

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D' ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number 95-15817

Date Received: 06/02/2010

Receipt No: W024746A

Received By: Ann

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Elizabeth A. Cowles Phone (509) 990-9662

Mailing Address P.O. Box 30579 Spokane WA ZIP 99223

Street or Box

City

State

2. Date of Priority (Only one (1) per claim) 1950 (best estimate of priority date) 12-31-1938 SW
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Lake Coeur d'Alene

which is tributary to (b) Spokane River

4. a. Location of Point of Diversion is: Township 50 N, Range 4 W, Section 22,
SW, 1/4 of SE, 1/4 Govt. Lot 5, BM., County of Kootenai

Parcel (PIN) no. 50N04W228800

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. The diversion system is comprised of a pump, located in the floating marine construction service shop on the subject property's most southerly dock.

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6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Commercial purposes from January 1 to Dec 31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Commercial: one (1) marine construction services shop is served by the system.

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
50 N	4 W	22															Lt 4	~~W~~	
																	C	~~W~~	
																		~~W~~	

Parcel (PIN) no(s). 50N04W-22-0800

Total number of acres irrigated _____

10. In which county (ies) are lands listed above as place of use located? Kootenai

11. Do you own the property listed above as place of use? Yes (✓) No ()

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

12. Describe any other water rights used at the same place and for the same purposes as described above.

Seperate domestic water system or None (✓)

13. Remarks: Attached hereto is an aerial photograph of the subject property (Exhibit A), and a plat map of the subject property (Exhibit B), both depicting the point of diversion and the point of use, and assessment

report by Budinger & Associates.

Duck Building business operates under lease arrangement with owners/ applicant.

Last Name Cowles

Identification No. _____

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14. Basis of Claim (Check One) Beneficial Use (✓) Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do () do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: two (2) ³ exhibits.

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

Signature of Claimant (s) Gabe M. Cowles Date: 6/1/10

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Title of _____ Organization

that I have signed the foregoing document in the space below as

Title of _____ Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, Dennis M. Davis, of the firm Witherspoon Kelley, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Dennis M. Davis Date June 3, 2010

Address 608 Northwest Blvd., Suite 300
Coeur d'Alene, Idaho 83814

Last Name Cowles Identification No. _____

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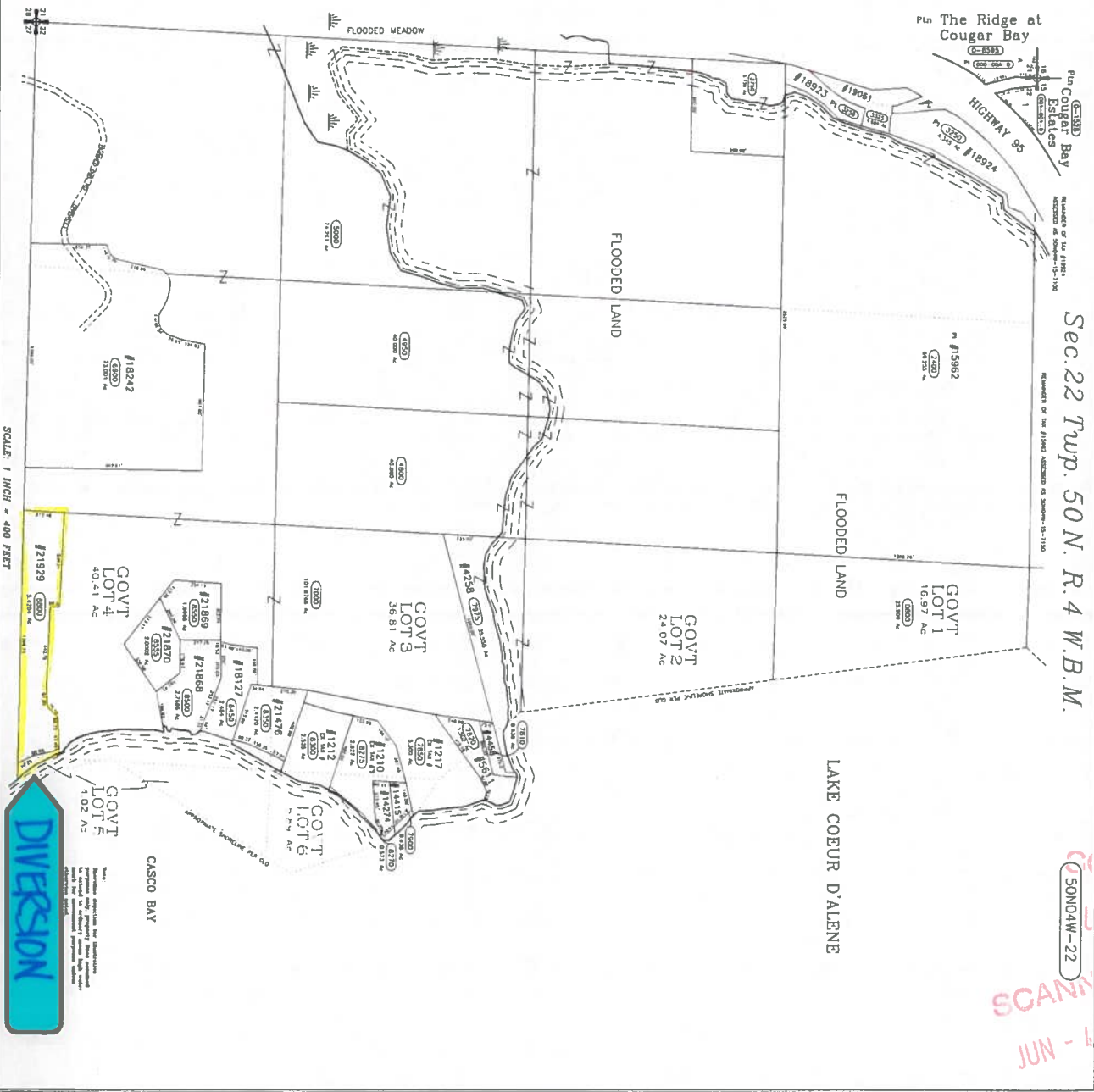
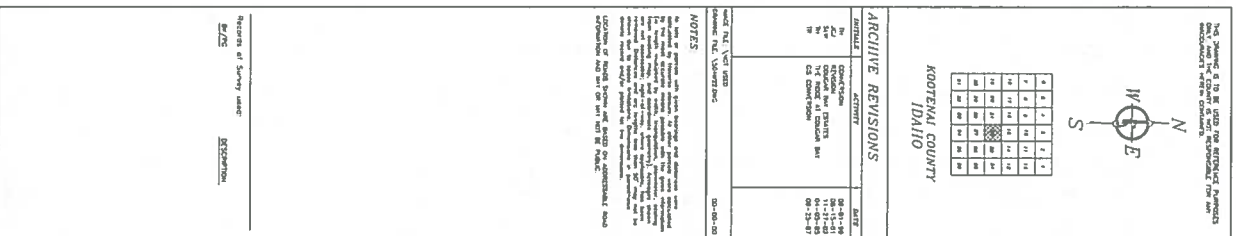
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The revision dates below represent the file save dates for the posting of the listed revisions. The archive dates for these revisions are posted within the ARCHIVE REVISIONS box in the drawing title block.

09/01/95 - Th
5004W-22-6800 and of 7000 (21c)
03/20/01 - WVC
5004W-22-3250 rechecked on TX #18033 and TX #18924 (former of TX #18924 assessed in 13-50-W) (w1)
04/04/01 - WVC
Re-run to 5004W-22-3225 (for 1890) (01)
08/09/01 - WVC
5004W-22-3350 combined = 2132 and rechecked as for #19061 (02)
11/27/02 - SLW
5004W-22-3250 pelvis into a pin of COUGAR BAY (05)
06/19/03 - Th
pin and Isopile re-calculation for 5004W-22-7000 & 4/04 (04)
4/04 - WVC
5004W-22-3235 combined = 5004W-21-0500 on #19183 (04)
04/05/05 - Th
5004W-21-3600 pelvis into a pin of THE ROCK AT COUGAR BAY (06)
02/26/07 - WAW
Added #1877 to 5004W-22-3350 (previously omitted in correction) (02)
05/18/07 - ET
5004W-22-3350 rechecked for #2116 (02)
04/03/08 - WAW
Pin 5004W-22-7000 combined = 6590 and rechecked on 104P1618 7000 out at 6590 on 104P1569 B555 and of 6650 on 104P1610 (05)
05/12/08 - ET
Pin of 5004W-22-6800 combined = 7000 as for #21928 (05)
Rechecked of 5004W-22-6800 rechecked on 104P17939 (05)
09/15/09 - ET
5004W-22-7000 rechecked on geographic description (10)





