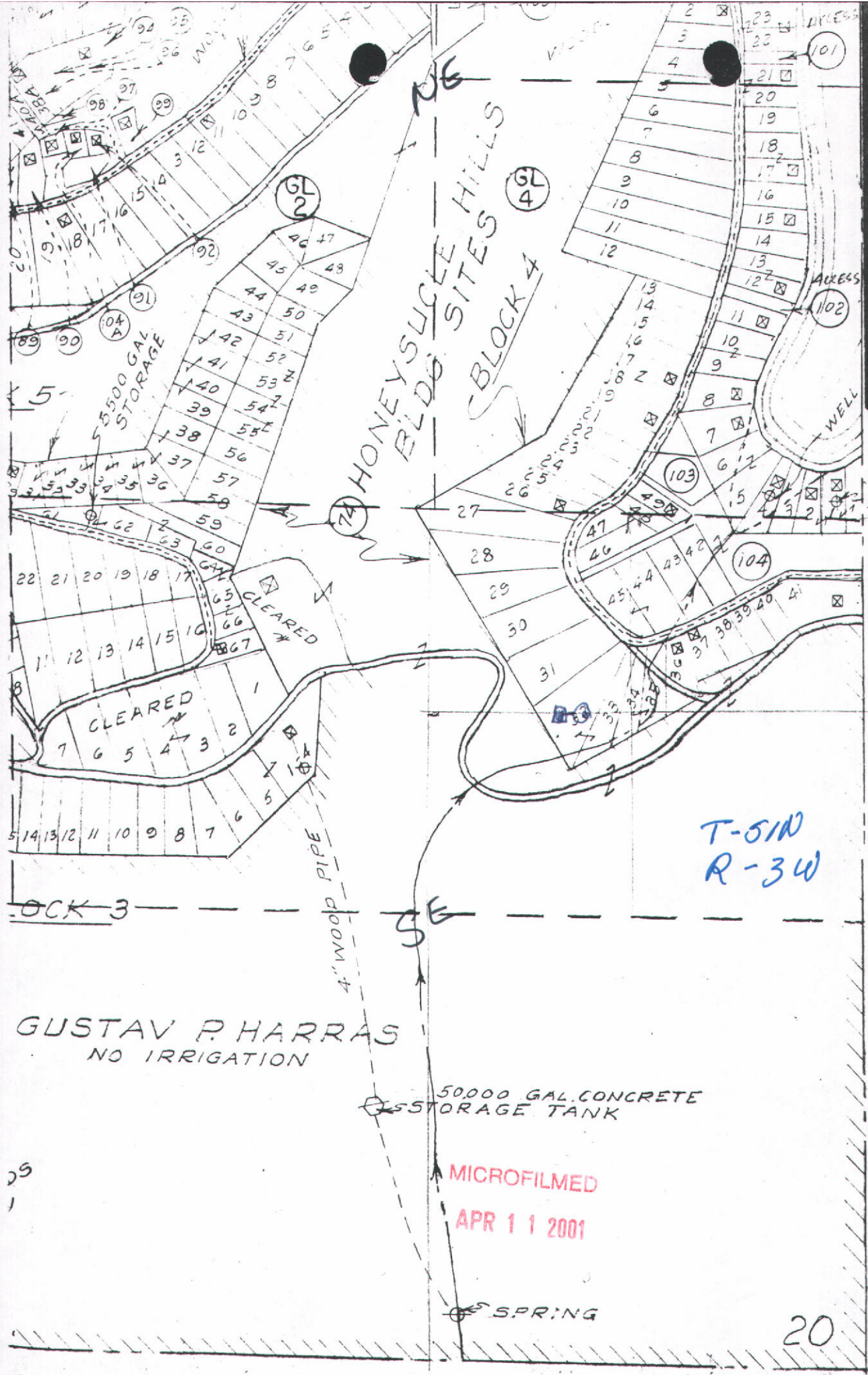


Lots 49, 50
 Lots 51, 52, 53
 Lot 54
 Lots 55, 56
 Lots 57, 58
 Lots 59, 60, 61 less
 SW 25'
 Lot 61 SW 35' of, Lot
 62 less road
 Lots 63, 64, 65
 Lot 66
 Lot 67 Tax #5036
 Tax #5778 in Lot 70,
 71, 72
 Lot 73
 Lot 74
 Lot 75
 Tax #6164 & #6165
 Tax #6268
 Lot 48
 Lot 13

Alfred E. (T)
 Claude A. E.
 Evelyn L. M.
 Alfred E. (T)
 M. G. Henke
 John Brown
 Ray Flaherty
 Chester E. E.
 Maurice B. E.
 James Barbe
 Richard Rich
 Mary Broder
 Lucille McGe
 Virginia C. I.
 Leon C. Boll
 Nellie Scaler
 Russell N. S.
 H. L. Klatt



N
 AVONDALE
 ONE 45 H.

N
 HAYDEN L
 ONE 40 H.

N
 COUNTRY
 ONE 25 H.P.

