

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO.)
15-7032 IN THE NAME OF MELVIN J. DAVIS)

MEMORANDUM DECISION
AND ORDER

On July 20, 1976, Melvin J. Davis of Malad City, Idaho, filed with the Department of Water Resources an application to appropriate 0.02 cubic feet per second of water from springs, to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, Twp. 15S, Rge. 35E, B.M., Oneida County, to be used for stockwater purposes in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, Twp. 15S, Rge. 35E.

Notice of this application was published in the Idaho Enterprise on August 5 and August 12, 1976, and subsequently was protested by the Samaria Water and Irrigation Company, Alvin T. Williams, Lester W. Atkinson, and Ruth Martin Lewis, all of Malad, Idaho. On August 16, 1976, the application was amended by the applicant changing the point of diversion to the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, Twp. 15S, Rge. 35E, B.M., Oneida County. The amended application was advertised on August 26, and September 2, 1976, and the protestants were informed of the change.

A hearing in the matter was held in Malad, Idaho, on November 4, 1976. The applicant and the protestants were present and represented themselves. Sworn testimony was given by the applicant, Melvin J. Davis and Alvin T. Williams. Mr. William's testimony was given on his own behalf and on behalf of the Samaria Water and Irrigation Company. The concern of the protestants was that the granting of a permit would reduce the amount of water available under existing rights.

The Department having now reviewed the testimony obtained at the hearing and other available information and based upon the Director's understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The Samaria Water and Irrigation Company claims the right by virtue of the diversion and beneficial use of 2.00 cubic feet per second of water from Thomas Davis Canyon, with a priority of July 3, 1893. This claim has not been recorded with the Department of Water Resources.

2. The spring in question is located about 3,000 feet from Thomas Davis Creek. The water from the spring sinks into the ground a short distance from its origin and is not tributary on the surface to any stream.

CONCLUSIONS OF LAW

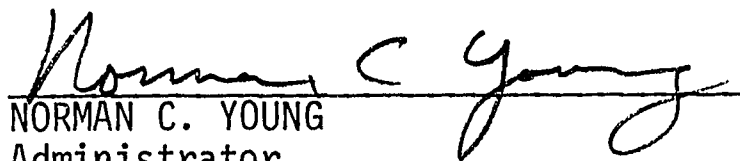
1. The non-tributary flows of the spring in question have not been appropriated by the water users on Thomas Davis Creek.
2. The applicant is entitled to an approved permit.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 15-7032 is APPROVED subject to the following conditions:

1. The right will be subject to all prior water rights.
2. Proof of construction of works and application of water to beneficial use shall be submitted to the Department of Water Resources on or before June 1, 1979.

Dated this 16TH day of May, 1978.


NORMAN C. YOUNG
Administrator

15 7032

Identification No. _____

Application No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

AMENDED **APPLICATION FOR PERMIT** AMENDED

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Melvin J. Davis Phone: 766-2679
post office address Box 44A, Malad, Idaho 83252
2. Source of water supply Springs NE 1/4 which is a tributary of NE 1/4 33 NE 1/4
3. a. Location of point of diversion is NW 1/4 of NW 1/4 of Section 34 Township 15S
Range 35E B.M. Oneida County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.02 for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.02 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. headbox, 1 inch plastic pipeline
and pond

- b. Height of storage dam 10 feet, active reservoir capacity 0.7 acre feet; total reservoir capacity 0.8 acre feet, materials used in storage dam: Earth
Period of year during which storage will occur Jan. 1 to Dec. 31 inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years.
b. Estimated construction cost is \$ 135.00.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: SW 1/4 of SW 1/4 of Section 27 Township 15S
Range 35E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 25 beef cattle

(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:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			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	

Total number of acres to be irrigated _____

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

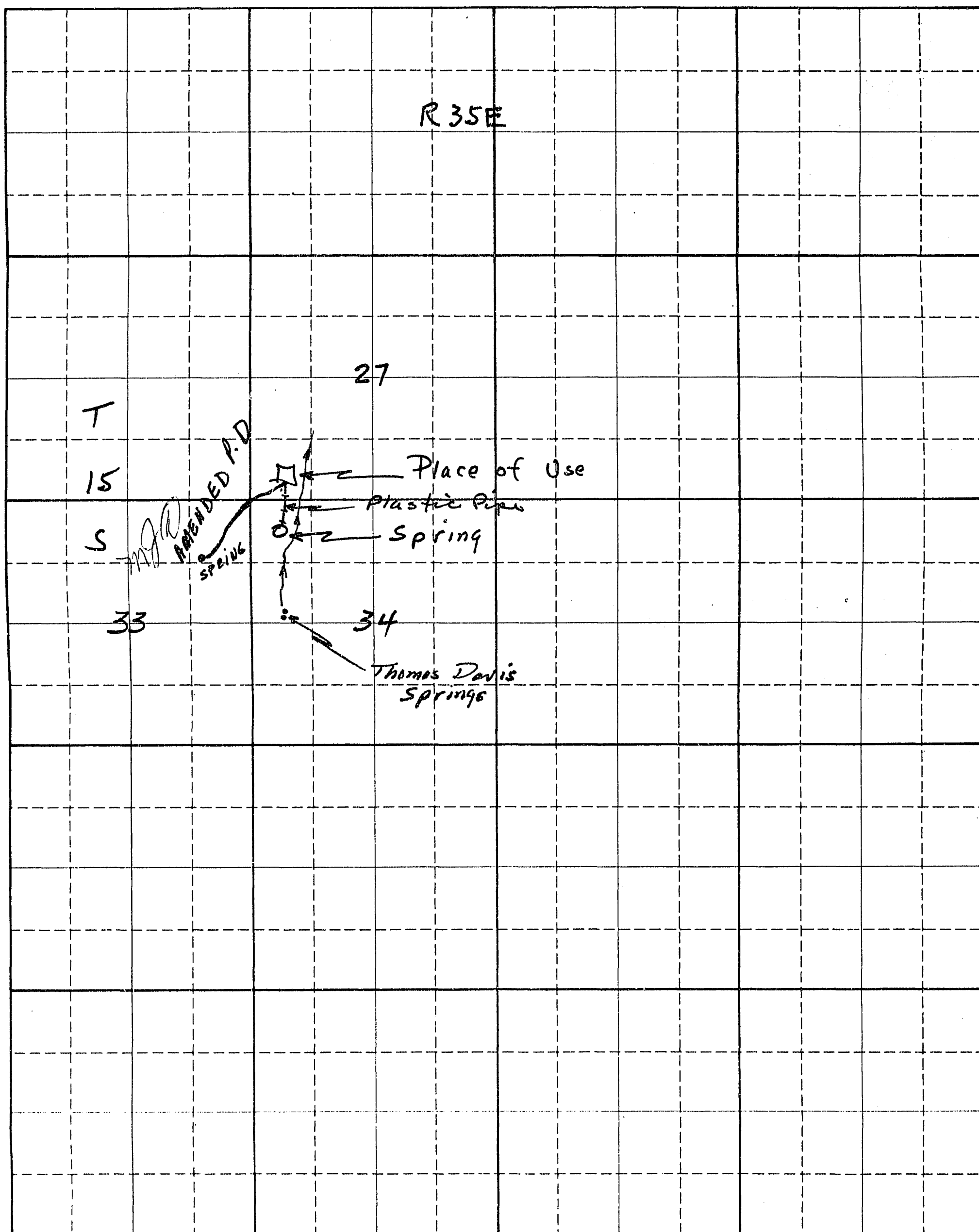
9. a. Who owns the property at the point of diversion BLM

b. Who owns the land to be irrigated or place of use Melvin J. Davis

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 Reservoir is 32 ft. long by 26 ft. wide. Depth ^{varies} ~~ranges~~ from 7 ft. at spillway to 3 ft. at the upper end.

