

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 92-7032 (late proof)
Priority May 2, 1976 Amount 0.04 cfs

THIS IS TO CERTIFY, that Lavern Daugherty
of Fernwood, Idaho, has complied with the terms and conditions of Permit
No. 92-7032 issued pursuant to Application for Permit dated April 30, 1976,
and has submitted proof to the Department of Water Resources on June 3, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.04 cfs of water from Fenn Creek,
tributary to St. Maries River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u>	at <u>0.02</u> cfs and	<u>3.5</u> acre feet
Stockwater	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and	<u>0.2</u> acre feet
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
3.7 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, Twp.
44N, Rge. 1E in the County of Benewah

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
44N	1E	31												1					1

Total number of acres irrigated 1

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of
August, 19 82.

Director

IN THE MATTER OF PERMIT NO. 92-7032

IN THE NAME OF LAVERN DAUGHERTY

WHEREAS, on April 30, 1976, Lavern Daugherty applied to the Department of Water Resources for a permit to appropriate 0.20 cubic feet per second of water from Fenn Creek tributary of the St. Maries River, to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, Twp. 44N, Rge. 1E B.M., Benewah County, to be used for stockwater and irrigation purposes; and,

WHEREAS, on March 31, 1981, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days from the date of the lapsing; and,

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 92-7032 be REINSTATED and the priority advanced to May 2, 1976.

Dated this 14th day of June, 1981.

L. Glen Saxton

Chief, Operations Bureau

Identification No. _____

Application No. 92-7032

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Lavern Daugherty Phone: 245-3402
post office address Box 21 Fernwood, ID 83830
2. Source of water supply Fenn Creek which is a tributary of St. Maries River
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31 Township 44N
Range 1E B.M. Benewah County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.02 for Stockwater purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.20 for Irrigation purpose from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.20 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 1/2 hp pump (portable) with pipeline
to place of use. _____

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation: Sw $\frac{1}{4}$ SE $\frac{1}{4}$
(1) Give the place of use of water: SE $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 31 Township 44N
Range 1E B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered #8 horses and donkeys and 8 cows

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			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	
44N	1E	31											7				8		15

Total number of acres to be irrigated. 15

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion Applicant

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

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

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Lavern Daugherty
(Applicant)

Proposed Priority 4-30-76

Received by KK Date 4/30/76 Time 1:00 P

Preliminary check by DMH Fee \$ 10.00

Receipted by DMH Date 4-30-76 # 4212

DMH Publication prepared by RGH Date 4-30-76

Published in St. Maries Gazette Record

Publication dates May 6 & May 13, 1976

Publication approved CP Date 5-18-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DMH DRT

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. 92-7032, and said application is hereby APPROVED.

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 June 1, 19 81.

c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 10 day of June 1976.

R. Karl Hjort
Director

RECEIVED

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

JUL 22 1982
Department of Water Resources

92-1032

Permit No.

CONTACT WITH PERMIT HOLDER

DATE INITIALS REMARKS

- ☐ Appointment letter mailed: _____
- ☐ Telephone call made: _____
(List Telephone No. used) _____
- ☐ Appointment scheduled for: _____
(Date, time, location) _____

EXAMINATION

Date 6-17 Accompanied by App Total Q measured _____

If source is surface water, estimate total flow of source 0.35 cfs

Methods of measurement Est Meets Permit requirements? Yes

Measurement calculations: One acre of irrigation = 0.02 cfs @ 3.5 AFA
Stock = 0.02 cfs @ 0.20 AFA

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	<u>1/2</u>	<u>Scars</u>	<u>6880</u>	<u>Unit</u>				

System Description 2' diam in stream with 1/2" gravity flow pipe to
stock tanks and 1/2 hp motor & pump for irrigation

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE

Irrigation
Stock

Irrigation requirement =

AFA/Acre

Q (cfs)

V (afa)

