

81160

Ident. No. 92-11050

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

RECEIVED
AUG 29 2016
DWR/NORTHERN

1. Name of applicant(s) RIOS, MILTON A AND RIOS, MODESTA M Phone (254) 368-4857 C
 Mailing address PO BOX 96 FERNWOOD ID 83830 Email 27_pearl@gmail.com
 Name connector (check one) ☐ and ☐ or ☐ and/or
2. Name of representative, if any _____ Phone (254) 368-4920 W.
 Mailing address _____ Email _____
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant.
3. Source of water supply SPRING which is a tributary of SINKS
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
44N	01E	21		SW	SE	NE	BENEWAH	SPRING	

5. Water will be used for the following purposes:
- Amount 0.04 for DOMESTIC purposes from 01-01 to 12-31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ 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) 0.04 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. DEVELOPED SPRING WITH WATER LINE TO PLACE OF USE
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by Sm Date 8-29-16 Time _____ Preliminary check by _____
 Fee \$ 75.00 Receipted by cmorley Receipt No. N032160-750 Date 8-29-16
+N032134-225.00

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 ¹ _____
 - Other; describe fully. _____

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	
44N	01E	21				D													

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? APPLICANTS
- b. Who owns the land to be irrigated or place of use? APPLICANTS
- 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. EXISTING DEVELOPED SPRING WILL BE REBUILT AND MODIFIED TO INCLUDE WATER LINE TO NEW CABIN / HOME AND PLACE OF USE. STORAGE TANK MAY BE ADDED.

13. Time required for completion of works and application of water to proposed beneficial use is 2^{1/2} ⁰³⁻³⁰⁻⁷⁶ 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.

Milton Rice
Signature of Applicant

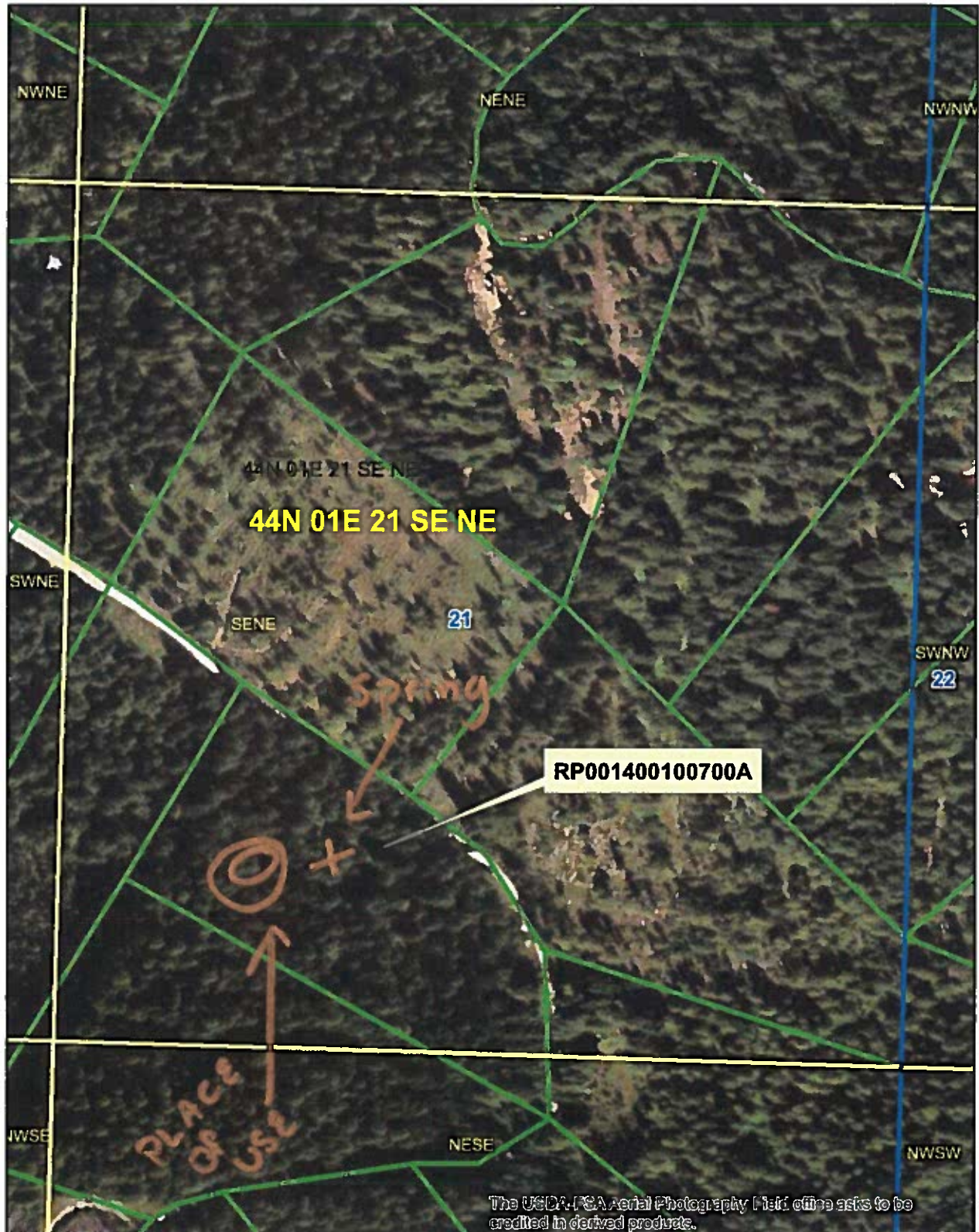
Milton Rice
Signature of Applicant

Print Name (and title, if applicable)

Print Name (and title, if applicable)

Application For Permit 92-XXXXX

Benewah County Parcel RP001400100700A



ATTACHED TO PERMIT

ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT.

RECEIVED
2015 Apr 10 PM 02 27
BENEWAH COUNTY
DEANNA BRAMBLETT, CLERK
270928
FIRST AMERICAN TITLE - SAIN
FEES:\$ 13.00

540329-SM

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:266537

FOR VALUE RECEIVED

Lovetta Eisele an unmarried woman

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Milton Rios and Modesta Rios, husband and wife

whose current address is: 5142 Onion Road, Killeen, TX 76542

the grantee(s), the following described premises, in Benewah County, Idaho, TO WIT:

SEE ATTACHED 'EXHIBIT A' LEGAL DESCRIPTION

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 3, 2015

Lovetta Eisele

Lovetta Eisele

State of Idaho } ss
County of Nez Perce }

On this 1st day of April, 2015, before me, a Notary Public in and for said state, personally appeared Lovetta Eisele, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and

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And that (s)he will warrant and defend the same from all lawful claims whatsoever.

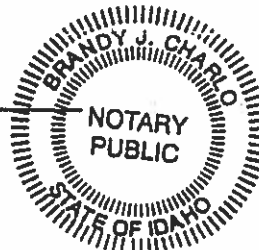
Dated: April 3, 2015

Lovetta Eisele
Lovetta Eisele

State of Idaho } ss
County of Nez Perce }

On this 7th day of April, 2015, before me, a Notary Public in and for said state, personally appeared Lovetta Eisele, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Brandy J. Charlo
Brandy J. Charlo
Notary Public for the State of Idaho
Residing at: Lewiston, ID
Commission Expires: 10-31-2020



WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:266537

FOR VALUE RECEIVED**Lovetta Eisele an unmarried woman**

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

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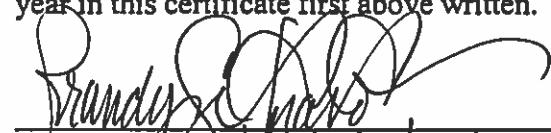
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Lovetta Eisele

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County of Nez Perce}

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Brandy J. Charlo
 Notary Public for the State of Idaho
 Residing at: Lewiston, ID
 Commission Expires: 10.31.2020

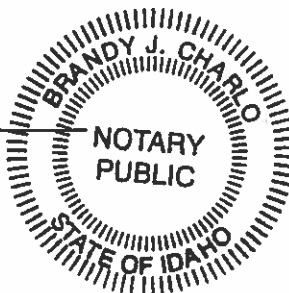


Exhibit "A"

Real property in the County of Benewah, State of Idaho, described as follows:

Tract 70, Crystal Creek Division 1, further described as follows:

Those portions of the SE 1/4 of NE 1/4 and NE 1/4 of SE 1/4 of Section 21, Township 44 North, Range 1 East B.M., Benewah County, Idaho, described as follows:

**Commencing at the Northeast corner of said NE 1/4 of SE 1/4;
thence S. 0°09'54" E. along the east line of said NE 1/4 of SE 1/4 543.48 feet;
thence N. 51°51'26" W. 697.61 feet to the true point of beginning;
thence N. 62°59'16" W, 750.58 feet;
thence N. 29°45'45" E. 395.00 feet;
thence S. 56°46'31" E. 440.00 feet;
thence S. 31°13'13" E. 195.66 feet;
thence S. 2°00'00" E. 245.00 feet to a point of curvature;
thence on a curve to the right having a radius of 50.00 feet and through a central angle of 29°00'44" an arc distance of 25.32 feet to the true point of beginning.**

Initial
D.E.

TH
Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, September 14, 2016 11:19 AM
To: 'bri@smgazette.com'
Cc: Maxey, Shaun
Subject: Application for Permit No. 92-11050
Attachments: LegalNotice 09-14-16 SM e-mail 92-11050.doc

Hi Bri,

Please publish the enclosed legal notice on the dates indicated, September 21 and 28, 2016 (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

This should be very close to press ready – for 2-column, 8.5pt, Utopia font. Hopefully this will even be close enough to just copy and paste, at least with very little modification or adjustment required.

Please note the area(s) under **USE** containing dates and water amounts that are offset and lined up. Our legal should appear in this format.

Please also send a proof/preview copy for my review before this actually goes to press.

If you have any questions, please contact me as early as possible.

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 10/10/2016. Your cooperation is appreciated.

It's always a pleasure to work with you, Bri. You always see that our legals look great. Thanks for all your super help.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
92-11050

MILTON A RIOS
MODESTA M RIOS
PO BOX 96
FERNWOOD, ID 83830
Point of Diversion SWSENE S21 T44N R01E BENEWAH CO
Source: SPRING tributary SINKS
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 8/29/2016
Place of Use: DOMESTIC T44N R01E S21 SENE
Domestic use is for 1 home.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800; or for a full description of the right(s), please see:

<http://www.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 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 10/10/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on 9/21/2016 and 9/28/2016



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

September 14, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

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

Application For Permit No. 92-11050

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.

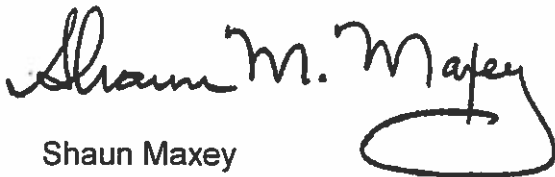
A legal notice of the application has been prepared and is scheduled for publication in the ST MARIES GAZETTE RECORD on 9/21/2016 and 9/28/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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,



Shaun Maxey
Senior Water Resource Agent

T
Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, September 14, 2016 10:25 AM
To: kiira.siitari@idfg.idaho.gov
Cc: Maxey, Shaun
Subject: RE: Application for Permit No. 92-11050
Attachments: 92-11050-app-and-mal.pdf

Hi Kiira,

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is attached for your reference.

This is being prepared for publication in the St Maries Gazette on September 21 and 28, 2016, with October 10, 2016 as final date for protests to be received in our office.

Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, 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.

Please contact Shaun Maxey in this office if you have any questions regarding the application.

Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

Maxey, Shaun

From: Maxey, Shaun
Sent: Friday, September 02, 2016 9:07 AM
To: Marston, Sascha
Cc: Case, Morgan
Subject: Request to Amend Receipt N032134 for Water Right Permit Application 92-11050
Attachments: N032134-RIOS-AUG-2016-RECEIPTS.pdf

Sascha:

Northern Region received two August 2016 fee payments from Rios, Milton & Modesta as shown in the attachment.

Please amend the \$25.00 payment received from Rios (receipt No. N032134) on 8/18/2016 to indicate that this fee payment is for Water Right Permit Application 92-11050 instead of an Adjudication Claim. The remaining \$75 due for this Water Right Permit Application was paid on 8/29/16 (receipt No. N032160).

The change is needed because Milton and Modesta Rios mistakenly filed a Adjudication Claim to obtain a water right. They are not eligible to obtain the water right through the Coeur d'Alene Spokane River Basin Adjudication (CSRBA) process and have completed a Water Right Permit Application (92-11050) instead.

Thanks,

Shaun

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
Fax (208) 762.2819
www.idwr.idaho.gov

RECEIVED
AUG 29 2016
IDWR/NORTHERN

REQUEST FOR WITHDRAWAL OF CLAIM
WITH FILING FEES APPLIED TO APPLICATION FOR PERMIT

Name of Claimant: Milton A Rios and Modesta M Rios

Mailing Address: P.O. 96 Fernwood Id. 83830

Amount: \$ 25.00 Receipt No.: 11032134

Claim No(s).: claim NO was not assigned MR
water permit application completed 8-29-16 MR

I/We wish to withdraw the Notice(s) of Claim to a Water Right which number(s) appear above and for which I/We previously paid a filing fee to the Idaho Department of Water Resources. I request the filing fee I/We paid on the receipt referenced above be applied to filing an Application for Permit.

For Individuals:

Milton Rios

(Signature of Claimant)

08-29-16

(Date)

Modesta Rios

(Signature of Claimant)

08/29/16

(Date)

For Organizations:

(Signature of Authorized Agent)

(Date)

(Title)

(Name of Organization)

Return to: Idaho Department of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098

For IDWR Use

Initials

Date

Approval Region
Approval State Office
Data Entry

6/30/09