

15 4084

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, ~~XXXXXXXX~~
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 thereunto
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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Claim No. _____

RECEIVED

DEC 10 1983

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

(Mailing Address)

Telephone No. 344-0576

(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) 7/1/1936

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)

Groundwater

tributary to

- (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)	(Mo., Day)
Quantity <u>.05</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) .05 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: _____

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. diversion by means of two ditches from well - casing 1/2" - gravity
irrigation artesian well.

- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
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: _____

[illegible]

Received by JKV Date 12/7/91 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$20.00 fee received by JKV Date 12/9/81 # 20395
Published in _____
Dates _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



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

602 Brookdale Drive, Boise, Id. 83702 Telephone No. 334-0576
(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:

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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)
Groundwater tributary to _____

- (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)	(Mo., Day)
Quantity	<u>.05cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity	<u>.03cfs</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) .05 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: _____

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. Diversion by means of two ditches from well - casing 4" - gravity irrigation artesian well

- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	36E	10											5	30			30	13	78
		15	19	20			20	8											67

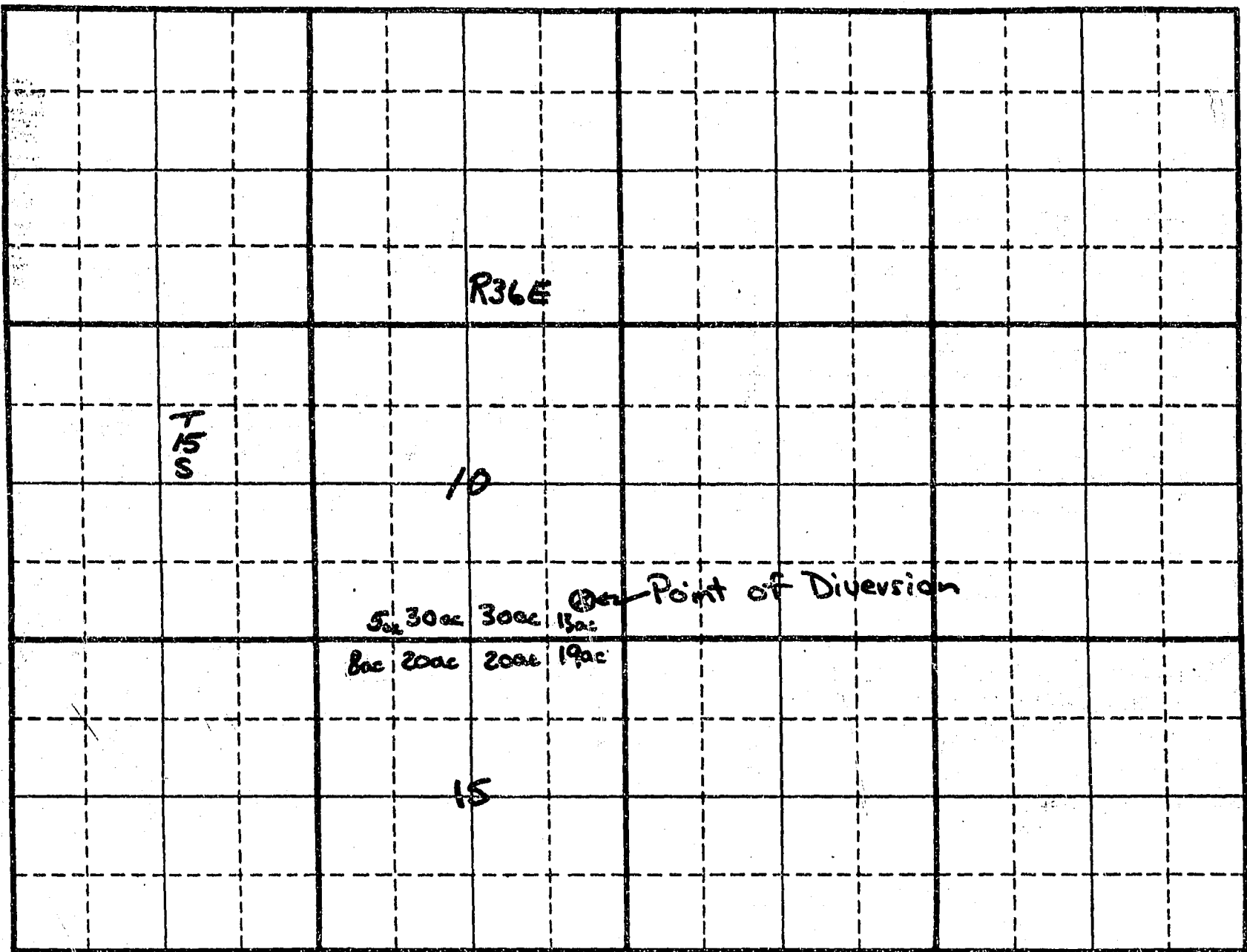
No. of acres 145

- 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 cattle

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

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 7 day of January, 1982.

Boyd L. Tovey
(Claimant)
Nancy M. Northway
Notary Public
Residing at Boise

My commission expires Life

Received by CW Date 11/11/82 FOR DEPARTMENT USE ONLY
Prelim. check by Rcw Date 12/7/81 Exception filed by: _____ Date _____
\$20.00 fee received by Rcw Date 1-11-82 Fowarded to claimant by: _____
Published in Idaho Calligrapher # 20395
Dates Jan. 21 & 28, 1982



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

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
KEITH C. WILSON
Sr. Resource Agent

KCW:brs

enc: as stated/

Dept of Water Resources
c/o Keith C. Wilson 150 Shoup
Sr. Resource agent
Idaho Falls, Ida 83401

Correction on the place of use
on Boyd C. Forey or James D. Forey
claim to a Water Right is enclosed
for your use. Sorry for the
inconvenience.

JKN.

RECEIVED

JAN 11 1982

Department of Water Resources
Idaho District Office

15-4084

TOVEY, BOYD C. &/or JAMES D.

602 BROOKDALE DRIVE, BOISE, ID 83702

Source: GROUNDWATER

Priority Date: 07/01/1936

Amount: 0.05 CFS

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

Use: IRRIGATION	(0.05 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 N4NE NENW N4NW
Sec 15 T 15S R 36E FOR 145 ACRES

Diversion Means: WELL AND TWO DITCHES

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 1/21 & 1/28/82.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JANUARY 13, 1982

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 FEBRUARY 8, 1982.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

KC Wilson
15 4084

Right Number

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.

2/08/82

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

206

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 8, 1982

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

ID 83702

RE: Claim No. 15-4084

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

Nº 186

AFFIDAVIT OF PUBLICATION

JAN 29 1982

STATE OF IDAHO,

County of Oneida

Department of Water Resources
Eastern District Office

Carol D. 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 21, 1982, and ending

with the issue of January 28, 1982

Fee \$ 18.70

Subscribed and sworn to before me this 28th day

of January, 1982

Carol D. Hummel
Notary Public, Residing at Malad, Idaho

My Commission Expires July, 1982

NOTICE OF WATER RIGHT
GIVEN BY THE STATE OF IDAHO
claim to the water right has
been established by the State
and the water right is
beneficial use.
TO: TERRY BOYD & OR
JAMES D.
802 BROOKDALE
DRIVE, BOISE, ID 83708
Source: GROUND-
WATER
Priority Date: 07-01-1925
Amount: 0.05 CFS
Diversion Point: SESE
Sec 10 T 14N R 3E
ONEIDA CO.
Use: IRRIGATION (0.05
CFS) from 04-01 to 11-01
STOCKWATER (0.05
CFS) from 01-01 to 12-31
Place of Use: SWSW
SESW SWSW SESE Sec 10
T 14N R 3E NESE
NWSE NESE NWSE
Sec 10 T 14N R 3E FOR
100 ACRES
Diversion Means:
WELL AND TWO
DITCHES
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 1-21 & 1-28-82
1-21-82 12
Lines: 41