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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Gladys Schutt (Name of Claimant)

Rt 2 Box 28-5, Newport, wa 99156 (Mailing Address) Telephone No. 437-2382 (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1890

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

3 Springs tributary to _____

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.04</u>		Use <u>Domestic</u>		Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity <u>0.24</u>		Use <u>Irrigation</u>		Period of Use From <u>May 1</u>	To <u>Oct 1</u>
Quantity <u>6000 gph</u>		Use <u>Recreation - pool</u>		Period of Use From <u>June 1</u>	To <u>Nov 1</u>
Quantity _____		Use <u>Fire protection</u>		Period of Use From _____	To _____
Quantity _____		Use <u>Irrigation power</u>		Period of Use From _____	To _____

- (4) 0.28 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

666 1/2 1/4, Sec. 30 Twp. 56N Rge. 5W B.M., County of Bonner

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Developed springs, (2) one for fire use, and one for irrigation

- #1 Gravity flow from spring to lower 2nd gravity flow from spring to holding tank then by 5 hp pump to irrigation system 3 cement reservoirs
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
56N	5W	30				12													12
						6													
						0													
						7													
						6													
						0													
						4													
						6													

No. of acres 12

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Home, and 12x30' cement pool for swimming and as fire protection, also small fish pond about 20' x 24'

There is 14' x 20' cement reservoir at one spring and another smaller one with 2 pipe lines to house and barn and storage tanks 2' x 8' (metal). We increased pipe & built pool.

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

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

Scale: 2 inches equal 1 mile.

$\frac{p_D}{p_u} \neq \frac{p_u}{p_D}$

55.

Bennen

affiant's knowledge.

June

(Claimant)

Alm & Jack

Newport, Wts

June 5, 1983

Exception filed by:

Date _____

1/24 + 3/1/90
West Africa
Date
Date
Date

Dates

A F F I D A T I T .

FIELDEN L. POIRIER, being first sworn, on oath disposes and says;

That the following information relative to water rights on the original ALBENI POIRIER Farm located in Section 30, Township 56N Range 5WBM, Bonner County, Idaho. has been in constant use since the year 1900. First by Albeni Poirier, then by George Zimmer and since by other residents of the property. This water was used for Domestic as well as Irrigation.

Fielden L. Poirier

Subscribed and sworn to before me *Glen E. Rush*

A Notary Public, for the State of ^{WA} ~~Idaho~~ and located at

Newport, WA this *30* day of *June* 1980

Glen E. Rush
Notary Public, residing at *Newport, WA* ~~Idaho~~

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Affidavit of Publication

STATE OF IDAHO
County of Bonner,

ss.

Pete Thompson

being duly sworn, says that he is the publisher
of the PRIEST RIVER TIMES, a weekly newspaper printed and
published at Priest River, Bonner County, Idaho, and has been
continuously and uninterruptedly published in said County during
a period of 78 consecutive weeks prior to the first publication of
the annexed notice for publication, is a newspaper of general cir-
culation made up of at least eight pages of at least seven columns
each, printed from typematter or stereotyped forms of at least
nineteen and three-fourths inches depth, has at least 1250 bona fide
subscribers living within said Bonner County, and is published at
regular weekly intervals. That the annexed is a true copy of the
notice for publication in the case of

Application for Water Right No. 96-4268

as it was published in the regular and entire issue of said paper
for a period of two consecutive weeks, commencing on
the 24 day of July, 1980,
and
ending on the 31 day of July, 1980,
and that said notice was published in said newspaper proper, and
not in supplement form.

Pete Thompson

Subscribed and sworn to before me this

1 day of Aug, 1980

Adelle M. Thompson

Notary Public for Idaho,

Residing at Priest River, Idaho

DOMESTIC (0.04 CFS) from
01/01 to 12/31

Place of Use: LOT 06 Sec 30
T 56N R 05W FOR 12 ACRES

Any exception to any
claim of water right may be
filed with the Director of the

Idaho Department of Water
Resources, 4055 Gov't Way,
Coeur d'Alene, Id., 83814.

C. STEPHEN ALLRED
Director

Published in the Priest River
Times 7/24 & 7/31/80.

application to beneficial use.

Application No. 96-4268

SCHUTT, GLADYS

RT. 2 BOX 28-5, NEWPORT,
WA 99156

Source: SPRINGS

Priority Date: 01/01/1980

Amount: 0.28 CFS

Diversion Point: LOT 06 Sec
30 T 56N R 05W, BONNER

Co.

Use: IRRIGATION (0.24
CFS) from 05/01 to 10/01;

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that
the following claim(s) to
water right(s) have been
established by diversion and

OK
8/11/80

Idaho Department of Water Resources
Coeur d'Alene, Idaho

96-4268

July 9, 1980

Ms. Gladys Schutt
Rt. 2 Box 28-5
Newport, Wash. 99156

Dear Ms. Schutt:

I regret to inform you that the filing fee for claims was increased to \$30.00 on July 1, 1980. I must, therefore, return your Check No. 92-311 in the amount of \$20.00 and your Claim to a Water Right.

To refile, please return the claim and a \$30.00 fee to this office.

If you have any questions, please contact me at this office.

Sincerely,

TOM DO KING
Senior Water Resource Agent

TDK/pms

Enc. - Claim
Check

UNRECORDED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: BSB

Right Number 96-4268 Applicant Schutt

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By pm Date 8/11/80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Maureen Date 8/15/80

UNRECORDED

96-4268-

SCHUTT, GLADYS

RT. 2 BOX 28-5, NEWPORT, WA 99156

Source: SPRINGS

Priority Date: 01/01/1890

Amount: 0.28 CFS

Diversion Point: LOT 06 Sec 30 T 56N R 05W, BONNER Co.

Use: IRRIGATION	(0.24 CFS)	from 05/01 to 10/01
DOMESTIC	(0.04 CFS)	from 01/01 to 12/31

Place of Use: LOT 06 Sec 30 T 56N R 05W FOR 12 ACRES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
C. STEPHEN ALLRED
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

AUGUST 11, 1980

GLADYS SCHUTT
RT. 2 BOX 28-5
NEWPORT

WA 99156

RE: Claim No. 96-4268

Dear Claimant:

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

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

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

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

Yours truly,

Robert G. Haynes, P.E.
Regional Supervisor

Enclosure

Dept. of Water Resources
State of Idaho
4055 Gout. Way
Coeur d'Alene Id.
Tom D. King.

Rte. 2 Box 28-5
Newport Wa.

July 10 1980

RECEIVED

JUL 15 1980

Department of Water Resources
Northern District Office

Dear Sir;

Are you the same person who called me on June 25? If so you asked me to sign a paper rescinding water rights we had gotten in 1974. I did this & sent it.

You said that I was supposed to have the old water rights vested with the land originally and that you would get these rights and said you would immediately mail out a letter for me to request new rights and rescinding ~~the~~ the 1974 water rights.

In fact, I did not receive your letter until June 28, not the 25 of June.

You asked that I get a signed and notarized statement from Feldon Fairer, who is in his mid 80s, that he had personal knowledge that the waters from springs on this property have furnished water for this property since the turn of the century. He's the nephew of Albion Fairer who settled on this land near Albion Falls in 1880 and is squatting on the land and filing on

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it later when it had been surveyed.

Fielden Poirier has a wonderful, clear mind and memory and recalled visiting this ranch over the years. He was born in 1894.

I got your letter on June 28 and immediately got on the phone. I talked to Mrs. Poirier and she asked Fielden if he felt strong enough to talk to me. He asked me to come immediately. He is very, very frail and ill. So I drove right ~~at~~ out to his home in Blanchard. Sick though he was, he typed out and signed the affidavit you requested and Glen Russo, his son-in-law notarized it.

I carried it to the Post Office myself on June 30 so my letter should have had that cancellation date. June 28+29 were Saturday and Sunday so there's no way I could have gotten your letter on June 28 and mail an answer any earlier than Mon. June 30th.

I am alone, in my 70s and my pick-up is a 1963 and I did not think I should drive it to Coeur-d'Alene. Also it would take 10⁰⁰ worth of gas. I guess I should have realized that if it took your letter from the 25th to the 28th to come 50 miles to me I should have known mine wouldn't travel any faster going to you, but I did think you would accept the cancellation and date of check as

proof that I mailed it before July 1. It has always been acceptable on taxes and government payments, income tax returns etc. But if you were right and I was wrong I'll enclose 10⁰⁰ more.

Sincerely
Hedys Schult



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

July 9, 1980

Ms. Gladys Schutt
Rt. 2 Box 28-5
Newport, Wash. 99156

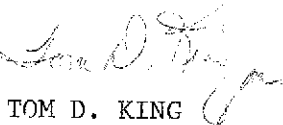
Dear Ms. Schutt:

I regret to inform you that the filing fee for claims was increased to \$30.00 on July 1, 1980. I must, therefore, return your Check No. 92-311 in the amount of \$20.00 and your Claim to a Water Right.

To refile, please return the claim and a \$30.00 fee to this office.

If you have any questions, please contact me at this office.

Sincerely,



TOM D. KING
Senior Water Resource Agent

TDK/pms

Enc. - Claim
Check

July 15, 1980

Mrs. Gladys Schutt
Rt. 2 Box 28-5
Newport, Washington 99156

Dear Mrs. Schutt:

Unfortunately, the law concerning the fees of the Department stipulates that the claim and the fee must be received in the office by July 1, 1980, to avoid the increased rate. We realize the circumstances which caused you to miss the deadline could not have been avoided, but we are powerless and must abide by the laws as passed down to us by the State Legislature.

If I can be of any further assistance, please contact me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent

TDK/pms

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