

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by K. Young
Date 6/27/89
Receipt # CDD 7810

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 29-07703
Name(s) of Permit Holder: DeVere Torrey
Post Office Address: 80 N 4th West
Preston, Idaho 53263 Telephone No. 852-1595
Date Proof is Due: -

Describe what work has been completed toward the development of this water right: Work was started
(This must be filled out! If no work has been completed, show "none".)

To restore fish ponds on a small stream in my field, fed
from springs on my property. These ponds were washed out
previously by a heavy flood. Work was started on rebuilding
and equipment that purchased broke down. Work was done to
build the road pond beside the main channel and divert the water in and out
of the pond. ^{Costing \$15,000.00}
The permit holder(s) has been unable to complete the remainder of the work for the following reasons: I engaged a contractor to build a logging road on another portion
of my property, log Douglas fir and develop several springs & these ponds.
I had all summer until in Oct. to get permits & work to only get
the back of logs out by winter. The equipment needed overhaul and
is just ready to start logging. We hope to finish in this and some
spring developments in by the summer, fall of 1992.
Permit holder(s) request an extension to Oct 1992.
DeVere Torrey
(Signature)

FEE: \$15.00

IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to May 1, 1992. IT IS FURTHER ORDERED that the permit be REINSTATED and the priority advanced to June 25, 1983, pursuant to Sec. 42-218a, Idaho Code.

Signed this 14th day of August, 19 89.

L. Glen Saxton
Chief, Water Allocations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant DeVere Tovey Phone 852-1595
Post office address 80 North 4th West, Preston, ID 83263
2. Source of water supply Unnamed Stream ^{*}
~~spring~~ which is a tributary of Portneuf River ^{*}
~~sinks~~
3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17 Township 9S
Range 37E B.M. Bannock County, additional points of diversion if any: _____

^{*}As per field exam conducted 4-18-1984 *EMC 5/9/84*

4. Water will be used for the following purposes:

Amount 3 AF for Recreation ^{*}
~~(less acre-feet per annum)~~ ~~Fish Prop.~~ purposes from 1/1 to 12/31 (both dates inclusive)
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:

a. _____ cubic feet per second and/or b. 3 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 3 small earth dams (less than 10
ft. high) in channel

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17 Township 9S
Range 37E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. None

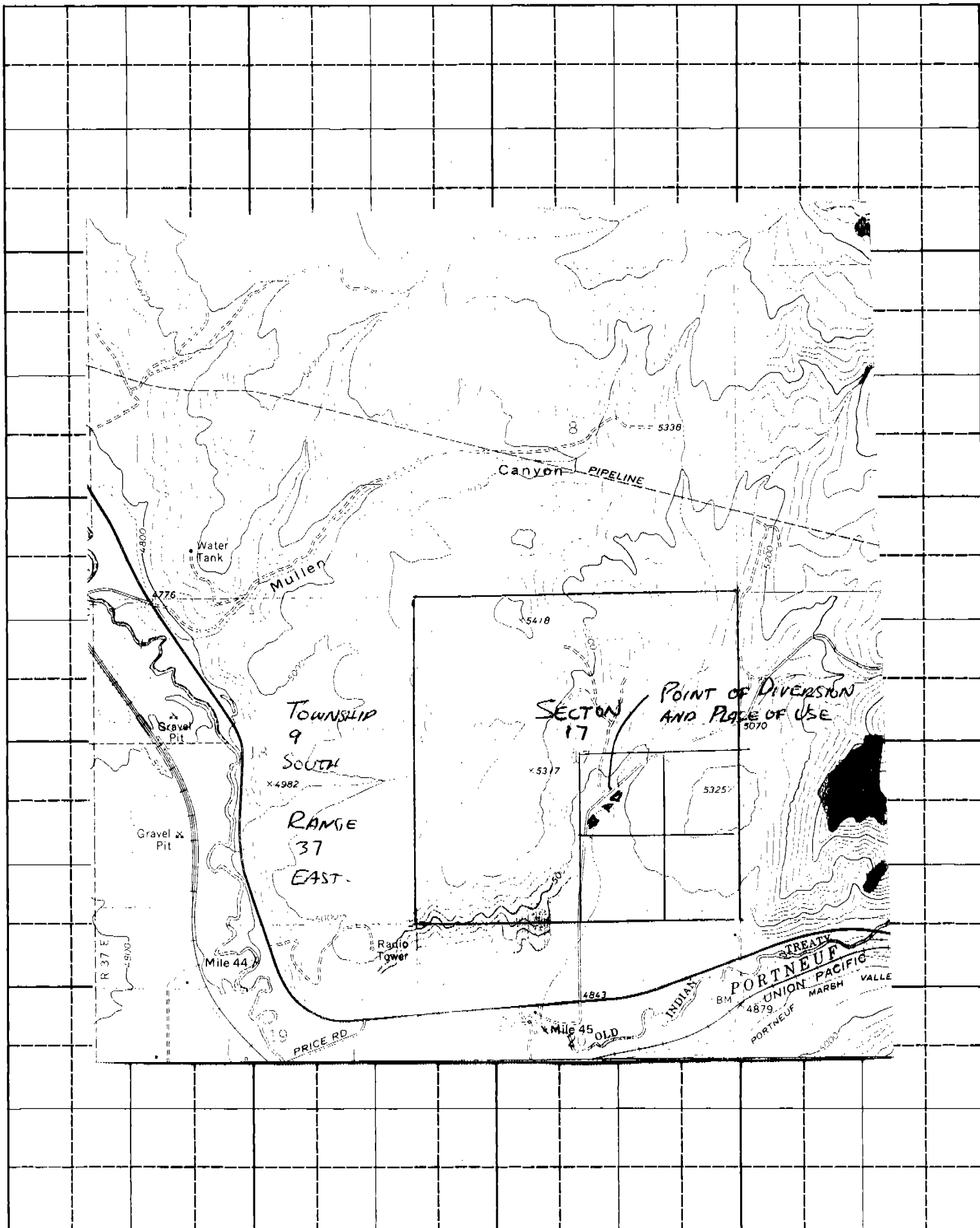
9. a. Who owns the property at the point of diversion . Applicant

