

88652

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**AMENDED APPLICATION FOR PERMIT**To appropriate the public waters of the State of Idaho
No. 87-12393

RECEIVED

Dec 14, 2023

DEPARTMENT OF
WATER RESOURCES**1. Applicant(s)**

RA ALESSIO REVOCABLE LIVING TRUST
 1022 1020 QUARTZ CREEK RD
 HARVARD ID 83834-9732
 760-533-1370, PAULNRACH@HOTMAIL.COM

2. Representative(s)

RA RACHEL AND/OR PAUL ALESSIO (TRUSTEES)
 1022 1020 QUARTZ CREEK RD
 HARVARD ID 83834-9732
 760-533-1370, PAULNRACH@HOTMAIL.COM

3. Source of Water Supply:

Source : GROUND WATER
 Source : UNNAMED STREAM

Tributary: QUARTZ CREEK
 Tributary: QUARTZ CREEK

4. Location of Point(s) of Diversion:

Heading	Point of Diversion # 1	Point of Diversion # 2
Source	GROUND WATER	UNNAMED STREAM
Tributary of	QUARTZ CREEK	QUARTZ CREEK
Township	41N	41N
Range	03W	03W
Section	3	3
Govt. Lot		
QQQ/QQ/Quarter	SE¼NE¼	SE¼NE¼
County	LATAH	LATAH
Diversion Type		
Local name or Tag#		
Type and size of devices	LARGE EXISTING POND FILLED BY A GROUNDWATER SOURCE. OVERFLOW CHANNEL INFLOWS DIRECTLY TO LOWER POND.	LOWER POND RECEIVES CHanneled WATER FROM UPPER POND; OVERFLOW FROM POND DURING SPRING RUNOFF REACHES CREEK.
Height of storage dam		
Active/ Total Reservoir capacity		
Dam Application required?	No	No
Proposed well diameter/ depth		
Water Temp > 85°F?		
Drilled Date		
Drilling firm		
Property Owner	Applicant	Applicant
Access Arrangement Description	N/A	N/A

5. Water will be used for the following purposes:

Purposes	Season	Rate	Volume	Description
FIRE PROTECTION STORAGE	01/01 to 12/31		3.2 AF	
AESTHETIC STORAGE	01/01 to 12/31		3.2 AF	

6. Total quantity to be appropriated is (a) N/A cubic feet per second (cfs) and/or (b) 3.2 acre-feet / year (af).**For Department Use**

Received by TS Date 11.30.23 Time _____ Preliminary check by _____
 Fee \$ 100- Receipted by TS Receipt No. NØ44233 Date 11.30.23

7. Proposed diverting works:

a. If an existing well, who was the well drilled for? Drilling Permit No.

8. Describe other proposed water uses : N/A**9. Description of place of use:**

Place of Use: FIRE PROTECTION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
41N	03W	3				X														

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
41N	03W	3				X														

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 land to be irrigated or place of use? Applicant.
b. 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.

Applicant wants to secure water rights for two small existing ponds. The large of the two ponds is filled by an in-pond groundwater source. The pond has an overflow channel with water flowing directly into the lower pond. The smaller pond overflow water reaches Quartz Creek during seasonal high flow runoff periods. Storage water used for Fire Protection Storage & Aesthetic Storage purposes.

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

Rachel Nessel, Trustee
ALESSIO REVOCABLE LIVING TRUST

Signature of Applicant

Total Storage Calculations

FILE NUMBER	Alessio Trust app
REVIEWER	Luke Bates
DATE	9/15/2023

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

POND 1 (LARGE Pond)

Surface Area (AC.)	0.2	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	8	"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)	1.6	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. 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.

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). Note: You must have a " <u>From Storage</u> " component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	0.2	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	0.3	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	2.1	The "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.

Total Storage Calculations

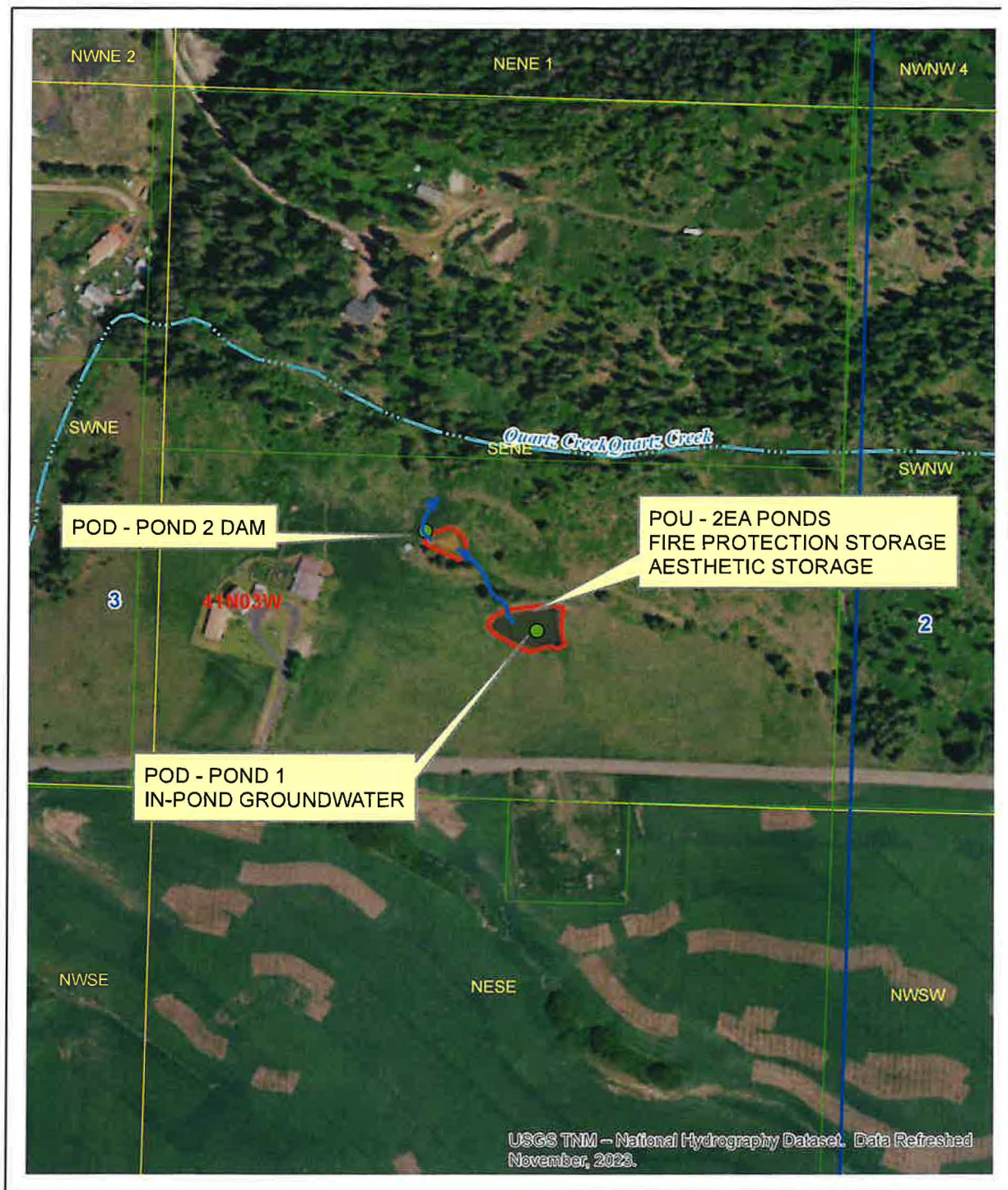
FILE NUMBER	Alessio Trust app
REVIEWER	Luke Bates
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This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

POND 2 (Small Pond)

Surface Area (AC.)	0.1	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	8	"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)	0.8	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. <i>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.</i>
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). <i>Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.</i>
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)	1.1	The "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.



Legend

- Township/Range
- Sections
- QQ

0 0.0275 0.055 0.11 Miles



**NOTE: Aerial imagery for illustrative purpose only.
Imagery may be shifted compared to survey plat map.**

RECEIVED

FORM 202, Rev. 09/16
NOV 30 2023

IDWR/NORTH

88652

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 87-12393

1. Name of applicant(s) ALESSIO REVOCABLE LIVING TRUST Phone 760-533-1370
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address 1020 QUARTZ CR RD City HARVARD
 State ID ZIP 83834 Email PAULNRACH@HOTMAIL.COM
2. Name of representative, if any Rachel and/or Paul Alessio (Trustees) Phone 760-533-1370
 Mailing address 1020 QUARTZ CR RD City HARVARD
 State ID ZIP 83834 Email PAULNRACH@HOTMAIL.COM
- 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 Surface Runoff, Groundwater which is a tributary of Quartz Creek
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
41N	03W	3			SE	NE	LATAH	SURFACE RUNOFF	Pond 1 outflow dam
41N	03W	3			SE	NE	LATAH	SURFACE RUNOFF	Pond 2 overflow dam
41N	03W	3			SE	NE	LATAH	GROUNDWATER	Pond 1 in-pond source

5. Water will be used for the following purposes:
- Amount 3.2 af for Fire Protection Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 3.2 af for Aesthetic Storage purposes from 1/1 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) 3.2 acre-feet per year (af).
7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. 2ea existing ponds. Pond 1 has overflow channel that allows water to flow downslope into Pond 2; overflow from pond 2 during high runoff reaches creek.
- b. Height of storage dam #1<5, #2<5 feet; active reservoir capacity 1.6, 0.8 acre-feet; total reservoir capacity 1.6, 0.8 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 TS Date 11.30.23 Time — Preliminary check by _____
 Fee \$ 100- Received by TS Receipt No. N044233 Date 11.30.23

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. Two small storage ponds used for Fire Protection Storage & Aesthetic Storage uses.
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	
41N	03W	3				F/J													storage

Total number of acres to be irrigated: N/A

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. Applicant wants to secure water rights for two small existing ponds. the larger of the two ponds is filled by an in-pond groundwater source & surface runoff. The pond has an overflow channel with water flowing directly into the lower pond. The smaller pond overflow water reaches Quartz Creek during seasonal high flow runoff periods. Storage water uses for Fire Protection Storage & Aesthetic Storage purposes.

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.

Rachel Alessio, TTEE

Signature of Applicant

Rachel Alessio - Trustee

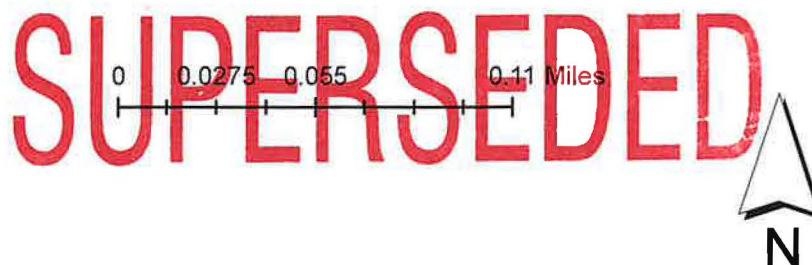
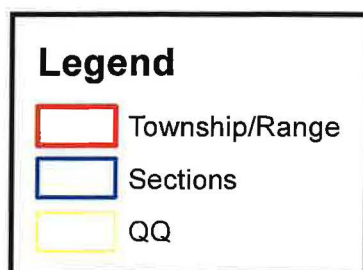
