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84243

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 96-9815

IDWR / NORTH

1. Name of applicant(s) BAUCK FAMILY TRUST Phone 702-610-9861  
 Name connector (check one): ☐ and ☐ or ☐ and/or  
 Mailing address 367 RAVENWOOD LN. City SANDPOINT  
 State IDAHO ZIP 83864 Email ABAUCK@1791.COM
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 #
57N	02W	20			NW	SW	BONNER	GROUND WATER	D0028264

5. Water will be used for the following purposes:
- Amount 0.04 for DOMESTIC purposes from 01-01 to 12-31 (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount 0.02 for STOCK WATER 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) 0.06 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 & HOLDING TANK  
CONNECTED TO ONE HOME & FUTURE SHOP - D0028264
- 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? 5/2003; drilling firm UNITED DRILLING INC.  
 well was drilled for (well owner) AL CRIDER; Drilling Permit No. WELL#2 800037

## For Department Use

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
 Fee \$ 10600 Received by JA Receipt No. N036272 Date 7-17-2020

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. 30 HEAD MIXED STOCK
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households 2 (HOME & SHOP W/ BATHROOM  
INCLUDES 0.5 ACRES LAWN/GARD-  
EN & IRRIGATION)
- e. Other; describe fully. \_\_\_\_\_

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	
57N	02W	20										D							
57N	02W	20										S							

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? \_\_\_\_\_

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. PRESERVE FUTURE USE OR LEGAL  
PROTECTION OF WATER ON PROPERTY

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.

Signature of Applicant

JEREMY D. BAUCK

Print Name (and title, if applicable)

Signature of Applicant

AMY L. BAUCK

Print Name (and title, if applicable)



## CERTIFICATE OF REVOCABLE TRUST

STATE OF IDAHO                 )  
  )  
COUNTY OF BONNER         )         ss.

Contemporaneously with the execution of this Certificate, the undersigned, JEREMY D. BAUCK and AMY L. BAUCK, residents of Clark County, Nevada, have executed that certain document entitled, the "BAUCK FAMILY TRUST, dated September 14, 2018", and being first duly sworn, depose and state as follows:

1.     **TRUSTORS**: The Trustors under the terms of said Trust are JEREMY D. BAUCK and AMY L. BAUCK.
2.     **TRUSTEES**: The Trustees under said Trust are JEREMY D. BAUCK and AMY L. BAUCK.
3.     **SUCCESSOR TRUSTEE**: In the event either original Trustee shall for any reason cease to act as Trustee, the remaining Trustee shall act as sole Trustee. In the event of the death, resignation, incapacity or failure to serve of both original Trustees, PETER C. RIFAKES shall serve as Successor Trustee. If he should become deceased, incapacitated, resign or otherwise fail to serve as Successor Trustee, COMERICA BANK & TRUST, N.A. shall serve as Successor Trustee.
4.     **POWER TO AMEND OR REVOKE**: During the life of the Trustors, the Trust may be revoked in whole or in part by an instrument in writing signed by the Trustors and delivered to the Trustees. The Trustors may at any time during their life amend any of the terms of the Trust by an instrument in writing signed by the Trustors and delivered to the Trustees.
5.     **POWER TO ACT ALONE**: Property of the Trust may be held, retained or managed by any one of the original Trustees acting alone without obtaining permission from the other original Trustee.
6.     **POWERS OF TRUSTEE**: With respect to the Trust estate, except as otherwise specifically provided in this Trust, the Trustee shall have all powers now or hereafter conferred upon trustees by applicable state law, and also those powers appropriate to the orderly and effective administration of the Trust. Any expenditure involved in the exercise of the Trustee's powers shall be borne by the Trust estate. Such powers shall include, but not be limited to, the following powers with respect to the Trust estate:

(a)     With respect to real property: to sell and to buy real property; to mortgage and/or convey by deed of trust or otherwise encumber any real property now or hereafter owned by this Trust (including, but not limited to, any real property the Trustee may hereafter acquire or receive and the Trustors' personal residence); to lease, sublease, release; to eject, remove and relieve tenants or other persons from, and recover possession of by all lawful means; to accept real property as a gift or as security for a

loan; to collect, sue for, receive rents and profits; to conserve, invest or utilize any and all of such rents, profits, and receipts for the purposes described in this paragraph; to do any act of management and conservation; to pay compromise, or to contest tax assessments and to apply for refunds in connection therewith; to employ laborers; to subdivide, develop, dedicate to public use without consideration, and/or dedicate easements over; to maintain, protect, repair, preserve, insure, build upon, demolish, alter or improve all of any part thereof; to obtain or vacate plats and adjust boundaries; to adjust differences in valuation on exchange of partition by giving or receiving consideration; to release or partially release real property from a lien.

(b) To register any securities or other property held hereunder in the names of Trustee or in the name of a nominee, with or without the addition of words indicating that such securities or other property are held in a fiduciary capacity, and to hold in bearer form any securities or other property held hereunder so that title thereto will pass by delivery, but the books and records of Trustee shall show that all such investments are part of their respective funds.

(c) To hold, manage, invest, and account for the separate trusts in one or more consolidated funds, in whole or in part, as they may determine. As to each consolidated fund, the division into the various shares comprising such fund need be made upon Trustee's books of account.

(d) To lease Trust property for terms within or beyond the term of the Trust and or any purpose, including exploration for and removal of gas, oil, and other minerals; and to enter into community oil leases, pooling, and unitization agreements.

(e) To borrow money, mortgage, pledge, or lease Trust assets for whatever period of time Trustee shall determine, even beyond the expected term of the respective Trust.

(f) To hold and retain any property, real or personal, in the form in which the same may be at the time of the receipt thereof, as long as in the exercise of the Trustee's discretion it may be advisable so to do, notwithstanding same may not be of a character authorized by law for investment of trust funds.

(g) To invest and reinvest in the Trustee's discretion, and they shall not be restricted in their choice of investments to such investments as are permissible for fiduciaries under any present or future applicable law, notwithstanding that the same may constitute an interest in a partnership, limited liability company or closely held corporation.

(h) To advance funds to any of the Trusts for any trust purpose. The interest rate imposed for such advances shall not exceed then current rates.

(i) To institute, compromise, and defend any actions and proceedings.

(j) To vote, in person or by proxy, at corporate meetings any shares of stock in any Trust created herein, and to participate in or consent to any voting trust, reorganization, dissolution, liquidation, merger, or other action affecting any such shares of stock or any corporation which has issued such shares or stock.

(k) To partition, allot, and distribute, in undivided interest or in kind, or partly in money and partly in kind, and to sell such property as the Trustee may deem advisable to make divisions or partial or final distribution of any of the Trusts.

(l) To make payments hereunder directly to any beneficiary under disability, to the guardian of his or her person or estate, to any other person deemed suitable by the Trustee, or by direct payment of such beneficiary's expenses.

(m) To accept additions of property to the Trusts, whether made by the Trustors, a member of the Trustors' family, by any beneficiaries hereunder, or by any one interested in such beneficiaries.

(n) To hold on deposit or to deposit any funds of any Trust created herein, whether part of the original Trust estate or received thereafter, in one or more savings and loan associations, bank or other financial institution and in such form of account whether or not interest bearing, as the Trustee may determine, without regard to the amount of any such deposit or to whether or not it would otherwise be a suitable investment for funds of a trust.

(o) To open and maintain safety deposit boxes in the name of this Trust.

(p) To make distributions to any Trust or beneficiary hereunder in cash or in specific property, real or personal, or an undivided interest therein, or partly in cash and partly in such property, and to do so without regard to the income tax basis of specific property so distributed.

(q) The powers enumerated in NRS 163.265 to NRS 163.410, inclusive, are hereby incorporated herein to the extent they do not conflict with any other provisions of the Trust.

(r) The enumeration of certain powers of the Trustee shall not limit the Trustee's general powers, subject always to the discharge of fiduciary obligations, and being vested with and having all the rights, powers, and privileges which an absolute owner of the same property would have.

(s) The Trustee shall have the power to invest Trust assets in securities of every kind, including debt and equity securities, to buy and sell securities, to write covered options on recognized options exchanges, to buy back covered options listed on such exchanges, to buy and sell listed options, individually and in combination, employing recognized investment techniques such as, but not limited to, spreads, straddles, and margin and option agreements which may be required by securities brokerage firms in connection with the opening of accounts in which such option transactions will be effected.

Further, the Trustee may write covered call options, buy all types of options including, but not limited to, listed index and foreign currency warrants, sell fully collateralized equity puts, spread listed options, buy straddles and combinations, sell uncovered equity puts, and all other types of transactions, selling of uncovered index and currency put options, selling of uncovered call options, including variable (ratio) hedging, short straddles, short combinations and the short sale of listed index and foreign currency warrants.

(t) To encumber Trust assets in order to secure third party loans made to the Trustors or any beneficiary or any entity in which the Trustors or any beneficiary has a direct or indirect interest.

(u) In regard to the operation of any closely held business of the Trust, the Trustee shall have the following powers:

(1) The power to retain and continue the business engaged in by the Trust or to recapitalize, liquidate or sell the same.

(2) The power to direct, control, supervise, manage, or participate in the operation of the business and to determine the manner and degree of the fiduciary's active participation in the management of the business and to that end to delegate all or any part of the power to supervise, manage, or operate the business to such person or persons as the fiduciary may select, including any individual who may be a beneficiary or Trustee hereunder.

(3) The power to engage, compensate and discharge, or as a stockholder owning the stock of the corporation, to vote for the engagement, compensation and discharge of such managers, employees, agents, attorneys, accountants, consultants, or other representatives, including anyone who may be a beneficiary or Trustee hereunder.

(4) The power to become or continue to be an officer, director, or employee of a corporation and to be paid reasonable compensation from such corporation as such officer, director, and employee, in addition to any compensation otherwise allowed by law.

(5) The power to invest or employ in such business other assets of the Trust estate.

(v) The Trustee is hereby authorized and empowered to purchase assets from either Trustor's estate which may be offered for sale by the legal representative of the Trustor's estate at a price equal to the value of such assets as fixed by competent authority or at such other price as may be agreed upon by the legal representative of the Trustor's estate.

(w) Notwithstanding any other provision of this Trust, if this Trust owns any stock of a professional corporation, then during the lifetime of the professional who is the licensed person, that professional (acting as the Trustee), shall be the only Trustee to vote that stock. This is not a determination as to whether or not the stock is separate property

or community property, but it is only intended to comply with the requirement that only a licensed professional vote the shares of the stock of a professional corporation. Upon the death of the licensed professional, the Successor Trustee shall vote the stock and may convert the corporation to a non-professional corporation, sell the stock and/or its assets and collect the accounts receivable, and prosecute or defend litigation.

7. **FORM OF TITLE:** The form in which title to assets is to be taken is "JEREMY D. BAUCK and AMY L. BAUCK, Trustees of the BAUCK FAMILY TRUST, dated ~~June~~ 14, 2018." # SEPT 14
8. **REPRESENTATION:** The Trust has not been revoked or amended to make any representations contained in the certification incorrect, and the signatures are those of all the currently acting Trustees.

IN WITNESS WHEREOF, the Trustees have hereunto set their hands

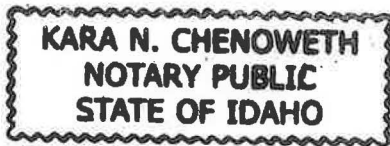
SEPTEMBER 14, 2018.

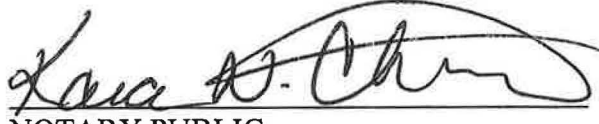
  
JEREMY D. BAUCK

  
AMY L. BAUCK

STATE OF IDAHO       )  
                                  )  
COUNTY OF BONNER   )

SUBSCRIBED and SWORN TO before me on this 14<sup>th</sup> day of September, 2018, by JEREMY D. BAUCK and AMY L. BAUCK, who proved to me on the basis of satisfactory evidence to be the persons who appeared before me.



  
NOTARY PUBLIC  
exp July 11, 2024

APPROVED AS TO FORM:

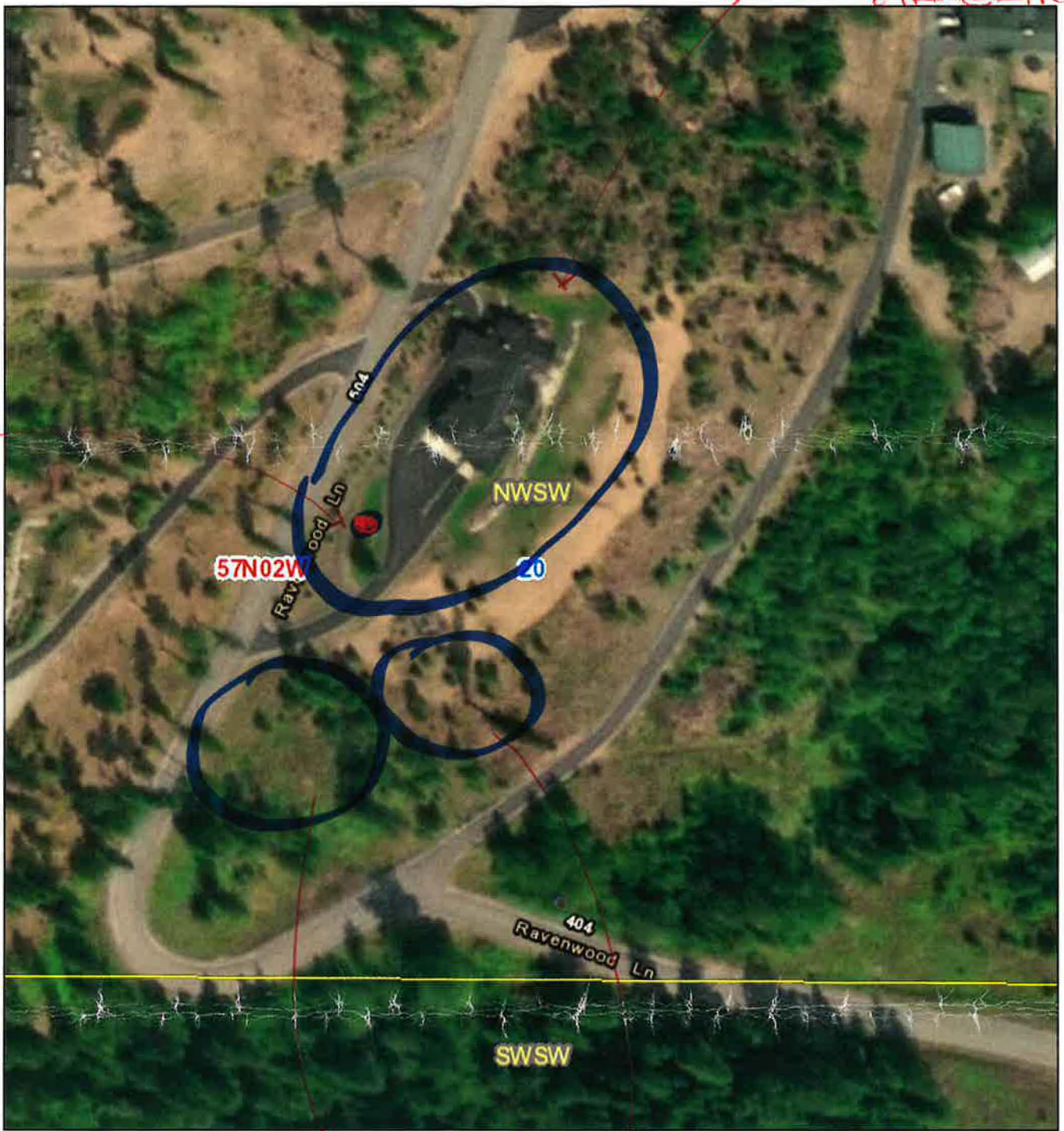
  
CHRISTIAN GIANNI  
ATTORNEY FOR TRUSTORS



# Application for Water Right

House & Irrigation

Well

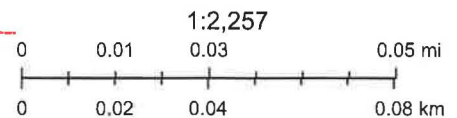


6/25/2020, 10:32:15 AM

Stop

LIVESTOCK

- Counties
- Township/Range
- Quarter Quarter
- Idaho Outline
- Section
- Idaho Mask



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Created by NRCS from 1:24,000 scale USGS topographic maps., Idaho Department of Water Resources





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

July 29, 2020

BAUCK FAMILY TRUST  
367 RAVENWOOD LN  
SANDPOINT, ID 83864-5019

RE: Application for Permit No. 96-9815

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 BONNER COUNTY DAILY BEE on 8/6/2020 and 8/13/2020. 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,

Tammy Alleman  
Administrative Assistant

**Alleman, Tammy**

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**From:** Alleman, Tammy  
**Sent:** Wednesday, July 29, 2020 1:49 PM  
**To:** 'bcdblegals@cdapress.com'  
**Subject:** Legal Notice  
**Attachments:** Legal Notice for 95-17971 & 96-9815.docx

Please publish the enclosed legal notice in the **Bonner County Daily Bee** on the dates indicated **August 6<sup>th</sup> & August 13<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 **August 24, 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:

**95-17971**

JEFFREY K NICCOLI  
ANNA M NICCOLI  
34324 N PEND OREILLE PINES DR  
BAYVIEW, ID 83803-9784  
Point of Diversion NWSE  
S27 T54N R02W  
BONNER County  
Source OLD MAID CREEK  
Tributary BAYVIEW CREEK  
Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Use: IRRIGATION  
04/01 to 10/31 0.03 CFS  
Use: STOCKWATER  
01/01 to 12/31 0.02 CFS  
Total Diversion: 0.09 CFS  
Date Filed: 07-14-2020  
Place Of Use: DOMESTIC, IRRIGATION, STOCKWATER  
T54N R02W S27 NWSE

**96-9815**

BAUCK FAMILY TRUST  
367 RAVENWOOD LN  
SANDPOINT, ID 83864-5019  
Point of Diversion NWSW  
S20 T57N R02W  
BONNER County  
Source GROUND WATER  
Use: DOMESTIC  
01/01 to 12/31 0.04 CFS  
Use: STOCKWATER  
01/01 to 12/31 0.02 CFS  
Total Diversion: 0.06 CFS  
Date Filed: 07-17-2020  
Place Of Use: DOMESTIC, STOCKWATER  
T57N R02W S20 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 8/24/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/6/2020 and 8/13/2020