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DEC 23 2019

JAN 16 2020

FORM 202 Rev. 08/16

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DEC 18 2019

DEPARTMENT OF
WATER RESOURCESIDWR/NORTHERN
DIVISION OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

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JAN 30 2020

IDWR/NORTHERN

1. Name of applicant(s)

CAROL HOESEN TRUSTER

Wayne D. Olsen

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

Mailing address

1011 Wally Rd.

Phone

208-833-6491

City

Troy

State

ID

ZIP

83871

Email

2. Name of representative, if any

USDA-NRCS

Phone

208-882-4960

Mailing address

1848 S. Mountain View Rd.

City

Moscow

State

ID

ZIP

83843

Email

Chris.Johnson@ID.USDA.GOV

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

Spring

which is a tributary of

Dry Creek Sink

4. Location of point(s) of diversion:

WD 1-10-20

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
40N	10W	34		NE	NE	SE	Latah	Spring	

5. Water will be used for the following purposes:

Amount 0.2 ☒ 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)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)6. Total quantity to be appropriated is (a) 0.2 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. 3/4 hoare power Pump
drawing from cased spring in a 8x14x14 rock filled storageb. 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 ☒ Noe. 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 \$ 100.00 Receipted by JD Receipt No. N035893 Date 1-30-2020

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 to 50 yearling calves
- c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households _____
- e. Other; describe fully. Cattle waters filled from springs

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	
40N	R03W	34	☒			5									☒	100			
					1-28-20				1-28-20								1-28-20		
			☒																

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. _____

13. Time required for completion of works and application of water to proposed beneficial use is 2 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

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

State of Idaho
Department of Water Resources

Application For Permit to Appropriate Water

03W



0 0.025 0.05 0.1 Miles

- PLS Sections
- Quarter Quarters
- Taxlots

Tax parcel information provided by Latah County.



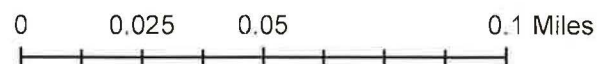
State of Idaho
Department of Water Resources
Application For Permit

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03W



-  PLS Sections
-  Quarter Quarters
-  Taxlots



Tax parcel information provided by Latah County.

CAROL A. OLESEN
REVOCABLE LIVING TRUST

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JAN 30 2020
IDWR/NORTH

This Trust Agreement is made this 16th day of January, 2018, by Carol A. Olesen, Grantor and initial Trustee.

Article 1

Grantor hereby transfers and assigns the property described on Schedule A attached hereto, in trust, to the Trustee of the Carol A. Olesen Living Trust. Grantor agrees to execute such additional documentation as may be reasonably necessary or appropriate to effectuate the transfer of such property. All of such property, with any additions thereto, constitutes the trust estate to be held, managed and distributed as provided herein.

Article 2

The Grantor or any other person may give, bequeath or devise to the Trustee additional property, real or personal, which shall be part of the trust estate and subject to all the terms of this Trust upon acceptance thereof by the Trustee.

Article 3

The Grantor may, by written instrument executed by the Grantor and filed with the Trustee, revoke this Trust at any time, or withdraw from the trust estate, free and discharged of the trust, the whole or any part of the principal and accumulated income. The Grantor may, by written instrument executed by the Grantor and the Trustee, alter or amend this Trust at any time. The rights of revocation, withdrawal, alteration and amendment reserved by the Grantor are personal to the grantor and must be exercised by the Grantor personally or by the Grantor's court-appointed conservator, but otherwise such powers may not be exercised by any agent, guardian or personal representative.

Article 4

The Trustee shall pay or apply the net income of the trust estate as Grantor shall from time to time direct. The Trustee may distribute such part of the trust estate, including income and principal, as the Trustee deems necessary in the Trustee's sole discretion for the care, support, maintenance and reasonable comforts of the Grantor.

Article 5

5.1 Death of Grantor. Upon the death of the Grantor, the Trustee shall divide the trust estate into separate parts and distribute such separate parts as provided in this Article.

5.2 Division Into Separate Shares. The trust estate (including principal, accrued, accumulated, and unpaid income) shall be divided into shares and distributed as follows:

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5.2.1 All of the real property owned by the this Trust, to Wayne Olesen for life, for as long as he remains on the property, then to my two children, Sara Rose Heiniger and Walter Heiniger in equal shares or to their descendants, per stirpes and not per capita.

If none of the named parties survives the Grantor, said property shall be distributed to Grantor's estate, to be disposed of under her Will.

5.3. Distributions. If at any time there is no person or entity qualified to receive final distribution of the trust estate or any part of it, then any such portion of the trust estate as to which such failure of qualified recipients has occurred shall be distributed to Grantor's estate, to be disposed of under her Will.

5.4 Final Distribution. When all the corpus of all allocated shares has been distributed in accordance with the terms of this instrument, the Trust shall terminate.

Article 6

The Trustee shall have all rights and powers provided to any trustee under the Idaho Uniform Trustees' Powers Act as amended, including, without limitation, the following:

6.1 To manage, sell, convey, exchange, encumber, divide, subdivide, improve and maintain the trust estate and all portions thereof; to grant options and to create restrictions, easements and other servitudes; to carry insurance in such amount and against such hazards as the Trustee may deem advisable; and to lease, license and create such other rights, privileges and interests as the Trustee may deem advisable for terms within or extending beyond the duration of the trust.

6.2 Upon any division or distribution of the trust estate, to partition, allot and distribute the trust estate in kind at valuations determined by the Trustee, and to cause any share to be composed of cash, property or undivided interests in property different in kind from any other share, and to sell such property as the Trustee may deem appropriate.

6.3 To pay all reasonable expenses of the administration of the trust, and to pay assessments and other sums deemed necessary by the Trustee for the protection of the trust estate; to participate in voting trusts, pooling arrangements, foreclosures, reorganizations, consolidations, mergers, and liquidations, and in connection therewith to deposit securities with and transfer title to any protective or other committee or fiduciary; to give proxies, general and special; to exercise or sell stock subscription or conversion rights; and to accept and retain as an investment any securities or other property, whether or not authorized by law for the investment of trust funds, received through the exercise of any of the foregoing powers.

6.4 To realize, by suit or otherwise, upon any insurance policy, promissory note, receivable or chose in action of the trust estate, and in settlement thereof, to compromise,

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discount, adjust, extend or abandon the same; and to commence and prosecute to such determination as the Trustee shall deem proper such suit, action or other proceeding as it may consider appropriate to protect, preserve or recover the trust estate or any part thereof.

6.5 To invest and reinvest the trust estate in such investments, including bonds, mortgages, debentures, preferred and common stock, and other property, real or personal, including any common trust funds administered by the Trustee, as the Trustee shall deem prudent; and to retain as an investment any property in any way received or acquired by it for so long as it shall consider such retention of probably benefit to the trust estate and the beneficiaries of the trust.

6.6 To advance funds for the benefit of the trust estate, or for the payment of any distributive share of interest, any such advance with interest at current rates to be a first lien upon the trust estate; to borrow money for such purpose as the Trustee shall deem to be for the interest of the trust estate upon such terms and conditions as the Trustee shall deem proper; and to pledge, mortgage or hypothecate the assets of the trust estate, in whole or in part, as security for the repayment of such loans or advances.

6.7 To employ such attorneys, accountants or agents as the Trustee may consider reasonably necessary.

6.8 To require indemnity to the Trustee's satisfaction before taking any step which may subject the Trustee to loss or exposure to loss.

6.9 To do all things which the Trustee might do in furtherance of the express purposes of the trust in the absence of the foregoing specific powers.

Article 7

With respect to investments, the Trustee shall not be required to sell or otherwise dispose of any investment solely because retention may prevent adequate diversification of investment or may result in a higher concentration of the value of the trust estate in such investment than the trustee would ordinarily permit. In carrying out the investment responsibilities hereunder, including but not limited to investment recommendations, the Trustee shall give due consideration to the desirability of diversification of investments, but the Trustee shall not be required to sell or recommend sales or otherwise dispose of any investment solely to achieve such diversification. The Trustee shall also be fully protected in retaining or recommending retention of any investment in order to avoid undue federal or state income tax liability upon the Grantor which the Trustee feels might result from recognition of taxable income or gain upon the sale of such investment.

Article 8

8.1 Successor Trustee. Should the Trustee die, resign or become unable to discharge the duties imposed hereby, then SARA ROSE HEINIGER of Moscow, Idaho, is

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designated as Successor Trustee. Should Sara die, resign or become unable to discharge the duties imposed hereby, then WALTER HEINIGER, IV of Moscow, Idaho, is designated as second successor trustee.

8.2 Resignation. Any trustee may resign at any time. Any Successor Trustee appointed as provided by this Article, or any successor or any Trustee so appointed, shall succeed as Trustee, with all of the powers and expressions conferred upon and privileges granted to the Trustee hereunder.

Article 9

The Trustee shall be entitled to reasonable compensation for services under this Trust.

Article 10

The interest of each trust beneficiary under this Trust, as to income or principal or both, shall be held subject to a spendthrift trust to the fullest extent allowed by applicable law. Except where applicable law may not be altered hereby and expressly provides to the contrary, no beneficiary shall have the power to anticipate, encumber or transfer his or her interest in any trust in any manner and no part of any trust estate shall be liable for or charged with any debts, contracts, liabilities or torts of a beneficiary or subject to seizure or other process by any creditor or beneficiary. This provision shall not be construed to prevent any disclaimer by a beneficiary of any interest in property given under this Trust.

IN WITNESS WHEREOF, the Grantor and the initial Trustee has hereunto set her hand on this day of February, 2018.

GRANTOR:


Carol A. Olesen

TRUSTEE:


Carol A. Olesen



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 14, 2020

CAROL A OLESEN LIVING TRUST
1011 WALLY RD
TROY, ID 83871-9624

RE: Application for Permit No. 86-12075

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 MOSCOW PULLMAN DAILY NEWS on 2/20/2020 and 2/27/2020. 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

From: Alleman, Tammy
Sent: Friday, February 14, 2020 9:36 AM
To: legals
Subject: Application for Permit No. 86-12075
Attachments: Legal Notice for 86-12075.docx

Please publish the enclosed legal notice in the **Moscow Pullman Daily News** on the dates indicated **February 20th and February 27th, 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 **March 9, 2020**. Your cooperation is appreciated.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste 100
Coeur d'Alene, ID 83815
Email: Tammy.Alleman@idwr.idaho.gov
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:

86-12075

CAROL A OLESEN LIVING TRUST

1011 WALLY RD

TROY, ID 83871-9624

Point of Diversion NENESE

S34 T40N R03W

LATAH County

Source SPRING

Tributary SINKS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 01-30-2020

Place Of Use: STOCKWATER

T40N R03W S34

SENE, NESE

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 3/9/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/20/2020 and 2/27/2020

Maxey, Shaun

From: Carol Olesen <boxb@tds.net>
Sent: Tuesday, February 11, 2020 10:41 AM
To: Maxey, Shaun
Subject: RE: Correction for Application For Permit for Carol A Olesen LivingTrust (86-12075)

Would like both legal descriptions used for stockwater troughs
You

Thank

Wayne

Sent from [Mail](#) for Windows 10

From: [Maxey, Shaun](#)
Sent: Tuesday, February 11, 2020 10:28 AM
To: boxb@tds.net
Subject: Correction for Application For Permit for Carol A Olesen LivingTrust (86-12075)

Mr. Olesen:

Your Application For Permit for the Carol A. Olesen Living Trust (86-12075) has been assigned Identification Number 86-12075.

It appears that you made a mistake when correcting the legal descriptions on Line 9 (Page 2 of Application). The 2nd map that you sent to us, with the legal descriptions shown in black text, has the legal descriptions for Stockwater troughs in both **40N 03W S.34 SE NE** and **40N 03W S.34 NE SE**. You initialed on 1/28/20 and crossed out the '...S...' for the **40N 03W S.34 NE SE** on the second map that you sent to us.

Please reply to this e-mail to indicate if you want to have the Stockwater use appear in both legal descriptions or just in the **40N 03W S.34 SE NE**.

Thanks,

Shaun Maxey
IDWR (208) 762.2816



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene ID 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819

Website: idwr.idaho.gov • Email: northerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 17, 2020

****Time Sensitive Response Required by 2/21/2020****

Wayne O. Olesen
1011 Wally RD
Troy, ID 83871

Re: Unacceptable for Filing status on Application for Permit (Rule 35 Application Requirements)

Dear Applicant:

Thanks for your corrections to the Application for Permit that were described in Idaho Department of Water Resources 12/23/2019 letter to you. **We are contacting you today because your Application is unacceptable for filing due to no (\$100) fee payment and missing or incorrect information.** Your original application is enclosed for correction.

The errors shown below must be corrected before IDWR can process your Application and publish required legal notices. **Please review the enclosed information and phone me at (208) 762.2800 / 2816, if you need help,** by reviewing and correcting the following information:

- Line 5 and Line 6 (a) (Incorrect quantity information for Stockwater 50 head).
- Line 9 legal descriptions don't match Application Map received by IDWR on 1/16/2020.
- Signatures. Trust document doesn't include Schedule A & names of trustees / owners.
- \$100 Application Fee (Application For Permit Instructions, previously mailed, Pg. 4).
- Please label substitute map (enclosed) with legal descriptions that match Line 9 of Application and return to IDWR with corrected Application For Permit.

Please note that the current Application does not include any beneficial use for the pond lying East of the buildings on the labeled Application map.

An Application that is acceptable for filing must be received no later than February 21, 2020. IDWR will take steps to terminate the Application, if no response is received, in accordance with Idaho Code § 42-204.

Respectfully,

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region

Enclosures:

Original signed Application For Permit & map
IDWR Application For Permit Instructions
Draft Example Application for Permit



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene ID 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819

Website: idwr.idaho.gov • Email: northerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

December 23, 2019

****Time Sensitive Response Required by 1/27/2020****

Wayne O. Olesen
1011 Wally RD
Troy, ID 83871

Re: Unacceptable for Filing status on Application for Permit (Rule 35 Application Requirements)

Dear Applicant:

Thank you for the Application for Permit that was received by Idaho Department of Water Resources (IDWR) in Boise on December 18, 2019 and IDWR Northern Region on December 23, 2019, to divert water for Stockwater use in Latah County. **We are contacting you because your Application is currently unacceptable for filing** and is enclosed for correction.

These errors shown below must be corrected before IDWR can process your Application and publish required legal notices. **Please review the enclosed information and phone me at (208) 762.2816\2800 for assistance to correct the Application** by reviewing and correcting the following information:

- Line 1 doesn't match parcel ownership (signed copy of Carol Olesen Living Trust).
- Source and Tributary (Line 3) (Does spring flow to Creek or Sink?).
- Line 4 and Line 9 Incomplete legal description. (see enclosed example).
- Line 5 and Line 6 (a) (Incorrect / missing information for Stockwater 50 head).
- Map does not include Township, Range, & Section information and match Line 9.
- Signature (add title 'Trustee' / Authority to sign for Carol Olesen Living Trust).

An Application that is acceptable for filing must be received no later than January 27, 2020. IDWR will take steps to terminate the Application, if no response is received, in accordance with Idaho Code § 42-204.

Respectfully,

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region

Enclosures:

Original signed Application For Permit & map
IDWR Application For Permit Instructions