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IDWR / NORTH

84878

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 91-8053

1. Name of applicant(s) B & P ONSTOTT LIVING TRUST Phone (208) 660.0809
 Mailing address ⁴⁻¹³⁻²¹ 481 MEADOWHURST DR- 8676 N Chase Rd City POST FALLS
 State ID ZIP 83854 Email grammyonstott@gmail.com
2. Name of representative, if any pe 4-13-21 Phone _____
 Mailing address 8676 N Chase Rd City Post Falls
 State ID 4-13-21 ZIP 83854 4-13-21 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 ST. JOE RIVER which is a tributary of COEUR D ALENE LAKE
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
46N	02W	23			SE	NW	BENEWAH	ST. JOE RIVER	

5. Water will be used for the following purposes:
- Amount 0.02 for IRRIGATION purposes from 03-15 to 10-31 (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) 0.02 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. 5 HP GAS OPERATED SUCTION PUMP TO DRAW WATER FROM RIVER OVER DIKE TO PLACE OF USE FOR IRRIGATION.
- 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 \$ 150.00 Receipted by jea Receipt No. N036893 Date 4-14-21

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 _____
 - 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	
46N	02W	23								0.5									0.5
										GL 5									

Total number of acres to be irrigated: 0.5

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? _____
11. a. Who owns the property at the point of diversion? IDAHO DEPT OF LANDS L955960
- 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 5 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.


 Signature of Applicant
Burt ONSTOTT - trustee
 Print Name (and title, if applicable)


 Signature of Applicant
Pamela Onstott - trustee
 Print Name (and title, if applicable)

State of Idaho
Department of Water Resources
Application For Permit



0 0.0175 0.035 0.07 Miles

-  PLS Sections
-  Quarter Quarters
-  Taxlots

X → Pt. of diversion
D → Irrigation place of use



Tax parcel information provided by Benewah County.

CERTIFICATION OF TRUST

STATE OF IDAHO)
) ss
COUNTY OF KOOTENAI)

We, BURT J. ONSTOTT and PAMELA J. ONSTOTT, husband and wife, as SETTLORS and TRUSTEE of the BURT AND PAMELA ONSTOTT LIVING TRUST, do hereby affirm that the following statements are true and correct to the best of our knowledge and belief:

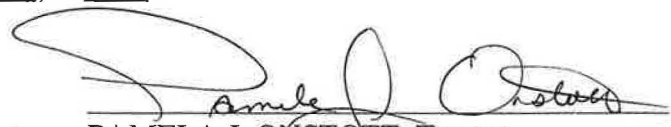
1. That the BURT AND PAMELA ONSTOTT LIVING TRUST currently exists and was executed on December 2, 2015.
2. That BURT J. ONSTOTT and PAMELA J. ONSTOTT, husband and wife, are the SETTLORS and TRUSTEE of the BURT AND PAMELA ONSTOTT LIVING TRUST. Either SETTLOR acting as TRUSTEE may execute the duties of TRUSTEE of this Trust either individually or jointly.
3. That there are no restrictions of any kind whatsoever on the nature, grade or quality of investments which can be held In Trust. There are no restrictions of any kind whatsoever on the ability of the TRUSTEE to buy, sell and convey real property. The TRUSTEE has no limitations on its ability to make investments in its sole discretion. The TRUSTEE has the power to perform, without court authorization, every act which a prudent man would perform.
4. The Trust has not obtained a separate tax identification number. The SETTLORS' social security number should be used as the tax identification number of the Trust.
5. This TRUST AGREEMENT is executed and accepted under the laws of the State of Idaho, and shall be governed by such laws.
6. **The title of each item of property transferred to the BURT AND PAMELA ONSTOTT LIVING TRUST shall be held as "BURT J. ONSTOTT and PAMELA J. ONSTOTT, Trustee, BURT AND PAMELA ONSTOTT LIVING TRUST."**

The trust has not been revoked or amended any way which would make any representations contained in this certificate incorrect. The signatures affixed hereto are those of all the currently acting trustees.

As provided in Idaho Code Section 68-114, a TRUSTEE may present this certificate to any person or entity in lieu of a copy of the Trust Agreement to establish the existence or terms of the Trust. Any person who acts in reliance upon this Certification of Trust is not liable to any person for so acting, as provided in Idaho Code Section 68-117.

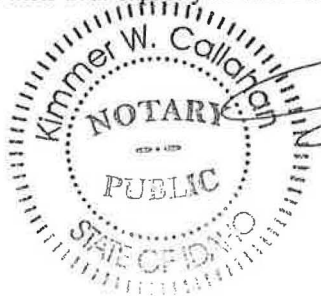
Dated this 2 day of December, 2015.

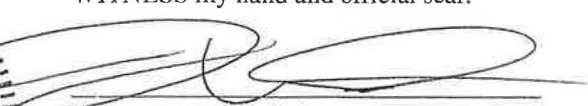

BURT J. ONSTOTT, Trustee


PAMELA J. ONSTOTT, Trustee

On this 2 day of December, in the year 2015, before me, a Notary Public in and for the State of Idaho, personally appeared BURT J. ONSTOTT and PAMELA J. ONSTOTT, husband and wife, known or identified to me to be the persons who subscribed their names to the within instrument, and acknowledged to me that they executed the same in their dual capacity as SETTLORS and TRUSTEE.

WITNESS my hand and official seal.




Notary Public for Idaho
Comm. Exp.: 1/14/21

ORIGINAL

BURT AND PAMELA ONSTOTT LIVING TRUST
TRUST AGREEMENT

This TRUST AGREEMENT is made by and between the SETTLORS, BURT J. ONSTOTT and PAMELA J. ONSTOTT, and the TRUSTEE, BURT J. ONSTOTT and PAMELA J. ONSTOTT.

ARTICLE I
PRIMARY PROVISIONS

1.1 DECLARATION OF TRUST

BURT J. ONSTOTT and PAMELA J. ONSTOTT hereby declare, agree and acknowledge that they are acting as SETTLORS to establish and settle the BURT AND PAMELA ONSTOTT LIVING TRUST under the terms and provisions of this TRUST AGREEMENT.

1.2 FULL NAMES OF SETTLORS

The legal names of the SETTLORS are BURT J. ONSTOTT, also known as "BURT JAMES ONSTOTT", and PAMELA J. ONSTOTT, also known as "PAMELA JOYCE ONSTOTT and PAM ONSTOTT".

1.3 FORM OF TITLE

The title of each item of property transferred to the BURT AND PAMELA ONSTOTT LIVING TRUST shall be held as "BURT J. ONSTOTT and PAMELA J. ONSTOTT, Trustee, BURT AND PAMELA ONSTOTT LIVING TRUST." Provided, that title of any item of property may also be held by the BURT AND PAMELA ONSTOTT LIVING TRUST in any other form which designates ownership by the TRUSTEE or the TRUST.

1.4 ADDRESS OF THE TRUST

The address of the TRUST is 8676 N Chase Rd., Post Falls, ID 83854.

1.5 NAMING THE TRUSTEE

During their joint lifetimes the TRUSTEE will be: BURT J. ONSTOTT and PAMELA J. ONSTOTT. Upon the death or incapacity of either TRUSTEE, the survivor of them shall continue to serve as TRUSTEE. Except as otherwise provided in this Trust Agreement, in the event any TRUSTEE or any successor as herein defined should fail to qualify as TRUSTEE hereunder, should resign, or for

any reason should cease to act in such capacity, creating for any reason a vacancy in the office of TRUSTEE, the following shall act as successor or substitute TRUSTEE:

TAMMY J. RATZLAFF

or as the SETTLORS may otherwise direct jointly during their lifetimes, such designation in a written notice to the TRUSTEE.

In the event TAMMY J. RATZLAFF should fail to qualify as TRUSTEE hereunder, should resign, or for any reason should cease to act in such capacity, creating for any reason a vacancy in the office of TRUSTEE, the following person shall act as successor or substitute TRUSTEE:

MATTHEW B. ONSTOTT

or as the SETTLORS may otherwise direct jointly during their lifetimes, such designation in a written notice to the TRUSTEE.

Each TRUSTEE shall have the power to act independently or together with the other TRUSTEE.

Each TRUSTEE shall have all powers to act granted under the TRUST AGREEMENT and Idaho law. The trustee powers granted under Idaho Code Section 68-106 are specifically granted to the trustee as if fully stated herein. A TRUSTEE has the power to perform, without court authorization, every act which a prudent man would perform, including, but not limited to, the following:

1. to acquire assets, including real estate in the name of the TRUST, and to sell, convey or dispose of an asset, for cash or on credit; and to encumber, mortgage, or pledge a TRUST asset;
2. to borrow money to be repaid from TRUST assets; and
3. to invest with TRUST assets, without restriction, in stocks, bonds, futures, options, and mutual funds; and to maintain margin accounts.

The SETTLORS, or the survivor, shall have the power to appoint a co-trustee or successor trustee by an instrument signed, dated and delivered to the TRUSTEE, and by the same method may revoke such appointments and make new ones.

1.6 SETTLORS' RIGHTS TO AMEND, CHANGE OR REVOKE THE TRUST

(A) Both SETTLORS may, during their joint lives, by signed instrument(s) delivered to the TRUSTEE:

- (1) Change the beneficiaries and remaindermen, their respective shares and the plan of distribution;
- (2) Amend this Trust Agreement in any other respect;

ARTICLE II
ADMINISTRATION DURING SETTLORS' LIVES

2.1 DISPOSITION OF INCOME AND PRINCIPAL DURING LIVES OF SETTLORS

(A) The TRUSTEE shall hold, administer and distribute the Trust Estate during the joint lives of the SETTLORS as follows:

(1) The TRUSTEE shall hold, manage, invest and reinvest the Community Estate (if any requires such management and investment) and shall collect the income, if any, therefrom and shall dispose of the net income and principal during the joint lives of the SETTLORS as follows:

(a) The TRUSTEE shall pay to or apply for the benefit of the SETTLORS as Community Property all the net income of the Community Estate.

(b) The TRUSTEE may pay to or apply for the benefit of the SETTLORS as Community Property such sums from the principal of the Community Estate as in its sole discretion shall be necessary or advisable from time to time for the health, education, support and maintenance of the SETTLORS, taking into consideration to the extent the TRUSTEE deems advisable any other income or resources of the SETTLORS known to the TRUSTEE.

(c) Either SETTLOR may at any time during the joint lives of the SETTLORS and from time to time withdraw all or any part of the principal of the Community Estate, FREE OF TRUST, by delivering an instrument in writing duly signed by him or her to the TRUSTEE and to the other SETTLOR, describing the property or portion thereof desired to be withdrawn. Upon receipt of such instrument, the TRUSTEE shall thereupon convey and deliver to the SETTLORS, as Community Property, FREE OF TRUST, the property described in such instrument.

(2) The TRUSTEE shall hold, manage, invest and reinvest the Separate Estate of each SETTLOR (if any requires such management and investment) and shall collect the income, if any, therefrom and shall dispose of the net income and principal during the joint lives of the SETTLORS as follows:

(a) The TRUSTEE shall pay to or apply for the benefit of both SETTLORS as Community Property all of the net income of each SETTLOR's Separate Estate.

(b) The TRUSTEE may pay to or apply for the benefit of the SETTLOR who contributed such Separate Estate such sums from the principal thereof as in its sole discretion shall be necessary or advisable from time to time for the health, education, support and maintenance of such SETTLOR, taking into consideration to the extent the TRUSTEE deems advisable, any other income and resources of such SETTLOR known to the TRUSTEE.

ARTICLE VII

EXECUTION

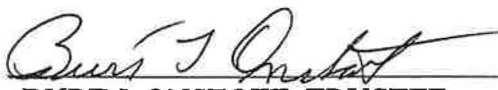
7.1 PLACE OF ADMINISTRATION AND REGISTRATION OF TRUST

The place of administration of this TRUST shall be Kootenai County, Idaho. Pursuant to Idaho Code Sections 15-7-101 -- 15-7-105, the TRUSTEE shall register the TRUST in Kootenai County, Idaho and all legal proceedings involving the BURT AND PAMELA ONSTOTT LIVING TRUST shall be in District Court in and for said County.

DATED this 2 day of December, in the year 2015.


BURT J. ONSTOTT, SETTLOR


PAMELA J. ONSTOTT, SETTLOR


BURT J. ONSTOTT, TRUSTEE

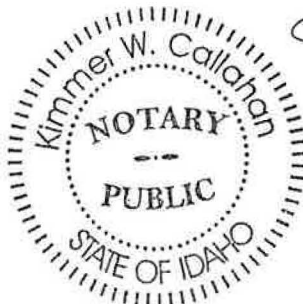

PAMELA J. ONSTOTT, TRUSTEE

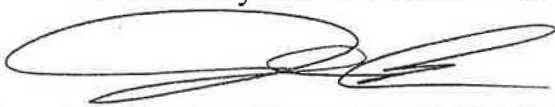
STATE OF IDAHO

COUNTY OF KOOTENAI

On this 2 day of December, in the year 2015, before me, a Notary Public in and for the State of Idaho, personally appeared BURT J. ONSTOTT and PAMELA J. ONSTOTT, husband and wife, known to me to be the persons who subscribed their names to the within instrument, and acknowledged to me that they executed the same in their dual capacities as SETTLOR and TRUSTEE.

WITNESS my hand and official seal.




Notary Public for Idaho

Comm. Exp.: 1/14/21



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763

Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

April 26, 2021

B & P ONSTOTT LIVING TRUST
8676 N CHASE RD
POST FALLS, ID 83854-6103

RE: Application for Permit No. 91-8053

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 ST MARIES GAZETTE RECORD on 5/5/2021 and 5/12/2021. 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.

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,

Tammy Alleman
Administrative Assistant

CC:
IDAHO DEPT OF LANDS
PO BOX 83720
BOISE, ID 83720-0050

Alleman, Tammy

From: Alleman, Tammy
Sent: Monday, April 26, 2021 1:42 PM
To: 'Mike Ahmer'; 'Chantilly.Higbee@deq.idaho.gov'; 'Horsmon,Merritt'; Skoro, Emily; Golden, Kala
Subject: Request for Comments for WR#91-8053

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Permit application. You can find copies of the application at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

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 the application(s), 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. The deadline for comments on the applications is May 24, 2021.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the Permit application.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800
Fax (208) 762-2819*

Alleman, Tammy

From: Alleman, Tammy
Sent: Monday, April 26, 2021 1:41 PM
To: 'jamie@smgazette.com'
Subject: Legal Notice
Attachments: 91-8053 Legal Notice.docx

Please publish the enclosed legal notice in the **St. Maries Gazette Record** on the dates indicated **May 5th & May 12th, 2021** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. Please send a proof once you have the article ready for print for our review.

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 **May 24, 2021**. Your cooperation is appreciated.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800
Fax (208) 762-2819*

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

91-8053

B & P ONSTOTT LIVING TRUST

8676 N CHASE RD

POST FALLS, ID 83854-6103

Point of Diversion SENW

S23 T46N R02W

BENEWAH County

Source ST JOE RIVER

Tributary COEUR D ALENE LAKE

Use: IRRIGATION

03/15 to 10/31

Total Diversion: 0.02 CFS

Date Filed: 04-14-2021

Place Of Use: IRRIGATION

T46N R02W S23 L5(SENW)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. 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, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 5/24/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/5/2021 and 5/12/2021