

Identification No. _____
Claim No. 96-4004
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 Arthur P. Murphy
post office address Box 554 Mullan, Idaho
2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 4 Township T 56 N
Range 2 W B.M. located on Hatchery & other springs on 23.5 acres
(name of source)
tributary to Pend O Reille Lake 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:
1945 October 5, 1945 amount: 0.04 c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
_____ amount: _____ c.f.s. or _____ acre feet
Total claimed 0.04 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 purposes
use _____ period of use from June 1 to October 30 (both dates inclusive)
use _____ period of use from _____ to _____ (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 _____
_____ ; 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. springs
Underground water diverting works: is ~~well~~ flowing or pumped flowing ; 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 _____

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Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. Original pipe 200ft galvanized 2" pipe
700 feet of 1" inch pipe. changed to plastic pipe approx
1957 pressure pump and system at end of pipeline

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions_____

[illegible]

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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 _____

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

We get our water from the pipe line that supplies the Idaho State Fish Hatchery. It leaves the main line and is a two inch plastic line to our property. My parents gave the State of Idaho the right to use the water for fish propogation in return for the sale of the land and other considerations including the provision that the State would furnish us water for domestic purposes. There are other springs on this acerage which I might have to avail myself of at some future time. I am enclosing copies of the original contract, my correspon-
dence with the Fish & Game Department along with descriptions of the place of usage and origin. The Hatchery spring is known as #3.

The description is found in Tax # 4 56- 2W consisting of 23½ acres. Sec. This is the place of diversion. The place of usage is in Sec. 3, Tax# 4, 3-56-2W. Boise Meridian. These are filed in the Bonner County Courthouse, Sandpoint, Idaho.

State of Idaho

County of ADA

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 2nd day of October, 1969.

Arthur P. Murphy
Claimant

C. Stephen Allred
Notary Public

Residing at BOISE, IDAHO

My commission expires May 1, 1972

For Department Use Only

Received by ef Date 10-3-69 Exception filed by: Receipt # 3632

Forwarded to claimant by: _____ Date _____

Prelim. check by OSA Date 10-3-69

Fee received by ef Date 10-3-69 Fee \$ 10.00

Approved for publication by D

Published in Sandpoint Times Dates 10-16-23-69

96-4004

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 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 this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

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, 1904

William J. Costello
Justice of the Peace

MACTHUR FOR PIPE PIPE AND PIPE

JOHN MURPHY AND JAC. MURPHY HIS
WIFE.

NO

The State of Idaho.

August 26th, 1903.

6

State of Idaho

DEPARTMENT OF
FISH AND GAME

Boise, Idaho

October 5, 1945

Art Murphy
Mullan, Idaho

Dear Mr. Murphy:

Reference is made to previous correspondence with you regarding this Department's furnishing pipe for installation of a water supply at Sandpoint.

You are advised that on October 2 a requisition was made by this department to the Dingle Hardware Company of Coeur d' Alene for delivery to the Sandpoint Fish Hatchery of 200' of 2" pipe and 900' of 1" pipe.

Yours very truly,

IDAHO FISH AND GAME DEPARTMENT
James O. Beck, Director

George W. Tucker

George W. Tucker, Engineer

GWT:am

96-4004

State of Idaho

DEPARTMENT OF
FISH AND GAME
Boise, Idaho
April 12, 1943

James O. Beck

L
Easements
Sandpoint Hatchery

Mr. Art Murphy
Mullan, Idaho

Dear Mr. Murphy:

This will acknowledge receipt of your letter of March 6 enclosing the easement signed by your parents giving the Idaho State Fish and Game Department the right and privilege to take water from spring #3 and run the same through a pipeline to the Sandpoint Hatchery.

I note in this easement that the Idaho State Fish and Game Department agreed to furnish the grantors water through a 2" pipeline and to furnish not to exceed 200' of 2" pipe to conduct this water to a point designated by the grantors. I have also been informed by Chief Clerk Miller that Former Director Morris agreed to furnish not to exceed 900 feet of 1" pipe in consideration for damage to your property in the laying of the present and additional pipe lines.

The Idaho State Fish and Game Department will fulfill its part in this contract and will furnish up to 200' of 2" pipe and not to exceed 900' of 1" pipe at any time that you desire to make this water installation provided, however, that you wait until the present war emergency has terminated due to the fact that the Idaho State Fish and Game Department does not have priority to purchase pipe at the present time.

A copy of this easement has been made and is being retained with this letter for future reference. The original easement has been returned to you.

Very truly yours,

IDAHO FISH & GAME DEPARTMENT

James O. Beck
James O. Beck
Director

JOB:bh

96-4004

DEPARTMENT OF FISH AND GAME

BOISE

IDAHO August 22, 1945

TO Mr. Arthur Murphy
Mullan, Idaho

Dear Mr. Murphy:

In response to your letter of August 21 concerning the installation of a pipe line at the Sandpoint Hatchery, this office has checked their files and it appears as though we do not have any correspondence relative to the installation of more than 200 feet of 2 inch pipe. The letter pertaining to this installation was written under date of March 10, 1943. If you have other correspondence or information, I would be pleased to receive a copy of same prior to taking it up with Engineer Tucker, who is in charge of construction in the Northern District.

Thank you in advance for any information you can send me.

Very truly yours,

DEPARTMENT OF FISH AND GAME

James D. Beck
BY _____
Director

JOB:sc

96-4004

State of Idaho

DEPARTMENT OF
FISH AND GAME

Boise, Idaho

July 27, 1945

L. Acquis.
Sandpoint

Art Murphy
Mullan, Idaho

Dear Mr. Murphy:

This will acknowledge your letter of July 22 requesting information in regard to the completion of the pipe line to your private holdings as agreed upon in the easement granted to the Fish and Game Department on the 28th day of August, 1908.

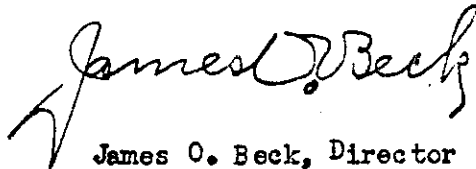
According to this easement the Idaho Fish and Game Department is to extend a 2" pipeline to your property from our main from Spring #3 not to exceed 200' at a place to be designated by yourself and the water therefrom is to be used for domestic purposes only.

At present there is some construction work being carried on in North Idaho, but the crew has recently quit and at present we only have two men. Unless additional labor is secured I doubt if any more work will be accomplished except the replacement of the Granite Creek trap which washed out last Spring. However, it is planned to do some work at the Clarksfork and Sandpoint hatcheries and if the crew starts work at Sandpoint, consideration will be given to your request.

A copy of this letter is being furnished Engineer Tucker and Supervisor Bailey who are outlining the construction for Sandpoint.

Yours very truly,

IDAHO FISH AND GAME DEPARTMENT


James O. Beck, Director

JOB:am

cc - Tucker
Bailey

96-4004

Affidavit of Publication

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

L. E. Dietsch 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. 96-404

as it was published in the regular and entire issue
of the said paper for a period of Two
consecutive weeks, commencing on the 16th
day of October, 1969, and end-
ing on the 23rd day of October,
1969, and that said notice was published in said
newspaper, and not in supplemental form.

L. E. Dietsch

Subscribed and sworn to before me this
10th day of November, 1969.

Chas. Powell
Notary Public for Idaho,
Residing at Sandpoint, Idaho.

NOTICE OF CLAIM TO A WATER RIGHT No. 96-404

Notice is hereby given that
Arthur P. Murphy, Box 554, Mul-
lan, Idaho, has filed a claim to
a water right established by
diversion and application to bene-
ficial use of .04 cubic feet per
second of water from Hatchery
and other unnamed springs with
point of diversion in the SW $\frac{1}{4}$ -
SE $\frac{1}{4}$ of Sec. 4, T. 56N, R. 2W,
B.M., Bonner County; the water
is claimed to be used from June
1 to October 30 for domestic
purposes with a priority of Octo-
ber 5, 1945; the place of use is
within Sec. 3, T. 56N, R. 2W,
B.M.

Any exception to this claim
of water right may be filed with
the Department of Reclamation.
R. KEITH HIGGINSON,
State Reclamation
Engineer.

Published in the Sandpoint
News-Bulletin, Sandpoint, Idaho,
on October 16 and October 23,
1969.
016-23

96-4004



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION

John V. Evans
Governor
A. Kenneth Dunn
~~Executive Director~~
Director

AUG 26 1982

Department of Water Resources

State No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

August 26, 1982

✓
Re: 96-4004

Mrs. Anietta I. Murphy
620 W. 7th St. #303
Spokane, Wash. 99204

Dear Mrs. Murphy:

In regard to your letter of August 17, 1982, please be advised that it is not necessary for you to re-file a claim. The filing of Claim No. 96-4004 did satisfy the requirement in Idaho Code, Section 42-243.

Enclosed is a brochure for your further information.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enc. - Brochure

✓ cc: IDWR - State Office - W/enc.

Spokane, Wash.
Aug. 17th 1982

Northern Region, Idaho
Dept of Water Resources.
Coeur d'Alene, Idaho.

Dear Sir: -

My husband was the late
Senator Arthur P. Murphy from
District 4, Shoshone County, Mullan, Idaho.

He filed a 'Claim to Water Right'
Claim No. 96-4004 on our
property at Sandpoint, Idaho in
Bonner County. Do I have to
re-file this claim?

Will you please send me
packet of information.

Sincerely Yours,

RECEIVED
Dorietta L. Murphy

620 W. 7th #303

Spokane, Wash

99204

Department of Water Resources
Northern District Office

AUG 19 1982

November 19, 1969

Re: Claim to a Water Right No. 96-4004

Arthur P. Murphy
Box 554
Mullan, Idaho 83846

Dear Mr. Murphy:

The Department of Reclamation 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. Notice of your claim was published and no one has filed an exception to your claim. 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 Examiner

DWM:mjl

Enclosure: Copy of Claim

96-4004

November 4, 1969

Re: Claim To A Water Right No. 96-4004 - Arthur P. Murphy

Sandpoint News Bulletin
415 North 2nd Avenue
Sandpoint, Idaho

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced item(s). The legal notice was to be published in your paper on October 16, and October 23, 1969.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

May we please have your prompt attention to this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

96-4004

October 8, 1969

Re: Claim to a Water Right No. 96-4004 - Arthur P. Murphy

Sandpoint News-Bulletin
415 N. 2nd Ave.
Sandpoint, Idaho

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 of Reclamation 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 the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Legal notice

96-4004

NOTICE OF CLAIM TO A WATER RIGHT

No. 96-4004

Notice is hereby given that Arthur P. Murphy, Box 554,
Mullan, Idaho, has filed a claim to a water right
established by diversion and application to beneficial use of .04
cubic feet per second/~~gpm~~ feet of water from Hatchery and other unnamed
springs with point of diversion in the SW 1/4 of
Sec. 4, T. 56N, R. 2W, B.M., Bonner County; the water is
claimed to be used from June 1 to October 30 for domestic purposes
with a priority of October 5, 1945;
the place of use is [REDACTED]
within Sec. 3, T. 56N, R. 2W, B.M.

Any exception to this claim of water right may be filed with the Department
of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Sandpoint News-Bulletin, Sandpoint, Idaho,
on October 16 and October 23, 1960.

96-4004