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Print Single Sided Only

FORM 202 Rev. 09/16
JAN 27 2022

Ident. No. 13-8092

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern Region

APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

AMENDED

1. Name of applicant(s) DEYTON Family Ranch LLC Phone 801 425 0796
 Mailing address 340 EAST 1500 SOUTH City Bountiful
 State Utah ZIP 84010 Email richard@deyton@yahoo.com

2. Name of representative, if any _____ Phone _____
 Mailing address _____ City _____
 State _____ ZIP _____ Email _____

- a. 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.
- b. 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.

3. Source of water supply Spring which is a tributary of Battle Creek

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
13S	39E	24			SW	NE	FRANKLIN	Spring beneath Pond	

5. Water will be used for the following purposes:

Amount 1.5 for Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year) See Attached Sheet

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) 5 gallons/minute

6. Total quantity to be appropriated is (a) .0114 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Over flow to Battle Creek. Embankment built around Spring Pond area. Surface area 6.3 acres. Pond depth 6'
- b. Height of storage dam 8 feet; active reservoir capacity 1.5 acre-feet; total reservoir capacity 1.5 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? Yes No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? Yes No
- e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ 100.00 Received by CH Receipt No. E047689 Date 1/10/22

13-8092

AMENDED

- 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. _____
 - c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - d. Domestic; show number of households _____
 - e. Other; describe fully. Aesthetic storage is for a small pond constructed in a stream bed, marsh area near Bottle Creek
- 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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
135	39E	24			S														

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? NONE

- 11. a. Who owns the property at the point of diversion? DENTON Family Ranch LLC
- b. Who owns the land to be irrigated or place of use? DENTON Family Ranch LLC
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Describe your proposal in narrative form and provide additional explanation for any of the items above. Attach additional pages if necessary. Pond originally built in mid 1960's. Has washed & silted in due to storm event. Pond was cleaned out & rebuilt in 2021. This application serves as backup to possibly beneficial use adjudication claim. Pond does not capture water from Bottle Creek. Map made Bottle Creek channel flows along the hillside on east side of pond

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

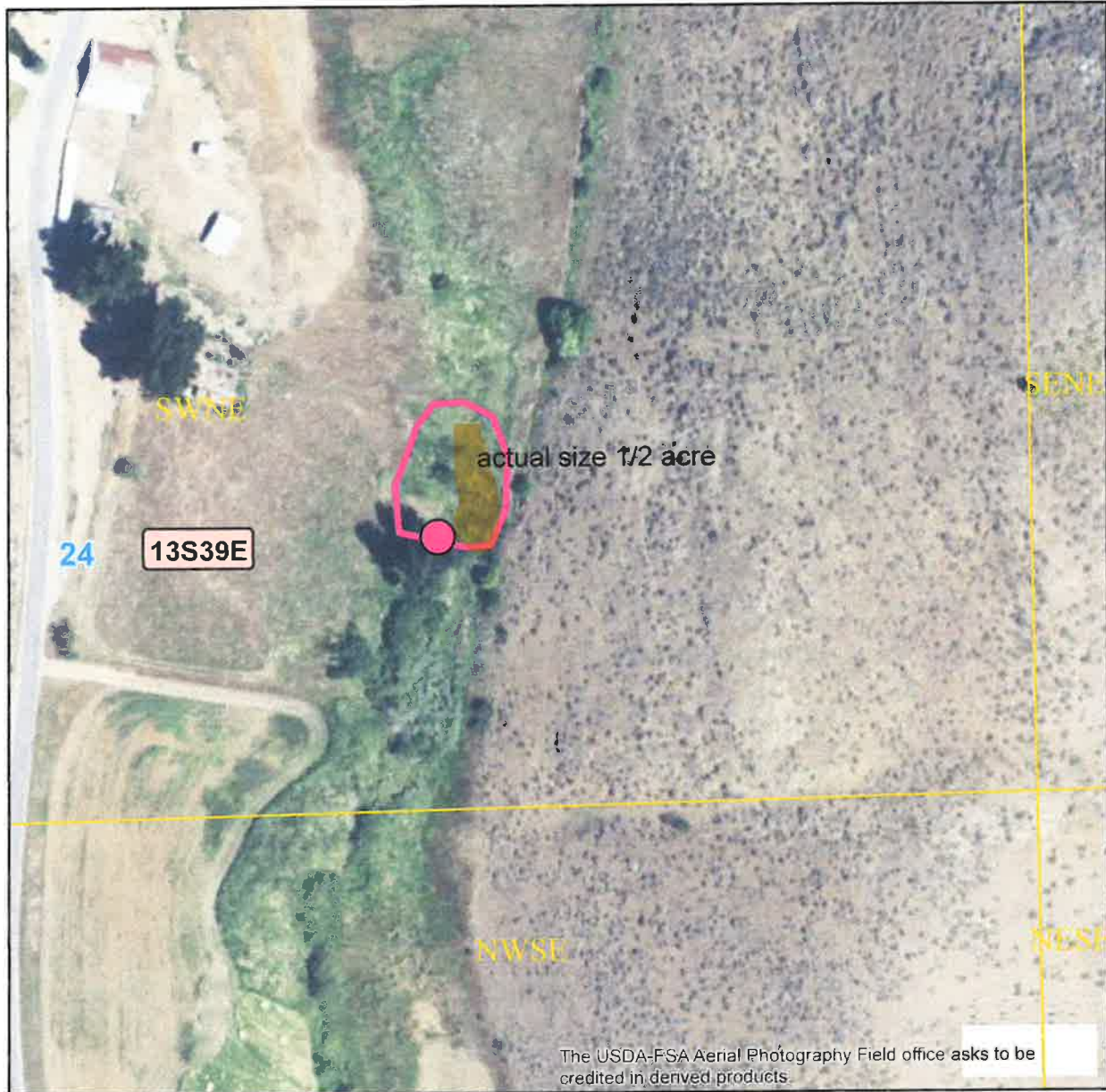
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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]
 Signature of Applicant
David Kildon - Trustee
 Print Name (and title, if applicable)

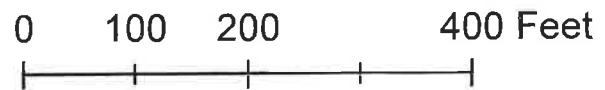
Richard Denton
 Signature of Applicant
Richard Denton
 Print Name (and title, if applicable)

Denton Application - Proposed POD and POU



2013 Imagery

	Township/Range
	Sections
	QQ



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JAN 10 2022

Department of Water Resources
Eastern Region

Enclosed is the pond application for Denton Family Ranch LLC, a copy of the trust execution authorization (Danny Denton, my son) and a list of pertinent facts related to the pond, and a \$100 application fee.

I have 2 notarized affidavits, one from the widow of the neighbor who constructed the pond in 1969, and my sister who was living at the ranch at that time for future reference if the reallocation process for the Bear River begins.

History: Before the pond was constructed, my father Malcolm Denton contacted Joe Heddin, president of Strong Arm Reservoir, to get permission to construct the pond. On a handshake agreement, permission was given but with the stipulation that Battle Creek be relocated against the east hill so it would have no effect on their water rights which was completed. The pond was considered by Strong Arm as a non-consumptive use, and simply for swimming and the grandkids catching frogs, salamanders, and snakes which will continue in the future. In the last few years, the creek has been overflowing its banks during spring runoff or if Strong Arm diverts Cottonwood Water to Strong Arm Reservoir. This fall, I reinforce the stream bank with soil from my field to correct that situation.

The small spring that was and is being used to fill the pond (about 5 gallons per minute or 1.525 acre feet) was initially used by the original homesteader and later my grandfather and father's family as the culinary water source for the homestead. That use was discontinued in 1951 when the homestead home burned and a current home was rebuilt across the county road. I have no evidence that anyone ever filed for a culinary use permit on the spring now under the pond. A filing with your office was completed on spring up on the mountain. It was then piped by gravity to supply the current home.

In 1998, a severe thunderstorm (attached photo) filled the pond with silt and washed out part of the pond dam. The aerial photo must have been taken shortly before the pond breach. Due to my father's poor health, he did not rebuild the pond. I'm well aware of State's permitting requirements as I working for the Utah Division of Water Quality for 30 years which included stream alterations and storage, but reasoned since it was a rebuild, no permit was required. That was my mistake according to Idaho guidelines.

I have measured the newly constructed pond with the following dimensions.

Surface area

Length 205 feet average

13-8092

Length 54 feet average

Volume

Length 205 feet average

Width 54 feet average

Depth 6 feet average

= 66,420 cubic feet or 1.525 acre feet

A flow of 5 gallons per minute = .01114 cfs

was measured this fall.

The dimensions are less than on the printed application for surface area and volume.

These are the reasons Strong Arm Company (Vaughn Gregerson) are not concerned with the pond affecting their storage capacity either in the past or present. My downstream neighbor (Mr. Shumway) is pumping for his center pivot but the flow would have very minimal or no effect on his water use. I suspect he may be the source of the complaint.

Richard Denton

340 east 1500 south

Bountiful, Utah 84010

801 425 0796

richardldenton@yahoo.com

Malcolm Denton



Before

1 Flood 1998

13-8092



Certificate of Trust Denton Family Protection Trust

This Certificate of Trust is made pursuant to Utah Code Ann. § 75-7-1013.

I, the undersigned Trustee, declare as follows:

1. The name of the trust is: Denton Family Protection Trust.
2. The trust currently exists.
3. The trust was executed on May 30, 2018.
4. The Trustmakers of the trust are Richard Lynn Denton and Nancy Charlotte Young Johnson Denton.
5. The trust is irrevocable.
6. The trust is amendable by the Trust Advisor.
7. The trust has not been revoked, modified, or amended in any manner that would cause the representations contained in this Certificate of Trust to be incorrect.
8. The currently acting Trustee of the trust is:
Daniel Carter Denton
9. The Trustee may conduct business on behalf of the trust without the consent of any other person or entity.
10. The tax identification number of the trust is 83-6292843.
11. Assets held in the trust may be titled in any manner that identifies the Trustee and the name and date of the trust, for example:
Daniel Carter Denton, Trustee of the Denton Family Protection Trust dated May 30, 2018.
12. The powers of the Trustee include the power to acquire, sell, assign, convey, pledge, encumber, lease, borrow, manage, and deal with real and personal property interests of all kinds, including accounts at financial institutions.
13. Excerpts from the trust agreement that establish the trust, designate the Trustee, and set forth the powers of the Trustee will be provided upon request.
14. The trust agreement provides that a third party may rely on this Certificate of Trust in lieu of a copy of the trust agreement. It further exonerates third parties from any liability for acts or omissions in reliance on this Certificate of Trust, and for the application that the Trustee makes of funds or other property delivered to the Trustee.

The statements made above are accurate and the trust has not been revoked or amended in any way that would cause the representations in this Certificate of Trust to be

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Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources
Eastern Region

1. Name of applicant(s) Denton Family Ranch LLC Phone (801) 425-0796
Name connector (check one): and or and/or
Mailing address 340 E 1500 S City Bountiful
State UT ZIP 84010 Email richardldenton@yahoo.com

2. Name of representative, if any _____ Phone _____
Mailing address _____ City _____
State _____ ZIP _____ Email _____

- a. 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.
- b. 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.

3. Source of water supply Springs / Unnamed Stream which is a tributary of Battle Creek

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
13S	39E	24			SW	NE	Franklin	Springs / Unnamed Stream	

5. Water will be used for the following purposes:

- RD Amount 1.5 12 af for Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) 15 acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Embankment built around spring fed area. Intermittent stream also flows into pond. Surface area of pond is less than 0.3 acres. Average pond depth is 4 feet.
- b. Height of storage dam 6 5 feet; active reservoir capacity RD 12 1.5 acre-feet; total reservoir capacity 12 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? Yes No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? Yes No
- e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ 100.00 Received by AKH Receipt No. E047689 Date 1/10/22

18-8092

SUPERCEDED

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 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - d. Domestic; show number of households _____
 - e. Other; describe fully. Aesthetic storage is for a small pond constructed in a spring-fed, marshy area near Battle Creek.

- 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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	39E	24			S														

Total number of acres to be irrigated: _____

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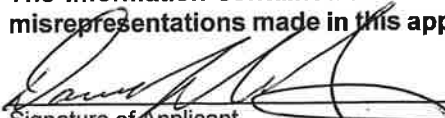
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- b. Who owns the land to be irrigated or place of use? Denton Family Ranch LLC
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

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- 13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

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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
Denny Parker - Trustee
 Print Name (and title, if applicable)

12-20-21


 Signature of Applicant
Richard DENTON
 Print Name (and title, if applicable)



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

February 9, 2022

DENTON FAMILY RANCH LLC
340 E 1500 S
BOUNTIFUL, UT 84010-5128

RE: Application for Permit No. 13-8092

Dear Applicant:

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the PRESTON CITIZEN on 2/16/2022 and 2/23/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, February 9, 2022 12:44 PM
To: legals@prestoncitizen.com
Subject: Legal Notice for Preston Citizen
Attachments: 13-8092, 13-8093 Preston Citizen.docx

LEGAL NOTICE DEPARTMENT
PRESTON CITIZEN
PO BOX 472
PRESTON, ID 83263

RE: Application for Permit No. 13-8092, 13-8093

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 3/7/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

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

13-8092

DENTON FAMILY RANCH LLC, 340 E 1500 S, BOUNTIFUL, UT 84010-5128

Point of Diversion SWNE S24 T13S R39E FRANKLIN County

Source SPRING Tributary BATTLE CREEK

Use: AESTHETIC STORAGE

01/01 to 12/31

0.01 CFS

1.5 AF

Total Diversion:

0.01 CFS

1.5 AF

Date Filed: 01-10-2022

Place Of Use: AESTHETIC STORAGE

T13S R39E S24

SWNE

13-8093

MARILYN & SHAWN KNUTSON, 11100 N TREASURTON RD, PRESTON, ID 83263-5039

Point of Diversion L1(NENWNW) S18 T13S R40E FRANKLIN County

Source SPRING Tributary SINKS

Use: STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion:

0.02 CFS

Date Filed: 01-20-2022

Place Of Use: STOCKWATER

T13S R40E S18

L1(NWNW),L2(SWNW)

Place Of Use: STOCKWATER

T13S R40E S7

L4(SWSW)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 3/7/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/16/2022 and 2/23/2022