

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 25514
Permit No. 18256
District No.

1. Name of Applicant: **GEORGE C. TOVEY**

Postoffice address: **Malad, Route # 2** County: **Oneida** State: **Idaho**

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: **0.75** cubic feet per second.

3. Source of water supply: **Subterranean** which is a tributary of

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B. M., and ^{are} in the **SE $\frac{1}{4}$ SE $\frac{1}{4}$**
of Section **10** , T. **15 S. R. 36 E.** , B. M., County of **Oneida**

5. Water is to be used for: **Domestic and irrigation purposes**

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B. M., in the of Section , T. , R. , B. M.
- (b) Amount of power generated: H. P., under feet head.
- (c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ **1200.00**

8. Kind of works: **Ditches, pipe and flowing wells**

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom **1 $\frac{1}{2}$** feet; width at water line **2** feet; depth of water **10 inches**;
~~feet~~; dimensions of flume:
Diameter of pipe **4** inches; length of conduit **1** miles.
Average grade per mile feet.

12. The time required for the completion of such work is **6 months** years.

13. The time required for the complete application of the water to the proposed use is **6 months** additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? **No** If so, fill in (b) and (c) below. ☒
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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.

George C. Tovey *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: **1:00 P. M. March 23, 1936**

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is **18256**

Recorded in Book **66** Page **18256** Approved **March 24, 1936**

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before **May 23, 1936**

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **June 24, 1936**

The whole of said work to be completed on or before **September 24, 1936**

Beneficial use of water appropriated in accordance herewith, to be made on or before **March 24, 1937**

Witness my hand this **24th** day of **March, 1936.**

R. W. FARIS
Commissioner of Reclamation.

Remarks: I have drilled three 4 inch wells on the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 10 in Twp. 15 S., R. 36 E., B. M., about 70 rods from the SE corner of NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 10. They are in a group, two of which are about 6 rods North and West of the other one. I have completed the drilling of said wells and built ditches to convey water to about 65 to 70 acres of my farm.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15 S	36 E	10									10			5	10	40	5		70
											Total Number of Acres to be Irrigated.....								70

Permit No. 18256

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that GEORGE C. TOVEY of Malad, County of Oneida, and State of Idaho, the holder of Permit No. 18256, issued upon Application No. 25514 bearing date of priority of March 23, 1936, authorizing the diversion of 0.75 second feet of subterranean waters, County of Oneida, State of Idaho, for domestic and irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.75 second feet of subterranean waters; that the points of diversion of said waters are in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T. 15 S., R. 36 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T. 15 S., R. 36 E., B. M.

Witness my hand this 12th day of January, A. D. 1937.

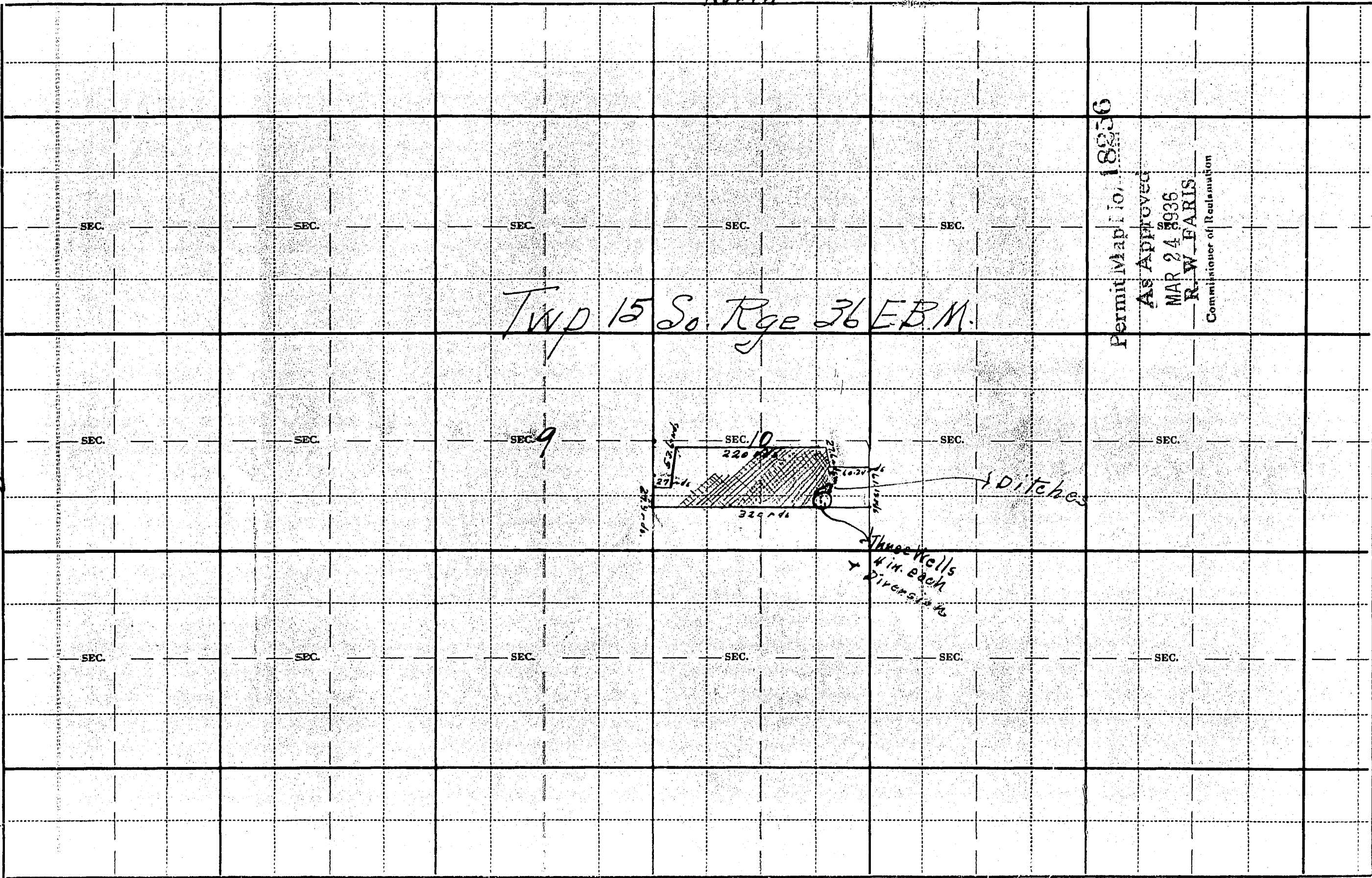
R. W. FARIS
Commissioner of Reclamation

Proof of Completion of Works made August 17, 1936

Certificate of Completion of Works issued January 12, 1937

LICENSE ISSUED FOR 0.75 SEC. FT.

See page 3908



Permit Map No. 18936
As Approved
MAR 24 18936
R. W. FARIS
Commissioner of Reclamation

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18256

Boise, Idaho, March 25, 1925

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the third page.

MR. GEORGE C. TOVEY
Route # 2
Malad, Idaho

18256
R. W. FARIS
Commissioner of Reclamation.

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

JUL 6 - 1936

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho,

GEO. C. TOWNEY
Route #2
Malad, Idaho
Dear Sir:—

Under the terms of your permit No.....~~13756~~.....you are required to complete your diversion works on or before.....~~Sept. 24, 1936~~..... I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided, the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00 a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

R. W. FARIS

Commissioner of Reclamation.

18256

August 29, 1936

Re: Permit No. 18256

GEO. C. TOVEY
Route #2
Malad, Idaho

Dear Sir:

Several days ago, we received your affidavit of proof of completion of works under Permit No. 18256.

A statutory fee of \$5.00 is due in connection with this matter, and immediately upon it's receipt, a certificate confirming the completion of your works to a capacity of 0.75 of one second foot will be issued to you. In the meantime, we shall hold this instrument awaiting your reply.

Very truly yours

Chief Clerk & Office Engineer

PLH/cj

18256

December 30, 1936

Re: Permit No. 18256

GEORGE TOVEY
Malad, Idaho

Dear Sir:

Under date of August 19th, we received your affidavit for proof of completion of works under Permit No. 18256. The necessary fee of \$5.00 did not accompany the affidavit, and immediately thereafter we advised you that such fee would have to be paid before the Certificate of Completion of Works could be issued.

It has now been a period of several months, and we have not yet received this fee. Consequently, unless it is received in the near future, we shall be compelled to serve notice of cancellation under this permit.

Trusting that we may hear from you soon, we remain

Very truly yours

Chief Clerk & Office Engineer

PLH/cj

18256

Permit No. 18256

RECEIVED

AUG 14 1936

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Oneida

} ss

George C. Tovey

, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the state of Idaho, No. 18256, and that his postoffice address is Malad City, Route #2 State of Idaho

Second: That the name of the stream from which said water is to be diverted is

Subterranean Waters from drilled Artesian wells

Third: That the point of diversion of said water is ~~the Northwest corner of the Southeast quarter of the Southeast quarter of Section 10, Tp. 15, S. R. 36 E., B. M.~~

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by September 24, 1936

Fifth: That the use for which said water is intended is irrigation & domestic

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works:

(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work: Ditches, pipe & flowing well

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width _____ feet, height _____ feet.

(d) Conduit ~~ditches~~ width at bottom two (2) feet, width at water line 2 1/2

(State whether ditch, flume or pipe.)

feet, depth of water one feet; diameter of pipe eight inches, average grade per mile is three feet. Length of conduit is one miles.

Seventh: That said works are capable of conducting to the place of intended use .75 second feet of water.

