

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 91-7003 Priority May 14, 1971 Amount 0.03 cfs

THIS IS TO CERTIFY, that REUBEN E. MARQUARDT
of St. Maries, Idaho, has complied with the terms and conditions of Permit
No. 91-7003 issued pursuant to Application for Permit dated April 22, 1971,
and has submitted proof to the Department of Water Administration on August 23, 1973 (late proof),
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 0.03 cfs of water from St. Joe River,
tributary to Coeur d'Alene Lake, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u> from <u>May 15</u> to <u>Sept. 15</u> at <u>0.03</u> cfs and <u>3.0</u> acre feet			
from _____ to _____ at _____ cfs and _____			
from _____ to _____ at _____ cfs and _____			

(both dates inclusive)

Subject, however, to the condition that no more than 0.03 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
3.0 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 16,
Twp. 46 N, Rge. 2 W, B.M. 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 $\frac{1}{4}$	
46 N	2 W	16			1														One

Total number of acres irrigated One

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 22 day of
August, 19 74.

Director

91-7003

Identification No. 91-7003

Application No. _____

STATE OF IDAHO

LICENSE ISSUED FOR 02 SEC. FR. DEPARTMENT OF WATER ADMINISTRATION
LICENSE PAG NO. _____ APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK) ASSIGNED TO: Reuben E. Marquardt
St. Maries,
Idaho 83861

1. Name of applicant Elma Cerny
post office address P. O. Box 216 - St. Maries, Idaho 83861

2. Source of water supply St. Joe River which is a tributary of Coeur d'Alene Lake

3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16 Township 46N
Range 2W 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 .5 for lawn water purpose from May 15 to Sept 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (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. .5 cubic feet per second and/or
b. N/A acre feet per annum.

6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 1" plastic pipe in 1 1/2" galvanized casing into river. Electric 2 HP motor and pump.

b. Height of storage dam N/A feet, active reservoir capacity N/A acre feet; total reservoir capacity N/A acre feet, materials used in storage dam: N/A
Period of year during which storage will occur N/A to N/A inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is completed years.
b. Estimated construction cost is \$ 1,000.00.

8. Description of proposed uses:
a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ 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) 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	
46 N	2W	16			X														1

Total number of acres to be irrigated 1

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

9. a. Who owns the property at the point of diversion R/W Benewah County

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

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.

R2W

T46N

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.

(Applicant)

91 7003

Received by 4 Date 4-22-71 Time 8:00
Preliminary check by D Fee \$ 10.00
Receipted by 4 Date 4-22-71
Publication prepared by dr Date 5-12-71
Published in St. Maries Gazette Record
Publication dates 5-19 & 5-26, 1971
Publication approved dr Date 6-3-71
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EDF [Signature]

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 91-7003, 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 August 1, 19 73.
- c. Other: The amount of water diverted during one season shall not exceed 3.0 Acre Feet.

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

Witness my hand this 6th day of July, 19 71.

[Signature]
Director

91 7003

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 91-7003)
IN THE NAME OF REUBEN E. MARQUARDT)
_____)

ORDER OF REINSTATEMENT

WHEREAS, on April 22, 1971, Elma Cerny filed with the Department of Water Administration (formerly the Department of Reclamation) an application for permit to appropriate .5 cubic feet per second of water from St. Joe River, tributary to Coeur d'Alene Lake, from a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16, Twp. 46N, Rge. 2W, B.M., Benewah County, to be used for lawnwatering purposes; and,

WHEREAS, on July 6, 1971, the Department approved said application and issued Permit No. 91-7003 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before August 1, 1973; and,

WHEREAS, on June 1, 1973, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on July 26, 1973, Mr. Reuben Marquardt submitted proof of beneficial use under Permit No. 91-7003; and,

WHEREAS, Department policy requires that proof be made by the permit holder of record and, therefore, Mr. Marquardt's affidavit was unacceptable; and,

WHEREAS, Permit No. 91-7003 automatically lapsed on August 1, 1973; and,

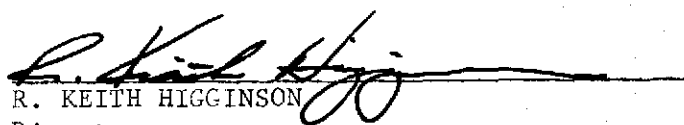
WHEREAS, on August 23, 1973, the Department received an assignment whereby the executrix of the estate of Elma Cerny, E. L. Miller, assigned all the right, title, and interest in and to Permit No. 91-7003 to Reuben E. Marquardt; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 91-7003 be REINSTATED and the priority advanced to May 14, 1971.

Dated this 28 day of August, 1973.


R. KEITH HIGGINSON
Director

State of Idaho

Department of Water Administration

RECEIVED

AUG 23 1973

ASSIGNMENT OF PERMIT

I, E.L. Miller, Executor of the Estate of Elma Cerny, Dec. Department of Water Administration
hereby assign to REUBEN E. MARQUARDT
of St. Maries, Idaho Address _____

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. 91-7003
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Describe that portion of the permit being assigned by list-
ing the acreage within each 40-acre subdivision, the point of diversion
and the amount of water in cubic feet per second for direct diversion,
or acre feet for storage.)

Made this 22nd day of August, 19 73.

Permit Holder
E.L. Miller, Executor of the Estate of
Elma Cerny, Decedent

E. L. Miller P.R.
Spouse of Permit Holder

State of Idaho)
County of Kootenai) ss.

On this 22nd day of August, 19 73, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he ~~XXXXXX~~ executed the same.

Arthur Fischer
Notary Public residing at
Coeur d'Alene

My commission expires: 12-21-74

1 7002

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46
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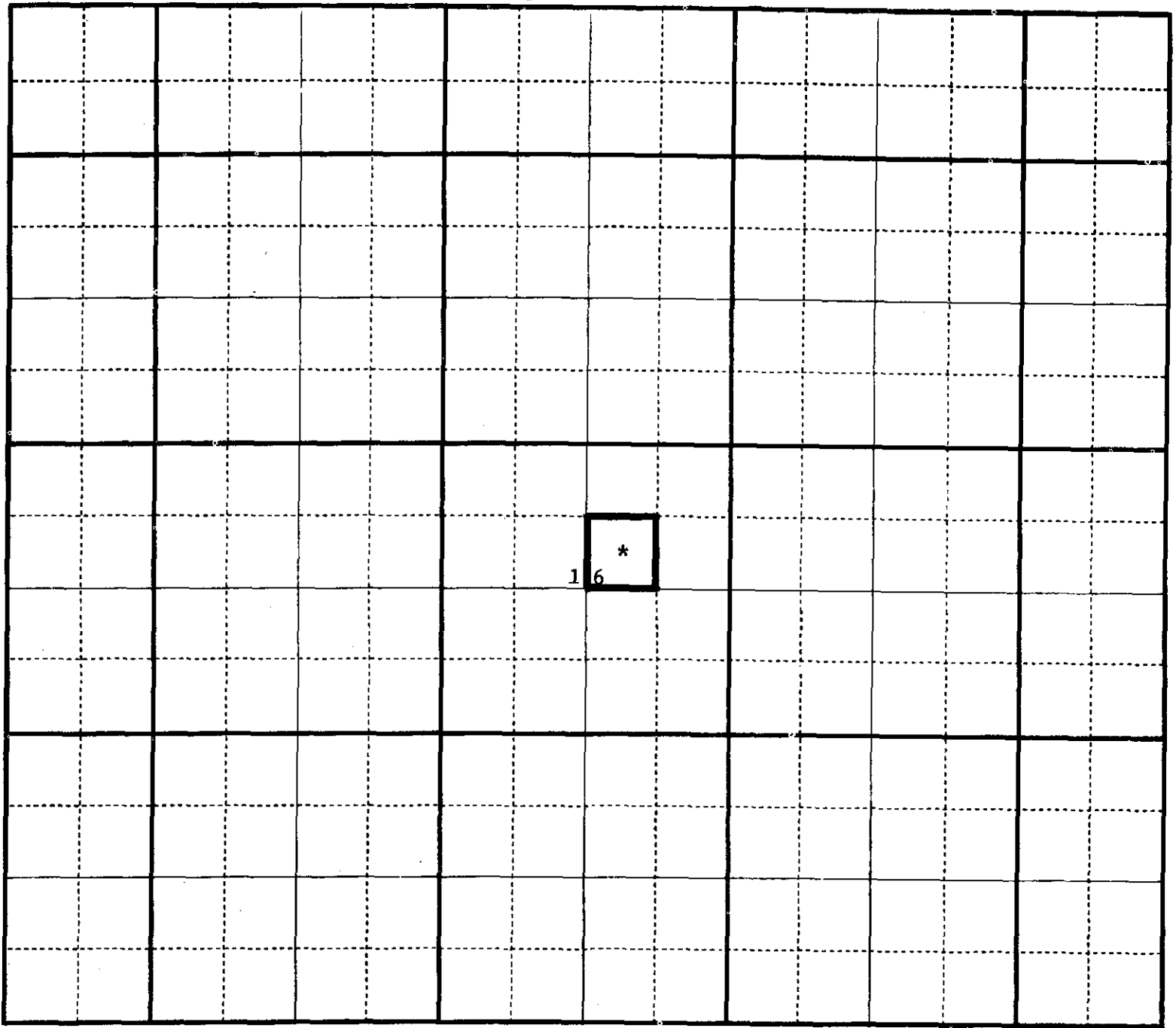


Diagram of System

DATE OF EXAM July 15, 1974

ACREAGE
Found 1 acre
Recommended 1 acre

Irrigation Requirement 3 Ac Ft/Ac

USE
Irrigation Q = 0.03 c.f.s. V = 3.0 AF/Ann. from May 15 to Sept 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no X

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 0.03 Method of measurement ESTIMATED

Total Q recommended 0.03 Meter No. _____ Type _____ Condition _____

Total V recommended 3.0

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None X

MEASUREMENT CALCULATION:

ESTIMATED

SYSTEM DESCRIPTION:

PEERLESS PUMP WITHIN 3' X 3' PUMP HOUSE.
UNABLE TO READ SERIAL NUMBERS. SPRINKLER SYSTEM CONSISTS
OF FOUR YARD SPRINKLERS.

REMARKS:

Examiner's Signature [Signature] Date 7/15/74

Checked by [Signature] Date 7/29/74

Approved by _____ Date _____

RECEIVED

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

JUL 26 1973

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Reclamation

- to be transferred to Reuben Marquardt,
1. a) Name of Permit Holder Elma Cerny (deceased) land purchaser.
 - b) Post Office Address % Eugene Miller, P.O. Box E - Coeur d'Alene, Idaho
 2. Permit Number 91-7003 - Will be assigned by Administrator of Estate.
 3. Date of Priority that you are prepared to establish not known
 4. a) Source from which water was appropriated St. Joe River
 - b) Location of the point of diversion: Lot 2 $\frac{1}{4}$ W $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{4}$ $\frac{1}{4}$, Section 16
Township 46N, Range 2WBM Boise Meridian, Other points of diversion: Benewah County
 5. a) The amount of water and use to which the water has been applied:
amount 225 gal per hr. for irrigating lawn purposes from 6-1-73 to 10-1-73 incl.
(cfs and/or acre feet per annum) $\frac{1}{2}$ foot per second (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated $\frac{1}{2}$ foot per second cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: 1 inch plastic line with 1 H/P motor-pump
1 hr. per day 50' rise
 6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: N/A
b) Describe the agreement or understanding by which you take water from the works: Permit to take water from the St. Joe River for watering lawn #91-7003
 7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 1 inch plastic pipe with 3/4 horse motor pump - new 1/4 H.P. motor diverted from St Joe River
b) Describe the type and size of measuring device which you have installed at your point of diversion: none
c) Give well drillers name and address and date the well was completed none

Exam typed 8/18/73 by jc

CL 7003

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Watering lawn around dwelling

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: See #8 - max. 10,000 square feet.

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	20	16							Lot 2										

Desc is from Lot 2 Sec 16 T46N R2W3M lying east of Highway 95A 15A-

Total number of acres irrigated 1/2 acre

10. Remarks: Lawn is watered from system
Not all land is irrigated by sprinkler, only the area around the yard around the dwelling.

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

7-23-72 (Date) Robert E. Marguier (Signature)

State of Idaho ss.
County of Benewah

On this 23rd day of July, 19 73, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Ray Abower
Notary Public residing at _____
Residing at St. Maries, Idaho
My Commission expires Feb. 24, 1977

My commission expires _____

SCALE 2 IN. - 1 MILE

FOR SALE BY

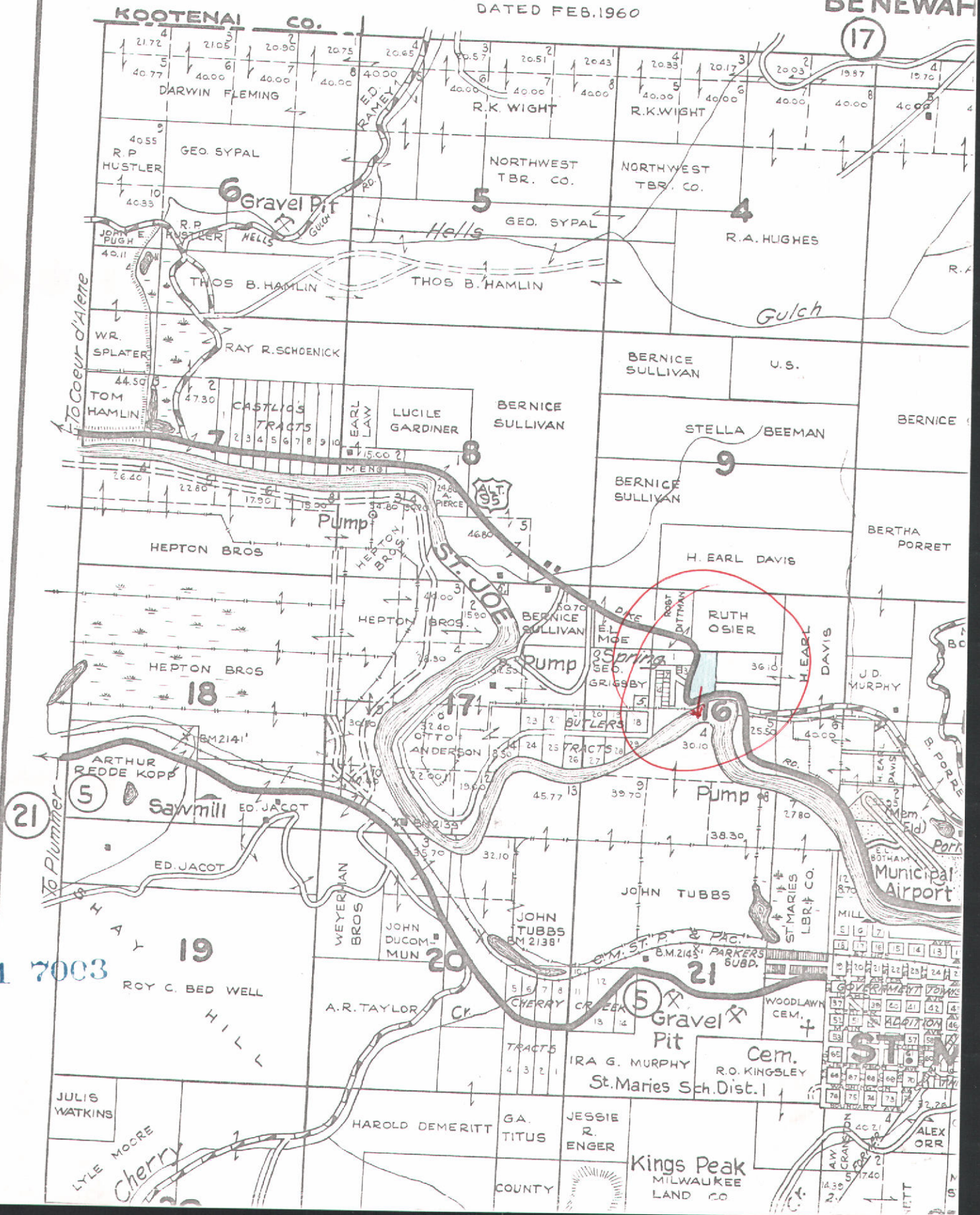
METSKER MAPS

111 SOUTH 10TH ST., TACOMA, WASHINGTON
1020 THIRD AVE., SEATTLE, WASHINGTON

DATED FEB. 1960

TOWNSHIP 40

BENEWAH



Document Number 78288
WARRANTY DEED

March 25, 1953

S. M. Dyrland and Mae Dyrland, his wife of Benewah County, State of Idaho

John Cerny and Elma L. Cerny, his wife of Benewah County, State of Idaho.

Consideration: Ten and no/100 - - - - - (\$10.00) - - - - - Dollars

Granting Clause: Do grant, bargain, sell, release, alienate and confirm

Grant: All that unplatted portion of Government Lot 2, Section 16, Township 46 North, Range 2 West Boise Meridian, lying North and East of the North and South highway save and except a strip of land one hundred fifty feet (150') wide from the North end thereof. A privilege is hereby granted the party of the second part the use, for domestic purposes only, water from the spring situated on Tract 2 of Butler Tracts in said Lot 2, Sec. 16, Twp. 46 N. R. 2 W. B. M., same to be on an equal basis with the right to use water therefrom heretofore given A. C. Larson, C. L. Caine and others in the neighborhood.

This spring is no longer used - it belongs to Benewah County and is quite distant from the property referred to.

Warranty: Full warranty

Given: S. M. Dyrland (Seal)
Mrs. Mae Dyrland (Seal)

For: \$13.20 I. R. attached and canceled.

Witnessed: In State of Idaho County of Benewah March 25, 1953 by S. M. Dyrland and Mae Dyrland his wife, before Ray A. Bowen, Notary Public. Notarial Seal.

At: Mar. 25, 1953 at 3:25 P. M.

Recorded: Book T-2 of Deeds on page 302

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Elma Cerny, P.O. Box 216, St. Maries, Idaho,

has on April 22, 1971, submitted Application No. 91-7003

for a permit to appropriate 0.5 cubic feet per second ~~from the St. Joe River, tributary to Coeur d'Alene Lake~~

of water from the St. Joe River, tributary to Coeur d'Alene Lake

by means of pipe and pump

within the SW¹/₄NE¹/₄ Sec. 16, T. 46N, R. 2W, B.M., Benewah County,

to be used from May 15 to Sept. 15

for lawn irrigation

within the above description

issued

If ~~made~~, 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 Administration, Statehouse, Boise, Idaho, 83707, on or before June 7, 1971.

R. KEITH HIGGINSON
Director

Published in the St. Maries Gazette, St. Maries, Idaho,

on May 19 and May 26, 1971

91 7003