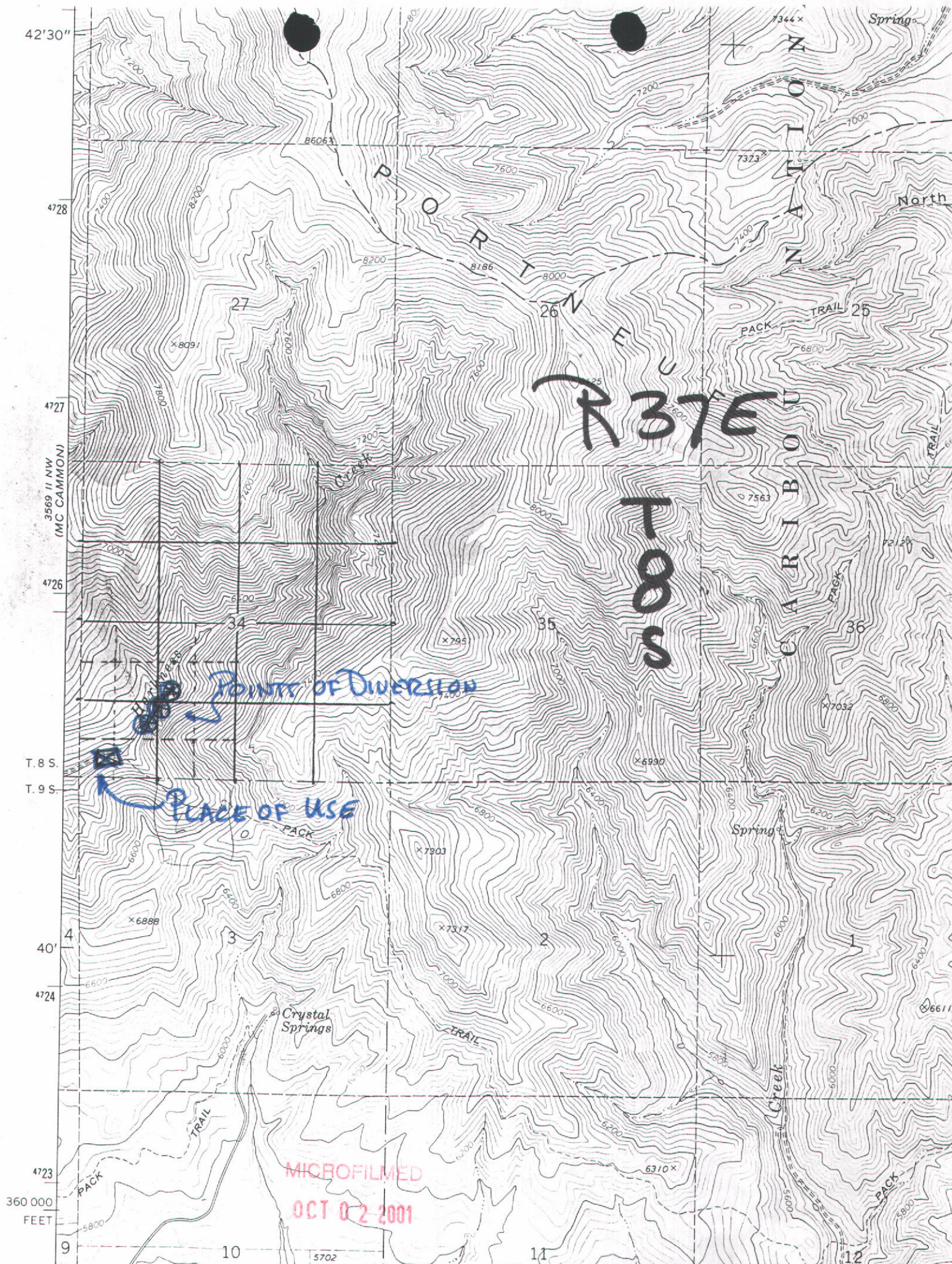




42'30"

4728

4727

4726

T. 8 S.

T. 9 S.

40'

4724

4723

360 000

FEET

9

10

11

12

MICROFILMED
OCT 02 2001

7344 x

Spring

7323 x

86063

x8091

x795

x6990

x7903

x7317

x6888

6611

6310 x

5702

P

O

R

T

26 N

E

U

R37E

T8S

P O R T N A N T O

C A R R I B O U

PACK

TRAIL 25

PACK

TRAIL 36

PACK

TRAIL

PACK

TRAIL

Point of Diversion

PLACE OF USE

Crystal Springs

Spring

3569 11 NW
(MC CAMMON)

beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 29-13155 Telephone No. (208) 852-1595

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

RECEIVED

3. Mailing Address: 80 N 4th W

JUN - 6 2003

City Preston State Id Zip 83263 Department of Water Resources

4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: POWER

6. Total rate of diversion and/or volume for which proof is submitted: 1.0 cfs OR _____ acre feet

7. Measuring Device Requirement (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes ☒ or No ☐

Has the measuring device been installed?

Yes ☐ or No ☐

8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

Request that measuring device be removed from application

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: DeVere Torrey Telephone Number: (208) 852-1595

Address: 80 N 4th W, Preston, ID 83263

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: DeVere Torrey Date: 6-3-03
(include your title, if on behalf of company or organization)

Amt. of Fee: \$100.00

Receipt No.: C069437

Received by: J. Masi

Date Received: 6/6/03

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AUG 11 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 29-13155

Priority: 05/10/2001

Maximum Diversion Rate: 1.00 CFS

This is to certify, that **DEVERE TOVEY**
80 N 4TH W
PRESTON ID 83263

has applied for a permit to appropriate water from:

Source: SPRINGS

Tributary: HARKNESS CREEK

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>
POWER	01/01 to 12/31	1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: POWER

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					

CONDITIONS OF APPROVAL

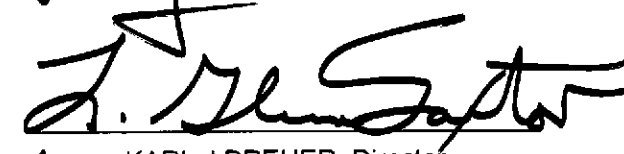
1. Proof of application of water to beneficial use shall be submitted on or before **July 1, 2004**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
5. Use of water under this right shall be non-consumptive.
6. This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
7. The rights for the use of water acquired under this right shall be junior and subordinate to all other rights for the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
8. The Director retains jurisdiction of this right in order to limit the use of water for hydropower generation purposes to a specific term of years as required by Section 42-209B, Idaho Code.

OCT 02 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 29-13155

9. Use of water under this water right will be regulated by the watermaster of State Water District No. 29.
10. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 6th day of July, 2001.


for KARL J DREHER, Director

MICROFILMED

OCT 02 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

JUL - 5 2001

Department of Water Resources, Doree ToveyPhone (208) 852-1595Mailing address 80N 4th West, Preston, Id 83263[cell (208) 856-6395]2. Source of water supply Springs which is a tributary of Harkness Creek3. Location of point of diversion is Township 8S Range 37E Sec. 34, in the NE 1/4,SW 1/4, SW 1/4, Govt. Lot _____, B.M., Bannock County;additional points of diversion if any: NW 1/4 SE 1/4 SW 1/4, SE 1/4 NW 1/4 SW 1/4, SW 1/4 NE 1/4 SW 1/4 Sec 34

4. Water will be used for the following purposes:

Amount 1.00 cfs for Power purposes from 1/1 to 12/31 (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)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) 1.00 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Collection pipe to power
plantb. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? Noe. If well is already drilled, when? N/A; Drilling firm _____

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 3 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 in kW. 60' head 3kw

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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OCT 02 2001

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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	37E	34											P						

Total number of acres to be irrigated _____

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? Applicant

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: _____

12. Remarks: _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

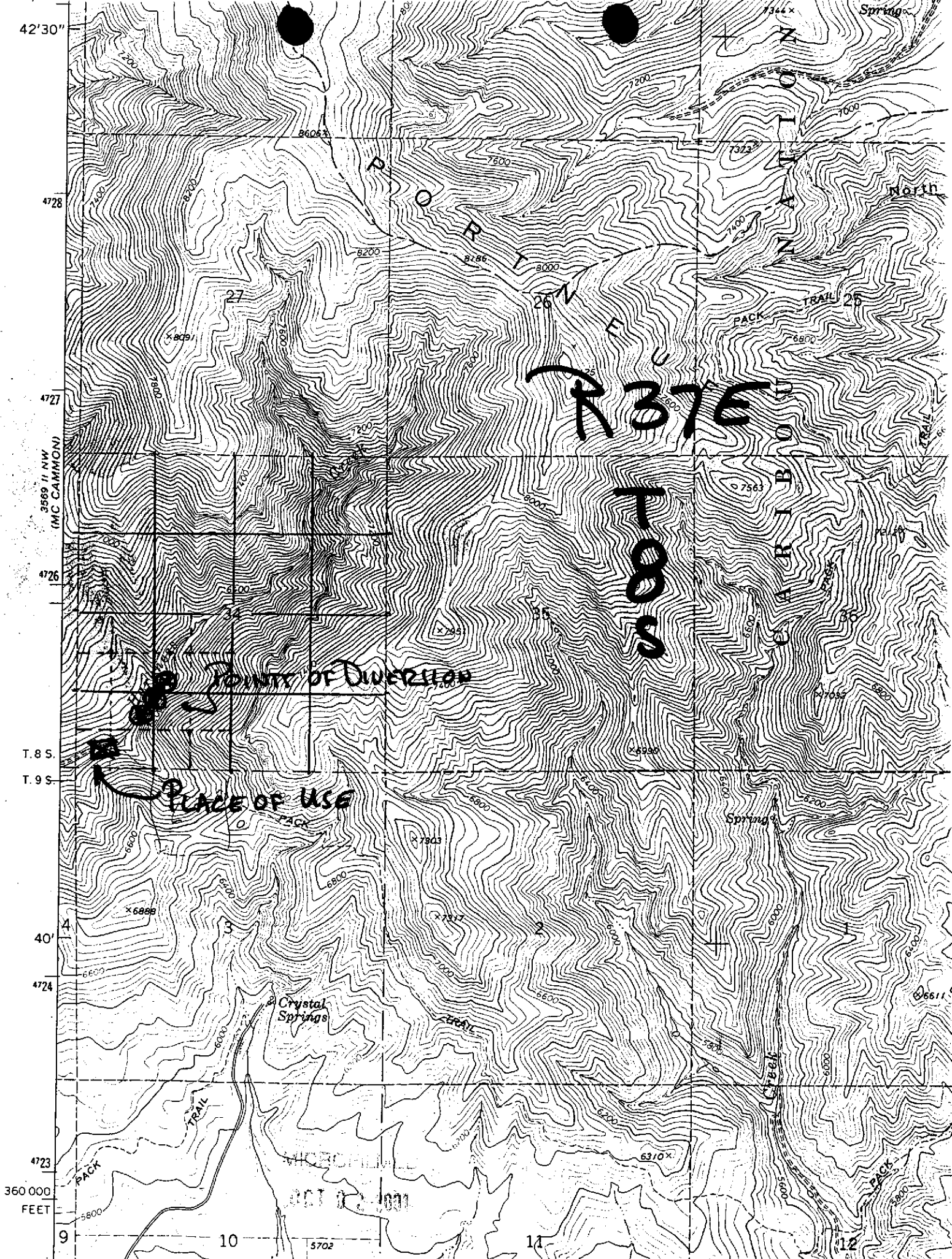
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED
OCT 22 2001

DeVere Loney
Signature of Applicant (and title, if applicable)

Received by Kaw Date 5/9/2001 Time 1700 hrs Preliminary check by _____

Fee \$ 250⁰⁰ Received by Kaw # E02669.6 Date 5/9/2001
Publication prepared by SC Date 6/18/14/01 Published in Idaho State Journal
Publication approved SC Date 6/18/01



42'30"

4728

4727

4726

T.8 S.

T.9 S.

40'

4724

4723

360 000
FEET

9

10

5702

14

12

3569 11 NW
(MC CAMMON)

Crystal
Springs

Spring

Spring

North

Point of Diversion

PLACE OF USE

R37E

T8S

MICHIGAN

OCT 02 2001

7344x

7323x

7563

77052

6930

7803

7817

6888

6611

6310x

86063

8786

8251

7289

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AFFIDAVIT FOR WATER RIGHTS TO BE USED
FOR POWER PURPOSES

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, Devere Tovey of Preston,
(name) (city)

county of Franklin, State of Idaho, being duly sworn, do
hereby certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city)

County of _____, State of Idaho, being duly sworn, depose
and say: That I am the designated registered agent of the _____

_____ : that as such I am in charge of the registered
(name of corporation)

office of the said corporation as required by Section 30-1-12, Idaho Code, at

_____ Idaho, wherein are kept the corporate records required
(city)

by Section 30-1-52, Idaho Code: and that _____
(name of corporation)

is a corporation qualified to do business in the State of Idaho under the laws of
the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for
Permit:

- (check one)
- ☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal and the owner of the facilities is the signee of this affidavit.

State of Idaho)
County of Bonneville) ss.

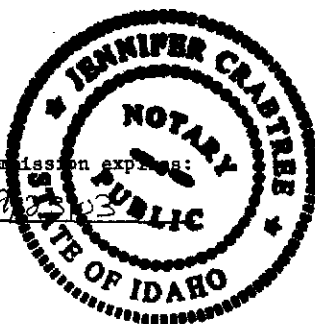
Devere Tovey
Applicant

On this 9th day of May, 2001, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

seal

My commission expires:

9/22/03



Jennifer Crabtree
Notary Public residing at
Idaho Falls, Idaho

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 20, 2003

DE VERE TOVEY
80 N 4TH W
PRESTON ID 83263

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 29-13155

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.

