

AUG 02 2018

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES
DEPARTMENT OF WATER RESOURCES

\$50 fee

Received by

Recpt No.

Date

11033599

8-2-2018

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code, in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE of \$50.00** to be included with this form when filed with IDWR.

Permit no. 92-11050 Date proof is due _____
Name(s) of permit holder(s) Milton A. Rios / Modesta Rios
Mailing address P.O. Box 96 City Fernwood State ID Zip 83830
Telephone no. (254) 368-4851 Email 27pearl@gmail.com

Describe what work has been completed toward the development of this water right:

If no work has been completed, show "none".

The water pipes, excavation and water tanks are done.

Costing \$ 1,500

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

I was not able to build the cabin during winter and sense I am doing the construction by myself is taking longer of what I anticipated.

Permit holder(s) request an extension for 2 year(s).

Milton Rios Modesta Rios
Signature (If other than permit holder, Power of Attorney must be supplied)

7/31/18
Date

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by Section(s) 42-204 and/or 42-218, Idaho Code.

☐ IT IS HEREBY ORDERED that the permit is **REINSTATED** with the priority date advanced to _____, 20____.

☒ IT IS HEREBY ORDERED that the above request for extension of time is **APPROVED**, and the time within which to submit proof of beneficial use is extended to November 1, 2020.

Signed this 13th day of August, 2018

Pamela S. Skaggs
Jeff Peppersack, Chief
Water Allocation Bureau

Pamela S. Skaggs
Water Rights Supervisor



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 13, 2018

MILTON A RIOS
MODESTA M RIOS
PO BOX 96
FERNWOOD ID 83830

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 92-11050

Dear Permit Holder(s):

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **November 01, 2020**.

The department granted this extension based on evidence of good cause. It is important that you work diligently toward the completion of the project during the development period allowed, according to Section 42-204(6), Idaho Code.

The extension is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01). It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Since there is no process for withdrawal of the Statement of Completion ("Proof") form you filed in error, I am returning the Proof form to you as an unprocessed document. The fee you paid with the filing of Proof has been reapplied to the Request for Extension of Time process.

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

If you have any questions concerning this permit, please contact the State Office of the Department located in Boise at (208) 287-4800.

Sincerely,

A handwritten signature in blue ink that reads "Darla Block".

Darla Block
Technical Records Specialist

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on **August 14, 2018** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**APPROVED REQUEST FOR EXTENSION OF TIME**) to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit No. **92-11050**

MILTON A RIOS
PO BOX 96
FERNWOOD ID 83830

MODESTA M RIOS
PO BOX 96
FERNWOOD ID 83830



Darla Block
Technical Records Specialist

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.

Block, Darla

From: Block, Darla
Sent: Thursday, August 02, 2018 12:37 PM
To: Marston, Sascha
Subject: Reapplication of Fee Paid

August 2, 2018

Re: Reapplication of Fee Paid under Receipt ID N033599

Dear Sascha,

Please reapply the \$50.00 fee paid under Beneficial Use to an Extension instead. The permit holder withdrew their proof of beneficial use form and replaced it with a Request for Extension of Time form. The fee is the same.

Thank You.

😊 *Darla*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 25, 2018

MILTON A RIOS
MODESTA M RIOS
PO BOX 96
FERNWOOD ID 83830

RE: Water Right Permit No. 92-11050

Dear Water Right Permit Owners:

The Idaho Department of Water Resources is in the process of reviewing your water right permit for licensing. The review process includes verifying development of domestic use in connection with the permit. This can be done by determining if a dwelling exists on the property in question. The picture you sent with your Proof of Beneficial use shows that a home is in the process of being built. It doesn't appear the water right is being put to beneficial use if the home is not complete. Is there another structure, recreation vehicle or trailer on the property that is using the water for domestic purposes?

If the water has not been put to beneficial use for domestic purposes, the Department suggests withdrawing your Statement of Completion and filing a Request for Extension of Time to submit proof of beneficial use. I have attached the form. The filing fee from your Proof of Beneficial Use will be transferred to the Extension of Time, should you decide to file that with the Department.

Please let me know within thirty (30) days, how you would like the Department to proceed. If the Department does not hear from you within 30 days, action may be taken to void your permit.

If you have any questions, please contact me at (208) 287-4916.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosures