over the age of eighteen years,
and not a party to the above entitled action.

2. That I am the Principal Clerk of the Messenger Index,
a weekly newspaper published in the City of Emmett in the
County of Gem, State of Idaho; that the said newspaper is
in general circulation in the said County of Gem, and in the
vicinity of Emmett, and has been uninterruptedly published
in said County during a period of fifty-two consecutive
weeks prior to the first publication of the notice, a copy
of which is hereto attached.

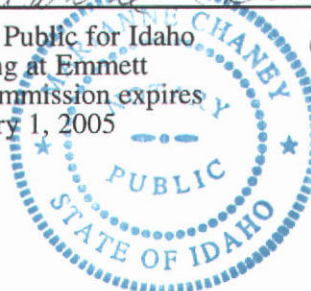
3. That the notice, of which the annexed is a printed copy,
was published in the newspaper two times in the regular and
entire issue of said paper, and was printed in the newspaper
proper, and not in a supplement.

4. That said notice was published the following:
April 11, 18, 2001

STATE OF IDAHO)
County of Gem)

On this 18th day of April in the year of 2001 before me a
Notary Public, personally appeared. Dixie Thome known
or identified to me to be the person whose name subscribed
to the within instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledge to me that she executed the same.

Notary Public for Idaho
Residing at Emmett
My Commission expires
February 1, 2005



LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters
of the State of Idaho:

65-22350

KATHERINE S VOGEL
1033 LILAC LN
EMMETT ID 83617

Point(s) of Diversion L3 S7 T06N R01W GEM County
Source PAYETTE RIVER

Use: IRRIGATION 03/01 To 11/15 0.15 CFS

Total Diversion: 0.15 CFS

Date Filed: 03/09/2001

Place Of Use: IRRIGATION

T06N R02W S11 SENE NESE

Number of Acres 5

Remark: Applicant agrees to mitigate consumptive use in the future as need-
ed.

The following application(s) have been filed to appropriate the public waters
of the State of Idaho:

65-22352

MARILYN CRAIG
4303 CASCADE RD
EMMETT ID 83617

Point(s) of Diversion L3 NWNW S7 T06N R01W GEM County
Source PAYETTE RIVER

Use: IRRIGATION 03/01 To 11/15 0.13 CFS

Total Diversion: 0.13 CFS

Date Filed: 02/21/2001

Place Of Use: IRRIGATION

T06N R02W S11 NESE NWSE SWSE SESE

Number of Acres 4.2

Remark: Applicant agrees to mitigate consumptive use in the future as need-
ed.

Permits will be subject to all prior water rights. Protests may be submitted
based on the criteria of Sec 42-203A, Idaho Code. Any protest against the
approval of this application must be filed with the Director, Dept. of Water
Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a
protest fee of \$25.00 for each application on or before 04/23/2001. The
protestant must also send a copy of the protest to the applicant.

Pub.: 4 - 11, 18, 2001

KARL J DREHER, Director

Legal Notice No. 4244
Published in the Messenger Index

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JUN 20 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22350

Priority: 03/09/2001

Maximum Diversion Rate 0.15 CFS

This is to certify, that KATHERINE S VOGEL
1033 LILAC LN
EMMETT ID 83617

has applied for a permit to appropriate water from:

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.15 CFS

LOCATION OF POINT(S) OF DIVERSION:

PAYETTE RIVER L3 SW ~~1/4~~ NW ~~1/4~~ Sec. 7, Twp 06N, Rge 01W, B.M. GEM County

PLACE OF USE: IRRIGATION

Tw	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	02W	11				9									41				50

Total Acres. 5

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before May 1, 2006
- 2 Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- 4 The issuance of this right does not grant any right-of-way or easement across the land of another.
5. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit
- 6 Use of water under this water right will be regulated by the watermaster of State Water District No 65.
7. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works

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JUN 20 2001

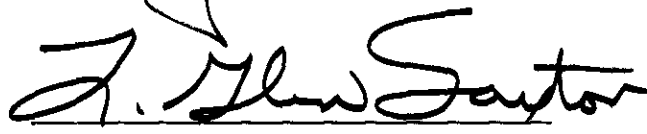
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22350

