

15 07175

RECEIVED

AUG 12 1999

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

AUG 30 1999

Department of Water Resources
Eastern Region

1. Name of Applicant M.J. Davis Memorial United Partnership "And/or" Anderson Foundation, Inc. Phone 719-593-1240
Mailing address 2525 Himalaya Ct, Colorado Springs Co 80919
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 15S Range 35E Sec. 14 in the SW 1/4, SE 1/4, SE 1/4, Govt. Lot _____, B.M., ONEIDA County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | |
|--|---|
| Amount <u>0.3 cfs</u> for <u>irrigation</u> | purposes from <u>04/15</u> to <u>10/15</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u>0.02 cfs</u> for <u>stockwater</u> | purposes from <u>09/01</u> to <u>05/15</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
5. Total quantity to be appropriated is (a) 0.32 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source Well, pump, pipeline
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is 10" inches; proposed depth of well is 200 feet
- d. Is ground water with a temperature of greater than 85°F being sought? NO
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 50 Range Cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	35E	14															15		15

Total number of acres to be irrigated 15

10. Describe any other water rights used for the same purposes as described above: 4-6 shares of Samaria Water and Irrigation Company, there are inadequate to irrigate the lands we have.

11. a. Who owns the property at the point of diversion? M. J. Davis Memorial Limited Partnership

b. Who owns the land to be irrigated or place of use? M. J. Davis Memorial Limited Partnership, Anderson Foundation, Inc.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: Partners are - Melvin J. Davis
Bill Anderson

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

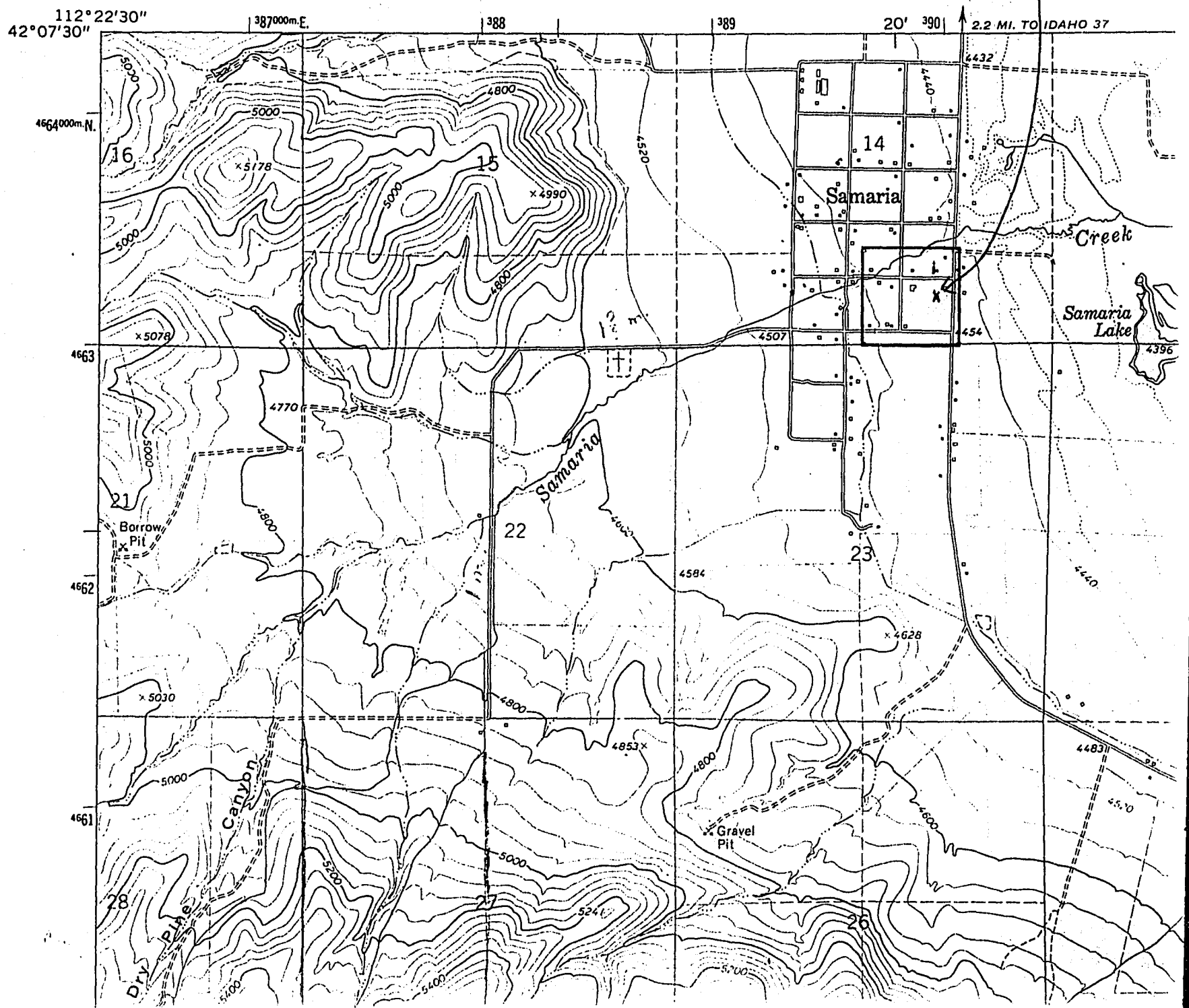
W. J. Davis General Partner
Signature of Applicant (and title, if applicable)

Received by HWT Date 9/10/99 Time 9:23/99 Preliminary check by EC Date 8-30-99
Fee \$ 100.00 Received by HWT # E025259 Published in Idaho Enterprise
Publication prepared by EC Date 9/10/99 Date 10/4/99
Publication approved EC Date 10/4/99

3568 (11 NW
(IRELAND SPRINGS)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Proposed point of division



State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07175

Priority: August 30, 1999

Maximum Diversion Rate:

0.32 CFS

This is to certify, that M J DAVIS MEMORIAL LTD PARTNERSHIP
ANDERSON FOUNDATION INC
2525 HIMALAYA CT
COLORADO SPRINGS CO 80919

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/15	0.30 CFS
STOCKWATER	09/01 to 05/15	0.02 CFS
	Totals	0.32 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 14, Township 15S, Range 35E
ONEIDA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
15S	35E	14	SWSE	15.0		15.0

Total number of acres irrigated:

15.0

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before November 1, 2004.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right shall not be used for irrigation purposes if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted for irrigation purposes under this right.
7. Stockwater use is for 50 range cattle.

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State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 15-07175

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

19th day of October, 1999.

Karl J. Dreher
for Karl J. Dreher, Director



NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

15-07175

ANDERSON FOUNDATION INC
M.J. DAVIS MEMORIAL LIMITED PARTNERSHIP
2525 HIMALAYA CT
COLORADO SPRINGS, CO 80919

Source: GROUNDWATER

Diversion Pt: SWSE Sec 14 T 15S R 35E in ONEIDA County.

Use: IRRIGATION	(	0.300 CFS)
STOCKWATER	(	0.020 CFS)
Total Diversion:	(	0.320 CFS)

Date Filed: 8/30/1999

In: ONEIDA County
T15S R35E S14 SWSE

15.0 ACRES TOTAL

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before OCTOBER 4, 1999. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 9/16/1999 & 9/23/1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SEPTEMBER 8, 1999

Legal Notices Department
THE IDAHO ENTERPRISE
P.O. BOX 205
MALAD CITY, ID 83252

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

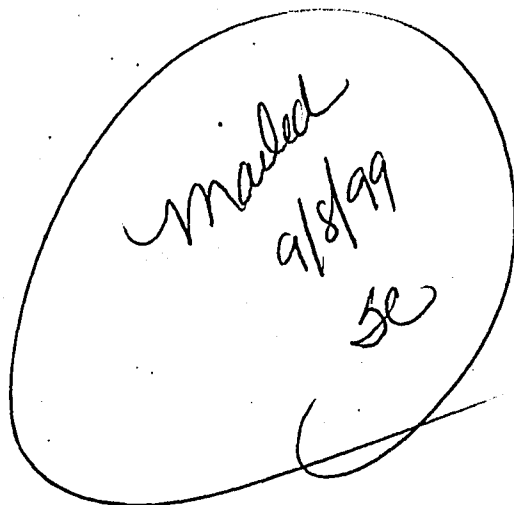
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before OCTOBER 4, 1999.

Yours truly,

Sharla Cox
Senior Secretary

Encl.





**State of Idaho
DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

September 11, 1999

**M.J. DAVIS MEMORIAL LIMITED PARTNERSHIP
AND/OR ANDERSON FOUNDATION INC
2525 HIMALAYA CR
COLORADO SPRINGS CO 80919**

RE: Application for Permit #15-07175

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho Enterprise on September 16 and 23, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

**Harold W. Jones
Water Right Supervisor**

HWJ::sc

2570

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF ONEIDA)

Kristine D. Smith, begin duly sworn, deposes and says:
That she is the publisher of *THE IDAHO ENTERPRISE*, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said newspaper 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 21 consecutive weeks in the regular and entire issue of said newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper 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 9-16, 1999, and ending with the issue of 9-23, 1999.

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 1 day of October in the year of 1999, before me, Susan J. Wittman, a Notary Public, personally appeared Kristine D. Smith, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Susan J. Wittman
Notary public for Idaho
Residing at Malad, Idaho
My commission expires: 2-9-2000

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

15-07174

BRIGGS, LOYD W
410 N 2100 WEST
MALAD, ID 83252
Source: GROUNDWATER
Diversion Pt: SESESE Sec 19 T
14S R 36E in ONEIDA County.
Use: IRRIGATION (2.800 CFS)
STOCKWATER (0.040 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (2.880 CFS)
Date Filed: 8/27/1999
In: ONEIDA County
T14S R36E S19 NESE NWSE
SWSE SESE
160.0 ACRES TOTAL

15-07175

ANDERSON FOUNDATION INC
M.J. DAVIS MEMORIAL LIMITED
PARTNERSHIP
2525 HIMALAYA CT
COLORADO SPRINGS, CO

80919

Source: GROUNDWATER
Diversion Pt: SWSE Sec 14 T
15S R 35E in ONEIDA County.
Use: IRRIGATION (0.300 CFS)
STOCKWATER (0.020 CFS)
Total Diversion: (0.320 CFS)
Date Filed: 8/30/1999
In: ONEIDA County
T15S R35E S14 SWSE

15.0 ACRES TOTAL
Any protests against the proposed application must be filed with the Dept. of Water resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before OCTOBER 4, 1999, to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Published: 9/16/1999 & 9/23/1999
L. #2570 9/16/99-9/23/99-2T

OCT 04 1999

Department of Water Resources
Eastern Region

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 20, 1999

ANDERSON FOUNDATION INC
M J DAVIS MEMORIAL LTD PARTNERSHIP
2525 HIMALAYA CT
COLORADO SPRINGS CO 80919

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 15-07175

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
for Shelley W. Keen
Water Rights Supervisor

SK:klt

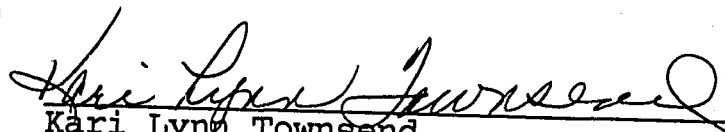
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of October, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 15-07175

M J DAVIS MEMORIAL LTD PARTNERSHIP
ANDERSON FOUNDATION INC
2525 HIMALAYA CT
COLORADO SPRINGS CO 80919


Kari Lynn Townsend
Secretary

11/99

For Office Use Only
\$25 filing fee 20
Receipt #
Date 9-18-00

RECEIVED

SEP 18 2000

DEPARTMENT OF WATER RESOURCES

Receipt # C050496
\$25.00
9.18.00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

M.J. Davis Memorial Limited Partnership
And/or
I, Anderson Foundation Inc., hereby assign to M.J. Davis Memorial Limited Partnership
of, 2525 Himalaya Ct, Colorado Springs Co 80919, 719-593-1240
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 15-07175 to
appropriate the public waters of the State of Idaho.

RECEIVED

OR (for partial assignments)

SEP 18 2000

The following described portion of my right, title, and interest in and to for Department of Water Resources
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 14th day of September, 2000.

Wesley J. Davis, General Partner, M.J. Davis Memorial Limited Partnership
Permit Holder(s)

Colorado
State of Idaho)
County of El Paso)ss

On this 14th day of Sept., 2000, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.



Bonnie L.H. Palmer
Notary Public residing at

6420 Fall River Dr.
Es, CO 80918

My Commission Expires January 1, 2001

My commission expires: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

September 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

M J DAVIS MEMORIAL LIMITED PARTNERSHIP
2525 HIMALAYA COURT
COLORADO SPRINGS CO 80919

RE: Assignment of Permit 15-07175

Dear Permit Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,


jm Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure