

RECEIVED

FEB 11 2021

IDWR / NORTH

84710
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 95-18070

1. Name of applicant(s) PECHENINO LIVING TRUST Phone _____
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 2552 W SARGE CT City COEUR D ALENE
 State ID ZIP 83815 Email _____
2. Name of representative, if any _____ Phone _____
 Mailing address _____ City _____
 State _____ ZIP _____ 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 GROUND WATER 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 #
53N	03W	30			SE	NE	KOOTENAI	GROUND WATER	D0079589

5. Water will be used for the following purposes:
- Amount 0.04 CFS for DOMESTIC purposes from 01-01 to 12-31 (both dates inclusive)
 (cfs or acre-feet per year)
- 2/5/21 Amount 0.05 CFS for IRRIGATION purposes from 04-01 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)
6. Total quantity to be appropriated is (a) 0.07 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. DRILLED WELL TO BE CONNECTED TO EXISTING SHOP, NEW HOME UNDER CONSTRUCTION, & IRRIGATION SYSTEM FOR 0.8 ACRES.
- 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 8 inches; proposed depth of well is 440 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? 5/30/2019; drilling firm AAA SWEETWATER DRILLING;
 well was drilled for (well owner) PECHENINO, JIM & JUANITA; Drilling Permit No. 889821

For Department Use

Received by JA Date 2-11-21 Time 2:46pm Preliminary check by _____
 Fee \$ 100.00 Receipted by JA Receipt No. N036716 Date 2-11-21
125.00 Well Upgrade Fee

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 1 (LAWN & GARDEN IRRIGATION UNDER IRRIGATION TOTAL 0.8 AC)
 - Other; describe fully. FFP 2-11-21

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	
53N	03W	30				D													
53N	03W	30			<u>1.5</u>	<u>0.8</u>												<u>2.3</u>	<u>2.3</u>

Total number of acres to be irrigated: 2.3 1.5 0.8 2/5/21

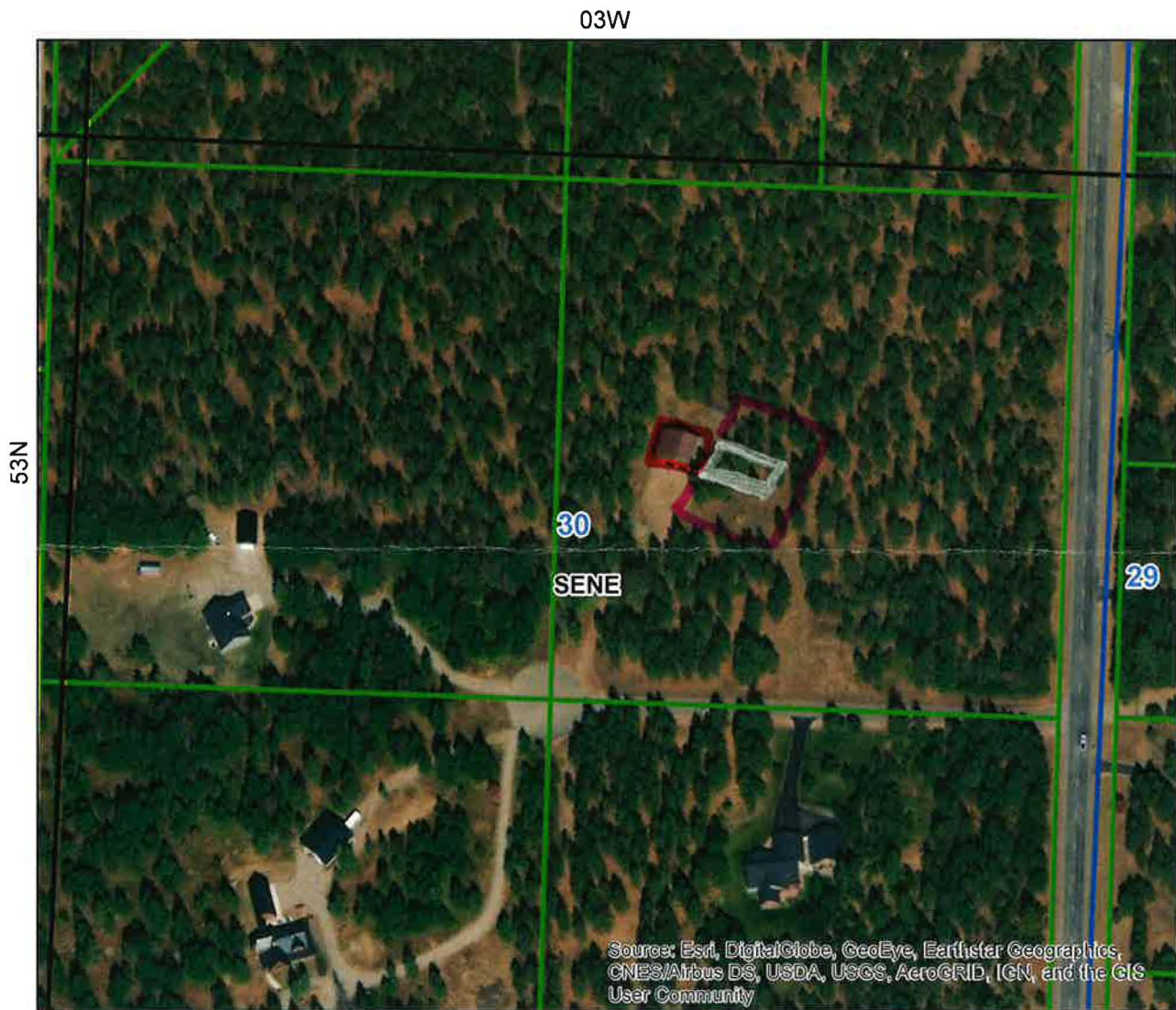
10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____
11. a. Who owns the property at the point of diversion? 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. To protect future use of well for domestic and irrigation use.
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.

James J. Pechenino
 Signature of Applicant
JAMES J. Pechenino
 Print Name (and title, if applicable)

Juanita Pechenino
 Signature of Applicant
JUANITA PECHENINO
 Print Name (and title, if applicable)

State of Idaho
Department of Water Resources
Application For Permit



0 0.0275 0.055 0.11 Miles

-  PLS Sections
-  Quarter Quarters
-  Taxlots

-  = house
-  = shop
-  = LAND SCAPING



Tax parcel information provided by Kootenai County.

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTRECEIVED
JUL 01 20191. WELL TAG NO. D 0079589Drilling Permit No. 889821

Water right or injection well # _____

2. OWNER:

Name JIM & JANITA PECHENHOAddress 2552 W. SARGE CT.City COA State ID Zip 83815

3. WELL LOCATION:

Twp. 53 North ☒ or South ☐ Rge. 3 East ☐ or West ☒Sec. 30 1/4 SE 1/4 NE 1/4Gov't Lot _____ County KOOTENAILat. 47 ° 54.8460 (Deg. and Decimal minutes)Long. -116 ° 44.6580 (Deg. and Decimal minutes)Address of Well Site 3399 E. UTAH CT.City ATHOL

Lot _____ Blk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection☐ Other _____

5. TYPE OF WORK:

☒ New well ☐ Replacement well ☐ Modify existing well☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES:

Seal material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method/procedure
<u>BENTONITE</u>	<u>0</u>	<u>18</u>	<u>550 LB</u>	<u>TENG. CASING</u>
<u>CHIC</u>				<u>DRY POUR</u>

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing Liner	Threaded	Welded
<u>6"</u>	<u>42</u>	<u>433</u>	<u>.250"</u>	<u>STEEL</u>	☒	☐	☒
					☐	☐	☐
					☐	☐	☐
					☐	☐	☐

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 433

9. PERFORATIONS/SCREENS:

Perforations ☐ Y ☒ N Method _____Manufactured screen ☐ Y ☒ N Type _____

Method of installation _____

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule

Length of Headpipe _____ Length of Tailpipe _____

Packer ☐ Y ☒ N Type _____

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method

11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) _____

Describe control device _____

12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) 410 Static water level (ft) 410Water temp. (°F) COLD Bottom hole temp. (°F) COLDDescribe access port PORT ON CAP

Well test:

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)
<u>440</u>	<u>20+ EST.</u>	<u>60</u>

Test method:

Pump	Bailer	Air	Flowing artesian
☐	☐	☒	☐

Water quality test or comments: GOOD

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water	
				Y	N
<u>12</u>	<u>0</u>	<u>8</u>	<u>SANDY CLAY & COBBLES</u>		☒
	<u>8</u>	<u>18</u>	<u>CEMENTED SAND&GRAVEL, BORDERS</u>		
	<u>8</u>	<u>18</u>	<u>" "</u>		
	<u>168</u>	<u>310</u>	<u>CEMENTED COARSE SAND</u>		
	<u>310</u>	<u>361</u>	<u>CEMENTED SAND&CLAY, GRAVEL</u>		
	<u>361</u>	<u>410</u>	<u>SANDY CLAY & GRAVEL</u>		
	<u>410</u>	<u>433</u>	<u>SAND, GRAVEL WATER</u>	☒	
	<u>433</u>	<u>440</u>	<u>DECOMPOSED GRANITE</u>		☒

208-263-5974

Mark Pitts
Robin PittsServing
North Idaho
Over 20 YearsDRILLING • PUMPS • WATER TREATMENT
Complete Systems • From the Well To The House

435 Woodview Rd. • Sandpoint, ID 83864

Completed Depth (Measurable): 440
Date Started: 5/29/19 Date Completed: 5/30/19

14. DRILLER'S CERTIFICATION:

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name AAA SWEETWATER DRILLING Co. No. 589*Principal Driller [Signature] Date 6-4-19*Driller [Signature] Date 6/4/19

*Operator II _____ Date _____

Operator I _____ Date _____

* Signature of Principal Driller and rig operator are required.

**CERTIFICATION OF TRUST
OF THE
PECHENINO LIVING TRUST**

**DATED December 21, 2006
FIRST AMENDED AND RESTATED October 19, 2015**

TO: ALL BANKS, SAVINGS AND LOAN ASSOCIATIONS, MUTUAL FUNDS BROKERS, TITLE INSURERS, TRANSFER AGENTS, AND OTHER PERSONS AND INSTITUTIONS

We, James Joseph Pechenino and Juanita Charlotte Pechenino, as trustees of the Pechenino Living Trust, certify as follows:

1. CREATION OF TRUST

The trust was created on December 21, 2006, by James Pechenino and Juanita Pechenino as settlors, under a declaration of trust executed on that date. The trust was amended and restated on October 19, 2015.

2. NAME OF TRUST

The name of the trust is the Pechenino Living Trust.

3. TRUSTEES

The currently acting trustees of the trust are James Joseph Pechenino and Juanita Charlotte Pechenino.

4. SUCCESSOR TRUSTEES

The currently named successor trustees are:

First: Stacy Rae Pechenino

Second: Dennis Shillingburg

5. TRUST PROPERTY

The trustees are now holding as trustees of the trust one or more items of property, which constitute the trust property.

6. REVOCABILITY OF TRUST

The trust is revocable. The persons holding the power to revoke the trust are James Joseph Pechenino and Juanita Charlotte Pechenino.

7. POWERS OF TRUSTEE

The attached copies of specific pages of the trust document are true and correct copies of those pages, and state the identity of the trustees, define the signature authority of the trustees, and list relevant powers of the trustees.

8. TAXPAYER IDENTIFICATION NUMBER

United States Treasury Regulations Sections 1.671-4, 1.6012-3(a)(9), and 301.6109-1(a)(2) provide that either settlor's Social Security Number may be used in lieu of a separate taxpayer identification number for the trust. The Taxpayer Identification Number of this trust is the Social Security number of James Joseph Pechenino.

9. MANNER IN WHICH TITLE TO ASSETS SHOULD BE TAKEN

Title to trust assets should be taken in the following form: "James Joseph Pechenino and Juanita Charlotte Pechenino, as trustees of the Pechenino Living Trust."

10. NO REVOCATIONS, MODIFICATIONS, OR AMENDMENTS

The trust has not been revoked, modified, or amended in any manner which would cause the representations contained in this certification of trust to be incorrect.

11. SIGNED BY ALL CURRENTLY ACTING TRUSTEES

This certification is being signed by all of the currently acting trustees of the trust.

12. ACCURACY

This certification of trust is a true and accurate statement of the matters referred to herein.

13. SIGNATURE AUTHORITY

All of the trustees are required to sign in order to exercise the powers of the trustee under the trust, except that any cotrustee may, from time to time, delegate to the other cotrustee routine acts of trust administration and may establish bank or other accounts for the trust that will honor the signature of one or of either cotrustee.

14. RELIANCE ON THIS CERTIFICATION

This certification is made in accordance with California Probate Code Section 18100.5, a copy of

which is attached to this instrument. Any transaction entered into by a person acting in reliance on this certification shall be enforceable against the trust assets.

PROBATE CODE SECTION 18100.5(h) PROVIDES THAT ANY PERSON WHO REFUSES TO ACCEPT THIS CERTIFICATION IN LIEU OF THE ORIGINAL TRUST DOCUMENT WILL BE LIABLE FOR DAMAGES, INCLUDING ATTORNEYS' FEES, INCURRED AS A RESULT OF THAT REFUSAL, IF THE COURT DETERMINES THAT THE PERSON ACTED IN BAD FAITH IN REQUESTING THE TRUST DOCUMENT.

We declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: October 19, 2015

TRUSTEES

James Joseph Pechenino
James Joseph Pechenino
Juanita Charlotte Pechenino
Juanita Charlotte Pechenino

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of San Mateo)

On October 19, 2015, before me, Robin Crawford, notary public, personally appeared James Joseph Pechenino and Juanita Charlotte Pechenino, who proved to me on the basis of satisfactory evidence 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 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.

Signature

Robin Crawford
Robin Crawford, Notary Public



manner described in this section as if the deceased member were the Designated Ancestor as to that share.

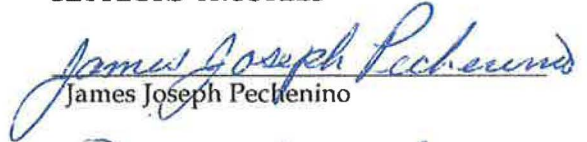
ARTICLE NINE. SIGNATURE AND EXECUTION

9.1 Execution

We certify that we have read the foregoing declaration of trust and that it correctly states the terms and conditions under which the trust estate is to be held, administered, and distributed. As settlors of the trusts created by this declaration of trust, we approve this declaration of trust in all particulars, and agree to be bound by its terms and conditions. As trustees of the trusts created by this declaration of trust, we approve this declaration of trust in all particulars, and agree to be bound by its terms and conditions.

Executed on October 19, 2015, at Pacifica, California.

SETTLORS-TRUSTEES


James Joseph Pechenino


Juanita Charlotte Pechenino



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

February 24, 2021

PECHENINO LIVING TRUST
2552 W SARGE CT
COEUR D ALENE, ID 83815-9743

RE: Application for Permit No. 95-18070

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 COEUR D ALENE PRESS on 3/4/2021 and 3/11/2021. 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,

A handwritten signature in blue ink that reads 'Tammy Alleman'.

Tammy Alleman
Administrative Assistant

Alleman, Tammy

From: Alleman, Tammy
Sent: Wednesday, February 24, 2021 3:12 PM
To: 'Chantilly.Higbee@deq.idaho.gov'; 'Anna.Moody@deq.idaho.gov'
Subject: Request for Comments for WR# 95-18070

Dear Department of Environmental Quality:

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 March 22, 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: Wednesday, February 24, 2021 3:09 PM
To: 'LEGALS@CDAPRESS.COM'
Subject: Legal Notice
Attachments: Legal Notice for 95-18067, 95-18069, & 95-18070.docx

Please publish the enclosed legal notice in the **Coeur d'Alene Press** on the dates indicated **March 4th & March 11th, 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 **March 22, 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:

95-18067

NORTH KOOTENAI WATER DISTRICT
13649 N MEYER RD
RATHDRUM, ID 83858-4904
Point of Diversion L4(SESE)
S36 T50N R04W
Point of Diversion L4(SESE)
S36 T50N R04W
KOOTENAI County
Source COEUR D ALENE LAKE
Tributary SPOKANE RIVER
Use: MUNICIPAL
Within the Gozzer Ranch Service Area
01/01 to 12/31
Total Diversion: 2.04 CFS
Date Filed: 01-11-2021
Place Of Use: MUNICIPAL
T49N R03W S4,S5,S6,S7 S8,S9
Place Of Use: MUNICIPAL
T50N R03W S31
Place Of Use: MUNICIPAL
T50N R04W S36

95-18069

C & K LEASING
3110 N GOVERNMENT WAY
COEUR D ALENE, ID 83815-3756
Point of Diversion NWNE
S34 T52N R04W
KOOTENAI County
Source GROUND WATER
Use: COMMERCIAL
01/01 to 12/31 0.12 CFS
Use: IRRIGATION
03/15 to 11/15 0.09 CFS
Total Diversion: 0.12 CFS
Date Filed: 02-10-2021
Place Of Use: COMMERCIAL,IRRIGATION
T52N R04W S34 SWNE
Total Acres: 3

95-18070

PECHENINO LIVING TRUST
2552 W SARGE CT
COEUR D ALENE, ID 83815-9743
Point of Diversion SENE
S30 T53N R03W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
04/01 to 10/31 0.05 CFS
Total Diversion: 0.09 CFS
Date Filed: 02-11-2021
Place Of Use: DOMESTIC,IRRIGATION
T53N R03W S30 SENE
Total Acres: 1.5

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 3/22/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 3/4/2021 and 3/11/2021