

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE CLARK FORK-PEND OREILLE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 69576

RECEIVED

MAY 12 2022

IDWR/NORTH

Ident. Number: 96-4004
Date Received: 5/12/2022
Receipt No: N039577
Claim Fee: \$25.00
Received By: NS

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day**

1. Name of Claimant(s)

THOMAS H MURPHY
C/O PATTY S MURPHY
530 W GRAVES RD
SPOKANE WA 99218

Phone: (509) 995-7852

AND/OR

MURPHY BAY LLC
PO BOX 945
SAGLE ID 83860

Phone: (425) 442-1376

2. Date of Priority: 10/5/1945

3. Source: SPRINGS LAKE PEND OREILLE

Trib. to:

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
56N	02W	4	SE SE		BONNER	

5. Description of diverting works:

SHARED DIVERSION WITH IDAHO FISH & GAME DEPARTMENT FISH HATCHERY, PVC PIPE THEN
SPLITS FROM THAT SHARED PIPELINE TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
DOMESTIC	01/01	12/31	0.04		

7. Total Quantity Appropriated is:

0.04 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

DOMESTIC USE FOR ONE HOME

9. Place of use:

DOMESTIC within BONNER County

Township	Range	Section	¼	of	¼	Lot	Acres
56N	02W	3	SW		NW	4	
56N	02W	4	SE		NE	4	

10. Do you own the property listed above as place of use? Yes

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:
AFFIDAVIT OF FRANK HUBBARD

13. Basis of Claim: Statutory Claim

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the CLARK FORK-PEND OREILLE River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Individuals:

I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

Owner of Murphy Bay LLC
Agents Title (please print) Name of Organization (please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Nick Johnson Date 5/12/22

Printed Name of Authorized Agent Nick Johnson

))))))

AFFIDAVIT

00

Frank Hubbard being first duly sworn,
deposes and says: That he has had intimate knowlege of the estate
of Thomas and Mary Murphy and is very familiar with the water and
springs on the property of Arthur P. Murphy. Also that he has known
about the Fish Hatchery Spring and the contract between Thomas and
Mary Murphy and the Fish and Game Department of the State of Idaho.
That he was raised by Charles Murphy a brother of Arthur P. Murphy
and has lived adjacent to the Arthur Murphy property for over 40 years.
That he has done logging work on the Arthur Murphy property all around
the Fish Hatchery Spring. He further deposes that he has known that
the water from the Fish Hatchery pipeline has been used by Arthur
Murphy since October of 1945. And that this water has been used for
domestic purposes only.

(signature)

Subscribed and sworn to before me this 29th day of September 1969

(Notary Public)

Residing at San Diego, Cal.

My commission expires 20 Jan 1972

96-4004

Easement for pipe line and to take water from spring.

This indenture made this 28th day of August, 1908, between Thomas Murphy and Mary Murphy, his wife, of Sandpoint, Bonner County, Idaho, parties of the first part and The State of Idaho, party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One dollar and other goods and valuable considerations hereinafter mentioned, ^{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 party of the second part the right and privilege to use and take water from a spring known and designated as spring Number three according to a map or plat of the same to be filed with the said second party on the premises hereinafter described and the right and privilege to construct and maintain and repair a pipe line to be run from said spring, which spring is situated on the South East quarter of the South East quarter of section four (4) Township fifty six (56) N. Range two (2) West B. M. and said ditch and pipe line is to cross the East half of South East quarter of the above described land and will be in length about One thousand feet.

The said party of the second part is hereby given the right of ingress and egress over said pipe line for the purpose of making repairs or any other construction work connected with said pipe line or ditch and spring at all times during the continuance of this Easement.

As a further consideration of the rights and privileges herein granted to said second party, said second party agrees to furnish said first parties, their heirs, executors, administrators and assigns, with water from said pipe line not to exceed a two inch pipe and said second party is to construct and lay a two inch pipe from said main or pipe line not to exceed two hundred (200) feet at a place to be designated

by the parties of the first part, which water from said two inch pipe may be used by said first parties, their heirs, executors, administrators, or assigns for domestic purposes only and said first parties, their heirs, executors, administrators and assigns shall have the free and unobstructed use of the water from said two inch pipe according to the conditions hereinbefore mentioned at all times during the continuance of this Easement.

The rights and privileges herein granted by the parties of the first part to the second party is granted for the purpose of supplying a Fish Hatchery to be maintained by the State of Idaho for the State Fish and Game Department and said rights and privileges are granted as aforesaid and are binding on the parties of the first part, their heirs, executors, administrators and assigns during the time a Fish Hatchery is maintained by said party of the second part and in the event that said Fish Hatchery is abandoned by said second party, all the rights and privileges herein granted by the first parties revert to and become property of said parties of the first part, their heirs, executors, administrators and assigns.

In Witness Whereof, the said Parties of the first part have hereunto set their hands and seals the day and year first above written.

Thomas Murphy (SEAL)

Mary Murphy (SEAL)

Signed, sealed, and delivered in the presence of

Addie Fleming

State of Idaho }
County of Bonner } SS

I, William J. Costello, Justice of the Peace in and for the county of Bonner, State of Idaho do hereby certify that Thomas Murphy and Mary Murphy his wife personally known to me as the same persons whose names are subscribed to the foregoing instrument, appeared before me this day and year and acknowledged to me that they executed and delivered said instrument for the uses and purposes herein mentioned.

Given under my hand and official title this 28th day of August, 190

William J. Costello
Justice of the Peace

96-4004