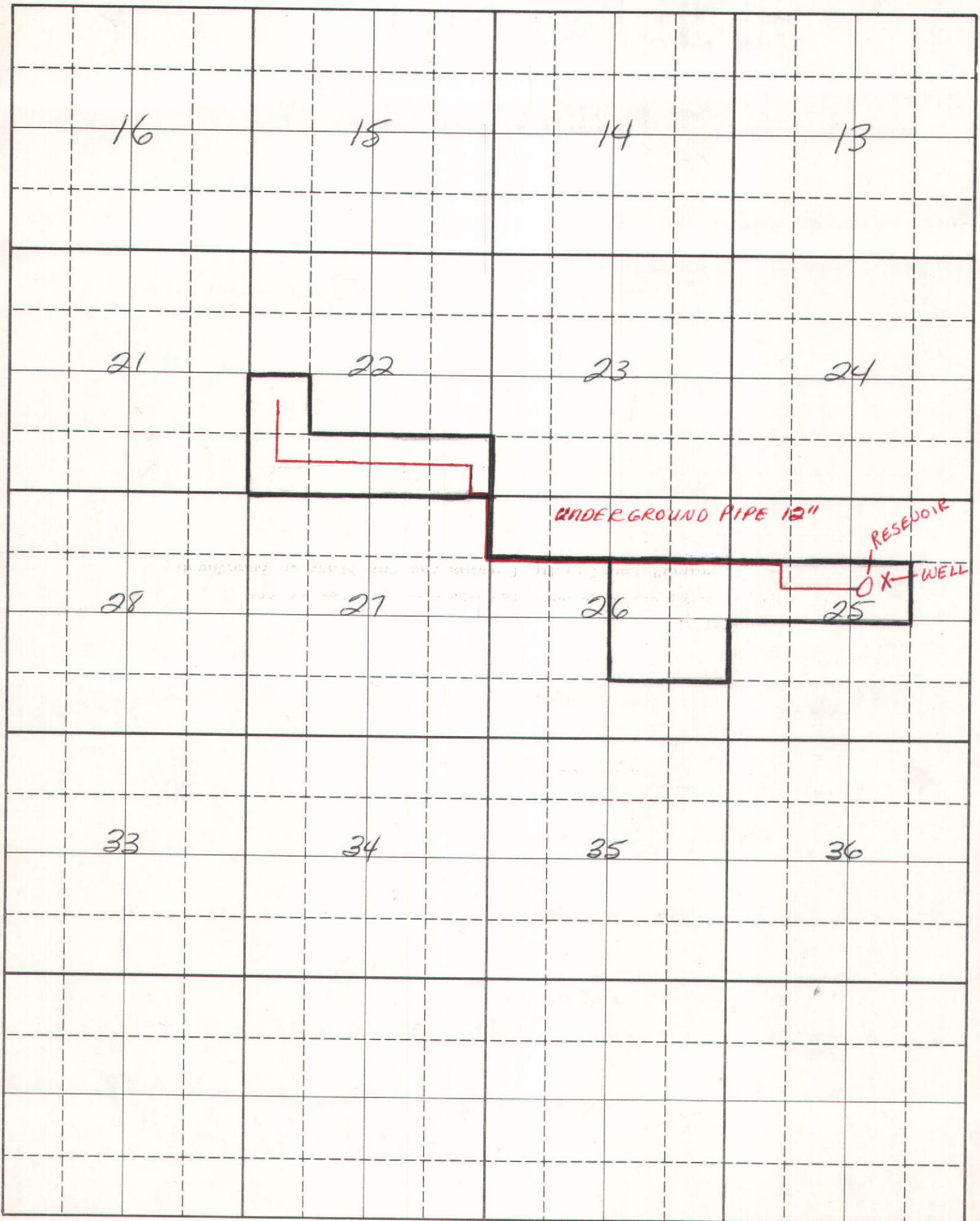


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

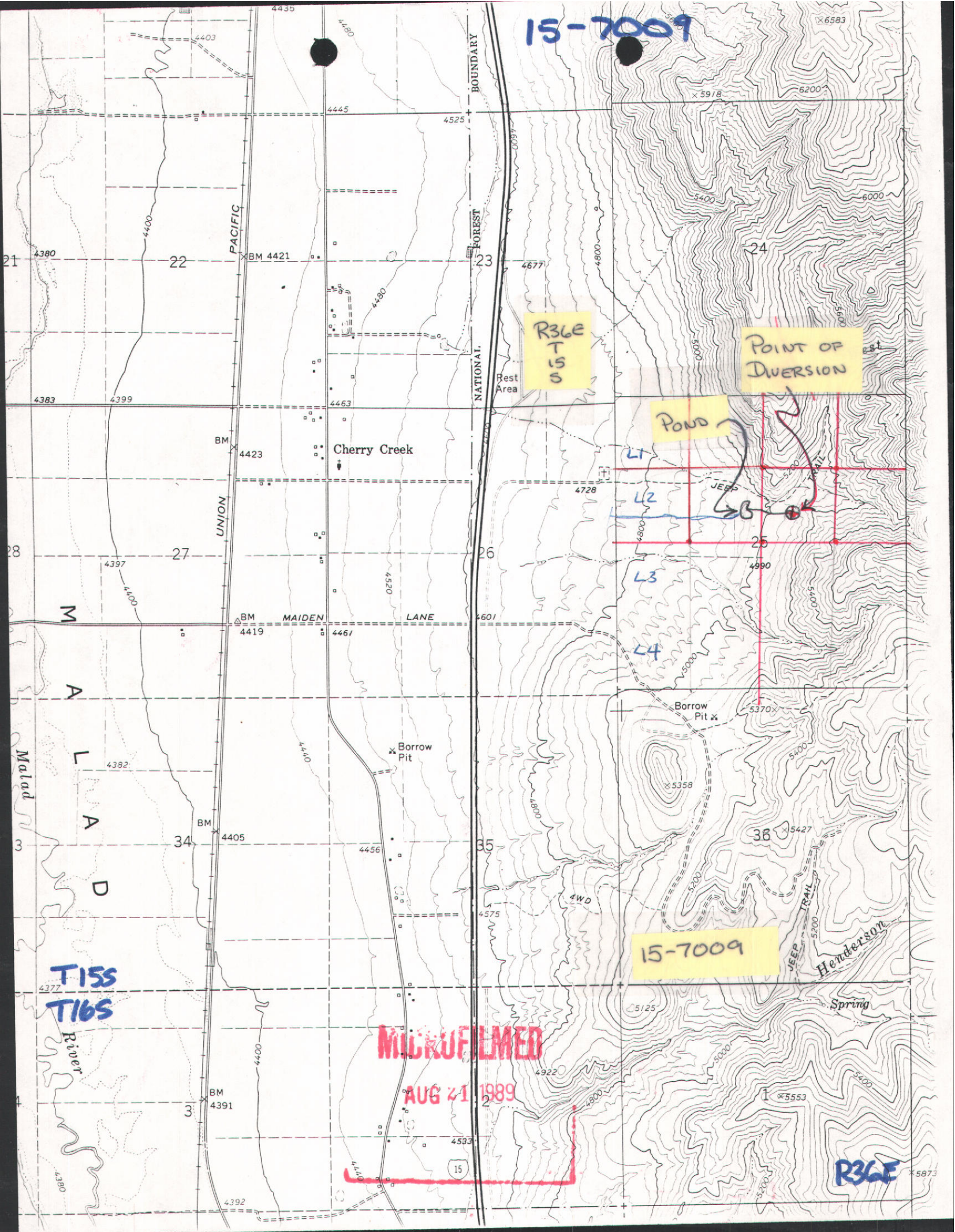


Scale: 2 inches equal 1 mile

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.

Dan J. Jorgensen
(Applicant)

15-7009



R36
T15
S

POINT OF
DIVERSION

Pond

L1

L2

L3

L4

JEEP

Borrow Pit

4WD

15-7009

T15S
T16S

MICROFILMED

AUG 21 1989

R36

ISS 36E

Sec. 26

Sec. 35

MICROFILMED

AUG 21 1989

1899

THIS PHOTO
1970

POND

P/O

(25)

R 36 E
T
15
S

15-7009

MICROFILMED

AUG 21 1989

15-7009

← source



← Point At which
Spring resurfaced.

15-7009

MICROFILMED

AUG 21 1989

15-7009



Spring channel



Storage Pond

15-7009
MICROFILMED
AUG 21 1989

15-7009



← 25kwt-3FF valve
to mainline below
pond.



← This pipe exits
just below the dam.

15-7009
MICROFILMED

AUG 21 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 15-07009

Priority: June 7, 1972

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.06 CFS
2.7 AF

This is to certify, that EUNICE W. TOVEY
271 W. 400 N.
MALAD, ID 83252

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated March 8, 1972; and
has submitted Proof of Beneficial Use on July 18, 1979. An examination indicates
that the works have a diversion capacity of .090 cfs of water from:

SPRING

tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.06 CFS	2.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSWNE , Sec. 25, Township 15S, Range 36E
ONEIDA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

15S 36E 25

SWNE

SWNW

SENW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The right to use water confirmed by this license is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

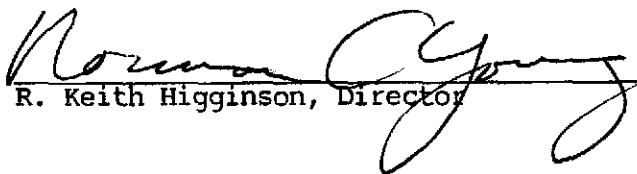
This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 8TH
day of AUGUST, 1989.

MICROFILMED

AUG 21 1989

Acting for

R. Keith Higginson, Director



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 15-7009)
IN THE NAME OF EUNICE W. TOVEY)
_____)

ORDER OF REINSTATEMENT

WHEREAS, on March 8, 1972, Dan Tovey filed with the Department of Water Resources an application for permit to appropriate 2.00 cubic feet per second of water from a groundwater source to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, Twp. 15S, Rge. 36E B.M., Oneida County, to be used for irrigation, stockwater, and domestic purposes; and,

WHEREAS, on May 17, 1972, the Department approved said application and issued Permit No. 15-7009 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before June 1, 1974; and,

WHEREAS, on May 29, 1974, the permit holder submitted a request for an extension of time and it was granted to June 1, 1976; and,

WHEREAS, on September 24, 1976, the permit holder assigned all right, title, and interest in and to Permit No. 15-7009 to Eunice W. Tovey; and,

WHEREAS, on September 24, 1976, the permit holder submitted a request for an extension of time and it was granted to June 1, 1979 with a reduction in priority to April 21, 1972; and,

WHEREAS, on March 30, 1979, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on June 14, 1979, the Department notified the permit holder that Permit No. 15-7009 had lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on July 18, 1979;

IT IS, THEREFORE, HEREBY ORDERED That Permit No. 15-7009 be REINSTATED and the priority advanced to June 7, 1972.

Dated this 7th day of November, 1979.

J. Glen Saxton
Chief, Operations Bureau

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 15-7009 }

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

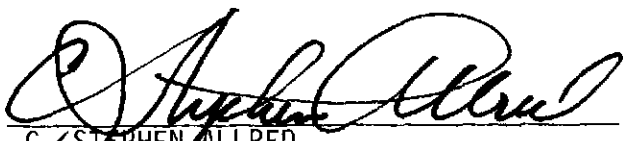
WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

MICROFILM

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

Representative of Daniel L. Tovey

I, Eunice W. Tovey, Personal/hereby assign to Eunice W. Tovey
of 271 West 400 North, Malad City, Idaho 83252
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 15-7009
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 9th day of September, 1976.

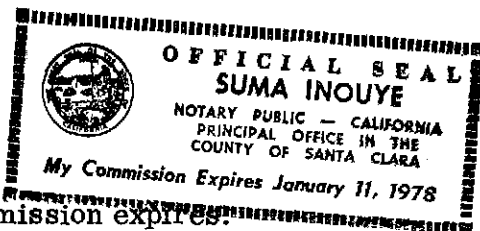
Permit Holder

+ Eunice W. Tovey
Spouse of Permit Holder
Eunice W. Tovey
Administratrix

State of ~~Idaho~~ California)
County of Santa Clara) ss.

On this 9th day of September, 1976, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that she (she) (they) executed the same.

seal



My commission expires:

Suma Inouye
Notary Public residing at
DRAWER 400
LOS ALTOS, CA 94022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 24 1976

APPLICATION FOR EXTENSION OF TIME

Department of Water Resources

State of ~~Idaho~~ California)
County of ~~Quincy~~ Santa Clara)

Permit No. 15-7009

Eunice W. Tovey of 271 West, 400 North, Malad City
(name) (address)

State of Idaho, being first duly sworn, upon ~~his~~ ^{her} oath deposes and says:

That ~~she~~ ^{he} is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 15-7009.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before June 1, 19 76.

That ~~she~~ ^{he} has heretofore performed the following work described under said permit:
Hired backhoe services \$336; Purchase of clay to seal reservoir, \$100; in-

stallation of six-inch pipe from earlier terminus to point nearer interstate;

Considerable unbilled labor by Mr. Tovey

Costing \$

That ~~she~~ ^{he} is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Delays and failure of State of Idaho Department of

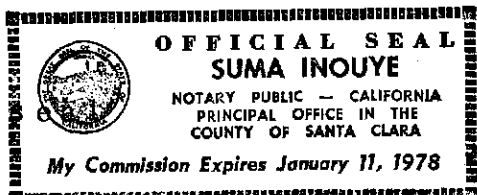
Highways to fulfill agreement to install pressurized pipe under Interstate

highway at Station 348+50, and death of permit holder on May 11, 1976

Wherefore, ~~she~~ ^{he} asks that the Department of Water Resources extend the time for the completion of obligations under said permit to June 1, 19 79.

X Eunice W. Tovey
(signature) *

Subscribed and sworn before me this 9th day of September, 19 76.



Suma Inouye
Notary Public residing at DRAWER 400
LOS ALTOS, CA 94022

My commission expires

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED pursuant to Idaho Code, Section 42-204, as the applicant has been prevented from proceeding by a governmental agency. The time within which to submit proof of beneficial use is extended to June 1, 1979. IT IS FURTHER ORDERED that the permit be reinstated and the priority advanced to April 21, 1972, pursuant to Section 42-218a of the Idaho Code.
Witness my hand this 29 day of September, 19 76.

A. Kenneth Dunn
A. KENNETH DUNN
Administrator, Operations Division

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Resources, Statehouse, Boise, Idaho 83720.

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF EXTENDING THE PROOF DUE)
DATE IN CONNECTION WITH PERMIT NO. 15-7009) ORDER
IN THE NAME OF DAN TOVEY)

WHEREAS, on March 8, 1972, Dan Tovey applied to the Department of Water Administration for a permit to appropriate 2.00 cubic feet per second of water from a groundwater source within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, Twp. 15S, Rge. 36E, B.M., Oneida County, to be used for irrigation, stockwater, and domestic purposes; and,

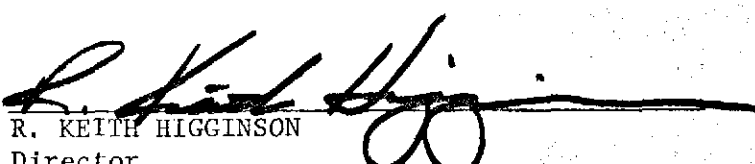
WHEREAS, on May 17, 1972, the Department approved said application and issued Permit No. 15-7009 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before June 1, 1974; and,

WHEREAS, on May 29, 1974, the permit holder submitted a request for an extension of time; and,

WHEREAS, it appears that under the circumstances the permit holder has been proceeding with reasonable diligence and has given good cause for delay;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use of water under Permit No. 15-7009 be extended to June 1, 1976.

Dated this 4 day of June, 1974.


R. KEITH HIGGINSON
Director

BDF:JG

15-7009

Identification No. 15 7009

Application No. _____

9/24/76
Mrs. E. J. Jorgensen
271 West 400 North
Malad City, Idaho

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Dan Tovey (phone number 766-2213, attorney)
post office address 271 West Fourth North, Malad City, Idaho 83252
2. Source of water supply Well which is a tributary of not applicable
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25 Township 15 S
Range 36 E B.M. Oneida County; additional points of diversion if any: None
- b. If water is not consumed, it will be discharged into resevpor at a point in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25 Township 15 Range 36 E B.M. Oneida County
4. Water will be used for the following purposes:
Amount 1.90 for irrigation purpose from March 1 to November 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .06 for livestock purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 for domestic purpose from January 1 to December 1 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 2.00 cubic feet per second and/or
b. 31.25 acre feet per annum.
6. Proposed diverting works: see letter 3-13-72
a. Description of ditches, flumes, pumps, headgates, etc. Water will be drawn from a Well and carried to a resevoir by a ditch from which it will be carried to point of use by under ground pipe and surface ditches.
b. Height of storage dam 8 feet, active reservoir capacity 1.2 acre feet; total reservoir capacity 1.4 acre feet, materials used in storage dam: dirt and gravel
Period of year during which storage will occur March 1 to November 1 inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 12 inches; proposed depth of well is 60 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is two years.
b. Estimated construction cost is \$ 1,500.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22 Township 15
Range 36 E B.M.
(2) Amount of power to be generated: None hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 200 head cows, bulls and calves
(4) Name of municipality to be served not applicable, or number of families to be supplied with domestic water two.
(5) If water is to be used for other purposes describe: None

Total number of acres to be irrigated 480

c. Describe any other water rights used for the same purposes as described above. springs now being

used for irrigation and stock purposes amounting to 30 miners inches. Well and electric pump now producing approximately 30 miners inches.

9. a. Who owns the property at the point of diversion Daniel L. and Eunice Jovey

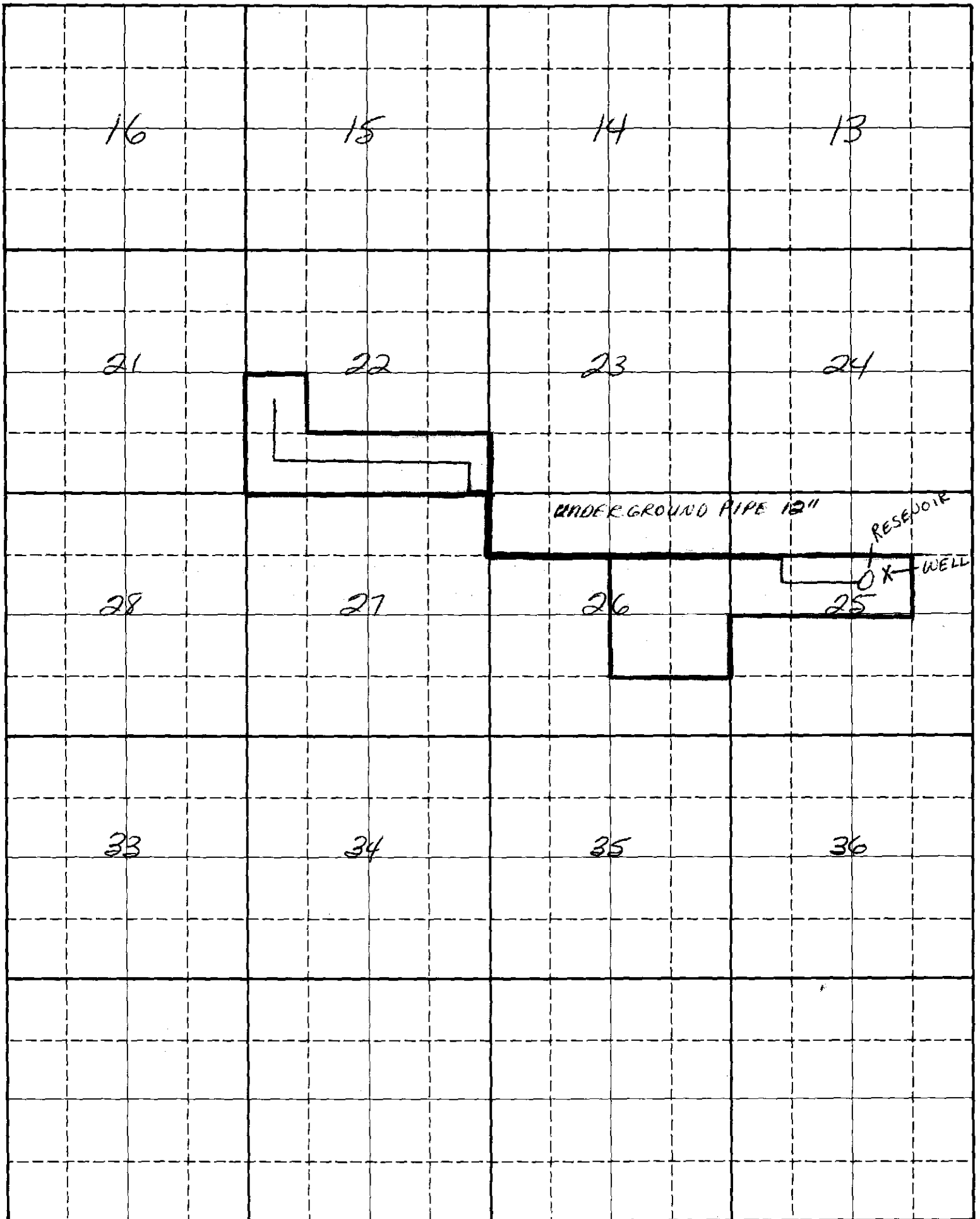
b. Who owns the land to be irrigated or place of use Daniel L. and Eunice Tovey

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

Not Applicable

10. Remarks The Well will be drilled approximately 200 feet slightly southeast from a spring developed by applicant and several other local farmers.

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



Scale: 2 inches equal 1 mile

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.

Dan J. Jorgensen
(Applicant)

Received by [Signature] Date 3-8-72 Time 10:30 A
Preliminary check by [Signature] Fee \$ 35.00
Receipted by [Signature] Date 3-8-72
Publication prepared by [Signature] Date 3-13-72
Published in Idaho Enterprise, Malad, ID
Publication dates 3-23&30-72
Publication approved at Date 4-19-72
Priority reduced to 3-8-72 Reason _____
Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by BDF OK

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 15-7009, and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 74.

c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 17 day of May, 19 72.

Director

[Signature]

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 15-7009 Name Dan Tovey

Source Groundwater

Point of Diversion SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 15S, R. 36E, B.M., Oneida County

Quantity 1.90 Use irrigation Period March 1 to Nov. 1

Quantity .06 Use livestock Period Jan. 1 to Dec. 31

Quantity .04 Use domestic Period Jan. 1 to Dec. 31

Well Size _____ Diameter 12 Proposed Depth 60 Feet

Use 480 acres for irrigation; two families for domestic and 200 head cows, bulls and calves

Date Forwarded 3-23-72 Date Returned 3-23-72 Received by SL

COMMENTS: With the exception of 1971 water levels have shown steady increases for last four years.

RECOMMENDED:

Applied: Qty. _____ Use _____ Period _____ AF/A _____ AF _____

Qty. _____ Use _____ Period _____ AF/A _____ AF _____

Qty. _____ Use _____ Period _____ AF/A _____ AF _____

Maximum: Qty. _____ Use _____ Period _____ AF/A _____ AF _____

Qty. _____ Use _____ Period _____ AF/A _____ AF _____

Qty. _____ Use _____ Period _____ AF/A _____ AF _____

ACTION: Approved ☒ Denied _____

Conditions of approval or reason for denial: _____

INVESTIGATION By Paul M. Castelin Title W.R.I. - I

Date Mar 23, 1972

15 7009

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No.	15-7009	Name	Dan Tovey
Source	Ground Water		
Point of Diversion	SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 15S, R. 36E, B.M., Oneida County		
Quantity	2.0 cfs	Use	irrigation
		Period	March 1 to Nov. 1
Quantity	.06 cfs	Use	livestock
		Period	Jan. 1 to Dec. 31
Quantity	.04 cfs	Use	domestic
		Period	Jan. 1 to Dec. 31
Well Size		Diameter	
		Proposed Depth	
Feet			
Use	The irrigation of 480 acres, stockwater for 200 head livestock, domestic purposes for two families.		
Date Forwarded		Date Returned	
		Received by	

COMMENTS: Application requests 2.0 c.f.s. diversion rate but only 31.25 A.F./yr volume. I believe the 31.25 A.F./yr to be an error, have crossed it out and notified applicant. This appears to be an artesian aquifer. Some water level declines have been noted. Drilling this well near an existing spring as indicated on the application may result in reducing the flow from the springs.

RECOMMENDED:

Applied: Qty.	1.90cfs	Use	irrig.	Period	4/1-11/1	AF/A	0.85	AF	815	
	Qty.	0.06 cfs	Use	stock	Period	1/1-12/31	AF/A	----	AF	4
	Qty.	0.04 cfs	Use	domestic	Period	1/1-12/31	AF/A	----	AF	2
Maximum: Qty.	9.60 cfs	Use	irrig.	Period	4/1-11/31	AF/A	3.5	AF	3360	
	Qty.	0.06 cfs	Use	stock	Period	1/1-12/31	AF/A	---	AF	4
	Qty.	0.06 cfs	Use	domestic	Period	1/1-12/31	AF/A	---	AF	2

ACTION: Approved ☒ Denied ☐

Conditions of approval or reason for denial: Acceptance of reduced irrigation season or written justification of the longer one requested (letter written). Well should be located as far as practical from existing springs and wells.

By Norman C. Young
NORMAN C. YOUNG

Title District Engineer

Date 3-13-72

RECEIVED

APR 22 1972

Department of Water Administration
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Dan Tovey, 271 West Fourth North, Malad City, Idaho has on 3-8-72 submitted Application No. 15-7009 for a permit to appropriate 20 cubic feet per second of water from a ground-water source by means of well and pump within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 15S, R. 36E, B.M., Oneida County; to be used from Jan. 1 to Dec. 31 for domestic purposes for two families, and stockwater purposes for 200 head of livestock, and from March 1 to Nov. 1 for the irrigation of 480 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 25; S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 26; W $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 22, T. 15S, R. 36E, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of this permit must be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401, on or before April 10, 1972.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad City, Idaho on March 23 and 30, 1972.

Affidavit of Publication

State of Idaho
County of Oneida, ss,

Norma Champney being first duly sworn on her oath, states: That she is *clerk*

of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for ... successive weekly issues thereof the date of the first publication being the *23* day of *March*, 19*72* the date of the last publication being the *30* day of *March*, 19*72*

Norma Champney

Subscribed and sworn to before me this *6* day of

April, 19*72*
H. D. Taylor

Notary Public, residing at Malad, Idaho

My Commission expires the *10* day of *Oct*, 19*73*.

Costs: *38* lines at *23*¢ per line first insertion \$*8.74*

..... lines tabulated at 20¢ per line \$.....

15¢ per line each subsequent insertion \$*5.50*

TOTAL \$*14.24*

(Rates for legal notices are fixed by Idaho law)

15 7009

August 9, 1989

EUNICE W. TOVEY
271 W. 400 N.
MALAD, ID 83252

RE: PERMIT NO. 15-07009

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

AUG 21 1989

March 20, 1989

EUNICE W. TOVEY
271 W. 400 N.
MALAD, ID 83252

RE: PERMIT NO. 15-07009

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED
AUG 21 1989

MEMORANDUM

TO:FILE #15-7009

FROM:ROXANNE MCCARTHY

RE: POINT OF DIVERSION/CHANGE OF SOURCE

DATE: 5-DEC-1988

=====

THIS APPLICATION WAS FILED FOR GROUNDWATER IN 1972.

PROOF OF BENEFICIAL USE WAS ACCEPTED IN 1979. THE LETTER
ACCEPTED AS PROOF LISTED THE SOURCE AS "CHERRY CREEK STREAM".

THE FIELD EXAMINATION WAS CONDUCTED IN 1987 AND FOUND THE
SOURCE TO BE A SPRING.

THE DEPARTMENT DID AT ONE TIME ALLOW CHANGES IN THE SOURCE TO
BE MADE DURING THE REVIEW PROCESS. WE DID ACCEPT PROOF OF
BENEFICIAL USE NINE YEARS AGO THAT CLEARLY INDICATED THE USE
OF SURFACE WATER, NOT GROUNDWATER. IN LIGHT OF THESE
CONSIDERATIONS, I RECOMMEND THAT "SPRING" BE LISTED AS THE
SOURCE FOR THIS PERMIT AND SUBSEQUENT LICENSE.

MICROFILMED

AUG 21 1989

POD OVERLAP REV

WR-NUMBER	TWP	RNG	SC	TRACT	LT	#SOURCE	#NAME
				1\4 1\4 1\4			
1507009	15S	36E	25	SW NE		GROUNDWATER	TOVEY, DAN

MICROFILMED

AUG 21 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

15-7009
Permit No.

TOVEY
ESU 2/9/87

RECEIVED

NOV 02 1987

Department of Water Resources

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index HWS 4-6-87 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index HWS 4-6-87 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

Required? ☒ yes ☐ no If yes: ☒ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed R.L. 8-13-87 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent KLD 8/26/87 (Initial and date)

Exam Reviewed by Manager of Regional Office SM 10-5-87 (Initial and date)

Exam Date Entered in Computer _____ (Initial and date)

Exam sent to State Office _____ (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

WATER RIGHT BENEFICIAL USE FIELD REPORT

CONTACT WITH PERMIT HOLDER

- ☐ Appointment letter mailed:
- ☐ Telephone call made
- ☐ (List Telephone No. used)
- ☐ Appointment scheduled for:
- (Date, time, location)

DIRECTIONS:

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 15-7009

1. Owner: EUNICE Tovey Estate Phone No. (415) 941-5489

Current Address: 304 Spagnoli Court Los Altos California 94022

2. Accompanied by: Lois Bethers EXAM. DATE: 8-13-87

Address: same as above Phone No. _____

Relationship to Permit Holder: Daughter

3. Source: Spring tributary to _____

B. OVERLAP REVIEW

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

☐ Copies Attached

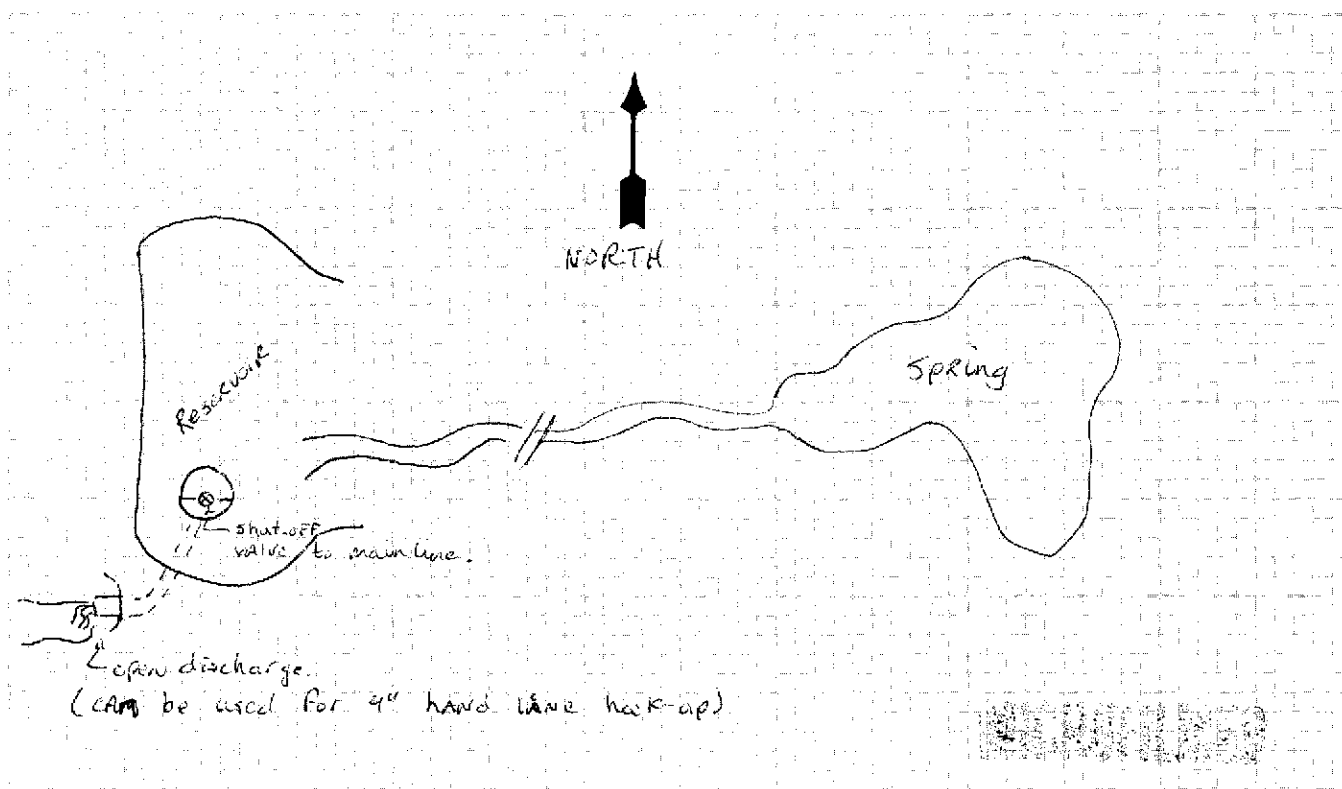
2. Other water rights with same point of diversion: N/A

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1\"/>

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached

(required for irrigation of 10 acres or more).

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Bucket					2.5 gall.	
Stopwatch						

2. Measurements:

The spring filled a 2.5 gallon bucket in 3.5 sec., 3.5 sec., and 3.7 sec. Average seconds = 3.57
 Inflow 2.5 gall / 3.57 seconds.
 I measured outflow through a 4" pipe line at the base of dam at 2.5 gall in 3.5 sec, 3.5 seconds.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$Q = \frac{2.5 \text{ gall} / 60 \text{ sec.}}{3.57 \text{ sec.} / 1 \text{ min.}} \left(\frac{1 \text{ min.}}{148.8 \text{ gall}} \right) \left(\frac{\text{ft}^3}{\text{sec.}} \right) = 0.09 \text{ ft}^3/\text{sec.}$$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N / _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

$$V = (103 \text{ cfs}) \left(\frac{12 \text{ gal}}{\text{day}} \right) \left(\frac{365 \text{ day}}{\text{year}} \right) \left(\frac{\text{Ac} \cdot \text{ft}}{325,950 \text{ gal}} \right) = 1.38 \text{ A.F.A. AUG 21 06}$$

Allow 200 as Permitted = 2.7 afa

INTER-DEPARTMENT MEMO — 1

DATE 8-24-37

FROM Richard Levon

TO I. O. W. R. (Eastern)

SUBJECT

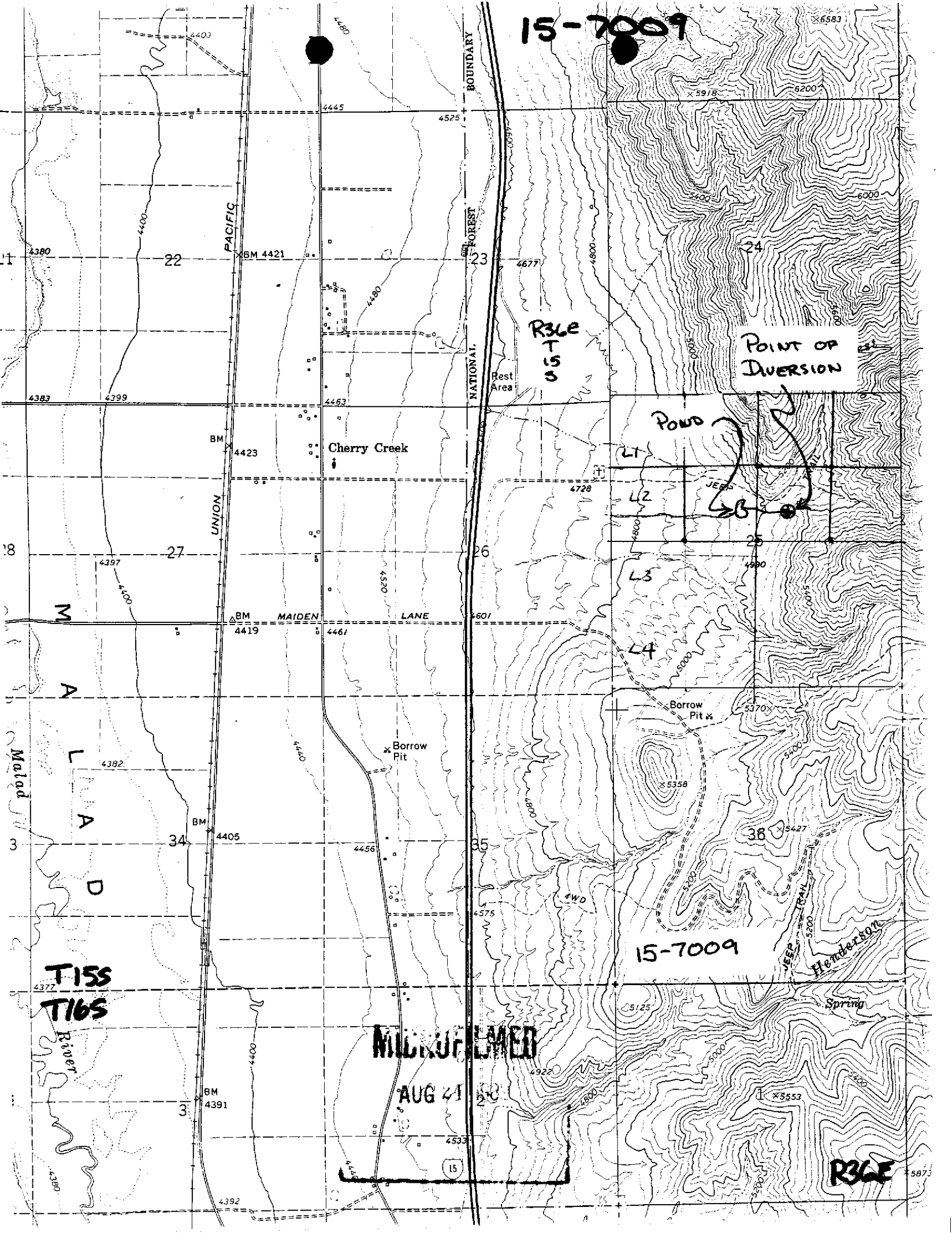
Lois Bethers called in after exam was done and told Celen that when she got back to California she was going to submit proof for additional water up to 2.00 c.f.s. so she could have right to all the water that is flowing out of spring. Spring is only being used for stockwater and nothing more. Also it is only flowing at 0.09 c.f.s., I explained this to Lois and told her at the most she would only be entitled to 0.06 c.f.s. for stockwater as per permit. Her father was killed while constructing the pond, and she feels that after having all this work done —————
that she should have right to all of the water in spring. (over)

SIGNATURE

I recommend permit amount of 0.06 C.F.S. for 103 cows
and no more. I talked with her about all of this
so she should have known better than to try and
prowl up on 2.00 C.F.S. If you have any more
questions call me at home 232-7752.