N
 AVONDALE
 35 H.P. (50
 GALS PER
 IRRIGATION

T-51N
 R-3W

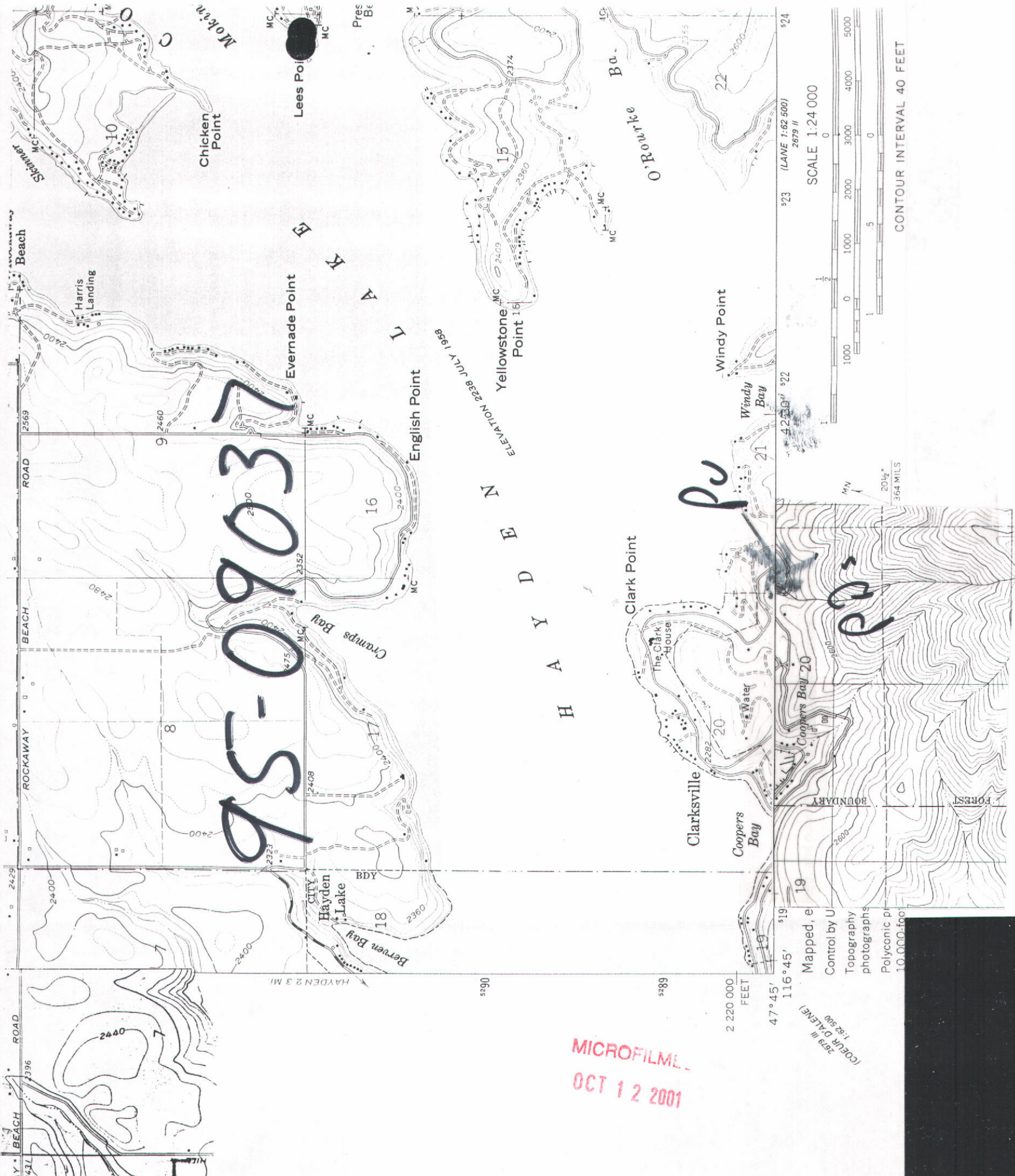
GUSTAV P. HARRAS
 NO IRRIGATION

50,000 GAL. CONCRETE
 STORAGE TANK

MICROFILMED
 APR 11 2001

SPRING

20



MICROFILMED
OCT 12 2001

COOPER DALENE
182300

Mapped, e
Control by U
Topography
photographs
Polyconic pr
10,000-foot

CONTOUR INTERVAL 40 FEET



PW
Domestic



PW
unnamed
stream



PW
spring

95-09037
MICROFILMED
OCT 12 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 95-09037

Priority: November 29, 1999

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that DONALD J MURPHY
4790 E LOWER HAYDEN LAKE RD
HAYDEN LAKE ID 83835 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated November 29, 1999; and has
submitted Proof of Beneficial Use on November 02, 2000. An examination indicates that the works have
a diversion capacity of 0.02 cfs of water from:

SOURCE

SPRING

Tributary: HAYDEN LAKE

UNNAMED STREAM

HAYDEN LAKE

and a water right has been established as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.02 CFS

**ANNUAL
DIVERSION VOLUME**

1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING

NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20, Twp 51N, Rge 03W, B.M., KOOTENAI County

UNNAMED STREAM

SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20, Twp 51N, Rge 03W, B.M., KOOTENAI County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N	03W	20													X				

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 95A.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. Place of use is located within Lot 32, Blk. 4, Honeysuckle Hills.
4. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 31st day of AUGUST, 2001.

MICROFILMED

OCT 12 2001

Acting for

KARL J. DREHER
Director

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV - 2 2000

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 95-09037 Telephone No. 208-762-5853

2. Name of Permit Holder(s): Donald J. Murphy

3. Mailing Address: 4790 E. Lower Hayden Lake Rd

City Hayden Lake State Id. Zip 83835

4. Source of Water: Spring & Stream ^{UN Named} If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 2 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 1 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 10 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Has the measuring device been installed?

Yes _____ or No _____

Yes ☒ or No _____

PUMP AND PRESSURE TANK

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Mr Donald Murphy Telephone Number: 762-5853

Address: 4790 E. Lower Hayden Lake Rd. Hayden Lake, Id.
83835

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Don J Murphy Date: 10-28-00

(include your title, if on behalf of company or organization)

MICROFILMED

APR 11 2001

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 95-09037

Priority: November 29, 1999

Maximum Diversion Rate:

0.04 CFS

This is to certify, that DONALD J MURPHY

18120 S FRANCIS FAIRE RD

WORLEY ID 83876

has applied for a permit to appropriate water from:

SPRING

tributary of HAYDEN LAKE

UNNAMED STREAM

tributary of HAYDEN LAKE

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNESE , Sec. 20, Township 51N, Range 03W

SWNESE , Sec. 20, Township 51N, Range 03W

KOOTENAI County

PLACE OF USE: DOMESTIC

TWN RGE SEC

51N 03W 20

NESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **February 1, 2002**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 95A.
5. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
6. Domestic use is for 1 home.
7. Place of use is located within Lot 32, Blk. 4, Honeysuckle Hills.

MICROFILMED

APR 11 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 95-09037

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

10th day of February, 2000.


for Karl J. Dreher, Director

MICROFILMED

SEP 11 1988

JAN 31 2000

Ident. No. 95-09037

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of Applicant DONALD J. MURPHY Phone 765-9343
Mailing address 18120 S. FRANCIS FAIRBANK, WORELEY, ID 83876
2. Source of water supply SPRING which is a tributary of HAYDEN LAKE
UNNAMED STREAM
3. Location of point of diversion is Township 51N Range 3W Sec. 20, in the NW 1/4, NE 1/4, SE 1/4, Govt. Lot _____, B.M., KOOTENAI County;
additional points of diversion if any: BSW NESE 20, T-51N R-3W
4. Water will be used for the following purposes:
Amount 0.04 for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source PUMP & PIPELINE
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. ONE
e. Other; describe fully. _____

MICROFILMED

APR 9 9 2001

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

use below. See instructions for standard symbols.

[illegible]

Total number of acres to be irrigated

10. Describe any other water rights used for the same purposes as described above. *None*

11. a. Who owns the property at the point of diversion? Apple Hall

b. Who owns the land to be irrigated or place of use?

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make

:ចំណុច ១២

12. Remarks:

LOT 32, Bk 4 HONEYBUCKLE HILLS

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Signature of Applicant (and title, if applicable)

Received by

Publication prepared by

Publication approved.

Date:

66	2	5
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Public:

Date 11/7/00

Preliminary check by _____
Date 1-13-36

Time 3:15 p

Received by _____

Date _____

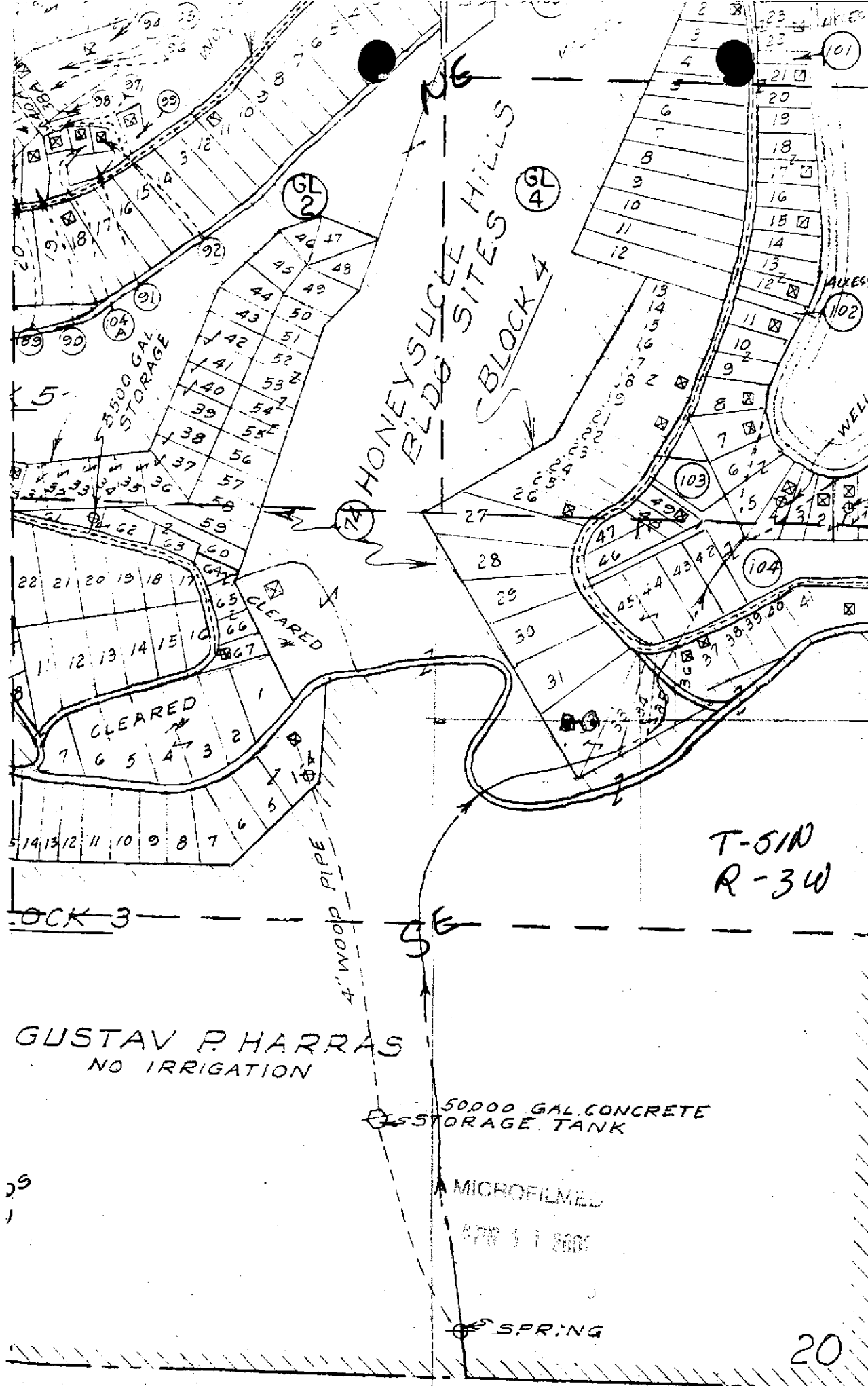
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d

□ —

Date

(a) (b) (c)



Lots 49, 50
 Lots 51, 52, 53
 Lot 54
 Lots 55, 56
 Lots 57, 58
 Lots 59, 60, 61 less
 SW 25'
 Lot 61 SW 35' of, Lot
 62 less road
 Lots 63, 64, 65
 Lot 66
 Lot 67 Tax #5036
 Tax #5778 in Lot 70,
 71, 72
 Lot 73
 Lot 74
 Lot 75
 Tax #6164 & #6165
 Tax #6268
 Lot 48
 Lot 13

Alfred E. [?]
 Claude A. B.
 Evelyn L. M.
 Alfred E. (T)
 M. G. Henke
 John Brown
 Ray Flaherty
 Chester E. B.
 Maurice B.
 James Barbe
 Richard Rich
 Mary Broder
 Lucille McGee
 Virginia C. J.
 Leon C. Boll
 Nellie Scaler
 Russell N. S.
 H. L. Klatt

N
 AVONDALE
 ONE 45 H.

N
 HAYDEN L
 ONE 40 H.

N
 COUNTRY
 ONE 25 H.P.

N
 AVONDALE
 35 H.P (50
 GALS PER
 IRRIGATION



20

Change of Address
Request for:
Correspondents
Publishers and
Businesses

RECEIVED
Please Type or Stamp
SEP 17 2001

Department of Water Resources



ATT:
S.W. Keen

Id. Dept. of Water Resources
Name or Name of Publication

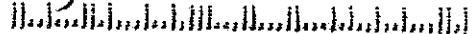
1301 N. Orchard St.
Address (Include Apt., Suite No.)

P.O. Box 83720

City, State, ZIP + 4

Boise, Id, 83720-0098

83720+0098



MICRO

As soon as you know your new address, mail this card to all of the people, businesses, and publications who send you mail.

For publications, tape an old address label over name and old address sections and complete new address.

Your Name (Print or type. Last name, first name, middle initial.)

Donald J. Murphy

Old Address	No. & Street	~~Appt. Suite No.~~	~~P.O. Box~~	~~RA No.~~	~~Rural Box No.~~
	City	State	ZIP + 4		
New Address	No. & Street	~~Appt. Suite No.~~	~~P.O. Box~~	~~RA No.~~	~~Rural Box No.~~
	City	State	ZIP + 4		
Sign Here		Date new address in effect			
		Keyline No. (If any)			

Old Address: 4790 E. Lower Hayden Lake Rd, Hayden Lake, Id. 83835-
New Address: 6140 E. Lower Hayden Lake Rd, Hayden Lake, Id. 83835-
Sign Here: [Signature] Date new address in effect: July 2001 Keyline No. (If any): 95-9037



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 4, 2001

DONALD J MURPHY
4790 E LOWER HAYDEN LAKE RD
HAYDEN LAKE ID 83835

RE: License No. 95-9037 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

RECORDED

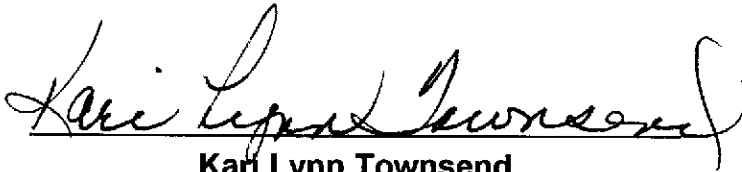
SEP 12 2001

CERTIFICATE OF MAILING

I hereby certify that on September 4, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 95-9037

**DONALD J MURPHY
4790 E LOWER HAYDEN LAKE RD
HAYDEN LAKE ID 83835**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
OCT 12 2001**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
OCT 12 2001

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
OCT 12 2001

LICENSE REVIEW CHECKLIST

Permit No. 95-9037 Date: 8-31-01 Reviewer: Kay Walker

Change/OK

Name/Address

fix address per photo & exam

Source

Point of Diversion:

OK
OK

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s):

File reviewed Profile reports printed

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.04 cfs

Fee Limit 0.02 cfs

Measured 0.02 cfs

Theoretical 0.02 cfs

Recommended Total Diversion Rate 0.02

Water Uses

OK Change (P46)

Season of Use per new Standards

Irrigation cfs af

Stockwater cfs af

Domestic 0.02 cfs 1.2 af

cfs af

cfs af

Total 0.02 cfs 1.2 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

cfs x 1.9835 x days = af (vs) acres x (FHR) = af

Remarks: R02, R04, W01, W60

Additional Conditions

YES Watermaster Control
GW Measurement/Measuring Device
Other
Trust R55 - remove 051)
Non-trust (048/049)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes
no

If yes, explain why below.

SRBA Claim?

N/A

Adjust memo

Amend Letters P87, S06

Second Amendment Notice S06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUL - 9 2001

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 95-09037

1. Owner: Donald Murphy

Phone No. (208)-762-5853

Current Address: 4790 E. Lower Hayden Lake Rd. Hayden Lake Id. 83835

2. Accompanied by: Donald Murphy

EXAM DATE: 5-31-01

Address: Same as above

Phone No. _____

Relationship to Permit Holder: _____

3. Source: unnamed stream & spring tributary to Hayden Lake

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NE	SE	20	51N	03W	Kootenai	USGS 7.5 min Quad
		SW	NE	SE	20	51N	03W	Kootenai	(1) (1)

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
51N	03W	20																	

MICROFILMED

DEC 12 2001

E. NARRATIVE/REMARKS/COMMENTS

Mr. Murphy has 2 diversions.
The one in the stream is used to
supplement the spring development.
All water must flow over to spring
development. A 1/2 hp pump in spring
house delivers to the house.

I measured with a 5 gal bucket at
the house. Since no water can reach
the house unless pumped I use that
for the diversion rate.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
SEP 12 2003

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached
 5 gal bucket 5 gal in 40 sec 7.5 gpm
 $7.5 \times 1.33681 = 10.026$
 $10.026 \div 1.016 = 9.87$
 60

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cts)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic

Period of Use

From 05-11 To 12-31

Rate of Diversion

Q (cts) 0.02

Annual Volume

V (afa) 1.2

2. Recommended Amendments

☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

☐ Add P.D. as reflected above
☐ Add P.U. as reflected above
☐ None
☐ Other

I. AUTHENTICATION

Reviewer

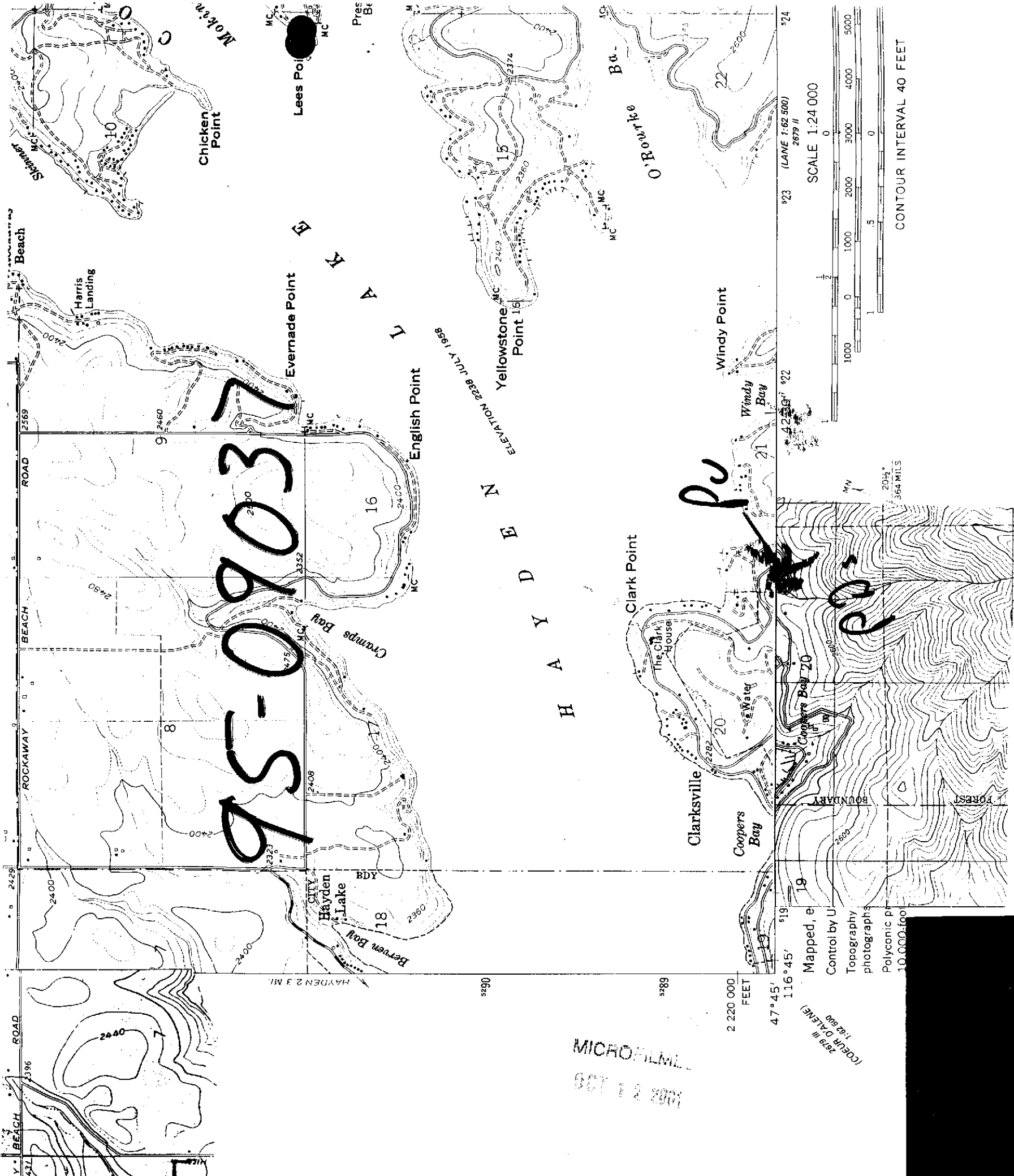
Date

Field Examiner's Name

Date

Wayne D. Baker
 06-19-01

SEAL
 117 1 2 288



MICROFILMED
OCT 12 2001

2679 III (COLEMAN DALENE)
1:24,000

Mapped, e
Control by U
Topography
photographs
Polyconic pr
10,000:foot

BOUNDARY

FOREST

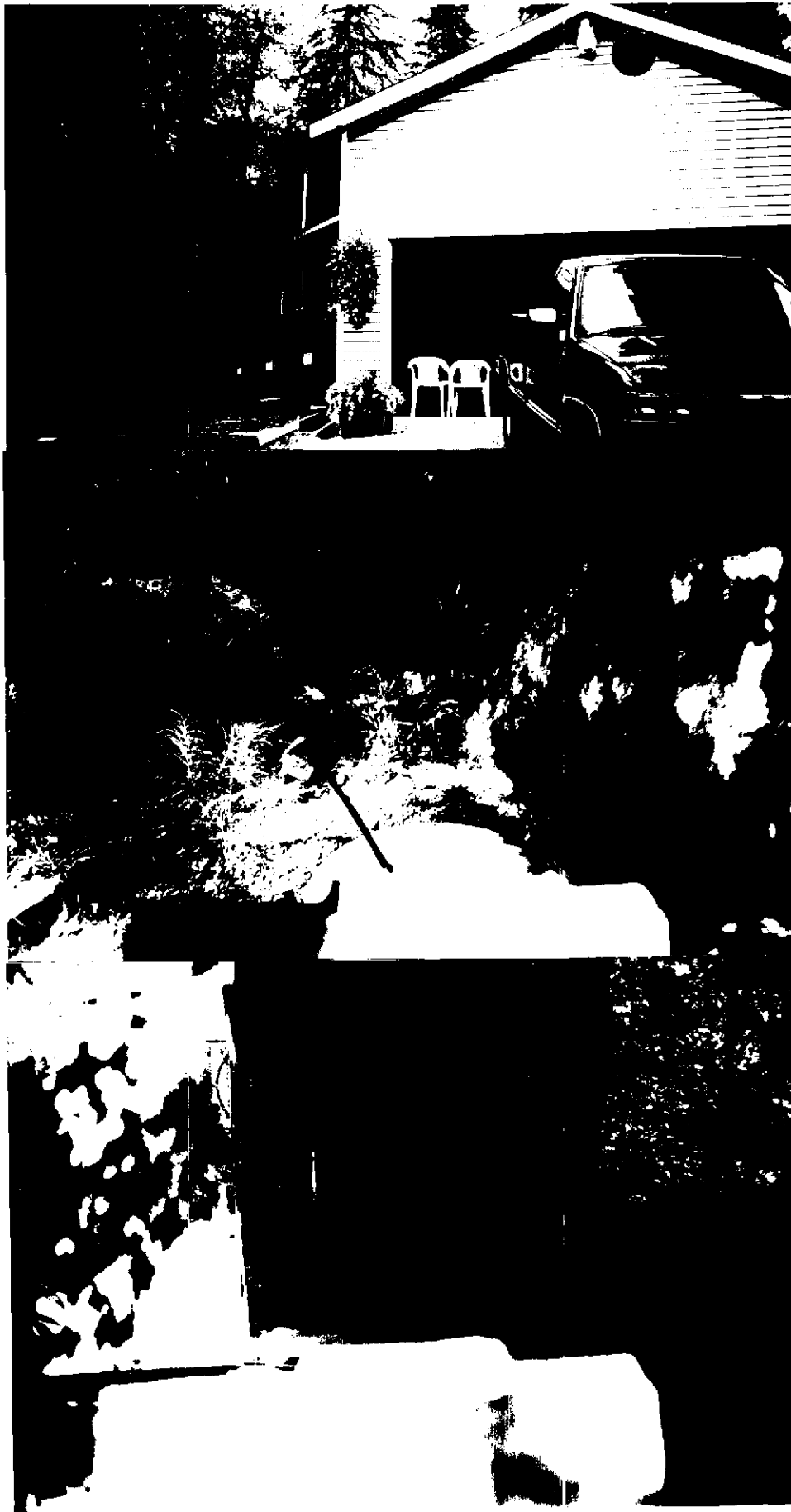
2014

36.4 MILS

923 (LANE 1:62,500)
2679 II

SCALE 1:24,000

CONTOUR INTERVAL 40 FEET



PW
Domestic

PW
unnamed
stream

PW.
Spring

95-09037
MICROFILMED
OCT 12 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 14, 2000

DONALD J MURPHY
4790 E LOWER HAYDEN LAKE RD
HAYDEN LAKE ID 83835

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 95-09037

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

During my review of your proof I note that you claimed 1 acre of irrigation, and that your total rate of diversion is "10" cfs. If that is correct, you may not be permitted for those amounts. I found that according to your domestic right, you are allowed 1/2 acre or less of land for irrigation, and your permit is for 0.04 cfs. I suggest that you contact our Northern Regional Office in Coeur d'Alene to clarify these two issues and to make necessary changes to comply with your permit or amend your permit before the field examination.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office. I have updated your current information to reflect the above address, however, if there are any corrections or changes, please contact the department.

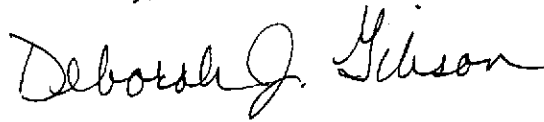
MICROFILMED

APR 11 2001

Page 2

Please contact the **Northern** Regional Office of the department in Coeur d'Alene at (208) 769-1450, or you may contact me at (208)327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

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ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 95-09037 Reviewed by D. Gibson Date 11/13/00

GENERAL CONSIDERATIONS

Yes Name same as permit?
No Address same as permit?
Yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Domestic & Irrigation

Correct Uses?

Domestic yes -
Irrigation of 1 acre - no!
Increase of cfs - no!

SOURCE OF WATER

Yes Surface water source
No Ground water source

/ Drilling permit required?

/ Copy in the file? Drilling Permit No. /

/ Amount paid for permit

/ Well log in the file?

/ Correct?

LICENSE EXAMINATION FEE

Yes Required?
\$50 Amount Submitted
Yes Correct?

MEASURING DEVICE

Yes Required?
No Installed? Pump & pressure tank -
Waiver requested? Doesn't meet watermaster's needs.

PRIORITY CALCULATION

Date proof received 11/2/00

Date proof due 2/1/02

No. of days late / = /

Priority Date / + /

New Priority Date /

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof, inform permit holder of limitation to Domestic Irrigation of 1/2 acre or less & recommend he call his regional office to review his increase of cfs and definition of a valuable device for watermaster's use for regulating purposes.

DATA ENTRY

New Address 4790 E. Lower Hayden

Proof Made 11/2/00

Lake Rd, Hayden Lake, Id.

83835

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

0080990

Date:

Time: 11/ 2/2000

09:57:17

Received

From: MURPHY DONALD J

Type of Payment

Program A cct

Amount

PROOF OF BENEFICIAL #95-09037

56104

229 21 1155

50.00

Total

\$

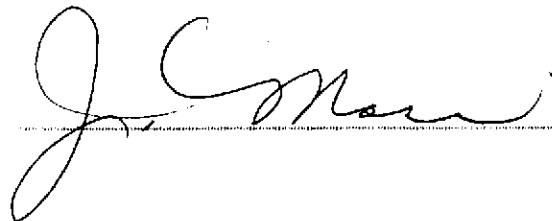
50.00

CHECK

1542

Region: STATE

Signature:



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APR 11 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

February 11, 2000

DIRK KEMPTHORNE
GOVERNOR

DONALD J MURPHY
18120 S FRANCIS FAIRE RD
WORLEY ID 83876

KARL J DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 95-09037

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

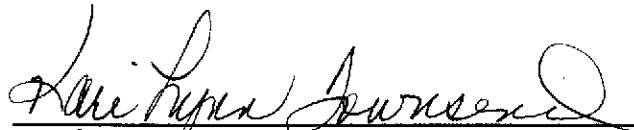
MICROFILMED
APR 11 2001

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of February, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 95-09037

DONALD J MURPHY
18120 S FRANCIS FAIRE RD
WORLEY ID 83876


Kari Lynn Townsend
Secretary

MICROFILMED
APR 11 2001

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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APR 11 2001

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 2/4/00

No. 95-09037 Name: Murphy Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: ☒ No/Yes Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE/PROT. - 077

BENEFICIAL USE DUE: 3101 13002

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response No objections
- In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE
In-stream development - P52
WD - R04 (WFO# 95A)
≤ 0.20 cfs/others - 01H(P01) 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC W01 (1)
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60 Lot 32, Blk 4, Honeysuckle Hills
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON - (Per updated map)

OTHER CONDITIONS/REMARKS

COMMENTS

ok meas cond ✓

RECEIVED

JAN 31 2000

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

APPLICATION # 95-09037

Department of Water Resources

INITIAL REVIEW

APPLICANT: MURPHY

BY: JB

DATE: 11/29/99

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
 - (X) Nature of Proposed Use
 - (X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map
 - (X) Signature
 - (X) Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes) (No)

- X Field check: by _____
- X Field report attached
- X Analysis Supp. attached (>5cfs/500af)
- X Water delivered by water master?
- Water District # 95A

PROCESSING

(Yes) (No) PRIORITY DATE: 11/29/99

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: LOOTENAI County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	TAG #	Type:	Fees	Receipt No.	Upgrade Needed?
<u>I</u>		Dom. Non-Dom.	Paid \$		Y () N ()
<u>I</u>		Dom. Non-Dom.	Paid \$		Y () N ()
<u>I</u>		Dom. Non-Dom.	Paid \$		Y () N ()

- I Groundwater management area
- I Critical ground water area
- I Well Drilling Permit required
- I Well Drilling Application and Fees received
- X Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- I Notice of pending void order issued. Final order response date: ____/____/____
- I Further information required from applicant
- 11/7/00 Affidavit of publication received
- 11/7 Application published correctly. If not, record action taken: _____

Publication dates and paper recorded on application | Sr. Agent initial _____

X Protests received, Final protest date: 01/03/2000

X Measuring device required

X Measuring port required

X Special conditions:

X Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: RJA

Date: 1/28/00

Memorandum

Date: January 28, 2000

To: File 95-09037

From: Al Beardslee

RE: Surface water approval from Idaho Fish and Game Dept.

~~~~~  
**Mr. Chip Corsi, of Idaho Department of Fish and Game, Coeur d'Alene office, was contacted prior to regional approval of this filing. After reviewing the Application for Permit with Mr. Corsi, he had no problem with it's approval.**

MICROFILMED  
APR 11 2001

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,  
County of Kootenai,

} ss.

STACIE WALKER

being first duly sworn  
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

LEGAL NOTICE

of which the annexed is a printed copy, was published in the regular THURSDAY issue of said newspaper for 2 consecutive WEEKS commencing on the 16 day of DECEMBER, 1999, and ending on the 23 day of DECEMBER, 1999, and such publication was made as often during said period as said DAILY newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Stacie Walker

Subscribed and sworn to before me this 23 day of DECEMBER, 1999.

Regina Mason

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

MY COMMISSION EXPIRES 6/18/03

## NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

95-09037

MURPHY, DONALD J  
18120 S FRANCIS FAIRE RD  
WORLEY, ID 83876

Source: SPRING  
Source: UNNAMED STREAM  
Diversion Pt: NWNESE  
SWNESE

Use: DOMESTIC

Total Diversion:

Date Filed: 11/29/1999  
In: KOOTENAI County  
T51N R03W S20

NESE

Tributary: HAYDEN LAKE

Tributary: HAYDEN LAKE

Sec 20 T 51N R 03W in KOOTENAI County.

Sec 20 T 51N R 03W in KOOTENAI County.

(0.040 CFS)

(0.040 CFS)

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before JANUARY 3, 2000.

KARL J. DREHER, Director

Legal 301  
December 16, 23, 1999

RECEIVED  
JAN 07 2000  
IDWR/North

RECEIVED  
JAN 07 2000  
IDWR/North

MICROFILMED

95-09037

MURPHY, DONALD J  
18120 S FRANCIS FAIRE RD  
WORLEY, ID 83876

Source: SPRING

Tributary: HAYDEN LAKE

Source: UNNAMED STREAM

Tributary: HAYDEN LAKE

Diversion Pt:                NWNESE    Sec 20 T 51N R 03W in KOOTENAI County.  
                              SWNESE    Sec 20 T 51N R 03W in KOOTENAI County.

Use: DOMESTIC                                (            0.040 CFS)  
                              Total Diversion: (            0.040 CFS)

Date Filed: 11/29/1999

In: KOOTENAI County  
     T51N R03W S20                        NESE

MICROFILMED

APR 11 2001

December 8, 1999

DONALD J. MURPHY  
18120 S FRANCIS FAIRE RD  
WORLEY ID 83876

Re: Water Appropriation Application No. 95-09037

Dear Mr. Murphy:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE  
Senior Water Resources Agent

AB:db

RECORDED

APR 11 2001