CONDITIONS OF APPROVAL

8. When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 15th day of May, 2001.


for KARL J DREHER, Director

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JUN 20 2001

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FORM 202

MAR 02 2001

Ident. No. 65-22350

1/96

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR PERMIT

MAY - 3 2001

MAR 09 2001

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant KATHERINE S. VOGEL Phone (208) 365-2873
Post Office address 1033 LILAC LANE, EMMETT, ID 83617
2. Source of water supply PAYETTE RIVER which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot 3
Sec. 7 Township 06N Range 01W B.M. _____ County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .15 cfs for IRRIGATION purposes from 3-15 to 12-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .15 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. _____
DITCH IN PLACE, WILL USE GRAVITY FLOW AND SPRINKLERS
 - b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____:
Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity if KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

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9. 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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02W	11				.9									4.1				5

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? BOISE CASCADE CORPORATION
- b. Who owns the land to be irrigated or place of use? KATHERINE S. VOGEL
- c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED _____ Show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Katherine S. Vogel
(Applicant)

Received by AK Date 3/9/01 Time 10:26 Preliminary check by LS
 Fee \$ 100.00 Receipted by AK # 10027433 Date 3/9/01
 Publication prepared by AK Date 4-4-11-01 Published in _____
 Publication approved AK Date 4-27-01 **MESSENGER INDEX**

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JUN 20 2001

**T06N R02W
S11**

Idaho Department of Water Resources

**VOGEL
APPLICATION**

**Prepared by:
RON HOWERTON
D : 26 FEB 01**

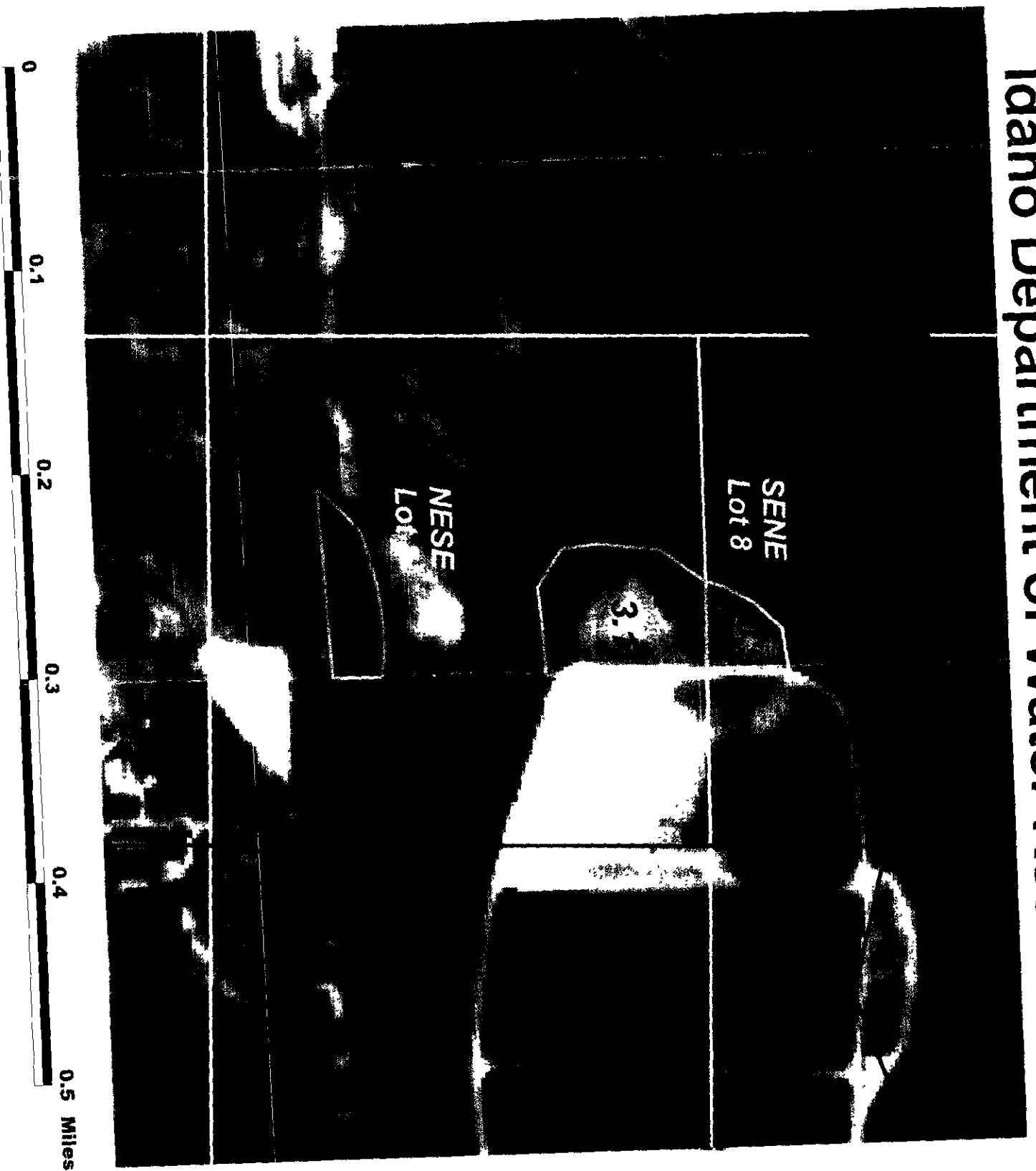
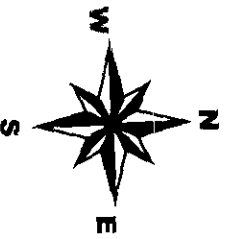
Place of use