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.

Thomas Davis
(Applicant)

7/20/76

Proposed Priority 15-76 11:56 A Amended
CW 7-26-76 10:00 A

Received by CW Date 7-27-76 Time 10:55 A

Preliminary check by JH Fee \$ 10.00

Receipted by CW Date 7-27-76 # 2481 Amended \$ 10.00

Publication prepared by CW Date 7-28-76

Published in Idaho Enterprise

Publication dates Aug 5 + 12, 1976

Publication approved CW Date 8-16-76

Priority reduced to _____ Reason _____

Protests filed by: Idaho Water & Irrig.

Alvin J. Williams, Director

Atkinson, Ruth Martin Lewis

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by WJH

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. 15-7032, 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 June 1, 1979.

c. Other: PURSUANT TO MEMORANDUM DECISION AND ORDER DATED THIS DATE.

2. Denial of said application is for the following reasons: _____

Witness my hand this 16TH day of May 19 78.

Norman C. Young
Administrator

3-101

21 22

28 27

50

Mabel DAVIS

PRE

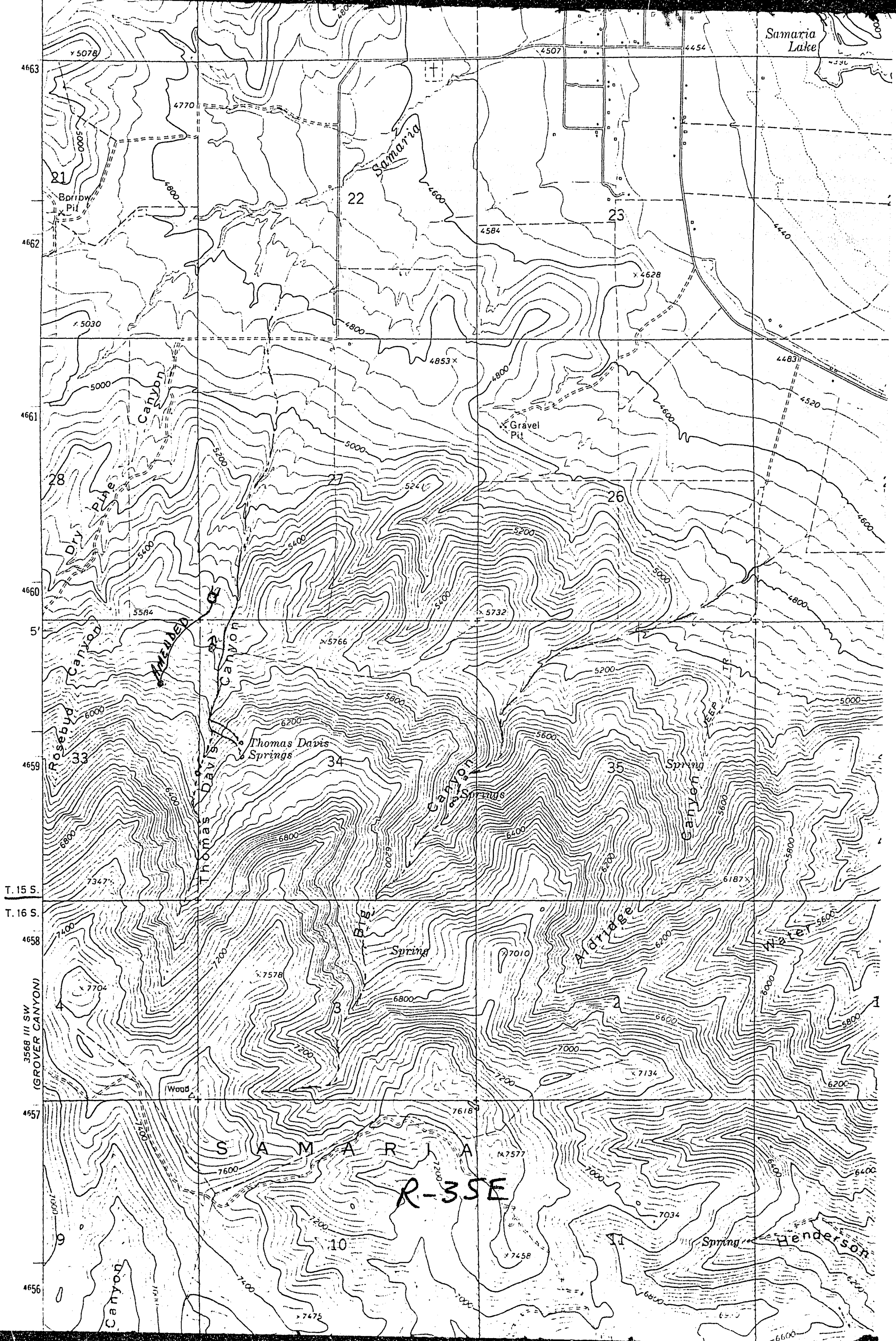
15

3

28 27

33 34

APR 16 1966
APR 16 1966
APR 16 1966
3-103



RECEIVED

AUG 15 1976

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Melvin J. Davis, Malad City, Idaho has on 7-26-76 submitted Application No. 15-7032 for a permit to appropriate 0.02 cubic feet per second of water from springs by means of headbox and pipeline within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T. 15S, R. 35 E, B.M., Oneida County; to be used from Jan. 1 to Dec. 31 for stockwatering purposes for 25 beef cattle within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 15S., R. 35E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before, August 23, 1976.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad City, Idaho on August 5, and August 12, 1976.

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Paula Hunsdel being first duly sworn on oath, states: That she is 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 said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof the date of the first publication being the 5 day of August, 1976 the date of the last publication being the 12 day of Aug, 1976.

Paula Hunsdel

Subscribed and sworn to before me this day of, 19.....

Daniel C. Jones
Notary Public, residing at Malad, Idaho

My Commission expires the 6th day of August, 1976

Costs:

29 lines at 23c per line first insertion \$ 6.67
..... lines tabulated at 34 $\frac{1}{2}$ c per line \$.....
15c per line each subsequent insertion \$ 4.35
TOTAL \$ 11.02

(Rates for legal notices are fixed by Idaho law)

RECEIVED

SEP 7 1976

Department of Water
Eastern District Office

**NOTICE OF AMENDED
APPLICATION FOR
WATER PERMIT
NOTICE IS HEREBY GIVEN**

that Application for Permit No. 15-7032 in the name of Melvin J. Davis was filed for the diversion of 0.02 c.f.s. of water from springs with point of diversion within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T. 15S, R. 35E, B.M., Oneida County; to be used from Jan. 1 to Dec. 31 for stockwatering purposes for 25 beef cattle within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 15S, R. 35E, B.M.

The applicant now proposes to amend Application No. 15-7032 changing the point of diversion to the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T. 15S, R. 35E, B.M., Oneida County.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before September 13, 1976.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise on August 26 and September 2, 1976.

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Paul Daniel being first duly sworn on

his oath, states: That he is owner 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 said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof the date of the first publication being the 26 day of August, 1976 the date of the last publication being the 2 day of Sept, 1976.

Paul Daniel
Subscribed and sworn to before me this 3rd day of September, 1976.

Shanda Edwards
Notary Public, residing at Malad, Idaho

My Commission expires the _____ day of _____, 19_____.

Costs:

32 lines at 23c per line first insertion \$ 7.36

_____ lines tabulated at 34 $\frac{1}{2}$ c per line \$ _____

15c per line each subsequent insertion \$ 4.80

TOTAL \$ 12.16

(Rates for legal notices are fixed by Idaho law)

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Melvin J. Davis

Item Initial Date

Application No. 15-7032

- ☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

- (1) Jay 7/27/76 In form to receipt yes
- (2) " " Send Copies to:
Idaho State Health Department
Idaho Fish and Game Department
☒ Bureau of Land Management
- (3) " " Request Special Use Permit from U.S.F.S.
☒ Request Easement from B.L.M.
Request Information from Applicant
- (4) " " In form for advertising yes
- (5) " " Platted on Map No. DD-90
- (6) " " Located within Water District No. NA
- (7) " " NA Critical groundwater area: yes no
- (8) " " Groundwater levels:
NA Declining, Stable, Increasing
(comment) _____
- (9) " " Other rights on the same place of use None
- (10) " " Comments: No other water known
- (11) CW 9-07-76 Amended Affidavit of Publication received (date) Sept. 7, 1976
Ca 8-16-76 Aug. 16, 1976
- (12) CW 8-13-76 Final date for protests Sept. 13, 1976
Protests received: yes no August 23, 1976
- (13) LA 12-16-77 All requested information received from agencies or applicant: yes no
- (14) LA 12-16-77 Action recommended:
☒ Approve Deny
- 7-20-76 Proposed Priority
Reason for Reduction _____
NO Measuring device required
See attached sheet for other conditions of approval
No special conditions for approval
- (15) District E By Lauren O'Halloran Date 12-16-77

July 9, 1976

Mr. Melvin J. Davis
Box 44A
Malad City, Idaho 83252

Dear Mr. Davis:

Enclosed please find your application for permit. We find it necessary to return this application as the statutory filing fee was not included and several changes were necessary.

We have taken the liberty of typing a partially completed application for your review and have enclosed a Quad Map showing your area. In Item 3, the point of diversion needs to be clarified to the nearest 40-acre subdivision. Item 8a(1), should list the proposed place of use. If you would prefer, you may indicate these locations on the Quad Map and we will transfer the legal descriptions to your application.

Item 8c, please indicate any other water rights you have for the same purpose. If none, please state.

Review this application for correctness and complete the necessary items, sign at the bottom of Page 3 exactly as your name appears in Item 1, and return with the statutory filing fee of \$10.00 for further processing.

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

Very truly yours,

LOREN O. HOLMES
Assistant Regional Supervisor

LOH:CW

Enclosures

July 21, 1976

C
Melvin J. Davis
Box 44A
Malad City, Idaho 83252

Dear Mr. Davis:

It is again necessary we return your check No. 92-86 in the amount of \$10.00 and your application for signature at the red check on the bottom of Page 3.

Please note we have completed Item 3a, 8a(1), and the map under Item 11. We are assuming the springs you obtain your water from is not the Thomas Davis Springs. If not, and they do not have a name, perhaps we should call them unnamed springs, please advise.

Review the returned application and if it meets with your approval, please sign your name as it appears in Item 1 and return with the statutory filing fee of \$10.00 for further processing.

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

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:CW

Attachment

Enclosure

These springs are to the west and
north of Thomas Davis Springs and
are across the canyon from them.

They have no name. Sorry to
make so much work for you. Your advice on
the name of the springs would be appreciated.
- T. Davis

July 28, 1976

RE: Application for Permit No. 15-7032

Mr. Melvin J. Davis
Box 44A
Malad City, Idaho 83252

Dear Mr. Davis:

Attached herewith is departmental receipt No. 2481 in the amount of \$10.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

July 28, 1976

RE: Application for Permit No. 15-7032

Bureau of Land Management
940 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

Please be advised that the above referenced application has been filed by Melvin J. Davis. He has indicated that the point of diversion is located on Bureau of Land Management land, and is aware that he must obtain an easement from your office.

If you have any further questions in regards to this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

cc: Melvin J. Davis

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that **Melvin J. Davis,**

Malad City, Idaho

has on 7-26-76 submitted Application No. 15-7032
for a permit to appropriate 0.02 cubic feet per second ~~and to take per annum~~
of water from springs
by means of headbox and pipeline
within the NW¹/₄ NW¹/₄, Sec. 34, T. 15S, R. 35E, B.M., Oneida County;

to be used from Jan. 1 to Dec. 31
for **stockwatering** purposes for 25 beef cattle

within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 15S, R. 35E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____

August 23, 1976

R. KEITH HIGGINSON

Director

Published in the Idaho Enterprise, Malad City, Idaho
on **August 5** and **August 12, 1976**

me. J. W.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BUREAU OF WATER RIGHTS
BOISE, IDAHO 83726

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Melvin J. Davis, Malad City, Idaho has on 7-26-76 submitted Application No. 15-7032 for a permit to appropriate 0.02 cubic feet per second of water from springs by means of headbox and pipeline within the N $\frac{1}{4}$ W $\frac{1}{4}$, Sec. 34, T. 15S, R. 35 E, B.M., Oneida County; to be used from Jan to Dec. 31 for stockwatering purposes for 25 beef cattle within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 15S., R. 35E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before August 23, 1976.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad City, Idaho on August 5, and August 12, 1976.

*Called
8-04-76
CW*

15-7032
15-7032
15-7032

RE: 15-7032-100 (15-7032-100)

15-7032-100

July 28, 1976

RE: Application for Permit No. 15-7032 DAVIS

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 8-16-76 by AW

RDC:CW

Enc: Legal Notice (1)

RECEIVED

AUG 13 1976

Department of Water Resources
Eastern District Office

136 N. 100 W.
Malad, Idaho 83252

August 11, 1976

Mr. Ron Carlson
Regional Supervisor
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

I Clyde Chugg duly elected president of Samaria Water & Irrigation Company consisting of 83 share holders hereby protest Application No. 15-7032 submitted by Melvin J. Davis July 26, 1976, for the use of water as described in the Idaho Enterprise issue date of August 5, 1976.

This action is the result of a Samaria Water & Irrigation Company board meeting held at 8:00 P.M., August 10, 1976. Following board members were in attendance:

John W. Price
Neal Hughes
Spencer Atkinson
Alvin Williams
Deverl John
Dave G. Higley
Clyde Chugg

Water described in Mr. Davis' Application No. 15-7032 is owned by the Samaria Water & Irrigation Company and three independent share holders.

Sincerely yours,

Clyde Chugg

Clyde Chugg, President
Samaria Water & Irr. Co.

RECEIVED

AUG 13 1976

Department of Water Resources
Eastern District Office

August 11, 1976

Mr. Ron Carlson
Regional Supervisor
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

Reference to our telephone conversation this A.M. I am writing this letter protesting Application No. 15-7032 dated July 26, 1976 wherein Mr. Melvin J. Davis filed for water permit usage in the area described in the Idaho Enterprise issue dated August 5, 1976.

I along with other individuals own independent water rights and the remainder (which is the major portion) of the water is owned by the Samaria Water Irrigation Company.

This letter is written as a formal protest to Mr. Davis acquiring any water use by a pipeline method from these privately owned waters.

Route #1, Box 42C
Maced, Idaho 83252

Sincerely
Alvin T. Williams
Alvin T. Williams



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

August 13, 1976

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

R. Keith Higginson
Director

RE: Application for Permit No. 15-7032 MELVIN J. DAVIS

Mr. Clyde Chugg, President
Samaria Water & Irrigation Company
136 N. 100 W.
Malad City, Idaho 83252

Gentlemen:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

August 13, 1976

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

R. Keith Higginson
Director

RE: Application for Permit No. 15-7032 MELVIN J. DAVIS

Mr. Alvin T. Williams
Rt. #1, Box 42-C
Malad City, Idaho 83252

Dear Mr. Williams:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

August 13, 1976

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

R. Keith Higginson
Director

Mr. Melvin J. Davis
Box 44A
Malad City, Idaho 83252

Dear Mr. Davis:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 15-7032. You should be aware that the following are the principal items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 41-202, Idaho Code).

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW
Enclosures (2) Protests
cc: IDWR - State Office

RECEIVED

AUG 18 1976

Department of Water Resources
Eastern District Office

Aug - 17 - 1976

Mr Ron Carlson
Regional Supervisor
Idaho Dep of Water Resources
1515 Lincoln Road
Idaho Falls Idaho 83401

Dear Mr Carlson

I am writing about the application
no-15-7032 Dated 7/26/76
wherein Mr Melvin J Davis filed a
application for water permit usage in
the area described in the Idaho Enterprise
Dated Aug 5, 1976

I have a independant water right and
I was wondering if it is going to make
a difference with it, I want to protest
it but if it is a stream that we
havent been getting and wont make
any difference with our water, so
if it takes our water I want to
protest it

Thanks
Lester W Atkinson
Rt 1 Box 42B
Malad Idaho 83252



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

August 19, 1976

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

R. Keith Higginson
Director

RE: Application for Permit No. 15-7032 DAVIS

Mr. Lester W. Atkinson
Rt. #1, Box 42B
Malad City, Idaho 83252

Dear Mr. Atkinson:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office

August 19, 1976

RE: Application for Permit No. 15-7032

Mr. Melvin J. Davis
Box 44A
Malad City, Idaho 83252

Dear Mr. Davis:

Enclosed please find an additional protest submitted against the above referenced application by Lester W. Atkinson.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

cc: IDWR - State Office

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that Application for Permit No. 15-7032 in the name of Melvin J. Davis was filed for the diversion of 0.02 c.f.s. of water from springs with point of diversion within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T. 15S, R. 35E, B.M., Oneida County; to be used from Jan. 1 to Dec. 31 for stockwatering purposes for 25 beef cattle within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 15S, R. 35E, B.M.

The applicant now proposes to amend Application No. 15-7032 changing the point of diversion to the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T. 15S, R. 35E, B.M., Oneida County.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before September 13, 1976.

R. KEITH HIGGINSON

Director

Published in the Idaho Enterprise on August 26 and September 2, 1976.

me-J.
me-A.
me-Q.

**NOTICE OF AMENDED
APPLICATION FOR
WATER PERMIT**

NOTICE IS HEREBY GIVEN that Application for Permit No. 15-7032 in the name of Melvin J. Davis was filed for the diversion of 0.02 c.f.s. of water from springs with point of diversion within the NW¹/₄NW¹/₄, Sec. 34, T. 15S, R. 35E, B.M., Oneida County; to be used from Jan. 1 to Dec. 31 for stockwatering purposes for 25 beef cattle within the SW¹/₄SW¹/₄, Sec. 27, T. 15S, R. 35E, B.M.

The applicant now proposes to amend Application No. 15-7032 changing the point of diversion to the NE¹/₄NE¹/₄, Sec. 33, T. 15S, R. 35E, B.M., Oneida County.

Any protest to the proposed amending of the application must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before September 13, 1976.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise on August 26 and September 2, 1976.

August 20, 1976

RE: Amended Application for Permit No. 15-7032 HARRIS

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

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 9-07-76 by CW

RDC:CW

Enc: Legal Notice (1)

RECEIVED

AUG 24 1976

Department of Water Resources
Eastern District Office

July 22, 1975

Mr. Rex Carlson,
Regional Supervisor
State Department of Water
Reserve

Dear Mr. Carlson,

I am writing
this letter as a formal
notice of application
No 15-7032, sub-
mitted by Melvin
Lee Harris to appropriate
waters reserved by Int
General Water Right
Agencies and the San Juan
Water Irrigation Company
I am a

dependent matter. Right
men, entitled to
use of these matter
once a week.

I would appreciate
an statement concerning
this matter. by return
mail.

Yours truly
Dorothy M. Lewis
625 N. Taylor
Prattville, Okla
P.O. Box 224



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

August 24, 1976

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

R. Keith Higginson
Director
Melvin J. Davis
Box 44A
Malad City, Idaho 83252

Dear Mr. Davis:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 15-7032. You should be aware that the following are the principal items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 41-202, Idaho Code).

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

August 24, 1976

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

R. Keith Higginson
Director

RE: Application for Permit No. 15-7032 MELVIN J. DAVIS

Ruth Martin Lewis
P.O. Box 224
Pocatello, Idaho 83201

Dear Ms. Lewis:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

- (1) Will the proposed use reduce the quantity of water under existing water rights?
- (2) Is the proposed water supply insufficient for the purposes intended?
- (3) Is the application made in good faith or for delay or speculative purposes?
- (4) Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office

August 24, 1976

RE: Application for Permit No. 15-7032 (Amended) MELVIN J. DAVIS

Mr. Lester W. Atkinson
Rt. #1, Box 42B
Malad City, Idaho 83252

Dear Mr. Atkinson:

Please be advised that Melvin J. Davis has amended the above referenced application showing the point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T. 15S, R. 35E, instead of the previously advertised point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T. 15S, R. 35E.

If this change has any bearing on the protest previously filed, please contact us on or before September 13, 1976. If we do not hear from you by that time we will proceed with the scheduling of a conference and/or hearing in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Letter sent to: Samaria Water & Irrigation
Alvin T. Williams
Ruth Martin Lewis

bc: Bob Fleenor
Melvin J. Davis

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)
of Application for Permit No. 15-7032)
in the name of MELVIN J. DAVIS)

NOTICE OF CONFERENCE
AND/OR HEARING

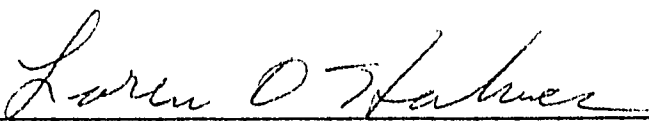
On July 26, 1976, Melvin J. Davis filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On August 13, 1976, the Department received protests against approval of said application from the Samaria Water and Irrigation Company and Alvin T. Williams. On August 18, 1976, a protest was received from Lester W. Atkinson, and on August 24, 1976, the Department received an additional protest from Ruth Martin Lewis. On August 16, 1976, the applicant amended the point of diversion of said application.

