

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.

Elma Perry
(Applicant)

91 7003

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

JoJane Hammes, being first duly sworn on oath, deposes and says that she is co-publisher and business manager 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 two issues, the first publication being on the 20th day of May, 1971 and the last on the 27th day of May, 1971.

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.

Subscribed and sworn to before me this 28th day of May, 1971

Orin Lyon
Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

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 of water from the St. Joe River, tributary to Coeur d'Alene Lake by means of pipe and pump within the SW 1/4 NE 1/4 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.

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, Statehouse, Boise, Idaho, 83707, on or before June 7, 1971.

Keith Higginson
Director

Published in the St. Maries Gazette, St. Maries, Idaho, on May 20 and May 27, 1971.
No. 3618

91 7003

SCALE 2 IN. - 1 MILE

FOR SALE BY

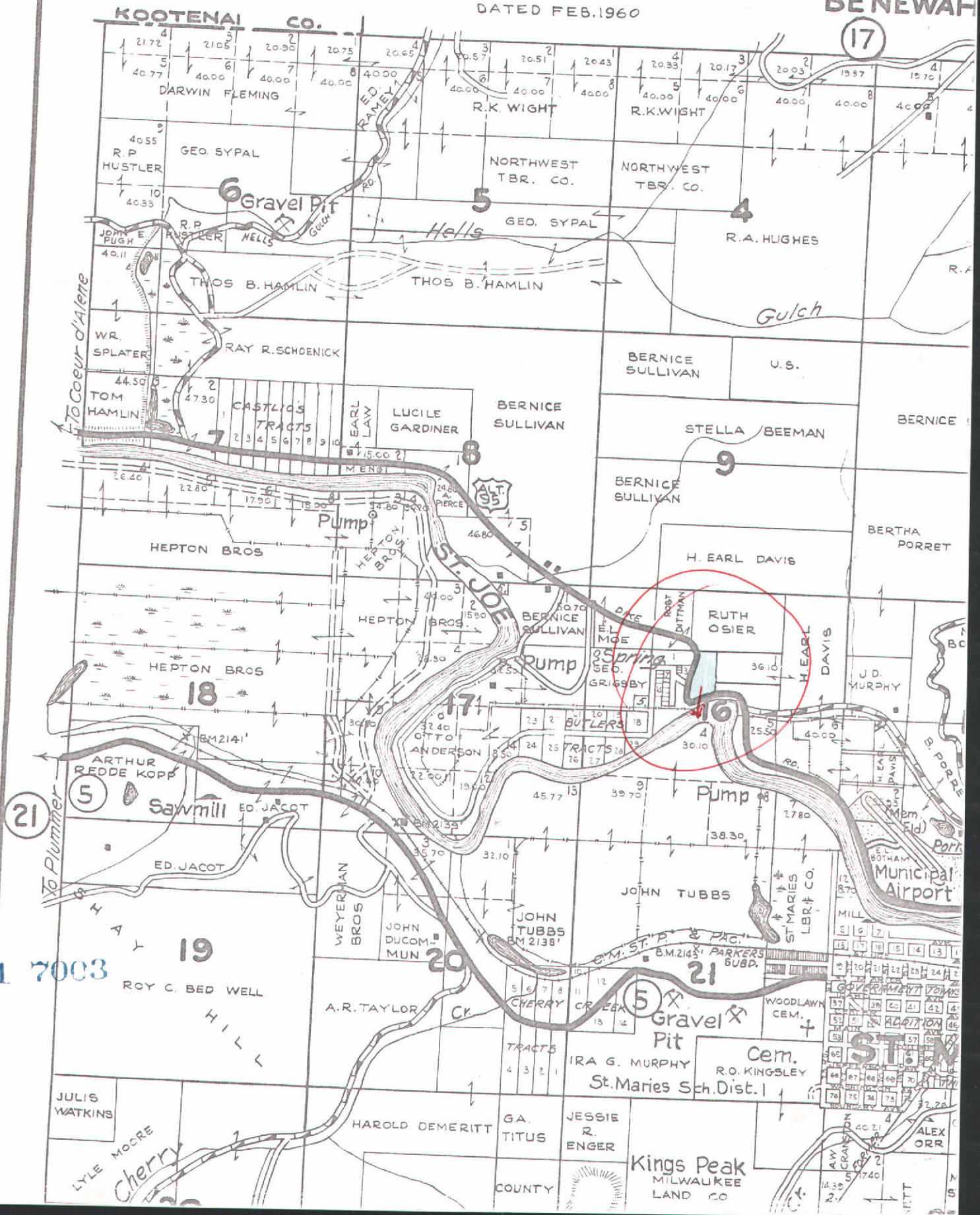
METSKER MAPS

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

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

Witness: 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

Granting: 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 of water from the St. Joe River, tributary to Coeur d'Alene Lake by means of pipe and pump within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ 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.

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, Statehouse, Boise, Idaho, 83707, on or before June 7, 1971.

Keith Higginson
Director

Published in the St. Maries Gazette, St. Maries, Idaho, on May 20 and May 27, 1971.
No. 3618

0-K-71
5-25
82

RECEIVED

MAY 24 1971

Department of Water Administration

91 7003

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.	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	NE 1/4	NW 1/4	SW 1/4	SE 1/4
46 N	24	16			X													
			TOTALS															
			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)

Dana Perry

91 7003

91 7003

Director

Witness my hand this 6th day of July, 1971.

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

3.0 Acre Feet.

c. Other: The amount of water diverted during one season shall not exceed

before August 1, 1973.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

Recommended for approval denial by *EDF*

Hearing held by Date

Copies of protests forwarded by

Protests filed by:

Priority reduced to Reason

Publication approved Date 6-3-71

Publication dates 5-19 & 5-26, 1971

Published in St. Maries Gazette Record

Publication prepared by dr Date 5-12-71

Received by Date 4-22-71

Preliminary check by Fee \$ 10.00

Received by Date 4-22-71 Time 8:00

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,

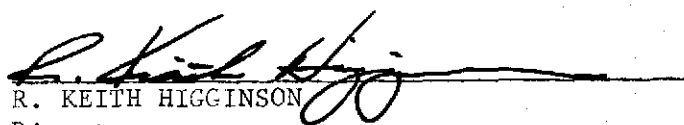
WHEREAS, on August 23, 1973, the Department received an assignment whereby the executrix of the estate of Elma Cerny, E. L. Miller, assigned all the right, title, and interest in and to Permit No. 91-7003 to Reuben E. Marquardt; and,

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

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

JoJane Hammes, being first duly sworn on oath, deposes and says that she is co-publisher and business manager 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 ^{two} issues, the first publication being on the 20th day of May, 1971 and the last on the 27th day of May, 1971

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.

JoJane Hammes

Subscribed and sworn to before me this 28th day of May, 1971

Chris Lyon

Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

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 of water from the St. Joe River, tributary to Coeur d'Alene Lake by means of pipe and pump within the SW 1/4 NE 1/4 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.

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, Statehouse, Boise, Idaho, 83707, on or before June 7, 1971.

Keith Higginson
Director

Published in the St. Maries Gazette, St. Maries, Idaho, on May 20 and May 27, 1971.
No. 3618

91 7003

August 23, 1974

Re: Permit No. 91-7003

Reuben E. Marquardt
St. Maries,
Idaho 83861

Dear Mr. Marquardt:

Enclosed is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

91-7003

XXXXXXXXXXXXXXXXXXXX

RESOURCES

August 7, 1974

Reuben E. Marquardt
St. Maries,
Idaho 83861

Dear Mr. Marquardt:

A representative of this Department has made an examination of the works covered by your Permit No. 91-7003 and has found the following:

Quantity of water diverted: 0.03 cfs Source: St. Joe River

Amount of water that can be recognized as beneficially used under Idaho law: 0.03 cfs

The maximum quantity diverted shall not exceed 3.0 acre feet per year.

Beneficial use: For irrigation of 1 acre within the SW 1/4, Sec. 16, Twp. 46N, Rge. 2W

Point of diversion: SW 1/4, Sec. 16, Twp. 46N, Rge. 2W, R.M.

Priority date established: May 14, 1971

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

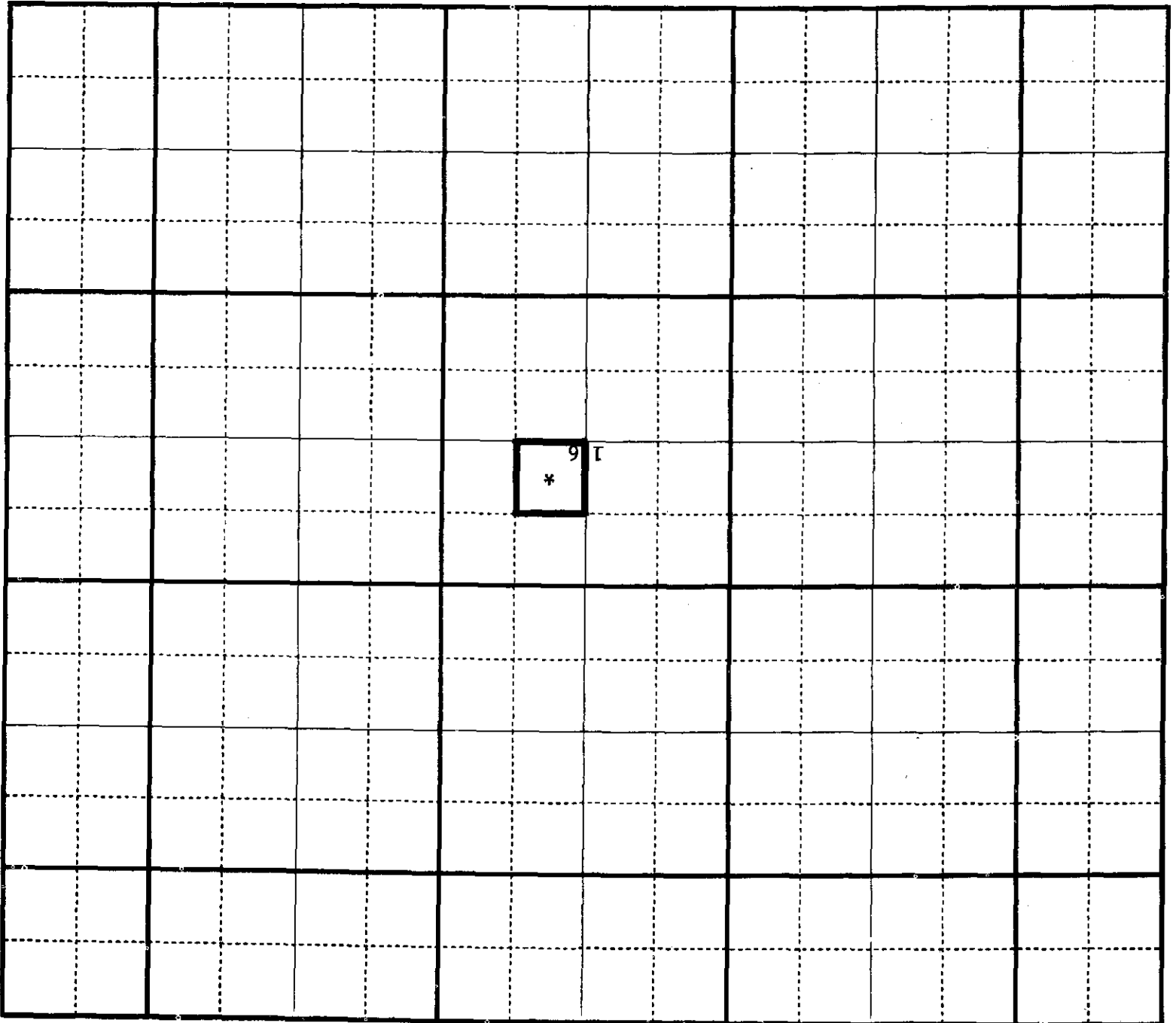
91-7003

RECEIVED

AUG 31 1973

9/2003

Diagram of System



N
46
I

Rge - 2W

91-703

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 _____

August 28, 1973

Re: Permit No. 91-7003

Reuben E. Marquardt
St. Maries,
Idaho 83861

Dear Mr. Marquardt:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed. We also acknowledge receipt of the affidavit submitted as proof of beneficial use of water for this permit. Enclosed you will find an Order of Reinstatement; please note that the priority has been advanced to May 14, 1971.

Before a license can be issued a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field exam, please contact our Northern District Office at 401 Front Ave., Room 209, Coeur d'Alene, Idaho.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JC
Enc: Order of Reinstatement

cc: E. L. Miller

91 7003

MILLER & KNUDSON

ATTORNEYS AT LAW

COEUR D'ALENE PROFESSIONAL CENTER - P.O. BOX E

COEUR D'ALENE, IDAHO 83814

PHONE 208/664-8115

E. L. MILLER

J. T. KNUDSON

SAMUEL RISMANN

August 22, 1973

RECEIVED

AUG 23 1973

Department of Water Administration

Mr. Bobby D. Fleenor
Assistant Director
Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

RE: ESTATE OF ELMA CERNY, Dec.
Permit No. 91-7003

Dear Mr. Fleenor :

Enclosed herewith is an Assignment of Water Permit in the above-entitled matter to Reuben E. Marquardt.

Very truly yours,

E.L. Miller
ap

E.L. MILLER

ELM/aap
Enclosure

91 7003

August 17, 1973

Re: Permit No. 91-7003, Elma Cerny

Miller & Knudson
Attn: E. L. Miller
Coeur d'Alene, Professional Center
P. O. Box E
Coeur d'Alene, Idaho 83814

Dear Mr. Miller:

In answer to your letter of August 14, 1973, please be advised that a permit is considered personal property and proof of beneficial use must be made by the permit holder of record. Therefore, we cannot accept the proof affidavit submitted by Mr. Marquardt until we receive an assignment of permit. The assignment can be made by the executrix of Elma Cerny's estate.

We are enclosing the Department's assignment form for your use in this matter. Upon receipt of said assignment, the Department can reinstate the permit and schedule a field examination which must be conducted prior to issuance of a water license.

If you should have any questions regarding this matter, please do not hesitate to contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/DR:jc
Enclosure

91-7003

MILLER & KNUDSON

ATTORNEYS AT LAW

COEUR D'ALENE PROFESSIONAL CENTER - P.O. BOX 8

COEUR D'ALENE, IDAHO 83814

PHONE 208/684-8115

E. L. MILLER

J. T. KNUDSON

SAMUEL RISMANN

August 14, 1973

RECEIVED

AUG 16 1973

Department of Water Administration

Mr. Robert Fleenor
Department of Water Adm.
Statehouse-Annex 2
Boise, Idaho 83707

RE: ESTATE OF ELMA CERNY, Dec.
Permit No. 91-7003

Dear Sir:

On June 7, 1973, there was forwarded to Mr. Reuben E. Marquardt of St. Maries, Idaho your Affidavit of use of water.

Mr. Marquardt, the purchaser of said property, reportedly completed this form and mailed it to you.

We are now advised that you have requested an Assignment of that water permit be made.

Please advise.

Very truly yours,

E. L. Miller,
E. L. MILLER

91 7003

ELM/ap

7306

MEMO

RAY A. BOWEN AGENCY 905 Main Avenue, P. O. Box 365, St. Marys, Idaho 83841 Tel. 245-2525

RECEIVED

TO: Bob. Fleener - Dept of Water Admin date: AUG 10 1973
RE: water permit # 91-7003- Cerny
Department of Water Administration

*

Mr Millers office advised be by phone, that they would prepare an assignment of the water permit above and forward same directly To your office, this week, with Mr Miller signing as executor of the Cerny Estate.

Thank you for your advice on this matter.

Very truly yours

by

Ray A. Bowen

representing



91-7003

MEMO

RECEIVED

RAY A. BOWEN AGENCY 905 Main Avenue, P. O. Box 365, St. Marias, Idaho 83857 Tel: 245-2525

TO: Bob Fleener - Dept of Water Admin. Date: 7/20/73
RE: Water permit 91-7003 - Elma Cerny.

*

The holder of the permit above numbered, died in June of 1972. The attorney who is handling the estate is gone for 2 weeks, so an assignment will not be available until after he returns.

I have completed the application form to the best of my ability, for Mr Reuben Marguardt, fee title owner of the land, having purchased it

by

91 7003

representing



MEMO

RAY A. BOWEN AGENCY 905 Main Avenue, P. O. Box 365, St. Maries, Idaho 83861 Tel. 245-2525

RECEIVED

TO:

DATE 26 1973

RE:

*some 2 months ago.

He uses the pump about 1 hour per day to sprinkle his lawn, not in excess of 10,000 sq ft. The lift is about 50-60 feet, I believe, and at the present time he is using a 1 horse motor on the pump.

Please extend the time element until an assignment can be acquired from the Cerny estate?

BY Thank you

Ray A. Bowen

81-7083



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 had 1/4 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

My commission expires _____

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

On this 23rd day of July, 1973, personally appeared before me the signers of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

State of Idaho)
County of Benewah) ss.

7-23-72
(Date)

(Signature)

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

10. Remarks: Land is water from system

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SE 1/4			SW 1/4			NE 1/4			NW 1/4			SE 1/4			SW 1/4			TOTALS
46N	20W	16																									
Desc is from Lot 2 Sec 16 T46N R20W lying east of Highway 95A 15A-																											

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

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

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

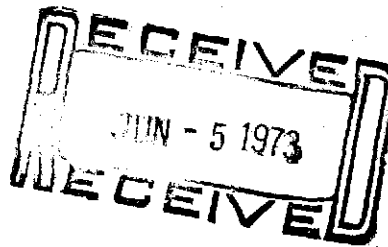


R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

June 1, 1973

CERTIFIED MAIL



Re: Permit No. 91-7003

Elma Cerny
P. O. Box 216
St. Maries, Idaho 83861

Dear Ms. Cerny:

One of the conditions of approval of your water Permit No. 91-7003 (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 August 1, 1973. 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

Bob Illener

Enc: Proof affidavit

RECEIVED

JUL 23 1973

91-7003

SCALE 2 IN. - 1 MILE

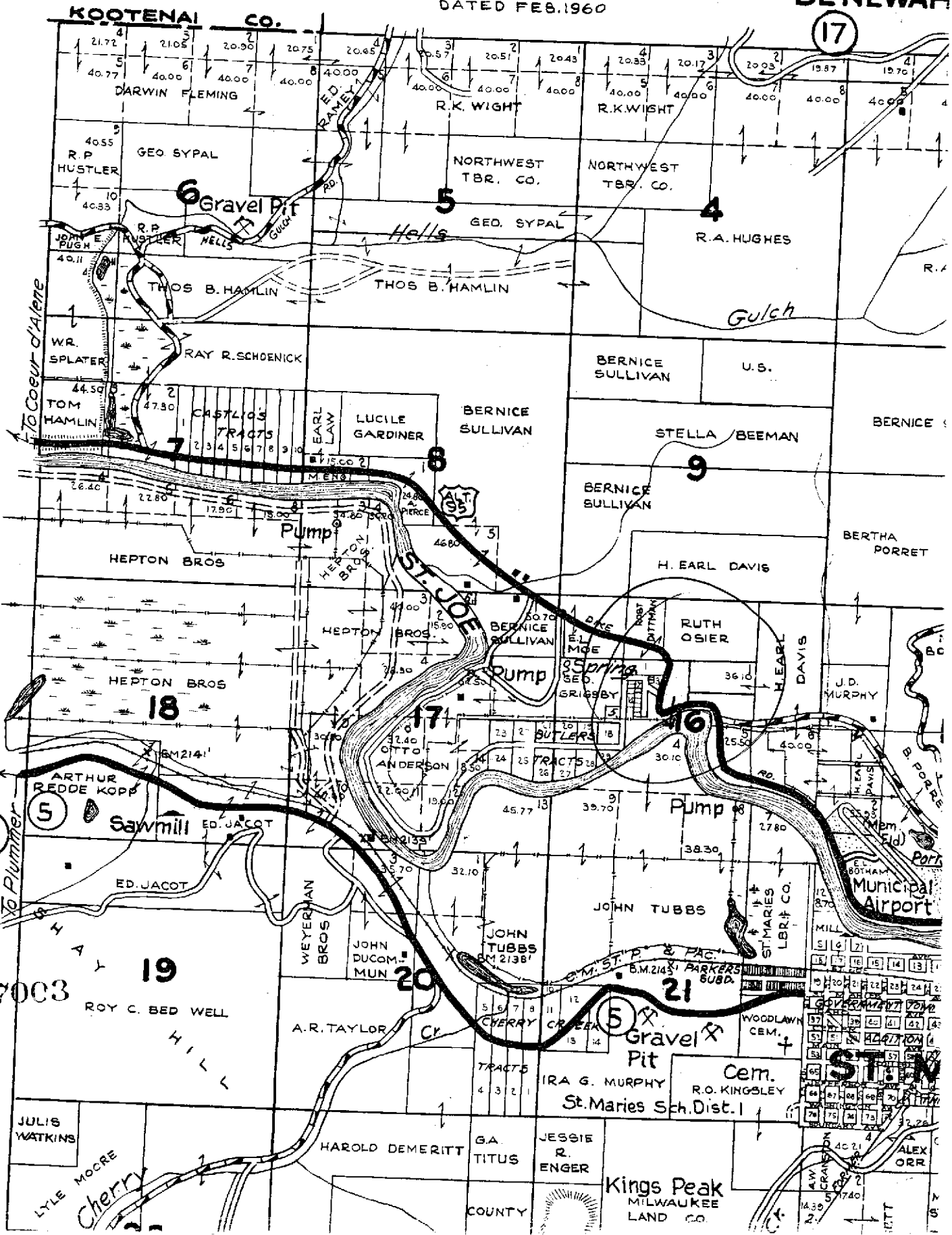
FOR SALE BY

METSKER MAPS

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

DATED FEB. 1960

TOWNSHIP 4 N
BENEWAH



91 7003

ROY C. BED WELL

Kings Peak
MILWAUKEE
LAND CO.

Document Number 73288
WARRANTY DEED

March 25, 1953

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

Grantee: 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

Granting Clause: 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. 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. 2 N. 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

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

Notary: \$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.

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

Filed: Book T-2 of Records on page 382

91 7003

SENDER: Be sure to follow instructions on other side

SAINT
JUN 4
PM
1973
10

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show to whom, date and address
where delivered

☐ Deliver **ONLY**
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

①

Elma Cerry

745108

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

Connie Williams

DATE DELIVERED

SHOW WHERE DELIVERED *(Only if delivered to a location other than the addressee's residence, include ZIP Code)*

JUN - 5 1973

③

91 7003

SAINT
JUN 5
PM
1973
10

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Postmark of Delivering Office

SENDER INSTRUCTIONS

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



- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.



**RETURN
TO**

**DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707**

June 1, 1973

CERTIFIED MAIL

#24568

Re: Permit No. 91-7003

Elma Cerny
P. O. Box 216
St. Maries, Idaho 83861

Dear Ms. Cerny:

One of the conditions of approval of your water Permit No. 91-7003 (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 August 1, 1973. 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

Enc: Proof affidavit

91 7003

July 7, 1971

Re: Permit No. 91-7003 - Elma Cerny

Elma Cerny
P.O. Box 216
St. Maries, Idaho 83861

Dear Ms. Cerny:

Enclosed is a copy of your approved Application for Permit No. 91-7003. We direct your attention to the conditions of approval as listed on the fourth page.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosures

91 7003

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

May 11, 1971

Re: Application for Permit No. 91-7003

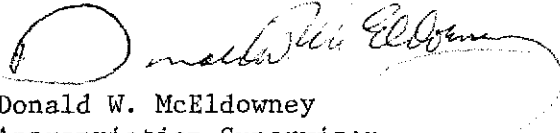
Ms. Elma Cerny
P. O. Box 216
St. Maries, Idaho 83861

Dear Ms. Cerny:

In reviewing your application for permit, it is noted that you propose the irrigation of lawn, approximately 1 acre in size. Idaho Statutes prevent the Department of Water Administration from approving permits for more than one inch or .02 cubic feet per second per irrigated acre. We realize that in cases of small area, it is difficult to water with this small amount. We, therefore, need some justification that will help us in evaluating your need for additional water. If you could supply us with the information as to the capacity of your two horsepower pump and motor in gallons per minute, it would help us in determining the actual amount of water that you can use.

Your assistance in this matter is greatly appreciated.

Very truly yours,


Donald W. McEldowney
Appropriation Supervisor

DWM/bb

54 gallons per Minute
Elma Cerny

91 7003

May 12, 1971

Re: Application No. 91-7003 - Elma Cerny

St. Maries Gazette
P.O. Box 367
St. Maries, Idaho 83861

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 our 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 date. 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,

Donald W. McKelownay
Appropriation Supervisor

DWM:DR
Enc: Legal notice

*Bill submitted
6-3-71
ds*

91 7003

**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 of water from the St. Joe River, tributary to Coeur d'Alene Lake by means of pipe and pump within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ 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.

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, Statehouse, Boise, Idaho, 83707, on or before June 7, 1971.

Keith Higginson
Director

Published in the St. Maries
Gazette, St. Maries, Idaho, on
May 20 and May 27, 1971.
No. 3618

91 7003

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

May 11, 1971

Re: Application for Permit No. 91-7003

Ms. Elma Cerny
P. O. Box 216
St. Maries, Idaho 83861

Dear Ms. Cerny:

In reviewing your application for permit, it is noted that you propose the irrigation of lawn, approximately 1 acre in size. Idaho Statutes prevent the Department of Water Administration from approving permits for more than one inch or .02 cubic feet per second per irrigated acre. We realize that in cases of small areas, it is difficult to water with this small amount. We, therefore, need some justification that will help us in evaluating your need for additional water. If you could supply us with the information as to the capacity of your two horsepower pump and motor in gallons per minute, it would help us in determining the actual amount of water that you can use.

Your assistance in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/bb

91 7003

April 28, 1971

Elma Cerny
P.O. Box 216
St. Maries, Idaho 83861

Dear Mrs. Cefny:

Returned herewith is your receipt No. 5928 in the amount of \$10.00
for your application for permit,

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

91 7003