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

10. Remarks _____

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.

DeVere Torrey
(Applicant)

4/29/83

Received by SM Date 4-29-83 Time 12:45
Preliminary check by KCW Fee \$ 30.00
Received by CW Date 4-29-83 # 28121
Publication prepared by BP Date 5/11/83
Published in Idaho State Journal
Publication dates 5/19 & 5/26/83
Publication approved CW Date 6-2-83
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EMC KW

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7703, 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 May 1, 19 89.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.
Use of water under this permit is subject to control by the watermaster of State Water District No. 29, Portneuf River.
The use of water under this permit shall be non-consumptive.

Witness my hand this 17 day of May, 1984.

David R. Tutthill
Acting Chief, Operations Bureau

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

MAY 27 1983

Jeri Larsen

Department of Water Resources
Eastern District Office

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>May 19</u>	, 19 <u>83</u>	<u> </u>	, 19 <u> </u>
<u>May 26</u>	, 19 <u>83</u>	<u> </u>	, 19 <u> </u>
<u> </u>	, 19 <u> </u>	<u> </u>	, 19 <u> </u>
<u> </u>	, 19 <u> </u>	<u> </u>	, 19 <u> </u>
<u> </u>	, 19 <u> </u>	<u> </u>	, 19 <u> </u>

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

Subscribed and sworn to before me this 26th

day of May, 19 83

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

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

29-7703

TOVEY, DEVERE

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

Source: SPRING trib. to SINKS

Dated Filed: 04-29-1983

Diversion Pt: NWSE Sec 17 T 09S R 37E

Use: FISH PROP. (3.3 AF)

In: NWSE Sec 17 T 09S R 37E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 State Ave., Idaho Falls, Idaho 83402 on or before JUNE 6, 1983.

S/Ken Dunn, Dir.

May 19, 1983

Legal No. 938

[illegible]

[illegible]

4-18-1984

FROM Pre Permit Exam

(Depth of Ponds unknown)

TCH: (Depth of Ponds unknown)

Hand-drawn map showing a wetland area. A road labeled "CAPITAL SPRINGS Rd" runs vertically on the left. A "culvert" is marked where the road crosses a horizontal line representing a waterway. To the right of the culvert are two irregular shapes labeled "Pond". Above the first pond is a rectangle labeled "Pondence". Further right is another irregular shape labeled "swamp area". A road labeled "access Rd" runs vertically on the right. A "Highway" is labeled on the far right edge. The signature "H.C. Jones" is at the bottom right, with "SIGNATURE" written below it.

SIGNATURE

Scale: 1" = 1 mi.

Note: From Pre Permit Exam 4-18-1984

Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements:

$$2\frac{1}{2} \text{ gal} / 5 \text{ sec} = 30 \text{ gpm} = 0.07 \text{ cfs}$$

North pond (width 100') (length = 120') (14') South Pond (150' x 70' x 8') ^{depth}

E. NARRATIVE/REMARKS/COMMENTS

Collection pipe in stream to two ponds. At time of exam water was being diverted around ponds.

Note: System appeared approximately the same during this exam as during April 18, 1984 pre-permit exam.

This examiner does not think that a measuring device would be necessary.

- (1) Stream appears to be intermittent on USGS map
- (2) Ponds are up gradient of the portneuf River so any loss in ponds would be tributary to River.
- (3) Ponds are instream.

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

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$Q_{\text{measured}} = 2\frac{1}{2} \text{ gpi/sec} = 30 \text{ gpm} = 0.07 \text{ cfs}$$

② 0.07 cfs Volume to deliver 2.0 af would take 14.4 days

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:

$$V_{\text{NORTH}} = \frac{100' \times 120' \times 14' \text{ deep}}{43560} = 0.275 \text{ ac} \times 14' (0.4) = 1.5 \text{ af}$$

$$V_{\text{TOTAL}} = 1.5 + 0.5 = 2.0 \text{ af}$$

$$V_{\text{SOUTH}} = \frac{150' \times 70' \times 10'}{43560} = 0.1205 \text{ ac} \times 10' (0.4) = 0.48$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Recreation	1/1	12/31		2.0
Totals:				2.0

2. Recommended Amendments

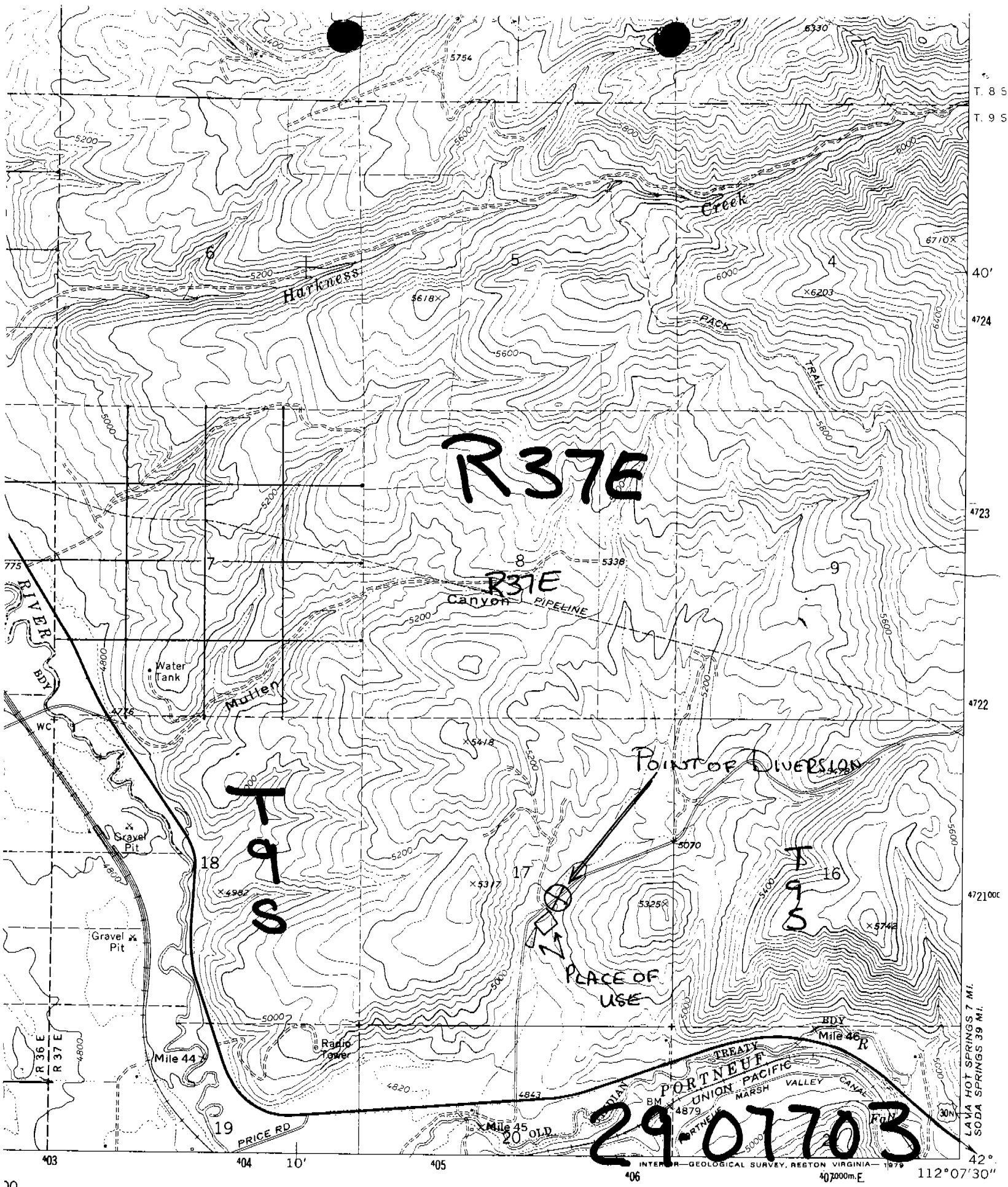
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ Other Removal of Measurement devices.

I. AUTHENTICATION

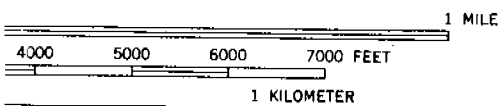
Field Examiner's Name Keith Caldwell Date 6/19/2000

Reviewer _____ Date _____

SEAL



00



ROAD CLASSIFICATION

Primary highway, hard surface _____

Secondary highway, _____

Light-duty road, hard or improved surface _____

FROM: KEITH C. WILSON - EASTERN

04 FEB 1992

TO: JIM JOHNSON - WATER ALLOCATIONS

SUBJECT: COPY OF ORIGINAL APPLICATION FOR PERMIT 29-07703

PLEASE SEND A COPY OF THE FILE FOR PERMIT 29-07703, INCLUDING THE
MAPS THAT MAY BE IN THE FILE.

THANKS,

A handwritten signature in cursive script, reading "Keith C. Wilson". The signature is written in dark ink and is positioned above a horizontal line.

KEITH C. WILSON
SENIOR RESOURCE AGENT

November 15, 1991

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

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07703

Dear Permit Holder:

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

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

Sincerely,

Nina Shields
Secretary/Records Manager

c: IDWR - Region

RECEIVED
OCT 15 1991

STATE OF IDAHO

For Office Use Only
Amt. of Fee \$ 50.00
Date 10-16-91
Receipt No. 0027020
Received by PIB

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 29-7703 Telephone No. 852-1595
2. Name(s) of Permit Holder(s): DeVere Tovey
3. Post Office Address: 80 N 4th W Preston, Ida 83263
4. Source of Water: Springs
- a. If ground water, well driller's name: _____ Date drilled: _____
- b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____
5. Extent of Use:
- | | |
|--|---------------------------------|
| Domestic _____ (No. of households) | Irrigation _____ (No. of acres) |
| Stockwater _____ (No. and type of stock) | Other <u>recreation</u> |

6. Total rate and/or volume for which proof is submitted .06 cfs 3 acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:
- Measuring device: Required? Yes ☒ No ☐ Installed? Yes ☒ No ☐
- OR
- Flow Measurement Port: Required? Yes ☒ No ☐ Installed? Yes ☒ No ☐

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:

Same as above

Name _____ Telephone No. _____

Address _____

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

Oct 11/1991 DeVere Tovey

Date Signature (and title if on behalf of a company or organization)

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 29-07703

Date 11/15/91

GENERAL CONSIDERATIONS

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

SOURCE OF WATER

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

LICENSE EXAMINATION FEE

yes Required?
50 Amount submitted?
yes Correct amount?

MEASURING DEVICE

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

DEFICIENCIES OR ACTION ITEMS

approved

PRIORITY CALCULATION

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

October 11, 1991

Re: #29-7703 - Fish Pond

Dept of Water Resources

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

This pond was finished as reported - the upper pond not filled or stocked because of low water passing through for use below this summer.

I'll be glad to meet with you if desired.

Yours truly,
DeVere Tovey

December 13, 1990

DeVere Tovey
80 N 4th W
Preston, ID 83263

Dear Mr. Tovey:

Re: Permit No. 29-7703

The department received your letter of November 30, 1990. To fulfill the proof of beneficial use requirement, complete and return the enclosed proof of beneficial use form. Note the instruction sheet/fee schedule, there may be a filing fee.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

RECEIVED
DEC 03 1990

November 30, 1990
Department of Water Resources

Dept. of Water Resources
1301 N Orchard St.
Statehouse Mail
Boise, Idaho 83730

Gentlemen:

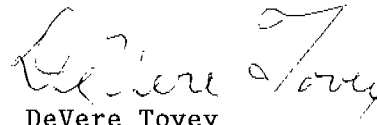
Re: Permit 29-07703

I hereby give proof of beneficial use of Fish Pond work.

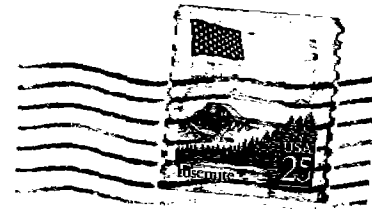
I finished this project November 11, 1990.

Thanks so much for your consideration.

Yours truly,


DeVere Tovey
80 N 4th W
Preston, Idaho 83263

Debbie Toney
80 N 4th W
Preston, Ida 83263



Dept of Water Resources
1301 N Orchard St.
Statehouse Bldg
Boise, Ida 83730

10-10-90

Dept of Water Resources

Re: Permit # 29-7703

Extension dated 6-27-89

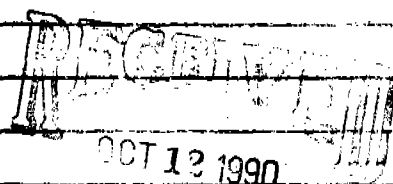
Gentlemen,

My contractor, Bret Christensen, and I have moved equipment from culvert area in Harkness Canyon to begin work on the Fish Pond in Crystal Springs area ^{on} my farm under above permit with extension of time. We will work toward completion of project.

Thank you for your consideration.

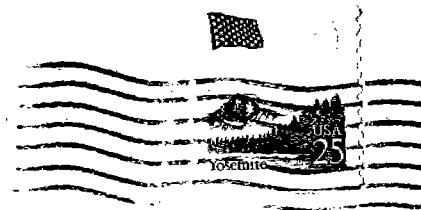
Yours truly,

Alvin Jovey



Department of Water Resources

DeVere Tovey
80 N 4th W
Preston, Ida 83263



Department of Water Resources
1301 North Orchard St
Statehouse Mail
Boise, Ida 83720

August 16, 1989

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

Dear Mr. Tovey:

Re: Permit No. 29-7703

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to May 1, 1992. The permit has been reinstated and the priority advanced since the extension request was received after the proof due date.

The department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 29-7703Reviewed by [Signature]Date 8-8-1989

BASIC INFORMATION

Y Date stamp received
Y Extension received timely
 (not prior to 6 month before proof due date or after reinstatement period)
Y Fee received and receipted
Y Name and signature same as permit
N Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

Y Has adequate work been completed to demonstrate due diligence?
Y Has the cost incurred been adequate to demonstrate an intent to complete the project?
N/A Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

N/A Is delay by a government agency?
 Is supporting documentation needed to complete the file? _____
 Requested? _____

ACTION TAKEN - Recommend approval based on due diligence for 3 years

Special conditions or remarks:

Y Reinstatement Date extension received June 27 = 178
 Proof due date May 1 = -121
 No. of days late _____ = 57
 Priority date Apr 29 83 = +119
 ADJUSTED PRIORITY DATE June 25 83 = 176

____ Prepare coding sheet
 ____ Change rolodex card

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

May 9, 1989

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

LAPSE NOTICE

RE: PERMIT NO. 29-07703

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper form in our proof due notice to you dated February 28, 1989.

Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request form together with the \$15 fee must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which might bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

5-10-89

Enclosures

LGS:RF



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

February 28, 1989

138008

PROOF DUE NOTICE

RE: PERMIT NO. 29-07703

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1989. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NOT COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.
(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

June 7, 1984

RE: Permit No. 29-7703

DeVere Tovey
80 North 4th West
Preston, ID 83263

Dear Permit Holder:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

The 1982 Idaho Legislature added a requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

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

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc
Enclosures

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: KCW

APPLICATION NUMBER: 29 7703

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

SEND COPIES TO:

- ☐ Idaho State Health Department.
☒ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☒ Other WD-29

Copies sent by: _____

Date: _____

CW 5-16-83

CW 5-16-83

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☒ Yes ☒ No Other rights on same place of use. 29-4158 / 29-7323

- ☒ Yes ☐ No* In form for advertising.
Final date for protests: June 6, 1983
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 5-27-83
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☐ No Measuring device required.
☐ Yes ☐ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 29
4-29-83 Date of priority recommended.
Special conditions of approval or cover letter. _____
02, 26, 09D,

By: Ernest Carlson

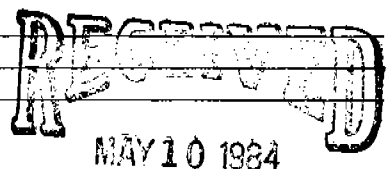
Date: May 9, 1984

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: _____

Date: _____



Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

April 26, 1984

RE: Application for Permit No. 29-7703 TOVEY

Thomas Bloxham, Watermaster
Water District No. 29
Downey, ID 83234

Dear Mr. Bloxham:

Being watermaster of Water District 29, enclosed is a copy of application No. 29-7703 which you may find of interest.

The application, as filed, identifies springs tributary to sinks as the source of water. However, a recent field investigation by personnel from this office determined the source would more accurately be described as an unnamed stream tributary to the Portneuf River. Based on the information obtained from the field inspection the Department will urge amendment of the application to correctly identify the source.

The field inspection also located an apparent diversion used to convey water from the same stream and apply it to land north of Highway 30 and west of Crystal Springs Road.

Your comments concerning the requested appropriation and possible impacts to downstream irrigation would be helpful in evaluating the application. They should be received in this office by May 4, 1984, to assure consideration by the Department.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

RECEIVED

MAY 3 1984

Department of Water Resources
Eastern District Office

May 1, 1984.

Mr Ernest Carlson.

I made an inspection of this water, and found it to be as you described it, as an unnamed stream, which at present is running about 35 inches of water, and there is three diversions points north of Highway 30. and west of Crystal Spring road. It also shows three fish ponds but the lower two are completely washed out. This water has been used with the water in the Cutler ditch. on the Roger Johnson Ranch.

Thomas Blykham
Water master Dist #29.

April 26, 1984

RE: Application for Permit No. 29-7703

DeVere Tovey
80 North Fourth West
Preston, ID 83263

Dear Mr. Tovey:

In April, 1983 you filed an application to appropriate 3 AF of water for fish propagation on a year-round basis. The source of this water was described as a spring tributary to sinks.

Recently a representative from this office conducted a pre-permit field inspection to examine the source of water described by the application. Information collected during this investigation indicates two earthen dams have been constructed in the draw, west of your daughter's home. These dams impound the water flowing down the draw creating two ponds. The agent concluded from his observations and a conversation with your daughter that the principle source of water is actually an unnamed stream tributary to Portneuf River. He also suggested that recreation is a more accurate description of how the water will be used since you will not be raising fish for commercial purposes.

Relying on these observations, the application should be amended to reflect the storage for recreation of 3 AF of water from an unnamed stream tributary to the Portneuf River. These changes will be implemented on May 7, 1984 unless we are notified that you disagree with our assessment of the proposal.