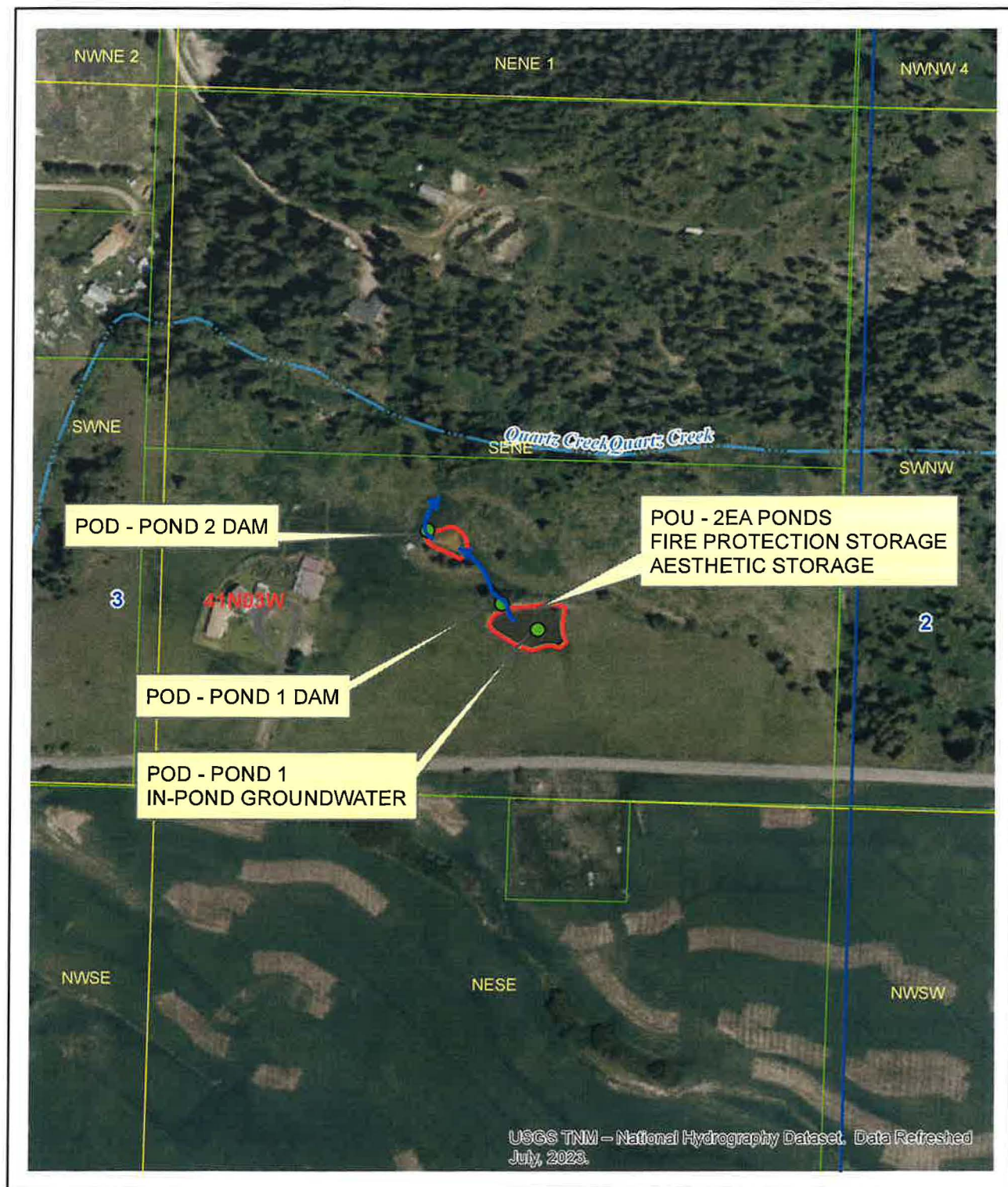
Print Name (and title, if applicable)

Paul Alessio, TTEE

Signature of Applicant

Paul Alessio - Trustee

Print Name (and title, if applicable)



**NOTE: Aerial imagery for illustrative purpose only.
Imagery may be shifted compared to survey plat map.**

CERTIFICATE OF TRUST

TO: BANKS, SAVINGS AND LOAN ASSOCIATIONS, BROKERAGE HOUSES,
TITLE COMPANIES AND OTHER FINANCIAL INSTITUTIONS

PAUL A. ALESSIO and RACHEL C. ALESSIO hereby certify that on September 8, 2015, PAUL A. ALESSIO and RACHEL C. ALESSIO as Settlers, transferred to PAUL A. ALESSIO and RACHEL C. ALESSIO, as Trustees of THE ALESSIO REVOCABLE LIVING TRUST, certain items of real and personal property. The Identification Number of this Trust is the Settlers' respective Social Security Numbers: 561-35-2925 and 545-86-7274.

The initial and currently acting Trustees of the Trust are PAUL A. ALESSIO and RACHEL C. ALESSIO, or the survivor of them. Either Settler may act individually as Trustee. The Settlers appoint CHRISTOPHER P. ALESSIO, or AMY REIMER, in the order listed, as Successor Trustee.

A. The Settlers have given the Trustees broad powers with respect to financial transactions, including the opening of checking and savings accounts in banks and savings and loan associations, and to make and control investments. An exact reproduction of the provisions of the Trust relating to Trustee powers, as set forth in the First Amendment to the Trust executed earlier this day, is set forth below.

B. This Trust may be amended or revoked, in whole or in part, by the Settlers. The Trust has not been revoked, modified or amended in any manner which would cause the representations contained in this Certificate of Trust to be incorrect.

C. All assets should be transferred to PAUL A. ALESSIO and RACHEL C. ALESSIO, as Trustees of THE ALESSIO REVOCABLE LIVING TRUST u/d/t dated September 8, 2015.

D. The dispositive provisions of the Trust create no vested interest in any persons other than PAUL A. ALESSIO and RACHEL C. ALESSIO. The attorney signature on this Certificate confirms this fact.

TRUSTEE ADMINISTRATIVE AND INVESTMENT POWERS

A. Introduction to Trustee Powers. Except as otherwise provided in this agreement, the Trustee shall have both the administrative and investment powers enumerated under this Article and any other powers granted by law with respect to the various Trusts created by this agreement.

B. Power to Delegate Ministerial Duties. This power allows the Trustees to delegate to either one of the Trustees or to any non-Trustee any non-discretionary power, including the power to (singularly or jointly) open bank accounts and savings and loan association accounts, sign checks or withdrawal slips, give instructions for the receipt or delivery of securities or other property, give instructions for the payment or the receipt of money, and (singularly or with others) have access to any safe deposit box or other place with property of the Trust created pursuant to this Trust as deposited.

(e) To elect any paid-up insurance or any extended term insurance nonforfeiture option contained in a policy.

(f) To sell a policy at its fair market value to the insured or to anyone having an insurable interest in the policy.

(g) The right to exercise any other right, option, or benefit contained in a policy or permitted by the insurance company issuing that policy.

(h) To transfer and assign the policies held by the Trust as a distribution of Trust property upon termination of any Trust created under this agreement.

9. Loan, Borrowing, and Encumbrance Powers. The Trustee shall have the following loan, borrowing and encumbrance powers:

(a) To loan money to any person, including, a beneficiary, with or without interest, on any term or on demand, with or without collateral, as deemed in the best interests of the Trust beneficiaries.

(b) To borrow money upon such terms and conditions as it shall deem advisable, including, in the case of a corporate fiduciary, the power to borrow from its own banking or commercial department.

(c) To obligate the Trust property for the repayment of any sums borrowed where the best interests of the beneficiaries have been taken into consideration.

(d) The right to set aside a reserve account to cover the contingency until a release of liability or satisfaction of such debt can be secured in the event that there exists, at the time of one or both of our deaths, a loan guaranty of any form which constitutes a contingent liability of the Trust.

(e) To encumber the Trust property, in whole or in part, by mortgage or mortgages, deeds of Trust, or by pledge, hypothecation, or otherwise, even though such encumbrance may continue to be effective after the term of any Trust or Trusts created in this agreement.

10. Margin and Brokerage Account Powers. The Trustee is specifically vested with the power and authority to open, operate, and maintain a securities brokerage account wherein any security may be bought or sold on margin. This shall include the power to hypothecate or borrow upon the purchase or sale against existing securities in such account.

11. Mortgage Powers. The Trustee shall have the power to enter into any mortgage whether as a mortgagee or mortgagor; to purchase mortgages on the open market and to otherwise buy, sell, or trade in first or subordinate mortgages.

The Trustee may reduce the interest rate on any mortgage and consent to the modification or release of any guaranty of any mortgage.

The Trustee may continue mortgages upon and after maturity with or without renewal or extension, and may foreclosure any mortgage. It may purchase the mortgaged property or acquire it by deed from the mortgagor without foreclosure.

12. Nominee Powers. The Trustee may hold any Trust property in the name of the Trustee, or in the name of the nominee, and may enter into agreements to facilitate holding such property. It may accomplish such with or without disclosing its fiduciary capacity.

13. Oil, Gas, Coal, and Other Mineral Powers. The Trustee may do all things necessary:

(a) To maintain in full force and effect any oil, gas, coal, and other mineral interests comprising part or all of the Trust property.

(b) To purchase additional oil, gas, coal, and other mineral interests when necessary or desirable to effect a reasonable plan of operation or development with regard to the Trust property.

(c) To buy or sell undivided interests in oil, gas, coal, and other mineral interests, and may exchange any of such interests for interests in other properties or for services.

(d) To execute oil, gas, coal, and mineral leases on such terms as the Trustee may deem proper, and may enter into pooling, unitization, repressurization, and other types of agreements relating to the development, operation, and conservation of mineral properties. Any lease or other agreement may have a duration that the Trustee deems reasonable, even though extending beyond the duration of any Trust created in this agreement.

(e) To execute division orders, transfer orders, releases, assignments, farmouts, and any other instruments which it deems proper.

(f) To drill, test, explore, mine, develop, and otherwise exploit any and all oil, gas, coal, and mineral interests, and may select, employ, utilize, or participate in any business form, including partnerships, joint ventures, co-owner's groups, syndicates, and corporations, for the purpose of acquiring, holding, exploiting, developing, operating, or disposing of oil, gas, coal, and other mineral interests.

(g) To employ the services of consultants or outside specialists in connection with the evaluation, management, acquisition, disposition, or development of any mineral interest, and may pay the cost of such services from the principal or income of the Trust property.

(h) To use the general assets of the Trusts created under this agreement for the purposes of acquiring, holding, managing, developing, pooling, unitizing, repressuring, or disposing of any mineral interest.

14. Powers of Attorney. The Trustee may execute, deliver, and grant to any individual or corporation a revocable or irrevocable power of attorney to transact any and all business on behalf of the various Trusts created in this agreement. The power of attorney may grant to the Attorney-in-Fact all the rights, powers, and discretion that the Trustee could have exercised.

15. Powers To Merge Similar Trusts. The Trustee may merge and consolidate any Trust created in this agreement with any other Trust created by us, or any other person at any other time, if the other Trust contains substantially the same terms for the same beneficiaries, and has at least one Trustee in common with the Trust or Trusts created in this agreement.

The Trustee may administer such merged and consolidated Trusts as a single Trust or unit. If, however, such a merger or consolidation does not appear feasible, as determined in the sole and absolute discretion of the Trustee, the Trustee may consolidate the assets of such Trusts for purposes of investment and Trust administration while retaining separate records and accounts for the respective Trusts.

16. Powers of an Interested Trustee. Notwithstanding the general powers conferred upon the Trustee, or anything to the contrary contained in this agreement, no individual Trustee shall exercise or participate in the exercise of discretion with respect to the distribution of Trust income or principal to or for the benefit of such Trustee.

The above paragraph shall apply unless any such distribution is limited by an ascertainable standard relating to the education, health, maintenance, and support of such individual Trustee.

No individual Trustee shall exercise or participate in the exercise of such discretionary power with respect to distributions to any person or persons such Trustee is legally obligated to support, as to that support obligation.

17. Powers of an Insured Trustee. Any individual Trustee under this agreement, other than us, is prohibited from exercising any power conferred on the owner of any policy which insures the life of such individual Trustee and which is held as part of the Trust property.

If the Trustee holds any such policy or policies as a part of the Trust property, the powers conferred on the owner of such a policy shall be exercised only by the other then acting Trustee.

The Trustee may vote or refrain from voting at corporate meetings either in person or by proxy, whether general or limited, and with or without substitutions.

23. Settlement Powers. The Trustee may compromise, adjust, arbitrate, alter the terms of, or abandon any claim in favor of or against the Trust estate, and may take deeds in lieu of foreclosure.

24. Nonproductive Property. The Trustee may hold property which is non-income producing or is otherwise nonproductive if the holding of such property is, in the sole and absolute discretion of the Trustee, in the best interests of the beneficiaries.

25. Trust Addition Powers. The Trustee is authorized to receive additional Trust property, whether by gift, will, or otherwise, either from us or any other person, corporation, or entity. Upon receipt of any additional property, the Trustee shall administer and distribute the same as part of the Trust property.

26. Digital and Intellectual Property Powers. To exercise all powers that an absolute owner would have and any other powers appropriate to achieve the proper investment, management, and distribution of: (1) our computing devices of any kind; (2) our data storage devices or mediums of any kind; (3) any of our electronically stored information; (4) any of our user accounts; and (5) any of our domains. The Trustee may obtain copies of any of our electronically stored information from any person or entity that possesses, custodies, or controls that information.

We hereby authorize any person or entity that possesses, custodies, or controls any of our electronically stored information or that provides us an electronic communication service or remove computing service, whether public or private, to divulge to the Trustee: (1) any of our electronically stored information; (2) the contents of any communication that is in electronic storage by that service or that is carried or maintained on that service; and (3) any record or other information pertaining to either of us with respect to that service.

This authorization is construed to be our lawful consent under the Electronic Communications Privacy Act of 1986, as amended, the Computer Fraud and Abuse Act of 1986, as amended, and any other applicable federal or state data privacy law or criminal law.

The Trustee may employ any consultants or agents to advise or assist the Trustee in decrypting any of our encrypted electronically stored information or in bypassing, resetting, or recovering any password or other kind of authentication or authorization. We hereby authorize the Trustee to take any of these actions to access: (1) any of our computing devices; (2) any of our data storage devices or mediums; (3) any of our electronically stored information; and (4) any of our user accounts.

The terms used in this paragraph are to be construed as broadly as possible, and the term "user account" includes without limitation an established relationship between a user and a computing device or between a user and a provider of Internet or other network access, electronic communication services, or remote computing services, whether public or private.

27. Principal and Income Act. In addition to all of the powers specifically granted the Trustee in this Article, the Trustee may exercise those powers set forth under the Uniform Principal and Income Act, or the equivalent, of the state of California, together with any amendment to such laws. The Trustee may perform every act reasonably necessary to administer each and every share or Trust created under this agreement.

28. Distribution for Economy. The Trustee may terminate this Trust if, in the absolute discretion of the Trustee or if a court of competent jurisdiction determines that:

(a) It has become sufficiently small in value such that its cost of administration is disproportionate to the value of its assets; or

(b) Its continuation is no longer in the best interests of its beneficiaries.

All principal in undistributed income shall be distributed to the then income beneficiaries in the proportion in which they are, at the time of termination, entitled to receive the income provided. However, if the rights to

income are not then fixed by the terms of this Trust, the distribution under this Paragraph shall be made to such persons as are then entitled or authorized, in the Trustee's discretion, to receive payments from this Trust. Upon such distribution, the Trust shall terminate and the Trustee shall not be liable or responsible to any person or persons for such action.

29. Summary Statement. All of the powers granted to the Trustee in this Article shall be in addition to those powers conferred upon Trustees under all applicable state and federal statutes. Each power conferred upon the Trustee under this Article, or upon Trustees in general, by applicable state or federal statutes, shall be subject to any express limitations or contrary directions contained in this agreement.

CERTIFICATION BY SETTLORS

We, PAUL A. ALESSIO and RACHEL C. ALESSIO, hereby certify that this Certificate of Trust and the reproduction attached is a true representation of the Trustee Powers.

SIGNING

Ratification and Execution by Settlers

We certify that we have read the foregoing Certificate of Trust and that it correctly states the terms and conditions under which the Trustee may hold, manage, and dispose of Trust Property.

EXECUTED on 1/22, 2023, at San Diego County, California.



PAUL A. ALESSIO
Settlor



RACHEL C. ALESSIO
Settlor

APPROVED:



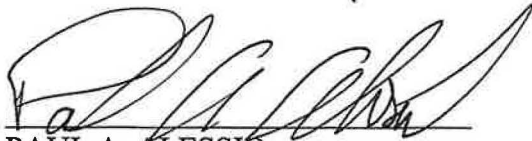
Attorney for Settlers

Ratification and Execution by Trustees

We certify that:

1. We are named as Trustees of THE ALESSIO REVOCABLE LIVING TRUST;
2. We have read the foregoing Certificate of Trust and it correctly sets forth the terms and conditions under which the Trustees named in it shall hold, administer and distribute THE ALESSIO REVOCABLE LIVING TRUST; and
3. We confirm, ratify, and approve such Certificate of Trust.

EXECUTED on 1/27, 2023, at San Diego County, California.


PAUL A. ALESSIO
Trustee


RACHEL C. ALESSIO
Trustee

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.

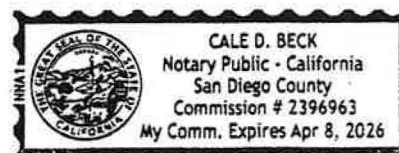
STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On 1/27, 2023, before me Cale D. Beck, Notary Public, personally appeared PAUL A. ALESSIO and RACHEL C. ALESSIO, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons 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  Seal





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

Governor Brad Little

Director Mathew Weaver

January 10, 2024

ALESSIO REVOCABLE LIVING TRUST
1022 QUARTZ CREEK RD
HARVARD, ID 83834-9732

RE: Application for Permit No. 87-12393

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 1/18/2024 and 1/25/2024. 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,

Chace Bell
Water Rights Supervisor

Bell, Chace

From: Bell, Chace
Sent: Wednesday, January 10, 2024 2:36 PM
To: Sujata Connell; Hickey, Clay; bocc@latahcountyid.gov; jpiper@latahcountyid.gov; mfuson@latahcountyid.gov; pb@latahcountyid.gov
Subject: Request for Comments WR # 87-12393
Attachments: 87-12393 Application for Permit.pdf

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 February 5, 2024.

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

Thank you,

Chace Bell

Water Rights Supervisor
Idaho Department of Water Resources, Northern Region
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762-2802 / 2800
<https://idwr.idaho.gov>



IDAHO DEPARTMENT OF
WATER RESOURCES

Bell, Chace

From: Bell, Chace
Sent: Wednesday, January 10, 2024 2:35 PM
To: legals@dnews.com
Subject: Legal Notice for Moscow-Pullman Daily
Attachments: Legal Notice.docx

Please publish the enclosed legal notice in the **Moscow-Pullman Daily** on the dates indicated **January 18th & January 25th, 2024** (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 **February 5, 2024**. Your cooperation is appreciated.

Sincerely,

Chace Bell
Water Rights Supervisor
Idaho Department of Water Resources, Northern Region
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762-2802 / 2800
<https://idwr.idaho.gov>



The following application(s) have been filed to appropriate the public waters of the State of Idaho:
87-12393

ALESSIO REVOCABLE LIVING TRUST

1022 QUARTZ CREEK RD

HARVARD, ID 83834-9732

Point of Diversion SENE

S3 T41N R03W

LATAH County

Source GROUND WATER

Tributary QUARTZ CREEK

Point of Diversion SENE

S3 T41N R03W

LATAH County

Source UNNAMED STREAM

Tributary QUARTZ CREEK

Use: FIRE PROTECTION STORAGE

01/01 to 12/31 3.2 AF

Use: AESTHETIC STORAGE

01/01 to 12/31 3.2 AF

Total Diversion: 3.2 AF

Date Filed: 11-30-2023

Place Of Use: AESTHETIC STORAGE,

FIRE PROTECTION STORAGE

T41N R03W S3 SENE

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 2/5/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 1/18/2024 and 1/25/2024

Bates, Luke

From: Rachel Alessio <paulnrach@hotmail.com>
Sent: Wednesday, December 13, 2023 11:09 PM
To: IDWR File
Cc: Bates, Luke
Subject: WR No. 87-12393 Alessio Revocable Living Trust
Attachments: Amended App 1.pdf; Amended map.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hello,
Please see attached amended application and map.

Please let me know if anything further is needed to issue the permit.

Thank you kindly,
Rachel Alessio, Trustee

Bates, Luke

From: Bates, Luke
Sent: Monday, December 4, 2023 8:01 AM
To: paulnrach@hotmail.com
Subject: IDWR app for permit 87-12393

Good Morning Rachel & Paul.

IDWR has received your application for permit and I've assigned it WR No. 87-12393. A lot has taken place since September when I worked with Rachel to develop the pond application and sent products your way.

The primary reason for this application is to request an amendment to application from you that shall conform to current IDWR standards.

- In the past, while IDWR doesn't require water use with the source = SURFACE RUNOFF have a recorded water right, our prior Director was of the mindset that IDWR could still license this water source. Current practices are putting surface runoff filings on hold until a court case finalizes by the end of this year that will put the final determination on whether IDWR shall allow filings with surface runoff annotated as a source or not.

Looking at your application proposal as we discussed the lower pond is primarily filled by surface runoff and/or water from the groundwater source in the upper pond. I can see amending your initial filing to change the surface water source to reflect "unnamed stream" water, which is not inaccurate in part. Any spring or pond with overflow from groundwater that forms a natural channel flowing overland becomes an unnamed stream by definition. Changing the source would allow your filing to move forward unimpeded.

OR

I can hold your filing until the results of the court case is finalized and then we can move forward dependent on that outcome.

Please do let me know when a good time is that I can reach out by phone to discuss this scenario with you.

Thank you,

Luke Bates

Sr. Water Resource Agent

Northern Region

P: 208-762-2817



IDAHO DEPARTMENT OF
WATER RESOURCES

7600 N. Mineral Dr., Suite 100
Coeur D'Alene, ID 83815-7763