FROM

TO

0.02 ✓

3.50 ✓

3-15

11-15

0.02 ✓

0.20 ✓

1-1

12-31

Total

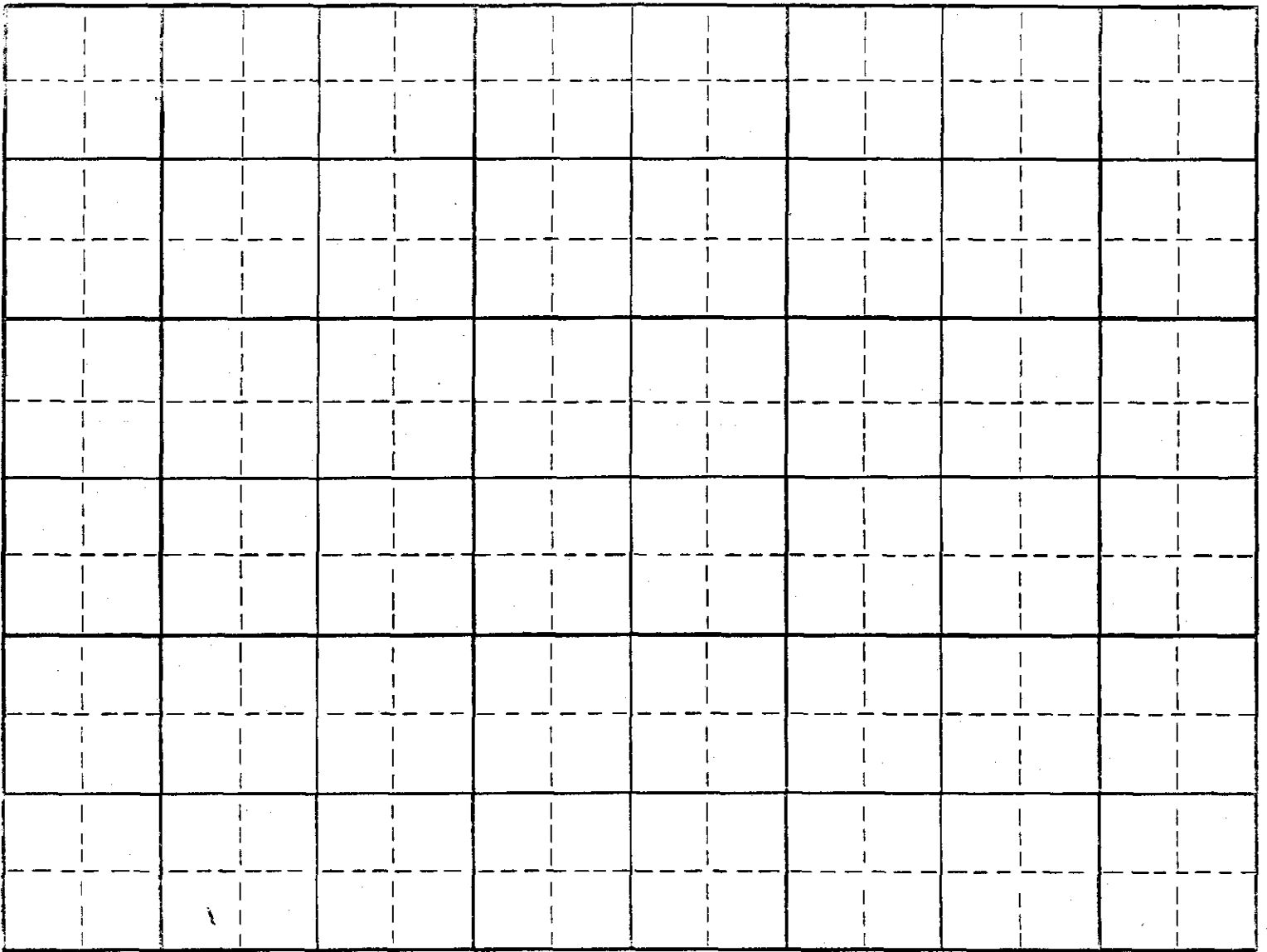
0.04 ✓

3.70 ✓

Remarks lawn & garden sprinklers

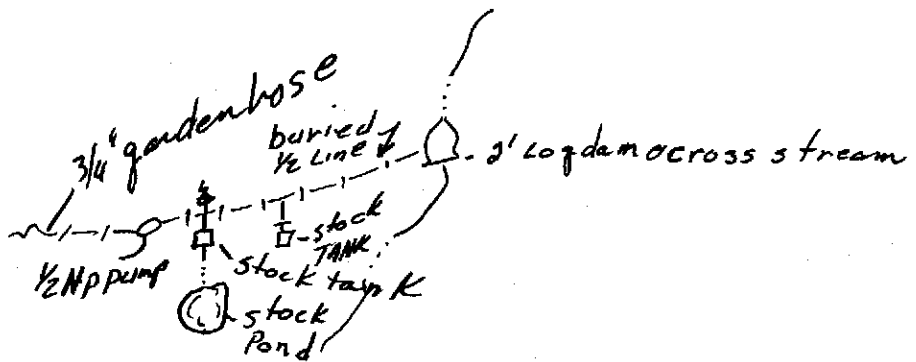
No overlapping Rights Found - 3-23-82-JK

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SE SW, sec 31, T44N, R1E

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
44N	1E	31												1X					1

Recommended Amendments:

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Examiner's Signature [Signature]

