

**STARTING
LEFT
SIDE OF
FILE**

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF LAPSED PERMIT)
NO. 95-08974 IN THE NAME OF)
JULIETTE H. YOUNG & SYDNEY H.)
YOUNG)
_____)

**ORDER OF
REINSTATEMENT**

This matter having come before the Idaho Department of Water Resources ("Department") as a petition to reinstate a lapsed permit, the Department finds, concludes and orders:

FINDINGS OF FACT

On October 23, 1997, the Department issued Permit no. 95-08974 in the names of Juliette H. & Sydney H. Young, permit holders. The Department issued Permit 95-08974 with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before November 1, 1998.

On August 31, 1998, the Department notified the permit holders by certified mail that proof of beneficial use was due and instructed the permit holders of the steps to be taken to submit the proof of beneficial use.

On November 5, 1998, the Department sent the permit holder a lapse notice because the Department had not received an acceptable proof of beneficial use statement or request for extension of time.

On October 7, 2009, the Department received a Proof of Beneficial Use statement and the required examination fee from the permit holders.

On November 12, 2009, the permit holders provided reasonable cause for filing late proof and submitted evidence supporting that beneficial use authorized by Permit no. 95-08974 had occurred during the authorized period.

Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had

occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

CONCLUSIONS OF LAW

The permit holders provided sufficient information to show that water was beneficially used during the authorized development period.

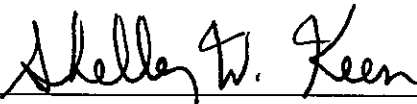
The permit holders demonstrated reasonable cause for filing late proof of beneficial use.

The Department should reinstate the permit with the priority date advanced to the date that Proof of Beneficial use was received.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Permit no. 95-08974 is **REINSTATED** with an advance in priority to **October 7, 2009**.

DATED this 3rd day of December, 2009.



SHELLEY KEEN, Manager
Water Rights Section

OCT 14 2009

FOR OFFICE USE ONLY
 Amt. of Fee \$: 50.00
 Receipt No. N022381
 Receipt By: 6
 Date Received: 10/7/09

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 07 2009

PROOF OF BENEFICIAL USE

IDWR / NORTH

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 95-08974 Telephone No. 208-666-1575
2. Name(s) of Permit Holder(s): SYDNEY H. OR JULIETTE H. YOUNG
3. Mailing Address: P. O. BOX 490
4. Source of Water: SPOKANE RIVER If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
- a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
- b. OPTIONAL:
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 1/8 Acre Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.03 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
- Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X
- Flow Measurement Port: Is a flow measurement port required? Yes _____ or No X
Has the measurement port been installed? Yes _____ or No X
8. Fee Enclosed: \$ _____ (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.

Name: JULIETTE H. YOUNG Telephone Number: CELL: 208-661-8236
208-666-1575/Home

Address: 6848 E MAPLEWOOD AVENUE, POST FALLS, ID 83854
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:

(include your title, if on behalf of company or organization)

Date:

THE TRACTOR MAN

P.O.BOX 2656
HAYDEN, ID. 83835
208/667-2895

INVOICE

DATE	INVOICE
5/26/98	180

BILL TO	JOB ADDRESS
MR. & MRS. SID YOUNG 101 SOUTH MAIN ST. POST FALLS, ID 83854	OHIO MATCH AVE. POST FALLS, ID.

DATE	ITEM	DESCRIPTION	AMOUNT
12/29/97	LANDSCAPING	BUILD ROOF FOR PUMP HOUSE, BOLT DOOR IN PLACE , USE SHINGLES FROM HOUSE ADDITION FOR PUMP HOUSE ROOF. CAP SPRINKLER OUTLETS BETWEEN & NEXT TO SLIDERS DOWN STAIRS , CAP ELECTRICAL OUTLET BETWEEN SLIDERS , LOWER OUTSIDE OUTLETS. REINSTALL SPRINKLER OUTLETS IN GALVANIZED TO STUB UP THROUGH CONCRETE, REMOVE AND CAP SPRINKLER OUTLETS STUBBED UP IN GALVANIZED PIPE. MOVE SPRINKLER HEADS IN NEW CONCRETE PATIO AREA , CAP SPRINKLERS ON EAST SIDE OF HOUSE WHERE CONCRETE WALKWAY IS TO BE POURED. SPRAY ROUND UP WHERE APPROPRIATE AND PUT DOWN PREEMERGENT HERBICIDE IN BEDS , HAND WEED ALL BEDS AND VINCA HILL , DEAD HEAD BULBS AND CLEAN UP WINTER DAMAGE, FERTILIZE LAWN AND SHRUBS. REMOVE SHRUBS IN FRONT OF NEW CONCRETE PATIO AREA AND PUT INTO CONTAINERS. ADD ADDITIONAL VALVES IN NORTH VALVE BOX FOR ADDITIONAL WATERING STATIONS. ADD SPRINKLERS BY NEW FENCE FOR SHRUB/ FLOWER BEDS , INSTALL SPRINKLERS BY ELECTRICAL BOX AND TREES NEXT TO DRIVEWAY . INSTALL WOODEN CAP ON PLANTER BOX UNDER DECK , INSTALL DRIP LINE WITH FILTER IN SAME. TURN ON SPRINKLER SYSTEM , EXTEND SUCTION LINE FURTHER OUT ON DOCK.. ADD MORE GRAVEL UNDER DECK TO BRING LEVEL CLOSER TO TOP OF CAP. BUILD 2X6 & 8 TREATED LUMBER WITH 2X CEDAR CAP RETAINING WALL ON EAST SIDE OF HOUSE BY ARBORVITEAS AND SPIREAS TO RAISE LEVEL OF SOIL AND PLANTS TO PREVENT DRAINAGE ONTO NEIGHBORING PROPERTY , RAISE SPRINKLER	4014.96

Thank you for your business.

Total

**P.O.BOX 2656
HAYDEN, ID. 83835
208/667-2895**

DATE	INVOICE
5/26/98	180

Day 3

Young 9/1/97

Material. Only

gail's work sheet

Drugation - to ³Complete inc. Pump,

Tank Timer \$2, 7100⁰⁰ Mat'l only -

1500.00
Pd.
20x

Estimate done prior to work
by the tractor man.



NOTICE

This file has been REPRODUCED
from MICROFICHE [REDACTED]

For the possibility of a

Person Recreating File

Date

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 95-08974

Proposed Priority: September 4, 1997 Maximum Diversion Rate: 0.03 CFS

This is to certify, that JULIETTE H YOUNG

SYDNEY H YOUNG

S 101 MAIN ST

POST FALLS ID 83854

has applied for a permit to appropriate water from:

SPOKANE RIVER

tributary of COLUMBIA RIVER

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>
IRRIGATION	03/15 to 11/15	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (NENE), Sec. 8, Township 50N, Range 04W
KOOTENAI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
50N	04W	8	Lot 4(NENE)	0.5		0.5

Total number of acres irrigated: 0.5

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1998.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Water shall not be diverted under this right when flows in the Spokane River are below established minimum streamflows.
5. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 1.5 afa at the field headgate for the land described above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

23 day of October, 1997.

