

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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MAY 01 2015

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) M J Davis Memorial LTD Partnership Phone (719) 593-1240

Mailing address 1970 La Bellezza Grove Colorado Springs, CO 80919 Email davisjnl@msn.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

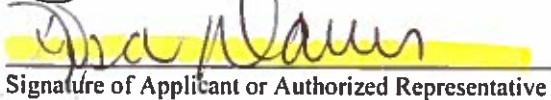
☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Print Name and Title if applicable

4-23-15
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

The City of Samaria has approached the applicant to facilitate a land swap. This transfer proposes to move water currently on property owned by the applicant to land owned by the City of Samaria. Ownership of both parcels will change and this water right will no longer be used to irrigate 7.1 acres in the SWSE quarter.

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.		Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part						
☒	☐	15-7175	0.30 cfs	Irrigation	04/15 to 10/15	Ground Water
☐	☐		0.02 cfs	Stockwater	09/01 to 05/15	Ground Water
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 0.31 cfs cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.31 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N			SW	SE	14	15S	35E	Oneida	Ground Water	D0011944
N			NE	NW	23	15S	35E	Oneida	Ground Water	D0014152

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	35E	14															1.6	6	7.6
15S	35E	23					7.4												7.4
STOC	K WA	TER**	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	
15S	35E	14															S	S	
15S	35E	23					S												
Total Acres (for irrigation use)																			15

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Use of H₂O from property near Samaria Park
to property next to residence

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
7.4 acres located at the existing place of use will no longer be irrigated with water right 15-7175.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Surface water shares in Samaria irrigation company.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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Eastern Region

IDAHO DEPARTMENT OF WATER RESOURCES

Proof Report

7/16/2014

Water Right 15-7175

Owner Type

Current Owner

Name and AddressM J DAVIS MEMORIAL LTD PARTNERSHIP
1970 LA BELLEZZA GROVE
COLORADO SPRINGS, CO 80919
(719)593-1240**Priority Date:** 8/30/1999**Basis:** License**Status:** Active**Source**

GROUND WATER

Tributary**Beneficial Use**

IRRIGATION

STOCKWATER

From

04/15

To

10/15

Diversion Rate

0.300 CFS

0.020 CFS

Total Diversion

0.310 CFS

Volume

52.5 AF

0.5 AF

53.0 AF

Source and Point(s) of Diversion

GROUND WATER

SWSE

Sec. 14, Twp 15S, Rge 35E, ONEIDA County

Place Of Use

STOCKWATER within ONEIDA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	35E	14															X		

IRRIGATION within ONEIDA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	35E	14															9.0	6.0	15.0

POU Total Acres: 15.0

Conditions of Approval:

1. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted for irrigation purposes under this right.
2. 105 If the surface water rights appurtenant to the place of use are abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Combined Use Limits

N/A

SubCase:

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ### B. CHANGES IN NATURE OF USE (Water Balance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 200- Date 6/29/15 Received by SC Receipt # E041203

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____



80047

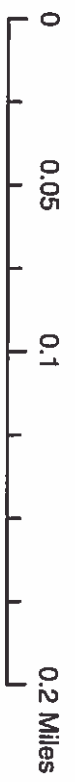
15-7175 Current Place of Use and Point of Diversion

Current Place of Use

Township/Range

Sections

QQ





Place_of_Use

Township/Range

Sections

22



PROPOSA

I, Melvin Jeffrey Davis, general partner of Limited Partnership, agree to trade approximately 8.3 acres) of partnership land in Block 1 of County, Idaho to the town of Samaria in return of Samaria located in Block D of same approximately 7.5 acres, on the following conditions:

- a. That the Davis partnership is allow acre of land (of the current 8.3 acre buildings, running north and south at Samaria road.
- b. That the Davis partnership retains presently buried irrigation pipeline extend said pipeline to the west of Bl
- c. That the Town of Samaria wil abandonment of the unimproved road

This Notary Certificate is prepared on a separate page and is attach
PROPOSAL, containing one page(s) and
means of staple. If this certificate is detached from the sp
VOID.

THE STATE OF COLORADO

COUNTY OF EL PASO

BEFORE ME, the undersigned authority, on this day personally app
known to me to be the person whose name is subscribed to the fore
to me that he executed the same for the purposes and consideration

GIVEN UNDER MY HAND and seal of office this 18th day

Barbara J. Mapp
Signature of Notary Public