

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 87-12393

Priority: December 14, 2023

Maximum Diversion Volume: 3.2 AF

This is to certify that

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

has applied for a permit to appropriate water from:

Source : UNNAMED STREAM

Tributary: QUARTZ CREEK

Source : GROUND WATER

Tributary: QUARTZ CREEK

and a permit is APPROVED for development of water as follows:

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
FIRE PROTECTION STORAGE	01/01 to 12/31		3.2 AF
AESTHETIC STORAGE	01/01 to 12/31		3.2 AF

Location of Point(s) of Diversion

GROUND WATER SE¼ NE¼, Sec. 3, Twp 41N, Rge 03W, B.M. LATAH County
UNNAMED STREAM SE¼ NE¼, Sec. 3, Twp 41N, Rge 03W, B.M. LATAH County

Place of Use: FIRE PROTECTION STORAGE

Twp	Rng	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				X													

Place of Use: AESTHETIC STORAGE

Twp	Rng	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				X													

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2025**.
2. Subject to all prior water rights.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
4. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
5. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
6. Right 87-12393 authorizes a total annual storage volume of 3.2 acre-feet, 2.4 acre-feet to be used for the initial filling or carryover storage of the pond(s) and 0.8 acre-feet for the replacement of losses

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caused by seepage and evaporation.

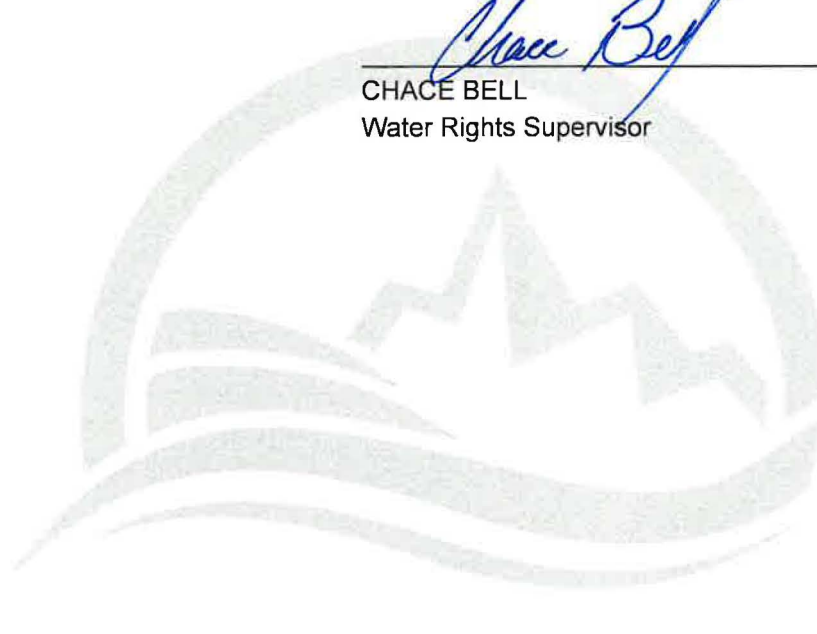
7. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 2.4 acre-feet or a total surface area of 0.3 acres.
8. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 13th day of March, 2024.



CHACE BELL
Water Rights Supervisor

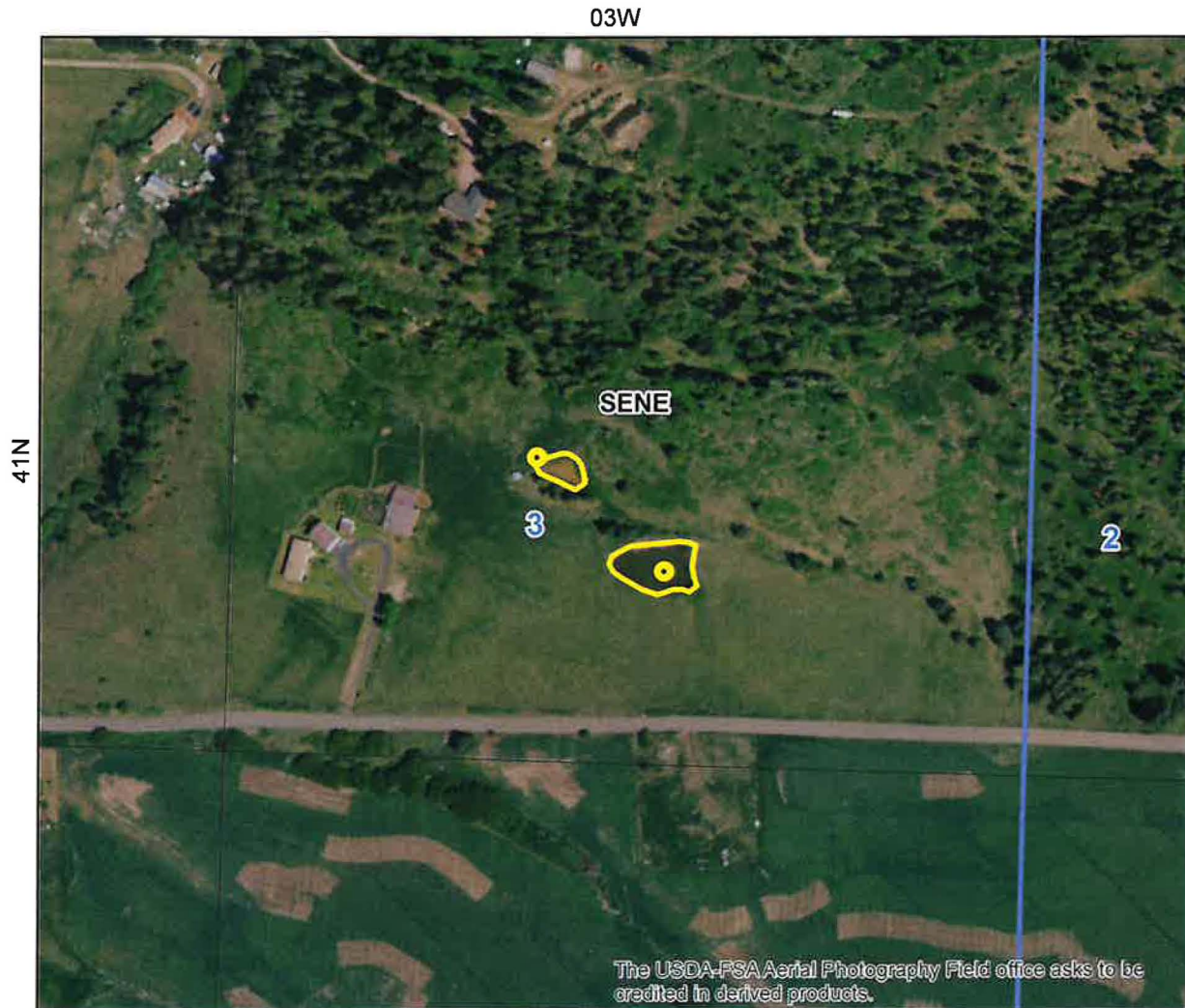


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

87-12393

This map depicts the FIRE PROTECTION STORAGE and AESTHETIC STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.035 0.07 0.14 Miles

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion





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

March 19, 2024

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

RE: Permit No. 87-12393

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

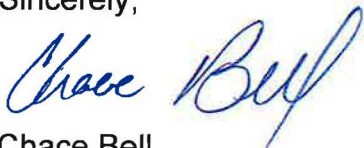
The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact the Northern Region Office at (208)762-2802.

Sincerely,



Chace Bell
Water Rights Supervisor

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2024, I served a true and correct copy of Permit to Appropriate Water No. 87-12393 by U.S. Mail, postage prepaid, to the following:

ALESSIO REVOCABLE LIVING TRUST (Current Owner)
1022 QUARTZ CREEK RD
HARVARD ID 83834-9732

PAUL ALESSIO (Trustee)
1022 QUARTZ CREEK RD
HARVARD ID 83834-9732

RACHEL ALESSIO (Trustee)
1022 QUARTZ CREEK RD
HARVARD ID 83834-9732



Micki Bowman
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Bell, Chace

From: Hickey,Clay
Sent: Monday, February 5, 2024 9:05 AM
To: Bell, Chace
Subject: RE: Request for Comments WR # 87-12393

Hi Chase, after reviewing WR # 87-12293 3.2 acre-feet per year in a tributary to Quartz Creek and we have no objections to this application. We appreciate the opportunity to comment.