Karl J. Dreher
for Karl J. Dreher, Director

Ident. No. 95-08974

RECEIVED

OCT 20 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

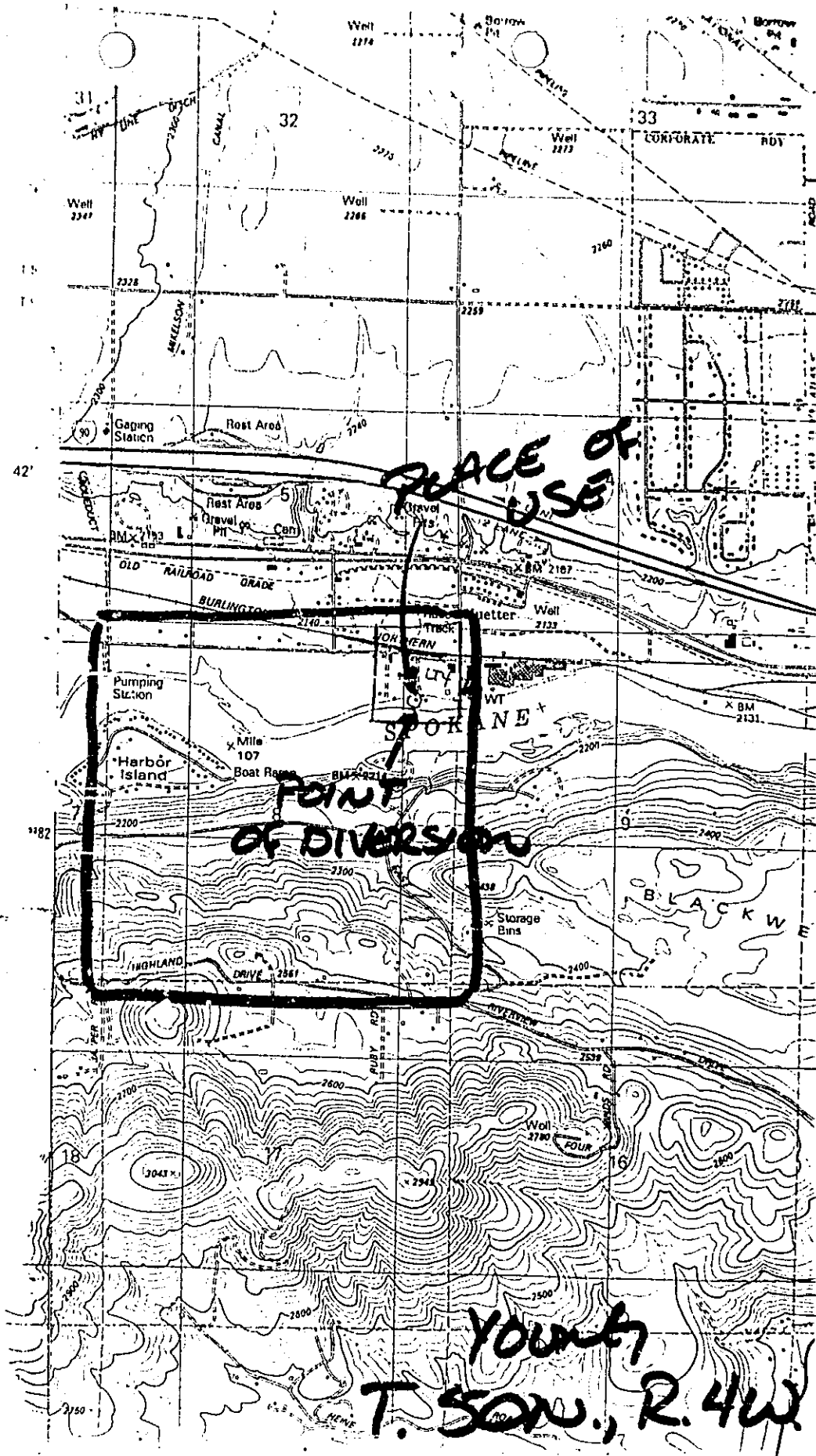
RECEIVED

OCT 20 1997

Department of Water Resources

Department of Water Resources

1. Name of Applicant SYDNEY H. OR JULIETTE H. YOUNG Phone 208-667-5009
Mailing address S. 101 MAIN STREET, POST FALLS, IDAHO 83854
2. Source of water supply SPOKANE RIVER which is a tributary of COLUMBIA RIVER
3. Location of point of diversion is Township 50N Range 4WBM Sec. 8 in the NE 1/4.
NE 1/4, 1/4, Govt. Lot 4, B.M., KOOTENAI County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.23 for IRRIGATION purposes from MAR 15 to NOV 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.23 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source ONE (1 1/2") PVC PIPE
WITH FOOT VALVE 2HP PUMP 16GPM
 - b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total
reservoir capacity N/A acre-feet
 - c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
 - d. is ground water with a temperature of greater than 85°F being sought? N/A
 - e. If well is already drilled, when? N/A; Drilling firm N/A
Well was drilled for (well owner) N/A; Drilling Permit No. N/A
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
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. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____



PLACE OF USE

POINT OF DIVERSION

YOUNG
T. 50N., R. 4W.

**STARTING
RIGHT
SIDE OF
FILE**



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 • Web Site: www.idwr.idaho.gov

December 3, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

SYDNEY H YOUNG
JULIETTE H YOUNG
POST FALLS ID 83854

PROOF ACKNOWLEDGEMENT LETTER

Re: Permit No. 95-8974

Dear Permit Holder:

The Department of Water Resources (the "Department") acknowledges receipt of the Proof of Beneficial Use ("proof") and the documentation you provided the department for reinstatement of this permit. Because an acceptable proof was submitted more than 60-days after the lapse notice, an order was issued that reinstates the permit and advances the priority date to October 7, 2009, according to Section 42-218a(2), Idaho Code. Enclosed is a copy of the Reinstatement Order and the proof you submitted.

The Department of Water Resources has issued the enclosed Reinstatement Order as a preliminary order, pursuant to Section 67-5243, Idaho Code. **It can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

The next step in the process will be to review the permit and issue the license as appropriate. If you have any questions about the reinstatement of this permit, please contact Craig Saxton at (208) 287-4800.

Sincerely,

Emalee Rushing
Office Services Supervisor

Enclosures

cc: TAMARA W MUROCK
BALTIMS & MUROCK PS
7 S HOWARD STE 220
SPOKANE WA 99201

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (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 issuance 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.

BALTINS & MUROCK, P.S.

Attorneys at Law
7 S. Howard, Suite 220
Spokane, Washington 99201
Telephone: 509-444-3336
Facsimile: 509-444-3335

RECEIVED

NOV 12 2009

**DEPARTMENT OF
WATER RESOURCES**

November 9, 2009

Facsimile Transmittal / U.S. Mail

Craig L. Saxton
State of Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

**Re: Permit No. 95-8974
Sydney and Juliette Young**

Dear Mr. Saxton:

Pursuant to your letter of October 27, 2009, and my telephone discussion with Cherie Padilla on November 4, 2009, enclosed please find an Affidavit of Juliette H. Young.

