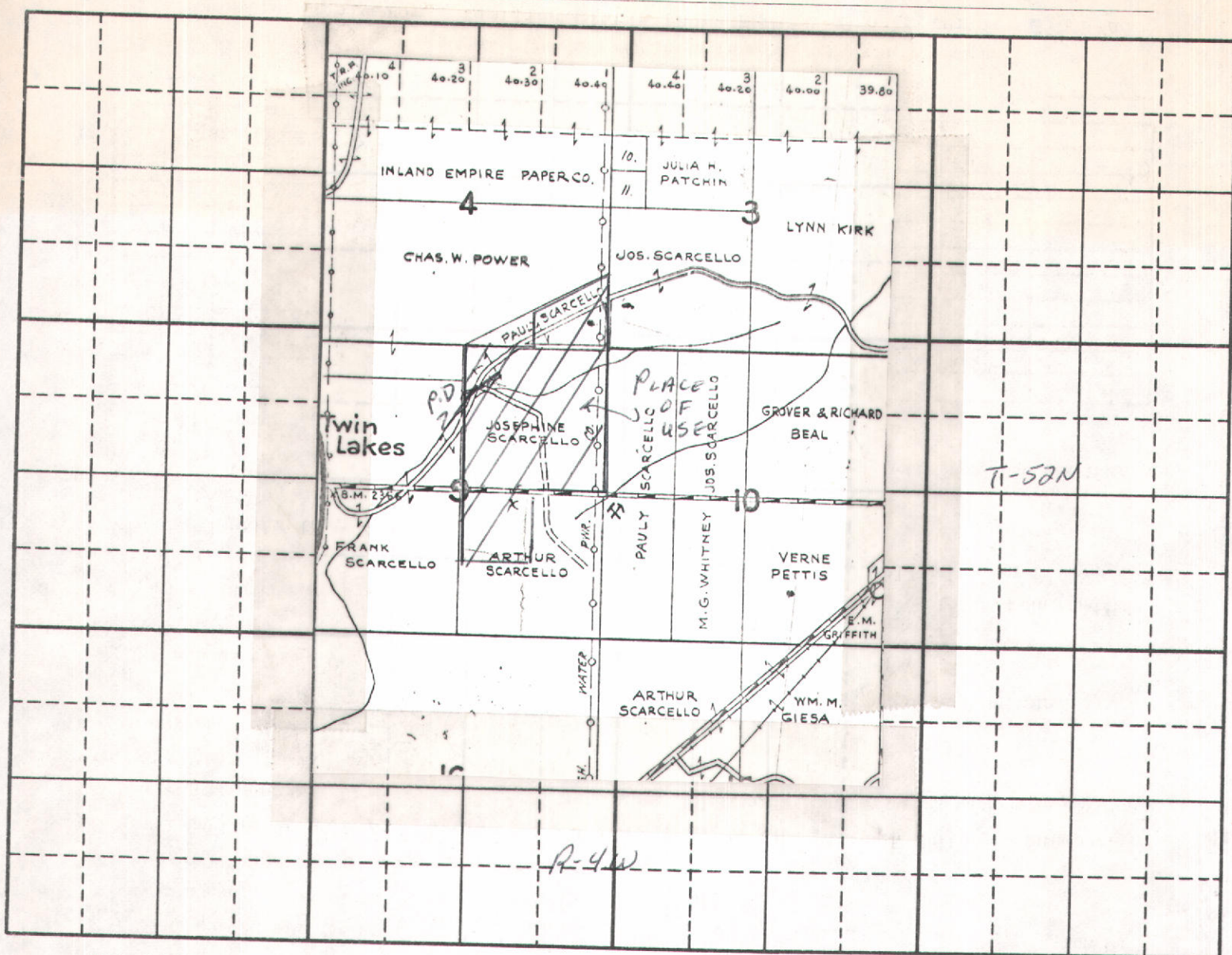


(8) Remarks This system supplies five families.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of KOOTENAI SS.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 6TH day of NOVEMBER, 19 73.

Arthur H. Scardels
(Claimant)

Corda M. Roberts
Notary Public

Residing at COEUR D'ALENE

My commission expires SEPT. 11, 1976

For Department Use Only

Received by <u>KK</u>	Date <u>11/6/73</u>	Exception filed by: <u>#12241</u>	Forwarded to claimant by:	Date
Prelim. check by <u>KK</u>	Date <u>11/6/73</u>			
\$10.00 fee received by <u>KK</u>	Date <u>11/6/73</u>			
Approved for publication by <u>TK</u>	Date <u>11/7/73</u>			
Published in <u>COEUR D'ALENE PRESS</u>				
Dates <u>11-15 + 11-22-73</u>				

95 4177

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Arthur G. Scarcello (name of claimant)
of Route #2, Box 94, Rathdrum, Idaho (mailing address), claims a right to the diversion and beneficial use of
ground water or surface water tributary to ;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Ground water
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|-------------------|-----|----------------------------|---------------------|--------|----|------------------------|
| Amount | 0.08 | Use | Domestic | Period of Use: From | Jan. 1 | To | Dec. 31 |
| Amount | 0.02 | Use | Stockwater | Period of Use: From | Jan. 1 | To | Dec. 31 |
| Amount | | Use | | Period of Use: From | | To | |
| | (cfs, gpm or a/f) | | (dom., irri., stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 0.10 cubic feet per second, or acre feet per annum, and/or gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1919

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW ¼ NE ¼, Sec. 9 Twp. 52N Rge. 4W B. M. County of Kootenai
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. 380 foot, 7 inch well with an 8' X 8' X 8' reservoir tank with pipeline to place of use.

- (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 ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
52N	4W	9	X	X	X	X					X								
		3										X							

Total No. of acres

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic supply for 2 families within the NW ¼ NE ¼. Stockwater for 50 head of cattle, 50 head of hogs.

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

State of Idaho)
) SS.
County of Kootenai)

I, Joe Scarcello (also known as Guiseppe Scarcello), being first duly sworn depose and say:

That I am 84 years of age. That I was born in Italy and came to this country in 1906. That I was residing on the NE $\frac{1}{4}$ of Section 9 in Township 52 North of Range 4 West of the Boise Meridian in Kootenai County, Idaho, in 1918 when Tony Scarcello, Frank Scarcello, Paul Scarcello and I started to dig the well on the NE $\frac{1}{4}$ of said Section 9.

That we dug by hand down to a dept of 165 feet, shoring it up with log timbers. That when we reached that depth we decided it was too much so hired Noah Washburn to come in with his well drilling rig and he drilled down to a depth of 380 feet. A casing 7 inches in diameter was installed together with a pump powered by a gas engine. That later we converted to an electric pump.

That we built the reservoir for the waters from said well in 1919 which is when the well was actually finished.

That the well and reservoir have been in continuous use at all times since 1919.

All of these things I know of my own knowledge.

Joe Scarcello
Joe Scarcello

Subscribed and sworn to before me this 25th day of November, 1973.

Kenneth F. Shea
Notary Public in and for
Kootenai County, Idaho, residing
at Rathdrum, Idaho.

NOTARY PUBLIC for the State of Idaho
residing at Rathdrum, Idaho.

My Commission Expires Jan. 25, 1975

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS
(WEEKLY)

STATE OF IDAHO, }
County of Kootenai, } ss.

Arthur S. Flanagan, being first duly sworn,
deposes and says:

That affiant is now, and at all times herein mentioned has been, a citizen of the United States and a resident of Kootenai County, State of Idaho, over the age of 21 years and not a party to, nor interested in the event of, the above entitled matter, and the printer (principal clerk) of the "Coeur d'Alene Press", during all of the times herein mentioned being a legal daily newspaper, of Coeur d'Alene, Kootenai County, Idaho, as defined by Idaho Code Sec. 60-106 to Sec. 60-108 both inclusive, and Chapter 121 Idaho Session Laws of 1949, and acts amendatory thereof and correlated thereto, and qualified thereunder to publish to the same effect as a weekly

newspaper on Wednesdays; and that the Notice of Claim
to Water Right, # 95-4177

Arthur G. Scarcello

of which a printed copy is annexed hereto, was published in all the regular Wednesday weekly issues of said newspaper for 2 consecutive weeks, commencing on the 15 day of Nov, 1973, and ending on the 22 day of Nov, 1973.

Arthur S. Flanagan
Subscribed and sworn to, before me, this 23 day of Nov

1972

Patrick King

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 95-4177**

Notice is hereby given that Arthur G. Scarcello, Route 2, Box 94, Rathdrum, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.10 cubic feet per second of water from a ground water source with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 52N, R. 4W, B.M., Kootenai County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.08 cfs) and stockwatering purposes (0.02 cfs) with a priority of 1919; the place of use is within the NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 52N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON
Director

Nov. 15, 22, 1973

95-4177

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

December 3, 1973

Re: Claim to a Water Right No. 95-4180
" " " " " 95-4179
" " " " " 95-4178
" " " " " 95-4177

Arthur G. Scarcello
Route #2, Box 94
Rathdrum, ID 83858

Dear Mr. Scarcello:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claims will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of a claim does not, in itself, guarantee you a water right; it only records and preserves 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 in your claim files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

We are enclosing, for your records, copies of your claims. If you have any questions, or if we may be of any further assistance, feel free to contact us.

Very truly yours,

FRED EISENBARTH
Northern District Manager

FE:cp

Enclosures

95 4177

November 9, 1973

Re: Claim No. 95-4177 95-4179
" " 95-4178 95-4180

Coeur d'Alene Press
Second & Lakeside
Coeur d'Alene, ID 83814

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,

95 4177

Fred Eisenbarth
Northern District Manager

Bill submitted 11-28-73 by CP

FE:CP

Enc: Legal Notices (4)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 95-4177

Notice is hereby given that Arthur G. Scarcello.

Route #2, Box 94, Malheur, Idaho

has filed a claim to a water right established by diversion and application to beneficial use of 0.10 cubic feet per second ~~beneficial use~~ of water from a ground water source

with point of diversion in the N4NE4, Sec. 9, T. 52N, R. 4W, B.M.,

Kootenai County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic (0.08 cfs) and stockwatering purposes (0.02 cfs)

with a priority of 1919;

the place of use is within the NE4, NE4SW, Sec. 9; SW4SE, Sec. 3, T. 52N, R. 4W, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 401 Front Avenue, Coeur d'Alene, Idaho 83814.

R. KEITH HIGGINSON

Director

Published in the Coeur d'Alene Press, Coeur d'Alene, Idaho

on Nov. 15 and Nov. 22, 1973

95 4177

NOTICE OF CLAIM
TO A WATER RIGHT

NO. 95-4177

Notice is hereby given that

Arthur G. Scardello, Route 2,
Box 94, Rathdrum, Idaho has fil-

ed a claim to a water right es-
tablished by diversion and
application to beneficial use of

0.10 cubic feet per second of
water from a ground water
source with point of diversion in

the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 52N,
R. 4W, B.M., Kootenai County.

The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic (0.08 cfs) and

stockwatering purposes (0.02
cfs) with a priority of 1919; the
place of use is within the NE $\frac{1}{4}$,
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 3, T. 52N, R. 4W, B.M.

Any exception to this claim of
water right may be filed with
the Idaho Department of Water
Administration, 401 Front
Avenue, Coeur d'Alene, Idaho

83814

o.k.
11-13-73
d

95 4177