You requested that the measurement device and lockable controlling works requirement condition for this permit be waived. Please supply me with a letter from the water master for water district 29 agreeing that this condition is unnecessary. Upon receipt of that agreement, the department can review your request. If approved, the department will issue an Order waiving the measurement device and lockable controlling works requirement from this permit.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Eastern** Regional Office in Idaho Falls at (208) 525-7161, or myself at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure
c: IDWR - Region

MICROFILMED

AUG 11 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 29-13155

Reviewed By: dgibson

Date: June 19, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	E026696, C069437		Well driller's report filed?		X
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?	X	

Priority Calculation

Date proof received		06/06/2003
Date proof due	-	07/01/2004
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	05/10/2001
New priority date	=	05/10/2001

Deficiencies of Actions Items

Acknowledge proof. Acknowledge measurement device waiver request, and instruct rightholder to obtain watermaster's written agreement for waiver to be approved, and forward agreement to the department, for consideration of the request.



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 12, 2001

DEVERE TOVEY
80 N 4TH W
PRESTON ID 83263

RE: Permit No. 29-13155

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.

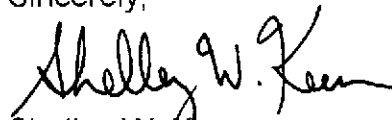
MICROFILMED

OCT 02 2001

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

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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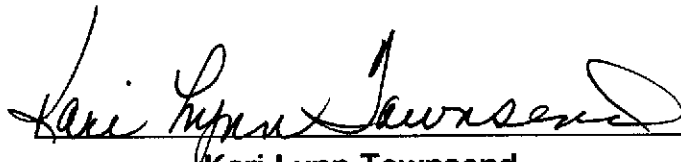
OCT 02 2001

CERTIFICATE OF MAILING

I hereby certify that on July 12, 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. 29-13155

**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.

MICROFILMED
OCT 02 2001

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 7/6/01

No. 29-13155 Name: Jovey Corp. Officers N/A Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes SIL Moratorium non-cons. ok 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. 1.0 cfs) N/A

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses) not under FERC
or 17M (FERC regulated >25 cfs or 500hp)

BENEFICIAL USE DUE: 1 / 01 / 2004

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD# 29)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or ~~WB~~

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

RIVER BASINS: (SW special considerations)

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

USES:

MUNICIPAL

Restricted area - 022,075

Irr., GW supp to SW - 102

Future needs - 007,109

FISH PROP - 029 (70's only)-007-042-106

DOMESTIC

Surface water - WB5 (Big Wood/Boise above Star Bridge)

- 27A (Payette R)

>1 in restricted area - 070-071-075 (no parks/common areas)

Irr separate or none allowed - WB5

GW w/irrigation from SW evident - 065-104

Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - 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 _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS power applicant filed

COMMENTS _____

Dist. for staffing _____
Submitted for advertising _____

Form No. 202

4/87 *Devere*
Tovey

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY *HWT* DATE *5-10-01* APPLICATION NO. *29-13155*

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ 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
☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee
☒ Yes _____ No* In form to receipt

RECEIVED

JUL - 5 2001

Department of Water Resources

ADDITIONAL INFORMATION

- _____ Overlapping place of use (Describe source & relationship to present application on the back.)
_____ Overlapping point of diversion
_____ Yes ☒ No Field check required
_____ Field check by _____
_____ Yes _____ No Field report attached
_____ Yes ☒ No Critical groundwater area
_____ Yes ☒ No Groundwater management area
_____ Yes ☒ No Send dam safety information
_____ Yes ☒ No Send power requirement letter
_____ Yes ☒ No Send fish farm requirement letter
_____ ☒ Yes _____ No Power residency affidavit
_____ Yes ☒ No Power efficiency form
_____ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
_____ Yes _____ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
_____ See reverse side for additional information
*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

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JUL 5 2001

DEPARTMENT OF WATER RESOURCES

PROCESSING ☒ Yes ☒ No In form for advertising
☒ Yes ☒ No Statewide advertising
☒ Yes ☒ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game *Doky* ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☒ Water District 29
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest _____
☐ Yes ☒ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations, attached
☒ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. 29
☐ Yes ☒ No Special conditions of approval or cover letter below.

See below for additional information
Date of priority recommended 5-9-2001
By Huf Date 6-28-2001

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

↓
Arlin Olson
WM

LOCAL PUBLIC INTEREST

Comments received from

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other

Project impacts/implications report

COMMENTS

[illegible]

01-99

State of Idaho
Department of Water Resources

RECEIVED

JUN 22 2001

Department of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

Application No: 29-13155

Applicant=s Name: Devere Torrey

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: _____

c) ☒ I oppose approval of this application for the following reasons:

There is 5 Rite Holders on the
Ark And not Much water they have
been fighting over for years.

d) Additional Comment : _____

Dated this 21 day of June, 2001.

Water District No: 29

Arline G. Olson
Watermaster=s Signature

Use reverse side of page if you need more space.

MICROFILMED
JUN 22 2001

PROOF OF PUBLICATION

RECEIVED

JUN 18 2001

Department of Water Resources
Eastern Region

STATE OF IDAHO

County of Bannock

LN7380

KAREN MASON

NOTICE

The following applications(s) have been filed to appropriate the public waters of the State of Idaho: 29-13155

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

Point(s) of Diversion:
NESWSW S34T08S
R37E

Point(s) of Diversion:
NWSESW S34T08S
R37E

Point(s) of Diversion:
SENWSW S34T08S
R37E

Point(s) of Diversion:
SWNESW S34T08S
R37E, BANNOCK
County

Source of SPRINGS,
Tributary to HARK-
NESS CREEK

Use: POWER 01/01 to
12/31 1 CFS
Total Diversion 1 CFS

Date Filed: 05/10/2001
Place of Use: POWER
T08S R37E S34
SWSW

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, Eastern Region, 900 N. Skyline Dr., Ste. A, Idaho Falls, ID 83402 together with a protest fee of \$25.00 for each application on or before June 25, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
June 7, 14, 2001
LN7380

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:

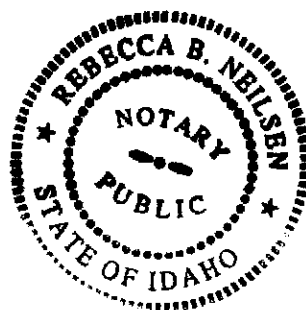
<u>JUNE 7</u>	, 2001	<u> </u>	, 2001
<u>JUNE 14</u>	, 2001	<u> </u>	, 2001
<u> </u>	, 2001	<u> </u>	, 2001
<u> </u>	, 2001	<u> </u>	, 2001

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 of advertisement and is a newspaper within the meaning of the laws of Idaho.

Karen Mason

STATE OF IDAHO
COUNTY OF BANNOCK

On this 14TH day of JUNE in the year of 2001, before me, a Notary Public, personally appeared KAREN MASON, 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 he executed the same.



Rebecca B. Nielsen
Notary Public for Idaho

Residing at POCATELLO

My commission expires: MAY 2002

MICROFILMED

OCT 9 2 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION
May 31, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Id Dept of Fish & Game
1345 Barton Rd
Pocatello ID 83204

RE: Applications for Permit #29-13155

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is June 25, 2001, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

MICROFILMED
OCT 6 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 31, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Arlin Olson
WATERMASTER #29
9443 E Merrick
Lava Hot Springs ID 83246

RE: Application for Permit #29-13155

Dear Arlin:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by June 25, 2001.

If you have any questions, please feel free to contact us. Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.

Handwritten:
OCT 8 2 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 30, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DEVERE TOVEY
80 N 4TH W
PRESTON ID 83263

RE: Application for Permit No 29-13155

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Idaho State Journal on June 7 and 14, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

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

Sincerely,


Harold W Jones
Water Right Supervisor

HWJ:sc

MAILED
JUN 1 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 30, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Legal Notice Department
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO ID 83204

RE: Application for Permit No. 29-13155 and 29-13167

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 June 25, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
5/30/01
se*

*Received
May 31, 2001*

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

29-13155

DEVERE TOVEY
80 N 4TH W
PRESTON ID 83263

Point(s) of Diversion: NESWSW S34T08S R37E

Point(s) of Diversion: NWSESW S34T08S R37E

Point(s) of Diversion: SENWSW S34T08S R37E

Point(s) of Diversion: SWNESW S34T08S R37E, BANNOCK County

Source SPRINGS, Tributary To HARKNESS CREEK

Use: POWER 01/01 To 12/31 1 CFS

Total Diversion: 1 CFS

Date Filed: 05/10/2001

Place Of Use: POWER

T08S R37E S34 SWSW

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KARL J DREHER, Director

Published on June 7 and 14, 2001

W. J. DREHER
JUN 12 2001