

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: ROGER OYLER
4780 W 14400 N
GARLAND UT 84312
(435)230-3373

2. Source: GROUNDWATER

3. Location of Point of Diversion:

#1 GROUNDWATER NW1/4SW1/4NE1/4 Sec. 30, Twp 10S, Rge 38E, B.M.
BANNOCK County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.08 CFS	

5. Total quantity to be appropriated is: 0.08 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: 1 1/4 IN. PIPE TO PRESSURE TANK

b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;

c. Proposed well diameter is 6 inches;
Proposed depth of well is 300 feet.

d. Is ground water with a temperature of greater than 85F being sought? N

e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

RECEIVED

OCT 06 2008

Department of Water Resources
Eastern Region

29-13869

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
10S 38E 30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X														

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

AMERICAN CAPITAL CORP - Easement for benefit of American Capital Corp, adjacent landowner.

10. Remarks:

We would like to drill a well with 2 domestic connections, one for the property owner Roger Oyler (lot 106) and one for the adjacent property owner (lot 107, to the north). We will record an easement for ingress and maintenance, over a portion fo lot 106, for the benefit of lot 107

11. Map of proposed point of diversion and place of use attached? ☐

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.

Roger Oyler
Applicant

Received by _____ Date 10/6/08 Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. E034441

Date: _____

Received by: _____

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OCT 06 2008

Department of Water Resources
Eastern Region

29 - 13869

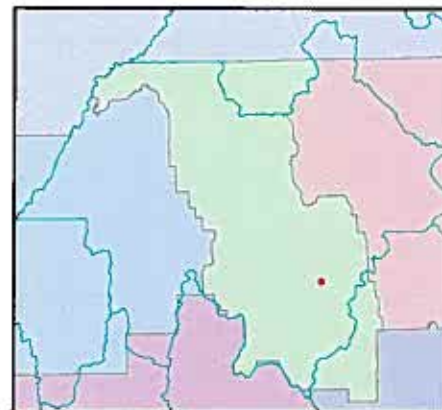


Idaho Department of Water Resources

Application
29-13869
(DOMESTIC)

Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots



Bannock County
IDWR Basin 29

R38E



Prepared by Blake Jordan
On September 30, 2008
2006 Aerial Photography

0 0.0375 0.075 0.15 Miles

29 - 13869

FORM 202 10/07

Ident. No. _____

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SEP 26 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources
Eastern Region

To appropriate the public waters of the State of Idaho

1. Name of Applicant Roger Oyer Phone (435) 230-3373
Mailing address 4780 West 14400 N. Garland, UT 84312 Email _____
2. Source of water supply Groundwater which is a tributary of N/A
3. Location of point of diversion is Township 10 S. Range 38 E. Sec. 30 in the NE $\frac{1}{4}$,
SW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, B.M., Bannock County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .08 cfs for Domestic purposes from 1 JAN to 31 DEC (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)
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 and/or (b) _____
cubic feet per second acre feet per year
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source 1 1/4" pipe to pressure tank
b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet;
total reservoir capacity N/A acre-feet
c. Proposed well diameter is 6 inches; proposed depth of well is 300 feet
d. Is ground water with a temperature of greater than 85°F being sought? No
e. If well is already drilled, when? N/A; Drilling firm Maverik Drilling;
Well was drilled for (well owner) N/A; Drilling Permit No. N/A
7. Time required for completion of works and application of water to proposed beneficial use is 1 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. N/A
b. Stockwatering; list number and kind of livestock. N/A
c. Municipal; show name of municipality. N/A
d. Domestic; show number of households. 2
e. Other; describe fully. _____

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OCT 06 2008

Department of Water Resources
Eastern Region

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	
10	38	30			D														

Total number of acres to be irrigated: 0

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? Domestic purpose only -

No Irrigation.

11. a. Who owns the property at the point of diversion? Roger Dyer
- b. Who owns the land to be irrigated or place of use? Roger Dyer and American Capital Corp.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Easement for benefit of American Capital Corp, Adjacent Landowner.

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. We would like to drill a well with 2 domestic connections, one for the property owner Roger Dyer (Lot 106) and one for the adjacent property owner (Lot 107, to the north). We will record an easement for ingress, egress and maintenance, over a portion of Lot 106, for the benefit of Lot 107.

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

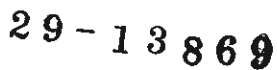
X Roger Dyer
Signature of Applicant

Roger Dyer
Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Receipted by _____ Receipt No. _____ Date _____

Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____ Dates Published _____



AMERICAN CAPITAL CORP
 % REED H. LARSEN, PRESIDENT
 2235 WEST MOUNTAIN SIDE CIRCLE
 BLUFFDALE, UT 84065

RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS that **ROGER O. OYLER AND ROSE MARIE OYLER, HUSBAND AND WIFE**, hereinafter called Grantor(s), in consideration of \$1.00 and other good and valuable consideration paid by **AMERICAN CAPITAL CORP. A UTAH CORPORATION**, hereinafter called the Grantee(s), the receipt of which is hereby acknowledged, does hereby grant and convey to said Grantee(s), their successors, heirs and assigns, a perpetual easement for a well and pipeline to allow Grantee(s) the right of ingress and egress over Grantor(s) land and to establish, use, maintain and repair said well and pipeline. The easement herein conveyed is 100 FEET wide and is contiguous with the NORTH boundary of a parcel of real property owned by grantor(s) which is more particularly described as follows:

LOT 106, LAVA RANCH PHASE 2, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF, RECORDED JULY 10, 1978, INSTRUMENT NO. 603685

This easement is for the benefit of and appurtenant to adjacent land owned by Grantee(s) and shall constitute a covenant running with the land for the benefit of Grantee(s), their successors and assigns.

Dated this 9/22/08, 2008.

Roger O. Oyler
 ROGER O. OYLER

Rose Marie Oyler
 ROSE MARIE OYLER

State of Utah,
 County of Box Elder

On Sept 22, 2008, personally appeared before me **ROGER O. OYLER and ROSE MARIE OYLER**, the signer(s) of the within instrument, who duly acknowledged to me that they executed the same.



Joan L. Evans
 Notary Public
 Residing: Tremonton, UT
 Expires: 3-4-11



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

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

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 29, 2008

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

Application to Permit No. 29-13869

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.

This office 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 after final publication.

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

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

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

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 29, 2008

ROGER OYLER
4780 W 14400 N
GARLAND UT 84312

RE: Application for Permit No 29-13869

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Idaho State Journal on November 6 and 13, 2008. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, October 29, 2008 10:36 AM
To: 'stubbs@journalnet.com'
Subject: Legal ad for your paper

Contacts: Idaho State Journal
Attachments: Id State Journal Cover Ltr.RTF



Id State Journal
Cover Ltr.RTF...

Sharla

*Sharla Cox
Administrative Assistant
900 N Skyline Dr. Ste A
Idaho Falls ID 83402
208-525-7161 - Phone
208-525-7177 - Fax
sharla.cox@idwr.idaho.gov*



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

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

EASTERN REGION

October 29, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Legal Notice Department

IDAHO STATE JOURNAL

PO BOX 431

POCATELLO ID 83204

RE: Application for Permit No. 29-13869

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 24, 2008. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

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

29-13869

ROGER OYLER
4780 W 14400 N
GARLAND UT 84312

Point(s) of Diversion: NWSWNE S30 T10S R38E, BANNOCK County
Source GROUNDWATER

Use: DOMESTIC 01/01 To 12/31 0.08 CFS
Total Diversion: 0.08 CFS

Date Filed: 10/06/2008

Place Of Use: DOMESTIC

T10S R38E S30 SWNE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, 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 24, 2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on November 6 and 13, 2008