The Department has set the matter of protests for conference and/or hearing for Thursday, November 4, 1976, at 1:30 p.m., in the Commissioners Room of the Oneida County Courthouse, Malad City, Idaho. Any hearing will be held in accordance with the Rules and Regulation of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 26th day of October, 1976.


LOREN O. HOLMES
Assistant Regional Supervisor

October 26, 1976

C
O
P
Oneida County Clerk
Oneida County Courthouse
Malad City, Idaho 83252

Gentlemen:

This is to confirm the use of the Commissioners Room for conference and/or hearing to be held by this office on Thursday, November 4, 1976, at 1:30 p.m.

Y Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Name and Address of Sender

Indicate type of mail:
☐ REGISTERED ☐ C.O.D.
☐ CERTIFIED

After stamp here if issued as certificate of mailing or for additional copies of this bill.
 POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	INS. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS
1	Frank J. Lucas, 270 W. Main St., Worcester, Mass.	13	60					27-2536
2	Walter J. Smith, 644 5th St., S. Eugene, Ore.							"
3	Henry H. Smith, 117 1/2 S. Jackson St., St. Louis, Mo.							"
4	W. A. Walker, Box 1901, London, Eng.							"
5	Michael H. Davis, Box 444, St. Michael, Md.							15-2252
6	Frank M. Davis, P.O. Box 224, Greenville, S.C.							"
7	Charles W. Williams, 67 Box 426, Montreal, Can.							"
8	Charles J. Williams, Rt. 4, Box 422, Montreal, Can.							"
9	Henry J. Williams, 136 E. 100th St., Montreal, Can.							"
10	B. Williams, 400 St. St. 45, Montreal, Can.							13-2235
11	Carl Williams, 2531 St. St. (Montreal) Can.							"
12	Robert M. Green, 2531 St. St. (Montreal) Can.							11-2245
13	Ray H. Keller, 45 W. 10th St., St. Louis, Mo.							"
14								
15								
16								
17								
18								
19								
20	Robert J. Smith, 117 1/2 S. Jackson St., St. Louis, Mo.	13	60					27-2536
TOTAL NO. OF PIECES LISTED BY SENDER		13						
TOTAL NO. OF PIECES REC'D AT P.O.		13						
POSTMASTER, PER (Name of employee)								
Show under "Remarks" class postage paid if other than first or if international								

PS Form 9677, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail)

* U. S. GOVERNMENT PRINTING OFFICE: 1974-0-389-725

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

15-7032 - Melvin J. Davis

Commissioners Room, Oneida County Courthouse, Malad City, Idaho

November 4, 1976 - 1:30 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
David John	Rt 1 Malad, Idaho	" " "
Lloyd Burgess	Malad 134 N 100 W.	Samaria W.I. Co.
Keith Atkinson	30 W 58th N Malad	" " "
✓ Alvin H. Wilken	Malad, Idaho 83252	" " "
Spencer H. Atkinson	Rt. 1 Malad, Idaho 83252	" " "
Alfred L. Atkinson	Rt. 1 Malad, Idaho	" " "
✓ Lester W. Atkinson		
Raymond R. Martin	R.F.D. #1 Malad, Idaho	
✓ Rick Martin Lewis	Greenleaf, Idaho P.O. Box 224	
Mary Lee Lewis	99 Greenwood Pocatello, Idaho	
Blanche L. Williams	Samaria	
Paul H. Hughes		
✓ Melvin J. Davis	Rt 1 Box 44A Samaria	Self

15-7032

Hearing

11-4-76

Issue -

-
-
-

Mr Davis Testimony

~~He~~ Would improve quality of grazing -

~~try~~ do

Mr Atkinson - why

Costs of development - \$300

Mr Williams - Testimony

Filed July 3, 1983

Estimate that there is approximately 400 inches available.

1.

2.

3 Speculation -

Reject -

Feel that water should not be appropriated except by those that

All of Thomas Davis Canyon that ~~flows~~ flows out is used

When the Springs are all developed there will be additional water for Malad Valley

1. - Water

2. -

3. Speculation question - Environmental

- Other sources are available - 1.8 miles of stream

- Cows can't get more than 800 feet from Thomas Davis Canyon

- Why is this more acceptable - ? There is no difference

4. Funds -

EIS may be required

Water Claims by the protestants based on old Claims to Water use

~~the~~

Issues -

- Environmental issue can't be considered

15-7032

11-4-76

Applicant: Melvin J. Davis

Protestants: - Samaria Water & Irr. Co. - Clyde Chuq, President

- Alvin T. Williams	7 hrs -	} all the water
Lester W. Atkinson	6 hrs -	
- Ruth Martin Lewis	6 hrs -	

- Is the spring trib. to Thomas Davis Canyon?

- Spring is not trib. = Sinks within ~~5~~¹⁵ feet.

- Was the appl. amended to a different spring? -
No! the description was in area. -

- ~~Does~~ Is Thomas Davis Canyon trib to Samaria Ck.? When?

Runs all year

- Identify Protestants rights

Mr. Davis

does the pond exist presently. Completed last august -

Protestant -

Samaria Water & Irr. Co. - Alvin T. Williams - Rep.

July 3, 1883 filed 100^{inches} by Pin 100^{inches} Thomas Davis 50^{inches} Rose ~~Dub~~

Water would flow into Thomas Davis Canyon by a path of at least
 $\frac{1}{2}$ mile. 3000 ft

Water Hasn't been developed for use by Samaria - lack of funds & interest
Samaria presently uses maximum of 100 inches

MEMORANDUM

TO: FILE NO. 15-7032

FROM: BOB FLEENOR

DATE: November 8, 1976

A water right hearing was held on the matter of Permit No. 15-7032 on November 4, 1976, in Malad, Idaho.

A Memorandum Decision based upon the evidence and testimony given at the hearing should be prepared approving the permit and issuing it to Mr. Davis.

M E M O R A N D U M

TO: Loren Holmes
FROM: Ron Carlson
RE: Application for Permit No. 15-7032 MELVIN J. DAVIS
DATE: August 29, 1977

I believe this is one of the applications that you and Bob attended. We have had it laying around for nearly a year waiting for a memorandum decision to be written. It appears to be your project since I find no hearing notes or memos to the file that would allow someone else to complete the decision.

I hope you remember what the issues were.

May 17, 1978

Re: Permit No. 15-7032

Melvin J. Davis
Box 44A
Malad, ID 83252

Dear Mr. Davis:

Enclosed is a copy of your approved Application for Permit No. 15-7032 along with a copy of the Memorandum Decision and Order. We direct your attention to the conditions of approval as set forth in the Order.