Thanks,

Clay Hickey

Regional Technical Assistance Manager, Clearwater Region

Idaho Department of Fish and Game

3316 16th Street

Lewiston, ID 83501

Office (208) 750-4217

Clay.hickey@idfg.idaho.gov



From: Bell, Chace <Chace.Bell@idwr.idaho.gov>
Sent: Wednesday, January 10, 2024 2:36 PM
To: Sujata Connell <Sujata.Connell@deq.idaho.gov>; Hickey,Clay <clay.hickey@idfg.idaho.gov>;
bocc@latahcountyid.gov; jpiper@latahcountyid.gov; mfuson@latahcountyid.gov; pb@latahcountyid.gov
Subject: Request for Comments WR # 87-12393

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

1118 F St, Lewiston, ID 83501
(208) 799-4370



Brad Little, Governor
Jess Byrne, Director

January 18, 2024

Idaho Department of Water Resources
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

Subject: Water Right Application #87-12393

Dear Chace Bell:

We received a request for comment along with a copy of an application to appropriate 3.2 acre-feet/year of water from a groundwater source on private property located in Latah County. Specifically, the request is for water rights to two existing ponds that are filled by a groundwater source. The point of withdrawal is located in Township 41N, Range 03W, and Section 3. The upper pond receives groundwater input, and the lower pond receives channeled water from the upper pond. During spring runoff, water from the lower pond reaches nearby Quartz Creek via an intermittent unnamed tributary. The water will be used for fire protection storage and aesthetic storage from January 1 to December 31. Assuming all federal, state, and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

Because we assume any water of the State which occurs beneath the surface of the earth in a saturated geological formation of rock or soil to be groundwater (Idaho Code 58.01.02.010.45), we assume there to be hydrologic gradient connectivity to surface waters of the State. It is the policy of the State of Idaho Ground Water Management Plan that existing and projected beneficial uses of groundwater and interconnected surface water be maintained and protected and degradation that would impair beneficial uses of groundwater and interconnected surface water not be allowed.

Overflow water from the lower pond may reach Quartz Creek during spring runoff. The assessment unit that includes Quartz Creek (ID17060108CL016_02) is fully supporting the beneficial use of Primary Contact Recreation. At no time should the proposed action be allowed to impair or degrade the beneficial uses of this creek.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards, please call us at (208) 799-4370, or by email at Sara.Anzalone@deq.idaho.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Sara Anzalone", is written over a light blue circular stamp.

Sara Anzalone
Water Quality Analyst

c: Alessio Revocable Living Trust, Harvard, ID
EDMS

NEWS REVIEW PUBLISHING COMPANY

The Moscow-Pullman Daily News

P.O.Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date:

01/25/2024

INVOICE NO.

177051

Account No.

964750

Description

177051 The foll

Times

2

Lines

41

Tab. lines

**LEGAL ADVERTISING
INVOICE****RECEIVED****JAN 31 2024****IDWR / NORTH**

Sold To: IDAHO DEPT OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D ALENE ID 83814

PO#

87-12393 Bell, Chac

\$ 129.92

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

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/WRApplicationResults/>. 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

AFFIDAVIT OF PUBLICATION

S KELLAM, Legal Clerk
being first duly sworn, on oath deposes
and says: I am the printer of
Moscow-Pullman Daily News, a newspaper
of general circulation, published daily
except Sunday at Moscow, Latah County,
Idaho, in compliance with Sections 60-106,
60-107, and 60-108 of the Idaho Code and the
amendments thereto; and an official newspaper
for Whitman County, Washington as required
by R.C.W. 36.72.071 and other provisions of
the Revised Code of Washington and the
amendments thereto; that the notice of which the
annexed is a full, true and correct printed
copy was published in the regular and entire
issues of said newspaper and not in a
supplement thereto, upon the following dates:

1/18 & 1/25/2024

the same being the date designated for
the publication of said notice.

S Kellam
On this 26 day of Jan
in the year of 2024, before me, a Notary Public,
personally appeared S KELLAM,
known or identified to me to be the person
whose name subscribed to the within instrument,
and being by me first duly sworn, declared that
the statements therein are true, and acknowledged
to me that he executed the same.

Teressa M Nitcy
Notary Public for Idaho,
Residing at Lewiston, Idaho
My Commission Expires 1/23/28

