

RECEIVED

FORM 202 Rev. 09/16

AUG 31 2020

IDWR / NORTH

84337

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 95-17993

1. Name of applicant(s) Stirling Family Trust Phone 1-208-255-6342

Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address 3975 East Upper Hayden Lake Rd. City Hayden

State Idaho ZIP 83835 Email bstirling001@gmail.com

2. Name of representative, if any N/A Phone N/A

Mailing address N/A City N/A

State N/A ZIP N/A Email N/A

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 Unnamed Stream which is a tributary of Hayden 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 #
51N	03W	20			SE	SW	KOOTENAI	Unnamed Stream	03520000004C

5. Water will be used for the following purposes:

Amount .8 AF for Wildlife Storage purposes from 01-01 to 12-31 (both dates inclusive)  
(cfs or acre-feet per year)

Amount .8 AF for Aesthetic Storage 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)

6. Total quantity to be appropriated is (a) \_\_\_\_\_ cubic feet per second (cfs) and/or (b) .8 acre-feet per year (af).

7. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Unlined Existing Pond on Property - Retains Water for Storage Uses.

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 N/A 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? N/A; drilling firm \_\_\_\_\_; well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

## For Department Use

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_

Fee \$ 1000 Received by [Signature] Receipt No. N036378 Date 8-31-2020

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_

b. Stockwatering; list number and kind of livestock. \_\_\_\_\_

c. Municipal; must complete and attach the Municipal Water Right Application Checklist.

d. Domestic; show number of households \_\_\_\_\_

e. Other; describe fully. (1) Local used Source to Perpetuate Wildlife Survival.  
(2) Increased Aesthetic Value to Residents. (3) Can be used in Case of Various emergencies.  
AS Source of Water.

9. 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	
51N	03W	20												WS					
51N	03W	20												AS					

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? N/A

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: N/A

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. THIS "Unnamed Stream" & divisionary Pond/Reservoir is fed by  
Natural gravitational flow & is an important Source of Fresh Water to Support  
A wide Array of wildlife AS well AS an Aesthetic & important use in  
Case of Emergency.

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. See Attached MAPS.

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

Print Name (and title, if applicable)

Application for Permit

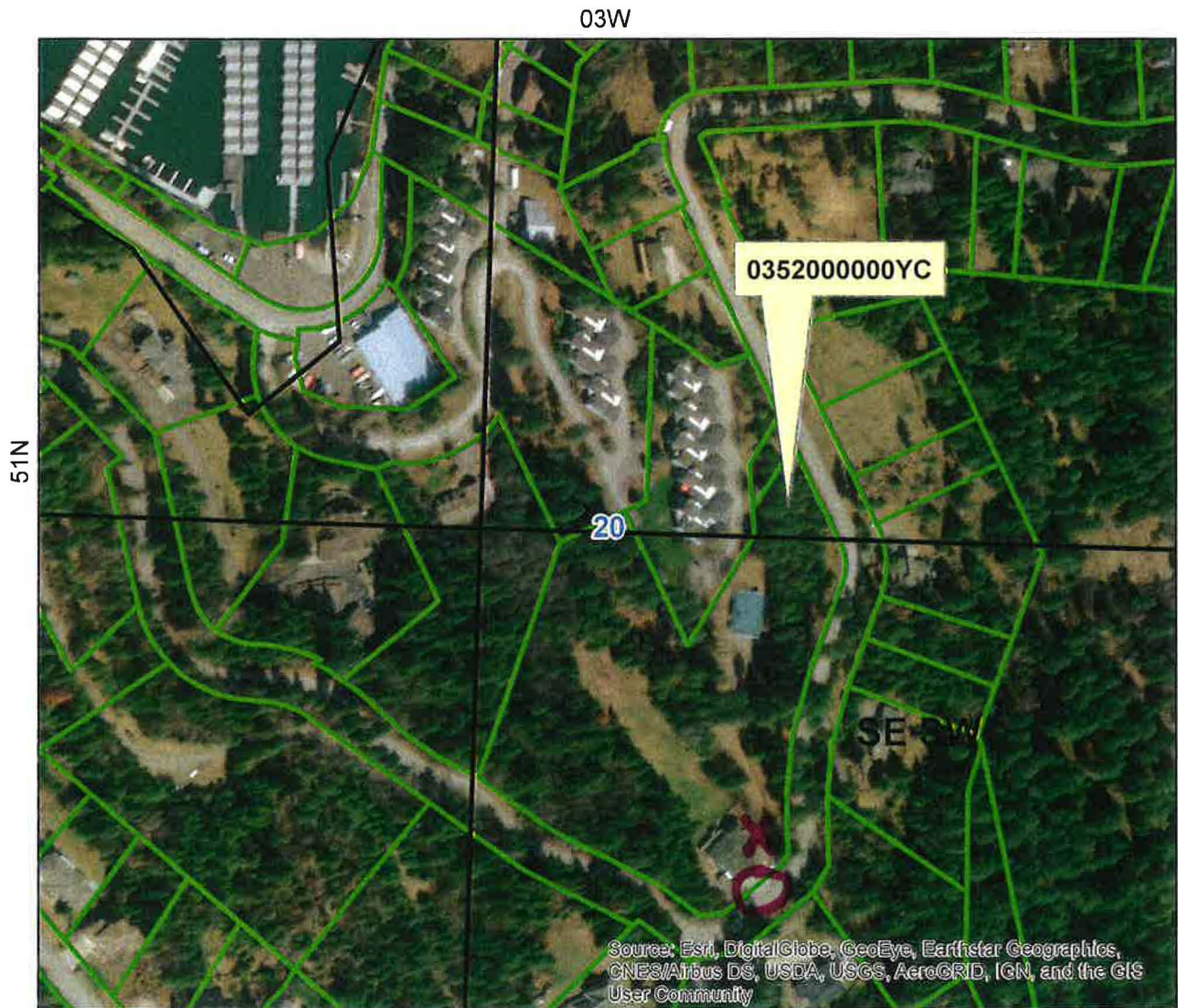
Signature of Applicant




Print Name (and title, if applicable)

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State of Idaho  
Department of Water Resources  
**Application For Permit**



-  PLS Sections
-  Quarter Quarters
-  Taxlots

Tax parcel information provided by Kootenai County.

0 0.0325 0.065 0.13 Miles

X = Point of diversion  
O = Place of use  
(POAD)





## Total Storage Calculations

FILE NUMBER	
REVIEWER	STIRLING FAMILY TRUST
DATE	8/31/2020

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	0.1	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	5.4	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	0.54	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. <b>Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.</b>
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). <b>Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.</b>
Estimated Seepage Loss (AF)	0.1	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	0.1	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	0.8	T+B2:I14he "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

**RECORDING REQUESTED BY:**  
CRANDALL LAW GROUP, PLLC  
**AND WHEN RECORDED MAIL TO:**  
CRANDALL LAW GROUP, PLLC  
8596 N. WAYNE DR., STE. B  
HAYDEN, ID 83835

## **Certification of Trust for the Stirling Family Trust dated July 8, 2004**

Pursuant to Idaho Code 68-114, this Certification of Trust is signed by all the currently acting Trustees of the Stirling Family Trust dated July 8, 2004, as restated on August 17, 2016, who declare:

1. The Grantors are Brian P. Stirling and Ann H. Stirling. The trust is revocable by the Grantors, acting jointly and not separately. The Grantors are the sole beneficiaries of the trust during their lifetimes.
2. The Trustees of the trust are Brian P. Stirling and Ann H. Stirling. The signatures of both Trustees are required to conduct business on behalf of the trust unless one Trustee explicitly grants signature authority to the other in writing.
3. The Successor Trustees of the trust are:

Upon Incapacity or Death of Brian P. Stirling:

Ann H. Stirling will serve as sole Trustee. If she is unable to serve or to continue to serve for any reason, then the following will serve as successor Trustee, in the order named:

Stephen C. Stirling  
Carol Ann Stirling  
Managing Partner of the Crandall Law Group, PLLC

Upon Incapacity or Death of Ann H. Stirling:

Brian P. Stirling will serve as sole Trustee. If he is unable to serve or to continue to serve for any reason, then the following will serve as successor Trustee, in the order named:

Stephen C. Stirling  
Carol Ann Stirling  
Managing Partner of the Crandall Law Group, PLLC

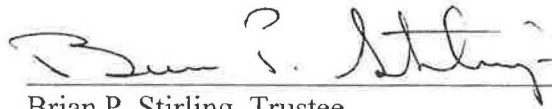
4. The tax identification number of the trust is the Social Security number of Brian P. Stirling.
5. Title to assets held in the trust will be titled as:  
  
Brian P. Stirling and Ann H. Stirling, Trustees of the Stirling Family Trust  
dated July 8, 2004, and any amendments thereto.

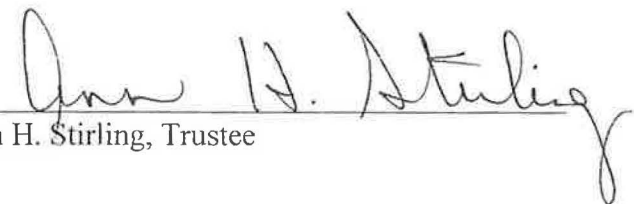
Certification of Trust for the Stirling Family Trust

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6. An alternative description will be effective to title assets in the name of the trust or to designate the trust as a beneficiary if the description includes the name of at least one initial or successor Trustee, any reference indicating that property is being held in a fiduciary capacity, and the date of the trust.
7. Excerpts from the trust document that establish the trust, designate the Trustee, and set forth the powers of the Trustee will be provided upon request. The powers of the Trustees include the power to acquire, sell, assign, convey, pledge, encumber, lease, borrow, manage, and deal with real and personal property interests.
8. The terms of the trust provide that a third party may rely upon this Certification of Trust as evidence of the existence of the trust and is specifically relieved of any obligation to inquire into the terms of this trust or the authority of my Trustee, or to see to the application that my Trustee makes of funds or other property received by my Trustee.
9. The trust has not been revoked, modified, or amended in any way that would cause the representations in this Certification of Trust to be incorrect.

August 17, 2016

  
\_\_\_\_\_  
Brian P. Stirling, Trustee

  
\_\_\_\_\_  
Ann H. Stirling, Trustee

STATE OF IDAHO

)

) ss.

COUNTY OF KOOTENAI

)

On this day, August 17, 2016, before me personally appeared Brian P. Stirling and Ann H. Stirling, as Trustees, personally known to me (or proved to me on the basis of satisfactory evidence) to be the individuals whose names are subscribed to the foregoing Certification of Trust, and acknowledged that they executed the same as their voluntary act and deed for the purposes therein contained.

Witness my hand and official seal.

[Seal]



A handwritten signature in black ink, appearing to read "Jeffery J. Grandall", written over a horizontal line.

Public Notary

My commission expires: 11/05/2018

Certification of Trust for the Stirling Family Trust

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ID 11741146  
UPDATED 1/16/2020  
PIN 0352000000YC  
OWNER STIRLING FAMILY TRUST  
ADDRESS1 3975 E UPPER HAYDEN LAKE RD  
ADDRESS2 <null>  
CITY HAYDEN  
STATE ID  
ZIPCODE 83835  
P\_ADDRESS 3975 E UPPER HAYDEN LAKE RD  
P\_ZIPCODE <null>  
SUB\_NAME HAYDEN LAKE HONEYSUCKLE HILLS AMENDED  
LEGAL1 H L HONEYSUCKLE HILLS BLDG SITES, TX#18796, TX#18797, TX#18795 IN LT Y  
LEGAL2 <null>  
LEGAL3 <null>  
LEGAL4 <null>  
LEGAL5 <null>  
LEGAL6 <null>  
ACRES 4.8  
COUNTY Kootenai  
SOURCE <null>  
YEAR\_BUILT 2001





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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

September 11, 2020

STIRLING FAMILY TRUST  
3975 E UPPER HAYDEN LAKE RD  
HAYDEN, ID 83835-7194

RE: Application for Permit No. 95-17993

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 9/17/2020 and 9/24/2020. 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

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**From:** Alleman, Tammy  
**Sent:** Friday, September 11, 2020 11:12 AM  
**To:** 'Chantilly.Higbee@deq.idaho.gov'; 'Anna.Moody@deq.idaho.gov'; 'Horsmon,Merritt'  
**Subject:** Request for Comments WR#95-17993

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right applications. You can find copies of the applications 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 October 5<sup>th</sup>, 2020.

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

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

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**From:** Alleman, Tammy  
**Sent:** Friday, September 11, 2020 10:04 AM  
**To:** 'LEGALS@CDAPRESS.COM'  
**Subject:** Legal Notice  
**Attachments:** Legal Notice for 95-17972, 95-17992 to 95-17994, 95-17998 to 95-18001.docx

Please publish the enclosed legal notice in the **Coeur d'Alene Press** on the dates indicated **September 17<sup>th</sup> & September 24<sup>th</sup>, 2020** (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 **October 5<sup>th</sup>, 2020**. 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:

**95-17972**

ANTHONY BREITKREUTZ  
CASSANDRA BREITKRUETZ  
13662 N RAGGED RIDGE RD  
HAUSER, ID 83854-5606  
Point of Diversion L2(NENWNE)  
S1 T51N R06W  
KOOTENAI County  
Source SPRING  
Tributary SINKS  
Use: STOCKWATER  
01/01 to 12/31 0.02 CFS  
Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Total Diversion: 0.06 CFS  
Date Filed: 07-14-2020  
Place Of Use: DOMESTIC,STOCKWATER  
T51N R06W S1 SWNE

**95-17992**

JAMES EISSES  
JUDITH EISSES  
3130 E CRESTWOOD CT  
COEUR D ALENE, ID 83815-7071  
Point of Diversion SWSW  
S32 T50N R03W  
KOOTENAI County  
Source COEUR D ALENE LAKE  
Tributary SPOKANE RIVER  
Use: IRRIGATION  
03/15 to 11/15  
Total Diversion: 0.03 CFS  
Date Filed: 08-28-2020  
Place Of Use: IRRIGATION  
T50N R03W S32 SWSW  
Total Acres: 1

**95-17993**

STIRLING FAMILY TRUST  
3975 E UPPER HAYDEN LAKE RD  
HAYDEN, ID 83835-7194  
Point of Diversion SESW  
S20 T51N R03W  
KOOTENAI County  
Source UNNAMED STREAM  
Tributary HAYDEN LAKE  
Use: AESTHETIC STORAGE  
01/01 to 12/31 0.8 AF  
Use: WILDLIFE STORAGE  
01/01 to 12/31 0.8 AF  
Total Diversion: 0.8 AF  
Date Filed: 08-31-2020  
Place Of Use: AESTHETIC STORAGE,WILDLIFE STORAGE  
T51N R03W S20 SESW

**95-17994**

RANCH AT COUGAR CREEK LLC  
PO BOX 3029  
HAYDEN, ID 83835-3029  
Point of Diversion SENE  
S19 T50N R04W  
KOOTENAI County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31  
Total Diversion: 0.1 CFS  
Date Filed: 09-03-2020  
Place Of Use: DOMESTIC  
T50N R04W S19  
SWNE,SENE

**95-17998**

DONALD E GAGE  
NANCY LEE GAGE  
1266 W HANLEY AVE  
COEUR D ALENE, ID 83815-8958  
Point of Diversion NWNW

S35 T52N R04W  
KOOTENAI County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31 0.06 CFS  
Use: STOCKWATER  
01/01 to 12/31 0.02 CFS  
Use: IRRIGATION  
03/15 to 11/15 0.2 CFS  
Total Diversion: 0.2 CFS  
Date Filed: 09-09-2020  
Place Of Use: DOMESTIC, IRRIGATION, STOCKWATER  
T52N R04W S35 NWNW  
Total Acres: 10

**95-17999**

BILLIE JO DAVIS  
GEORGE GAGNON  
3325 BRISTOL AVE  
COEUR D ALENE, ID 83815-7821  
Point of Diversion L8(SWNW)  
S9 T50N R04W  
KOOTENAI County  
Source SPOKANE RIVER  
Tributary COLUMBIA RIVER  
Use: IRRIGATION  
03/15 to 11/15  
Total Diversion: 0.04 CFS  
Date Filed: 09-02-2020  
Place Of Use: IRRIGATION  
T50N R04W S9  
L8(SWNW)  
Total Acres: 1.4

**95-18000**

JULIE MAGUIRE  
31782 N CARAVELLE RD  
ATHOL, ID 83801-8842  
Point of Diversion NWNE  
S7 T53N R02W  
KOOTENAI County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Use: IRRIGATION  
04/01 to 10/31 0.14 CFS  
Use: STOCKWATER  
01/01 to 12/31 0.02 CFS  
Total Diversion: 0.2 CFS  
Date Filed: 09-08-2020  
Place Of Use: DOMESTIC, IRRIGATION, STOCKWATER  
T53N R02W S7 NWNE  
Total Acres: 5

**95-18001**

ROBERT K SCOTT  
9030 N HESS ST PMB 443  
HAYDEN, ID 83835-9827  
Point of Diversion L3(NWSW)  
S30 T53N R03W  
KOOTENAI County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31  
Total Diversion: 0.04 CFS  
Date Filed: 09-09-2020  
Place Of Use: DOMESTIC  
T53N R03W S30  
L3(NWSW)

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 10/5/2020. The protestant must also send a copy of the protest to the applicant.  
GARY SPACKMAN, Director

Published on 9/17/2020 and 9/24/2020