Eighth: That water appropriated under said permit is available for seventy (70) acres

of land described as follows: ~~Part of the following: Commencing at a point 15 rds. S. of Sec. 10, Tp. 15, S. R. 36 E., B. M. running thence N. 22 1/2 rds. thence E. 27.9 rds; thence S. 61.12 rds; thence W. 520 rds to 50.625 rds to the point of beginning. Excepting therefrom, however, N. 1/4 Right of way heretofore deeded to O. S. I. Co., Inc.~~

~~NE 1/4 SW 1/4, SE 1/4 SW 1/4, NE 1/4 SE 1/4, NW 1/4 SE 1/4, SW 1/4 SE 1/4 & SE 1/4 SE 1/4, Sec. 10,~~

Ninth: Remarks: That T. 15 S., R. 36 E., B. M.

George C. Tovey
(Sign here)

Subscribed and sworn to before me this 17th day of August, 1936

John O. Clark
Notary Public

My commission expires May 25, 1940

18256

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE
JAN 12 1937

GEO. C. TOVEY
Malad, Idaho
Route #2

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. 18256, which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is Mar. 24, 1937, and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

R. W. FARNS
GEO. N. CARTER
Commissioner of Reclamation.

18256

January 13, 1937

Re: Permit No. 18256

GEORGE C. TOVEY
Malad, Idaho

Dear Sir:

You will find enclosed herewith, Certificate of Completion of Works to a capacity of 0.75 second feet of water which has been issued in accordance with the terms of the above permit.

We are also enclosing Office Receipt No. 16083 in the amount of \$5.00 covering fee remitted by you in this connection.

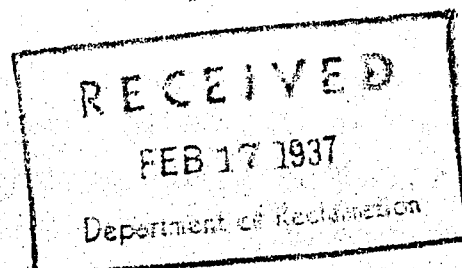
Very truly yours

R. W. FARIS
Commissioner of Reclamation

by
Ass't Chief Clerk

cj
encl

18256



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) February 16, 1937

(P. O.) Malad City, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Idaho Enterprise of Malad City, Idaho, published in the county in which the works are situated.

George L. Toney

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

18256

W. H. [unclear]

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 24th day of March, 1926, at Malad City, County of Oneida, State of Idaho, before Jno. W. Clark, Notary Public, proof will be submitted of the application to beneficial use of 0.75 cubic feet per second of the subterranean waters of two certain flowing wells in accordance with the terms and conditions of Permit No. 18256 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are George C. Tovey, Malad, Oneida County, Idaho.

The use to which said water has been applied is domestic and irrigation.

The amount applied to beneficial use is 0.75

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, Tp. 15 N.R. 36 E.B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is ditches located on said land.

The right to take water from such works is based upon Permit No. 18256.

The source of supply from which such water is diverted is subterranean waters from two certain flowing wells located on said land.

The date of the priority which said user is prepared to establish is Mar. 23, 1926.

R. W. FARIS

Commissioner of Reclamation.

18256

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

SPECIAL DELIVERY

Date February 23, 1937

Re: Permit No. 18256

EDITOR, Idaho Enterprise
Malad City, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to March 24, 1937, the date set for proof, the expense of the publication to be paid by the applicant, George C. Tovey, Malad, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

R. W. PARIS

Commissioner of Reclamation

18256

XXXXXXXXXX

Barzilla W. Clark

February 23, 1937

Re: Permit No. 18256

GEO. C. TOVEY
Malad, Idaho

Dear Sir:

This will acknowledge receipt of notice in duplicate for publication in connection with beneficial use proof, and also your authorization to have the notice published in the Idaho Enterprise of Malad, Idaho, all in connection with Permit No. 18256.

A copy of the notice has been mailed to the newspaper with instructions to publish it once a week for four consecutive weeks prior to March 24, 1937. About ten days prior to this date, depositions consisting of one for the holder and one each for two witnesses, will be mailed to John W. Clark, Notary Public, Malad, Idaho, so that he will have them in ample time for the proof.

On the date designated, you should appear at Mr. Clark's office with two disinterested witnesses, who are familiar with the terms of the permit and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours

R. W. FARIS
Commissioner of Reclamation

by

Ass't Chief Clerk

oj

18256

Malad City, Idaho,
February 16, 1937.

Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

Re: Permit No. 18256

You will note from the enclosed papers and notices that my date of priority has been advanced from March 23, to April 24, 1936, for the reason that in your letter of instructions dated January 12, you recited that these papers would have to be in your office at least sixty days prior to the date of priority mentioned in the Certificate of Completion of Works, therefore it is my understanding that we would have to advance the date of priority.

Yours very truly,

GEORGE C. TOVEY

George C. Tovey

Enclosures
gct/lp

18256

XXXXXXXXXX

Barzille W. Clark

February 25, 1937

Re: Permit No. 18256

GEORGE C. TOVEY
Malad, Idaho

Dear Mr. Tovey:

Several days ago we received your notice in duplicate for publication in connection with final proof under the above permit, together with your authorization to have the notice published in the newspaper at Malad.

The notice arrived in sufficient time for us to furnish the newspaper with a copy of it, and still permit the necessary number of insertions. It was therefore unnecessary to extend the date for proof and we accordingly changed it to the time specified in the permit, or in other words, to March 24th. You will therefore appear before the Notary with your witnesses at that time.

In view of the fact that proof can be made at the time specified, it will not be necessary to extend your priority date, notwithstanding the fact that you did not return these papers immediately. The notice which goes out with them states that they must be returned sixty days before the date when proof is submitted, but that is merely a precautionary measure on the part of this office to urge the permit holder to return them as quickly as possible so that there will not be any question as to the time being sufficient for the proof.

Very truly yours

Chief Clerk & Office Engineer

PLH/cj

18256

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

March 13, 1937

Re: Permit No. 18256

JNO. W. CLARK
Notary Public
Malad, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 18256

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On March 24, 1937, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Malad, Idaho before Jno. W. Clark, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly.

R. W. FARIS

Commissioner of Reclamation.

18256

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

JUN 20 1936
Department of Reclamation

Permit No. 18256

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. George C. Tovey; Malad, Route 2, Oneida County, Idaho;
Farmer;

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 18256; March 24, 1936; ^{Mar 23,} April 24, 1936

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Subterranean wells; They are in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10 T $\frac{15}{2}$ S. E. 36 E. B. M. County of Oneida

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Ditches, pipes and flowing wells, 1.50 cubic feet per second;
private ditches located on owners' land

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Domestic and irrigation purposes, SE $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10
Township 15 S. E. 36 E. B. M.; Cultivated: ditches and flowing of wells
and the planting of more alfalfa; also meadow land.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. _____

18256

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 0.75 cubic feet per second

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. The water was used beneficially and continuously from the date of the permit March 14, 1936, up and to December 1, 1936, by conveying said water from the wells through ditches constructed on said land to distribute said water; the amount so used being 0.75 cubic feet per second; The whole of said water was beneficially used.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

(Sign)

George C. Toney

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Malad County of Cassia, State of Idaho, on this 18th day of March, A. D. 19 37

W. W. Clark
Notary Public, Malad, Ida

My commission expires May 25, 1940

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18256

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Lewis Lewis, 56, Malad, Idaho, Farmer, same as residence

Ques. 2. Are you acquainted with George C. Tovey, the holder of Permit No. 18256? How long have you known him and where does he reside?

Ans. 45 years; He resides at Malad, Blaine Co., Idaho

Ques. 3. Have you read or heard read said Permit No. 18256, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean waters; see Section 10, Tp 15 S. R. 36 E. B.M.;
ditches, pipes, and flowing wells

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. The works will convey 1.50 cubic feet per second. There is being conveyed 0.75 cubic feet per second

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Domestic and irrigation purposes. E. 3/4 Sec. 10
Tp. 15 S. R. 36 E. B.M. It is cultivated and meadow land; driving of the
wells and plating of more alfalfa

18256

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent

Ans. None

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Level partly meadow land, 1.50 cubic feet per second could be used profitably. To my knowledge he is using about 0.75 cubic feet per second

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen him use all the water from his wells being 0.75 cubic feet per second conveyed through private ditches on his land from March 14, 1936 up and to December 1, 1936 upon cultivated alfalfa land and some meadow land

(Signed)

Levin Lewis

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Blaine, County of Oseida, State of Idaho, on this day of March 18, A. D. 1937.

John W. Clark

Notary Public.

My commission expires May 15, 1940

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18256

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Harry Brantzer, 46 Years old, Malad, Idaho, Laborer, Same as Residence

Ques. 2. Are you acquainted with George C. Tovey, the holder of Permit No. 18256? How long have you known him and where does he reside?

Ans. 40 years; He resides at Malad, Route 2, Oneida County, Idaho

Ques. 3. Have you read or heard read said Permit No. 18256, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean waters; SE $\frac{1}{4}$ Section 10, Tp. 15 S. R. 36 E. B. 11; ditches, pipes, and flowing wells

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. The works will convey 1.50 cubic feet per second. There is being conveyed 0.75 cubic feet per second.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Domestic and irrigation purposes. E $\frac{1}{4}$ Sec. 1, T $\frac{1}{2}$ Sec. 10, Tp. 15 S. R. 36 E. B. 11. It is cultivated and meadow land; Draining of the walls and planting of more alfalfa

18256

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent

Ans. None

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Level, partly meadow land, 1.50 cubic feet per second could be used profitably. To my knowledge he is using about 0.25 cubic feet per second.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen him use all the water from his wells, being 0.25 cubic feet per second, conveyed through private ditches on his land from March 4, 1926, up and to December 1, 1928 upon cultivated alfalfa land and some meadow land.

(Signed)

Harry Brantze

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad, County of Oneida, State of Idaho, on this day of March 18, A. D. 1927.

Wm. V. Clark
Notary Public.

My commission expires May 25, 1940

Notice For Publication
NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 10 a. m. on the 24th day of March, 1937, at Malad City, County of Oneida, State of Idaho before Jno. W. Clark, Notary Public, proof will be submitted of the application to beneficial use of 0.75 cubic feet per second of the subterranean waters of three certain flowing wells in accordance with the terms and conditions of Permit No. 18256 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are George C. Torrey, Malad, Oneida County, Idaho.