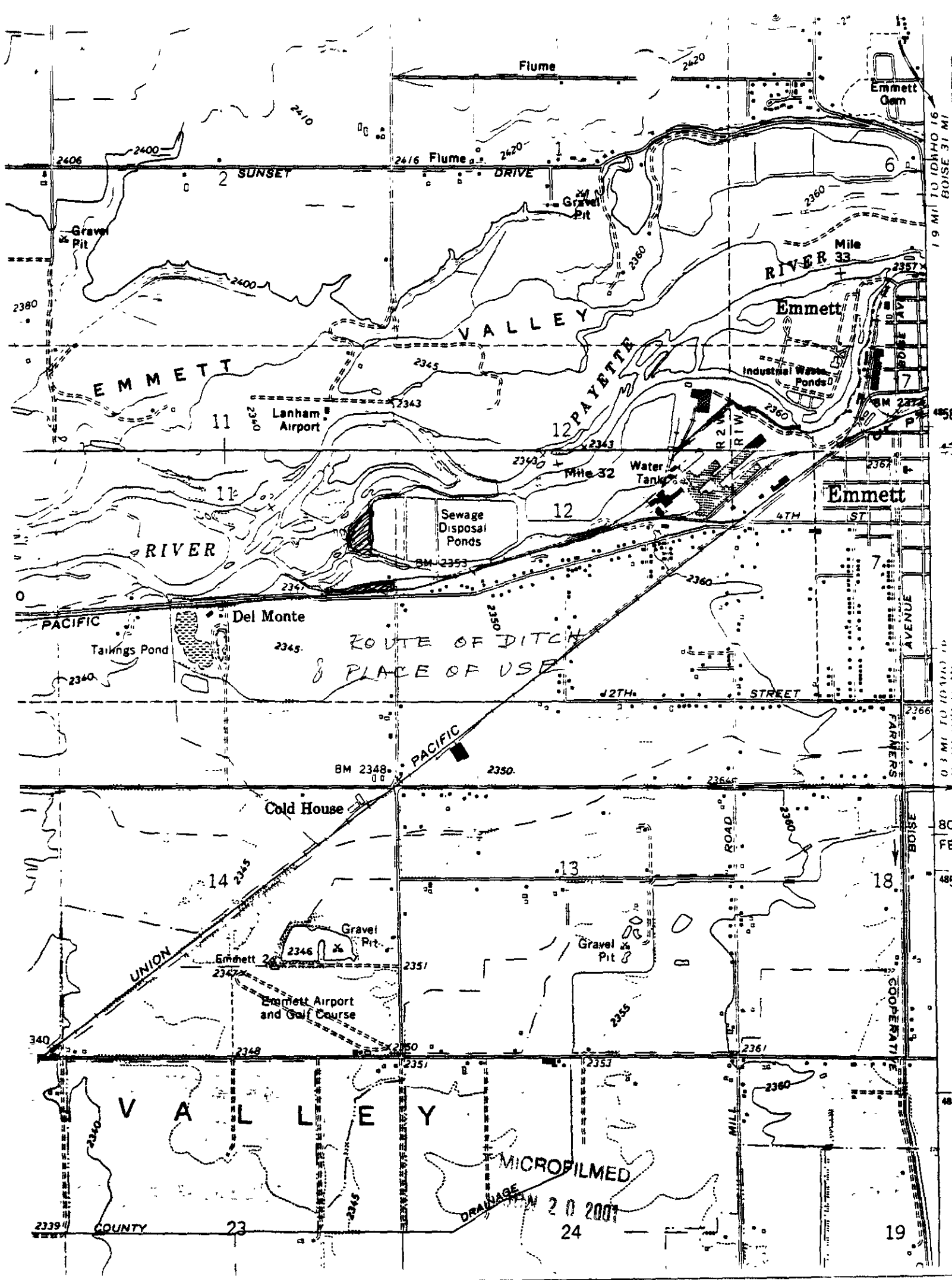
⊙ **POD**

∨ **SECTION**

1/4 1/4

1) **Across**





1.9 MI TO IDAHO FALLS
3.1 MI TO BOISE

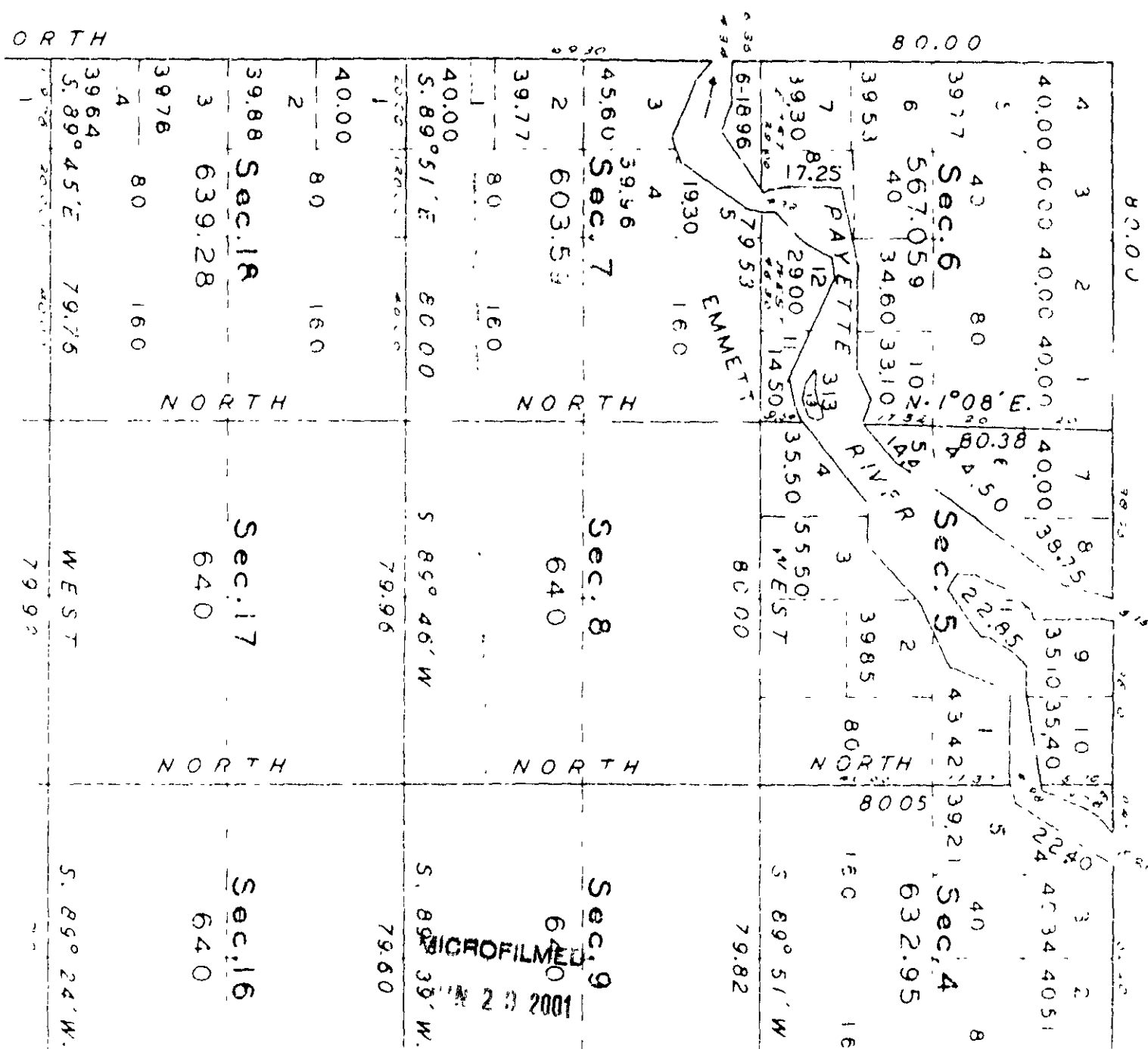
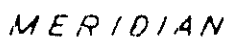
1.9 MI TO IDAHO FALLS
3.1 MI TO BOISE

80 FEET

485

19

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20 2007
24





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

May 17, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KATHERINE S VOGEL
1033 LILAC LN
EMMETT ID 83617

RE Permit No 65-22350

Permit Approval Notice

Dear Permit Holder

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form

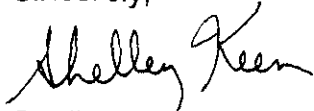
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's home page on the Internet to obtain the proper forms and instructions

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JUN 20 2001

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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JUN 20 2001

CERTIFICATE OF MAILING

I hereby certify that on May 17, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below

RE: WATER RIGHT NO. 65-22350

**KATHERINE S VOGEL
1033 LILAC LN
EMMETT ID 83617**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
JUN 20 2001**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (IDAPA Procedure 302 and 303).

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JUN 20 2001

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 5/10/01

No. 65-22350 Name: Vogel Corp. Officers N/A Ad ok Govt Lots

AREA OF CONCERN: Yes Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
WMD
Supp irr (irr = only use) - 065-104
Supp irr (other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation 121
Trust - 051 (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons > 10 cfs)

USES:

STORAGE - 18A-01H-01P-18B-NA
R66/R67/R68 (0.03 cfs/ac)
> 3 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCK WATER - R37 (BLM/FS)
MINING - 054-106
FISH PROP - 029 (70's only)-007-042-106
HEAT/COOL - R07 (injection well)
FIRE/PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8

OFFICIAL USE DUE: 5/01/2006

CONDITIONS/REMARKS:

Protested - 020-W19
Development Period - 20A
1 yr - 004
Non-consumptive - 027
Water Quality - 106-R07

GROUNDWATER: (✓Flow Chart)

EG contacted No/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
R (WMD) 65
others - 01H(P01), 01P or No MD
> 0.20 cfs 01J

SPRINGS/SINK, INACTIVE WD or WD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

SPRING BASINS: (SW special considerations)

Snake R (01) - W22, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
R (65) - 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H or 17K (+uses)-17G (not under FERC)
or 17M (FERC regulated >25 cfs or 500hp)
08A-025-027-01N-106-W13 (if dewatering stream)
MUNICIPAL
Restricted area - 022,075
Irr, GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5
or none allowed
Moratorium approvable - W03 (2500 gpd - meets domestic definition
ie D/convenience store)