Please feel free to contact this office if you wish to discuss this matter.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

April 26, 1984

RE: Application for Permit No. 29-7703 TOVEY

Thomas Bloxham, Watermaster
Water District No. 29
Downey, ID 83234

Dear Mr. Bloxham:

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The application, as filed, identifies springs tributary to sinks as the source of water. However, a recent field investigation by personnel from this office determined the source would more accurately be described as an unnamed stream tributary to the Portneuf River. Based on the information obtained from the field inspection the Department will urge amendment of the application to correctly identify the source.

The field inspection also located an apparent diversion used to convey water from the same stream and apply it to land north of Highway 30 and west of Crystal Springs Road.

Your comments concerning the requested appropriation and possible impacts to downstream irrigation would be helpful in evaluating the application. They should be received in this office by May 4, 1984, to assure consideration by the Department.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

DATE: 4-18-84
(of exam)

ACCOMPANIED BY: Mr. Tovey's daughter

TOTAL MEASURED: _____

METHOD OF MEASUREMENT: Stopwatch & surface float S/N _____

APPLICANT CONTACTED

YES: DATE _____

(NO) : DATE _____

REASON: _____

REASON FOR EXAM: Does spring rise & sink on property - Actual source is unnamed stream which is flowing thru 2 existing ponds. Stream should be classed as tributary to Portneuf River. (5 Pix taken) Applic. should be changed to indicate true source & trib. Is there enough flow to achieve 3af (See remarks)

ACCESS (location direction): _____

LOCATION: Point of Diversion Confirmed
Place of Use Confirmed☒ Yes
☒ Yes☐ No (See sketch)
☐ No (See sketch)

GENERAL OBSERVATIONS: DATA FOR ADMINISTRATIVE DECISIONS

A: Source (Describe in detail i.e., flow, apparent confluence, etc)

Ponds located in series behind residence directly on intermittent stream shown on USGS Map (See application). Approx. width of stream 1 1/2 - 2 feet, with 2-3" depth and velocity approaching 1 ft/sec. (Stopwatch & surface float)

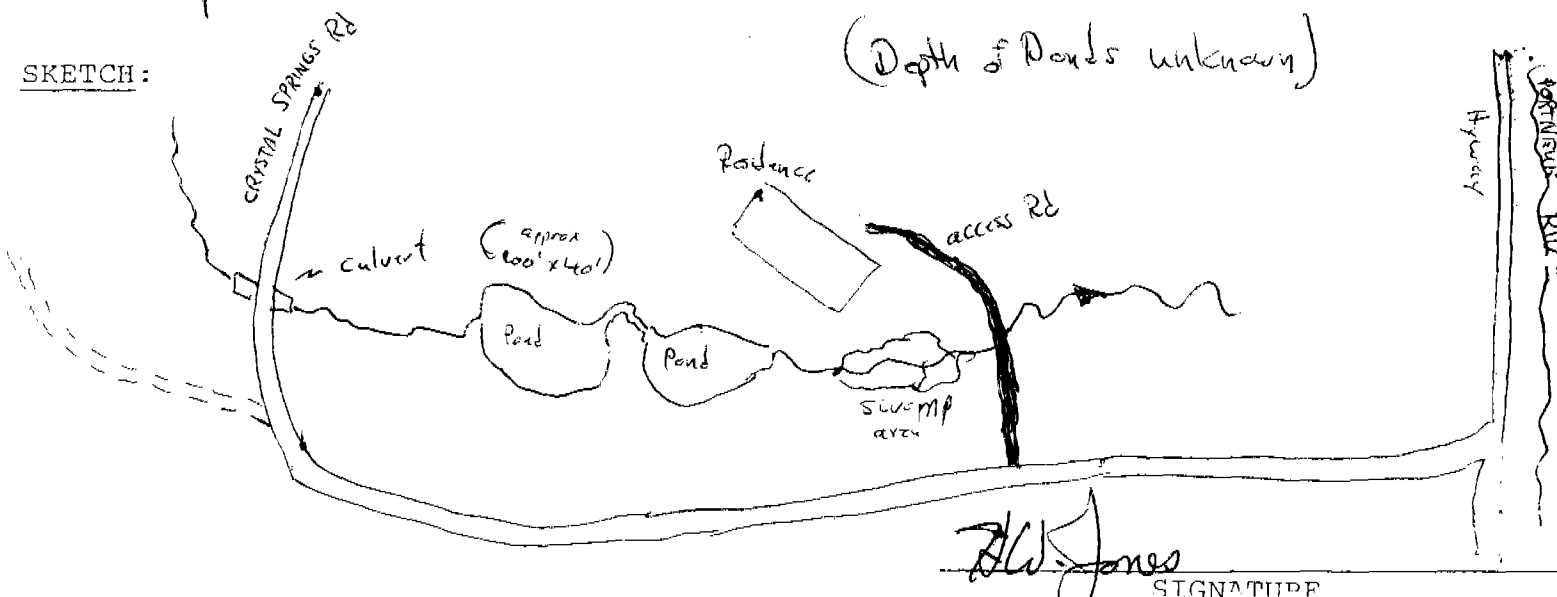
B: OTHER USES OF SOURCE: _____

C: WORK IN AREA RELATED TO APPLICATION: _____

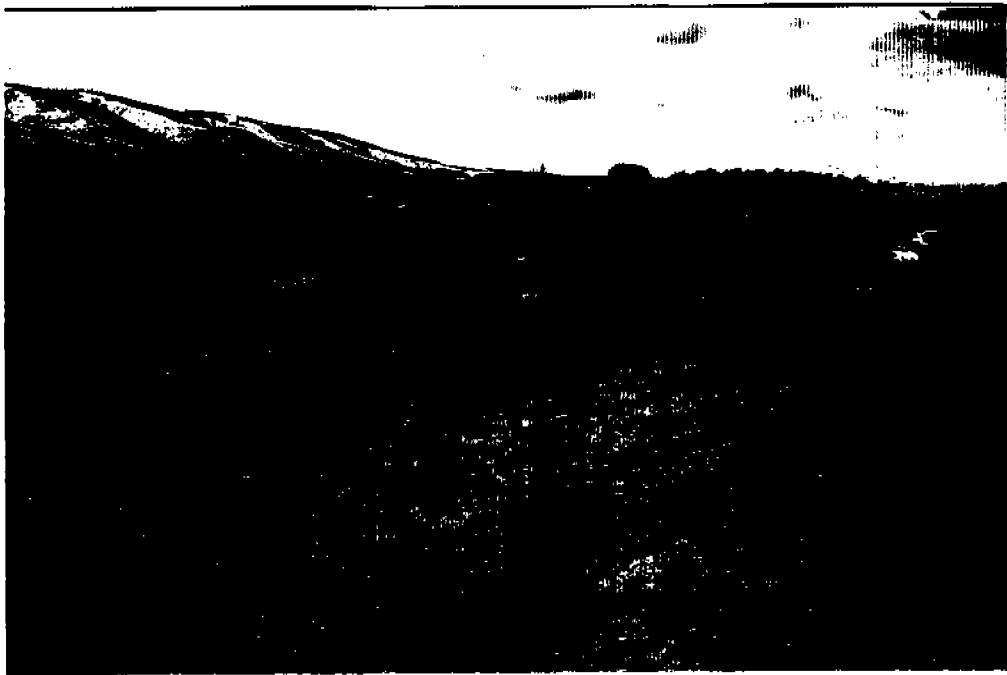
2 ponds already constructed but portions have eroded out

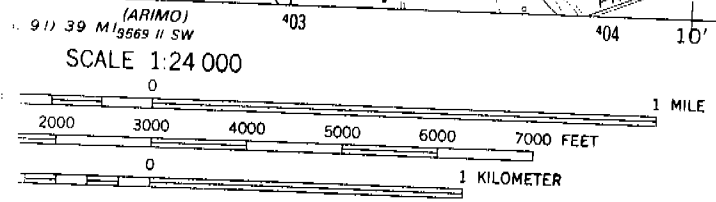
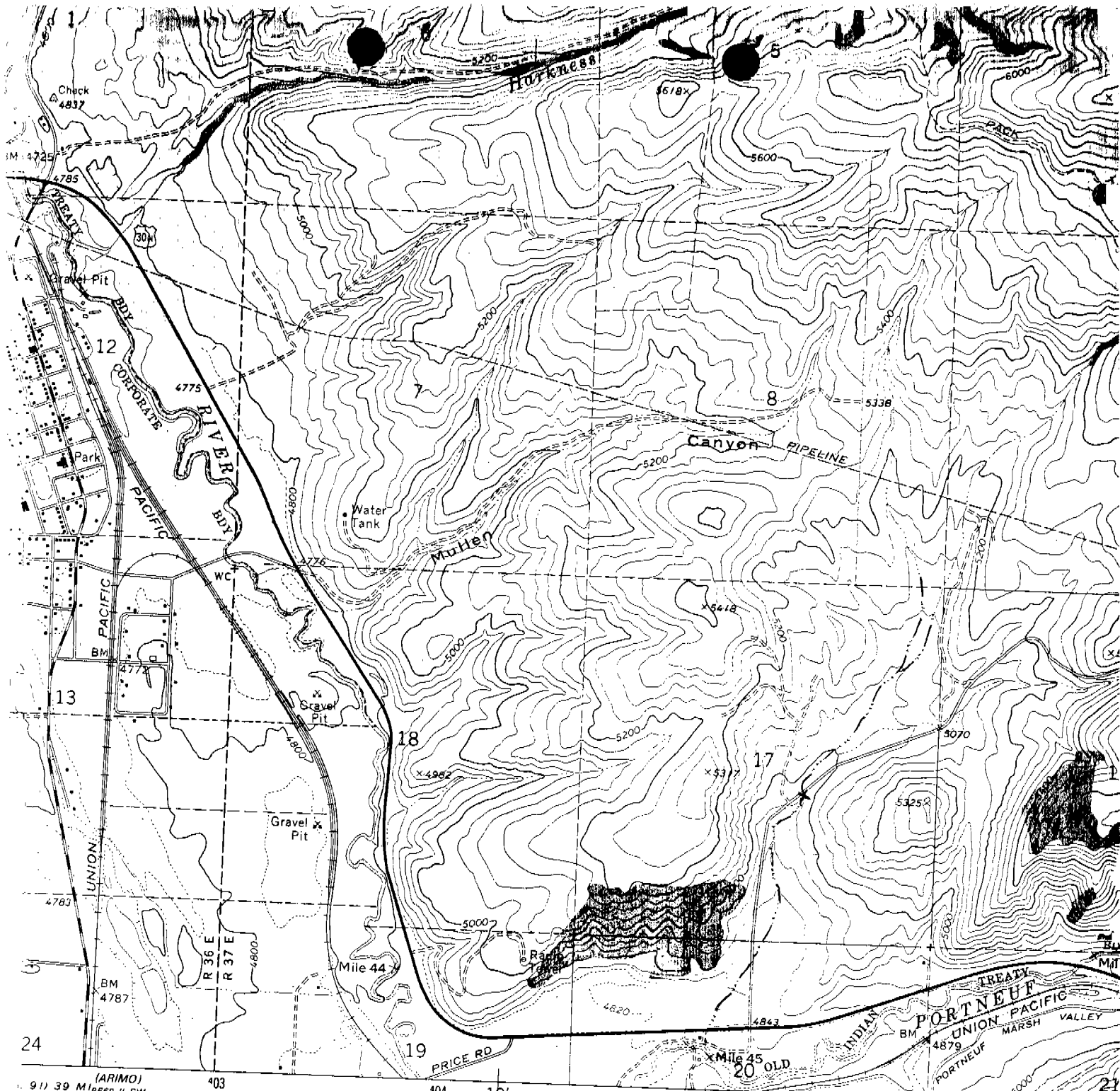
SKETCH:

(Depth of Ponds unknown)



REMARKS & OPINIONS: Source + "trib to" should be
changed on application. Flow at present could achieve 2 af
in one days time so water is there. There seems to be
diversions off channel below home with irrigation use probable by
someone other than applicant.

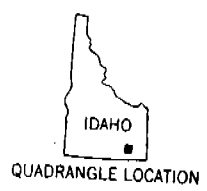




CONTOUR INTERVAL 40 FEET
LINES REPRESENT 20-FOOT CONTOURS
GEODETIC VERTICAL DATUM OF 1929

WITH NATIONAL MAP ACCURACY STANDARDS
DENVER, COLORADO 80225. OR RESTON, VIRGINIA 22092
GRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Permit
29-1703
Hug



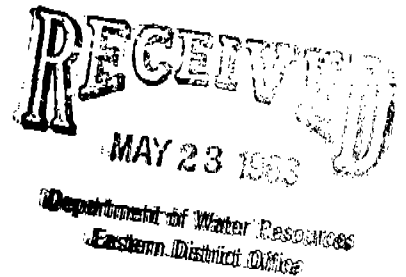
ROAD CLASSIFICATION
Primary highway, hard surface
Secondary highway, hard surface
Light-duty road, improved surface
Unimproved
Interstate Route
U. S. Route

MC CAMM
N4237.5

IDAHO DEPARTMENT OF FISH AND GAME
REGION 5 Phone 232-4703
South Fifth Avenue • P.O. Box 4229
Pocatello, Idaho 83201

May 19, 1983

Mr. Ernest Carlson
Assistant Regional Supervisor
Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, ID 83401



Dear Mr. Carlson:

Re: Application for Permit #29-7703
by DeVere Tovey for springs
near McCammon, Idaho

We have reviewed this application and feel that the appropriation of three acre feet of water for fish propagation would not significantly affect fish and wildlife resources.

Sincerely

A handwritten signature in cursive script that reads "Jerry Mallet".

Jerry Mallet
Supervisor, Region 5

May 16, 1983

RE: Application for Permit No. 29-7703 TOVEY

Department of Fish & Game
P.O. Box 4229
Pocatello, ID 83201

Gentlemen:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is June 6, 1983, 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,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

May 16, 1983

RE: Application for Permit No. 29-7703 TOVEY

Mr. Thomas Bloxham, Watermaster
Water District No. 29
Downey, ID 83234

Dear Mr. Bloxham:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is June 6, 1983, 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,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

NOTICE OF APPLICATION FOR WATER RIGHT

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

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 6, 1983.

KEN DUNN, Dir.

Published 5/19 & 5/26/83.

29-7703

TOVEY, DEVERE

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

Source: SPRING trib. to SINKS

Date Filed: 04/29/1983

Diversion Pt: NWSE Sec 17 T 09S R 37E

Use: FISH PROP. (3.0 AF)

In: NWSE Sec 17 T 09S R 37E