The use to which said water has been applied is domestic and irrigation.

The amount applied to beneficial use is 0.75 second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) E1SW1, N1SE1, SW1SE1, Sec. 10 Tp. 15 S., R. 36 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is ditches located on said land.

The right to take water from such works is based upon Permit No. 18256.

The source of supply from which such water is diverted is subterranean waters from three certain flowing wells located on said land.

The date of the priority which said user is prepared to establish is March 23, 1936.

R. W. FARIS,

Commissioner of Reclamation.

2-25 to 3-18; t

RECEIVED
MAR 20 1937

Affidavit of Publication

County of Oneida }
State of Idaho } ss:

Lurline James..being first duly sworn on his oath, states: That she is *principal 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 the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for *4* successive weekly issues thereof, the date of the first publication being the *23-2* day of *February* 1937...the date of the last publication being the *18* day of *March* 1937...

Lurline A. James..

Subscribed and sworn to before me this *18* day of *March* 1937

L. S. Ray

Notary Public, residing at Malad, Idaho
My commission expires the *18* day of *Aug* 1937

COSTS *50* lines at 10c per line first insertion \$ *5.00*
.....5c per line each subsequent insertion *10.00*

TOTAL.....\$ *15.00*

18256

15256

RECEIVED

MAR 23 1937

Department of Reclamation

Malad, Idaho R.F.D. No/ 2
March 20th. 1937

To The Department of Reclamation;
Boise, Idaho;
R.W.Ferris; Commissioner of Reclamation
for the State of Idaho;

I hereby protest against the proof of Subterranean waters of two certain flowing wells under Permit No. 18256 of George C. Tovey of Malad Idaho, to be offered and made at Malad, Idaho at 10-00 A.M. on March 24th. 1937 before Jno W.Clark to and for the lands therein described the waters of which conflict with waters of the flowing wells on my lands in the same locality. And I further ask that no proof be submitted under the above permit, until a time when I have replaced the rusted out pipes in the flows on my premises that the natural flows of water therefrom can be restored to the regular amounts of waters that have always flowed therefrom, and which are at this time under their natural and normal and regular flow of water. And that it will take me about Ninety days to complete this work, and that I hereby ask for a period of about 100 days to complete this work, and that no proof ~~be~~ be submitted to your Department under the above permit, until after I have established the normal and natural flow of my wells as they have always flown for the past Sixteen years, with no precedent over them in this locality. And that I have commenced work on the replacement of these said rusted out pipes on my wells.

Witness my hand this the 20th.day of March 1937.

Thomas J. Clark
Malad, Idaho R.F.D. No. 2

18256

March 23, 1937

Re: Permit No. 18256
Geo. C. Tovey

THOMAS J. CLARK
Route #2
Malad, Idaho

Dear Sir:

This will acknowledge receipt of your protest dated March 20th against beneficial use proof under Geo. C. Tovey's permit No. 18256, covering subterranean water.

Some time during the summer, an examination will be made of the land which Mr. Tovey is irrigating with the water in question, and also with respect to your protest. After we have the engineer's report covering this examination, your protest will be given consideration.

Very truly yours

Deputy Commissioner of Reclamation

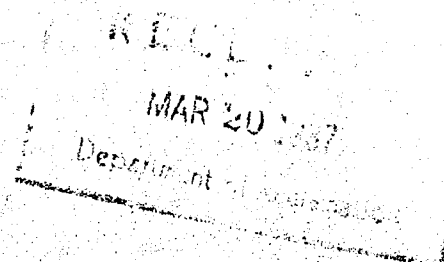
PLH/cj
cc Geo. C. Tovey

18256

John M. Clark
LAWYER

MALAD, IDAHO

March 18, 1937



Mr. R. W. Paris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

Re: Permit No. 18256

I am enclosing herewith Deposition of George C. Tovey, Permit Holder of Permit No. 18256, Deposition of Lewis Lewis, and Deposition of Harry Brantzeg as witnesses, together with affidavit of publication of Notice of Appropriation and Completion of Works in said matter. I trust that you will find the same in due order.

Mr. Tovey, the applicant, has asked me to inquire of you whether there was any error in the costs remitted to you. He was wondering whether an applicant was obliged to pay \$5.00 twice or whether one payment of \$5.00 was all that was necessary. He has paid \$5.00 to your office twice in this matter besides the other costs involved. You will kindly inform me and I will convey the same to him.

I also wish to call to your attention that the Notice as first forwarded to you recited "two certain flowing wells" which was in error as there were three certain flowing wells mentioned in the permit and of which he is asking for appropriation. The publication, you will note, shows that this error was corrected and that "three" was substituted for the "two" on the original. I trust that this change will meet with the approval of your office.

Yours very truly,

John W. Clark

John W. Clark

encls.
jwc/lp

18256

March 23, 1937

XXXXXXXXXX

Barzilla W. Clark

Re: Permit No. 18256
Geo. C. Tovey

JNO. W. CLARK
Attorney at Law
Malad, Idaho

Dear Sir:

This will acknowledge receipt of the deposition of Mr. Tovey and also depositions of his two witnesses, as well as an affidavit of publication from the Idaho Enterprise of Malad, all in connection with final proof under the above permit.

The depositions appear to be in order except that you took them on March 18th whereas proof was not supposed to be offered, as set forth in the published notice, until 10:00 A. M. on the 24th day of March. It so happens that the fourth publication was made on the 18th, and for that reason, I presume your having taken the proof at an earlier date than advertised would not be material.

You say that Mr. Tovey has paid two \$5.00 fees and that he has asked you to inquire whether or not there is an error in these charges. It is true that Mr. Tovey has paid two \$5.00 fees; one at the time when he filed his application with the department, and the other when he offered his proof of completion of works. For your information, I wish to refer you to Sec. 41-202, I.C.A. for the law governing filing fees of this nature; and to Sec. 41-215, I.C.A. for the other fee. The law requires that an engineer from this department make an examination of the lands which Mr. Tovey has irrigated before any action can be taken on the final proof. Sec. 41-215 further provides that the permittee shall pay \$2.00 for each 40-acre subdivision or portion thereof, that is being irrigated. Consequently, Mr. Tovey will have a further fee of \$10.00 sometime next fall after the Field Engineer turns in his report covering this examination.

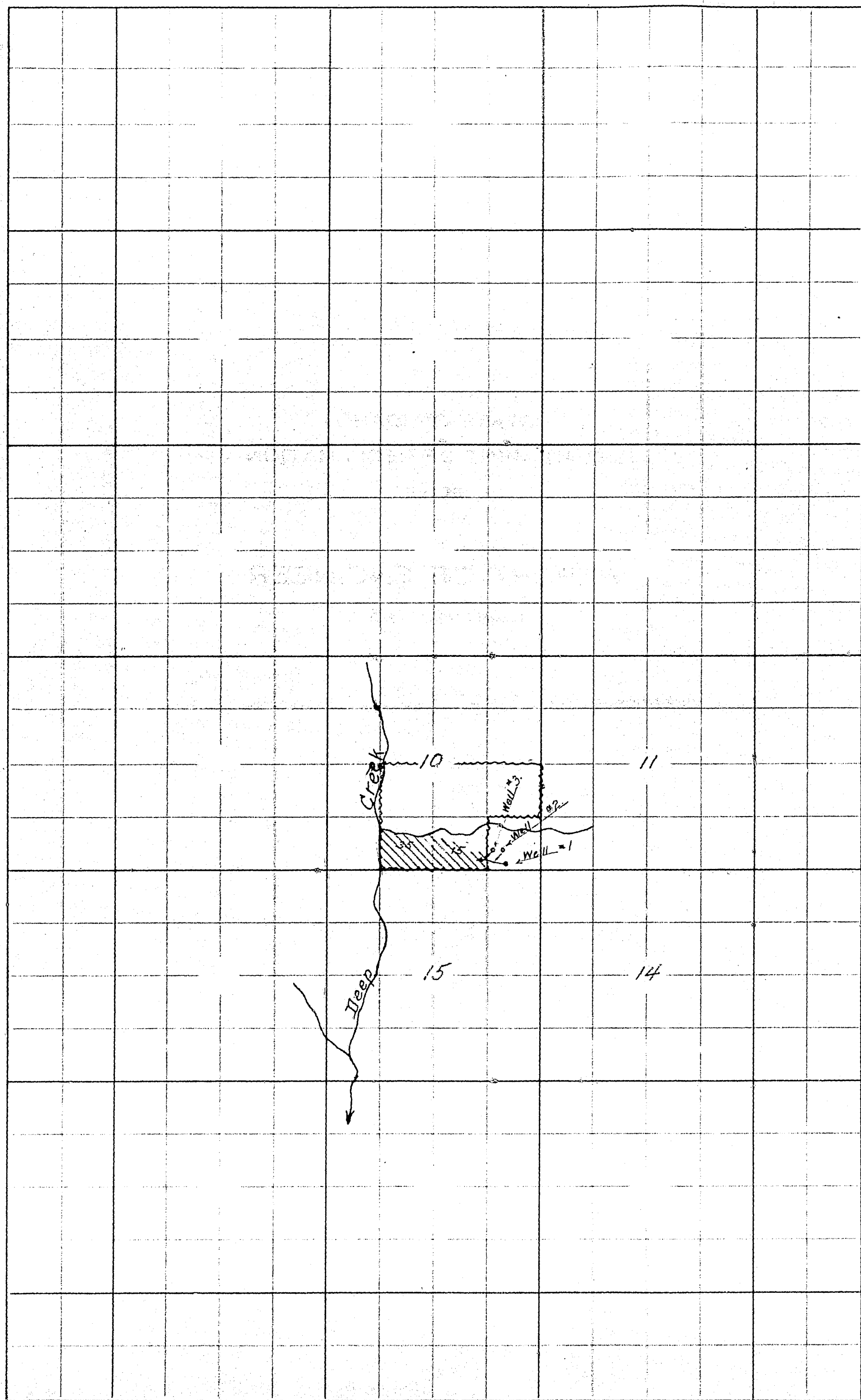
In your opinion, as well as in Mr. Tovey's, these charges may be exorbitant. However, you can appreciate the fact that this office had nothing whatsoever to do with the setting of the fees, since that is a matter that is controlled entirely by the legislature. Furthermore, these fees have been in effect for many, many years.

Very truly yours

Deputy Commissioner of Reclamation

PLH/cj

18250



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18256

This proof is for Beneficial Use

In Water District No.

1. Name of applicant GEORGE C. TOVEY

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10

T. 15 S. R. 36 E. County of Oneida

4. Describe works as they exist, giving dimensions and capacities of same: *Three drilled wells of 4" diameter $\frac{3}{4}$ approximately 100 ft depth. Well #1 open and flowing 10 miniers inches (Est.) Wells #3 & 4 were shut off.*

5. Water is used for: Irrigation and Domestic Use

6. State whether or not water has been turned into works of diversion: *yes*

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract: (Describe manner and place of use if for other than irrigation): E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, T. 15 S., R. 36 E., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? *Unknown*

Remarks *These wells all discharge direct onto swamp meadow land and require practically no ditches. All wells are said to be cased their full depth*

This examination was made on the 14th day of May, 1937

(Signed)

Fred L. Johnson
Examiner.

C
O
P
Y

P-18256
Malad, Idaho R.F.D. No/ 2
March 20th. 1937

To The Department of Reclamation;
Boise, Idaho;
R. W. Ferris; Commissioner of Reclamation
for the State of Idaho;

I hereby protest against the proof of Subterranean waters of two certain flowing wells under Permit No. 18256 of George C. Tovey of Malad Idaho, to be offered and made at Malad, Idaho at 10-00 A.M. on March 24th. 1937 before Jno W. Clark to and for the lands therein described the waters of which conflict with waters of the flowing wells on my lands in the same locality.

And I further ask that no proof be submitted under the above permit, until a time when I have replaced the rusted out pipes in the flows on my premises that the natural flows of water therefrom can be restored to the regular amounts of waters that have always flowed therefrom, and which are at this time under their natural and normal and regular flow of water. And that it will take me about Ninety days to complete this work, and that I hereby ask for a period of about 100 days to complete this work, and that no proof be submitted to your Department under the above permit, until after I have established the normal and natural flow of my wells as they have always flown for the past Sixteen years, with no precedent over them in this locality. And that I have commenced work on the replacement of these said rusted out pipes on my wells.

Witness my hand this the 20th. day of March 1937.

THOMAS J. CLARK
Malad, Idaho R.F.D.No. 2

Note:- Upon May 14, 1937 Mr. Clark stated that both the Tovey diversion and also one of his (Tovey's) own wells, all of which are on lower ground than the "Clark" domestic well which serves his home; and that all or any of the lower wells may cause creation of flow from the home well. He also stated that he wasn't going to make trouble over the matter if Tovey "behaved himself". H.



STATE OF IDAHO

PAUL H. BERS
Acting DEPUTY COMMISSIONER

DEPARTMENT OF RECLAMATION

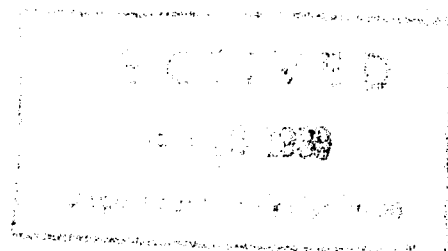
JAMES Spofford ~~REMOVED~~, COMMISSIONER

BOISE

~~GOVERNOR~~, GOVERNOR

C. A. Bottolfson

January 3, 1939



Re: Permit No. 18256

Mr. George C. Tovey
Route 2,
Malad, Idaho.

Dear Sir:-

A short time ago we received our field engineer's report on proof of beneficial use under the above numbered permit.

This report shows that you are irrigating 50 acres in two 40-acre legal subdivisions.

The fee will, therefore, amount to \$4.00, upon receipt of which a license will be issued.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

BY

Jeannie L. Anderson
Chief Clerk

18256

James Spofford ~~XXXXXXXX~~

~~XXXXXXXXXXXX~~
C. A. Bottolfson

January 17, 1939

Re: Permit No. 18256

Mr. George C. Tovey,
Maui, Lāhō.

Dear Sir:-

We are herewith enclosing License and Certificate of Water Right issued under the above numbered permit, confirming your right to the use of 0.75 second feet of subterranean waters, with a priority of March 23, 1936, for domestic and irrigation purposes, upon the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, Township 15 South, Range 36 East, E. M.

