

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY)

STATE OF IDAHO,

County of Kootenai,

ss.

Ruby Jacobson, 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 18 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 Proof of Application of Water to Beneficial Use

of which a printed copy is annexed hereto, was published in all the regular Wednesday

weekly issues of said newspaper for *4* consecutive weeks, commencing

on the *27th* day of *July*, 19*60*, and ending on the

17th day of *August*, 19*60*.

Ruby Jacobson
Subscribed and sworn to, before me, this *17th* day of *August*, 19*60*

960

Dunn B. Hagdon

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

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 A.M. on the 29th day of August, 1960, at Spokane, Washington, County of Spokane, State of Washington, before V. E. Kuhn, E. 218 Trent Avenue, Notary Public for the State of Washington, proof will be submitted of the application to beneficial use of .20 cubic feet per second of the waters of Spokane River in accordance with the terms and conditions of Permit No. 28107 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: Mary A. Schell, Mel Schell, Virginia Grace Rowell, Box 367, Post Falls, Idaho.

The use to which said water has been applied is irrigation and domestic.

The amount applied to beneficial use is 1" per acre (10" for 10 acres) .20.

The place where said water is used, give full and accurate legal description: 10 acres - Section 3, T. 50 R. 5W B.M. Lot 8, Kootenai County, Post Falls, Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is none.

The right to take water from such works is based upon Permit No. 28107.

The source of supply from which such water is diverted is Spokane River.

Point of Diversion (legal description) Lot 8, Sec. 3, T. 50 R. 5" B.M.

The date of priority which said user is prepared to establish is June 10, 1959

State Reclamation Engineer
GEO. N. CARTER
July 27, Aug. 3-10-17, 1960.

95 4028

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 95-4028

Notice is hereby given that Mary A and Mel Schell, P. O. Box 367, Post Falls, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.2 cubic feet per second of water from the Spokane River with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, (Lot 8), Sec. 3, T. 50N, R. 5W, B. M., Kootenai County.

The water is claimed to be used from January 1 to December 31 for stockwatering purposes and from June 1 to September 31 for irrigation with a priority of June 10, 1959; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 7), SW $\frac{1}{4}$ SE $\frac{1}{4}$, (Lot 8), Sec. 3, T. 50N, R. 5W, B. M.

Any exception to this claim of water right may be filed

with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho, on February 18 and February 25, 1971.

2-18 2tc

AFFIDAVIT OF PUBLICATION

County of Kootenai }
STATE OF IDAHO } ss.

JEANNETTE S. ROSIN, being first duly sworn, deposes and says that she is the publisher of THE POST FALLS TRIBUNE, a newspaper published weekly at Post Falls, Kootenai County, Idaho, and of general circulation therein.

That the Notice of Claim to A Water Right

No. 95-4028 Mel Schell a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for two consecutive issues, commenc-

ing with the issue dated February 18, 1971

and ending with the issue dated February 25, 1971

Subscribed and sworn to before me, this 25th

day of February, 1971

C. Agnes Luckin
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$ 8.74

95 4028

P

Identification No. _____
Claim No. 95-4028
Map No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Mary A. and Mel Schell
post office address P. O. Box 367, Post Falls, Kootenai County, Idaho 83854
2. The point of diversion is in sw $\frac{1}{4}$ of se $\frac{1}{4}$ Section 3 Township 50N
Range 5 W Lot 8 B.M. located on Spokane River
(name of source)
tributary to _____ in Kootenai County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:
10 June 1959 amount: .20 c.f.s. or 1" per acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed .20 c.f.s. or 1" per acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use irrigation period of use from June 1 to Sept. 31 (both dates inclusive)
use stock period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of does not apply as dam,
5 h.p. pump 1-1/2" discharge, 14 heads; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____
same as original installation and use
 - b. Underground water diverting works: is well flowing or pumped does not apply; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____;

95 4028

_____ ; if so, give dates and explain _____

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 10

None

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch
The other users and their respective
interests in the ditch are (if known) None

6. Where water is used for stock watering, give number of each kind of stock watered steers - 2

7. Where water is used for domestic or municipal purposes give number of families served one
name of town supplied

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

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.

X Mary A. Schell
X Melvin Schell
Claimant

Sworn to before me this 27th day of January, 19 71

[Signature]
Notary Public
Residing at Coeur d'Alene

My commission expires 5/5/72

For Department Use Only

Received by	Date	Exception filed by:	Forwarded to claimant by:	Date
<u>J.H.</u>	<u>2-1-71</u>			
Prelim. check by <u>J.H.</u>	Date <u>2-2-71</u>			
Fee received by <u>J.H.</u>	Date <u>2/2/71</u>	Fee <u>\$10.00</u>		
Approved for publication by				
Published in <u>Post Falls Tri.</u>	Dates <u>2-18 & 2-25, 71</u>			

dg 85 4048

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u>	or	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u>	or	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s.</u>	or	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED

FEB 1 1971

Department of Water Administration

PERMIT NO. 28107

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Elton E. Bentley, Age 61, Pipefitter, Kaiser Aluminum Co.
Post Falls, Idaho Box 801, Post Falls, Idaho 83854

Ques. 2. Are you acquainted with Virginia L. & Mary A. + Phil Schell, the holder of Permit No. 28107? How long have you known him and where does he reside?

Ans. Approximately 12 years
Post Falls, Idaho

Ques. 3. Have you read or heard read said Permit No. 28107, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Spokane River, Post Falls, Idaho
5 1/2 hp Pump, pipe sprinkler system

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. .20 14 sprinklers (1" per acre)

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation Lot 7 - 2.5 acres
Lot 8 - 7.5 acres

Hay and gardening, cultivated and natural

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. X

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Dryland Agriculture to irrigated - .20

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. June, 1959, as required by 4 sprinkler heads, 5 h. p. pump 1 1/2" discharge. Hay harvested each year small garden.

(Signed) Elmer Bentley

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Coeur d'Alene, County of Kootenai, State of Idaho, on this 13th day of January, A. D. 1971.

B. O. Reynolds
Notary Public.

My commission expires 5/5/72

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 28107

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Doris J. Bentley, Age 55, Stenographer, Box 801, Post Falls, Idaho 83854
Post Falls, Idaho

Ques. 2. Are you acquainted with Virginia Joyce Powell, the holder of Permit No. 28107? How long have you known him and where does he reside?

Ans. Approximately 12 years
Post Falls, Idaho

Ques. 3. Have you read or heard read said Permit No. 28107, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Spokane River, Post Falls, Idaho
5 1/2 hp. Pump, pipe, sprinkler system

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. . 20 14 sprinklers (1" per acre)

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation Lot 7 - 2.5 acres
Lot 8 - 7.5 acres

Hay and garden, cultivated and natural

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. X

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Dry land agriculture to irrigated - 20

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. June, 1959, as required by 14 sprinklers)
5 hp pump 1 1/2" discharge. They harvested
each year, small garden.

(Signed) X Loring. Bonds

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Coeur d'Alene,
County of Kootenai, State of Idaho, on this 13th day of January,
A. D. 19 71.

[Signature]
Notary Public.

My commission expires 5/5/72.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 28107

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Mary A. and Mel Schell Box 367
Post Falls, Idaho, Secretary, Merchants Bank U.S. Post.
Virginia Grace Rowell, 12229 Rebeck, Spokane, Wn. Owner, The Iron Age

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. X

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. #28107, 28 AUG. 1959 - 10 JUNE 1959
19 AUG. 1959

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Lot 8, Sec. 3, T50N, R5W BM County of Kootenai,
Post Falls, Idaho

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. 5 H.P. Electric Pump 900' 2" x 3" pipe combined.
14 Nozzles - 3/16" - Approx 65# pressure
1 1/2" discharge - 1" per acre as outlined in
attached note from Bureau of Reclamation

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. Lot 7 - 2.5 Acres NE 1/4 NW 1/4
Lot 8 - 7.5 Acres SW 1/4 SE 1/4

Approx. 7 acres into cultivated alfalfa
2 acre garden, living area
1 acre natural meadow

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. X

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. X

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 1" per acre. (minus inch)

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. X

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Water used since June 10, 1959 during summer & fall months, June to Sept. to irrigate said 10 acres, balance of year only for occasional stock watering.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. X

(Sign)

X Virginia G. Martin (Rowell)
X Mary J. Schell
X Mel Schell

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Coeur d'Alene, County of Kootenai,

State of Idaho, on this 13th day of January, A. D. 19 71.

