

Mr. Chad Goodwin
State of Idaho Department of Water Resources
Northern Region
7600 North Mineral Drive
Coeur d'Alene
Idaho 83815

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DEC 05 2012

IDWR / NORTH

Rachel & Andrew Murphy
2416 S. Wolf Lodge Creek Road
Coeur d'Alene
Idaho 83814

November 30th, 2012

Reference: Claim No. 95-10572, No. 95-10574 and No. 95-10575

Dear Mr. Goodwin,

Thank you for reviewing our water use claim. We have lived at 2416 Wolf Lodge Creek Road for the last fourteen years. (Prior to 2007 the property was known as 1050 S. Wolf Lodge Creek Road). Our property borders the south side of Marie Creek for some 500 feet or so. The small cottage that we live in, is supplied with drinking water from a deep well in the back garden.

The deep well was installed in October 2002 by United Pump of Prairie Avenue, Hayden. The IDWR permit number is D0022749. Before that date, the drinking water was supplied from a concrete spring box buried in the cliff, at the south-east side of the property. The spring box still works, but we do not use it for drinking any more, as the water from the deep well is clearer, and does not have the slight orange tint that our old source of water used to have. We do not know for sure when the spring box was installed, but judging from the age of the home-made concrete lid, I should suspect forty or fifty years ago.

Before that, I believe the occupants who lived here extracted the water they needed directly from the nearby creek. Once I had occasion to crawl underneath our house, and saw an abandoned rusty water pipe extending in a northward direction. It had been sawn-off, but I was able to trace the direction and located the remains of the pipe at the creek. We have no idea how long ago this might have been used, but it would seem reasonable to conclude that it pre-dated the spring box. Since open water is not as sanitary as a covered water source.

Marie Creek provides a plentiful and reliable source of water for us. Like most mountain streams, it rises every spring as the snow in the higher elevations melts away, then the level drops down again as summer progresses. Even though the creek is this is right next door so to speak, we do not use this water for irrigation. We consider ourselves to be custodians of this part of Marie Creek.

Over the last decade, Rachel and I have invested over \$10,000 to maintain the aboreal barrier which lines the south side of this water course. We only intend to make use of this open running water source in the event of a fire. (Wolf Lodge does not boast any fire fighting coverage, except what the Forest Service crews could offer).

Below are listed the people who owned our property before us. The county records get a little sketchy the further back you go, but we believe the original cabin was built before world war two, by a Mr. Clyde Hodge, after which the building was expanded to its present dimensions when Mr. Stallman was in residence. The cottage has been continually occupied since at least 1953.

The property was originally part of a section belonging to the United States, which was sold-off and split up over the intervening years. It is now described as tax number 4984, in section 21, township 50N, range 2W, south-west corner, parcel number 5930.

1999	Mingo	transferred property to	Murphy	
1997	Miche	transferred property to	Mingo	
1994	Sperry	transferred property to	Miche	
1993	Syron	transferred property to	Sperry	
1988	Transamerica	transferred property to	Syron	
1988	Gardener	transferred property to	Transamerica	
1983	Transamerica	transferred property to	Gardener	
1983	Cossey	transferred property to	Transamerica	
1981	Estes	transferred property to	Cossey	
1980	Larson	transferred property to	Estes	
1976	Byers	transferred property to	Larson	
1960	Birdsell	transferred property to	Byers	
1959	Stallman	transferred property to	Birdsell	
1952	Hodge	transferred property to	Stallman	
1936	Meyers	transferred property to	Hodge	Book 103, Page 408
1920	Northern Pacific	transferred property to	Meyers	
1902	United States	transferred property to	Northern Pacific	
1902	United States	Original property owner		

Wolf Lodge is an older neighborhood, with small homes dating back many decades. Each subsequent resident probably improved their home the best that they could with the money available to them. The property to the south of us is occupied by Chuck and Olivia Ore. Olivia is a descendent of the original farmers who homesteaded Wolf Lodge. Would an affidavit from such a long time area resident be helpful? If so, please let us know.

Yours Sincerely,



Homeowners,
Rachel & Andrew Murphy



704660

WARRANTY DEED

BOOK 277 PAGE 585

For Value Received
wife,

FRED BIRDSELL and VERNA BIRDSELL, husband and

the grantors, do hereby grant, bargain, sell and convey unto
and LARITA L. BYERS

RECEIVED BYERS

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the grantee S, the following described premises, in Kootenai IDWR, NORTH Idaho, to wit:

Tax No. 4984, in Section 21, Township 50, North Range 2, W.B.M., described as follows: Beginning at Corner No. 1 which corner is the intersection of the Southerly line of Marie Creek and the Westerly line of the Highway Right-of-Way in the Northwest Quarter of the Southwest Quarter of Section 21, Township 50 North Range 2, W.B.M., Kootenai County, State of Idaho, and from which corner the quarter corner of Sections 20 and 21, said Township and Range bears North $46^{\circ}18'$ West 1134.0 feet; thence in an Easterly direction along the South side of Marie Creek to the East line of the Northwest Quarter of the Southwest Quarter of said Section 21; thence South along the East line of said Northwest Quarter of the Southwest Quarter of Section 21, a distance of 75 feet; thence in a Westerly direction to a point which is South $11^{\circ}55'$ West 125 feet from the above mentioned Corner No. 1, which is the place of beginning; thence North $11^{\circ}55'$ East 125 feet to the said place of beginning. Excepting therefrom the road right of way as now located over the West side of the above described property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances excepting existing easements and rights-of-way of record and the taxes and assessments for the year 1960.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: THIS 26 day of May, A.D., 1960.

Verna Birdsell
Fred Birdsell

This Indenture, Made this the 13th day of September in the year of our Lord One

Thousand Nine Hundred and thirty-three , between John and Kate Meyers, husband and wife

of Kootenai County, State of Idaho , parties of the first part, and

Clyde C. Hodge

of Kootenai County, State of Idaho , part y of the second part,

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of

One - \$1.00- Dollar and other good and valuable consideration DOLLARS,

in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, and the said part ____ of the second part forever released and discharged therefrom have granted, bargained, sold, remised, released, alienated, and confirmed, and by these presents do grant, bargain, sell, remise, release, alien and confirm unto the said part ____ of the second part and to his heirs and assigns, forever, all the following described lot , piece or parcel of land, situated in the County of Kootenai and State of Idaho, and known and described as follows, to-wit:

Beginning at Corner No. 1, which corner is the intersection of the Southerly line of Marie Creek and the Westerly line of the highway right-of-way in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, Twp. 50 North Range 2 West B.M., and from which corner the quarter corner to Sections 20 and 21 said Twp. and Range bears N. 46 degrees 18' W. 1134.0 feet; thence running S. 11 degrees 55' W. 235.0 feet to Corner No. 2; thence N. 78 degrees 05' W. 298.0 feet to the Easterly line of Wolf Lodge Creek, Corner No. 3 thence following the easterly line of Wolf Lodge Creek in a North-easterly direction 290 feet more or less to the junction of Wolf Lodge Creek and Marie Creek; Cor. No. 4 thence South-easterly along the Southerly line of Marie Creek 214. feet more or less to corner No. 1, the place of beginning.

Containing an area of 1 $\frac{1}{2}$ acres more or less.

together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever of the said parties of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances, to have and to hold the said premises above bargained and described, with the appurtenances unto the said part Y of the second part, his heirs and assigns forever.

And that the said parties of the first part, for their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said part y of the second part, his heirs and assigns, that at the time of ensealing and delivery of these presents they are well seized of the premises above conveyed as of a good, sure, perfect, absolute and indefeasible estate of inheritance in law and fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear of all former or other grants, bargains, sales, liens, taxes, assessments, and incumbrances of what kind or nature whatever soever

possession of said part y of the second part his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said part ies of the first part shall and will warrant and defend.

IN WITNESS WHEREOF, The said parties of the first part ha ve hereunto set their hand _ and seal _ , the day and year first above written.

Signed, Sealed and Delivered in the Presence of

.....

John Meyers (SEAL)
Kate Meyers (SEAL)
(SEAL)
(SEAL)

STATE OF IDAHO, } ss. On this 13th day of September , in the year 19 33, before me,

COUNTY OF KOOTENAI, } F. H. Piper a notary personally appeared John and Kate Meyers

known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that t he y executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal, the day and year in this certificate first above written.

(Notarial Seal)

F. H. Piper
Notary Public for the State of Idaho
Residing at Coeur d'Alene, Idaho
My Commission Expires January 3, 1937

STATE OF IDAHO, } Filed for record at the request of Clyde Hodge 1:05
COUNTY OF KOOTENAI, } ss. on the 8 day of Oct. 19 36, at / o'clock P. M.,
and recorded in Book 103 of Deeds, on Page 408 .

Jas. A. Foster
County Recorder.

By Elsa M. Feil , Deputy.

Fee, \$1.25

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