

Nº 194

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Oneida

Carole Hummel being duly sworn,
deposes and says: That she is the Secretary of THE
IDAHO ENTERPRISE, a weekly newspaper published at Malad,
in the County of Oneida and State of Idaho; that said paper has
been and is in general circulation in the county aforesaid, and in
the vicinity of Malad; that the advertisement, a copy of which is
attached hereto, was published in said newspaper once a week for
2 consecutive weeks in the regular and entire issue of said
paper during the period of time of publication, and was
published in the newspaper proper and not a supplement; that
said paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of first
publication of said advertisement.

Such notice was published in the issue beginning with
January 7, 19 82, and ending
with the issue of January 14, 19 82

Fee \$ 28.55

Subscribed and sworn to before me this 3rd day

of February, 19 82

Carole Hummel
Notary Public, Residing at Malad, Idaho

My Commission Expires July, 19 82

RECEIVED

FEB 5 1982

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO WATER RIGHT

NOTICE IS HEREBY GIVEN
that the following claim to water
right has been established by
diversion and application to
beneficial use:

No. 15-4092

TOVEY, BOYDC, & OR JAMES
P
622 BROOKDALE DR., BOISE,
ID 83720

Source: SPRINGS tributary to
FOUR MILE CREEK

Priority Date: 07-01-1900

Amount: 2.00 CFS

Diversion Point: SESE Sec 10 T
15S R 36E, ONEIDA Co.

Use: IRRIGATION (2.00 CFS)

from 04-01 to 11-01 STOCK-
WATER (0.03 CFS) from 01-01 to
12-31

Place of Use: SWSW SESW

SWSE SESE Sec 10 T 15S R 36E

NENE NWNE NENE NWNW

Sec 15 T 15S R 36E FOR 142

ACRES

Diversion Means: TWO

DITCHES TO IRRIGATION

SYSTEM

Any exception to any claim of
water right may be filed with the
Director of the Idaho Depart-
ment of Water Resources, 150
Shoup Ave., Idaho Falls, Idaho
83402

A KENNETH DUNN
Director

Published 1-7 & 1-14-82

1-7-14-82

Lines 41

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

RECEIVED
DEC 13 1981
Department of Water Resources
Southern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Boyd C. Tovey &/or James D. Tovey
(Name of Claimant)

602 Brookdale Drive, Boise, ID 83702 Telephone No. 344-0576
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 7/1/1900

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Springs tributary to Four Mile Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	
Quantity <u>2.0</u>	Use <u>irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity <u>.03 cfs</u>	Use <u>stockwater</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 2.0 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SE 1/4 SE 1/4, Sec. 10 Twp. 15S Rge. 36E B.M., County of Oneida

Additional points of diversion:

100.0 - 005.0 - 025.0 - 001.0 - 000.3

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Two ditches serve the irrigation system gravity flow.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15S	36E	10											5	30			30	13	78
		15	19	20			20	8											67

No. of acres 145

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered: 100 head range

(7) If you are claiming water as a member of an organization, list name of organization:

A hand-drawn graph on a grid. The grid has a solid border and dashed internal lines. The path is defined by the following points and labels:

- Point (3, 3) is labeled **R 36 E**.
- Point (2, 2) is labeled **T**, **15**, and **S**.
- Point (3, 2) is labeled **10**.
- Point (2, 1) is labeled **5**, **30**, **30**, **8 P.D**, and **13**.
- Point (3, 1) is labeled **8**, **20**, **20**, and **19**.
- Point (3, 0) is labeled **15**.

FOR DEPARTMENT USE ONLY

Received by	<u>AKA</u>	Date	<u>12/2/81</u>	Exception filed by:		Forwarded to		Date	
Prelim. check by	<u>KCW</u>	Date	<u>12/23/81</u>			claimant by:			
\$20.00 fee received by	<u>AKA</u>	Date	<u>12/7/81</u>	#	<u>20395</u>				
Published in	<u>Wade Enterprise</u>								
Dates	<u>1-7 and 1-14-82</u>								

THIS INDENTURE, Made this 30th day of September
in the year of our Lord one thousand nine hundred and eighty , between

