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Identification No. 96-4052 ⁹⁶

Claim No. _____

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 Frank Hubbard
post office address Route 1, Sagle, Idaho 83860

2. The point of diversion is in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 3 Township 56, North
Range 2 W. B.M. located on springs feeding Murphy Creek, a
(name of source)
tributary to Lake Pend Oreille in Bonner 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:

Over 30 years amount: .5 c.f.s. or _____ acre feet
July 1941 amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ 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:

domestic, stock and irrigation
use .5 c.f.s for period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use stock period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use irrigation period of use from April 1 to Oct. 31 (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of logs and timber dam
with reservoir; 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 _____

b. Underground water diverting works: is well flowing or pumped _____; 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 _____

width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000 feet is _____feet; material through which ditch passes is _____;

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible.

2" pipe for domestic of 2600' in length; ditch for irrigation and stock 2600' ranging 3' - 5' wide, 3" to 3' deep with 10' drop to 2600'.

d. If water is stored: name of reservoir. No name. Minimal.

total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet; year construction commenced _____; year completed _____; date first used _____

period of storage is from _____ to _____; is reservoir drained each year _____; _____ explain _____ is reservoir on or off stream _____

_____ c.f.s.; if reservoir is off stream, describe _____ location of reservoir by 40-acre subdivisions.

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

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.

Explain any significant increase in area irrigated since first use, give dates and acreages if known.

No present irrigation.

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) _____

6. Where water is used for stock watering, give number of each kind of stock watered Varied according to owner's needs from time to time. Average 100 head.

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied At present single family purpose.

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 Bonner,

ss.

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

Sworn to before me this 12th

day of

March

19 73

Frank Hubbard
Claimant

James E. Hunt
Notary Public

Residing at Sandpoint, Idaho

My commission expires 10/19/76

For Department Use Only

Received by CR Date 4-3-73

Exception filed by:

Forwarded to
claimant by:

Date

Prelim. check by ES Date 4/3/73 21 mm 73 (returned)

Fee received by ES Date 4/3/73 Fee \$ 10.00

Approved for publication by ES

Published in SANDPOINT BULLETIN Dates 4-12-73

4-19-73

96 4052

RECEIVED

MAY 4 1973

Department of Water Administration

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 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:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:	1.2 c.f.s. or	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 a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District
Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Eastern District
Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Western District
Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Affidavit of Publication

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

L. E. Pietsch being first duly sworn on
oath deposes and says that he is Publisher
of The Sandpoint News-Bulletin, a weekly
newspaper printed and published at Sandpoint,
Bonner County, Idaho; that the said Sandpoint
News-Bulletin has been continuously and unin-
terruptedly published in said Bonner County
during a period of 18 months or 78 weeks
prior to the first publication of the hereto
attached notice for publication in the case of
Notice of Claim To A Water Right, No.
96-4052, filed by Frank Hubbard, Route
1, Sagle, Idaho.

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 12th
day of April, 19 73, and end-
ing on the 19th day of April,
19 73, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

20th day of april, 19 73.

Glynn's Grate

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

RECEIVED

APR 20 1973

NOTICE OF CLAIM TO A WATER RIGHT NO. 96-4052

Notice is hereby given that
Frank Hubbard, Route 1, Sagle,
Idaho has filed a claim to a
water right established by di-
version and application to bene-
ficial use of 0.5 cubic feet per
second of water from Springs
feeding Murphy Creek, tribu-
tary to Lake Pend Oreille with
point of diversion in the SW $\frac{1}{4}$ -
SW $\frac{1}{4}$, Sec. 3, T. 56N, R. 2W,
B.M., Bonner County.

The water is claimed to be
used from Jan. 1 to Dec. 31
for domestic and stockwater-
ing purposes; and from April
1 to Oct. 31 for the irrigation
of 50 acres with a priority of
July, 1941; the place of use is
within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 3,
T. 56N, R. 2W, B.M.

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

R. KEITH HIGGINSON
Director

Published in the Sandpoint
News-Bulletin, Sandpoint, Ida-
ho on April 12 and April 19,
1973. A12-19

96 4052

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

May 3, 1973

Re: Claim to a Water Right No. 96-4052

Frank Hubbard
Route #1
Sagle, ID 83860

Dear Mr. Hubbard:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 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 a claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim 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 may be of any further assistance, feel free to contact us.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enc: copy of claim

cc: James E. Hunt

96 4052

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

April 10, 1973

Re: Application for Permit No. 96-7134
Claim to a Water Right No. 96-4052 Frank Hubbard

James E. Hunt
GREEN & HUNT, P.A.
320 North Second Avenue
Sandpoint, ID 83864

Dear Mr. Hunt:

Please excuse the delay in notifying you of the status of the above referenced items. Both the application and the claim are being processed and when final action is taken, you will be furnished a copy of each.

Thank you for your patience and cooperation in this matter, and if we may be of any further assistance, feel free to contact us.

Very truly yours,

Corda Roberts
Secretary
Northern District

96 4052

April 6, 1973

Re: Application Nos. 96-7137 through 96-7164 - Richard Hansen
" " 96-7166 - Mark L. &/or Donna Cowdrey
Claim No. 96-4051 - Mr. & Mrs. Jacob C. Stappler
" " 96-4052 - Frank Hubbard
" " 96-4053 - John M. &/or Irene E. Dunn
" " 96-4054 - John M. &/or Irene E. Dunn

Sandpoint News-Bulletin
P.O. Box 218
Sandpoint, ID 83864

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Northern District Manager

Bill submitted 4-30-73 by CR

FE:CR

Enc: Legal Notices (6)

96 4052

ADVERTISING INSERTION ORDER

SANDPOINT NEWS-BULLETIN

COMPLETE COVERAGE OF THE SANDPOINT TRADE AREA

P.O. Box 218, Sandpoint, Idaho 83864

To Whom Billed:

Idaho Department of Water
Name Administration

Address

Name of Advertiser

Ad No.: Ad Size: x

Caption Notice of Claim to a Water
Right

Insertion Dates: April 12, 19

Copy:

Frank Hubbard

I hereby certify that the foregoing account
is just and correct, that the amount claimed is
legally due and that all past credits, and
that no part of the same has been paid.

SANDPOINT NEWS-BULLETIN

Phyllis Grant

Total Space 36 lines x 36¢ = \$12.96
(Col. Inches/Words) (rate) (Billing)

AIO. No. 6173

4-12-73

DATE

Type of Advertising

- ☐ National Display
- ☐ Local Display
- ☐ Classified Display
- ☐ Classified
- ☐ Reader
- ☐ Card of Thanks
- ☒ Legal
- ☐

96 4052

NOTICE OF CLAIM TO A WATER RIGHT

NO. 96-4052

Notice is hereby given that Frank Hubbard,
Route #1, Sagle, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.5 cubic feet per second ~~acre feet per annum~~
of water from Springs feeding Murphy Creek, tributary to Lake Pend Oreille
with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 56N, R. 2W, B.M.,
Bonner County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic, and
stockwatering purposes; and from April 1 to Oct. 31 for the irrigation of 50 acres
with a priority of July, 1941;
the place of use is within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 3, T. 56N, R. 2W, B.M.

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

R. KEITH HIGGINSON

Director

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho
on April 12 and April 19, 1973

96 4052

April 6, 1973

Re: Claim to a Water Right No. 96-4052

Frank Hubbard
Route #1
Sage, ID 83860

Dear Mr. Hubbard:

Attached is your receipt No. 10604 in the amount of \$10 for the filing fee on the above referenced claim, which was received in this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:CR

Enc: Receipt

96 4052

RAYMOND T. GREENE, JR.
JAMES E. HUNT

GREENE & HUNT, P. A.
LAW OFFICES
320 NORTH SECOND AVENUE
SANDPOINT, IDAHO 83864
TELEPHONE 263-5121

April 2, 1973

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APR 3 1973

Department of Water Administration
Northern District Office

State of Idaho
Department of Water Administration
401 Front Avenue, Rm. 209
Coeur d'Alene, Idaho 83814

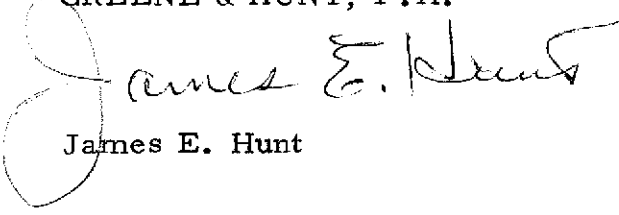
Attention: Ervin E. Ballou
Water Resource Examiner

Dear Mr. Ballou:

With reference to your letter of March 28, I am
enclosing herewith corrected copies of Claim to Water Right
according to your instructions.

Very truly yours,

GREENE & HUNT, P.A.


James E. Hunt

jeh/st

Enclosures

98 4052

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

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

March 28, 1973

James E. Hunt
GREEN & HUNT, P.A.
320 North Second Avenue
Sandpoint, ID 83864

Dear Mr. Hunt:

We are returning the Claim to a Water Right you submitted in behalf of Frank Hubbard and also your Check No. 92-58 in the amount of \$10. In order that Mr. Hubbard may have a more valid Claim, please correct or complete the following items:

Item 3a: The date of priority claimed should be given by month, day, and year, if known.

Item 3b: Please complete this item as follows:

Use: Domestic from Jan. 1 to Dec. 31.

Use: Stockwatering from Jan. 1 to Dec. 31.

Use: Irrigation from April 1 to Oct. 31.

Item 5a: Give the location of the irrigated land and the number of acres irrigated in each 40-acre tract.

Item 6: Please give the number of livestock watered.

We are also enclosing a copy of the Application for Permit you submitted for Frank Hubbard. Please note the changes made under Item 4 after speaking with Mr. Hubbard.

If we may be of any further assistance, or if you have any questions, please feel free to contact this office.

Very truly yours,

Ervin E. Ballou
Water Resource Examiner
Northern District

EEB:cr

Enclosures

96 4012

RAYMOND T. GREENE, JR.
JAMES E. HUNT

GREENE & HUNT, P. A.
LAW OFFICES
320 NORTH SECOND AVENUE
SANDPOINT, IDAHO 83864
TELEPHONE 263-5121

March 26, 1973

Department of Water Administration
Northern District Office
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

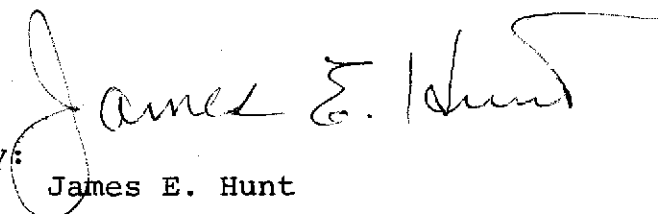
Re: Frank Hubbard

Gentlemen:

I enclose herewith Claim to a Water Right and
Application for Permit, together with Mr. Hubbard's
check in the sum of \$35.00 and our check in the
sum of \$10.00.

Very truly yours,

GREENE & HUNT, P.A.

By: 
James E. Hunt

JEH:js
Enclosures