

No Color
Documents
In File

Identification No. _____
Claim No. 96-4012
Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
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 John D. Murphy
post office address Star Route Sandpoint Idaho 83864
2. The point of diversion is in Gou't 1/4 of Lot 1 1/4 Section 21 Township 56N
Range 1W B.M. located on Garfield Creek; flows
(name of source)
tributary to INTO Lake Pendoreille 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:

Nov 1964 amount: .02 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

See items 7 + 9

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 DOMESTIC period of use from Nov 1964 to Present (both dates inclusive)
use DOMESTIC 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 Steel culvert liner
partially submerged in creek; length is _____ feet; height is 6 feet;
diameter width at bottom is 3 feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known culvert section
standing upright, enclosing submersible pump
of 3/4 hp. and 1800 gal per hr. maximum capacity.
casing is pierced to admit creek water

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 _____

b. Do you get water through a ditch owned by several users? _____ 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 _____

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied DOMESTIC 2 families on pump

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 See note below (2)

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

The other involved family is filing an individual claim, thus I am claiming .02 c.f.s. under item 32. in line with your department's recommendation of a diversion rate of .04 c.f.s. for 2 families

Other family on same pump:
DALTON C. PATTON
STAR ROUTE, SANDPOINT
Idaho 83864

State of Idaho }
County of _____ } 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.

John D Murphy
Claimant

Sworn to before me this 22nd day of OCTOBER, 1970

Kathryn D Gray
Notary Public

Residing at SANDPOINT

My commission expires 5/1/73

Rec'd # 5295 For Department Use Only

Received by	Date	Exception filed by:	Forwarded to claimant by:	Date
<u>1</u>	<u>11-5-70</u>			
Prelim. check by <u>1</u>	Date <u>10-00</u>			
Fee received by <u>1</u>	Date <u>11-5-70</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>D</u>				
Published in <u>Sandpoint News-Bulletin</u>	Dates <u>11-19+26-70</u>			

96 4012

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:		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 it 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.

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 in
matter of John D. Murphy, Star Route,
Sandpoint.

as it was published in the regular and entire issue
of the said paper for a period of two
consecutive weeks, commencing on the 19
day of November, 1970, and end-
ing on the 26 day of November,
1970, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Pietsch

Subscribed and sworn to before me this

4th day of December, 1970.

W. J. Coyle

Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT No. 96-4012

Notice is hereby given that John
D. Murphy, Star Route, Sandpoint,
Idaho has filed a claim to a water-
right established by diversion and
application to beneficial use of
0.02 cubic feet per second of water
from Garfield Creek with point
of diversion in Gov't. Lot 1, Sec.
21, T. 56 N, R. 1 W, B.M., Bonner
County.

The water is claimed to be used
from January 1 to December 31
for domestic purposes with a pri-
ority of November, 1964; the place
of use is within Gov't. Lot 1, Sec.
21, T. 56 N, R. 1W, B. M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water Ad-
ministration.

R. KEITH HIGGINSON,

Director.

Published in the Sandpoint News-
Bulletin, Sandpoint, Idaho on No-
vember 19 and November 26, 1970.
N19-26

December 16, 1970

Re: Claim to a Water Right No. 96-4012

Mr. John D. Murphy
Star Route
Sandpoint, Idaho 83864

Dear Mr. Murphy:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

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 evidence that you would like to have included in your claim file, you may add that information 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

96 4012

December 9, 1970

Re: Claim No. 96-4012 - John D. Murphy

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

Gentleman:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced claim. The legal notice was to have been published in your paper on November 19th and 26th, 1970.

Your cooperation in this matter is most appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

96 4012

November 10, 1970

Re: Claim No. 96-4012 - John D. Murphy

Sandpoint News-Bulletin
P.O. Box 218
Sandpoint, Idaho 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 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 12-15-70 By ds

96 4012

NOTICE OF CLAIM TO A WATER RIGHT

No. 96-4012

Notice is hereby given that John D. Murphy, Star Route, Sandpoint,
Idaho
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 0.02 cubic feet per second ~~acre/feet/~~
of water from Garfield Creek
with point of diversion in ~~the~~ Gov't. Lot 1, Sec. 21, T. 56 N, R. 1 W,
B.M., Bonner County.

The water is claimed to be used from January 1 to December 31 for
domestic purposes
with a priority of November, 1964;
the place of use is within the Gov't. Lot 1, Sec. 21, T. 56 N, R. 1W,
B. M.

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

R. KEITH HIGGINSON

Director

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho
on November 19 and November 26, 1970.

96 4012

November 5, 1970

John D. Murphy
Star Route
Sandpoint, Idaho 83864

Dear Mr. Murphy:

Returned herewith is Departmental Receipt No. 5295 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: Receipt

October 27, 1970

Mr. John D. Murphy
Star Route
Sandpoint, Idaho 83864

Dear Mr. Murphy:

We are returning your check in the amount of \$10.00 and your claim to a water right.

Before we can process your claim, we must have additional information. Under item 3a, we must have a rate of diversion in cubic feet per second. We would recommend that since you have two families being served with the water that the rate of diversion you claim be .04 c.f.s. We also need clarification under item 3b. This provision asks what nature of use you are applying the water to and the period of use that you are using the water for. We would, therefore, assume that the domestic use would be a year round requirement. This use would normally be from January 1 to December 31. Please clarify these points and resubmit your claim for processing.

If we may be of any assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: check no. 729 in the amount of \$10.00
claim to a water right form