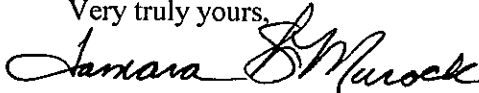
As set forth in the enclosed Affidavit and attachments, Mr. and Mrs. Young hired a Contractor to landscape and irrigate their property, and to assist in procuring the necessary permits and applications. The landscaping and irrigation were completed by June 15, 1998, and Mr. and Mrs. Young thereafter continuously used the irrigation system and water according to the terms of Permit No. 95-8974.

It was not until early October 2009 that Mr. and Mrs. Young discovered that Proof of Beneficial Use was not submitted as they had believed. Upon this discovery, Mr. and Mrs. Young took immediate action to correct this error and submitted a Proof of Beneficial Use on October 5, 2009.

Based upon the information set forth in the enclosed Affidavit and attachments, there is reasonable cause for the late filing of the Proof of Beneficial Use. Mr. and Mrs. Young therefore request Permit No. 95-8974 be reinstated with the priority date advanced to the date the Proof of Beneficial Use was received.

Thank you for your assistance; and please call if you have any questions or require additional information.

Very truly yours,



TAMARA W. MUROCK

Attorneys

Maris Baltins*
Tamara W. Murock**

Paralegals

Seth Thompson
John F. Gunn

* Admitted Washington, Maryland & District of Columbia

**Admitted Washington, Idaho and Montana

AFFIDAVIT
OF
JULIETTE H. YOUNG

STATE OF IDAHO)
 : ss.
County of Kootenai)

I, JULIETTE H. YOUNG, being first duly sworn on oath, depose and say:

1. My husband, Sydney H. Young, and I, are the owners of a home and real property located on the Spokane River at 6848 E. Maplewood Avenue, Post Falls, Idaho.

I make this affidavit based on personal knowledge and am competent to testify.

2. We purchased our home in April 1997. At the time of the purchase, the property consisted only of a home, and had neither a garage nor landscaping.

3. On or about September 1997, we met with an agent and employee of The Tractor Man (the "Contractor") to discuss landscaping the property, including construction of an irrigation system.

4. On September 1, 1997, the Contractor provided an estimate of the costs to install and complete the irrigation, which included the completion of the necessary pump. A true and correct copy of the September 1, 1997 estimate and an invoice for certain of the services rendered is attached hereto as Exhibit "A."

5. We thereafter hired the Contractor to provide landscaping and irrigation services, which included assisting in procuring the necessary permits and applications for irrigation.

6. On or about September 4, 1997, a Joint Application for Permit for "domestic irrigation" was prepared and submitted, a true and correct copy of which is attached hereto as Exhibit "B."

7. On October 8, 1997, the Idaho Department of Lands issued Encroachment Permit No. L-95-S-4302A for purposes of installing and maintaining a domestic intake line into the Spokane River, a true and correct copy of which is attached hereto as Exhibit "C."

8. On October 23, 1997, the Idaho Department of Water Resources issued a Permit to Appropriate Water, No. 95-08974, for purposes of diverting water from the Spokane River for the beneficial use of irrigation from March 15 to November 15. A true and correct copy of the Permit to Appropriate Water is attached hereto as Exhibit "D."

9. Throughout the period of early September 1997 to approximately June 1998, we relied upon the Contractor to complete the landscaping and irrigation according to the necessary specifications and permits, and to assist in procuring such necessary permits and applications.

10. The landscaping and irrigation was completed by June 15, 1998. A Work Completion Report was submitted to the Idaho Department of Lands on September 10, 1998, a true and correct copy of which is attached hereto as Exhibit "E."

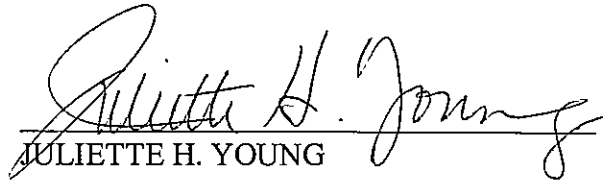
11. At all times since June 15, 1998, we have used the irrigation system in the manner and form it was originally constructed and intended, and according to the terms and conditions of the Encroachment Permit and Permit to Appropriate Water.

12. It was not until October 2009, that I learned that although the work was timely constructed and completed, and water was applied to the beneficial use of irrigation within the time required under the Encroachment Permit and Permit to Appropriate Water, Proof of Beneficial Use was not submitted.

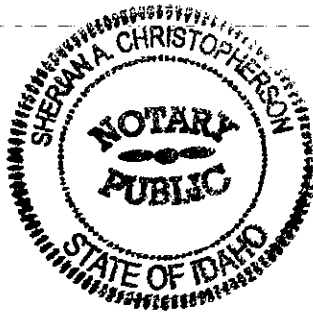
13. Immediately upon learning that the Proof of Beneficial Use was not submitted, I completed and submitted a Proof of Beneficial Use on October 7, 2009.

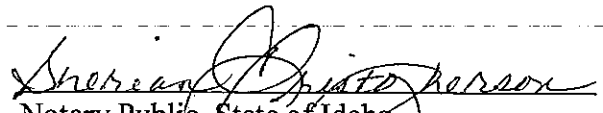
14. Based upon the foregoing, we respectfully request the reinstatement of Permit to Appropriate Water, No. 95-08974, with the priority date advanced to the day that the Proof of Beneficial Use was received.

Dated this 6TH day of November, 2009.


JULIETTE H. YOUNG

SUBSCRIBED and SWORN TO before me this 6TH day of November, 2009.




Notary Public, State of Idaho,
residing at Kootenai.
My commission Expires: APRIL 3, 2012

Young 9/1/97 Material Only Giller Will Sheel
 Irrigation - to Complete inc. Pump,
 Task Timer \$7,100.00 Mat'l only -
 # 1500. @
 Rd.
 20

Estimate done prior to work
 by the tractor man.



THE TRACTOR MAN

P.O.BOX 2656
HAYDEN, ID. 83835
208/667-2895

INVOICE

DATE	INVOICE
5/26/98	180

BILL TO	JOB ADDRESS
MR. & MRS. SID YOUNG 101 SOUTH MAIN ST. POST FALLS, ID 83854	OHIO MATCH AVE. POST FALLS, ID.