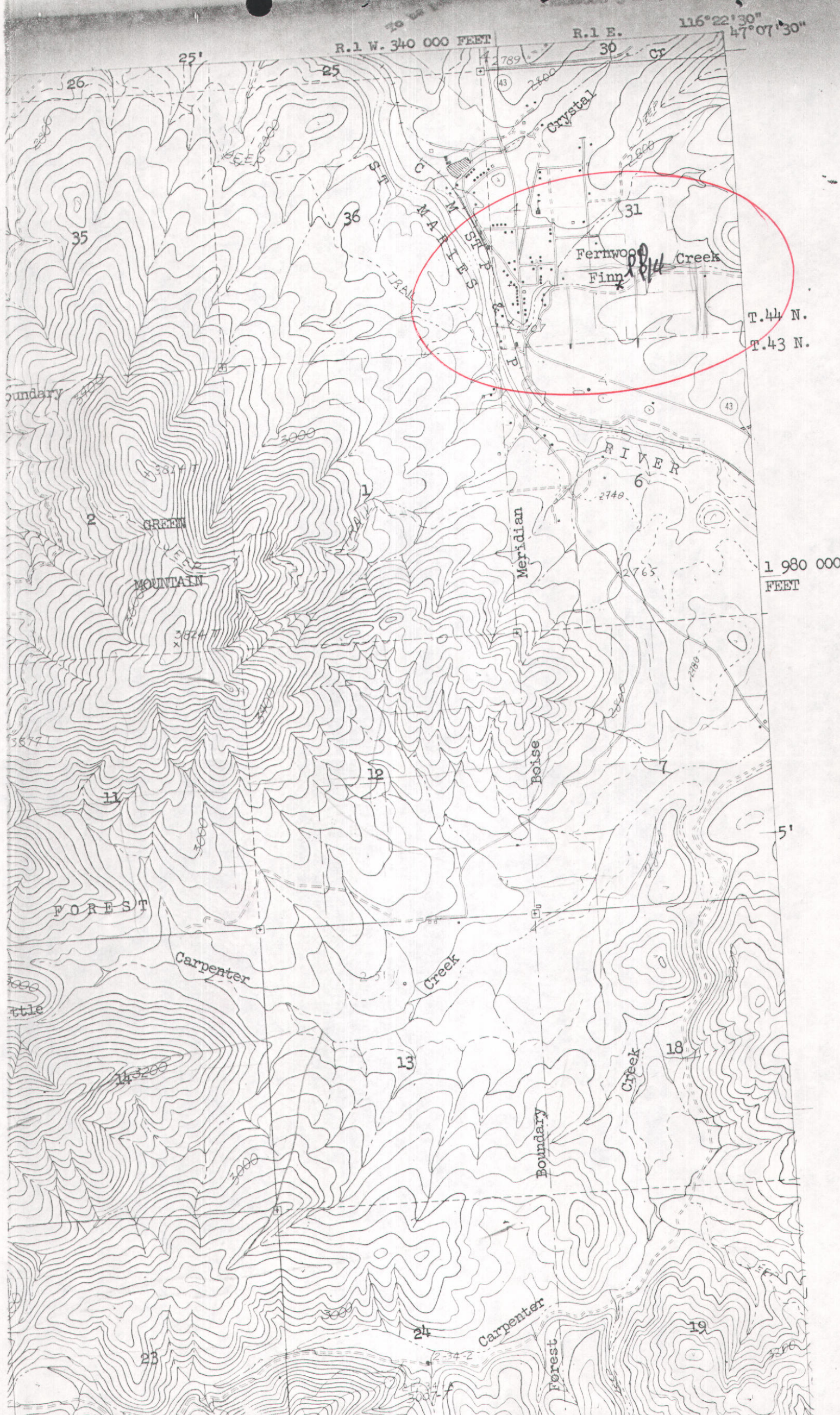
Checked by Bob Raynes

Approved by [Signature] 8/3/82

Date 6-28-82

Date 7/15/82

Date



R.1 W. 340 000 FEET

R.1 E.

116°22'30"
117°07'30"

T.44 N.
T.43 N.

1 980 000
FEET

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 92-7032.

Name(s) of Permit Holder:

Larson Paupherty

Post Office Address:

Box 21 Fernwood, Idaho 83830

Tel. No. 245-3402

Source of Water:

Fern Creek

Extent of Use:

☐ Domestic 2 goats (number of households)

☒ Stockwater 3 cows 3 horses (number and type of stock)

☒ Irrigation 4 (acres)

☒ Other 2 Ponds 1 gravity fed line 1 electric pump

Measuring Device:

Required?

☐ Yes ☒ No

Installed?

☐ Yes ☐ No

Access Port:

Required?

☐ Yes ☒ No

Installed?

☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

May 26-81
Date

Larson Paupherty
Signature of Permit Holder

3/79

IDENT. NO. 92-7032

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 92-7032
Old No. New No.

Record

1. Original Owner: Lavern Daugherty

Present Owner: _____

2. Address: P.O. Box 213. City: Fernwood State: ID Zip: 838304. A. Source of Water: Fern CreekB. Tributary of: St. Maries River5. A. Stage (A,P,L,D,S,J): P

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 4-30-1976D. County: 09E. Total Diversion Rate: .2

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SESW</u>	<u>31</u>	<u>44N</u>	<u>1E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 3-15 to 11-15 for A purposes. Amount .2
(cfs or AC-FT/yr)from 1-1 to 12-31 for 5 purposes. Amount .02

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

5/16 head

12. Other Rights for Same Use:

13. A. Proof Due Date: 6-1-1981

B. Date Permit Approved or Denied: 6-10-1976

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

Pump + pipeline

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 92-7032 Savern Daugherty

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) RMA 43076

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant

(4) RMA 43076

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: No field review

(11) CP 5/18

Affidavit of Publication received (date) May 14, 1976

(12) CP 5/6

Final date for protests May 24, 1976

Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes ☒ no _____

(14) _____

Action recommended:

RECEIVED

☒ Approve

MAY 27 1976 Deny

_____ Proposed Priority 4-30-76

Department of Water Resources

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District Northern

By Bob Ayres

Date 5-26-76

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lavern Daugherty, Box 21, Fernwood, ID

has on April 30, 1976 submitted Application No. 92-7032
for a permit to appropriate .2 cubic feet per second ~~none feet per second~~
of water from Fenn Creek tributary to the St. Maries River
by means of portable pump
within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31 T44N R1E Benewah County

to be used ~~from~~ for Stockwater - .02 cfs from Jan 1 to Dec 31 and for
~~for~~ irrigation - .2 cfs from Mar 15 to Nov 15 for 15 acres

within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ AND THE SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31 T44N R 1E

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814, on or before April 24, 1976.

R. KEITH HIGGINSON
Director

Published in the St. Maries Gazette Record
on May 6 and 13

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Loren Daugherty Phone: 245-3402
post office address Box 21 Fremont, Idaho 83830
2. Source of water supply Furn Creek which is a tributary of St. Maries River
3. a. Location of point of diversion is E $\frac{1}{4}$ of SE-SW $\frac{1}{4}$ of Section 31 Township 44
Range 1 east B.M. Benewah County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.02 cfs for Stock water purpose from Jan 1st to Jan Dec 31st (both dates inclusive)
2.50 cfs or acre-feet per annum
Amount 10 ac-ft for irrigation purpose from Mar 15 to Aug 15 (both dates inclusive)
10 ac-ft for Gardens purpose from June 1st to August 31st (both dates inclusive)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. _____ cubic feet per second and/or
b. 20 acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 1/2 Horse Power Electric Pump
this is a portable pump set at creek by Home and
Garden site
- b. Height of storage dam none feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is _____ years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: E $\frac{1}{4}$ of SE-SW $\frac{1}{4}$ of Section 31 Township 44
Range 1 E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 4 horses 4 donkeys Eight cows or
Calfs
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: none

TWP.	RANGE	SEC.
NE 1/4 NW 1/4 SW 1/4 SE 1/4	NE 1/4 NW 1/4 SW 1/4 SE 1/4	NE 1/4 NW 1/4 SW 1/4 SE 1/4
NW 1/4 SW 1/4 SE 1/4	NE 1/4 NW 1/4 SW 1/4 SE 1/4	NE 1/4 NW 1/4 SW 1/4 SE 1/4
SW 1/4	NE 1/4 NW 1/4 SW 1/4 SE 1/4	NE 1/4 NW 1/4 SW 1/4 SE 1/4
SE 1/4	NE 1/4 NW 1/4 SW 1/4 SE 1/4	NE 1/4 NW 1/4 SW 1/4 SE 1/4
TOTALS	7	8
15	15	15

9. a. Who owns the property at the point of diversion James Daugherty
b. Who owns the land to be irrigated or place of use James Daugherty
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

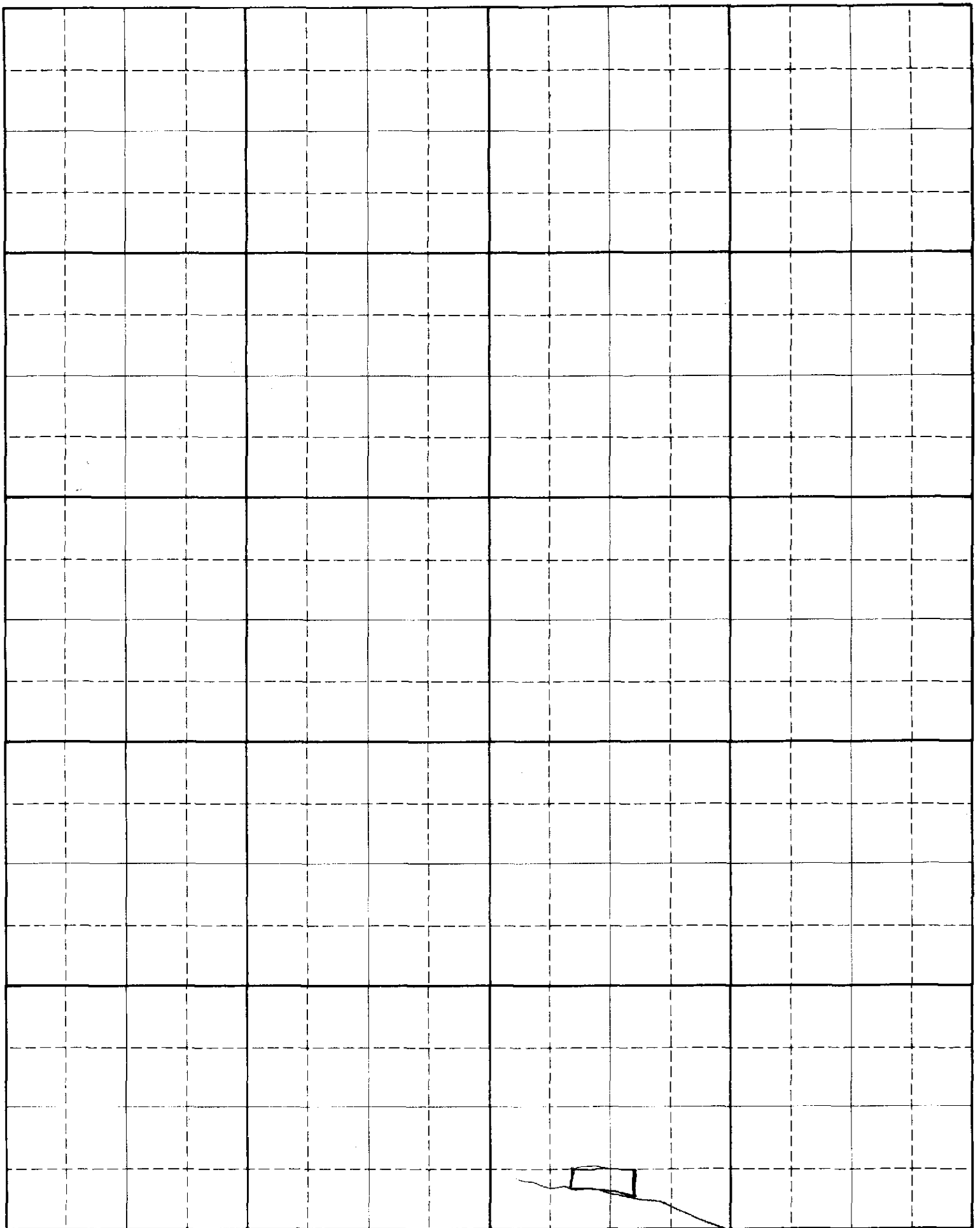
Off. possible I would like permit
water right on the creek flows thru the center of our
property This is about 15 acres total.

Full description of Property

Farm Creek flows thru the center of this property from east to west

Beginning at the Northwest corner of the $E\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$ of the said Section 31; thence east along the north boundary line of said $E\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$ Section 31, a distance of 667.62 feet to a point; thence continuing east along the north boundary line of the $SW\frac{1}{4}$ $SE\frac{1}{4}$ of the said Section 31 to a point which is a distance of 60.00 feet west of the Northeast corner of the said $SW\frac{1}{4}$ $SE\frac{1}{4}$ Section 31 and lying on the north boundary line of said $SW\frac{1}{4}$ $SE\frac{1}{4}$ Section 31; thence due South to the center line of the Farm Creek Road; thence in a westerly direction along the center line of the Farm Creek Road to the point of intersection of said center line and the west boundary of intersection of said center line and the west boundary line of the $E\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$ of the said Section 31; thence north along said west boundary line of the $E\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$ Section 31 to the point of Beginning.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Lavern Daugherty
(Applicant)

Received by TK Date 4-26-76 Time 11:50 AM

Preliminary check by _____ Fee \$ _____

Receipted by _____ Date _____

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

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. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____, 19____.

Director