St. O. Byrnes

My commission expires 5/5/72

85 4028

AFFIDAVIT OF PUBLICATION—COEUR D'ALENE PRESS

(WEEKLY)

STATE OF IDAHO,

County of Kootenai,

SS.

Ruby Jacobson, 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 Press

Application of Water to Beneficial Use

of which a printed copy is annexed hereto, was published in all the regular Wednesday weekly issues of said newspaper for *4* consecutive weeks, commencing

on the *27th* day of *July*, 1960, and ending on the *17th* day of *August*, 1960.

Ruby Jacobson

Subscribed and sworn to, before me, this *17th* day of *August*, 1960

1960

Dwain B. Hadden

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

APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 A.M. on the 29th day of August, 1959, at Spokane, Washington, County of Spokane, State of Washington, before V. E. Kuhn, E. 218 Trent Avenue, Notary Public for the State of Washington, proof will be submitted of the application to beneficial use of .20 cubic feet per second of the waters of Spokane River in accordance with the terms and conditions of Permit No. 25107 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: Mary A. Schell, Mel Schell, Virginia Grace Rowell, Box 367, Post Falls, Idaho.

The use to which said water has been applied is irrigation and domestic.

The amount applied to beneficial use is 1" per acre (10" for 10 acres) .20.

The place where said water is used, give full and accurate legal description: 10 acres - Section 3, T. 50 R. 5W B.M. Lot 8, Kootenai County, Post Falls, Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is none.

The right to take water from such works is based upon Permit No. 25107.

The source of supply from which such water is diverted is Spokane River.

Point of Diversion (legal description) Lot 8, Sec. 3, T. 50 R. 5" B.M.

The date of priority which said user is prepared to establish is June 10, 1959

State Reclamation Engineer
GEO. N. CARTER
July 27, Aug. 3-10-17, 1960.

95 4028

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

ASSIGNMENT OF PERMIT

I, Virginia Grace Rowell (Martin) hereby assign to Mary A. and Mel Schell,
of P. O. Box 367, Post Falls, Kootenai County, Idaho 83854,
Name
Address

CHECK ONE

- ☒ All my right, title, and interest, in and to Permit No. 28107
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. (Give that portion of the permit being assigned by describing
the land list and the point of diversion - describe by acreage within
each 40-acre subdivision.)

10 acres - Section 3, T. 50 R. 5 W B.M. Lot 8, Kootenai County,
Post Falls, Idaho 83854

Made this 27th day of January, 19 71.

Virginia Grace Rowell (Martin)
Permit Holder
Virginia Grace Rowell, (Martin)

Wife of Permit Holder.

State of Idaho)
County of Kootenai) ss.

On this 27th day of January, 19 71, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Coeur d'Alene

My commission expires 5/5/72

February 5, 1971

Bliss O. Bignall, Jr.
Attorney at Law
P. O. Box 426
Coeur d'Alene, Idaho 83814

Dear Mr. Bignall:

Enclosed herewith is Departmental Receipt No. 5575 in the amount of \$10.00 for Claim Application, which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw
Enclosure

Application is in the name of Mel and Mary A. Schell

85 4028

LAW OFFICES
Bliss O. Bignall, Jr.

304 ELDER BUILDING
P. O. BOX 426
Coeur d'Alene, Idaho 83814

~~MOBIL 4-5108~~
(208) 664-9278

January 28, 1971

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

ATTENTION: Dorian Clay, Appropriation Examiner

Dear Mr. Clay:

Your RE: Formerly Permit No. 28107
Present Permit No. 96-2256

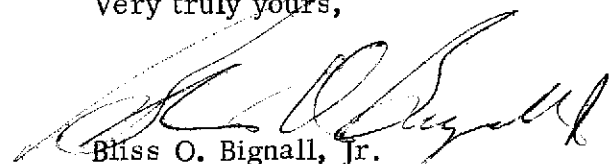
In order to assert the claim to a water right of Mel and Mary A. Schell on water of the Spokane River, I am enclosing the following documents:

1. Original Claim to a Water Right;
2. Proof of Application of Water to Beneficial Use - Deposition of Witness of Elton Bentley;
3. Same of Doris J. Bentley;
4. Proof of application of Water to Beneficial Use - Deposition of Holder;
5. Affidavit of Publication - notarized on August 17, 1960;
6. Assignment of Permit of Virginia Grace Rowell, formerly Virginia Grace Martin to Mary A. and Mel Schell.

I realize you may not need all of these documents to claim a water right; however, I think it would be a good thing to file them in the file so that there will be some record of same. I am also enclosing Mrs. Schell's check for \$10.00 for filing fee.

If there is anything further that needs to be done, please call me collect immediately.

Very truly yours,



Bliss O. Bignall, Jr.

BOB:mr

enc.

cc: Mr. and Mrs. Mel Schell

95 4028

**NOTICE OF CLAIM
TO A WATER RIGHT**

No. 95-4028

Notice is hereby given that Mary A and Mel Schell, P. O. Box 367, Post Falls, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.2 cubic feet per second of water from the Spokane River with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, (Lot 8), Sec. 3, T. 50N, R. 5W, B. M., Kootenai County.

The water is claimed to be used from January 1 to December 31 for stockwatering purposes and from June 1 to September 31 for irrigation with a priority of June 10, 1959; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 7), SW $\frac{1}{4}$ SE $\frac{1}{4}$, (Lot 8), Sec. 3, T. 50N, R. 5W, B. M.

Any exception to this claim of water right may be filed

with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

Published in the Post Falls Tribune, Post Falls, Idaho, on February 18 and February 25, 1971.

2-18 2tc

AFFIDAVIT OF PUBLICATION

County of Kootenai }
STATE OF IDAHO } ss.

JEANNETTE S. ROSIN, being first duly sworn, deposes and says that she is the publisher of THE POST FALLS TRIBUNE, a newspaper published weekly at Post Falls, Kootenai County, Idaho, and of general circulation therein.

That the Notice of Claim to A Water Right

No. 95-4028 Mel Schell a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for two consecutive issues, commencing

with the issue dated February 18, 1971 and ending with the issue dated February 25, 1971

Subscribed and sworn to before me, this 25th

day of February, 1971

Jeannette S. Rosin
Notary Public for the State of Idaho
Residing at Post Falls, Idaho

Publication Fee \$ 3.74

38

15 4028

March 15, 1971

Re: Claim to a Water Right No. 95-4028

Mary A. & Mel Schell
P. O. Box 367
Post Falls, Idaho 83854

Dear Mary & Mel Schell:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim 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 your 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 file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of claim

95 4028

**NOTICE OF CLAIM
TO A WATER RIGHT**
No. 95-4628

Notice is hereby given that Mary A and Mel Schell, P. O. Box 367, Post Falls, Idaho, have filed a claim to a water right established by diversion and application to beneficial use of 0.2 cubic feet per second of water from the Spokane River with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 8), Sec. 3, T. 50N, R. 5W, B. M., Kootenai County.

The water is claimed to be used from January 1 to December 31 for stockwatering purposes and from June 1 to September 31 for irrigation with a priority of June 10, 1960; the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 7), SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 8), Sec. 3, T. 50N, R. 5W, B. M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

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2-18 2tc

95 4028

February 9, 1971

Re: Claim No. 95-4028 - Mary A. & Mel Schell

Post Falls Tribune
Box 68
Post Falls, Idaho 83854

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. McEldowney
Appropriation Supervisor

DWM/DG
Enc: legal notice

*Bill submitted
3-3-71
ds*

95 4028

NOTICE OF CLAIM TO A WATER RIGHT

No. 95-4028

Notice is hereby given that Mary A. and Mel Schell, P.O. Box 367,
Post Falls, Idaho have
~~has~~ filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.2 cubic feet per second ~~addd/ddd/~~
of water from the Spokane River
(Lot 8),
with point of diversion in the SW~~1~~SE~~4~~, Sec. 3, T. 50N, R. 5W, B.M.,
Kootenai County.

The water is claimed to be used from January 1 to December 31 for
stockwatering purposes and from June 1 to September 31 for irrigation
with a priority of June 10, 1959;
the place of use is within the NE~~1~~SE~~4~~, NW~~1~~SE~~4~~ (Lot 7), SW~~1~~SE~~4~~ (Lot 8),
Sec. 3, T. 50N, R. 5W, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration., Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

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