

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

Ident. No. 15-7449

1. Name of applicant(s) The Kenneth and Dixie Bernards Family Trust Phone 208-801-3732  
Name connector (check one): ☐ and ☐ or ☐ and/or  
 Mailing address 4080 W. Samaria Road City Malad  
 State Idaho ZIP 83252 Email bishopkgb@gmail.com
2. Name of representative, if any Randall C. Budge, Attorney Phone 208-232-6101  
 Mailing address P.O. Box 1391 City Pocatello  
 State Idaho ZIP 83204-1391 Email randy@racineolson.com
- 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 groundwater which is a tributary of \_\_\_\_\_
4. Location of point(s) of diversion:

| Twp | Rge | Sec | Govt Lot | 1/4 | 1/4 | 1/4 | County | Source | Local name or tag # |
|-----|-----|-----|----------|-----|-----|-----|--------|--------|---------------------|
| 15S | 35E | 25  |          | SW  | SW  | NW  | Oneida |        |                     |
|     |     |     |          |     |     |     |        |        |                     |
|     |     |     |          |     |     |     |        |        |                     |
|     |     |     |          |     |     |     |        |        |                     |

5. Water will be used for the following purposes:
- Amount 0.04cfs for Domestic purposes from 01/01 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) 0.04 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. Existing well, pump and electric motor.
- 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? 12/20/2005; drilling firm Mountain West Well Drilling (Lava Hot Springs); well was drilled for (well owner) Robert and Ilene Durbin; Drilling Permit No. 0037810

## For Department Use

Received by SC Date 5/22/19 Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
 Fee \$ 250 Received by SC Receipt No. E045004 Date 5/22/19

15-7449

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. \_\_\_\_\_
  - Municipal; must complete and attach the Municipal Water Right Application Checklist.
  - Domestic; show number of households one
  - 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 |        |
| 15S | 35E | 25  |    |    |    |    |    |    | D  |    |    | D  |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
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|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

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? This source provides in-house domestic water and also outside water for irrigation of lawn, garden and landscaping.
11. a. Who owns the property at the point of diversion? The Durbin Family Trust
- 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: Joint Well and Easement Agreement, a copy attached hereto.
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 1 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.

Randall C. Budge, Attorney For Applicant  
Signature of Applicant

Randall C. Budge, Attorney

Print Name (and title, if applicable)

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
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

Ident. No. \_\_\_\_\_

**RECEIVED**  
**MAY 22 2019**

Department of Water Resources  
Eastern Region

1. Name of applicant(s) The Kenneth and Dixie Bernards Family Trust Phone 208-801-3732  
 Name connector (check one): ☐ and ☐ or ☐ and/or  
 Mailing address 4080 W. Samaria Road City Malad  
 State Idaho ZIP 83252 Email bishopkbg@gmail.com
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|-----|-----|-----|----------|----|----|----|--------|--------|---------------------|
| 15S | 35E | 25  |          | SW | NW | SW | Oneida |        |                     |
|     |     |     |          |    |    |    |        |        |                     |
|     |     |     |          |    |    |    |        |        |                     |
|     |     |     |          |    |    |    |        |        |                     |

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15-7449

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|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 15S | 35E | 25  |    |    |    |    |    |    |    |    |    | D  |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
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|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

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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.

Kenneth Bernards  
 Signature of Applicant  
 Kenneth Glenn Bernards, Trustee  
 Print Name (and title, if applicable)

Dixie Lee Bernards  
 Signature of Applicant  
 Dixie Lee Bernards, Trustee  
 Print Name (and title, if applicable)

T-1261

133729  
127827  
14824  
149761

CORNER PERPETUATION  
RECORD SHOWS THIS  
CORNER 79.43' FROM  
ROAD SEE DENNIS  
JONES - 1980 R-21-CROSS REF.

123909-10  
125609  
105604  
90050  
98803  
148846

T-558

T-2537

107625  
122472-73

S 89° 44' W  
80.03

124714-16

T-558

(T-560)

T-2536

T-3600

SAMARIA

ROAD

SAMARIA

TOWNSITE

BOUNDARY

T-1262

SEE SURVEY  
#126334

149450  
112550  
125609  
123909-10  
124714-16  
519.25'

T-3861

1544167  
149425  
105976

T-3860

1544167  
149425  
105976

T-3859

1544167  
149425  
105976

T-3858

1544167  
149425  
105976

55308  
Roger & Paula  
Bradford

T-559

SEE SURVEY # 116702

T-2535

107625  
122472-73

25

T-3600

105927

T-3283

147598  
147598  
147598

T-3559

10592  
27-64

T-3342

90050  
95465  
31-272

PARCEL 1

124712  
125653  
126009-10  
154214

SEE SURVEY  
#127818

37.55 AC

933.71'

908.71'

38.76'

426.16'

395.21'

25.00'

130.87'

1307.41'

1325.98'

SEE SURVEY #126332

T-5453

PARCEL 3

124712  
90050  
31-272  
95465

PARCEL 4

10050  
31-272  
95465

117887  
112740  
25-336

Township 15 South, Range 35 East, B.M., Oneida Co.  
Section 25  
15-7449

**Instrument # 157786**

MALAD, ONEIDA, IDAHO

5-2-2019 09:15:00 AM No. of Pages: 2

Recorded for : RACINE, OLSON

MATTHEW L. COLTON

Ex-Officio Recorder Deputy

Fee: 15.00

*Matthew Murphy*

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Randall C. Budge, Attorney  
RACINE OLSON, PLLP  
P.O. Box 1391; 201 E. Center Street  
Pocatello, Idaho 83204-1391

(Space Above For Recorder's Use)

## Warranty Deed

FOR VALUE RECEIVED, KENNETH G. BERNARDS and DIXIE L. BERNARDS, (Grantors), do hereby grant, warrant, and convey unto the KENNETH GLENN BERNARDS and DIXIE LEE BERNARDS, Trustees of the KENNETH AND DIXIE BERNARDS FAMILY TRUST dated April 29, 2019, and any amendments thereto, whose current address is 4080 W. Samaria Road, Malad, Idaho 83252 (Grantee), the following described premises, in Oneida County, Idaho, to wit:

**A parcel of land located in Section 25, Township 15 South, Range 35 East, Boise Meridian, Oneida County, Idaho, and further described as follows:**

**Beginning at the Southwest corner of the said Section 25; thence North 00°53'18" East 1319.77 feet along the West line of said Section 25 to the Southwest Corner of the NW1/4SW1/4 of said Section 25, the True Point of Beginning; thence North 00°53'38" East 1319.77 feet to the West quarter corner of said Section 25; thence North 00°08'49" East 126.58 feet along the said West section line to a 5/8" rebar with cap labeled AA Hudson, PLS. 4735; thence South 89°51'11" East 306.15 feet to a 5/8" rebar with cap set on the West line of the TOM CLOSE parcel, recorded in the official records of Oneida County; thence South 12°45'00" West 1481.94 feet along said West line to the True Point of Beginning. Containing 5.1 acres, PN RP0276903**

TO HAVE AND TO HOLD said premises, with all appurtenances, unto said Grantee, and its heirs and assigns forever. Said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

WARRANTY DEED - 1

15 - 7449

157786

DATED: April 29, 2019

Kenneth Bernards  
KENNETH G. BERNARDS

Dixie Bernards  
DIXIE L. BERNARDS

STATE OF IDAHO                     )  
                                              : ss.  
County of Bannock                 )

This record was acknowledged before me on this 29<sup>th</sup> day of April, 2019, by KENNETH G. BERNARDS and DIXIE L. BERNARDS.



R. C. Budge  
NOTARY PUBLIC FOR IDAHO  
My Commission Expires: 10/11/2024

WARRANTY DEED - 2

15-7449

## **JOINT WELL AND EASEMENT AGREEMENT**

This Joint Well and Easement Agreement ("Agreement") is entered into between KENNETH GLENN BERNARDS AND DIXIE LEE BERNARDS, TRUSTEES OF THE KENNETH AND DIXIE BERNARDS FAMILY TRUST established by Trust Agreement dated April 29, 2019, whose address is 4080 W. Samaria Road, Malad, Idaho 83252 ("Bernards") and ROBERT S. DURBIN AND ILENE J. DURBIN, TRUSTEES OF THE DURBIN FAMILY TRUST, whose address is 3732 Darren Thornton Way, Las Vegas, NV 89120 ("Durbin").

### **BACKGROUND AND RECITALS**

- A. Bernards own a residential home and real property located at 4080 W. Samaria Road, Malad, Idaho 83252 as described in Exhibit A attached hereto and incorporated by reference (the "Bernards Property").
- B. Durbin owns real property located at 4060 W. Samaria Road, Malad, Idaho 83252 as described in Exhibit B attached hereto and incorporated by reference (the "Durbin Property").
- C. Bernards and Durbin jointly own a non-licensed domestic water right which provides domestic water to the Bernards Property and the Durbin Property.
- D. Durbin owns a well, pump and motor are located on the Durbin Property from which water is delivered via an underground pipeline to the adjacent Bernards Property (the "Well").
- E. Bernards and Durbin desire to enter into this Agreement to define their joint use and maintenance of the shared well, pump, motor and electrical panel and to provide Bernards with the easements needed to access and use the Well and carry out this Agreement.

Therefore, in consideration of the mutual covenants and promises set forth below, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Ownership.** Durbin shall own the well, pump, motor, and electrical panel ("Facilities") and they shall now be and remain sole owners of the Facilities used to deliver and distribute domestic to their respective properties.

Bernards shall have the right to use the Facilities to deliver domestic water for use at the Bernards Property. Each party may file an Application for Permit to secure a domestic water right for their respective properties based on this Agreement.

**2. Expenses.** The parties using the Facilities agree to equally share all expenses associated with the ownership operation, maintenance, repair, and replacement of Facilities, including the power bill.

**3. Separate Facilities.** Each party shall remain the sole owner of and be independently responsible for the operation, maintenance, repair and replacement of pipelines and other equipment that are used solely for the benefit of that party ("Separate Facilities"). Each party reserves the right to install Separate Facilities to enable them to deliver water from the Well to their property. The cost of installing, operating and maintaining Separate Facilities shall be the sole responsibility of the party undertaking and owning the same.

**4. Grant of Easement.** Dubin hereby grants an easement to Bernards over, through, and under the Durbin Property for all purposes incident to this Agreement, including without limitation the right to access, construct, operate, maintain, repair, and replace Shared Facilities and Separate Facilities.

**5. Default.** If either party fails to pay their share of expenses, the other party may upon giving ten (10) days prior written notice to the non-paying party, record an affidavit setting forth the non-paying party's unpaid share of expenses, which shall thereupon be a lien upon the property of the non-paying party, foreclosable in the manner provided in the Idaho Code for foreclosure of liens.

**6. Binding Effect.** This Agreement shall be binding upon and shall inure to the benefit of the heirs, personal representatives, successors and assigns of the parties hereto, shall run with the Bernards Property and the Durbin Property, and shall pass to the grantees, transferees, or purchasers of said lands without express mention, and to all other persons, firms, or corporations accepting any title or rights in or to the properties described in this instrument.

**7. Recording.** This Agreement may be recorded by either party in the Oneida County, Idaho, Recorder's Office to give notice hereof.

**8. Legal Fees.** If legal action is undertaken to enforce this Agreement, the prevailing party shall be entitled to recover reasonable attorney fees and costs.

**9. Modification / Revocation.** This Agreement may be modified or revoked in writing upon the mutual consent of all the parties hereto, or their successors in interest.

**THE KENNETH AND DIXIE BERNARDS  
FAMILY TRUST**Dated: 5-15-2019By: <sup>Glenn</sup>  
Kenneth Bernards  
KENNETH GLENN BERNARDS, TrusteeDated: 5-15-2019By: Dixie Lee Bernards  
DIXIE LEE BERNARDS, Trustee**THE DURBIN FAMILY TRUST**Dated: 05-08-2019By: Robert S. Durbin  
ROBERT S. DURBIN, TrusteeDated: 05-08-2019By: Ilene J. Durbin  
ILENE J. DURBIN, Trustee

## ACKNOWLEDGMENTS

STATE OF IDAHO )

: ss.

County of ONEIDA )

This record was acknowledged before me on this 15 day of MAY, 2019, by KENNETH GLENN BERNARDS and DIXIE LEE BERNARDS, as Trustees of the Kenneth and Dixie Bernards Family Trust.

(SEAL)



Jerren Cundick  
 NOTARY PUBLIC FOR IDAHO  
 My Commission Expires: 3-12-2025

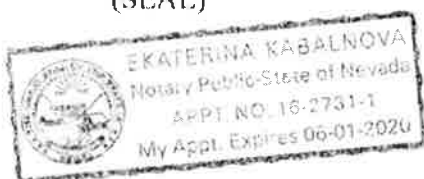
STATE OF NEVADA )

: ss.

County of Clark )

This record was acknowledged before me on this 8 day of May, 2019, by ROBERT S. DURBIN AND ILENE J. DURBIN, as Trustees of the Durbin Family Trust.

(SEAL)



[Signature]  
 NOTARY PUBLIC FOR NEVADA  
 My Commission Expires: 06/01/2020

**EXHIBIT A****BERNARDS PROPERTY**

**A parcel of land located in Section 25, Township 15 South, Range 35 East, Boise Meridian, Oneida County, Idaho, and further described as follows:**

**Beginning at the Southwest corner of the said Section 25; thence North 00°53'18" East 1319.77 feet along the West line of said Section 25 to the Southwest Corner of the NW1/4SW1/4 of said Section 25, the True Point of Beginning; thence North 00°53'38" East 1319.77 feet to the West quarter corner of said Section 25; thence North 00°08'49" East 126.58 feet along the said West section line to a 5/8" rebar with cap labeled AA Hudson, PLS. 4735; thence South 89°51'11" East 306.15 feet to a 5/8" rebar with cap set on the West line of the TOM CLOSE parcel, recorded in the official records of Oneida County; thence South 12°45'00" West 1481.94 feet along said West line to the True Point of Beginning. Containing 5.1 acres, PN RP0276903**

**EXHIBIT B****DURBIN PROPERTY**

BEGINNING AT THE SW CORNER OF SAID SECTION 25;  
THENCE NORTH 00°53'38" EAST 1319.77 FEET ALONG THE WEST LINE OF SAID SECTION 25  
THENCE NORTH 00°53'38" EAST 1319.77 FEET TO THE WEST QUARTER CORNER OF SAID  
THENCE NORTH 00°08'49" EAST 126.58 FEET ALONG THE SAID WEST SECTION LINE TO A  
THENCE NORTH 00°08'49" EAST 375.40 FEET ALONG SAID WEST SECTION LINE TO A 5/8"  
THENCE S 89°51'11" EAST 390.08 FEET TO A 5/8" REBAR WITH CAP SET ON THE WEST LINE  
THENCE S 12°45'00" WEST 384.66 FEET ALONG SAID WEST LINE TO A 5/8" REBAR WITH  
THENCE NORTH 89°51'11" WEST 306.15 FEET TO THE TRUE POINT OF BEGINNING  
Deed #138174 deeds 1/3 interest in water rights Idaho Dept of Water Resources Water Right  
#15-4036 dated Apr.18, 1888.



RANDALL C. BUDGE  
randy@racineolson.com

May 20, 2019

RECEIVED  
MAY 22 2019  
Department of Water Resources  
Eastern Region

Idaho Department of Water Resources  
Eastern Region Office  
900 North Skyline Drive, Suite A  
Idaho Falls, Idaho 83402-1718

**Re: Application for Permit**

To whom it may concern:

Enclosed please find an original and two extra copies of an Application for Permit, together with a check in the amount of \$250.00 for the filing fee. Please file the original and conform stamp and return the extra copies, one to me and one to the Bernards in the enclosed stamped and addressed return envelopes.

Thank you for your assistance. If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Randy Budge'.

RANDALL C. BUDGE

RCB:ts  
Enclosures

cc Kenneth & Dixie Bernards

**Nield, Jeff**

---

**From:** Randy Budge <randy@racineolson.com>  
**Sent:** Tuesday, August 13, 2019 11:31 AM  
**To:** Nield, Jeff  
**Cc:** Kenneth Bernards; Randy Budge  
**Subject:** RE: Application for Permit - The Kenneth and Dixie Bernards Family Trust

Hi Jeff,

Yes that would be fine and appreciated if you would also mark the SWNW as a place of use.

Thanks!

Randy

**Randall C. Budge**  
Attorney



201 E. Center Street / P.O. Box 1391  
Pocatello, Idaho 83204  
(208)232-6101 - Phone  
(208)232-6109 - Fax

[www.racinelaw.net](http://www.racinelaw.net)

**CONFIDENTIALITY NOTICE** - This email and its attachments may contain information that is confidential, privileged, or otherwise protected from disclosure. If you believe this email may have been sent to you in error, please notify the sender immediately.

**From:** Kenneth Bernards <bishopkgb@gmail.com>  
**Sent:** Tuesday, August 13, 2019 8:26 AM  
**To:** Nield, Jeff <Jeff.Nield@idwr.idaho.gov>  
**Cc:** Randy Budge <randy@racineolson.com>  
**Subject:** Re: Application for Permit - The Kenneth and Dixie Bernards Family Trust

Yes, please proceed.

On Tue, Aug 13, 2019, 8:15 AM Nield, Jeff <[Jeff.Nield@idwr.idaho.gov](mailto:Jeff.Nield@idwr.idaho.gov)> wrote:

Mr. Budge,

Upon further review of the submitted Application for Permit, I realized that a portion of the tax lot owned by The Kenneth and Dixie Bernards Family Trust extends into the SWNW quarter-quarter. Currently only the NWSW quarter-

quarter is marked on the application. Would you like me to mark the SWNW as well, and use this correspondence as the approval to make the changes to the application? Or would you like to make the changes and send a new copy of the application? My apologies for not getting this taken care of with the previous email correspondence.

Thank you,

**Jeff Nield**

*Stream Protection Specialist/Water Resource Agent*

Idaho Dept. of Water Resources

900 N Skyline Dr, Suite A

Idaho Falls, ID 83402-1718

(208)497-3786

<https://idwr.idaho.gov/>





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

THE KENNETH AND DIXIE BERNARDS FAMILY TRUST  
4080 W SAMARIA RD  
MALAD CITY, ID 83252-6620

Application For Permit No. 15-7449

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.

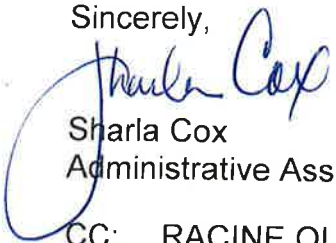
A legal notice of the application has been prepared and is scheduled for publication in the IDAHO ENTERPRISE on September 5 and 12, 2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**on September 23, 2019 at 5:00 pm**).

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

CC: RACINE OLSON PLLP  
C/O RANDALL C BUDGE  
PO BOX 1391  
POCATELLO, ID 83204-1391

## Cox, Sharla

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**From:** Cox, Sharla  
**Sent:** Tuesday, August 27, 2019 8:25 AM  
**To:** 'enterpriseneeds@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