DATE	ITEM	DESCRIPTION	AMOUNT
12/29/97	LANDSCAPING	BUILD ROOF FOR PUMP HOUSE, BOLT DOOR IN PLACE, USE SHINGLES FROM HOUSE ADDITION FOR PUMP HOUSE ROOF. CAP SPRINKLER OUTLETS BETWEEN & NEXT TO SLIDERS DOWN STAIRS, CAP ELECTRICAL OUTLET BETWEEN SLIDERS, LOWER OUTSIDE OUTLETS. REINSTALL SPRINKLER OUTLETS IN GALVANIZED TO STUB UP THROUGH CONCRETE, REMOVE AND CAP SPRINKLER OUTLETS STUBBED UP IN GALVANIZED PIPE. MOVE SPRINKLER HEADS IN NEW CONCRETE PATIO AREA, CAP SPRINKLERS ON EAST SIDE OF HOUSE WHERE CONCRETE WALKWAY IS TO BE POURED. SPRAY ROUND UP WHERE APPROPRIATE AND PUT DOWN PREEMERGENT HERBICIDE IN BEDS, HAND WEED ALL BEDS AND VINCA HILL, DEAD HEAD BULBS AND CLEAN UP WINTER DAMAGE, FERTILIZE LAWN AND SHRUBS. REMOVE SHRUBS IN FRONT OF NEW CONCRETE PATIO AREA AND PUT INTO CONTAINERS. ADD ADDITIONAL VALVES IN NORTH VALVE BOX FOR ADDITIONAL WATERING STATIONS. ADD SPRINKLERS BY NEW FENCE FOR SHRUB/ FLOWER BEDS, INSTALL SPRINKLERS BY ELECTRICAL BOX AND TREES NEXT TO DRIVEWAY. INSTALL WOODEN CAP ON PLANTER BOX UNDER DECK, INSTALL DRIP LINE WITH FILTER IN SAME. TURN ON SPRINKLER SYSTEM, EXTEND SUCTION LINE FURTHER OUT ON DOCK.. ADD MORE GRAVEL UNDER DECK TO BRING LEVEL CLOSER TO TOP OF CAP. BUILD 2X6 & 8 TREATED LUMBER WITH 2X CEDAR CAP RETAINING WALL ON EAST SIDE OF HOUSE BY ARBORVITEAS AND SPIREAS TO RAISE LEVEL OF SOIL AND PLANTS TO PREVENT DRAINAGE ONTO NEIGHBORING PROPERTY, RAISE SPRINKLER	4014.96
Thank you for your business.			Total

P.O.BOX 2656
HAYDEN, ID. 83835
208/667-2895

DATE	INVOICE
5/26/98	180

[illegible]

JOINT APPLICATION FOR PERMIT
U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LANDS

**SEPARATE PERMIT DECISIONS MUST BE
 RECEIVED FROM BOTH THE STATE OF
 IDAHO AND THE CORPS OF ENGINEERS
 PRIOR TO START OF WORK**

The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq, Idaho Code. This application will meet the requirements of the above agencies.

1. Corps of Engineers # _____
 Date Received _____

2. State of Idaho # L-95-S-4302 A
 Date Received _____
 S20 Rec'd By: _____ Receipt # _____

PLEASE TYPE OR PRINT

3. Applicant SYDNEY H. OR JULIETTE H. YOUNG 4. Authorized Agent _____
 Mailing Address S. 101 MAIN STREET Mailing Address _____
POST FALLS, IDAHO 83854
 Work Phone (Area) 208 667-5009 Home (Area) 208-666-1575 Work Phone (Area) _____ Home (Area) _____
 Fax Number 208-664-0733

5. Location where proposed activity exists or will occur.

Waterway SPOKANE RIVER
COEUR D'ALENE KOOTENAI IDAHO
 In/near city or town County State
83814 KOOTENAI COUNTY
 Zip Code Local jurisdiction (city or county)

Tributary of: _____
 Assessor's Desc. (Tax No. or Subdivision, Lot & Block No.)
3000 LOT 4 *(See Instructions)
NE 1/4 8 50N 4WBM or
 1/4 1/4 Section Township Range
 UTM Coordinate Grid Zone Northing Easting

6. Describe the proposed activity. Provide a general description of the proposed work including all discharges of fill material and any structures such as piers, floats, boat lifts, bulkheads, and cofferdams.

DOMESTIC IRRIGATION

Describe construction methods and equipment:

HAND TRENCHER

List all soil series located at project site, and indicate if any are on the county's hydric soils list:

SAND

Length of project along the stream or extension into lake or reservoir: 60'

Will material be placed waterward of ordinary high water mark? NO If yes, volume: _____ (cubic yards)
 (BOTH TEMPORARY AND PERMANENT)

Will material be placed in wetlands? NO If yes, total area: _____ (acres)

Type and composition of fill material: N/A (i.e. sand, etc.) Material Source: N/A

Will excavation or dredging be required? NO If yes, volume: _____ (cubic yards) Composition N/A

Disposal site for excavated material: N/A Method of excavation: N/A

Stream gradient: _____

Method of controlling turbidity and/or sedimentation: N/A

7. Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles): (Idaho Department of Water Resources requirement.)

THAN 8-1/2 X 11 INCHES IN SIZE. See the instruction pamphlet for instructions and a checklist for completing the drawings. Include photographs of the site mounted on 8-1/2 x 11 sheets.

9. Purpose and intended use: Commercial _____ Public _____ Private X Other _____ Describe LAWN AND SHRUBS

Necessity and justification for project _____

10. Proposed Starting Date _____ Estimated Duration 1 DAY

11. If any portion of the activity is complete, indicate month and year of completion _____
Indicate the existing work on the drawings.

12. Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.

☐ Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

13. LEGAL OWNER IF
OTHER THAN APPLICANT _____

Mailing Address _____ City, State, _____
Zip Code _____

Phone _____ Area _____
Work() _____ Home() _____

14. List other applications, approvals, or certifications from other Federal, interstate, state, or local agencies for any structures, constructions, discharges, deposits, or other activities described in the application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval
----------------	------------------	--------------------	---------------------	------------------

15. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes _____ No X
(If "Yes" explain)

16. Remarks or additional information: _____

17. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed or completed work.

Date

Signature of Applicant (ORIGINAL SIGNATURE REQUIRED)

9. If an authorized agent is to be designated, Item 4 and the following information should be completed.

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

Date

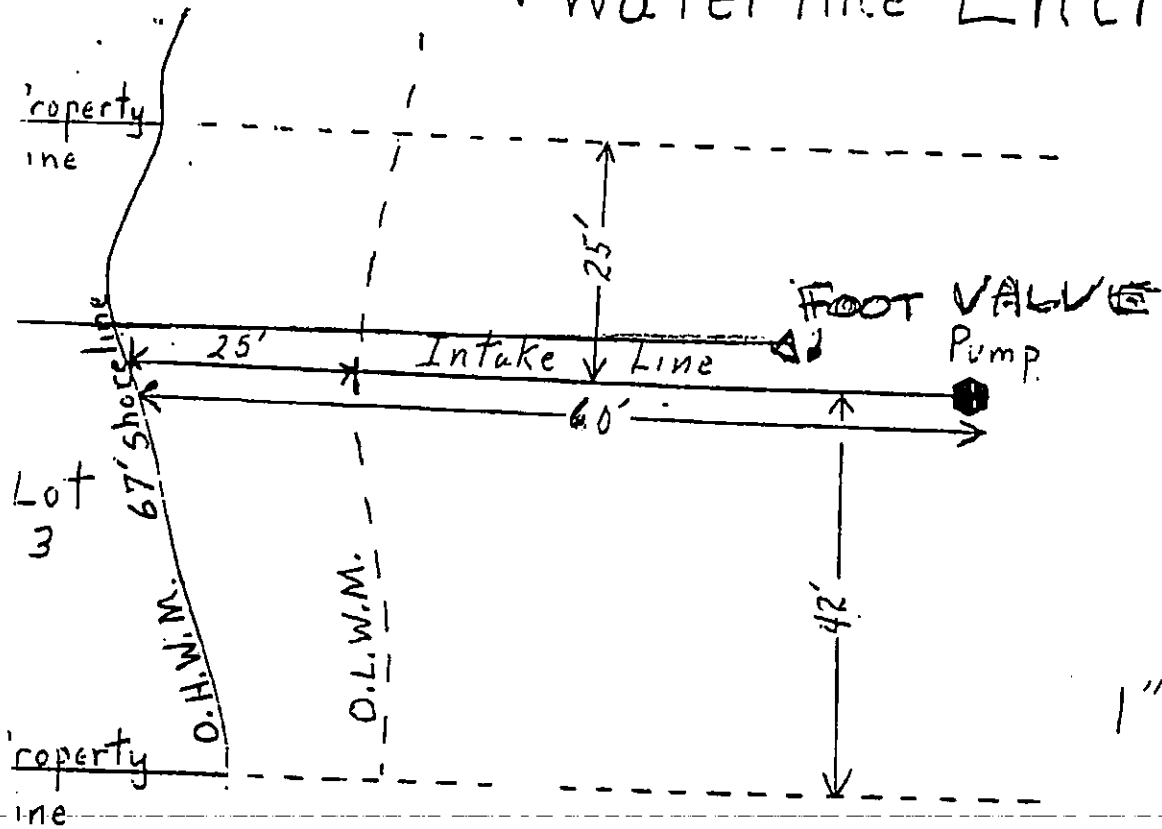
Original Signature of Authorized Agent

Original Signature of Applicant

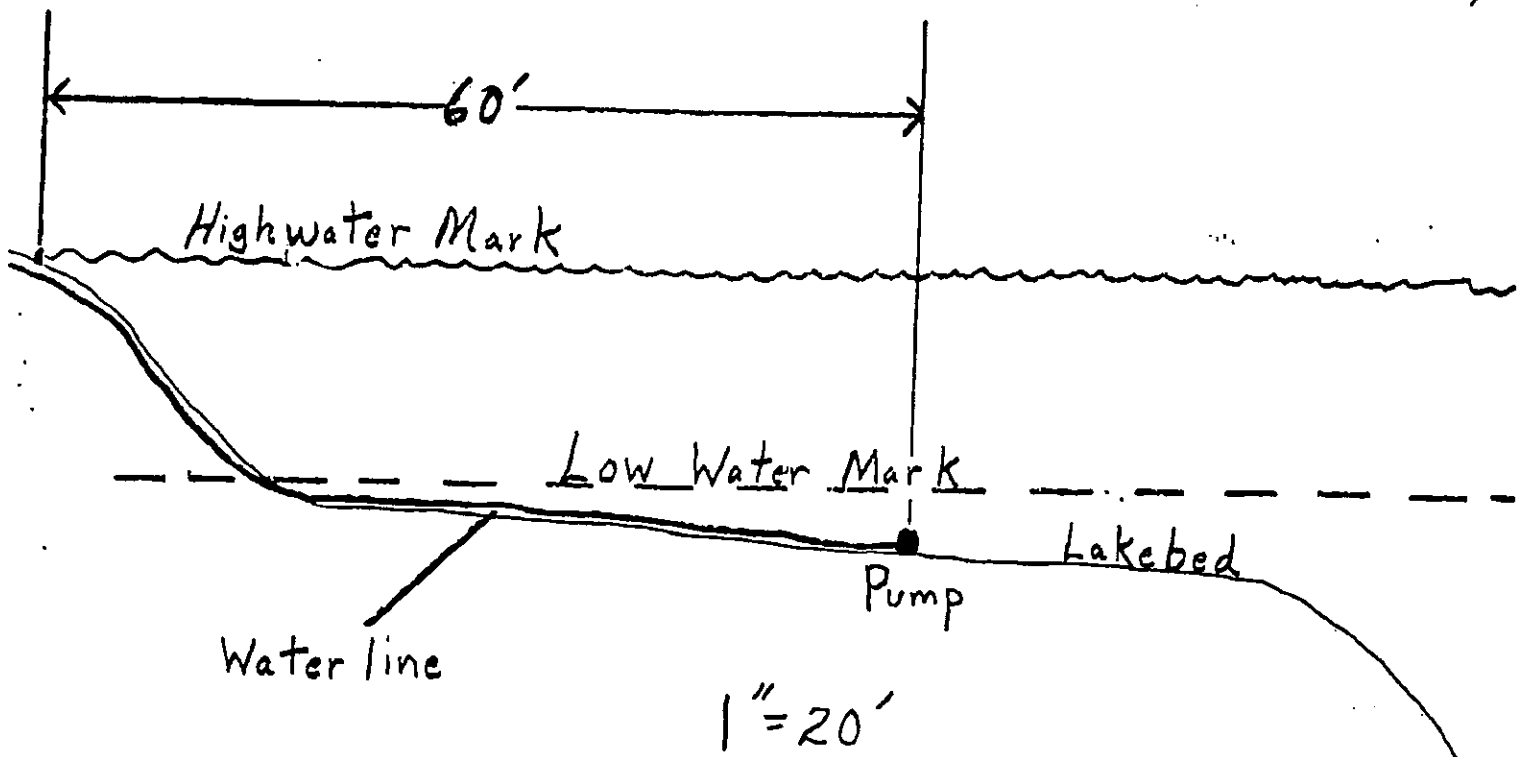
18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both. Do not send a Federal permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

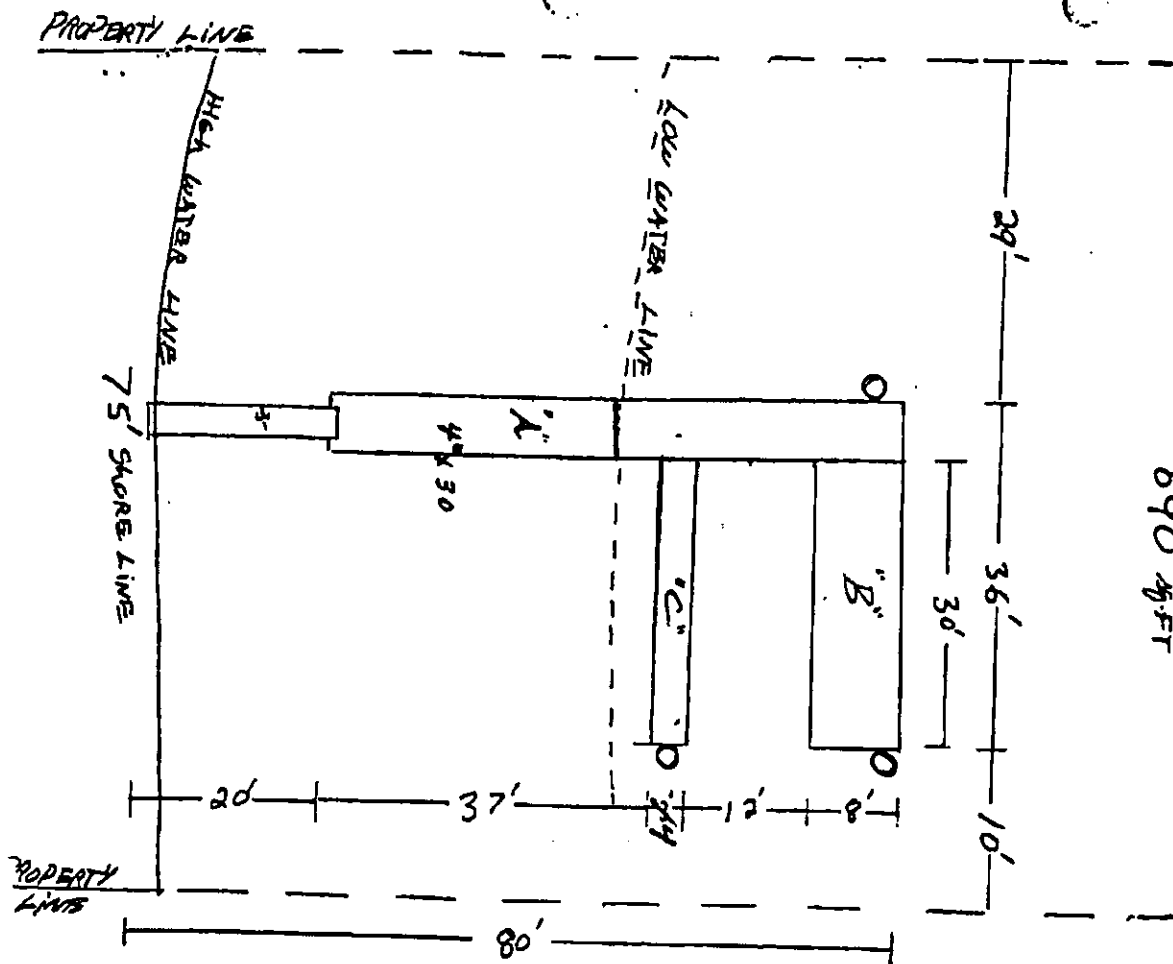
DO NOT SEND FEDERAL PROCESSING FEE WITH APPLICATION

Waterline Encroachment



Proposed Water Line
 By: Sgd. or Julie Young
 Phelan Kinner
 Kistner County





SQUARE FOOTAGE

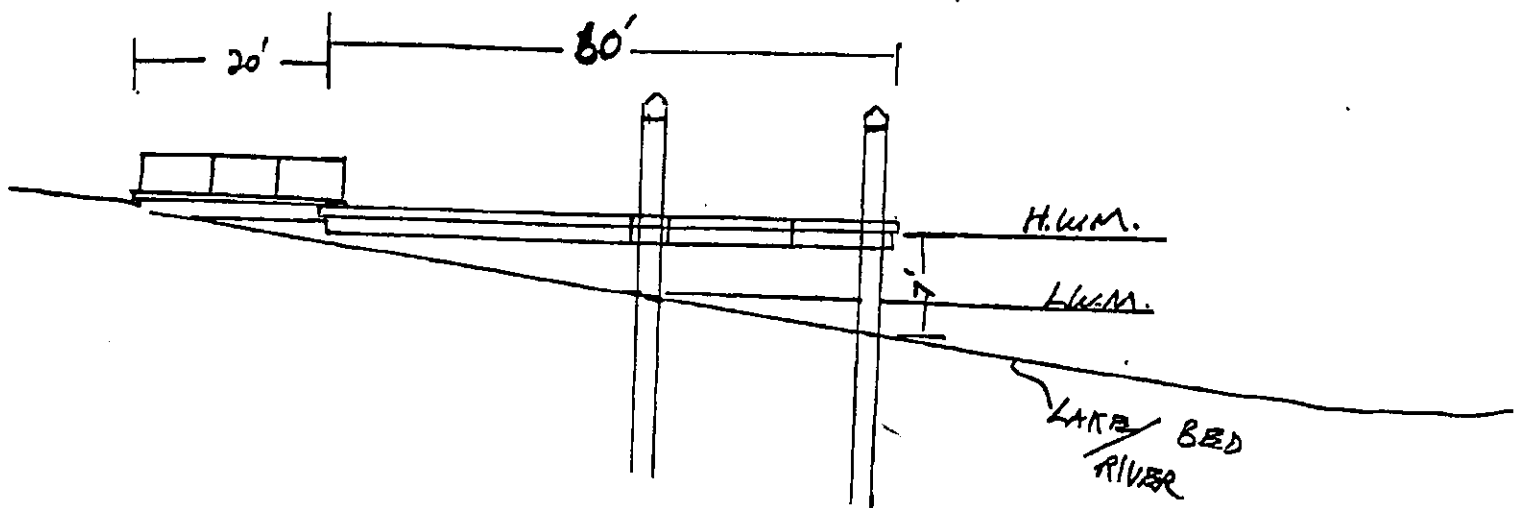
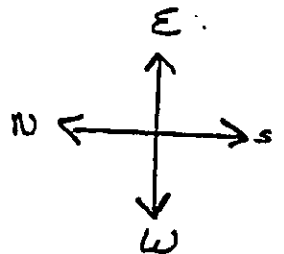
RAMP 3 x 20 = 60 sq. FT.

A DOCK 5 x 60 = 300 sq. FT.

B DOCK 8 x 30 = 240 sq. FT.

C DOCK 3 x 30 = 90 sq. FT.

690 sq. FT.



SEE ATTACHED

PROPOSED DOCK

BY: SYDNEY H. & JULIE H. YC

SPOKANE RIVER

ROUTER COUNTY

IDAHO DEPARTMENT OF LANDS
ATTACHMENT FOR ENCROACHMENTS

Only required when applying for an Idaho
Department of Lands' Lake Encroachment Permit

"Joint Applications" for encroachments must be submitted and signed by the riparian landowner or his lessee. The application must include the exact legal description of the upland property. A riparian owner is the person whose upland property extends to the ordinary high water mark of the waterway. The application must be accompanied by a vicinity map showing the precise location of the proposal; design drawings showing distances to adjacent property boundaries, names of adjacent landowners, exact encroachment dimensions, water depth and lakebed profile, all related to the ordinary high water mark. Samples of acceptable drawings are shown on pages 10-13 of the pamphlet.

Docks should be installed at right angles to the general shoreline, should not extend beyond a depth necessary for customary navigation, cannot exceed 700 square feet in size or 10 feet in width (excepting the overall width of a dock with a slip cutout), and may not be closer than 10 feet to adjacent boundaries as extended into the water perpendicularly from the general shoreline. If the proposal is closer than 10 feet from adjacent property lines, written consent of the adjacent riparian landowner must be obtained below:

I, Jeanne Chmielewski, am the owner of riparian or littoral property adjacent to the property listed in this application. I am familiar with the scope and location of the proposed encroachment as evidenced by accompanying plans which I have initialed. I offer no objection to the encroachment.

8/19/97
Date

Jeanne M A Chmielewski
Name
6876 E Ohio Match Ave
Address Post Falls, Id 83854

I, Cyndie Johnson, am the owner of riparian or littoral property adjacent to the property listed in this application. I am familiar with the scope and location of the proposed encroachment as evidenced by accompanying plans which I have initialed. I offer no objection to the encroachment.

9/3/97
Date

Cyndie Johnson
Name
6872 E. Ohio Match Ave
Address
Post Falls, Id. 83854

IDAHO DEPARTMENT OF LANDS

1910 NW Blvd., Suite 201
Coeur d'Alene, Idaho 83814-2615
Phone: (208) 769-1535 FAX (208) 769-1557

STANLEY F. HAMILTON - DIRECTOR

BOARD OF LAND
COMMISSIONERS

PHILIP E. BATT
Governor

PETE T. CENARRUSA
Secretary of State

ALAN G. LANGE
Attorney General

J.D. WILLIAMS
State Controller

ANNE C. FOX
Sup't of Public
Instruction

ENCROACHMENT PERMIT NO. L-95-S-4302A

Permission is hereby granted to SYDNEY H. OR JULIETTE H. YOUNG of 101 S Main St., Post Falls, ID 83854 to install and maintain a domestic irrigation intake line extending 60' waterward OHWM w/ foot valve; 3' x 20' ramp, 4' x 30' & 5' x 30' approaches w/ 8' x 30' & 4' x 30' fingers—single-slip float dock w/ 3 piling located: Spokane River, Tax #3000, Lot 4, NE Section 8, Township 50 North, Range 4 West, Boise Meridian, Kootenai County.

1. All applicable provisions of the Rules for Regulation of Beds, Waters, and Airspace over Navigable Lakes and Streams in the State of Idaho are incorporated herein by reference and made a part hereof.
2. Construction will follow details and specifications shown on the approved drawings and data provided by the applicant. Should such information and data prove to be materially false, incomplete and/or inaccurate, this authorization may be modified, suspended, or revoked in accordance with the Administrative Procedures Act, Idaho Code title 67, chapter 52.
3. This permit does not convey the State's title to or jurisdiction or management of lands lying below the natural or ordinary high water mark.
4. Acceptance of this permit constitutes permission by the Permittee for representatives of the Department of Lands to come upon Permittee's lands at all reasonable times to inspect the encroachment authorized by this permit.
5. The Permittee assumes all liability for damages which may result from the exercise of this permit.
6. This permit does not relieve the Permittee from obtaining additional local or federal permits as required.
7. This permit is not valid until the identification number is displayed on the outermost area of the encroachment.
8. If the activity authorized herein is not completed on or before the 8th day of October, 2000 (three years from the date of issuance), this permit shall automatically expire unless it was previously revoked or otherwise extended.

KEEP IDAHO GREEN
PREVENT WILDFIRE

EQUAL OPPORTUNITY EMPLOYER

ENCROACHMENT PERMIT NO. L-95-S-4302A

October 8, 1997

Page two

9. White bead foam flotation shall be completely encased in a manner that will maintain the structural integrity of the foam. The encasement shall be resistant to the entry of rodents.
10. Permanent dock covers will not be permitted. For single-family encroachments a fabric canopy of a color which will blend with the surrounding uplands is acceptable. These colors shall be shades of browns or greens. However, bright carnival blue color is reserved for use by commercial marinas.
11. Removal of any pre-existing facilities is a condition of this permit.
12. This permit supersedes and voids any permit previously issued for this property unless otherwise noted.
13. Construction materials shall be natural or pressure treated utilizing only those preservative chemicals registered for the specific uses, such as CCA (Chromated Copper Arsenate), by the U.S. Environmental Protection Agency (EPA). All treated wood materials shall be produced in compliance with "Best Management Practices (BMPs) For the Use of Treated Wood in Aquatic Environments" issued by the Western Wood Preservers Institute (WWPI), July 1996. Treated materials not in contact with the water shall be completely dry before use near navigable waters. Contact Idaho Department of Health and Welfare, Division of Environmental Quality, at (208)769-1422 with questions regarding treated materials.
14. All construction material must be stockpiled landward of the ordinary high water mark.
15. The permittee shall maintain the structure or work authorized herein in a good and safe condition and in accordance with the plans and drawings attached hereto.
16. All construction will be done according to the specifications detailed in the attached design plan.
17. The disturbed portion of the lake bed shall be shaped to its original contour upon completion of the project.
18. Excavated material shall be sidecast to only one side of the trench.
19. Excavated material shall be replaced in the trench.
20. Excavated material not replaced shall be removed to an area above the ordinary high water mark and in a position such that it will not reenter the lake.
21. Waterline shall be anchored to the bed of the lake with a nontoxic type of weight.
22. The water intake shall be screened in a manner that would create approach velocities of not more than 0.10 feet per second.

ENCROACHMENT PERMIT NO. L-95-S-4302A
October 8, 1997
Page three

23. All construction shall be completed in accordance with descriptions and methods provided unless otherwise specified. Any changes shall be approved in writing by the department prior to construction.
24. No water shall be diverted by the system until a valid water or appropriation permit is obtained from the Department of Water Resources.
25. As current EPA requirements dictate that disinfection and filtration systems be used for minimum treatment by surface water purveyors, the department recommends that small domestic surface water users do likewise.
26. A silt curtain, fence or straw bales shall be installed waterward of the project site. It will remain in place and functional until the turbidity level inside the curtain or fence equals the turbidity outside the curtain or fence.
27. If any excavation occurs the operator must comply with the provisions of the Underground Facilities Damage Prevention Law (title 55, chapters 2201-2210, Idaho Code). The one-call locator service number is 1-800-342-1585.

UPON TRANSFER OF THIS REAL PROPERTY, YOU ARE REQUIRED TO NOTIFY THIS OFFICE OF THE SUBSEQUENT NAME CHANGE (SEE ENCLOSURE).

FOR THE DIRECTOR

By: Carl Washburn
CARL WASHBURN
Navigable Waters Specialist

STATE OF IDAHO)
) ss
COUNTY OF KOOTENAI)

Subscribed and sworn to before me this 8th day of
October, 1997.



Merna Cherry
Notary Public for Idaho
Residing at Post Falls, Idaho
Commission expires: 1/24/98

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 95-08974

Proposed Priority: September 4, 1997 Maximum Diversion Rate: 0.03 CFS

This is to certify, that JULIETTE H YOUNG
SYDNEY H YOUNG
S 101 MAIN ST
POST FALLS ID 83854

has applied for a permit to appropriate water from:
SPOKANE RIVER tributary of COLUMBIA RIVER

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>
IRRIGATION	03/15 to 11/15	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 4 (NENE), Sec. 8, Township 50N, Range 04W
KOOTENAI County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
50N	04W	8	Lot 4(NENE)	0.5		0.5

Total number of acres irrigated: 0.5

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1998.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Water shall not be diverted under this right when flows in the Spokane River are below established minimum streamflows.
5. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 1.5 afa at the field headgate for the land described above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this

23rd day of October, 1997.

Karl J. Dreher
for Karl J. Dreher, Director

WORK COMPLETION REPORT

Name SYDNEY H. YOUNG

Permit # L-95-S-4302A

This work to be completed by:

October 8, 2000

Permit issue date:

October 8, 1997

Date work completed:

June 15, 1998

Is permitted property accessible by vehicle?

YES NO

If so, what is the local numbering system
number if any?

6874 Ohio Match Rd.

Signature:

Sydney H. Young

Upon completion of work, please return this report to:

Idaho Department of Lands
Navigable Waters-Carl Washburn
1910 NW Boulevard, Suite 201
Coeur d'Alene, ID 83814

Mailed in 9/10/98



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 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 27, 2009

JULIETTE H YOUNG
SYDNEY H YOUNG
PO BOX 490
POST FALLS ID 83854

RE: Proof of Beneficial Use for Lapsed Permit 95-8974

The Idaho Department of Water Resources (IDWR) received the proof of beneficial use form you submitted for lapsed permit 95-8974. Along with the proof of beneficial use was evidence to support that water has been applied to the authorized beneficial use during the development period. However, Idaho Code also requires that the permit holder show reasonable cause for filing late proof of beneficial use.

Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

I am returning copies of the information packet submitted with the Proof of Beneficial Use form for your reference.

Please submit any additional information, possibly an explanation as to why proof was submitted late, in the form of an affidavit, to this office within 14 days of receiving this letter.

Please feel free to contact me if you have any questions at (208) 287-4916.

Respectfully,

Craig L. Saxton
Water Right Supervisor
Water Rights Permits Section

Enclosure(S)

NOTICE

This file has been REPRODUCED
from MICROFICHE [REDACTED]

For the possibility of a reinstatement.

Walter Bloch
Person Recreating File

10/15/09
Date

I certify that file No. 95-08974
has been reviewed and is ready to be
MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the
database prior to final status entry and deletion from the database.

Lori L. Lippert
Reviewer

4.1.99
Date

WR5808WP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/01/99 08:35:40
Page 1

Water Right Number - 95-08974

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
YOUNG

JULIETTE H

1 - S 101 MAIN ST
2 -
3 -

City- POST FALLS
Phone - 208-667-5009

State- ID Zip- 83854

YOUNG

SYDNEY H

1 - S 101 MAIN ST
2 -
3 -

City- POST FALLS
Phone - 208-667-5009

State- ID Zip- 83854

+ - - Priority Date - - +
09/04/1997

+ - - Region - - - +
1B NORTHERN

+ - - Stage - - - +
P - PERMIT

+ - - Status - - - +

+ - - Source - - - - - +
SPOKANE RIVER

+ - - Tributary - - - - - +
COLUMBIA RIVER

Twn	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
50N	04W	8	NE NE	4		(55) KOOTENAI				

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	0.030	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.030 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
50N	04W	8	NE NE	4	0.5	01 IRRIGATION		(55) KOOTENAI

Total Acres: 0.5

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +

GFH Water shall not be diverted under this right when flows in the
Spokane River are below established minimum streamflows.
This right when combined with all other rights shall provide
no more than 0.03 cfs nor more than 1.5 afa at the field headgate
for the land described above.

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/01/99 08:35:40
Page 2

Water right number - 95-08974

Prefix Translation: WATER RIGHT

..... Old Water Right Numbers
..... Old Water Right Numbers
..... No Old Water Right Numbers found.
..... Conditions of Approval
004 - The issuance of this right does not grant any right-of-way
- or easement across the land of another.
+ - - - Decree Plaintiff - - - + - - - Decree Defendant - - - + - - - Decree Date - - +
00/00/0000
..... -Comments-
Date: 09/05/1997 User Id: DBALL Subject: DIVERSION DESCRIPTION
1-1/2 in pvc pipe with foot valve, ZHP pump in river, 16 gpm.
Date: 11/05/1998 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent
+ - - Audit Fields - 09/05/97 DBALL 10/22/97 CZIMMERM 10/23/97 CZIMMERM 11/05/98 COMMENTS
+ - - - - Water Rights Dates and Flags Area - - - - -
Proof Due Date - 11/01/1998 Field Exam Made - 00/00/0000 Field Exam Fee -
Approved/Denied - 10/23/1997 Protested Date - 00/00/0000 Swan Falls -
Proof Made Date - 00/00/0000 Spring Date - 00/00/0000 Temporary Right - P
Exam to S.O. Date - 00/00/0000 Verified Date - 00/00/0000 DLE/Carey Act -
Order Show Cause - 00/00/0000 Receipt Number - W011586 Water District -
Licensed Date - 00/00/0000 Appl Received - 09/04/1997 Transfer/Amended -
Presumption Flag - Home Connector - OR PDU Ownership Flag- Y
SRBA Decreed Flag -

JULIETTE H YOUNG
SYDNEY H YOUNG
S 101 MAIN ST
POST FALLS ID 83854

November 5, 1998

RE: PERMIT NO. 95-08974 LAPSE NOTICE

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated August 31, 1998. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

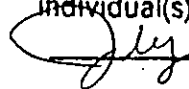
Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 11/5/98
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



August 31, 1998

JULIETTE H YOUNG
SYDNEY H YOUNG
S 101 MAIN ST
POST FALLS ID 83854

PROOF DUE NOTICE

RE: PERMIT NO. 95-08974

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1998. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

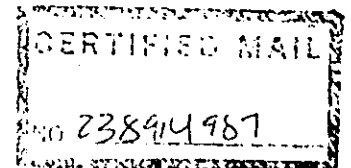
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 24, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JULIETTE H YOUNG
SYDNEY H YOUNG
S 101 MAIN ST
POST FALLS ID 83854

PERMIT APPROVAL NOTICE

RE: PERMIT 96-08964

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

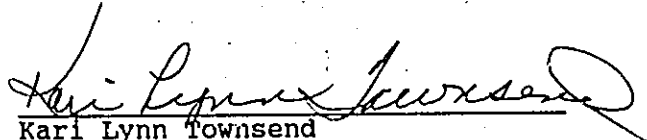
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of October, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 95-08974

JULIETTE H YOUNG
SYDNEY H YOUNG
S 101 MAIN ST
POST FALLS ID 83854


Karl Lynn Townsend
Secretary

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, }

ss.

Michelle Price being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above antititled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 18th day of September 1997, and ending on the 25th day of September 1997, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Michelle Price

Subscribed and sworn to before me this 25th day of September 1997.

Regina Mason

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/03

NOTICE OF APPLICATION FOR WATER RIGHT

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

95-00974

YOUNG, JULIETTE H.
YOUNG, SYDNEY H.
S 101 MAIN STREET

POST FALLS, ID 83854

Source: SPOKANE RIVER

Tributary: COLUMBIA RIVER

Diversion Pt: NENE Sec 8 T 50N R 04W
in KOOTENAI County

Use: IRRIGATION (0.030 CFS)

Total Diversion: (0.030 CFS)

Date Filed: 9/4/1997

In: KOOTENAI County

T50N R04W S08 NENE

0.5 ACRES TOTAL

For additional information concerning the property location, call the Northern Regional Office at: (208) 768-1450.

The permit(s) will be subject to all prior water rights. Permits must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 216, Coeur d'Alene, Idaho 83814, together with a

proof fee of \$25.00 on or before OCTOBER 6, 1997.

KARL J. DREHER, Director

Legal 16
September 18, 25, 1997

RECEIVED

SEP 26 1997

NORTHERN REGION
IDWR

95-08974

YOUNG, JULIETTE H
YOUNG, SYDNEY H
S 101 MAIN STREET
POST FALLS, ID 83854

Source: SPOKANE RIVER

Tributary: COLUMBIA RIVER

Diversion Pt: NENE Sec 8 T 50N R 04W in KOOTENAI County.

Use: IRRIGATION (0.030 CFS)
Total Diversion: (0.030 CFS)

Date Filed: 9/ 4/1997

In: KOOTENAI County
T50N R04W S08 NENE

0.5 ACRES TOTAL

September 10, 1997

Sydney H or Juliette H Young
S 101 Main Street
Post Falls ID 83854

Re: Water Appropriation Application No. 95-08974

Dear Mr. or Mrs. Young:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db