

RECEIVED

OCT 04 2010

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No.

29-13970

RECEIVED

SEP 13 2010

Department of Water Resources
Eastern Region1. Name of applicant(s) R. DENNIS FLYNN Cortney J. FLYNN Phone 801-287-8518
Name connector (check one): ☒ and ☐ or ☐ and/orMailing address: 1664 E 410 So. City SPANISH ForkState UT Zip 84660 Email: _____2. Source of water supply well/groundwater which is a tributary of _____

3. Location of point(s) of diversion: _____

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
6S	39E	23		NE	NW		CARIBOU	Ground Water	
							Case Idaho Dept of Water Resources		
							with Driller locator map		

4. Water will be used for the following purposes:

Amount .08 CFS for Residents (cabins) (DOMESTIC) purposes from JAN 1 to Dec 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)5. Total quantity to be appropriated is (a) .08 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source: well - piped to house's two cabinsb. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.For dams 10 feet or more in height OR reservoirs with a total 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 ☐ Noc. Proposed well diameter is 8" inches; proposed depth of well is 300 feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? NO; drilling firm INDEPENDANT

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. N/A

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households 2

e. Other; describe fully. _____

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8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below. **NOT for Irrigation**
- 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 D				NW D				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	39E	23								D									

Total number of acres to be irrigated: 0

9. 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?

This water is for (2) Two Domestic Cabins - for their lawns, gardens, Domestic Use

10. a. Who owns the property at the point of diversion? AA UCART (R Dennis Flynn Cortney J Flynn)
- b. Who owns the land to be irrigated or place of use? _____
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. This well is for 2 Domestic cabins (See well agreement use contract) for the watering of lawns, gardens - NO Farming or other uses.

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

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" 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.

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.

R. Dennis Flynn
Signature of Applicant
R. DENNIS FLYNN
Print Name (and title, if applicable)

Cortney Flynn
Signature of Applicant
Cortney Flynn
Print Name (and title, if applicable)

For Department Use:

Received by Blue Date 10/4/2010 Time _____ Preliminary check by Blue
Fee \$ 100.00 Received by Blue Receipt No. E036195 Date 10/6/2010

Well Agreement

This agreement made and executed this 27th day of August, 2010, by and between R. Dennis Flynn of Spanish Fork, UT, Cortney J. Flynn of West Valley City, UT, (joint owners of AA-Ucart, which name their property is owned under) hereafter called First Party and Richard R. Mason & his Wife Sheila of Draper, UT, hereafter called Second Party.

W I T N E S S E T H

That Whereas the First Party owns the property adjacent to the Second Party (see legal descriptions of said properties on page 2 of this document)

Whereas, First Party has a well located on their property, and
Whereas, well is owned by both parties hereto, they desire to provide for certain rights in connection herewith:

NOW THEREFORE, it is hereby covenanted, agreed and understood as follows:

1. That First Party and Second Party each own an undivided one-half interest and benefits in said well (and all of its subparts) located at Township 6 South, Range 39 East, Boise Meridian, Caribou County, Idaho, Section 23 NE quarter of the NW quarter IDTM NAD83 coordinates: Easting=2674834; Northing=1300720 on the property of First Party.
(see ID Dept. Water Resources Locator map, attached)
2. In the event that improvements or maintenance of any kind are required in connection with the use or operation of said well (and its subparts), thereon, such improvement or maintenance shall be paid and borne equally by the parties hereto at the time such improvement or repair is made, or by their successors and assignees.
3. Each of the parties hereto hereby agree to grant and do hereby grant such easement or right of way as may be necessary for the installation of water pipelines across their lot to enable proper installation of such lines for the benefit of the parties hereto, or for the benefit of such parties who may acquire an interest in said well.
4. As long as the well is powered by the joint owned common power system, there shall be no power use payment. If at any future time the well is powered by a separate power system or by public power for which First Party owns or pays for power used, Second Party shall pay First Party one-half of the power use cost as will be fairly determined by both or mediator agreed upon by both.
5. It is further understood and agreed that neither party shall sell, transfer or encumber such party's interest in said well (and its subparts), except in connection with the sale, transfer or encumbrance of the house and lot to which such interest is appurtenant.
6. The provisions of this agreement shall be binding upon and shall inure to the benefit of the parties hereto, their respective heirs, administrators, executors, successors and assignees and shall be binding upon any other

parties who may acquire interest in or to said well in accordance with the provision hereof.

Legal Descriptions of Properties

First Party (AA-Ucart) Property

Township 6 South, Range 39 East, Boise Meridian, Caribou County, Idaho;

Section 23:

Beginning at a point 1878 feet North of the Southwest Corner of the NE1/4SW1/4; thence running North 1111 feet; thence East 1288 feet; thence South 214 feet; thence following Cow Camp Road as presently located in a South Westerly direction 213 feet; thence West 668 feet; thence South 804 feet; thence West 452 feet to the point of beginning.

Total acreage of 17.61

Second Party (Richard R. & Sheila Mason) Property

Township 6 South, Range 39 East, Boise Meridian, Caribou County, Idaho;

Section 23:

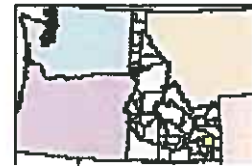
Beginning at the Southwest Corner of the NE1/4 SW1/4 and running North 1878 feet; then East 452 feet; then North 804 feet; thence East 668 feet; thence following Cow Camp Road as presently located in a South Westerly direction to the point of beginning.

Total acreage of 22.57

Idaho Department of Water Resources

Well Drillers' Locator

The lat/long you provided was 42° 53' 13.400" N; 111° 51' 32.300" W
NE quarter of the NW quarter of Section 23, Township 06S, Range 39E
IDTM NAD83 coordinates: Easting=2674834; Northing=1300720



Choose the map-display background:

Photo

Topo



Add Layer

☐ Wells ☒ Water Rights ☐ Water Right Permits ☐ Adjudication Claims ☐ Adjudication Recommendations

* Positions of wells/headgates may be based upon the center of a quarter-quarter section; those obtained by GPS or survey are accurate.

Drilling restrictions may apply to these areas.

Hide areas of possible drilling restriction

☒ Areas Drilling Concern

☐ Contamination Areas

☒ Nitrate Priority Areas

☒ Critical Ground Water Areas

☒ Ground Water Management Areas

Note: If you do not see a yellow dot in the middle of the map, press the "refresh" button on your browser.

\$100⁰⁰

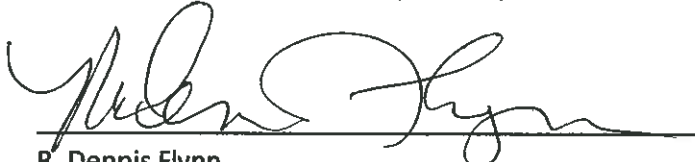
.08 cfs

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Sharing of A Water Right

Where ~~was~~ as R. Dennis Flynn (AA U-Cart) has applied for the water right on a well that will be shared jointly by the Mason's and the Flynn's.

This document is certifying we, Richard and Sheila Mason, will also be sharing in said water right feeding the jointly shared well and its presently notarized well agreement between the two parties.


R. Dennis Flynn _____ Representing AA U-Cart


Richard R. ~~Flynn~~ Mason _____ Represent Richard & Sheila Mason

Notary Public

Sue Coleman

State of *Utah*

County of *Salt Lake*



On this 30th day of Sept., in the year 2010, before me, a Notary Public in and

for said state, personally appeared, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public for the State of *Utah*

Residing at: *Salt Lake City*

Commission Expires: *Feb 1, 2011*





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 24, 2010

R DENNIS FLYNN
CORTNEY J FLYNN
1664 E 410 S
SPANISH FORK, UT 84660

RECEIVED

OCT 04 2010

Department of Water Resources
Eastern Region

RE: Application for Permit

Dear Applicant(s):

The Department of Water Resources has received application for permit. After a preliminary review of the application, we have determined that it is incomplete and cannot be accepted for processing in its current form. We are returning your application and filing fee to allow you to address the deficiencies described below.

The Source was not provided correctly.

Item #2 of the application is not filled out

✓ **The Point of Diversion is not provided correctly.**

The legal description for the point of diversion should be 6S 39E Sec. 23

✓ **The Nature of Proposed Use is not provided correctly.**

The nature of use for residential uses is defined as domestic in the State of Idaho.

✓ **The quantity is not provided correctly.**

Item #5 of the application is not filled out

2 ✓ **The Description of Diverting Works was not provided correctly.**

Item #6 of the application is not filled out.

The Place of Use or acres irrigated was not provided correctly.

Item #8 & #9 of the application is not filled out.

The Ownership of point of diversion and place of use is not provided correctly.

Item # 10 of the application is not filled out.

The well agreement contains a discrepancy in the coordinate description. Easting = 2674834; Northing = 1200720. According to the map you provided, the coordinate should be Easting = 2674834; Northing = 1300720.

The Map was not provided correctly.

Please outline the location of the proposed place of use (2 cabins).

Once the deficiencies listed above are addressed, you can resubmit your application for review by the department.

Please contact this office if you have any questions.

Sincerely,



Blake Jordan
Sr. Water Resource Agent
IDWR
(208) 525-7161

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

October 13, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

R DENNIS FLYNN
CORTNEY J FLYNN
1664 E 410 S
SPANISH FORK, UT 84660

Application For Permit No. 29-13970

Dear Applicant(s):

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 CARIBOU COUNTY SUN on October 21 and 28, 2010. 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.

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

Sincerely,

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

October 13, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

STATE OF IDAHO
DEPT OF ENVIRONMENTAL QUALITY
444 HOSPITAL WAY #300
POCATELLO, ID 83201

RE: Application for Permit of 29-13970

STATE OF IDAHO:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

October 13, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

LEGAL NOTICE DEPARTMENT
CARIBOU COUNTY SUN
PO BOX 815
SODA SPRINGS, ID 83276

RE: Application For Permit No(s): 29-13970

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 November 8, 2010. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

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

29-13970

R DENNIS FLYNN
CORTNEY J FLYNN
1664 E 410 S
SPANISH FORK, UT 84660

Point of Diversion NENW S23 T06S R39E CARIBOU County Source GROUNDWATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 10/4/2010

Place Of Use: DOMESTIC

T06S R39E S23 SENW

Permits will be subject to all prior water rights. 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 together with a protest fee of \$25.00 for each application on or before November 8, 2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on October 21 and 28, 2010