Richard Leonard

15-7009



BOUNDARY
FOREST
NATIONAL

PACIFIC

UNION

R36
T15
S

Point of
DIVERSION

Pond

L1

L2

L3

L4

JEEP

Borrow Pit

Borrow Pit

15-7009

Henderson

Spring

MICROFILMED

AUG 41 1963

R36

T15S
T16S

Malad River

15-7009

133 36E

See 23

RECEIVED
JAN 10 1966

100-100000

+000 +020

1899

THIS PHOTO
1970

POND

P/O

25

R 36E
T
15
S

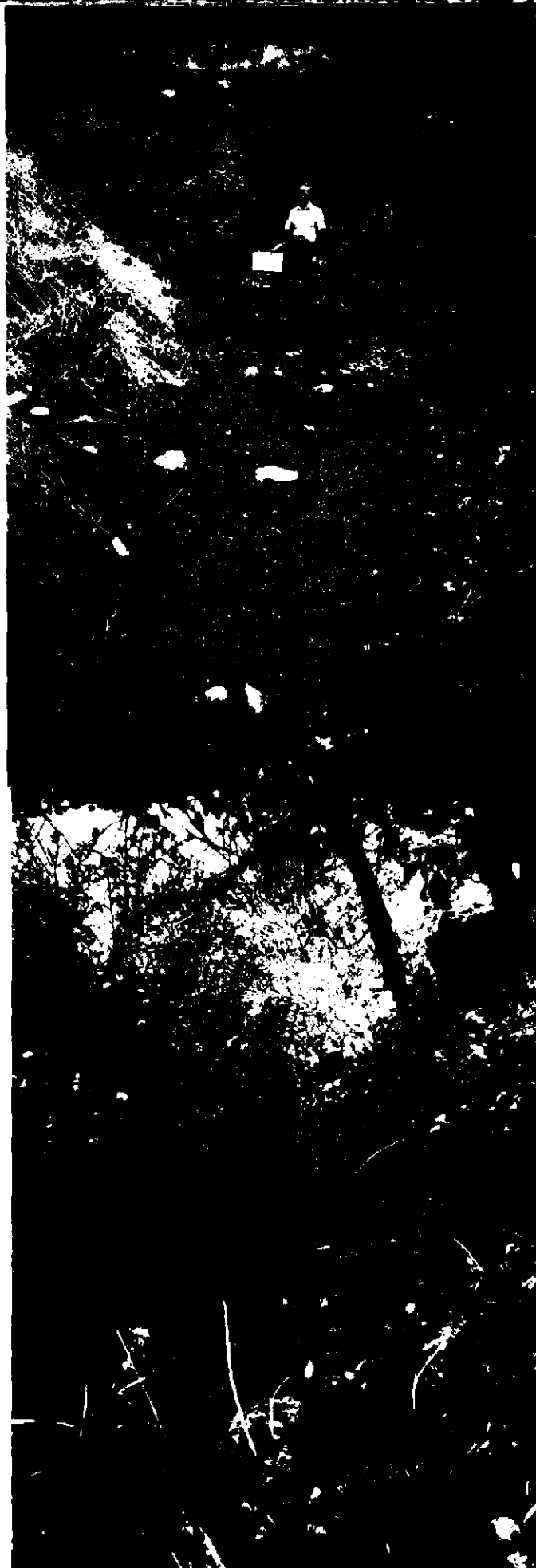
15-7009

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NOV 21 1989

15-7009

← source



← Point At which
Spring resurfaced.

15-7009

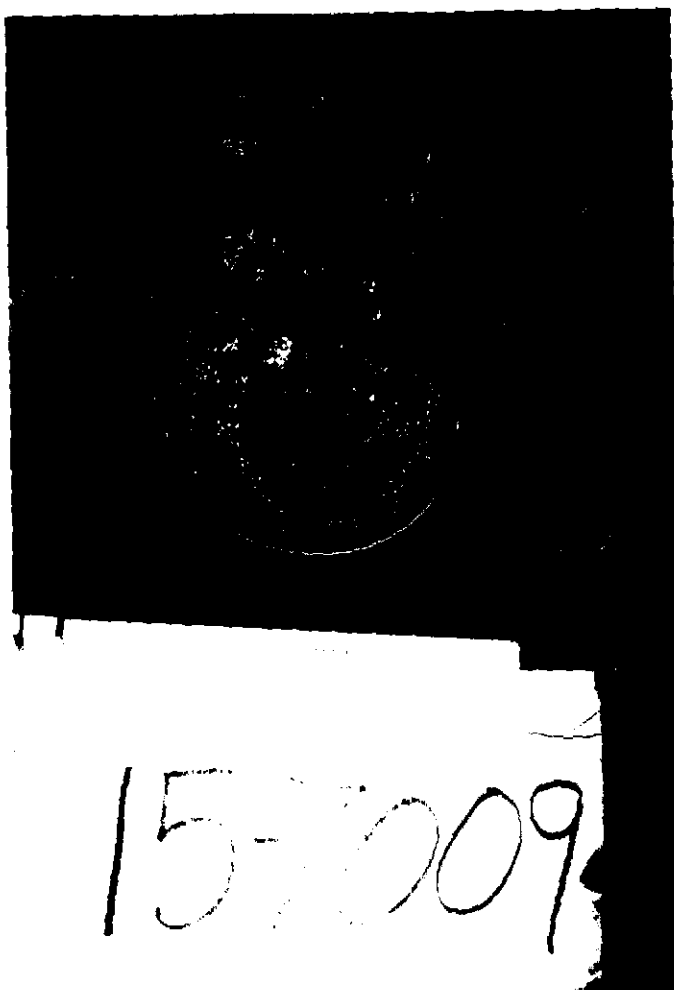
MICROFILMED

AUG 21 1989

15-7009



Spring channel



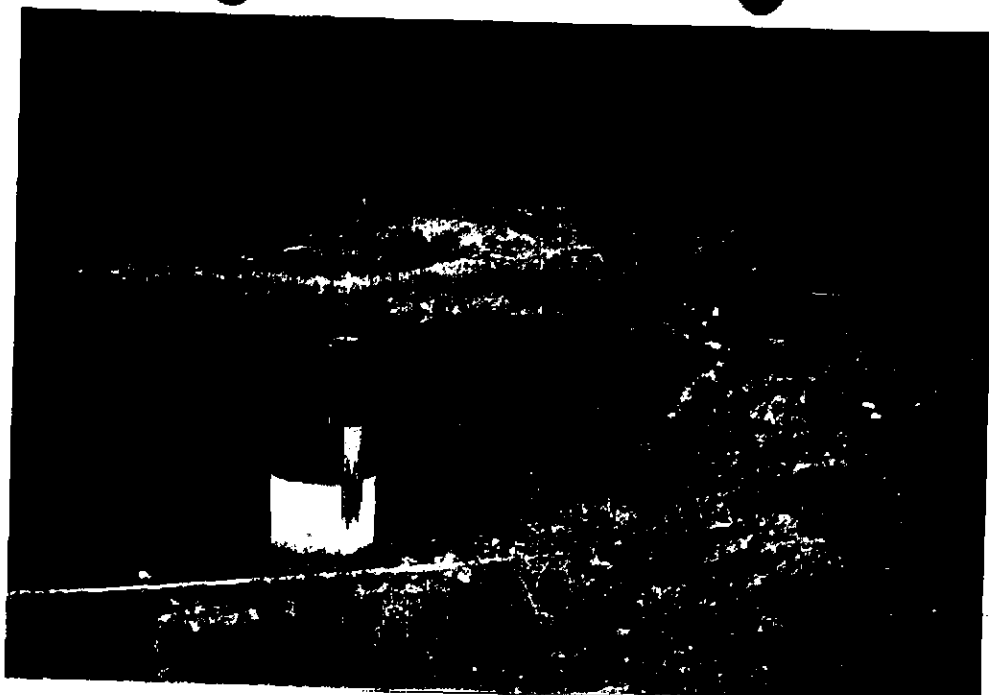
15-7009



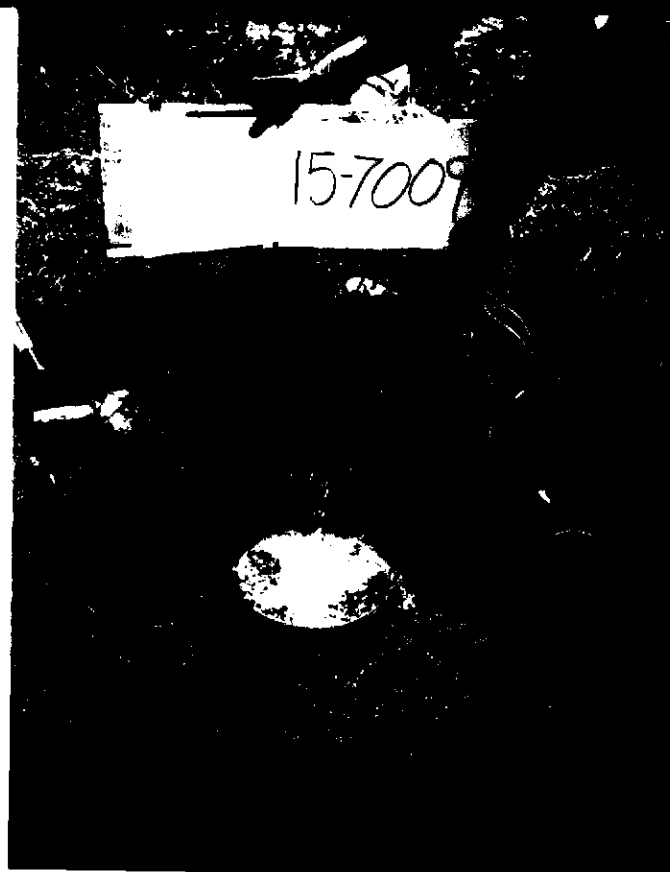
Storage Pond

15-7009
MICROFILMED
AUG 21 1989

15-7009



← 25kwh-off valve
to main line below
pond.



15-7009

← This pipe exits
just below the dam.

15-7009
AUG 21 1989

4/86

RECEIVED

FEB 6 1987

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received 100.00
Date _____
Receipt # _____
Receipt by _____
Sent to S.O. _____

RECEIVED

FEB 27 1987

1. Permit No. 15-7009

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE of Department of Water Resources

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Dan Tovey Estate % Lois T. Bethers

3. Post Office Address: 304 Spagnoli Court; Los Altos, CA 94022

Telephone No. 415-941-5489

4. Source of Water: Underground spring - Cherry Creek Canyon, Oneida County

5. Extent of Use:

Domestic _____ (No. of households) 200 Stockwater cattle (No. and type of stock)

Irrigation _____ (acres) Other/Remark Please refer to our telephone conversation of today. A subsequent call to Ralph Hansen in the Oneida County ASCS confirmed the cfs 0 - 0.04 and that the field examination be done by the State.

6. Total rate &/or volume for which proof is submitted 0 - 0.04 cfs 0 acre-feet

7. Show the date water was first diverted and beneficially used under this permit:
1972

8. Person to contact to accompany the department representative during the field examination:

Lois T. Bethers, 304 Spagnoli Court, Los Altos, CA 94022, 415-941-5489
(Name)

It is requested that the examination be done towards the end of the summer and that I be contacted so that I can be present when the field examination is done.

(Address)

(Telephone Number)

☒ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that _____ been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Feb. 2, 1987 1989
Date

Lois T. Bethers, Administrator
Signature of Permit Holder (and title, if appropriate)

Daniel L. Tovey Estate

copy retained



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

DEC 10 1986

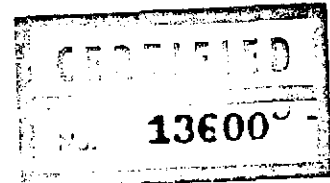
150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

Department of Water Resources

15-7009
TOVEY, EUNICE W.
271 W. 400 N.
MALAD, ID 83252

December 8, 1986

EXAMINATION FEE NOTICE



Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this Department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the Department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the Department, but you must within sixty (60) days of the date of this letter return to the Department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the Department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the Department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water right examiners will be available from this Department when examiners have been certified.

MICROFILMED

AUG 21 1989

If your permitted use, in fact, has already been examined by the Department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the Department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

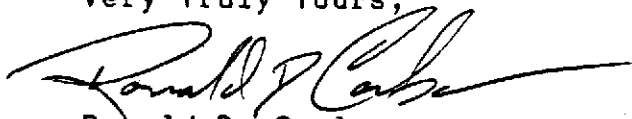
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following Department office:

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83401
Phone: 525-7161

Very Truly Yours,



Ronald D. Carlson
Eastern Regional Manager

Enclosures

MICROFILMED

606 21 0589

IDENT. NO. 15-7009

WATER RIGHT
DATA ENTRY LOG[illegible]



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

November 21, 1979

RE: Permit No. 15-7009

Dan Tovey
304 Spagnoli Court
Los Altos, CA 94022

Dear Mr. Tovey:

Enclosed is a copy of the order reinstating your permit and advancing the priority date to June 7, 1972.

We acknowledge receipt of the proof of beneficial use card submitted for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

JACKIE S. DENNING
Senior Clerk

cc: IDWR - State Office

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM

Jan

TO

Tony

SUBJECT

Exam for 15-7009

DATE

11/2/19

MICROFILMED

Here is Mrs. Boey's proof cad. They requested removal of m. d. reg. also, but I thought we would wait until after the exam to see if it's possible. On this proof she does say groundwater, however in her letter she states unn. stream & on a previously submitted proof she said natural spring.
(sent back) Please check for m. d. exam

SIGNATURE

October 1, 1979

Boyd Josephson
977 S. Main
Garland, UT 84312

Re: Permit No. 15-7009

Dear Mr. Josephson,

We are trying to clear up a problem concerning the above referenced permit and have been given your name as leasing the property from Eunice Tovey of Los Altos, CA.

This permit was originally for water from a well to irrigate 480 acres of land. A copy is enclosed for your review. Mrs. Tovey filed for an extension of time for her proof of beneficial use due date, however, two extensions had already been granted. Therefore, she was to submit proof of beneficial use on that portion of the project completed.

We need to know if this water is from a well or a surface water source, how many acres are being irrigated and what other uses the water is being put to. If we can get this information then we can have Mrs. Tovey amend the permit to correspond with these uses, her proof can be accepted and the permit remain in good standing.

Any information you might have on this would be greatly appreciated as soon as possible. If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:pb

DEPARTMENT OF WATER RESOURCES

The (State) Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 15-2009

Name(s) of Permit Holder: Dan Tovey (Eunice W. Tovey)

Post Office Address: 304 Spagnoli Court
Los Altos, California 94022

Source of Water: ground water

Extent of Use: ☐ Domestic (number of households)

* ☐ Stockwater (number and type of stock)

* ☒ Irrigation 200 (acres)

* ☐ Other ☐ See previously submitted letter

Measuring Device: ☒ Required? ☐ Yes ☐ No ☐ Installed? ☐ Yes ☐ No ☐ Requested

Access Port: ☒ Required? ☐ Yes ☐ No ☐ Submitted? ☐ Yes ☐ No ☐ Renewal

The above information is a true statement of the extent to which the above numbered permit has been developed.

Aug. 19, 1979
Date

[Signature]
Signature of Permit Holder

Eunice W. Tovey

304 Spagnoli Court

Los Altos, California 94022



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

August 9, 1979

Re: Permit No. 15-7009

Eugice W. Tovey
304 Spagnoli Court
Los Altos, CA 94022

Dear Mrs. Tovey:

We have received your request for an extension of time for the above referenced permit.

However, we cannot grant this extension in accordance with Section 42-204, Idaho Code, which states that only one extension of time can be granted unless you are prevented from proceeding by litigation or a governmental agency. You have had one extension plus an additional one due to delay by the Department of Highways.

We can still accept proof on that portion of the permit you have completed. However, on your proof affidavit you state the source as being a natural spring. This permit is for use of water from a well. We are enclosing a copy of this permit for your records. If water is being used for any of the uses as listed in the permit, please submit the enclosed postcard stating such uses. This postcard should be submitted within 15 days from the date of this letter.

If, however, the water is not being used for the purposes outlined in the permit, then a new application for permit must be filed at the time you plan to use the water.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG;rr

MICROFILMED

RECEIVED

JUL 18 1979

304 Spagnoli Court

Los Altos, California 94022 Department of Water Resources

July 11, 1979

State of Idaho
Department of Water Resources
State Office
373 W. Franklin Street
Boise, Idaho
Attn: Mrs. Rita Fleck

Dear Mrs. Fleck:

Pursuant to our conversation today, this letter represents a request for an extension of time for Water Permit No. 15-7009. Would you please remove the measuring device condition in lieu of the installation of an access port or other device to provide for the installation of measuring equipment by the Department.

The following work has been done to put the water to beneficial use:

A reservoir located approximately 1/4 mile from the stream has been dug again and clay has been laid on the surface to make it retain water. This has been done to collect the water from the stream to irrigate the 200 acres immediately below the stream.

In 1971 or thereabouts a backhoe was taken to the area of the stream and work was done to bring more water to the surface. At that time the sides of the embankment began crumbling and caving in and it was apparent that supporting structures needed to be created to secure the banks.

At the time the new interstate highway was being built, Dan Tovey was able to obtain permission from the State to install culverts which would handle the water from the spring which would be used in diverting the water to our lower ranch three to four miles away. Permission was also obtained from the County Commissioners to run pipe along the old highway to our ranch. This in turn would permit the water to be turned into existing channels and ponds to be used to irrigate the entire ranch.

It was anticipated that the stream would provide the water for a summer home to be built near the site of the stream. At the time of his death, Dan Tovey was clearing trees and brush and undergrowth.

Several hives of bees have been brought in and the bees use the water from the stream.

NOT FILMED

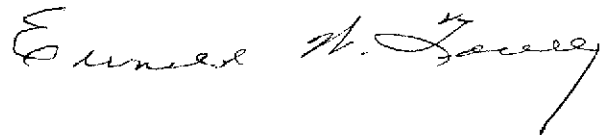
A subterranean pipe has been laid along the fence line near the road leading to the grove of trees where the spring is located. This pipe has been used to bring the waters of the Cherry Creek stream to sprinkle the land below the spring. If an extension of time were permitted and financing could be secured, a pipe connecting either the spring directly or from the resevoir could bring the water from the spring to sprinkle this area.

Because of the wide-spread area of the ranch, completing the project to obtain maximum use of the stream has been costly, time consuming and alot of work. It has not been a simple matter of digging a well. Several factors have brought about unavoidable delays and curtailment: the death of Dan Tovey, the subsequent theft of \$7,000 worth of pipe from the ranch, leasing the ranch and consequently having less working capitol, the difficulty of trying to operate the farm from long distance (Eunice W. Tovey, for health reasons is residing with a daughter in Los Altos, California---your letter notifying her of the time limitation was not received until the very end of May then was mislaid until July; the drought has made it impossible for any expenditure of money on the project. Application for a disaster loan has been made; the leasor was involved in an accident was was not able to water at crucial times last summer and there was little yield last year and no money for the project.

If it is not possible to grant an extension of time, please accept the inclosed Proof of Application of Water to Beneficial Use and this letter to establish the fact that the stream has been put to beneficial use to the best of our ability considering the problems we have faced. It will continue to be improved upon until the entire plan as originally conceived has been effected.

Very truly yours,

Eunice W. Tovey

A handwritten signature in cursive script, appearing to read "Eunice W. Tovey", with a long, sweeping flourish extending from the end of the name.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
**PROOF OF APPLICATION
OF WATER TO BENEFICIAL USE**

RECEIVED

JUL 18 1979

Department of Water Resources

Eunice W. Tovey for

1. a) Name of permit holder Daniel L. Tovey (deceased)

b) Post office address 304 Spagnoli Court Los Altos, California 94022

2. Permit number 15-7009

3. Date of priority that you are prepared to establish *August 14, 1979

4. a) Source from which water was appropriated Natural spring

b) Location of the point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25

Township 15S, Range 36E Boise Meridian. Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)

Amount _____ for _____ purposes from _____ to _____ incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)

b) Total amount appropriated _____ cfs and/or acre-feet per annum.
Request removal of measuring device condition in lieu of access port or other device

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement:
Measurement of rate of flow or amount of storage is to be determined at the
time of inspection.

6. If the means of diversion and conveyance are owned by someone other than the permit holder: No

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

It is anticipated that pipes will be laid and will convey the water to a resevoir
1/4 mile away. This in turn would irrigate the 200 acres immediately below the spr.
spring.

b) Describe the agreement of understanding by which you take water from the works:

Since no one else uses the water, the water would flow continuously from
the spring through the pipes into the resevoir to be stored until it is used
to sprinkle the land in the area immediately below and to the side of the
spring.

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch):

Request removal of measuring device condition in lieu of access port or other
device.

b) Describe the provision for making a measurement which you have at your point of diversion:
(i.e., installed measuring device, access port, other)

MICROFILMED

Boyd Josephson, Tremonton, Utah On or about August 14, 1979

Serves to water bees.

by August 14, 1979.

[illegible]

10. Remarks:	See accompanying letter	Total number of acres irrigated
--------------	-------------------------	---------------------------------

July 11, 1979

(Signature)

Not notarized per conversation with Mrs. Fleck

State of

County of

On this _____ day of _____, 19____, personally appeared before me the
 _____, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public
Residing at _____

My commission expires



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

June 14, 1979

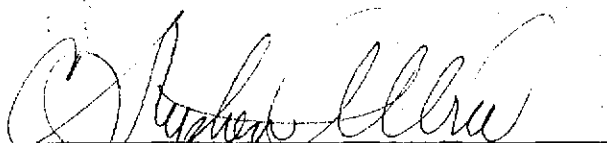
Eunice W. Tovey
271 West 400 North
Malad City, ID 83252

Dear Ms. Tovey:

Re: Permit No. 15-7009

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 15-7009 has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided forms for that purpose in our notice to you dated March 30, 1979.

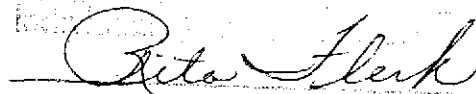
Your permit cannot be reinstated unless you submit the proof of beneficial use affidavit, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.


C. STEPHEN ALLRED
Director

CSA:jfr

Encl.

CERTIFICATION OF MAILING
I hereby certify that this document was mailed to the addressee on 6/13/79



MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

CERTIFIED MAIL

March 30, 1979

Re: Permit No. 15-7009

100719

Eunice W. Tovey
271 West 400 North
Malad, City, ID 83252

Dear Ms. Tovey:

One of the conditions of approval of your water Permit No. 15-7009 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 1, 1979. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise, the permit will lapse and be of no further force or effect.


RITA FLECK
Water Rights

Encl: Proof affidavit

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

NOV 22 1979

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition should be less restrictive and provide more flexibility to you in the development of your water right system. The specifications related to the size and location of the access port will be available upon request from the Department, as soon as the Department's measuring equipment is obtained.

If you have questions regarding this matter, please contact this office or our regional offices.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:JG:kw

Enclosure

RECEIVED

September 30, 1976

Re: Permit No. 15-7009

Mrs. Eunice W. Tovey
271 West 400 North
Malad City, Idaho 83252

Dear Mrs. Tovey:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records have been changed.

Enclosed is a copy of the approved application for extension of time. The time within which to submit proof of beneficial use of water has been extended to June 1, 1979. Please note that the permit has been reinstated also and the priority has been advanced to April 12, 1972.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JFR

Enclosure

RECEIVED

SEP 24 1976

Department of Water Resources

304 Spagnoli Court
Los Altos, Calif 94022
September 9, 1976

Mr. Bobby D. Fleenor
Chief, Water Rights
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Mr. Fleenor:

Re: Permit No. 157009

Enclosed is an application for an extension of time to complete the development for Mrs. Eunice W. Tovey, widow of the original applicant, Mr. Daniel L. Tovey.

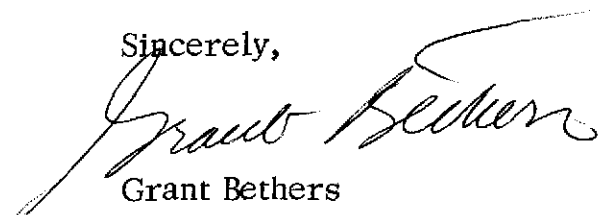
In accordance with the instructions of your letter to me dated June 7, 1976, an assignment form to transfer the permit from Mr. Tovey to Mrs. Tovey is also enclosed. I hope this has been drawn correctly.

Mrs. Tovey, my wife's Mother, will be staying with us for a period and has instructed the Malad Post Office to forward her mail to the above address. Accordingly, we will appreciate your further instructions and/or notification of action taken being sent here.

In the haste of leaving Malad earlier this week we did not measure the distance additional pipe has been installed. The Soil Conservation Service may place the project on a matching basis for its 1978 budget, and, if so, there might be tight timing for the work to be completed in 1978, hence the longer extension requested.

Thank you for your consideration in this matter.

Sincerely,


Grant Bethers

Encls

July 23, 1976

Re: Permit No. 15-7009 - Dan Tovey

Mrs. Dan Tovey
271 W. 4th N.
Malad, Idaho 83252

Dear Mrs. Tovey:

Pursuant to your letter of July 12th, enclosed is an application for extension of time for your use in connection with the above referenced permit.

In order to be considered, the extension request must be returned to this office no later than September 10, 1976. If we may be of assistance in this matter, please let us know.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure

State of Idaho
Dept. of Water Resources
Gentlemen;

July 12 1976
RECEIVED

JUL 15 1976

Department of Water Resources

I received your letter that under
the provision of Section 42-218a of
the Idaho Code, Permit No 15-7004
has lapsed.

I am very sorry. My husband
was killed May 11, 1976 when his
tractor tipped over on him. He
always took care of everything &
we miss him very much.

Is there anything that I can
to save it? I don't have ^{the} notice
There were so many here, I didn't
know it was due.

Thanks if you can help me.

Yours truly

Mrs. Dan Young
271 St. 400 N.
Malad, Idaho

83252



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

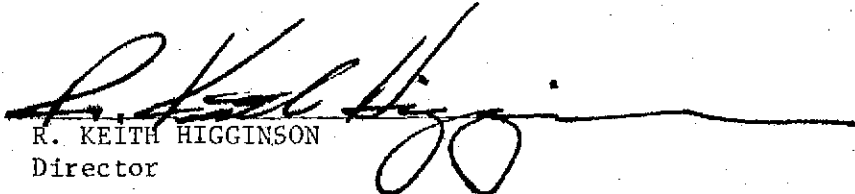
July 12, 1976

Mrs. Dan Tovey
271 W. 4th North
Malad City, Idaho 83252

Dear Mrs. Tovey:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 15-7009 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

RKH:jg

RECEIVED

WATER RESOURCE BOARD:

John F. Streiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

July 12, 1976

Re: Permit No. 15-7009

Grant Bethers
304 Spagnoli Court
Los Altos, California

Dear Mr. Bethers:

We have not yet received a request for an extension of time on Permit No. 15-7009 presently in the name of Dan Tovey.

The permit automatically lapsed on June 1, 1976, and one day of priority is being lost for each day the extension is submitted after the June 1st date.

Enclosed is also a copy of the notice of lapsing. Please note that the extension must be submitted no later than 60 days after the date of this notice.

If you have any questions, please let us know.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

cc: Dan Tovey Estate
271 W. 4th North
Malad City, ID 83252

MICROFILMED

June 7, 1976

Re: Permit No. 15-7009

Grant Bethers
304 Spagnoli Court
Las Altos, CA 94022

Dear Mr. Bethers:

We received your request for an extension of time on Permit No. 15-7009, presently in the name of Daniel L. Tovey.

In most instances, only one extension of time is allowed on each permit. However, on this permit it appears that the development of the project was delayed by a government agency in that a right of way across the interstate highway was not granted.

Please indicate this information on the enclosed extension of time request form and have Mrs. Tolbey sign the extension form as the administratrix of the estate.

We have also enclosed an assignment form if she wishes to change the permit into her own name or wishes to assign it to another party. Please complete the form as soon as possible and return it to us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

MCROFILMED

RECEIVED

JUN 2 1976

Department of Water Resources

Extension

304 Spagnoli Court
Los Altos, California 94022
May 29, 1976

Idaho Department of Water Administration
Statehouse - Annex #2
Boise, Idaho 83707

Gentlemen:

Re: Permit No. 15-7009 Issued to Daniel L. Tovey

I am a son-in-law of Daniel L. Tovey, and his widow, Mrs. Eunice Tovey, has asked that I respond concerning the notice issued by your Department regarding a June 1, 1976 deadline for filing for an extension of time for completion of the well drilling.

We would like to have the extension mentioned in the correspondence. Unfortunately, I left the communication from your office in Idaho last week and do not have the specific forms at hand.

Mr. Tovey was killed in a tractor accident on May 11, 1976 only a few feet from the well mentioned in the above referenced permit. We observed that the drilling had not been completed as contemplated and we request additional time be granted to dispose of this matter.

In due course, as soon as I can have the correspondence sent to me I will prepare the appropriate forms and forward them to you if this is desired.

Thank you.

Sincerely,

Grant Bethers
Grant Bethers

RECEIVED
JUN 10 1976

1. The following service is requested (check one). ☐ Show to whom and date delivered..... 15¢ ☐ Show to whom, date, & address of delivery..... 35¢ ☐ RESTRICTED DELIVERY. ☐ Show to whom and date delivered..... 65¢ ☐ RESTRICTED DELIVERY. ☐ Show to whom, date, and address of delivery 85¢		2. ARTICLE ADDRESS: MICROFILMED	
3. ARTICLE DESCRIPTION: REGISTERED NO. _____ CERTIFIED NO. _____ INSURED NO. _____		(Always obtain signature of addressee or agent) I have received the article described above. ☐ Addressee ☐ Authorized agent <i>W. H. Hall</i>	
4. DATE OF DELIVERY <i>4-2-76</i> 5. ADDRESS (Complete only if requested)		6. UNABLE TO DELIVER BECAUSE:	
CLERK'S INITIALS		POSTMARK	

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

• **SHIPMENT:** Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
- Moiston gummed ends and attach to back of article.

RETURN

TO

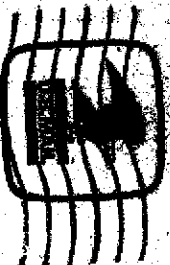


Department of Water Resources

Statehouse

Boise, Idaho

83720



June 4, 1974

Re: Permit No. 15-7009

Dan Tovey
271 W. 4th N.
Malad City, ID 83252

Dear Mr. Tovey:

Enclosed is an Order which extends the proof due date in connection with the above referenced permit.

The time within which to submit proof of beneficial use has been extended to June 1, 1976.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JG
Enclosure

15-7009

Malad Ida.

May 26, RECEIVED

Department of Water Administration

State of Idaho
Dept of Water adm.

Mr. R. Keith Higgins. I wish to Request
an extension of time on my Re: Permit No. 15-7009

The interstate Hiway is going through
my Place, and they would not give me
a pipe under the Hiway untill now so
I could Compleat the Well.

I would like to get 2 years extention
on the Well.

Yours Truly
Dan Lovey

15-7009

Dan J. J. J.
Mach of the.

State of Idaho
Dept. of Water Administration
Boise Idaho 83707

15-2002



SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

1

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

3

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

4-2-74

15-7009

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300
JUN 1974
83252

Postmark of Delivering Office



SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

RETURN
TO

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

15-7609

April 1, 1974

CERTIFIED MAIL

#25242

Re: Permit No. 15-7009

Dan Tovey
271 W. 4th N.
Malad, City, ID 83252

Dear Mr. Tovey:

One of the conditions of approval of your water Permit No. 15-7009 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 1, 1974. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit

15-7009

-M E M O-

TO: Bill Gossett

RE: Pipeline at Cherry Creek

FROM: R. M. Turnipseed

DATE: October 18, 1972

Would you please contact Mel Weenig, 232-4270, ext. 55, Engineer with the Idaho Dept. of Highways at Pocatello.

In acquiring the right-of-way for the interstate south of Malad, a landowner is trying to get the state to give him a 12" pipe for future development of a gravity sprinkler system with waters from Cherry Creek drainage. Part of the Cherry Creek water is already put to use, and the Highway Dept. feels that there is not enough additional water to warrant a 12" pipeline.

David Tovey is landowner

[Faint stamp]

[Faint stamp]

G. Mike

Note:

Talked to Ryan Walz and told him status of permit. He says that so far Tovey has excavated 12' to 14' with backhoe. Proposed pipe not in stream channel.

will 10.17.72

15 7989

May 24, 1972

Re: Permit No. 15-7009

Mr. Dan Tovey
271 West 4th North
Malad City, Idaho 83252

Dear Mr. Tovey:

Enclosed is a copy of your approved Application for Permit No. 15-7009. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at the point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of permit
Information letter

bc: Eastern District Office

15 7009

March 13, 1972

Re: Application No. 15-7009 - Dan Tovey

Idaho Enterprise
P.O. Box 205
Malad City, ID 83252

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Norman C. Young
District Engineer

NCY:BJ
Enc: Legal notice

Bill submitted 11-19-72. cl

15 7009

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Dan Tovey, 271 West Fourth North, Malad
City, Idaho
has on 3-8-72 submitted Application No. 15-7009
for a permit to appropriate 2.0 cubic feet per second ~~acre feet per annum~~
of water from a ground-water source
by means of well and pump
within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 15S, R. 36E, B.M., Oneida County;

to be used from Jan. 1 to Dec. 31 for domestic purposes for two families, and
stockwater purposes for 200 head of livestock, and from March 1 to Nov. 1
for the irrigation of 480 acres

within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 25; S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 26; W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 22, T. 15S, R. 36E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of this permit must be filed with the Idaho Department of
Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401, on or before
April 10, 1972.

R. KEITH HIGGINSON

Director

Published in the Idaho Enterprise, Malad City, Idaho
on March 23 and 30, 1972.

NCY
15 7009

15-7009

Mr. Harding, atty., called on the letter

3/13/72
you wrote him yesterday. He agreed to

#1 and #2, but said in #3 it is not possible to drill the well farther than 200' from the spring. However, he doesn't feel the well will interfere with anyone else's water right.

[Handwritten signature]

15 7009

March 13, 1972

Re: Application for Permit No. 15-7009

Mr. Don L. Harding
Attorney-at-Law
6 South Main St.
Malad City, ID 83252

Dear Mr. Harding:

Application for Permit No. 15-7009 in the name of Dan Tovey has been forwarded to this office for processing. There are several items that will need clarification before the application can be approved:

1. In Item 4, the irrigation season requested is March 1 to November 1, and this same period is requested in Item 6b for the storage season. Ordinarily, we recognize April 1 to November 1 as the irrigation season in the Malad area. We will reduce the irrigation season to this period unless satisfactory written justification of the longer irrigation season requested is received.

2. In Item 5a, the rate to be appropriated is listed as 2.0 c.f.s., while in Item 5b, the total volume per year is listed as 31.25 acre feet. This volume can be pumped in about eight days at the rate of 2.0 c.f.s.; thus, I believe that the 31.25 acre feet is an error, and have crossed it off the application. It is not necessary to specify the volume in acre feet per annum on the application, as this will be done by our examiner at the time of licensing.

3. It was also noted in the remarks that you intend to drill the well approximately 200 feet from a spring. It is possible that pumping this well will reduce the flow from the spring. Thus, if reducing the flow will interfere with someone else's water right, it would be desirable to locate the well as far from the spring and other existing wells as possible, particularly if you are intending to develop the well in the artesian aquifer.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:bj
cc: Mr. Dan Tovey

15 7009

March 8, 1972

Dan Tovey
271 West Fourth North
Malad City, Idaho 83252

Dear Mr. Tovey:

Attached herewith is your receipt No. _____⁸¹⁴⁷ in the amount of \$ _____
for \$35.00 your application for permit

which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

15 7009

DON L. HARDING

ATTORNEY AND COUNSELOR AT LAW

SIX SOUTH MAIN STREET, MALAD CITY, IDAHO 83252

March 6, 1972

Idaho Department of Water
Administration
Statehouse - Annex #2
Boise, Idaho 83707

Gentlemen:

Enclosed is an application for Permit to Appropriate the Public Waters of the State of Idaho for Daniel L. Tovey. We would appreciate it if you would expedite the processing of this application so as the applicant can begin the development as soon as possible.

Please direct all correspondence in regards to this application to the undersigned.

Thank you for your cooperation in this matter.

Very truly yours,



Don L. Harding
Attorney at Law

DLH/jm

Enclosure: Application

15 7009