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Documents
In File

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 94-7039 Priority Sept. 17, 1973 Amount 0.04 cfs

THIS IS TO CERTIFY, that Otis Fencil &/or Larry Fencil &/or Harold Fencil &/or
Rodger A. Fencil of Coeur d'Alene, Idaho, has complied with the terms and conditions of Permit
No. 94-7039 issued pursuant to Application for Permit dated September 17, 1973,
and has submitted proof to the Department of Water Resources on August 4, 1976,
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 an unnamed stream,
tributary to _____, 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
<u>Domestic</u>	from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>0.04</u> cfs and <u>1.2</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 0.04 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
1.2 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12,
Twp. 51 N, Rge. 1 E, B. M. in the County of Shoshone

Description and location of place of use:

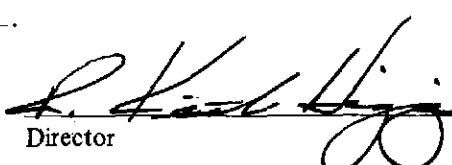
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
51 N	1 E	12				X									X				

Total number of acres irrigated _____

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
October, 19 76.


Director

94
Identification No. 94-7039

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

- see assignment of 10-15-76*
1. Name of applicant Rodger A. Fencil
post office address 205 LaCrosse, Coeur d'Alene, Idaho
 2. Source of water supply Unnamed Stream which is a tributary of _____
 3. a. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12 Township 51N
Range 1E B.M. Shoshone 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 0.04 for Domestic purpose from Jan. 1 to Dec. 31 (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. 0.04 cubic feet per second and/or
b. _____ acre feet per annum.
 6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Collection box and a 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 3 years.
b. Estimated construction cost is \$ _____.
 8. Description of proposed uses:
a. If water is **not** for irrigation: SE $\frac{1}{4}$ of NE $\frac{1}{4}$
(1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12 Township 51N
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 _____

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

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

[illegible]

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.

Rodger P. Fenech
(Applicant)

94 7009

Proposed Priority 9-17-1973

94 7039

Received by FB Date 9/17/73 Time 3:00 p.

Preliminary check by FB Fee \$ 10.00

Receipted by FB Date 9/17/73 # 11954

Publication prepared by cp Date 9-21-73

Published in Kellogg Evening News

Publication dates 9-27 & 10-4-73

Publication approved CP Date 10-30-73

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by jsj

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. 94-7039, 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 December 1, 19 76.

c. Other: _____

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

Witness my hand this 6th day of November 19 73.

L. Keith Higgins
Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>ZE</u>	<u>9/12/73</u>	Application No. <u>94-7039</u>
(2)			☒ 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
(3)	<u>ZE</u>	<u>9/13/73</u>	In form to receipt
			Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)			☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M. ☐ Request Information from Applicant
(5)	<u>ZE</u>	<u>9/12/73</u>	In form for advertising
(6)			Located within Water District No. _____
(7)			Critical groundwater area: yes _____ no _____
(8)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(9)			Comments: _____
(10)	<u>cl</u>	<u>10-30-73</u>	Affidavit of Publication received (date) <u>OCTOBER 30, 1973</u>
(11)	<u>cl</u>	<u>9-24-73</u>	Final date for protests <u>OCTOBER 15, 1973</u> Protests received: yes _____ no ☒
(12)			Date and Place of hearing _____ Decision reached at hearing _____
(13)	<u>ZE</u>	<u>10/30/73</u>	All requested information received from agencies or applicant yes ☒ no _____
(14)	<u>ZE</u>	<u>12/29/73</u>	Action recommended: ☒ Approve Priority <u>9/17/73</u> ☐ Deny Reason for Reduction _____ ☐ Measuring device required ☐ See attached sheet for additional conditions of approval ☒ No additional conditions for approval
(15)	District <u>Pattern</u>	By <u>Paul E. [Signature]</u>	Date <u>10/30/73</u>

PROOF OF PUBLICATION

STATE OF IDAHO
County of Shoshone, }

SS.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Rodger A. Fencil, 205 LaCrosse, Coeur d'Alene, Idaho has on September 17, 1973, submitted Application No. 94-7039 for a permit to appropriate 0.04 cubic feet per second of water from an Unnamed Stream by means of collection box and pipeline within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 51 N. R. 1E, B.M., Shoshone County to be used from Jan. 1 to Dec. 31 for domestic purposes within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 51N, R. 1E, B.M.

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 Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before October 15, 1973.

R. KEITH HIGGINSON
Director

9-26-10-3-'73.

Wm. Penney, being first duly sworn deposes and says that he is publisher of KELLOGG EVENING NEWS a daily newspaper of general circulation in said county, published in the City of Kellogg, in the County of Shoshone and the State of Idaho, and which has been published continuously in said county for a period of 78 weeks immediately prior to the publication of the notice hereinafter described, and that the

WATER PERMIT APPLICATION
#94-7039
Rodger Fencil

of which the annexed is a true copy, was published in each regular weekly/daily issue of said newspaper, and not in a supplement thereto, for a period of 2 consecutive weeks/days, the first publication thereof being in its issue dated Sept 26 and the last publication thereof being in the issue dated

Oct 3, 1973

Wm Penney

Subscribed and sworn to before me this 29th

day of Oct., 1973.

Wendell R. Brainerd

Notary Public

94 7039

October 25, 1976

Re: Permit No. 94-7039

**Otis &/or Larry &/or Harold
&/or Rodger A. Fencil
966 - 7th Street
Coeur d'Alene, Idaho 83814**

Gentlemen:

This office acknowledges receipt of the assignment and proof of beneficial use affidavit submitted in connection with the above referenced permit.

Enclosed for your records is a copy of the Water License issued on this permit.

Sincerely,

**D. Darlene Reich
Water Rights Supervisor**

Enclosure

RECEIVED

OCT 15 1976

State of Idaho
Department of Water Resources

Department of Water Resources
Northern District Office

ASSIGNMENT OF PERMIT

I, Rodger A. Fencil, hereby assign to Otis Fencil &/or Larry Fencil &/or
Harold Fencil &/or Rodger A. Fencil, of 966 7th St., Coeur d'Alene, Idaho 83814
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 94-7039
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 listing 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 15th day of October, 19 76.

Rodger A. Fencil
Permit Holder

Spouse of Permit Holder

State of Idaho

County of BOZEMAN

) ss.

On this 15TH day of OCTOBER, 19 76, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Corda M. Patterson
Notary Public residing at

COEUR D'ALENE, IDAHO

My commission expires:

LIFETIME

RECEIVED

AUG 4 1976

Identification No. _____

Permit No. 94-7039

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Northern District Office

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Otis Fencil &/or Larry Fencil &/or Harold Fencil &/or Rodger A. Fencil
b) Post Office Address 966 - 7th Street, Coeur d'Alene, Idaho 83814
2. Permit Number 94-7039
3. Date of Priority that you are prepared to establish September 17, 1973
4. a) Source from which water was appropriated Unnamed Stream
b) Location of the point of diversion: NE ¼ SE ¼, Section 12
Township 51N, Range 1E Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:
Amount 0.04 cfs for Domestic purposes from Jan. 1 to Dec. 31 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)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.04 cfs 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: Estimated.

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:

b) Describe the agreement or understanding by which you take water from the works: _____

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) Collection box and pipeline to place of use.

b) Describe the type and size of measuring device which you have installed at your point of diversion: _____

c) Give well driller's name and address and the date the well was completed: _____

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
Water is used for domestic purposes for one household, within the SE¼NE¼, NE¼SE¼,
Section 12, Township 51 North, Range 1 East, B.M.

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

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

August 4, 1976
(Date)

Rodgers A. Fenech
(Signature)

State of IDAHO)
County of KOOTENAI) ss.

On this 4TH day of AUGUST, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Corda M. Roberts
Notary Public residing at COEUR D'ALENE, IDAHO

My commission expires SEPT. 11, 1976

FIELD REPORT

- TOTAL ACREAGE**

DATE OF EXAM Oct. 20, 1976

ACREAGE
Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= 04 c.f.s. V= 12 AF/Ann. from Jan 1 to Dec 31
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

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

Exchange? yes _____ no ✓

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 _____ Method of measurement _____

Total Q recommended .04 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 12 AF

Recommended Amendments:

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

MEASUREMENT CALCULATION:

None

SYSTEM DESCRIPTION:

System consists of a spring box and pipeline to place of use

REMARKS:

Rodger Fench accompanied on exam

Examiner's Signature Robert J. Haynes Date 10-20-76

Checked by [Signature] Date 10-20-76

Approved by _____ Date _____

September 30, 1976

CERTIFIED MAIL

138961

Re: Permit No. 94-7039

Rodger A. Fencil
205 LaCrosse
Coeur d'Alene, Idaho 83814

Dear Mr. Fencil:

One of the conditions of approval of your water Permit No. 94-7039 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before December 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

November 8, 1973

Re: Permit No. 94-7039

Rodger A. Fencil
205 LaCrosse
Cour d'Alene, Idaho 83814

Dear Mr. Fencil:

Enclosed is a copy of your approved Application for Permit No. 94-7039. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosure

94 7039

October 16, 1973

Re: Application for Permit No. 94-7039 - Rodger A. Fencil

Kellogg Evening News
401 Main
Kellogg, ID 83837

Gentlemen:

Could you please submit the affidavit of publication and bill in connection with the above referenced item. The legal notice was to have been published in your newspaper on September 27 and October 4, 1973.

Your assistance in this matter would be appreciated.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CP

94 7039

The Kellogg Evening News

Population Kellogg area 10,000; center of the mining and smelting industry of the Coeur d'Alenes. Home of the greatest silver-lead mine in the world and one of the world's most modern smelting and refining plants. Monthly payroll \$1,500,000 in addition to extensive timber and logging operations tributary to Kellogg. The NEWS is the only newspaper published in the Kellogg district of Shoshone County, Idaho, and is the official paper of Kellogg, Wardner, Smelterville, Osburn, Pinehurst, Mullan and Shoshone County.

KELLOGG, IDAHO

OCT 25 1973

State of Idaho
Department of Water Administration
401 Front Ave. Rm 209
Coeur d'Alene, Idaho 83814

Department of Water Administration
Northern District Office

OCT 25 1973

Application for Permit No.

94-7039 - Rodger A. Fencil

Sept 26 & Oct 3

Notice of Water Permit

2 legal insertions

\$10.36

I hereby certify the above account to be correct, services and/or merchandise delivered, and payment not received.

Wm Tenny
Signature of Plaintiff

94 7039

September 21, 1973

Re: Application No. 94-7039 - Rodger A. Fenc1

Kellogg Evening News
401 Main
Kellogg, ID 83837

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:-

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted 10-30-73 by d

FE:CP

Enc: Legal Notice

94 7039

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Rodger A. Fencil,
205 LaCrosse, Coeur d'Alene, Idaho

has on September 17, 1973 submitted Application No. 94-7039
for a permit to appropriate 0.04 cubic feet per second ~~acre feet per annum~~
of water from an Unnamed Stream
by means of collection box and pipeline
within the NE 1/4 Sec. 12, T. 51N, R. 1E, B.M., Shoshone County

to be used from Jan. 1 to Dec. 31
for domestic purposes

within the SE 1/4, NE 1/4, Sec. 12, T. 51N, R. 1E, B.M.

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 Administration, 401 Front Ave., Coeur d'Alene, Idaho, 83814 on or before October 15, 1973.

R. KEITH HIGGINSON

Director

Published in the Kellogg Evening News, Kellogg, Idaho
on Sept. 27 and Oct. 4, 1973

94 7039