Any person that does not agree with the decision of the Director, may request a re-hearing before the Director within 20 days or may appeal directly to the District Court within 60 days of the date of the decision.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Encl.

cc: ✓ Samaria Water and Irrigation Co.
✓ Alvin T. Williams
✓ Lester W. Atkinson
✓ Ruth Martin Lewis
Encl: Copy of Memorandum Decision and Order

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF EXTENDING THE PROOF DUE
DATE IN CONNECTION WITH PERMIT NO. 15-7032
IN THE NAME OF MELVIN J. DAVIS

ORDER

WHEREAS, on July 20, 1976, Melvin J. Davis applied to the Department of Water Resources for a permit to appropriate 0.02 cubic feet per second of water from springs to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, Twp. 15S, Rge. 35E B.M., Oneida County, to be used for stockwater purposes; and,

WHEREAS, on May 16, 1978, the Department approved said application and issued Permit No. 15-7032 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before June 1, 1979; and,

WHEREAS, on April 18, 1979, the permit holder submitted a request for an extension of time; and,

WHEREAS, it appears that under the circumstances, the permit holder has been proceeding with reasonable diligence and has given good cause for delay;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use of water under Permit No. 15-7032 be extended to June 1, 1981.

Dated this 21st day of April, 1979.


L. GLEN SAXTON

Chief, Operations Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

CERTIFIED MAIL

March 20, 1979
Re: Permit No. 15-7032

100721

Melvin J. Davis
Box 44A
Malad, ID 83252

Dear Mr. Davis:

One of the conditions of approval of your water Permit No. 15-7032 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 1, 1979. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

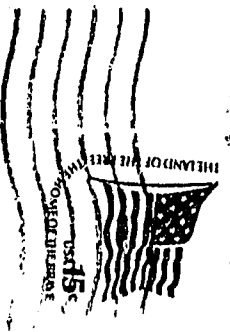
If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise, the permit will lapse and be of no further force or effect.

RITA FLECK
Water Rights

Encl: Proof affidavit

Melvin J. Davis
 Rt 180 X 444
 Mahad Idaho
 83252



State of Idaho
 Department of Water Resources
 Statehouse
 Boise, Idaho 83720

(mirrored bleed-through text from the reverse side of the envelope)

ENC: 1

RE: 11

Water Rights Supervisor
JAN GROVER

Sincerely,

submit proof of beneficial use for June 1, 1981.

Enclosed is a copy of the order extending the time within which to

Re: Permit No. 12-1035

Dear Mr. Davis:

Major ID 83525
Box 444, Route 1
Melvin J. Davis

April 22, 1980

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES **RECEIVED**
REQUEST FOR EXTENSION OF TIME

MAY 18 1981

To provide additional time in which to submit
proof of beneficial use on a water right permit Department of Water ResourcesMelvin J. Davis of Rt 1 Box 44A Malad
(Name) (Address)State of IDAHO, deposes and says:That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public
Waters of the State of Idaho No. 15-7032.That under the terms and conditions of said permit, work thereunder was required to be completed on or
before June 1, 1981.

That he has heretofore performed the following work described under said permit: _____

SEE ATTACHED LETTER

Costing \$ _____

That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: SEE ATTACHED LETTERWherefore, he asks that the Department of Water Resources extend the time for the completion of
obligations under said permit to June 1, 1986.X Melvin J. Davis
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time
within which to submit the statement of beneficial use is extended to June 1, 1986.Signed this 5th day of June, 1981.A. Glen Saxton
Chief, Operations Bureau\$15.00 fee received by RG Date 6-3-81 Receipt # 19286

April 28, 1981

RECEIVED

MAY 4 1981

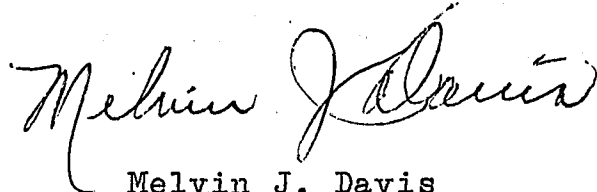
Dear Sirs;

Department of Water Resources

We have, under permit #15.7032, been trying to develop a spring, located on B.L.M. land, for stock watering. The small reservoir has been completed and fenced, and necessary plastic pipe 1 inch in diameter, has been purchased.

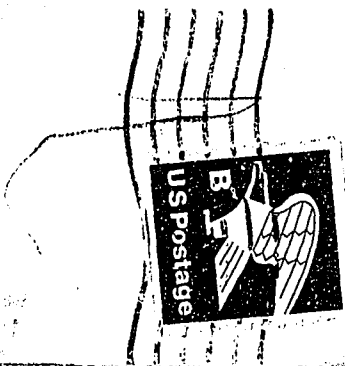
The J.F. Fredrickson estate has a strip of land approximately 50 yards wide which separates my property from B.L.M. land. J.W. Crowther, an attorney, drew up an easement agreement for the estate. The administrator for the estate, Lloyd Briggs, said that the easement was basically correct, and has given verbal agreement for the easement, but the sole survivor lives in Denver, Colorado and has not as yet given written permission. We hereby do ask for an extension of time for the completion of these tasks. All cement and material can be installed within 1 week upon receiving written permission for easement.

Sincerely,


Melvin J. Davis

Mr. Davis
P.O. Box 444
Maui, Hawaii
C 83357

Department of State Revenue
State Office
450 W. State Street
Honolulu, Hawaii



March 31, 1981

138641

Melvin J. Davis
Box 44A, Route 1
Malad, ID 83252

Dear Mr. Davis,

Re: Permit No. 15-7032

One of the conditions of approval of your water permit No. 15-7032 was that evidence of the extent of development must be submitted to this office on or before June 1, 1981. (See last page of your approved permit). Enclosed is a postcard which may be used to submit the required proof of beneficial use.

If you have not fully completed the project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted. A request for extension of time form is enclosed for your convenience. Please note that a fee of \$15.00 must be submitted with this form.

Either the beneficial use post card or a request for an extension of time must be received by this department on or before the above mentioned date, otherwise, the permit will lapse and be of no further force or effect within sixty days.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

May 6, 1981

Melvin J. Davis
Rt. 1, Box 44A
Malad, Idaho 83252

Dear Mr. Davis,

RE: Permit No. 15-7032

Thank you for your letter of April 28, 1981 which you requested an extension of time for Permit No. 15-7032.

I am, however, returning your letter to you along with an extension request form. This is necessary for two reasons:

First, your letter did not state how long you needed the permit proof to beneficial use date extended to, and second, as of July 1, 1980 a law went in to affect which requires that a \$15.00 filing fee be submitted with every request for extension of time.

I have partially completed the request form referring to your letter, which you need to sign.

I have put the maximum of 5 years, even though you don't anticipate it will take that long. You can always submit your proof card when the development has been completed.

Since your proof is due by June 1, 1981, your prompt response is required. Please return the signed form with the \$15.00 filing fee as soon as possible.

If you have any questions on this matter, let me know, my phone number is 334-4162.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

June 11, 1981

Melvin J. Davis
Route 1, Box 44A
Malad, ID 83252

Dear Mr. Davis:

Re: Permit No. 15-7032

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to June 1, 1986.

Also enclosed is receipt No. 19286 in the amount of \$15.00.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
OCT 23 1985

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 15-7032

Name(s) of Permit Holder: Melvin J. Davis

Post Office Address: RT1 Box 44A Malad Idaho
83252 Telephone No. 766-2679

Source of Water: Spring (small)

Extent of Use:

Domestic _____ (number of households)

Stockwater 40 head range cattle (number and type of stock)

Irrigation _____ (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: June 22, 1985

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Person to contact to accompany the Department representative during the field examination:

Melvin J. Davis (Name)
RT1 Box 44A Malad Idaho (Address) 766-2679 (Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

Oct 19, 1985
Date

Melvin J. Davis
Signature of Permit Holder (and Title, if appropriate)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 15-07032

Priority: July 20, 1976

Maximum Diversion Rate:

0.01 CFS

Maximum Diversion Volume:¹

0.4 AF

This is to certify, that MELVIN J. DAVIS

RT. 1 BOX 44A

MALAD, ID 83252

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 20, 1976; and has submitted Proof of Beneficial Use on October 23, 1985. An examination indicates that the works have a diversion capacity of .010 cfs of water from:

SPRING

tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.01 CFS	0.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SENENE, Sec. 33, Township 15S, Range 35E
ONEIDA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

15S 35E 27

SWSW

PLACE OF USE: MUNICIPAL, same as STOCKWATER use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 13TH day of FEBRUARY, 19 90.

Acting for R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 19, 1986

MELVIN J. DAVIS
RT. 1, BOX 44-A
MALAD ID 83252

RE: Permit No. 15-7032

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

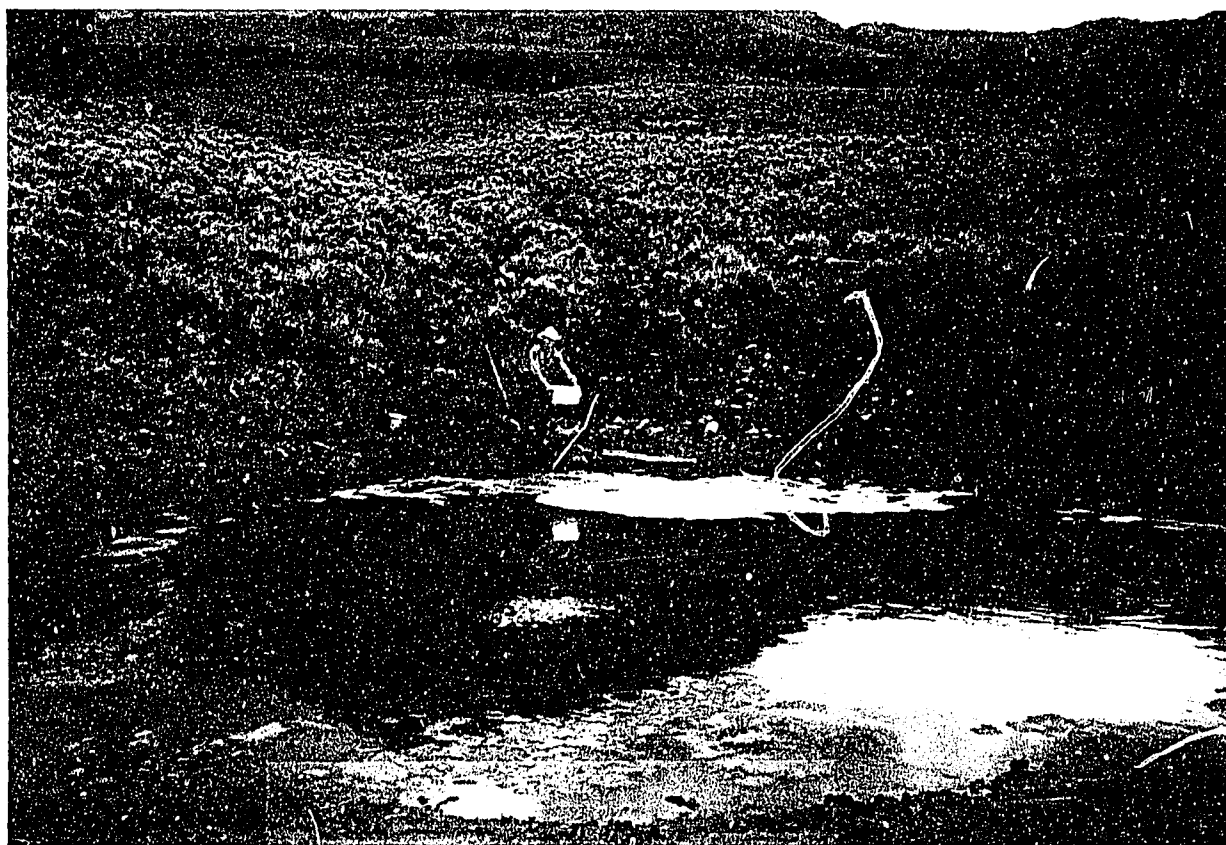
A field examiner will contact you to arrange to examine your system.

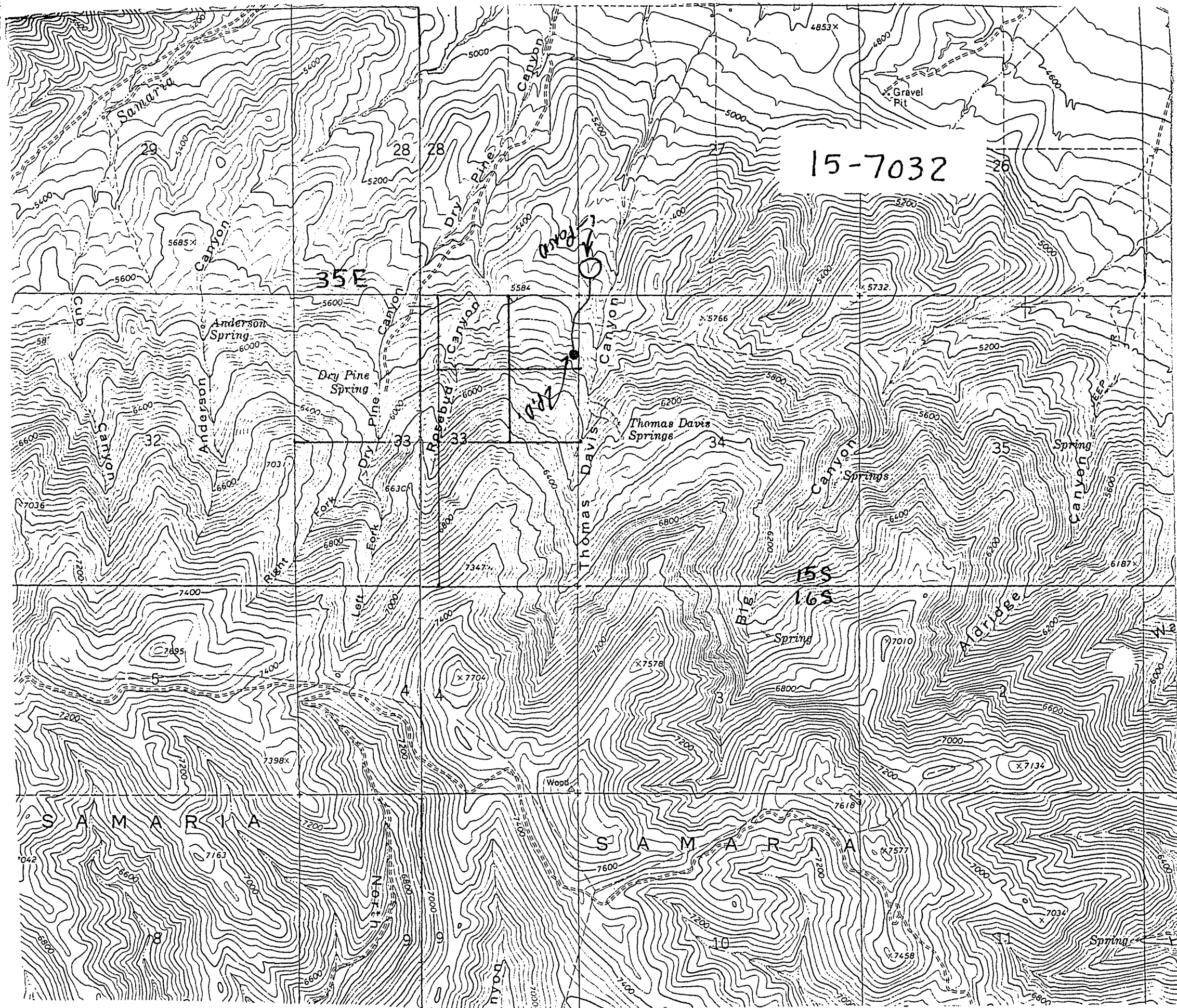
If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent



15-7052





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

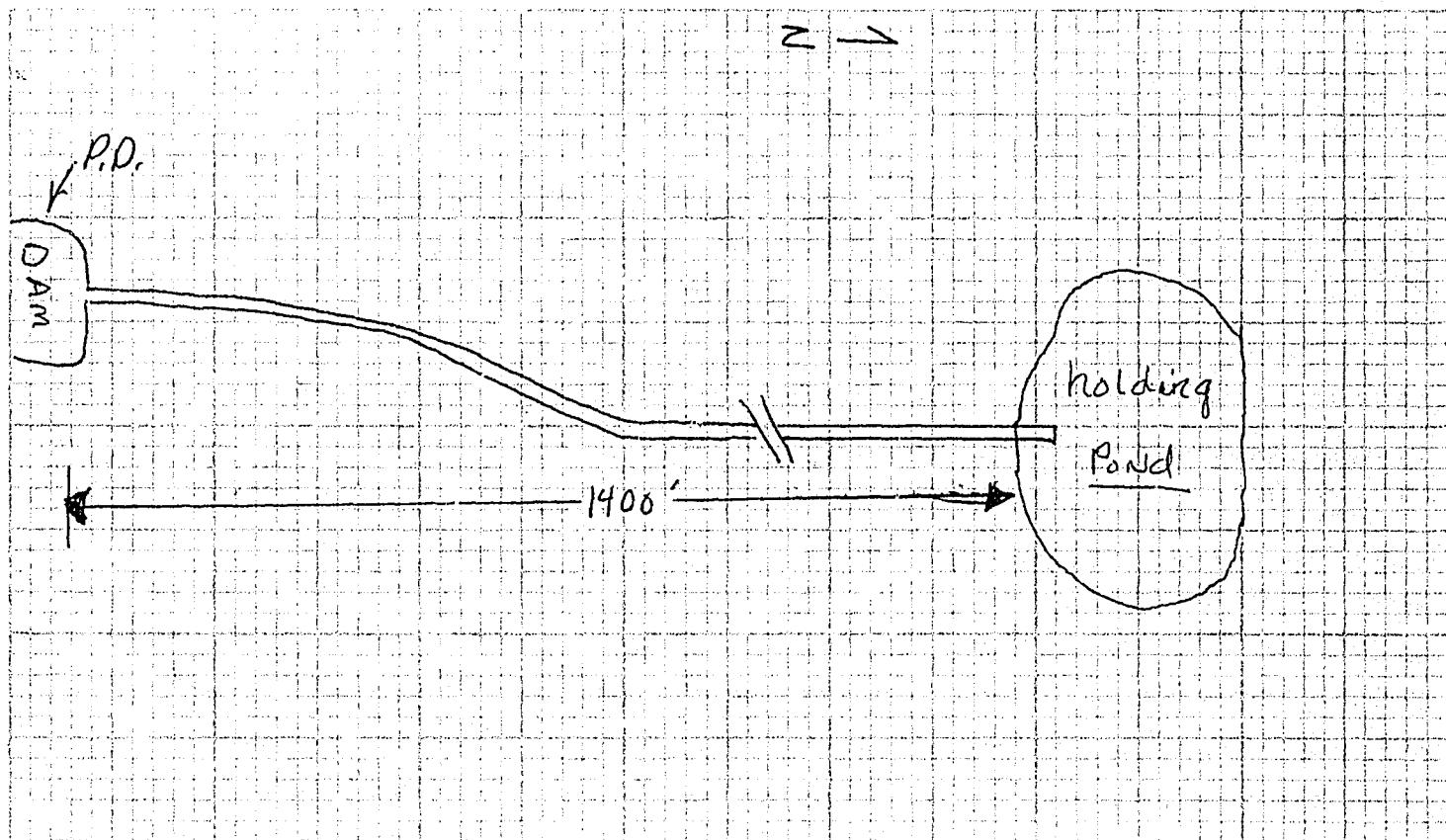
1. Owner: Melvin J. Davis Permit No. 15-7032
Current Address: Box 44A, Malad Idaho Phone No. 766-2679
2. Accompanied by: Owner EXAM. DATE: 5-26-87
Address: Phone No.
Relationship to Permit Holder:
3. Source: Spring tributary to

B. OVERLAP REVIEW

1. Other water rights with same place of use: N.A. ☐ Copies Attached
2. Other water rights with same point of diversion: N.A. ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = 10 Scale

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Dam in Spring; diverted by 1" P.V.C. pipe to a holding pond aprx. 1400 Ft. away from dam.
holding pond size aprx. 30 x 30 ft and 5 ft deep.
used to water 30-cows.

☐ See Remarks on page 4 for continuation

4.

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

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
					NE 1/4 4	16S	35E	Ontario	USGS MAP
					NE 1/4 33	15S	35E	Ontario	USGS MAP

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	35E	33															8		
		27											S						

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
2 1/2 gal bucket						

2. Measurements:

2 1/2 gallon bucket in 10 min. or 0.25 gallons/min or 0.0005 cfs
Flow may vary depending on season etc
allow 0.01 cfs for stockwater - HWS

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method: Bucket & stopwatch

2. Alternate Method for Checking Purposes: NA.

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

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:

30 head of cattle x 12 gallons/day x 365 days/year = $\frac{131,400 \text{ gallons}}{325,850 \text{ g/a}} = 0.4 \text{ afa}$

[illegible]

1. Recommended Amounts

2. Recommended Amendments

- ## J. AUTHENTICATION

Steve McCormick

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

January 18, 1990

MELVIN J. DAVIS
RT. 1 BOX 44A
MALAD, ID 83252

RE: PERMIT NO. 15-07032

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

February 14, 1990

MELVIN J. DAVIS
RT. 1 BOX 44A
MALAD, ID 83252

RE: PERMIT NO. 15-07032

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure