

RECEIVED

AUG 12 2009

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 17-7188**AMENDED**

1. Name of applicant(s) DARVEL GARN TRUST Phone 435-458-3589
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address PO BOX 43 City FIELDING
 State UT ZIP 84311 Email _____
2. Name of representative, if any KEVIN GARN (TRUSTEE) Phone 435-458-3589
 Mailing address PO BOX 43 City FIELDING
 State UT ZIP 84311 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 SINKS
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
16S	35E	28		SW	NW	SE	ONIEDA	SPRING	

5. Water will be used for the following purposes:
 Amount .02 CFS for STOCKWATER purposes from 3/1 to 12/1 (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) .02 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. PIPELINE COLLECTION FROM SPRING TO ONE TROUGH IN IDAHO AND TWO IN UTAH
- b. Height of storage dam _____ 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 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 \$ 180- Received by _____ Receipt No. E045198 Date 7/29/19

17-7188

AMENDED

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. 200 CATTLE
 - Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households _____
 - Other; describe fully. _____

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - 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	
16S	35E	28												S					
15N	05W	35	S																
15N	05W	34													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? APPLICANT
- b. Who owns the land to be irrigated or place of use? APPLICANT
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. PIPELINE COLLECTION FROM SPRING TO ONE TROUGH IN IDAHO AND TWO IN UTAH

13. Time required for completion of works and application of water to proposed beneficial use is 2 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.

Kevin Olsen Garn P.O.A.
 Signature of Applicant
Kevin Olsen Garn P.O.A.
 Print Name (and title, if applicable)

Kevin Olsen Garn P.O.A.
 Signature of Applicant
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 Print Name (and title, if applicable)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

SUPERCEDED

RECEIVED

JUL 29 2019

Department of Water Resources

1. Name of applicant(s) Darvel Garn Trust Phone 435-458-3589
 Mailing address P.O. Box 43 City Fielding
 State Utah ZIP 84311 Email _____
 Name connector (check one): ☐ and ☐ or ☐ and/or
2. Name of representative, if any Kevin Garn Trustee Phone 435-458-3589
 Mailing address P.O. Box 43 City Fielding
 State Utah ZIP 84311 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 Sinks
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
16S	35E	28		SE	NW	SW	Oneida	Spring	

5. Water will be used for the following purposes:
- Amount 0.02 cfs for Stockwater purposes from 3-1 to 12-1 (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)
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- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.02 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. Pipeline collection
From Spring to 1 trough in Idaho 2 in Utah
- b. Height of storage dam _____ 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 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
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- 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 _____;
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Received by 56 Date 7/29/19 Time _____ Preliminary check by _____
 Fee \$ 100- Receipted by 56 Receipt No. 2045198 Date 7/29/19

17-7188

SUPERCEDED

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 - Stockwatering; list number and kind of livestock. 200 Beef cattle
 - Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - Domestic; show number of households _____
 - Other; describe fully. _____
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- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - 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	
16S	35E	28												S		D			

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
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- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. _____
13. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year).
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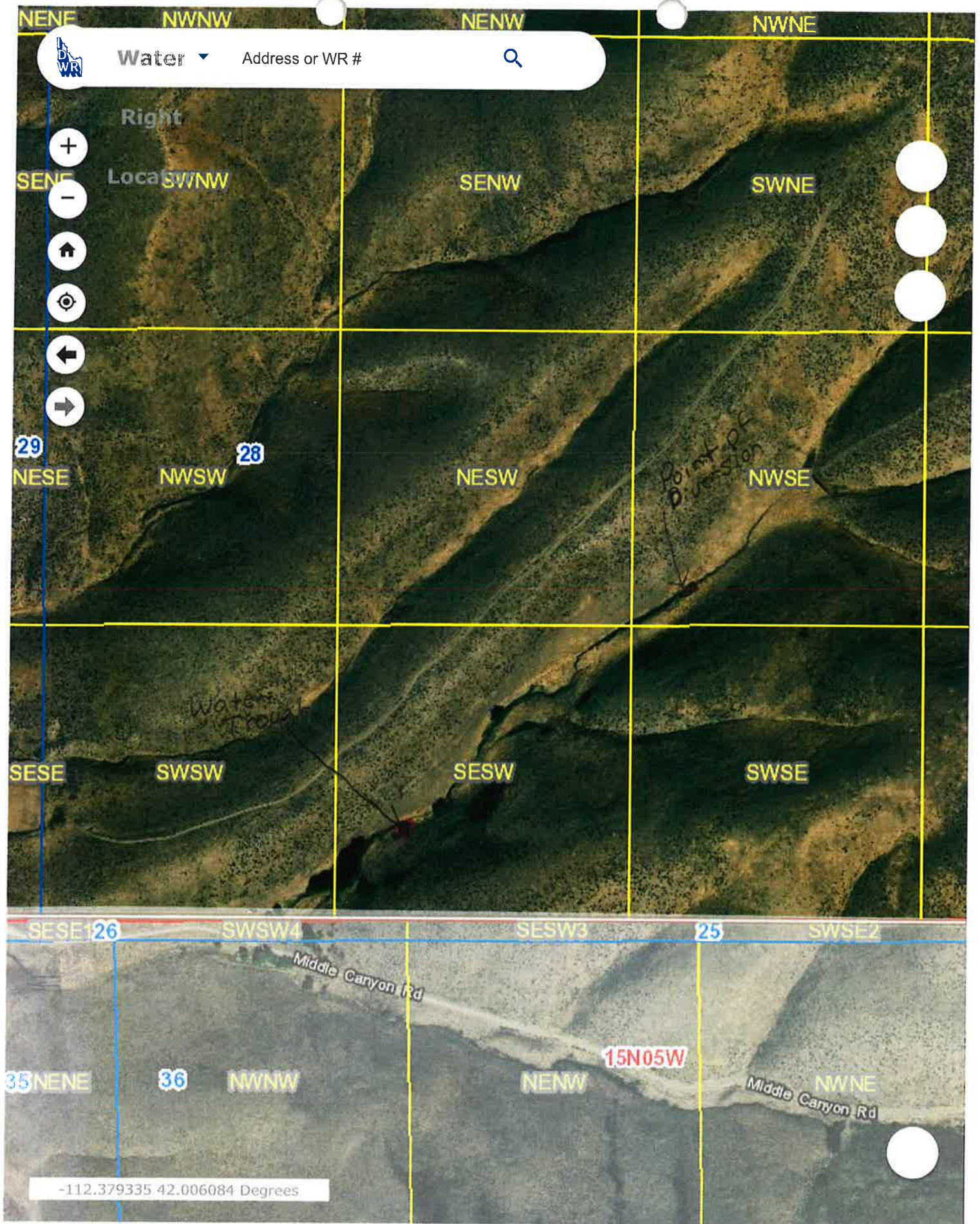
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Kevin Garn P.O.A.
Signature of Applicant

Kevin Garn P.O.A.
Print Name (and title, if applicable)

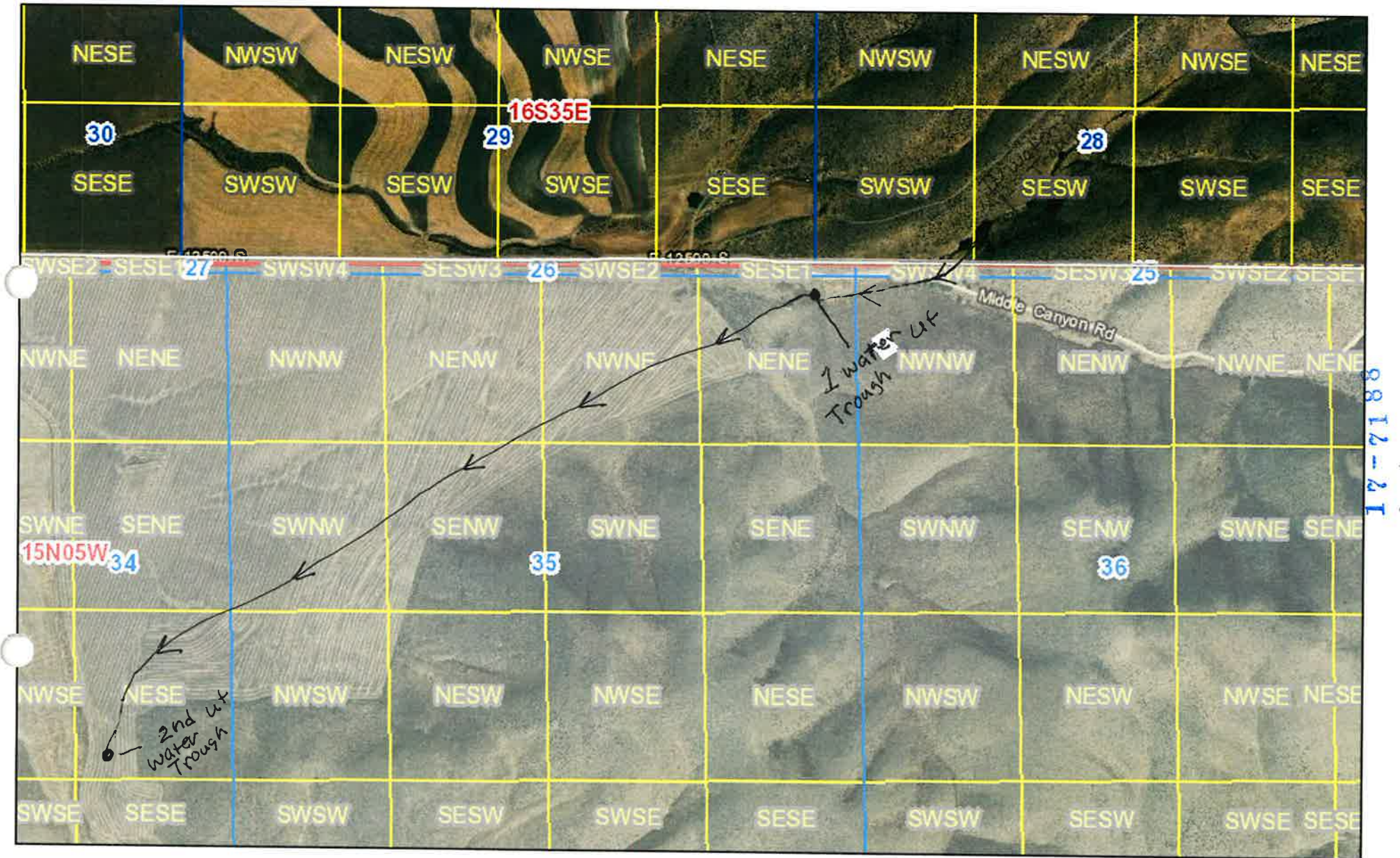
Kevin Oleen Garn P.O.A.
Signature of Applicant

Kevin Oleen Garn P.O.A.
Print Name (and title, if applicable)



17-7188

ArcGIS Web Map



7/26/2019, 3:45:12 PM

POU - Water Rights

All Other POU (non-provider)

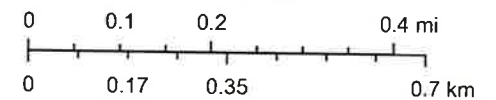
Irrigation Providers and Municipal Service Areas

POD - Water Rights

Quarter Quarter

Section

1:18,056



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin,

AMENDMENT NO. 2

The undersigned, DARVEL N. GARN, hereby amends his revocable trust dated the 5th day of December, 1984 as well as all subsequent amendments, as follows:

Article V, paragraph N. is hereby amended to read in its entirety as follows:

Article V

N. Trustees. The following people will act as trustees in the following priority:

1. Darvel N. Garn, Kevin Oleen Garn and Michael L. Garn, shall serve as trustees of this trust during the lifetime of Darvel N. Garn, and so long as Darvel N. Garn is mentally competent.

2. In the event Darvel N. Garn resigns or is otherwise unable or unwilling to act as trustee, Kevin Oleen Garn and Michael L. Garn shall serve as trustees.

3. In the event either Kevin Oleen Garn or Michael L. Garn shall resign or is otherwise unable or unwilling to act as trustee, then the other shall act as trustee.

4. In the event that Bonnie L. Garn shall at any time become the sole surviving trustee of any Family Trust share, she shall have no power or authority to act by herself as the sole Trustee and a successor joint trustee, to act unanimously with her shall be appointed.

5. In the event none of the above named successor trustees are willing or

able to act, a majority in number of the then current, adult, competent beneficiaries may appoint a successor trustee. If no such appointment is made within thirty (30) days after the last successor trustee gives notice of resignation or is otherwise unable or unwilling to act, then the District Court of Box Elder County, or any judge thereof may appoint a successor Trustee upon application of the resigning Trustee or any other interested party.

6. No bond or other security shall be required of any original trustee or any successors thereto. If, despite the trustor's directions, a bond is required by law, insofar as it lies within the Trustor's power, the Trustor directs that no surety be required on such bond.

All other provisions of the original Trust no inconsistent with the above amendment are hereby affirmed.

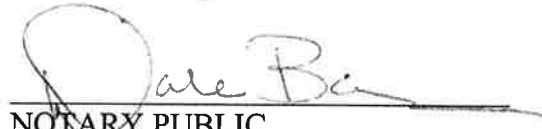
DATED this 31 day of October, 2000.

"TRUSTOR"


DARVEL N. GARN

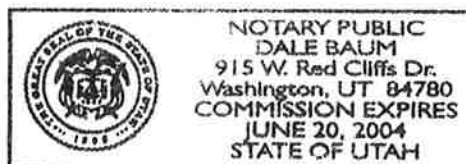
STATE OF UTAH)
 :SS
COUNTY OF Washington)

On the 31 day of October, 2000, personally appeared before me Darvel N. Garn, the Trustor of the foregoing instrument who duly acknowledged to me that he executed the same.


NOTARY PUBLIC
Residing at Brigham City, Utah

C:\MYFILES\ESTATES\gam\darvel amendment.wpd

17-7188



DURABLE POWER OF ATTORNEY

On this 3rd day of April, 2003, I, DARVEL N. GARN, of Fielding, Utah, do hereby appoint KEVIN OLEEN GARN or MICHAEL L. GARN my true and lawful attorney to act in, manage and conduct all my affairs and for that purpose in my name and on my behalf to do and execute all or any of the following acts, deeds and things:

1. **(To Receive Debts, etc.).** To ask, demand, sue for, recover, and receive all sums of money, debts, dues, goods, wares, merchandise, chattels, effects, and things of whatsoever nature or description which now are or hereafter shall be or become due, owing, payable, or belonging to me in or by any right, title, ways or means howsoever, and upon receipt thereof or of any part thereof to make, sign, execute, and deliver such receipts, releases, or other discharges for the same respectively as they shall think fit or be advised.

2. **(To Settle Accounts).** To settle any account or reckoning whatsoever wherein I now am or any time hereafter shall be in any wise interested or concerned with any person whomsoever, and to pay or receive the balance thereof as the case may require.

3. **(To Satisfy Mortgages).** To receive every sum of money which now is or hereafter shall be due or belonging to me upon the security or by virtue of any mortgage and on receipt of the full amount secured thereby to execute a good sufficient release or other discharge of such mortgage by deed or otherwise.

4. **(To Compound, make Allowances, Etc.).** To compound with or make allowances to any person for or in respect to any debt or demand whatsoever which now is or shall at any time hereafter become due and payable to me, and to take and receive any composition or dividend thereof or thereupon, and to give releases or other discharges for the whole of such debts or demands, or to settle or compromise every such debt or demand and every other right, matter and thing due to or concerning me as my attorney shall think best and for that purpose to enter into and execute and deliver such instruments as my attorney may deem advisable in the premises.

5. **(To Prosecute and Defend).** To commence, prosecute, discontinue, or defend all actions or other legal proceedings touching my estate or any part thereof, or touching any matter in which I or my estate may be in any wise connected.

6. **(To Manage Real Estate).** To enter into and upon any and all of my real estate, and to let, manage, and improve the same or any part thereof, and to repair or otherwise improve

or alter, and to insure any part thereof, and to repair or otherwise improve or alter and to insure any buildings thereon.

7. **(To Grant Leases, Receive Rents, Etc.).** To contract with any person for leasing for such periods, at such rents and subject to such conditions as my attorneys shall see fit, all or any of my said real estate, and any such person to let into possession thereof, and to execute all such leases and contracts as shall be necessary or proper in that behalf, and to give notice to quit to any tenant or occupier thereof, and to receive and recover from all tenants and occupiers thereof or of any part thereof all arrears of rent, and sums of money which now are or shall hereafter become due and payable in respect thereof, to take all necessary or proper means and proceeding for determining the tenancy or occupation of such tenants or occupiers, and for ejecting the tenants or occupiers and reconveying the possession thereof.

8. **(To Sell or Exchange Real or Personal Estate).** To sell, convey, assign, transfer, gift, donate, or exchange any part or parts of my real estate or personal property for such consideration and upon such terms as my attorneys shall think fit, and to execute and deliver good and sufficient deeds or other instruments for the conveyance or transfer of the same, with such covenants of warranty or otherwise as my attorneys shall see fit, and to give good and effectual receipts for all or any part of the purchase price or other consideration. This paragraph shall include any part of interest in property of every nature whatsoever, real, personal, mixed, tangible or intangible, legal or equitable, and wheresoever situated, which I do now, or may at any time hereafter own, possess or be entitled to, including any and all property listed in Schedule "A" of my family trust.

9. **(To Deposit Moneys, Withdraw, Invest, Etc.).** To deposit any moneys which may come to his hands as such attorney with any bank or banker in my name, and any of such money to which I am entitled which now is or shall be so deposited to withdraw, and either employ as they shall think fit in the payment of any debts, or interest, payable by me, or taxes, assessments, insurance, and expenses due and payable or to become due and payable on account of my real personal estate, or in or about any of the purposes herein mentioned or otherwise for my use and benefit.

10. **(To Borrow Money, Mortgage, Etc.).** To borrow any sum or sums of money on such terms and with such security, whether real or personal property, as my attorney may think fit, and for that purpose to execute all promissory notes, bonds, mortgages, and other instruments which may be necessary or proper.

11. **(To Engage and Dismiss Agents, etc.).** To engage, employ, and dismiss any agents, clerks, servants, or other persons in and about the performance of these presents as my attorneys shall think fit.

12. **(To Exercise Fiduciary Powers so Far as May be Delegated).** To exercise any powers and any duties vested in me, whether solely or jointly, with any other or others as executor, administrator, or trustee or in any other fiduciary capacity, so far as such power or duty is capable of being validly delegated.

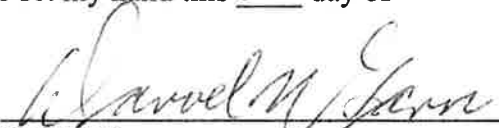
13. **(To Execute Deeds, Bills, Notes, etc.).** For all or any of the purposes of these presents to enter into and sign, seal, execute, acknowledge, and deliver any contracts, deeds or other instruments whatsoever, and to draw, accept, make, endorse, discount, or otherwise deal with any bills or exchange, checks, promissory notes, or other commercial or mercantile instruments.

14. **(To Pay All Household and Medical Expenses, etc.).** To pay my ordinary household expenses, and all medical, hospital, nursing, physicians, nursing home and other expenses for services which I may require for my care and maintenance as determined by my attorney.

15. **(To Do All Other Things, etc.).** In general to do all other acts, deeds, matters, and things whatsoever in or about my estate, property, and affairs or to concur with persons jointly interesting with myself therein in doing all acts, deeds, matters, and things herein, either particularly or generally described as fully and effectually as I could do in my own proper person if personally present.

16. **(Power to Survive Incompetency).** This power of attorney shall not be affected by disability of the principal.

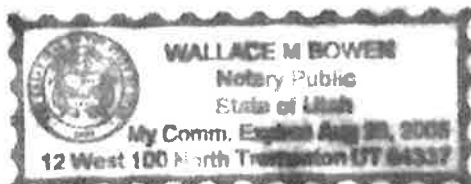
IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of April, 2003.


DARVEL N. GARN

STATE OF UTAH)
 : ss
COUNTY OF BOX ELDER)

On the 3rd day of April, 2003, personally appeared before me DARVEL N. GARN, who being by me duly sworn did say that he executed the foregoing instrument for the purposes therein set forth and that the foregoing instrument is binding and of full force and effect as to the said and successors and assigns.


Notary Public





State of 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

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 27, 2019

DARVEL GARN TRUST
C/O KEVIN GARN
PO BOX 43
FIELDING, UT 84311-0043

Application For Permit No. 17-7188

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 IDAHO ENTERPRISE on September 5 and 12, 2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**on September 23, 2019 at 5:00 pm**).

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,

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Tuesday, August 27, 2019 8:25 AM
To: 'enterpriseneews@atcnet.net'
Subject: Legal Notice for your paper
Attachments: Idaho Enterprise E-Mail.doc

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

This may include more than one page

August 27, 2019

Legal Notice Department

Idaho Enterprise

PO Box 205

Malad ID 83252

RE: Legal Ad for your paper

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 September 23, 2019. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant
Dept of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161
208-525-7177 -- fax

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

15-7449

THE KENNETH AND DIXIE BERNARDS FAMILY TRUST

4080 W SAMARIA RD

MALAD CITY, ID 83252-6620

Point of Diversion

SWSWNW S25 T15S R35E

ONEIDA County

Source GROUND WATER Tributary

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 5/22/2019

Place Of Use: DOMESTIC

T15S R35E S25 SWNW NWSW

17-7188

DARVEL GARN TRUST

C/O KEVIN GARN

PO BOX 43

FIELDING, UT 84311-0043

Point of Diversion

SWNWSE S28 T16S R35E

ONEIDA County

Source SPRING Tributary SINKS

Use: STOCKWATER

03/01 to 12/01 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 7/29/2019

Place Of Use: STOCKWATER

T15N R05W S34 NESE

T15N R05W S35 NENE

T16S R35E S28 SESW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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 September 23, 2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 5 and 12, 2019