

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07866

Priority: July 28, 1989

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 2.6 AF

It is hereby certified that DEVERE TOVEY
80 N 4TH W
PRESTON ID 83263 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 28, 1989; and has
submitted Proof of Beneficial Use on October 15, 1991. An examination indicates that the works have a
diversion capacity of 0.02 cfs of water from:

SOURCE

SPRINGS

Tributary: SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	05/15 to 10/01	0.02 CFS	1.4 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 34, Twp 08S, Rge 37E, B.M., BANNOCK County
SPRINGS	SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 34, Twp 08S, Rge 37E, B.M., BANNOCK County
SPRINGS	SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 34, Twp 08S, Rge 37E, B.M., BANNOCK County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE	NW	SW	SE	Totals
	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
08S 37E 34			X		

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
08S 37E 33				X	
08S 37E 34			X		
09S 37E 4	X				
	L1				

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.

MICROFILMED

OCT 02 2001

State of Idaho
Department of Water Resources
Water Right License

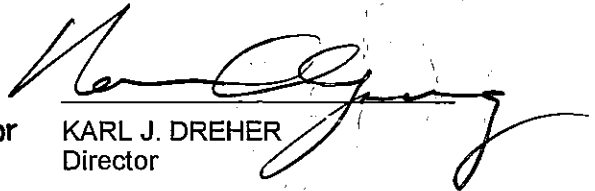
WATER RIGHT NO. 29-07866

2. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 29th day of JUNE, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED

OCT 02 2001

RECEIVED

JUN 28 2001

Department of Water Resources

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 29-07866

Date of Priority: July 28, 1989

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 2.6 AF

Comes now DEVERE TOVEY
80 N 4TH W

PRESTON ID 83263 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 29-07866, and requests that the permit be changed as follows:

Source: SPRINGS

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	05/15 to 10/01	0.02 CFS	1.4 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 34, Twp 08S, Rge 37E, B.M., BANNOCK County
SPRINGS	SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 34, Twp 08S, Rge 37E, B.M., BANNOCK County
SPRINGS	SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 34, Twp 08S, Rge 37E, B.M., BANNOCK County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 37E 34											X						

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 37E 33																	
08S 37E 34											X						
09S 37E 4	X																
	L1																

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 26 day of June, 2001.

(Signature)

MICROFILMED

OCT 02 2001

DEVERE TOVEY

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07866

FOR DEPARTMENT USE ONLY
Preliminary check by _____ Fee = \$50⁰⁰ Received by Missi # 1054566 Date 6/28/01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 29-07866 with the following:

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.
2. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Witness my hand this 28TH day of JUNE, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED
OCT 02 2001

RECEIVED
OCT 15 1991

For Office Use Only
Amt. of Fee \$ 80.00
Date 10-16-91
Receipt No. C022029
Received by DB

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 29-07866 Telephone No. 852-1595

Name(s) of Permit Holder(s): Devere Tovey

Post Office Address: 80 N 4th West Preston, Idaho 83263

Source of Water: Springs tributary to sink

If ground water, well driller's name: Date drilled:

Extent of Use:
Domestic 1 (No. of households) Irrigation (No. of acres)
Stockwater 1600 ^{sheep} (No. and type of stock) Other

Total rate and/or volume for which proof is submitted 0.09 cfs acre/feet

* Show date water was first diverted and beneficially used under this permit:

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes No Installed? Yes No

OR

Flow Measurement Port: Required? Yes No Installed? Yes No

* Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

 Same as above
Name " " " Telephone No.

Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

NOV 20 1991

* 10/11/91 Devere Tovey
Date Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07866

Proposed Priority: July 28, 1989 Maximum Diversion Rate: 0.09 CFS
This is to certify, that **DEVERE TOVEY**
80 N. 4TH W.
PRESTON, ID 83263
has applied for a permit to appropriate water from:

SPRINGS tributary of **SINKS**

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>
STOCKWATER	05/15 to 10/01	0.07 CFS
DOMESTIC	01/01 to 12/31	0.02 CFS
	Totals	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSWNW Sec. 34, Township 08S, Range 37E
BANNOCK County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08S 37E 34 NWSW

PLACE OF USE: DOMESTIC

TWN RGE SEC

08S 37E 34 SWSW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1992.
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
5. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of any senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

MICROFILMED

APR 1 1990

Permit To Appropriate Water

NO. 29-07866

CONDITIONS/REMARKS:

- 7. Stockwater use is for 1600 sheep.
- 8. Domestic use is for one home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

29th day of March, 1990

for R. Keith Higginson, Director

MICROFILMED

APR 17 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: DEVERE TOVEY 208-852-1595
Address: 80 N. 4 TH WEST
PRESTON, ID 83263
2. Source: SPRINGS Trib. to: SINKS
3. Location of Point of Diversion: SWSWNW Sec. 34, Township 08S, Range 37E
BANNOCK County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	05/15	10/01	0.070		
DOMESTIC	01/01	12/31	0.020		
5. Total quantity to be appropriated is:
0.090 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
SPRING BOX TO WATER TROUGH AND TRAILER HOOK UPS
 - b. Height of storage dam 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 inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 years.
8. Description of proposed uses:
STOCKWATER FOR 1600 SHEEP AND TRAILER HOOK UP FOR DOMESTIC
9. Place of Use: STOCKWATER

TWN RGE SEC
08S 37E 34

NWSW

MICROFILMED

APR 17 1990

Place of Use: DOMESTIC

TWN RGE SEC
08S 37E 34 SWSW

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

11. a. Who owns the property at the point of diversion?
USFS

b. Who owns the land to be irrigated or place of use?
APPLICANT

c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.
SPECIAL USE PERMIT BEING PURSUED

12. Remarks:

13. Map of proposed point of diversion and place of use attached? ☒

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

DeVere Love
Applicant

Received by HWJ Date 7-28-89 Time 2:49pm Preliminary check by DMD

Fee \$ 30.00 Receipted by HWJ # 12009651 Date 7-28-89

Publication prepared by RB Date 11-21-89 Published in Idaho State Journal

Publication approved RB Date 11-20-89

MICROFILMED

APR 17 1990

4729
42'30"

29-07866

4728

4727

3569 II NW
(MC CAMMON)

4726

T.8 S.

T.9 S.

40'

4724

Haystack
Mtn

P
O
R
T
F
U
Z

A
L
I
O
N
C
A
R
I
B
O
U
N
D
A
R
Y

24
Sp

TRAIL 25

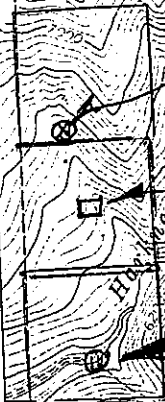
X701

Spring

Crystal
Springs

MicroFILMED

APR 17 1990



785 R37E

X6888

X7903

X7317

X6990

7563

7738

7323

8186

X8425

X8091

Creek

Creek

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Sandra K. Wann

NOTICE OF APPLICATION FOR WATER RIGHT

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

29-07866

TOVEY, DEVERE

80 N. 4TH W.

PRESTON, ID 83263

Source: SPRINGS

Tributary: SINKS

Diversion Pt:

SWSWNW Sec 34 T 08S R 37E

Use: STOCKWATER (.070 CFS)

DOMESTIC (.020 CFS)

Date Filed: 7-28-1989

In: T08S R37E S34 NWSW SWSW

29-07870

USDI, BLM

940 LINCOLN RD.

IDAHO FALLS, ID 83401

Source: UNNAMED SPRING

Tributary: SINKS

Diversion Pt:

SESWSE Sec 35 T 07S R 35E

Use: STOCKWATER (.050 CFS)

WILDLIFE (.010 CFS)

Date Filed: 8-31-1989

In: T07S R35E S35 SWSE

29-07871

USDI, BLM

940 LINCOLN RD.

IDAHO FALLS, ID 83401

Source: UNNAMED SPRING

Tributary: SINKS

Diversion Pt:

NESENE Sec 34 T 07S R 35E

Use: STOCKWATER (.050 CFS)

STOCKWATER (.020 CFS)

WILDLIFE (.010 CFS)

Date Filed: 8-31-1989

In: T07S R35E S34 SENE

29-07874

MAAG, W. NEAL

MAAG, BETTY

4520 KOOTENIA

BOISE, ID 83705

Source: GROUNDWATER

Diversion Pt:

SESW Sec 8 T 07S R 35E

Use: IRRIGATION (.030 CFS)

COMMERCIAL (.050 CFS)

DOMESTIC (.060 CFS)

Date Filed: 7-26-1989

In: T07S R35E S08 SESW

1.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before NOVEMBER 20, 1989.

R. Keith Higginson,

Director

November 2, 9, 1989

No. 727

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

<u>26 October</u>	<u>19 89</u>	<u>19</u>
<u>2 November</u>	<u>19 89</u>	<u>19</u>
<u>9 November</u>	<u>19 89</u>	<u>19</u>
<u>19</u>	<u>19</u>	<u>19</u>
<u>19</u>	<u>19</u>	<u>19</u>

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

STATE OF IDAHO

COUNTY OF Bannock

On this 9th day of November in the year of 1989, before me, a Notary Public, personally appeared Sandra K. Wann

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 acknowledged to me that he executed the same.

Jim L. Laine
Notary Public for Idaho

Residing at Pocatello

My commission expires: July, 1991

RECEIVED

MICROFILMED

APR 17 1990

NOV 14 1989

Department of Water Resources
Eastern District Office



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 2, 2001

DEVERE TOVEY
80 N 4TH W
PRESTON ID 83263

RE: License No. 29-7866 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

Enclosed is a copy of the approved Application for Amendment.

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 homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

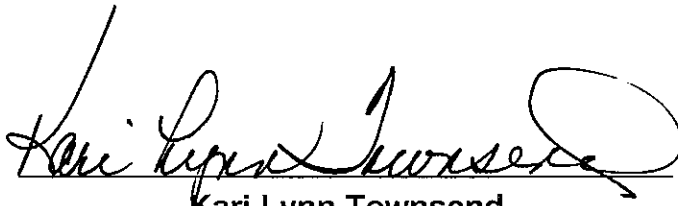
MICROFILMED
OCT 02 2001

CERTIFICATE OF MAILING

I hereby certify that on July 2, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 29-7866

**DEVERE TOVEY
80 N 4TH W
PRESTON ID 83263**



Kari Lynn Townsend
Secretary

MICROFILMED
OCT 02 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 (Rules of Procedure 302 and 303).

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.

6-26-01
RECEIVED

Dept of Water Resources

attn: Ray Walker, Agt

JUN 28 2001

Department of Water Resources

Enclosed is signed form & my
check for the \$50.00 filing fee, as per
letter of June 18. Thanks.

As Verel Torv
D

MICROFILMED

OCT 02 2001

Idaho Department of Water Resources Receipt

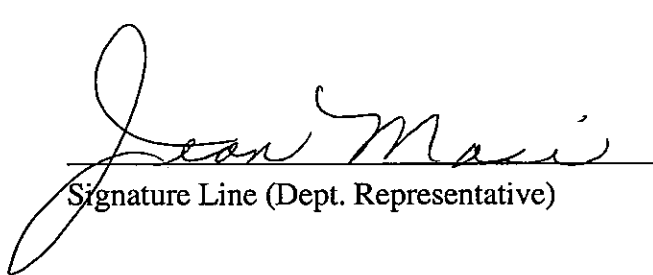
Receipt ID C054566

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	AMENDMENTS	0229	21	56105	1155


Signature Line (Dept. Representative)MICROFILMED
OCT 02 2001



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 18, 2001

DEVERE TOVEY
80 N 4TH W
PRESTON ID 83263

RE: Water Right Permit No. 29-07866

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ Point(s) of Diversion

☒ Place(s) of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:kit

Enclosure

MICROFILMED

OCT 02 2001

LICENSE REVIEW CHECKLIST

Permit No. 29-78666 Date: 6-15-01 Reviewer: Kay Walker

Change/OK

Name/Address ok

Source ok
Point of Diversion: add

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use change

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.09 cfs
Fee Limit 0.20 cfs
Measured 0.02 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.02

Water Uses ok

Change (P46)

Season of Use per new Standards

Irrigation _____ cfs _____ af
Stockwater 0.02 cfs 1.4 af
Domestic 0.02 cfs 1.2 af
_____ cfs _____ af
_____ cfs _____ af
Total 0.02 cfs 2.6 af

~~Irrigation~~ - overlap(R58-R61, R62-R65, R66-R69)
~~supp. Gw (WB7/065/104)~~
~~overlap spec combined rts (W35)~~
~~<1 acre (W31)~~
Domestic (W01/wb5/070/071/075)
~~Power (W42 or W43/025/027/R22 or R23)~~
~~Fish (042)~~
~~Fire (077)~~
~~Water Quality (081/R07)~~
~~Payette - (W22/047/27A)~~
~~Stockwater for US (R37)~~

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: 048, W01

Additional Conditions ☒ Watermaster Control
☒ GW Measurement/Measuring Device
☒ Other
Trust R55 - remove 051)
Non-trust (048/049)

GW Dist? _____
Water Msmt. Dist? ☒
Crit. GWMA? ☒
GWMA? ☒
Government Lots? yes

Advance Priority? ☒ yes ☒ no If yes, explain why below.

SRBA Claim? not req'd

Adjust memo _____

Amend Letters _____ P87, S06 Second Amendment Notice _____ S06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

A. GENERAL INFORMATION

FEB 23 2001

Permit No. 29-07866

1. Owner: Devere Tovey Department of Water Resources Phone No. 852-1595

Current Address: 801 4th W. Preston, ID 83263

2. Accompanied by: Devere Tovey EXAM DATE: 6-19-00

Address: Same Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring tributary to Sawto

B. OVERLAP REVIEW

1. Other water rights with the same place of use: N/A

2. Other water rights with the same point of diversion: N/A

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
Upper		SW	SW	NW	34	8S	37E	Bannock	GPS R061922A on site
Logging		SW	SW	SW	34	8S	37E	Bannock	GPS R061923C on site
Picknick		SW	SW	SW	34	8S	37E	Bannock	GPS R062000A on site

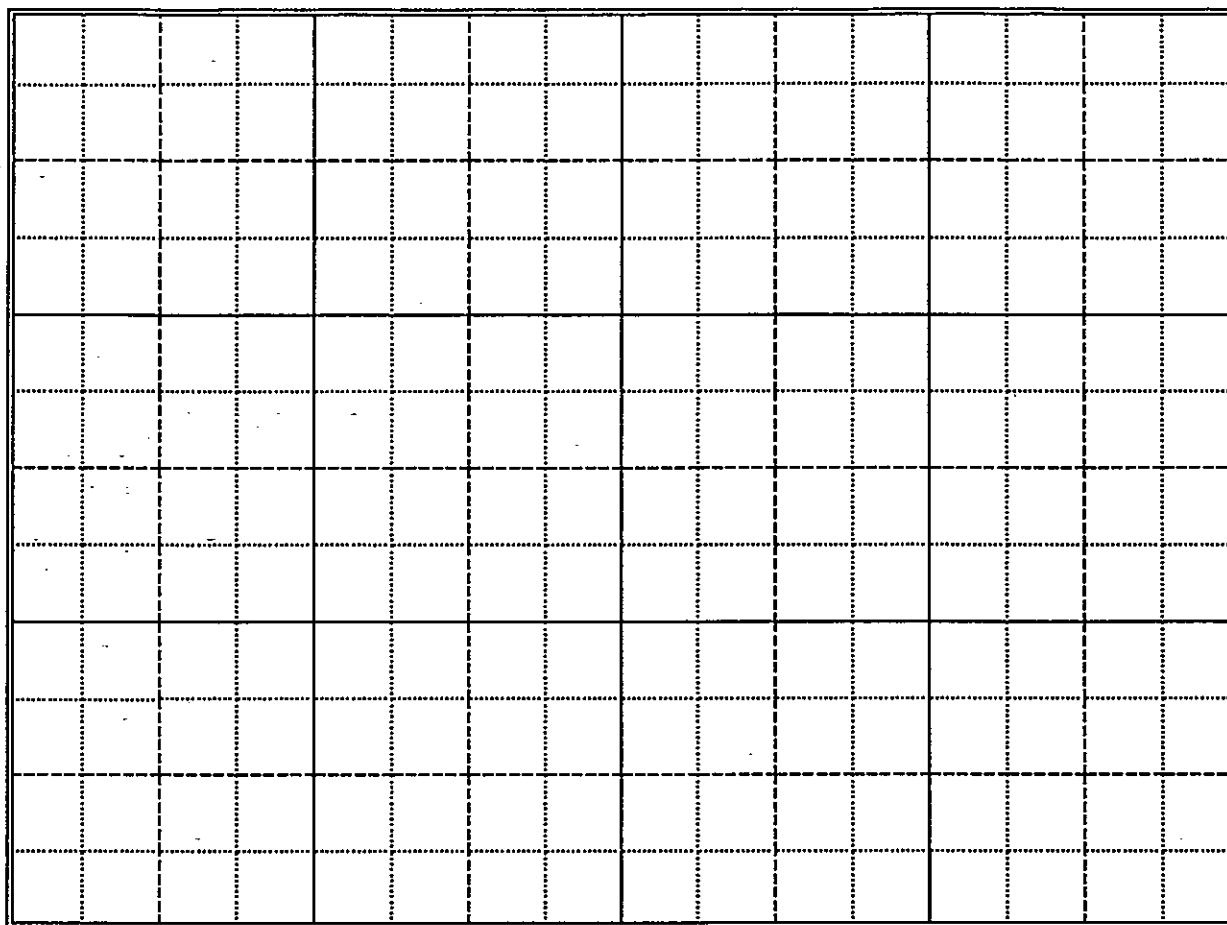
2. Place(s) of Use: GPS & on site

Indicate Method of Determination GPS / on site

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	37E	33																	
		34										S	D						
9S	37E	4	D																

JUL 02 2001

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____.

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Bucket - Stop watch 2 gallon in 44 seconds high spring
2 gallon in 35 seconds logging ar
2 gallons in 31 seconds by shetter

MICROFILMED

OCT 02 2001

E. NARRATIVE/REMARKS/COMMENTS

RO61922 A Upper Spring

RO61923 C Logging Spring

RO62000 A Picnic Springs

RO61923 A Stockwater

RO61923 B Domestic

RO62000 A Picnic Area (Domestic)

System consists of three springs with delivery system to place of use. Domestic includes hookup for trailer & picnic area's irrigation of area around trailer's Picnic area and irrigation of spruce trees along road. IRRIGATION IS Less Than 1/2 acre total

Stockwater use for 1600 sheep (Note: No livestock @ time of exam)

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED

OCT 02 2001

F. FLOW CALCULATIONS

Measured Method:

$$\text{Total Diversion } 10.03 \text{ gpm} = 0.02 \text{ cfs}$$

$$2 \text{ gal} / 44 \text{ sec} = 2.73 \text{ gpm}$$

$$2 \text{ gal} / 35 \text{ sec} = 3.43 \text{ gpm}$$

$$2 \text{ gal} / 31 \text{ sec} = 3.87 \text{ gpm}$$

$$10.03 \text{ gpm} = 0.022 \text{ cfs}$$

LIMITED BY Capacity

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses: Sheep (require $\frac{1}{6}$ of cows)

$$V_{\text{stock}} = \frac{1}{6} (1600) (0.0134) \left(\frac{134 \text{ days}}{365} \right) = 1.36 = 1.4 \text{ afa}$$

$$V_{\text{DUM}} = 1.2$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Stockwater	5/15	10/01	0.02	1.4 cfa
Domestic	1/1	12/31	0.02	1.2 cfa
Totals:			0.02	2.6 afa

2. Recommended Amendments

☐ Change P.D. as reflected above

☒ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

☒ Add P.U. as reflected above

☐ Other

I. AUTHENTICATION

Field Examiner's Name

Scott Culbert

Date

6/19/2000

Reviewer

Date

SEAL

MICROFILMED

OCT 02 2001

DEVERE TOVEY
80 N. 4TH W.
PRESTON ID 83263

November 15, 1991

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07866

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Nina Shields
Secretary/Records Manager

c: IDWR - Region

RECEIVED

NOV 20 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 29-07866

Date 11/14/91

GENERAL CONSIDERATIONS

Yes Name same as permit?
Yes Address same as permit? If no, indicate below.
Yes Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

✓ Surface water source
 Ground water source
NA Drill permit req'd?
Spring ✓ Copy in file? Drill permit no.
✓ Amt paid for drilling permit? Correct?
✓ Well log in file?

LICENSE EXAMINATION FEE

Yes Required?
50 Amount submitted?
Yes Correct amount?

MEASURING DEVICE

NA Measuring device or access port required?
✓ Installed?
✓ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

yes - approved

PRIORITY CALCULATION

Date proof received	<u>NA</u>	<u> </u>
Date proof due	<u> </u>	<u>-</u> <u> </u>
No. of days late	<u> </u>	<u>=</u> <u> </u>
Priority date	<u> </u>	<u>+</u> <u> </u>
NEW PRIORITY DATE	<u>✓</u>	<u>=</u> <u> </u>

Oct 11, 1991

Re: #29-07866

Dept of Water Resources

I am sending you "Proof of Beneficial Use" form with the \$50 examination fee.

~~The~~ At head of Spring contractor put 3 ^{semi} loads of ^{rough} gravel & pipes to pond water for game & sheep. Then a concrete box inserted or placed for the 4" pipe with culverts down mountain. This is ready for a pressure valve which I have purchased. A trailer house is at a site - unsure where to build. Sheep herder said sheep watered in summer from pond.

Anytime it is convenient I'll be glad to show you the Spring development. **NOV 20 1991**
W. L. has your consideration.

Department of Water Resources
COMMENCEMENT OF WORKS

Permit No. 2907866

Name(s) of Permit Holder(s): DeVere Torrey

Post Office Address: 40 N 4th West

Preston, Idaho 83263

Tel. No. 803-1595

☒ I hereby certify that construction of diversion works for the above referenced permit began on June 26, 1990 (date)

continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

July 2, 1990
Date

DeVere Torrey
Signature of Permit Holder

Debra & Tony
80 N 4th West
Preston, Idaho 83279

PLACE
STAMP
HERE



NOV 20 1991

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
March 30, 1990

DEVERE TOVEY
80 N. 4TH W.
PRESTON, ID 83263

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-07866

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

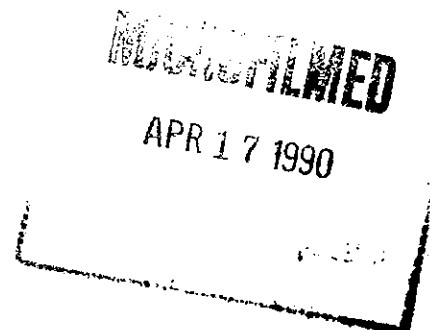
Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 6, 1990

RE: Application for Permit No. 29-7866

Jerald D. Tower, Dist. Ranger
Caribou National Forest
Federal Bldg., Suite 187
250 S. 4th Ave.
Pocatello, ID 83201

Dear Mr. Tower:

We are in receipt of your letter concerning the above referenced application in the name of Devere Tovey to appropriate spring water for domestic and stockwater purposes.

Unfortunately, since the protest period has lapsed we cannot accept your letter as a formal protest against approval of the application. Your letter will be placed in Mr. Tovey's water right file and a condition will be imposed on the permit which informs Mr. Tovey that granting the permit does not give authorization to trespass on property owned by another.

If you have any other questions, please let us know.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

MICROFILMED

APR 17 1990



United States
Department of
Agriculture

Forest
Service

Caribou
National
Forest

Suite 187, Federal Building
250 South Fourth Avenue
Pocatello, Idaho 83201

Reply to: 2500/2720

Date: December 5, 1989

Department of Water Resources
Attn: Jim Johnson
1301 North Orchard
Statehouse Mail
Boise, Idaho 83706

RECEIVED
DEC 7 1989

L

Department of Water Resources

Dear Jim:

I talked with Harold Jones of the Idaho Falls office earlier regarding the DeVere Tovey application for Permit No. 29-7866. It appears the Forest Service missed the date for input prior to forwarding to your office.

Enclosed is a list of items that represent the basis of our concerns with Mr. Tovey's application. As we have yet to hear from him on the special use application noted on page 2, part 11c., to your Department, I feel the following points of concern support a basis for protest at this time:

1. Without a site-specific field review, cannot tell whether a spring development and pipeline on the Forest land is environmentally acceptable. Need scoping and NEPA process in action.
2. Sheep watering? Rogers' sheep use Harkness Creek - why a trough? Tovey does not have Forest permit.
3. Season of use for sheep does not match Forest grazing season and unauthorized use of Forest land would occur because of close proximity of trough to National Forest boundary. Forest grazing season is 6/6 - 8/25. He applied for 5/15 - 10/1.
4. Need special use permit for water development on Forest. No application has been received to date as stated in application.
5. Stockwater CFS rate as applied for seems high, .07. We usually apply for .02 CFS or .015 CFS.

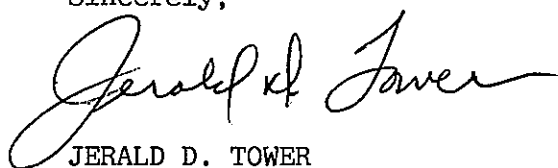
RECORDED

APR 17 1990



Please notify me as to the current status of this application and if I
can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Jerald D. Tower". The signature is fluid and extends to the right.

JERALD D. TOWER
District Forest Ranger

MICROFILMED

APR 17 1990

26-Oct-1989

Caribou National Forest
District Forest Ranger
Box 4189
Pocatello, ID 83201

RE: Application for Permit No. 29-7866

Dear Sir:

This office is currently in the process of publishing notice that the above application for permit was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received as soon as possible. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the applications.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

MICROFILMED

APR 17 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

OCTOBER 25, 1989

IDAHO STATE JOURNAL
P.O. BOX 431
POCATELLO, ID 83204

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 20, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

APR 17 1990

29-07866

TOVEY, DEVERE
80 N. 4TH W.
PRESTON, ID 83263

Source: SPRINGS

Tributary: SINKS

Diversion Pt: SWSWNW Sec 34 T 08S R 37E

Use: STOCKWATER (.070 CFS)
DOMESTIC (.020 CFS)

Date Filed: 7/28/1989

In: T08S R37E S34 NWSW SWSW

RECEIVED

APR 17 1990

27-Sep-1989

Devere Tovey
80 N. 4th W.
Preston, ID 83263

RE: Application for Permit No. 29-7866

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Idaho State Journal. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

REPROFILMED

APR 17 1990