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APR 21 2011

Department of Water Resources
Eastern Region

Page 1

Ident. No. 13-7785

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR PERMIT

AMENDED

To appropriate the public water of the State of Idaho

1. Name: CARL HOWLETT
C/O BRAD BEARNSON, BEARNSON & CALDWELL, LLC
399 N MAIN, STE 270
LOGAN UT 84341
435-752-6300
2. Source: SPRING Tributary to: SINKS
3. Location of Point of Diversion:
#1 SPRING NE1/4SE1/4NW1/4 Sec. 21, Twp 16S, Rge 39E, B.M.
FRANKLIN 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	0.04 CFS	
STOCKWATER	01/01	to 12/31	0.01 CFS	

5. Total quantity to be appropriated is: 0.04 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: 4 INCH PERFORATED PIPE IN BOTTOM OF CULVERT TO COLLECT WATER, PVC CISTERN, PUMP AND BLADDER TANK.

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

- c. Proposed well diameter is _____ inches;
Proposed depth of well is _____ feet.

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

- 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 2 year(s).

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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
16S	39E	21	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
										X									

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
16S	39E	21	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.

APPLICANT

10. Remarks:

Applicant wants to develop of the water for culinary use for a residence. The remainder will continue to remain within the marsh area and be used from livestock watering as in the past, up to 20 head. See Attachment A for additional details.

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.

Carl Howlett
Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Receipt No. E036493

Date: _____

Received by: _____

13 - 7785

State of Idaho
Department of Water Resources
Water Right License

13-7785

Water Service Area Boundary for

R39E

T16S



Legend

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

0 0.025 0.05 0.1 Miles



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 13-7785

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APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

MAR 21 2011

1. Name of applicant(s) Carl Howlett c/o Brad Bearnson, Bearnson & Caldwell, LLC Phone 435-752-6300Department of Water Resources
Eastern RegionName connector (check one): ☐ and ☐ or ☐ and/orMailing address: 399 N. Main, Suite 270City LoganState UtahZip 84341Email: bearnson@bearnsonlaw.com2. Source of water supply Running Surface Water which is a tributary of N/A

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
16S	39E	21		NE	SE	NW	Franklin	Running Surface Water	

4. Water will be used for the following purposes:

Amount .04 for Domestic use purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per year)Amount .0044 for Stockwater 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)5. Total quantity to be appropriated is (a) .0444 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. See "Attachment A"

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 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 ☐ 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. _____.

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. Up to 20 head of cattle.

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

d. Domestic; show number of households One (1)

e. Other; describe fully. _____

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Department of Water Resources
Eastern Region

8. 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	
16S	39E	21								D									
		21								S									

Total number of acres to be irrigated: _____

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? See "Attachment A"

10. a. Who owns the property at the point of diversion? Carl Howlett, Trustee of the L. Carl Howlett Family Trust

b. Who owns the land to be irrigated or place of use? Carl Howlett, Trustee of the L. Carl Howlett Family Trust

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. See "Attachment A"

12. Time required for completion of works and application of water to proposed beneficial use is 1 1/2 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2" 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.

Carl Howlett
Signature of Applicant

Carl Howlett
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by SC Date 3/21/11 Time _____ Preliminary check by _____
Fee \$ 250.00 Received by SC Receipt No. E036493 Date 3/22/11

Attachment A

Water Development Plan

The water source is a series of seeps and springs at the base of a half-mile long bluff. The water collects to form a stream feeding into a marsh area on my property. There is only a very shallow grade along the collection path (about 20 feet in one half mile), so the water is slow moving and clear but somewhat difficult to collect and cannot be impounded. Historically the stream has been used for watering livestock pastured on the land applicant owns. Applicant now wants to develop a portion of the water for culinary use for a residence. The remainder will continue to remain within the marsh area and be used for livestock watering as in the past (up to 20 head).

The stream has had a continuous flow for the years Applicant has owned the property. Long time neighbors of the Applicant claim that the water is reliable enough to provide water for animals without supplementation. Peak stream flow in the spring is in the order of 50 gallons/min and drops to one or two gallons per minute in the late summer although there is the possibility that it could drop to zero. After July, Applicant judges that the stream flow is not sufficient and reliable enough for direct culinary use until about mid September. Cold portions of the winter will stop the flow entirely for a few weeks at a time.

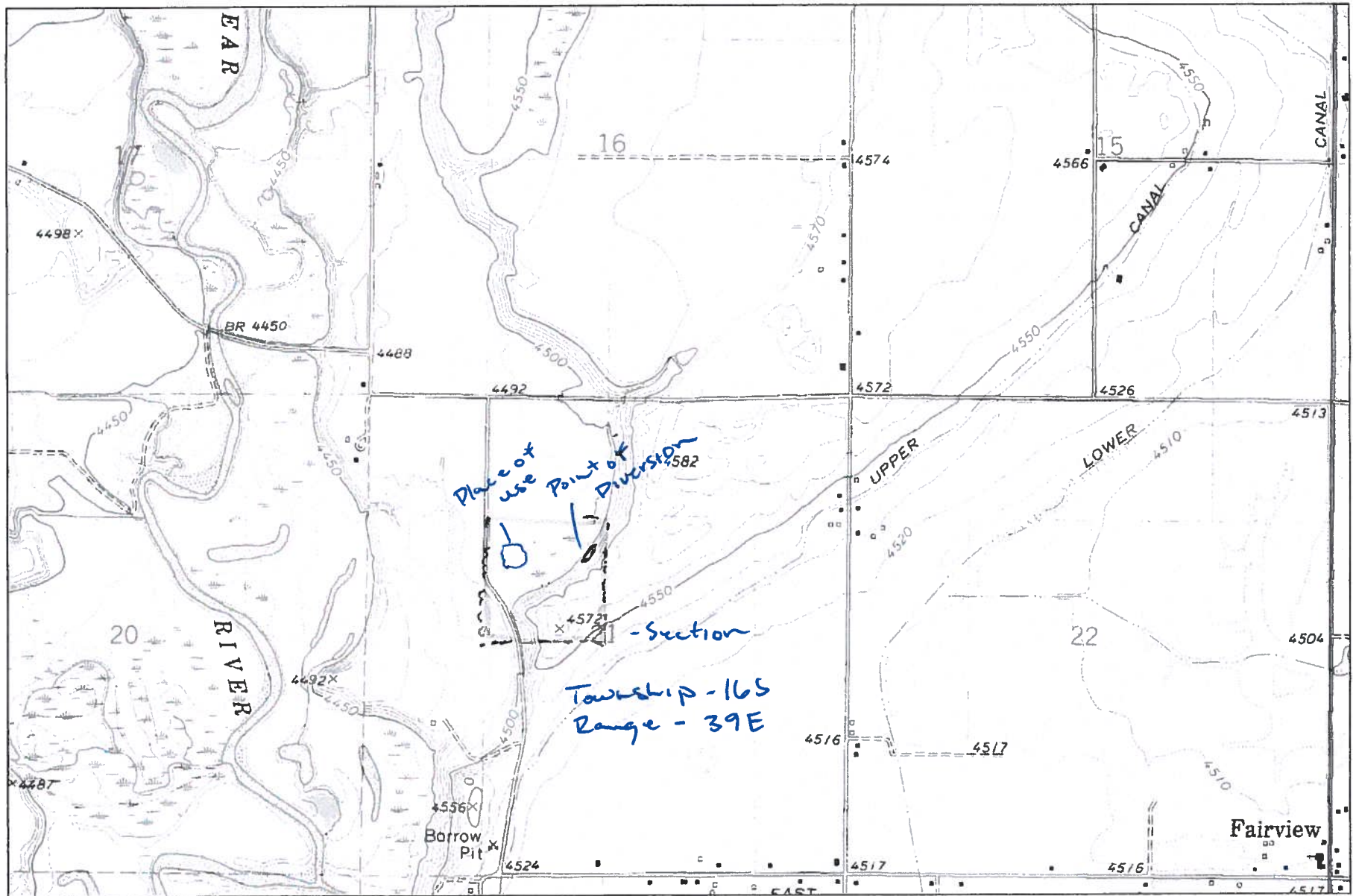
The water enters Applicant's property through a 12-inch culvert. Applicant intends to place a four-inch diameter perforated pipe in the bottom of the culvert to collect a portion of the water. A geotextile sock will serve as a pre-filter to eliminate large debris. The collected water will be diverted to a 300 gallon buried culinary grade PVC cistern. Overflow from the cistern will be returned back to the original streambed. The cistern will be pumped at a rate of 4 gpm to a 25,000 gallon partially buried potable water grade bladder tank located on the top of the bluff (about a 70 foot elevation gain and a distance of about 700 feet from the point of collection). The total annual quantity of water to be diverted will be about 1/3 acre-feet. The bladder tank will gravity feed to the home where the water will be treated to achieve culinary quality. The process will begin with a pressure pump, back flushing sediment filter, 1 to 5 micron cartridge filters, softener, activated carbon filter, and finally a UV sterilizer exceeding the EPA UV dose requirements.

Pumping will be controlled by a pressure switch at the bladder tank with the intention of keeping the bladder at near capacity at all times, unless there is insufficient water in the cistern to pump. A full bladder is also desired for fire protection. A float switch at the cistern will prevent a call for water from the bladder causing operation of a dry pump.

The soil at the residence location on the bluff top is silt having very low fertility and very poor water retention. Outside planting of other than native plants that already grow there will be minimal because all soil would have to be brought in and placed over a semi-permeable membrane or over imported clay. Gray water will be used for most outside purposes. Gardening, if any, would most likely be located near the pasture where the soil is good, the water table is nearby and water is available from the marsh in all

but very late summer. The pasture area is not irrigated other than from sub-irrigation from the water table. As an average the water table depth varies from zero to about five feet.

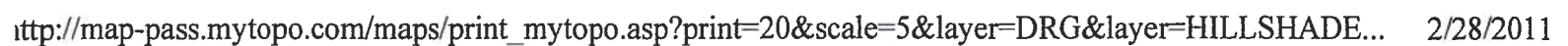
The development will take place in the summer of 2011, as will the beginning of the construction of the residence. Water will be available for the construction phase. Completion is anticipated to be in 2012.



0 0.5 MI
0 2000 Ft

Map provided by MyTopo.com

13-7785



Digital-Topo-Maps.com - Topographic Maps

[Home](#)
[Terrain Navigator Topo Software](#)
[MapPass Online Topos](#)
[National Geographic Topo State](#)
[DeLorme Topo North America](#)
[DeLorme Atlas](#)
[Raven Wall Maps](#)
[Check Out USA Shipping Only](#)

Instructions: 1) Zoom in to your location; 2) click the "MyTopo" button for topo maps

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Location: 42.0241521, -111.904571 |

Browse and view USGS, Forest Service, Natural Resource Canada topo maps!

Print from your computer: Landscape | Portrait

Print link opens as a new .pdf window. Allow a few seconds to process.

Note that the MyTopo U.S. map layer is the only one available for printing.

Thanks to Google for allowing us to use their maps!

Please note: our online map viewer is currently in beta. Map viewing speed will increase as we continue to seed the topo map information.

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CEIN
APR 06 2011

238161 1-2

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
28 West Oneida
Preston, ID 83263

Recorded at the request of
First American Title

___ a.m. JUN 21 2007 p.m. 2:42

V. ELLIOTT LARSEN, RECORDER
By Camille L. L... Deputy
FRANKLIN COUNTY, IDAHO

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 212558-PR (mh)

Date: June 11, 2007

For Value Received, **Kelly L. Farmer and Stacy Farmer, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **L. Carl Howlett, Trustee of the L. Carl Howlett Family Trust dated November 8, 2006**, hereinafter called the Grantee, whose current address is **42 Cedar Street, Manahawkin, NJ 08050**, the following described premises, situated in **Franklin County, Idaho**, to-wit:

A parcel of land located in the Southeast quarter of the Northwest quarter (SE1/4NW1/4) of Section 21, Township 16 South, Range 39 East, Boise Meridian, Franklin County, Idaho, and more particularly described as follows:

Commencing at the West quarter corner of said Section 21, from which the Northwest corner of Section 21 bears North 00° 16' 48" East;

Thence South 89° 31' 47" East 1298.00 feet along the South boundary of the Northwest quarter of Section 21 to a 5/8" rebar and cap labeled "Allen Land Surveying, PLS 9163" at the Southwest corner of said SE1/4NW1/4, the Point of Beginning.

Thence North 00° 18' 39" East 1391.74 feet along the West boundary of said SE1/4NW1/4 to a 5/8" rebar and cap at the Northwest corner thereof;

Thence South 89° 47' 30" East 1327.44 feet along the North boundary of said SE1/4NW1/4 to a 5/8" rebar and cap at the Northeast corner thereof;

Thence South 00° 32' 00" West 1384.75 feet along East boundary of said SE1/4NW1/4 to a 5/8" rebar and cap at the Southeast corner thereof;

Thence South 89° 54' 16" West 1322.10 feet along the South boundary of said SE1/4NW1/4 to the Point of Beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

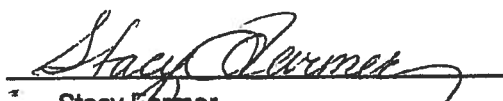
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MAR 24 2011

Department of Water Resources
Eastern Region

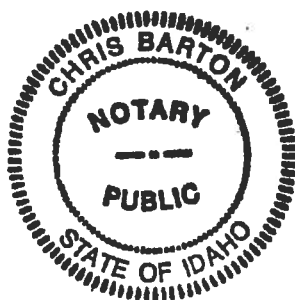
238161 2-2


Kelly L. Farmer


Stacy Farmer

STATE OF Idaho)
SS.
COUNTY OF Franklin)

On this **Twentieth day of June, 2007**, before me, a Notary Public in and for said State, personally appeared **Kelly L. Farmer and Stacy Farmer**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.




Notary Public for the State of Idaho
Residing at: Preston, Idaho
My Commission Expires: 11/13/12



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

June 8, 2011

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CARL HOWLETT
C/O BRAD BEARNSON, BEARNSON & CALDWELL, LLC
399 N MAIN, STE 270
LOGAN, UT 84341

Water Right No.13-7785

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 PRESTON CITIZEN on June 15 and 22, 2011. 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

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, June 08, 2011 12:10 PM
To: 'copy@prestoncitizen.com'
Subject: legal ad for your paper
Attachm Preston Citizen E-Mail.doc
Contact Preston Citizen

Sha

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

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

13-7785

CARL HOWLETT

C/O BRAD BEARNSON, BEARNSON & CALDWELL, LLC

399 N MAIN, STE 270

LOGAN, UT 84341

Point of Diversion NESENW S21 T16S R39E FRANKLIN County Source SPRING Tributary SINKS

Use: STOCKWATER	01/01 to 12/31	0.01 CFS
-----------------	----------------	----------

Use: DOMESTIC	01/01 to 12/31	0.04 CFS
---------------	----------------	----------

Total Diversion:	0.04 CFS
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Date Filed: 4/18/2011

Place Of Use: DOMESTIC and STOCKWATER

T16S R39E S21 SENW

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

BLAINE M WEBSTER and DENNIS H WEBSTER, 4323 E GLENDALE RD, PRESTON, ID 83263 has filed Application No. 77309 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-299, 13-300; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to change the point of diversion. The point of diversion is in the SESWSE Sec 2 T15S R40E for 2.88 cfs. The place of use remains the same for 68 acres.

Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

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 July 5, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on June 15 and 22, 2011



**BEARNSON
& CALDWELL**

Brad H. Bearnson
(c) 435-757-5756
bbearnson@bearnsonlaw.com

Licensed in Utah, Idaho, Arizona and Wyoming

March 17, 2011

Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Re: Carl Howlett – Application for Permit

Gentlemen:

Enclosed please find an Application for Permit for Carl Howlett and check #468 representing the requisite filing fee of \$250.00. In the event you have any questions or require anything further to review and process the enclosed Application, please contact the undersigned at your earliest convenience. Thank you for your assistance.

Yours truly,

BEARNSON & CALDWELL, LLC

Brad H. Bearnson

Enclosures

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MAR 21 2011

Department of Water Resources
Eastern Region