





WILSON

APR 21 1994



UNCORRECTED

APR 21 1994



MISSOURI

APR 21 1994



MAISON WEN

APR 21 1994



WILSON

APR 21 1994

DEPARTMENT OF WATER RESOURCES

1910 Northwest Blvd – Suite 210

Coeur d'Alene, ID 83814-2615

NO. 48250

RETURN RECEIPT REQUESTED

MS MILDRED SOCHA

RT 1 BOX 82H COON CREEK

ST MARIES ID 83861

245-5853

COEUR D'ALENE
DEC 22 1993
ID

RECEIVED

JAN 14 1934

NORTHERN REGION
IDWR

NAME SAC-H

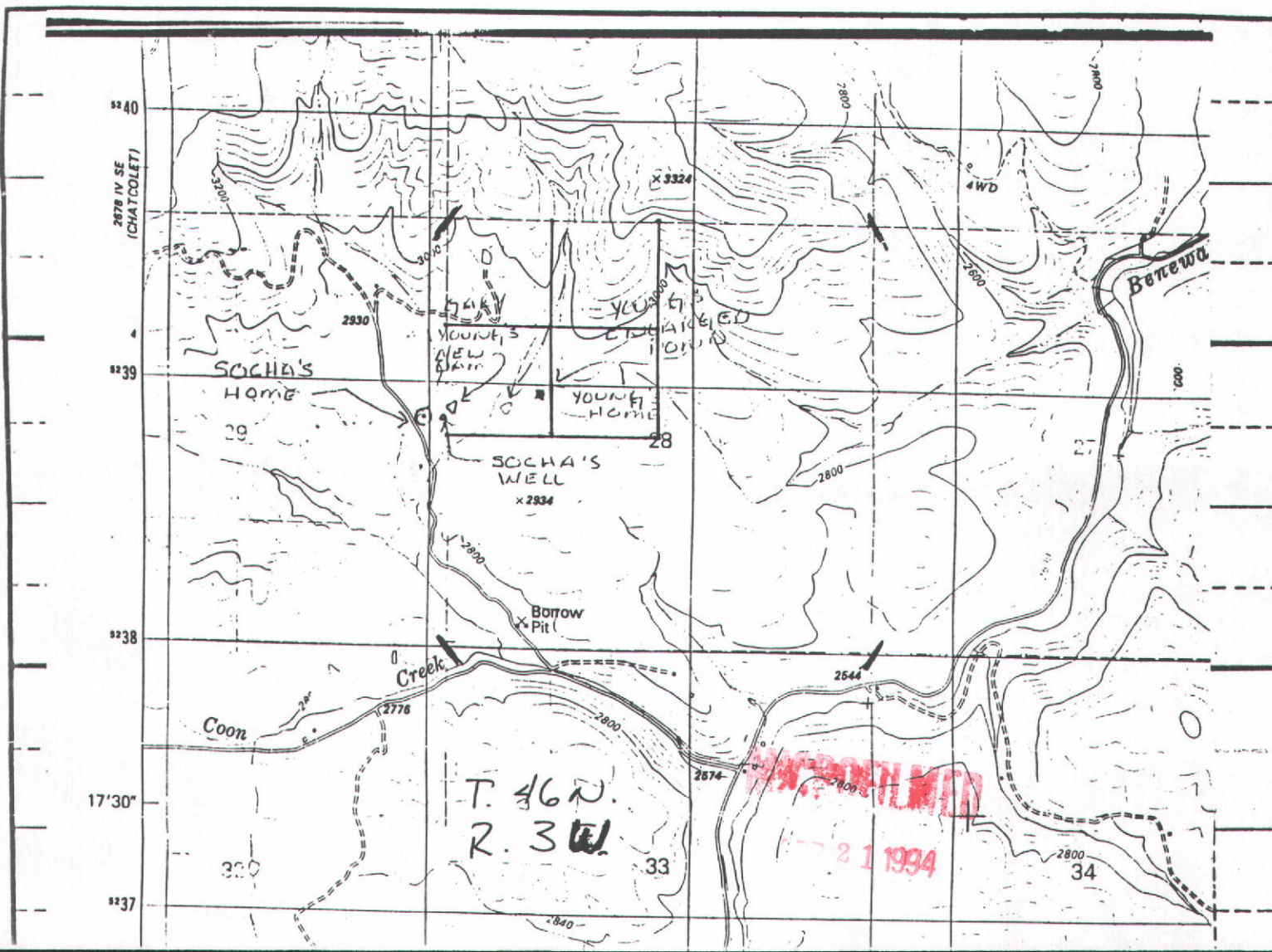
12-29 Ist Mexico

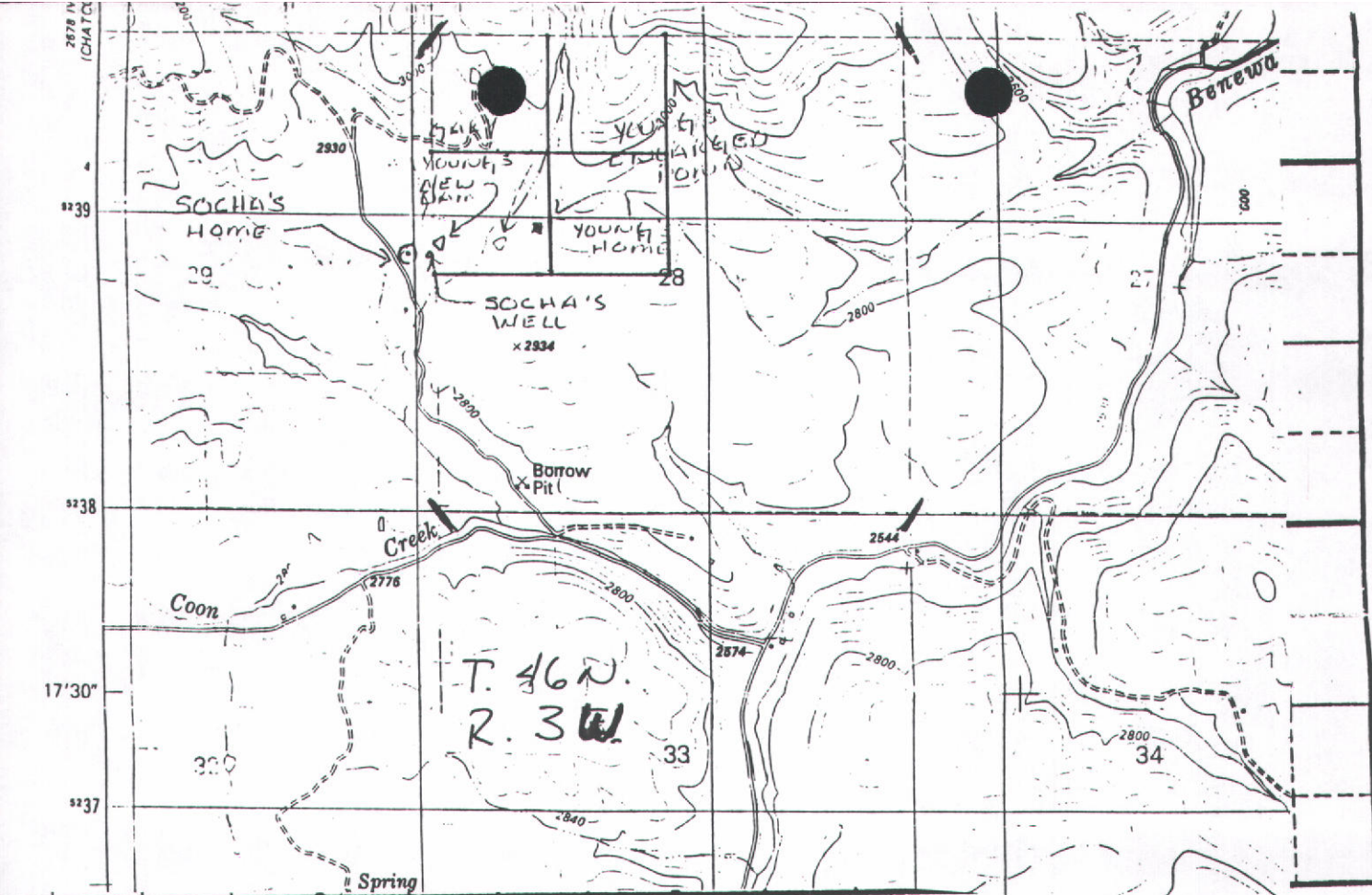
1-5

1-13

DEC 21 1994

(8) Remarks _____





Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Latah

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 21st day of June

Michael J. Socha
(Claimant)

Notary Public
Residing at St. Maries, ID 83861

My commission expires 9-20-96

FOR DEPARTMENT USE ONLY

Received by mm

Prelim. check by mm

\$30.00 fee received by mm

Published in St. Maries Gazette

Dates 7/7 & 14/93

Date 6/22/93

Date 6/22/93

Date 6/22/93 (N665)

Exception filed by:

Forwarded to
claimant by:

Date

APR 21 1994

IN THE MATTER OF PERMIT NO. 95-08828) **ORDER OF**
)
IN THE NAME OF DON GARY YOUNG) **REINSTATEMENT**
)

AUG 11 1999

Form No. 217
7/94FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 10476
Receipt By: dl
Date Received: 3-8-99

RECEIVED

MAR 04 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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. 95-08828 Telephone No. 208 245 2745
2. Name(s) of Permit Holder(s): DON GARY YOUNG
3. Mailing Address: 250 S MAIN PAYSON UT 84651-2543
4. Source of Water: UNNAMED Stream If GROUNDWATER (well), Date Drilled: mo. / yr.
 - a. Well Driller: N.A.P. 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): 50 Other:
6. Total rate of diversion and/or volume for which proof is submitted: 0.20 cfs OR 20 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 <u> </u>	or	No <u>X</u>
Has the measuring device been installed?	Yes <u> </u>	or	No <u>X</u>
Flow Measurement Port: Is a flow measurement port required?	Yes <u> </u>	or	No <u>X</u>
Has the measurement port been installed?	Yes <u> </u>	or	No <u>X</u>
8. Fee Enclosed: \$ 50.00 (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: PAT HOLMES Telephone Number: 208-245 2745
 Address: HCO1 Box 82A STUBBINS ID 83861

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: PAT HOLMES FARM MANAGER Date: 3-2-99
 (include your title, if on behalf of company or organization)

MICROFILMED

AUG 11 1999

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 95-08828

Proposed Priority: August 30, 1993 Maximum Diversion Rate: 0.20 CFS

This is to certify, that DON GARY YOUNG
PO BOX 18
PLUMMER ID 83851-0018
has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of COON 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>
IRRIGATION	03/15 to 11/15	0.20 CFS	
IRRIGATION STORAGE	01/01 to 12/31		20.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		20.0 AF
STOCKWATER STORAGE	01/01 to 12/31		20.0 AF
WILDLIFE STORAGE	01/01 to 12/31		20.0 AF
AESTHETIC STORAGE	01/01 to 12/31		20.0 AF
Totals		0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 28, Township 46N, Range 03W
BENEWAH 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>
46N	03W	28	SWNE 8	SWNW 15	SENW 20	
			NESW 16	NWSW 20	NWSE 6	85

Total number of acres irrigated: 85

PLACE OF USE: IRRIGATION STORAGE

TWN RGE SEC
46N 03W 28 SWNW

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION STORAGE use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1999.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

APR 21 1994

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

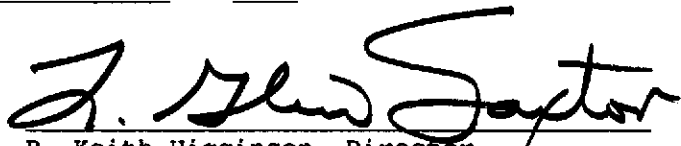
NO. 95-08828

CONDITIONS/REMARKS:

5. Use of water under this right may be affected by an agreement between the protestant and the right holder.
6. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
7. An intake screen of 1/4 inch or smaller mesh shall be installed at the point of diversion to prevent any negative impact on juvenile fish.
8. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
9. Stockwater storage use is for 20 range stock.

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

11 TH day of March, 1994.

for 
R. Keith Higginson, Director

APR 21 1994

Ident. No. 95-8828**RECEIVED**

FEB 17 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources To appropriate the public waters of the State of Idaho

1. Name of applicant Don Gary Young Phone 245-3011
Post office address P.O. Box 18 Plummer ID 83851
2. Source of water supply UNNAMED STREAM which is a tributary of COON CREEK
3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot 28 Township 46 N. Range 3W. B.M. BAYELMAN County; additional points of diversion if any: 20 STORAGE FOR WILDLIFE Y. 12/31
4. Water will be used for the following purposes:
Amount 20 for STORAGE FOR STOCKWATER purposes from Y. to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) STORAGE FOR AESTHETICS purposes from Y. to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) STORAGE FOR IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum) IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum) FROM STORAGE IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum) 0.20 20
5. Total quantity to be appropriated is (a) .2 cubic feet per second and/or (b) 20 acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 3 PONDS, 2 ON-STREAM, 1 OVERLAND FLOW.
(GROUND LEVEL) 2 AC
3 AC
15 AC
- b. Height of storage dam 19.9' feet; active reservoir capacity 2 AC acre-feet; total reservoir capacity 3.5 AC acre-feet; period of year when water will be diverted to storage: Y. to 12/31 inclusive.
- 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? _____
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is 5 years (minimum 1 year).

APR 21 1994

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. 20 HEAD OF RANGE STOCK
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. IRRIGATION FOR HERB CROP

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
46N.	3W.	28			8				15	20	16	20				6			85
									S (STORAGE)										
									W (STORAGE)										
									J (STORAGE)										

Total number of acres to be irrigated 85

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? APPLICANT

b. Who owns the land to be irrigated or place of use? APPLICANT

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

RECEIVED

APR 21 1994



[illegible]

Scale: 2 inches equal 1 mile.

application for permit to appropriate the public waters of


(Applicant)

Received by AB Date 8/30/93 Time 4:45 Preliminary check by AB
Fee \$ 30 Receipted by AB # N-6909 Date 8/30/93
Publication prepared by [Signature] Date 9/8/93 Published in Idaho Flycatcher
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

APR 21 1994

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 95-08826 Reviewed by [Signature] Date 6-4-99

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?
NO Address same as permit?
NO Proof timely received? Correct Uses? Yes
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
 Ground water source
 Drilling permit required?
 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

Yes Required?
50- Amount Submitted
Yes Correct?
NO Required?
 / Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received 3-4-99
Date proof due 3-1-99 -
No. of days late 3 = 9-2-93
Priority Date 8-30-93 +
New Priority Date 9-2-93

DEFICIENCIES OR ACTION ITEMS

*Reinstate & advance priority to Sept. 2, 1993.
Proof Acceptable.*

DATA ENTRY

New Address [Signature] Proof Made 3-4-99



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

June 9, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Don Gary Young
250 S Main
Payson UT 84651-2543

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 95-08828

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. Note that the priority date has been advanced to September 2, 1993, as provided in Section 42-218a.2, Idaho Code.

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.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, you may contact the **NORTHERN** Regional Office of the department in Coeur d'Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

AUG 11 1999



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 15, 1999

Don Gary Young
250 S Main
Payson UT 84651-2543

RE: Water Right No. 95-08828

Dear Permit Holder:

One of the conditions of approval of the above referenced water right permit was that proof of the extent of beneficial use must be submitted to this office on or before March 1, 1999. The forms were originally sent by certified mail on December 31, 1998, to the address listed on the permit, but they were returned undelivered by the postal service.

Please read the original enclosed letter, complete the necessary forms and return them to this office on or before the proof due date of March 1, 1999.

If you have any questions concerning this matter, please contact me at (208)327-7953 and I will be happy to assist you.

Sincerely,

A handwritten signature in cursive script, reading 'Julie L. Yarbrough'.

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosures

MICROFILMED

AUG 11 1999

CERTIFIED

Z 238 915 380

MAIL

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

201 North Orchard Street
Boise, Idaho 83706-2237



UNDELIVERABLE
AS ADDRESSED
FORWARDING
ORDER EXPIRED

RECEIVED

JAN 07 1999

Department of Water Resources

NOTICE

115-ASSESSORS

250 S. Main
MICROFILMED
payor
100-84051-2543

5345, 501A

December 31, 1998

DON GARY YOUNG
PO BOX 18
PLUMMER ID 838510018

PROOF DUE NOTICE

RE: PERMIT NO. 95-08828

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 March 1, 1999.

(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.

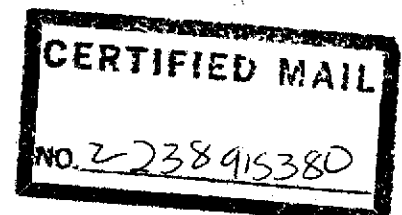
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

AUG 11 1999





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 16, 1994

DON GARY YOUNG
PO BOX 18
PLUMMER ID 838510018

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 95-08828

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

APR 21 1994

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

Application #: 95-8828 Date: 2/25/94

AREA OF CONCERN? - No/Yes _____ Mor _____ GWMA Trust/Non-trust
SYSTEM COMPLETED:

No - 26A-P17

Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - NA

GROUNDWATER:

+ 0.2 cfs <flo-ch> - T17-P (new), -P (existing), No MD

- 0.2 cfs - No MD <flow chart>

Drilling Permit:

Included w/permit - Permit No. _____, P99

Existing well - NA (pre 7/1/87)

No WD permit? - 046-46A(Irr)-46B-P23 (post 7/1/87)

SURFACE WATER: not in WD - -P (+.2 w/pump), No MD <flow chart>

LOCATION:

~~Water District~~ - WD No. _____

*Surface water - 005 (req) 01J-P08 <flow chart>
(doesn't sink) or 01H-P01 <flow chart>; No MD

Groundwater - P05 (new well)

In stream channel - 030 (stream channel alteration)

Irr Dist/Canal Co. - 023

Drainage Districts - 024

Flood Control Dist. - 063

Boise Front (63) - 058 (-85° Groundwater temp)

Swan Falls Flag - B <See condition code chart>

Trust - 051-052-053-P74 (Consumptive Uses), NA

Non Trust <1> - 048-049 (Consumptive Uses), NA

RIVER BASINS (*Surface water):

Boise R(63) - 05A (req), 11E (non-domestic use), NA

Payette R(65) - 064(consump. use), 047-P04(Payette Lake), NA

Snake R(01/02/03) - 11A-P04 (01), 061-P07 (02/03 No W.D.Cond.), NA

USE:

Fish Propagation - 07A-042 (req) & 010/06A/09E(WQ)-P10

044 (N 1000 Spr)

Irrigation - 803(if GW use SW 1st)(+5A do POU comp), NA

Power - 08A-17K-025-027(req); 01F(MD)-P19; 09E(WQ)-P10;
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09

Mining - 054 (req) & 06A/010/09E-P10

Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

Domestic (surface) - 021(Boise R ↑ L Peak), 27A(Payette R), NA

OWNERSHIP:

Non land owner - 004 (PD/PU) _____

PROTESTED:

~~Pre~~hearing agreement- 020

OTHER CONDITIONS:

REMARKS:

① WIS ② WLB ③ W02/20EC

④ The Div retains jur. of this right until the condition of agreement
between the right holder & protestant are met.

BENEFICIAL USE DUE:

- 3-1-1999

COMMENTS:

- ① Div Desc. ② Protest agreement.

WR0749NP
No. P95-08828

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/25/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DON GARY YOUNG PO BOX 18 PLUMMER ID 83851-0018 (208) 245-3011	08/30/1993	IRRIGATION IRRIGATION STORAGE IRRIGATION FROM STORAGE STOCKWATER STORAGE WILDLIFE STORAGE AESTHETIC STORAGE	03-15 11-15 01-01 12-31 03-15 11-15 01-01 12-31 01-01 12-31 01-01 12-31	0.20 CFS	20.00 AFA 20.00 AFA 20.00 AFA 20.00 AFA 20.00 AFA

TOTAL DIVERSION: 0.20 CFS

Water Source: UNNAMED STREAM

Tributary to: COON CREEK

Stage: PERMIT

Point(s) of Diversion: T46N R03W S28 SWNW BENEWAH County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
46N	03W	28	:			08	:			15	20	:	16	20	:			06		:	85.0
																				TOTAL ACRES	85.0

Place of use Legal Description for: IRRIGATION STORAGE

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
46N	03W	28	:							I										:	

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION STORAGE

Pou County: BENEWAH

Other Water Rights with Same Point(s) of Diversion and Source:
95-08828

Other Water Rights Listing Overlapping Place(s) of use:
95-08828

Conditions of Approval:

- 26A - Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- 18B - The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
- 020 - Use of water under this right may be affected by an agreement between the protestant and the right holder.
- 03A - The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02

Conditions of Approval:

- cubic feet per second for each acre of land.

Remarks: An intake screen of 1/4 inch or smaller mesh shall be installed at the point of diversion to prevent any negative impact on juvenile fish.
The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
Stockwater storage use is for 20 range stock.
The Director retains jurisdiction of this right until the condition of agreement between the right holder and protestant is met.

Dates: App. Received: 08/30/1993 Priority Date: 08/30/1993
Proof Due Date: 03/01/1999 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 09/08/1993 User-ID: STYPA Subject: DIVERSION DESCRIPTION
3 on-stream ponds.
3 Dams - 1', 15', 19.9' high; active reservoir capacities are 2 AF, 3 AF, and 15 AF; total reservoir capacities are 2 AF, 3.5 AF, 20 AF.
Water will be diverted to storage from 1/1 to 12/31.

Date: 02/25/1994 User-ID: ZIMMERMA Subject: PROTEST AGREEMENT
Gary Young, applicant, agrees to rebuild and replace collection boxes and re-route water to existing well collection boxes or tanks are to be installed above the excavation site to re-establish adequate and clean useable water. He will furnish a water distiller to use until weather permits work and Mildred Socha will have permanent use of water from collection tanks.

Audit: 02/25/94 ZIMMERMA 02/25/94 ZIMMERMA

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM													
		NE		NW		SW		SE		NE		NW		SW		SE															
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac														
P9508828	T46N R03W S28	UNNAMED STREAM																													
	:					08						15		20				16		20				06				:	85		
	:											X																:			
9508828	NO MATCHES FOR THIS POU IN AJ-POU																														
	UNNAMED ST :					08								15		20				16		20				06				:	85
	NO MAPPING INFO AVAILABLE																														

MEMORANDUM

Date: March 1, 1994
From: Jim Johnson
To: File 95-08828
Subject: Modified Condition

=====

Bob Haynes had recommended the condition "The Director retains jurisdiction until the condition of agreement between the applicant and the protestant are met."

This condition, as written, appears to unnecessarily limit the Director's authority.

Condition number 020, from the table of standard conditions should be used instead.

"Use of water under this right may be affected by an agreement between the protestant and the right holder"

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APR 21 1994

No. a
4/87-06/92n

INDIAN DEPARTMENT OF WATER RESOURCE
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
FEB 17 1994

APPLICATION # _____ - _____

***** INITIAL REVIEW ***** Department of Water Resources

APPLICANT: YOUNG BY: AB DATE: 8/30/93

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (V) Point of Diversion & County
4. (X) Quantity
(X) Nature of Proposed Use
(X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (V) Place of use or acres irrigated
10. (X) Other Water Rights
11. (X) Ownership
12. (X) Map
(X) Signature
(V) Fee (Amt, recpt, acknowledgment)

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

Yes No

- X Field check: by _____
+ Field report attached
+ Analysis Supp. attached(>5cfs/500af)
+ Water delivered by water master?
Water District # _____

PROCESSING

Yes No

PRIORITY DATE: 8/30/93

X (Include Moratorium Remark)

X Statewide Avertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: BENEWAH County.

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information () Other: N/A

INFORMATION RECEIVED:

() Dam Information () Fish Information

() Power Information () Other: N/A

***** GROUNDWATER SECTION *****

(Yes) (No)

Checked by: _____ Date: ____/____/____

Remarks: _____

- X Groundwater management area
+ Critical ground water area
+ Well Drilling Permit required
+ Well Drilling Application and Fees received
+ Well Drilling Application approved?
Well Drilling Application Number _____

***** FINAL REGIONAL PROCESSING/REVIEW *****

(Yes) (No)

- + Notice of pending void order issued. Final order response date: ____/____/____
+ Further information required from applicant
+ Affidavit of publication received
+ Application published correctly, If not, record action taken: _____

+ Publication dates and paper recorded on application | Sr. Agent initial _____

+ Protests received. Final protest date: 10/4/93

+ Measuring device required

+ Measuring port required

+ Special conditions: Director retains jurisdiction until condition

+ Special conditions of approval supplement and/or cover letter attached: Agreement between applicant and protestant met Jan. 9.

Approval Recommended by: RST

Date: 2/14/1994

See attached for different condition

A G R E E M E N T

DATE: FEBRUARY 11, 1994

BETWEEN: GARY YOUNG AND MILDRED SOCHA

The following agreement does hereby resolve the issue of protest filed by mildred Socha against Application for Permit Number 95-08828, filed by Gary Young.

I Gary Young agree to: rebuild and replace collection
boxes and re route water to existing well
collection boxes or tanks are to be installed
above the excavation site to re establish
adequate and clean useable water

I will furnish a water distiller to
use until weather permits work and Mildred
Socha will have permanent use of that water from
Collection tanks

signed:

Gary Young
Gary Young

February 11, 1994

I Mildred Socha agree to:

lift my protest if all the
above is done as stated

signed:

Mildred Socha
Mildred Socha

February 11, 1994

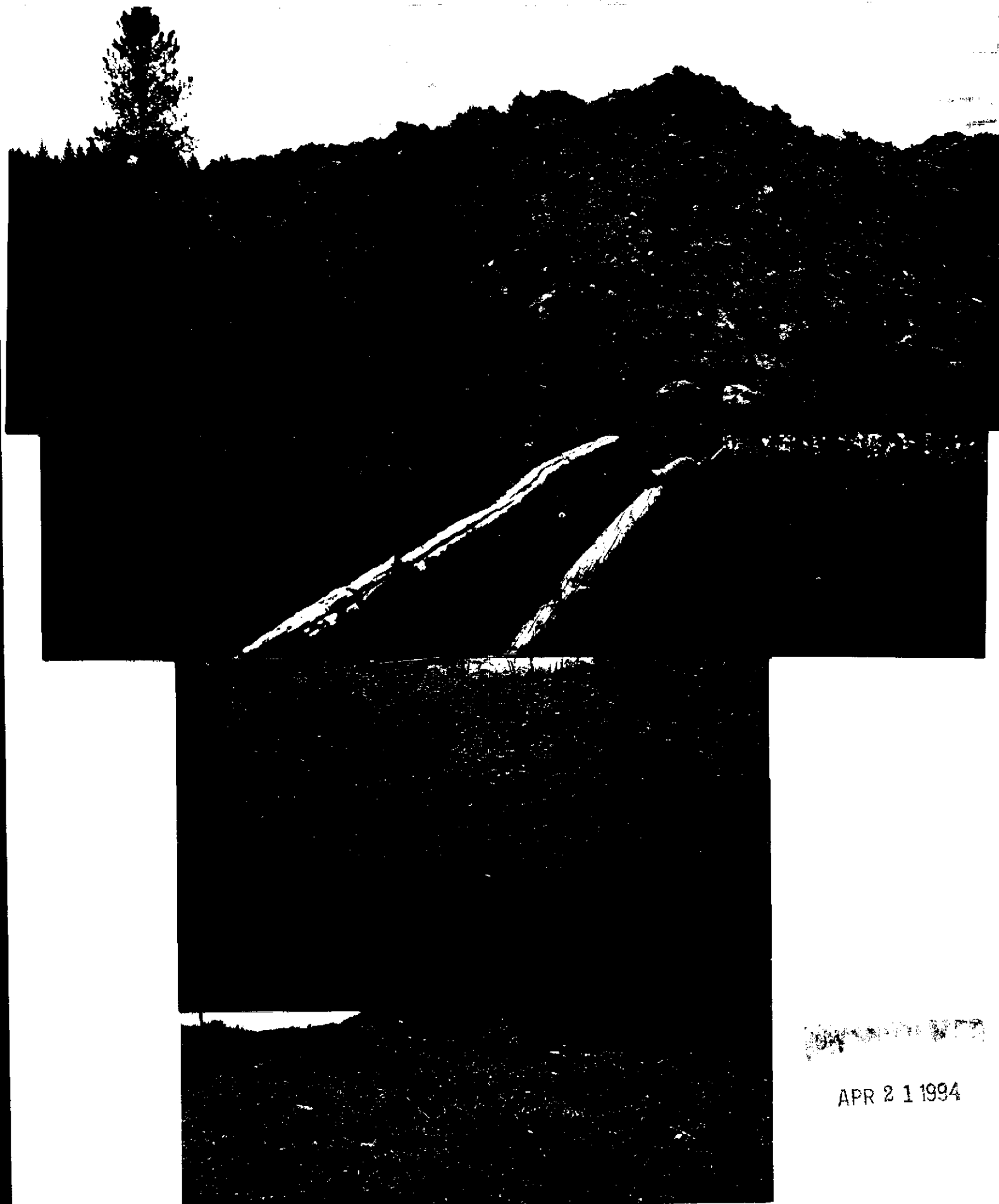
APR 21 1994

File: 95-8828 - Don Gary Young
Date: Thursday, January 20, 1994, 9:00 AM
Place: IDWR Northern Regional Office, Coeur d'Alene, Id.

ROSTER OF ATTENDANCE

NAME	ADDRESS
Philip Snyder	Rt 1 Box 82 H St. Maries, Id
Mrs M. Jocha	Rt 1. Box 82-H, St. Maries, Id. 83861
Linda Snyder	Rt. #1 Box #82 H- St. Maries, Id. 83861

APR 21 1994



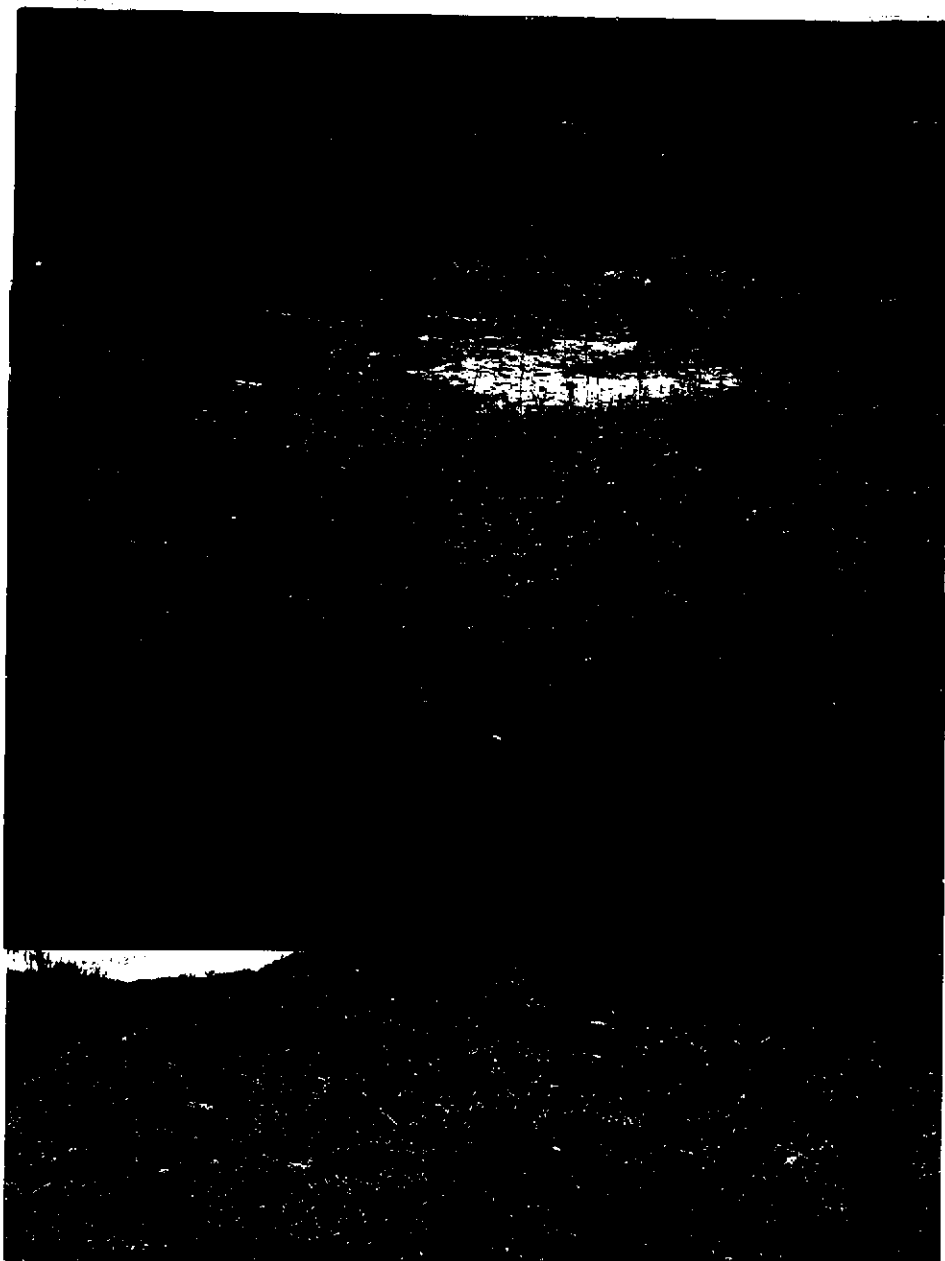
04

APR 21 1994



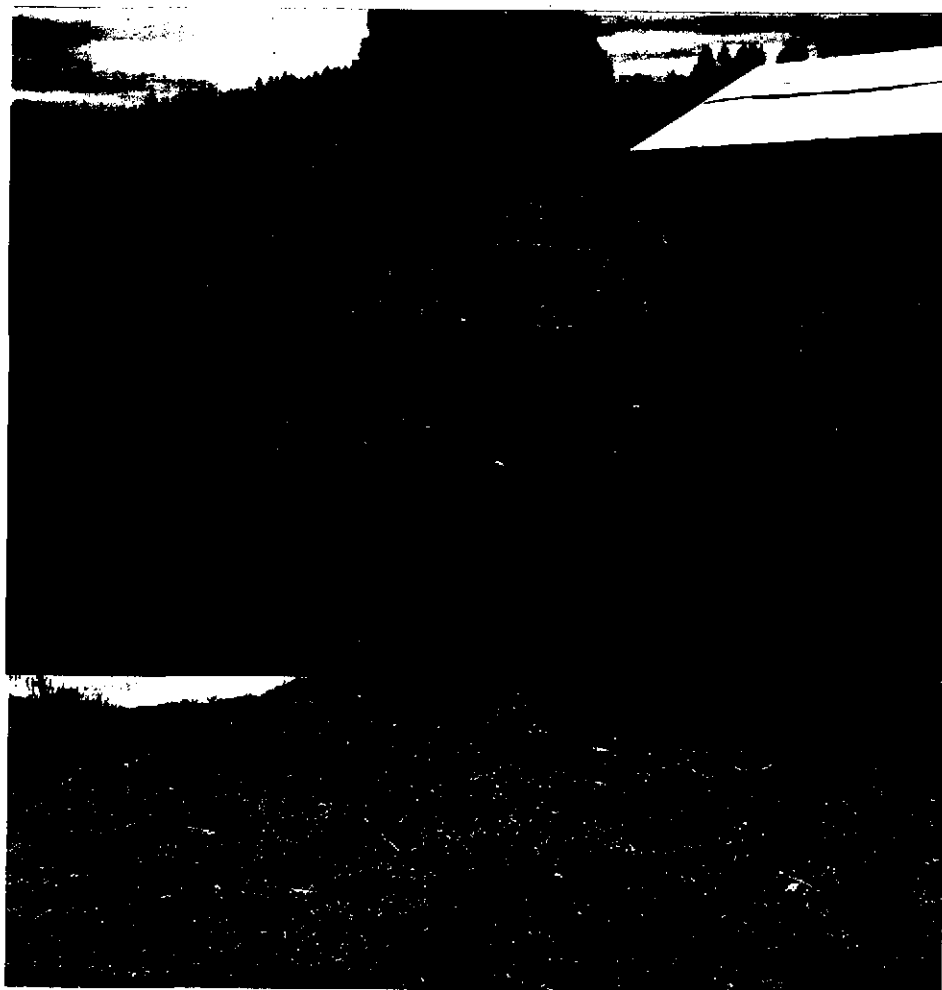
APR 21 1994

APR 21 1994



APR 21 1994

APR 21 1994



APR 21 1994

APR 21 1994



RECEIVED

APR 21 1994

Application No. 95-8828

SPECIAL NOTE: _____

PROTEST INFORMATION SHEET

Protestant(s)

	NAME	ADDRESS	PROTEST DATE
1	Mildred Socha	Rt. 1 Box 82-H, Coon Creek, St. Maries Id. 83861	9/23/93
2			
3			
4			
5			
6			
7			
8			
9			
10			

ATTORNEY

ADDRESS

DATE FILED: 9/23/93 PROTEST DUE DATE: 10/4/93

ISSUES: Applicant tore out pipe that fed applicants well from stream. He dug on protestant's property without her consent. Injured her prior water right.

Applicant

ATTORNEY

ADDRESS

	DATE
Protest Date Entered on Computer	<u>9/28/93</u>
Acknowledgment Letters Sent	<u>9/28/93</u>
Hearing Date	<u>1/20/94</u>

(Other Dates)

Other Information: _____

Protest information submitted to computer (following hearing): _____

APR 21 1994

95-08828

YOUNG, DON GARY
PO BOX 18
PLUMMER, ID 83851

Source: UNNAMED STREAM

Tributary: COON CREEK

Diversion Pt: SWNW Sec 28 T 46N R 03W in BENEWAH County.

Use: IRRIGATION	(.200 CFS)	
IRRIGATION STORAGE		(20.00 AF)
IRRIGATION FROM STORAGE		(20.00 AF)
STOCKWATER STORAGE		(20.00 AF)
WILDLIFE STORAGE		(20.00 AF)
AESTHETIC STORAGE		(20.00 AF)

Total Diversion: (.200 CFS)

Date Filed: 8/30/1993

In: BENEWAH County
T46N R03W S28

SWNE
NWSW

SWNW
NWSE

SENW

NESW

85.0 ACRES TOTAL

APR 21 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 95-8828 IN THE)
NAME OF DON GARY YOUNG.)
_____)

NOTICE OF CONFERENCE

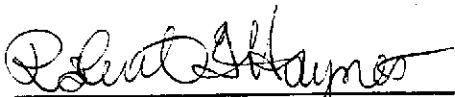
On August 30, 1993, Don Gary Young filed with the Department of Water Resources (department) application for permit no. 95-8828. The application was protested by Mildred Socha on September 23, 1993.

The department has scheduled the matter for conference on Thursday, January 20, 1994, at 9:00 AM, in the Idaho Department of Water Resources Northern Regional Office Conference Room, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the conference will be Robert G. Haynes.

The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 22nd day of December, 1993.


Regional Supervisor

I hereby certify that on the 22nd day of December, 1993, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:


Secretary

Certified Mail

Mr. Don Gary Young
P.O. Box 18
Plummer, Id. 83851

Ms. Mildred Socha
Rt. 1 Box 82-H Coon Creek
St. Maries, Id. 83861

APR 21 1994

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

APR 21 1994

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

RECEIVED

APR 21 1994

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:
MR DON GARY YOUNG
PO BOX 18
PLUMMER ID 83851

4. Article Number
48249

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee agent and DATE DELIVERED.

Addressee's Address (ONLY if requested and fee paid)

95-8828
5. Signature - Address

6. Signature - Agent

APR 21 1994

7. Date of Delivery

2-29-93

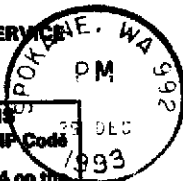
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814

APR 21 1994



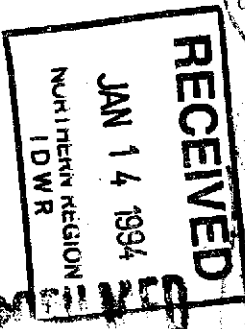
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region Office
1910 Northwest Blvd - Suite 210
Coeur d'Alene, ID 83814-2615

CERTIFIED MAIL

NO. 48250

RETURN RECEIPT REQUESTED

MS MILDRED SOCHA
RT 1 BOX 82H COON CREEK
ST MARIES ID 83861



JAN 21 1994

245-5853

1-5
1-13

MS Mildred Socha
11/29/94
11/18/94

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using
Return Receipt Service.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)	
3. Article Addressed to: MS MILDRED SOCHA RT 1 BOX 82H COON CREEK ST MARIES ID 83861 95-8828	4. Article Number 48250 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and <u>DATE DELIVERED</u>.
5. Signature — Address X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X 1988	7. Date of Delivery APR 21 1994

PS Form 3813, Mar. 1988 * U.S.G.P.O. 1988-212-866 DOMESTIC RETURN RECEIPT

DEPARTMENT OF WATER RESOURCES

Indicate type of mail
☐ Registered
☐ Insured
☒ COD
☐ Certified

I certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

NAME AND ADDRESS OF SENDER	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (if Registered)	DUE SENDER IF C.O.D.	R.R. FEE	S.D. FEE	S.H. FEE	REG. DEL. FEE	REMARKS
1 48239	Mr. & Mrs. Brian L. Dockins Rt. 2 Box 372A, Oldtown, Id. 83822	29¢	\$1.00									
2 48240	Mr. and Mrs. William Wilcox P.O. Box 246, Groveland, Ca. 95321	"	"									
3 48241	Ms. Jennifer Alexander 13967 Olive Grove Ln., Sylmar, Ca. 91342	"	"									
4 48242	Mr. Michael Wilcox 3420 Coach Ln., Ste. 6, Cameron Park, Ca. 95682	"	"									
5 48243	Mr. Arley Lawrence P.O. Box 1931, Oldtown, Id. 83822	"	"									
6 48244	Canyon Mineral Inc. P.O. Box 112, Colburn, Id. 83865	"	"									
7 48245	Department of Fish & Game 2320 Government Way, Coeur d'Alene, Id. 83814	"	"									
8 48246	Ms. Kathy Evans E. 7000 Bunco Rd., Athol, Id. 83801	"	"									
9 48247	Mr. and Mrs. Stephen H. Craun, III N. 24575 McCoy Rd., Athol, Id. 83801	"	"									
10 48248	Jaime Namson E 12100 Parks Rd., Athol, Id. 83801	"	"									
11 48249	Mr. Don Gary Young P.O. Box 18, Plummer, Id. 83851	"	"									
12 48250	Ms. Mildred Socha Rt. 1 Box 82H Coon Creek, St. Maries, Id. 83861	"	"									
13 48251	Mr. Paul Finney 16300 S. Asbury Rd., Harrison, Id. 83833	"	"									
14 48252	Mr. Jeffrey A. Child 105N. 4th St. Ste. 301, Coeur d'Alene, Id. 83814	"	"									
15 48253	Mr. Gordon I. James Rt. 4 Box 208F, St. Maries, Id. 83861	"	"									
TOTAL NUMBER OF PIECES LISTED BY SENDER 15	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE 15	POSTMASTER: PER (Name of receiving employee)										

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 95-8828 IN THE)
NAME OF DON GARY YOUNG.)
_____)

NOTICE OF CONFERENCE

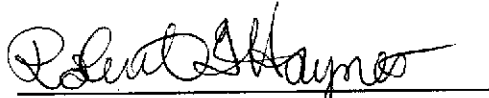
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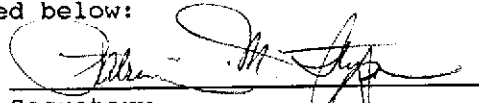
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Dated this 22nd day of December, 1993.


Regional Supervisor

I hereby certify that on the 22nd day of December, 1993, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:


Secretary

Certified Mail

Mr. Don Gary Young
P.O. Box 18
Plummer, Id. 83851

Ms. Mildred Socha
Rt. 1 Box 82-H Coon Creek
St. Maries, Id. 83861

APR 21 1994

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

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APR - 1 1994

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APR 21 1994

Dear Sirs

I was not able to talk to Mr. Young, I can not walk very well & have no car, I had to wait until my husband came home, he drove Long Hawk & gave 3 mg or more at a time. He tried 3 times but Mr. Young is gone a lot, finally yesterday morning he saw him at the house, ~~trying~~ trying to get his pump started, ~~fixing~~ fix it as I can tell get four of them working with 425 in irrigation pipe. He has been running the irrigation every day, rain or shine.

My husband asked him if was going to let us have any water. Mr. Young said ^{you mean} you mean you want water I don't have any thing to do with it! as that was walking away he yelled after him, son going to get a tractor, I make a spell bag. What I want to know is why didn't he do that in the first place! Our little well stayed about 18 in from the top, now it's about 22 foot from the bottom perhaps it's draining now it may fill a little but not much. He irrigates rain or shine the whole top of the hill & now we got the bottom half all dried ^{APP} ²⁴ ¹⁹⁹³ plant that. He is running pumps old & Both aqueducts now. What is really

~~scary~~ scary me is this little stream almost dries up in the summer. Even the small trout suffer. I will not let my animals go without water. Please help me!

Sincerely,

Michael Sachs

P.S. please excuse writing in a hurry to mail it.

APR 21 1994



IDAHO FISH & GAME

REGION 1

2320 Government Way
Coeur d'Alene, ID 83814-3683
(208) 765-3111



September 22, 1993

Mr. Robert G. Haynes
Idaho Department of Water Resources
1910 Northwest Blvd. Suite 201
Coeur d'Alene, ID 83814

Dear Bob:

REFERENCE: 96-08771 CALLEN/FRY CREEK
95-08828 YOUNG/COON CREEK
98-07720 MACDONALD/SMITH CREEK

We have reviewed the water rights filings for these proposals.

Each of these projects could potentially affect migratory salmonids. Therefore we request the issue of fish passage be addressed in each permit.

Diversion structures should provide for upstream passage of fish unless the applicants can prove a natural barrier (eg. waterfall) is already impeding passage at an adjacent location on the source, or the stream is a non-fishery stream. Diversions should be screened with one-quarter inch or smaller mesh, and approach velocities should not exceed 0.5 ft per second.

Thanks for the opportunity to comment.

Sincerely,

David W. Ortmann
Regional Supervisor

DWO:CEC:kh

C: Natural Resource Policy Bureau

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



Working for wildlife - since 1938

APR 21 1994



NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 ~~PO BOX 10000~~ Fax (208) 769-1454

~~CONFIDENTIAL~~
September 28, 1993

Mr. Don Gary Young
P.O. Box 18
Plummer, Id. 83851

Re: 95-8828

Dear Mr. Young:

Enclosed is a copy of a protest filed against the approval of the above-referenced application for permit to appropriate the public waters of the State of Idaho. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms
Enclosure

1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION,

(208) 769-1450

Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615

~~(208) 769-1450~~ ~~(208) 769-1450~~ ~~(208) 769-1450~~

Fax (208) 769-1454

CECIL D. ANDRUS

Governor

R. KEITH HIGGINSON

Director

September 28, 1993

Mrs. Mildred Socha
Rt. 1 Box 82-H Coon Creek
St. Maries, Id. 83861

Re: 95-8828

Dear Mrs. Socha:

Your protest against the approval of the above-referenced application has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the Application for Permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH/pms

APR 21

RECEIVED

SEP 23 1993

NORTHERN REGION
IDWR

Director, Dept. of Water Resources, Northern Region
1910 N. West Blvd.
Suite 210, Coeur d'Alene, Idaho 83814

Dear Water Board

I am writing in response to water permit Mr. Gary Young has applied for.

He did not even apply for a permit until he had plants in, this huge Dam dug and pump and sprinklers going.

He never said one word to me, I awoke one morning to *The* sound of a huge shovel digging in our back pasture, They not only dug down to BEDROCK & UP ABOVE GROUND ABOUT 15 to 20 ft. but tore out the pipe that fed our little well from the stream. *He also enlarged his pond above.* There was a small pond in ~~our~~ pasture, that was dry in 3 days, and also the grass at that end of the pasture.

He dug not only on his property but over on mine. To be sure and get over the stream on both sides.!!

This little stream runs through our meadow, down to the Benawah stream which runs down to the St Maries Lake. This Reservoir going down below bedrock makes a solid wall on the stream. WHICH goes down below ground and almost dries up totally dries up above ground in the summer.

I have a prior water right that goes back to 1953.!! My little 10 ft. well was sufficient as long as it was fed from the stream, but if it is cut off in the summer I will have NO WATER!. I have 7 horses, 3 dogs and 8 cats, & MYSELF. They or I can NOT GO WITHOUT WATER!

I am disabled, do not have a car & could not haul water if I tried. And I don't believe I should have to.

I think this is outrageous.!!

Also I do not particularly care for the idea of drinking water from his dam.!!! Also what if he puts in any rtin in anything to doctor his plants through the irrigation system. please help me resolve this.

SINCERELY

Mrs. Mildred Socha

RT. 1, Bx. 82-H

Coon Creek, St. Maries, Idaho
83861

Phone, 208-245-5803

APR 21 1994

Young, Don Gary
P.O. Box 18
Plummer, ID 83851
Source: Unnamed Stream
Tributary: Coon Creek
Diversion Pt: SWNW Sec 28 T 46N
R 03W in Benewah County.
Use: Irrigation (.200 CFS); Irriga-
tion Storage (20.00 AF); Irrigation
from Storage (20.00 AF); Stock-
water Storage (20.00 AF); Wildlife
Storage (20.00 AF); Aesthetic
Storage (20.00 AF); Total Diversion:
(.200 CFS)
Date Filed: 8/30/1993
In: Benewah County, T46N R03W
S28 SWNE SWNW SENW NESW
NWSW NWSE
85.0 Acres Total

For additional information con-
cerning the property location, call
the Northern Regional Office at
(208) 769-1450.

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the applicant and with
the Director, Dept. of Water
Resources, Northern Region, 1910
Northwest Blvd., Suite 210, Coeur
d'Alene, Idaho 83814 on or before
October 4, 1993.

R. KEITH HIGGINSON,
Director

No. 2199 --- Sept. 15-22.

APR 21 1994

Telephone No. 245-5803

[illegible]

Point of diversion: SE 1/4 NE 1/4, Sec. 28 Twp. 46N Rge. 3W B.M., County of BENEFAN
 Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. SHALLOW WELL - 10' DEEP WITH PUMP AND PIPELINE TO HOME

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>46N</u>	<u>3W</u>	<u>29</u>				<u>D</u>													

No. of acres _____

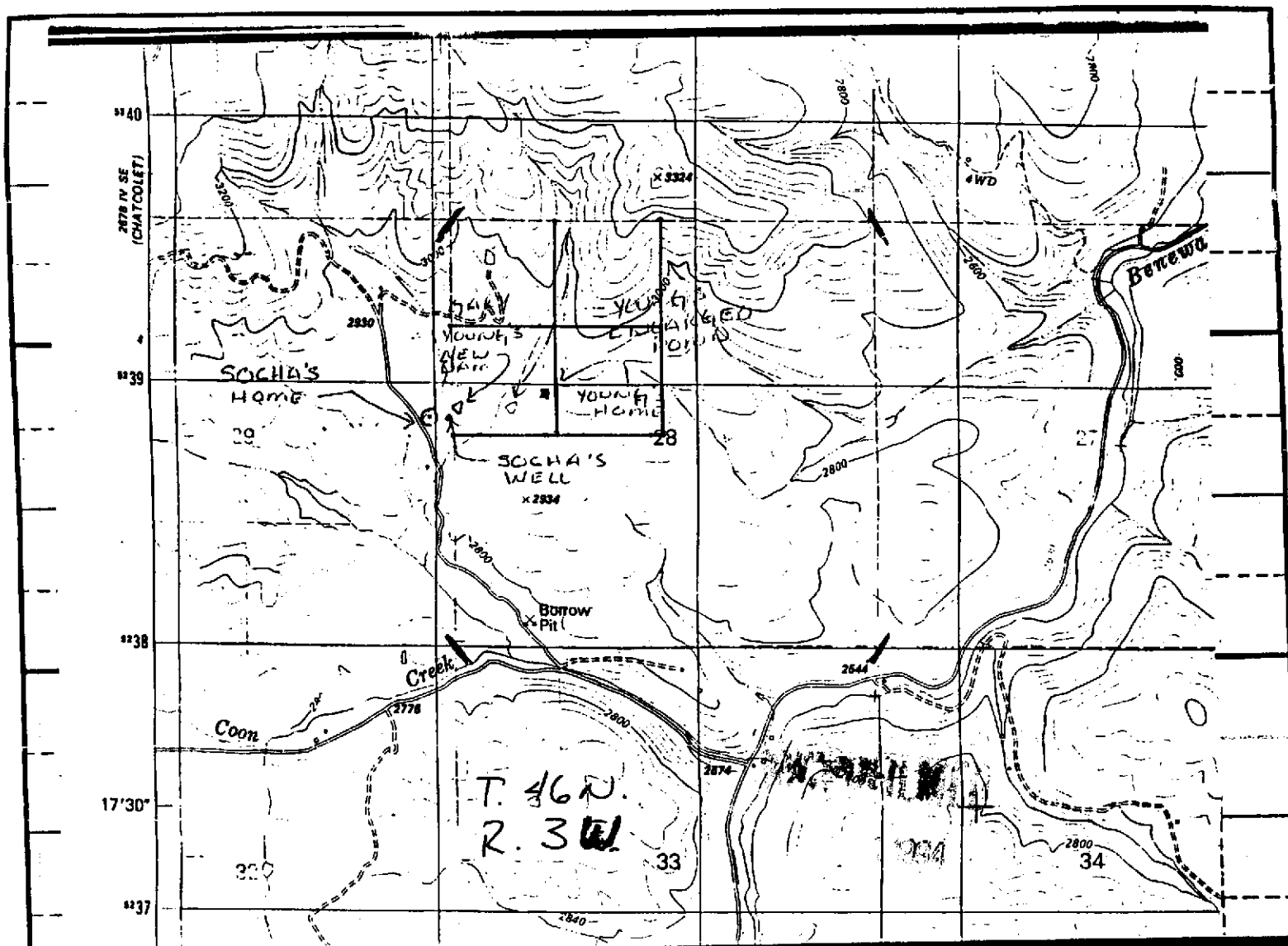
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: 1 HOME, 10 HEAD OF STOCK. (RANGE)

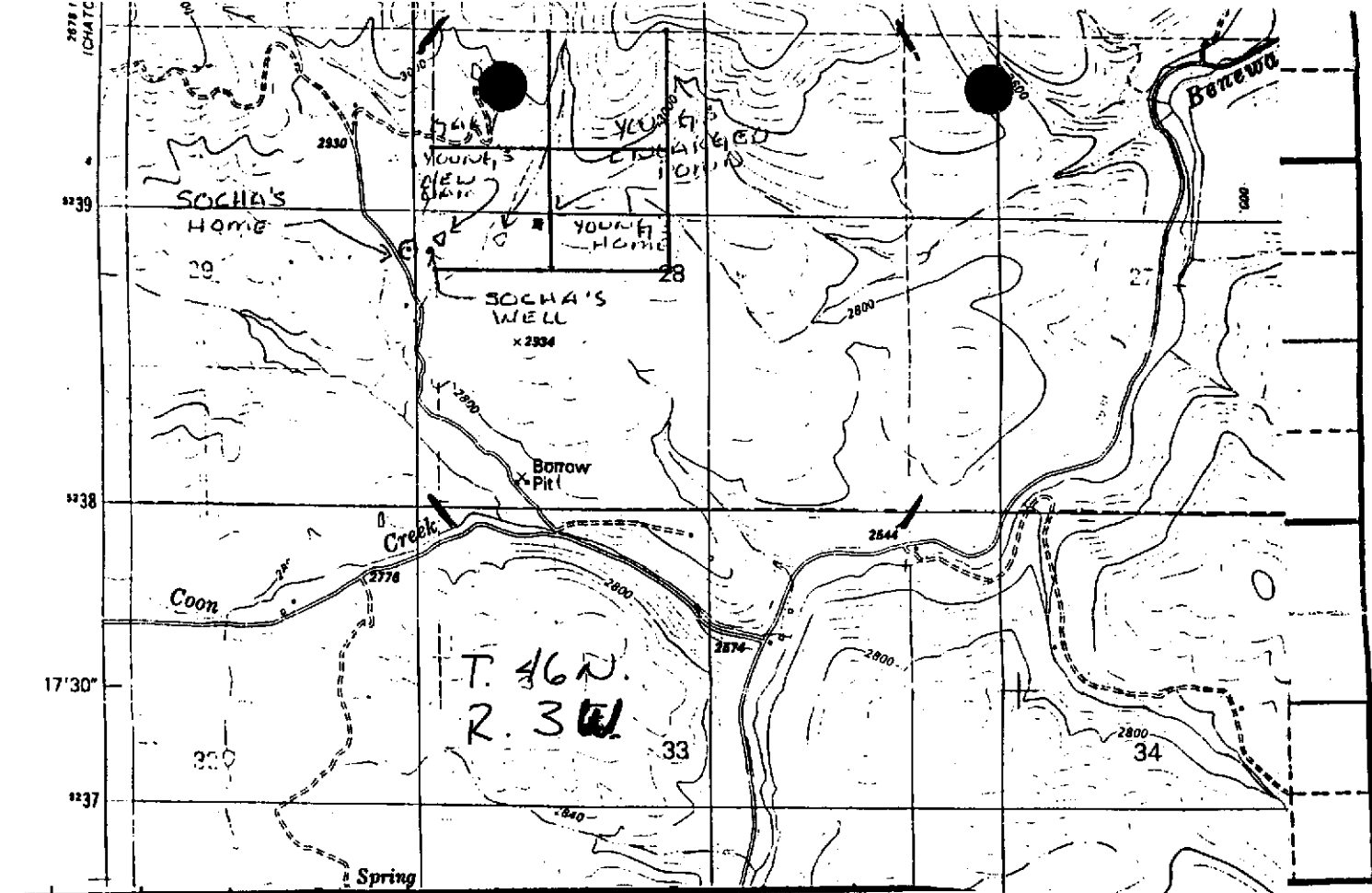
NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

1994

(8) Remarks _____





Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Latah) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 21st day of June, 1993.
Michael J. Socha (Claimant)
Nancy K. Turner
Notary Public
Residing at St. Maries, ID 83861

My commission expires 9-20-96

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 6/22/93 Exception filed by: _____
Prelim. check by [Signature] Date 6/22/93 (M.L.L.S.)
\$30.00 fee received by [Signature] Date 7/7 & 14/93
Published in _____
Notes _____

Forwarded to _____ Date _____
claimant by: _____

APR 21 1994

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No:

Date: 6/27/1993
Time: 14:03:34

Received From: ROCH, ALLEN

Type of Payment
1 CLAIM TO WATER RIGHT

65102

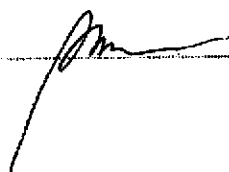
Program A cct

229 21 1155

Total

MONEY ORDER 639491

Region: NORTHERN

Signature: 

APR 21 1994

APR 21 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region
1910 Northwest Blvd., Suite 210

Coeur d'Alene, Idaho 83814
(208) 769-1450

MAIL-DATE

MILDRED SOCHA
RT 1 BOX 82H
ST MARIES, ID 83861

Re: Claim No. 95-04723

Dear Claimants(s):

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have the information or evidence added at any time. Please refer to the claim identification number when corresponding with the office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Sincerely,


ROBERT G. HAYNES, P. E.
Manager, Northern Regional Office

RGH:pms

Enclosure

RECEIVED

APR 21 1994

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement hereon.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 15th day of Sept., 1993 and the last on the 22nd day of Sept., 1993.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 23rd day of Sept., 1993
Cynthia Ann Hammes

STATE OF IDAHO
COUNTY OF BENEWAH }

On this 22nd day of Sept. in the year of 1993, before me, a Notary Public, personally appeared Cynthia Ann Hammes, 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 she executed the same.

Sharon D. Blackburn
Notary Public for Idaho
Residing at St. Maries, Id.
My commission expires: NOV-4, 1998

**Kennedy and Young
apply for water rights**

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:
92-07204

Kennedy, Douglas
P.O. Box 43
Santa, ID 83866
Source: Spring
Tributary: Pokey Creek
Diversion Pt: NWNE Sec 11 T 44N
R 01W in Benewah County.
Use: Domestic (.040 CFS); Total
Diversion (.040 CFS)
Date Filed: 8/27/1993
In: Benewah County, T44N R01W
S11 NWNE
95-08828

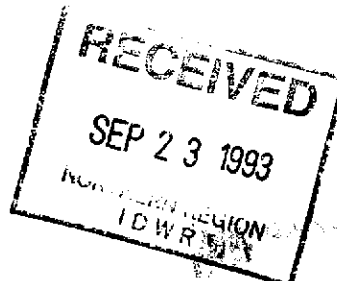
Young, Don Gary
P.O. Box 18
Plummer, ID 83851
Source: Unnamed Stream
Tributary: Coon Creek
Diversion Pt: SWNW Sec 28 T 46N
R 03W in Benewah County.
Use: Irrigation (200 CFS); Irriga-
tion Storage (20.00 AF); Irrigation
from Storage (20.00 AF); Stock-
water Storage (20.00 AF); Wildlife
Storage (20.00 AF); Aesthetic
Storage (20.00 AF); Total Diversion:
(200 CFS)
Date Filed: 8/30/1993
In: Benewah County, T46N R03W
S28 SWNE SWNW SENW NESW
NWSW NWSE
85.0 Acres Total

For additional information con-
cerning the property location, call
the Northern Regional Office at
(208) 769-1450.

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the applicant and with
the Director, Dept. of Water
Resources, Northern Region, 1910
Northwest Blvd., Suite 210, Coeur
d'Alene, Idaho 83814 on or before
October 4, 1993.

R. KEITH HIGGINSON,
Director

No. 2199 — Sept. 15-22.



APR 21 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 ~~(208) 769-1450~~ Fax (208) 769-1454

CECIL D. ANDRUS

Governor
September 9, 1993

R. KEITH HIGGINSON
Director

Mr. Don G. Young
P.O. Box 18
Plummer, Id. 83851

Dear Mr. Young:

Re: Water Appropriation Application No. 95-8828.

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. **WE ARE RETURNING YOUR APPLICATION FOR SIGNATURE. PLEASE SIGN AND RETURN TO OUR OFFICE FOR FURTHER PROCESSING.**

Your appropriation application is currently being prepared for advertising in the 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. 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. However 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.

If your application is for groundwater and unless you are using a well that was constructed prior to July 1, 1987, it will be necessary for you to apply for a well drilling permit upon approval of the appropriation application. Well drilling permits can be issued by this office only to holders of approved appropriation permits.

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/pms
Enc. - Application

APR 8 1994