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON 3/1 - 11/15 (Per updated map)

IRR VOLUME/ACRE 4.5

OTHER CONDITIONS/REMARKS

COMMENTS

January 2001

0 DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: 6 DATE: 3/26/01 APPLICATION: 65-22350

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources) *tribe added*
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County: *Gem - added*
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use: *3/1 - 11/15 clarified*
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

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MAY - 3 2001

Gov't. Lots:
☒ P/D
☒ P/U

Department of Water Resources

☒ ADVERTISE REMARK(S)
(Reviewer identify which remarks)

ADDITIONAL INFORMATION

YES NO

- | | | |
|-------------------------------------|-------------------------------------|---|
| ☐ | ☒ | Overlapping place of use: (Describe source & relationship to present application on next page.) |
| ☒ | ☐ | Overlapping point of diversion. |
| ☐ | ☒ | Critical groundwater area: |
| ☐ | ☒ | Groundwater management area: |
| ☐ | ☒ | 1992 moratorium: |
| ☒ | ☐ | Surface water source, IDFG letter needed. |
| ☐ | ☒ | Protected river or minimum flow reach, notify water planning bureau. |
| ☐ | ☒ | E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining). |
| ☐ | ☒ | E-mail to Dam Safety staff: (for any storage) |
| ☒ | ☐ | Mitigation plan: Check any that apply. |
| | | ☐ immediate = acceptable plan required and submitted. |
| | | ☒ future = open areas, acceptance of condition of approval is in file. |
| ☐ | ☒ | Send power requirement letter &/or fish farm requirement letter. |
| ☐ | ☒ | Power residency affidavit: |
| ☐ | ☒ | Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.) |
| ☒ | ☐ | *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT |

fee, request to process

Date Requested 3/5/01 Date Response Received 3/9/01

PROCESSING

APP. NO.

-22350

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☒ ☐ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☒ ☐ Water Dist. # 65
☐ ☒ Water Planning Bureau
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:

☐ ☐ Final date for protest 4-23-01

☐ ☒ Protests received.

☒ ☒ Recommendations attached: watermaster

☐ ☒ Measuring device required:

☒ ☐ Water delivered by water master? District # 65

☐ ☒ Special conditions of approval or cover letter: watermaster
control - basin 65

☐ ☒ See below for additional information

Recommended Date or Priority 3/9/2001

Recommended by: Lon Gharner Date: 4/30/01

ADDITIONAL INFORMATION:

P/D AKA Smith Ditch

Applicant filing on additional acres as
result of SRBA review. Overlaps are for
same source, but other acres. P/D is
for a shared ditch

Applicant also has decree 65-1131A from same
P/D but for different acres

RECEIVED

APR 19 2001

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Gem) SS

DIXIE THOME

of Emmett, Gem County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States, and at all times
hereinafter mentioned was over the age of eighteen years,
and not a party to the above entitled action.

2. That I am the Principal Clerk of the Messenger Index,
a weekly newspaper published in the City of Emmett in the
County of Gem, State of Idaho; that the said newspaper is
in general circulation in the said County of Gem, and in the
vicinity of Emmett, and has been uninterruptedly published
in said County during a period of fifty-two consecutive
weeks prior to the first publication of the notice, a copy
of which is hereto attached.

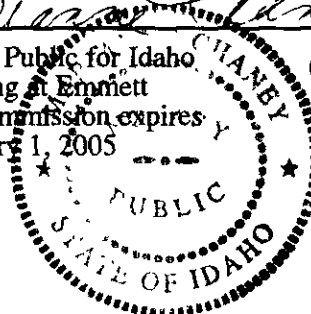
3. That the notice, of which the annexed is a printed copy,
was published in the newspaper two times in the regular and
entire issue of said paper, and was printed in the newspaper
proper, and not in a supplement.

4. That said notice was published the following:
April 11, 18, 2001

Dixie Thome
STATE OF IDAHO)
County of Gem)

On this 18th day of April in the year of 2001 before me a
Notary Public, personally appeared. Dixie Thome known
or identified to me to be the person whose name subscribed
to the within instrument, and being by me first duly sworn,
declared that the statements therein are true, and
acknowledge to me that she executed the same

Marlene Crane
Notary Public for Idaho
Residing at Emmett
My Commission expires
February 1, 2005



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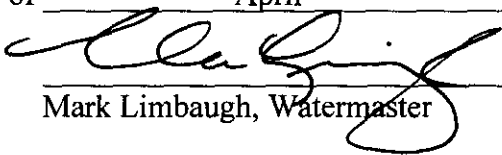
RECEIVED
APR 06 2001
WATER RESOURCES
WESTERN REGION**RECOMMENDATION OF WATERMASTER**Application No: 65-22350Applicant's Name: Katherine S. Vogel

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows. Under control of Watermaster for Water District
No. 65.
- c) ☐ I oppose approval of this application for the following reasons:
- d) Additional Comment:

Dated this 2nd day of April, 2001

Water District No. 65


Mark Limbaugh, Watermaster

Use reverse side of page if you need more space

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JUN 20 2001



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

March 30, 2001

MARK LIMBAUGH
102 N MAIN
PAYETTE ID 83661

Re: Application for Water Right No. 65-22351 in the Name of Richard J. McKenna
Application for Water Right No. 65-22350 in the Name of Katherine Vogel
Application for Water Right No. 65-22352 in the Name of Marilyn Craig

Dear Watermaster:

Enclosed are copies of the above-referenced applications for permit. Also enclosed are forms for your recommendation concerning these applications.

Please review the applications. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application
Recommendation of Watermaster Form

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JUN 20 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 30, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
Nampa ID 83686

Re: Application for Water Right No. 02-10177 in the Name of David G. Hoffman
Application for Water Right No. 65-22351 in the Name of Richard J. McKenna
Application for Water Right No. 65-22350 in the Name of Katherine Vogel
Application for Water Right No. 63-31184 in the Name of UNAGA-EUSTI Enterprises

Dear Sir:

Enclosed are copies of the above-referenced applications that the proposed use is from surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by April 23, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm
Encl.

MICROFILMED

JUN 20 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 6, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KATHERINE S VOGEL
1033 LILAC LN
EMMETT, ID 83617

RE: Application for Permit

Dear Applicant:

The Department of Water Resources has received your water right application. Preliminary review of the application indicates that it is incomplete and cannot be accepted for processing. We are returning your application to allow you to complete the necessary items. The required information is described below.

The \$100 filing fee was not provided.

A signed Request to Process form was not included.

The Request to Process form has been enclosed. In order for us to continue processing your application, the third alternative must be checked, the form signed and returned with your filing fee. An explanation in regards to the Request to Process form is attached.

Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lori Graves".

Lori Graves
Sr. Water Agent

Encl: request to process form & explanation, application

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JUN 20 2001

March 29, 2001

Legal Notice Department
Messenger-Index
PO Box 577
Emmett ID 83617

RE: Application for Permit No. 65-22350

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 04/23/2001. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

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MAY 20 2001

The following application(s) have been filed to appropriate the public waters of the State of Idaho.

65-22350

KATHERINE S VOGEL
1033 LILAC LN
EMMETT ID 83617

Point(s) of Diversion	L3	S7	T06N R01W GEM County	Source	PAYETTE RIVER
Use.	IRRIGATION		03/01 To 11/15	0.15 CFS	
	Total Diversion.			0.15 CFS	

Date Filed: 03/09/2001

Place Of Use. IRRIGATION

T06N R02W S11 SENE NESE

Number of Acres 5

Remark. Applicant agrees to mitigate consumptive use in the future as needed

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 04/23/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on April 4 and 11, 2001

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JUN 21 2001

REQUEST TO PROCESS

RECEIVED

MAR 09 2001

WATER RESOURCES
WESTERN REGION

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant KATHERINE S. VOGEL
Mailing Address 1033 LILAC LANE
EMMETT, ID 83617
Application No. _____
(if known)

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

 X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Katherine S. Vogel

Date

3-7-01

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

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JUN 20 2001