ISABEL D. TOVEY, a widow,
of Boise , County of Ada , State of Idaho
the party of the first part, and BOYD C. TOVEY of Boise, County of Ada,
State of Idaho, and JAMES D. TOVEY,
of San Francisco , County of San Francisco , State of California
the parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of
TEN DOLLARS and other valuable consideration, ~~XXXXXXXXXX~~
lawful money of the United States of America,

to her in hand paid by the said
parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained
and sold, and by these presents do es grant, bargain, sell, convey and confirm unto the said parties
of the second part, and to their heirs and assigns forever, all of the following described real estate,
situated in , County of Oneida , State of Idaho, to-wit:

Beginning at the Southwest Corner of Section
Ten (10), Township Fifteen (15) South, of Range
Thirty-six (36) East of the Boise Meridian, and
running thence North 60 rods; thence East 320
rods; thence South 24 rods; thence East 14 rods;
thence Southwesterly 75 rods to a point 38 rods
South and 11 rods East of the Northeast Corner
of Section Fifteen (15), Township Fifteen (15)
South of Range Thirty-six (36) East of the Boise
Meridian, thence West 51 rods, thence South 2
rods; thence West 280 rods; thence North 40 rods
to the place of beginning, containing 203.33
acres, more or less;

Together with the water and water rights, and
ditches and ditch rights appurtenant thereto
or used in connection therewith, including water
evidenced by 56.72 shares of the Deep Creek
Irrigation Company.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances therunto
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
issues and profits thereof; and all estate, right, title and interest in and to the said property, as well
in law as in equity, of the said party of the first part, as the sole and separate
property of the parties of the second part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with
the appurtenances unto the parties of the second part, and to their heirs and assigns forever.

And the party of the first part, and her heirs, shall and will warrant and by these presents
forever defend the premises in the quiet and peaceable possession of the parties of the second part, their
heirs and assigns, against the party of the first part, and her heirs, and against all and every
person and persons whomsoever, lawfully claiming the same shall and will WARRANT and by these presents
forever DEFEND.

December 24, 1981

Boyd C. Tovey
602 Brookdale Drive
Boise, Idaho 83702

Dear Mr. Tovey:

Enclosed is a copy of the claim for a water right and a corrected claim to a water right for you well, and a copy of a USGS map showing land described in the warranty deed. The corrected claim is needed to correct the discrepancy between the map and the land list in item 6.a. from the original claim. Upon receipt of the signed, notarized, corrected claim, processing will continue.

Please feel free to contact this office for any additional assistance that may be needed.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:hrs

enc: as stated/

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402.

A. KENNETH DUNN

Director

Published 1/7/ & 1/14/82.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83402
(208) 525-7161

DECEMBER 29, 1981

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before JANUARY 25, 1982.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

15-4083-

TOVEY, BOYD C. &/or JAMES D.

602 BROOKDALE DR., BOISE, ID 83720

Source: SPRINGS tributary to FOUR MILE CREEK

Priority Date: 07/01/1900

Amount: 2.00 CFS

Diversion Point: SESE Sec 10 T 15S R 36E, ONEIDA Co.

Use: IRRIGATION	(2.00 CFS)	from 04/01 to 11/01
STOCKWATER	(0.03 CFS)	from 01/01 to 12/31

Place of Use: SWSW SESW SWSE SESE Sec 10 T 15S R 36E NENE NUNE NENW NWNW
Sec 15 T 15S R 36E FOR 145 ACRES

Diversion Means: TWO DITCHES TO IRRIGATION SYSTEM

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

Right Number 15 4083 Applicant B.C. & J.D. Tovey

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date Feb. 17, 1981

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW Date 2/23/82

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
<u>SESE</u>	<u>10</u>	<u>15S</u>	<u>36E</u>	<u>--</u>	<u>--</u>	<u>000.7</u>

IDAHO STREAM CODE INDEX

100.0.005.0.0250.0010.000.3.-----

February 2, 1982

RE: Claim to a Water Right No. 15-4083 TOVEY

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

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on January 7 and 14, 1982.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 25, 1982

BOYD C. TOVEY
JAMES D. TOVEY
602 BROOKDALE DR.
BOISE

ID 83720

RE: Claim No. 15-4083

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

RECEIVED
FEB 23 1982

Department of Water Resources