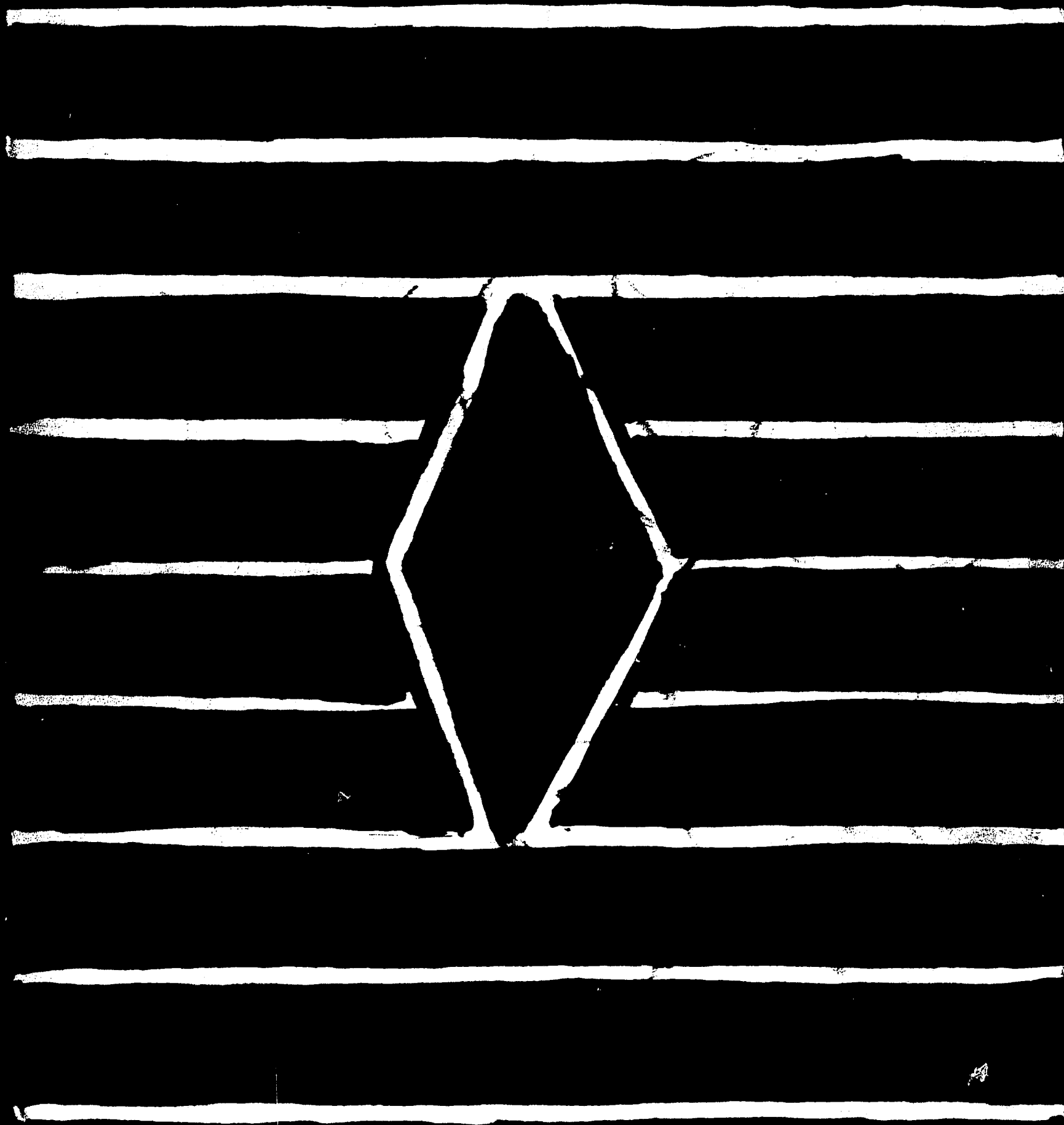
The Department's receipt No. 16820 for the \$4.00 fee is also enclosed.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By
Chief Clerk

JLA
Enc.

18256



State of Idaho
License and Certificate of Water Right

Water License No. 18256
Water District No.

Amount 0.75 second foot
Priority March 23, 1936

THIS IS TO CERTIFY that GEORGE C. TOVEY
of Malad, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 23, 1936; that Permit No. 18256
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.75 second feet, was issued thereunder on January 12, 1937, showing that said works
were completed on the 17th day of August, 1936; and that on the 3rd
day of March, 1937,

GEORGE C. TOVEY

of Malad, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of subterranean
waters, ~~subterranean~~, for the purpose of domestic and irrigation
use, under Use Permit No. 18256 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 3908, on the 17th day of January, 1939;

The right hereby confirmed dates from March 23, 1936;

The Point of Diversion is located
in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 10, Tp. 15 S., R. 36 E., B. M., Oneida County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.75
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	36 E.	10	NE-SW	10	10
			SE-SW	5	5
			NE-SE	10	10
			NW-SE	40	40
			SW-SE	5	5
Total Number of Acres to be irrigated-				70	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho;
this 17th day of January, 1939

JAMES SPOFFORD

Commissioner of Reclamation

(SEAL)

15 2220