**Budinger
& Associates**

Proudly serving the Inland Northwest for over 30 years

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Betsy Cowles c/o
Bill Fanning
Century 21 Waterfront
41 W Riverside, Suite 110
Spokane, WA 99201

April 8, 2009

Project Number X09049

PROJECT: Murphy Residence
448 Casco Bay Shore
Coeur d'Alene, ID

SUBJECT: Result of Level I Environmental
Site Assessment

Dear Ms Cowles,

As requested, we have performed a level I environmental site assessment of the subject property. We urge you to read this report which presents the results of the assessment in its entirety, and contact us immediately if you have any questions or concerns.

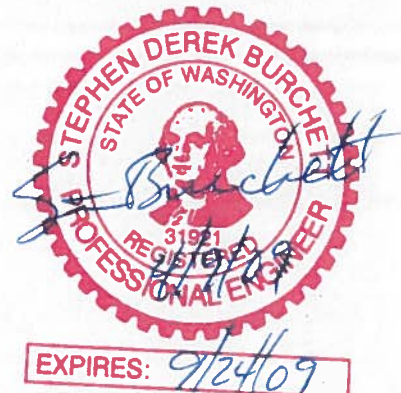
The evidence reviewed for this assessment indicates that the subject property was undeveloped prior to construction of the existing residence. The adjacent dock facilities and portions of the property have been used for making and repairing docks and related marine services for over 40 years. The subject property has been used for storage of materials and equipment related to marine services. This use, in our opinion, has a low risk of significant adverse environmental impact to the subject property.

The surrounding area is residential or undeveloped. We did not find records of conditions or land use in the surrounding area which would be likely to impact the subject property. We conclude that the risk of environmental liability is relatively low and that further investigation or remediation is not warranted.

If you have any questions regarding this report, please call.

Respectfully Submitted:
BUDINGER & ASSOCIATES, INC.

Stephen D. Burchett, PE
Environmental Engineer



SDB/kh
Addressee - 3

SITE DESCRIPTION

Location

The subject property is located in an unincorporated area of Kootenai County, Idaho, in the SW ¼ of Section 22, Township 50 North, Range 4 West Boise Meridian. It lies on the southern side of Casco Bay of Lake Coeur d'Alene, southwest across the lake from the city of Coeur d'Alene. It has an address of 448 W Casco Bay Shore, though it does not have a street address or improved street address. A legal description is presented in a title report (Pioneer Title) in the Appendix. The Vicinity Map, Site Map and Aerial Map (Figures 1-3) approximately illustrate the site and surrounding area.

Site Description and Current Use

The subject property is a long, narrow parcel with approximately 150' of lake frontage, stretching approximately 1366' up the hillside away from the lake. It has an irregular shape and total area of 5.42 acres. The Kootenai County tax assessor's office website also reports it's area to be 6.741 acres, though this seems to be in error.

The lake frontage is relatively flat and gently sloping below the "normal" lake elevation and is covered with angular talus, gravel and sand from the adjacent hillside. The surrounding area slopes moderately up the hill to the southwest, with irregular outcrops and areas of lesser slope.

The shoreline contains a large floating dock facility where the Murphy Marine Construction Company conducts much of its work. On the floating dock there are three floating buildings, two of which are used as covered boat docks and office space. The third, larger, building is used for diesel and material storage, office space, and metal fabrication and related dock building activities. Conditions at the site are illustrated in the attached photographs. We understand that most of the floating structures, stored materials and equipment related to the business will be relocated following sale of the property.

A residential structure is located above the shoreline and multiple smaller storage buildings are located further onshore. A majority of the west to southwest portion of the rectangular lot is unused, and without buildings or roads. Skip Murphy told us that this portion of the property is native forest and has not been modified during the family's ownership of the property since the late 1930's.

Description of Nearby Vicinity

The area surrounding the subject property is residential with large mostly undeveloped lots and residential and recreational development along the shore. Flat areas at the top of the hill on Mica Flats have been developed into farmland. Conditions in the surrounding adjacent areas are fairly well represented in the aerial photographs presented in the appendix. Residences and yard areas are present along the shoreline, and docks are visible at most of the residential lots. The surrounding area on the hillside above Casco Bay is moderately forested and undeveloped, with few roads and structures.

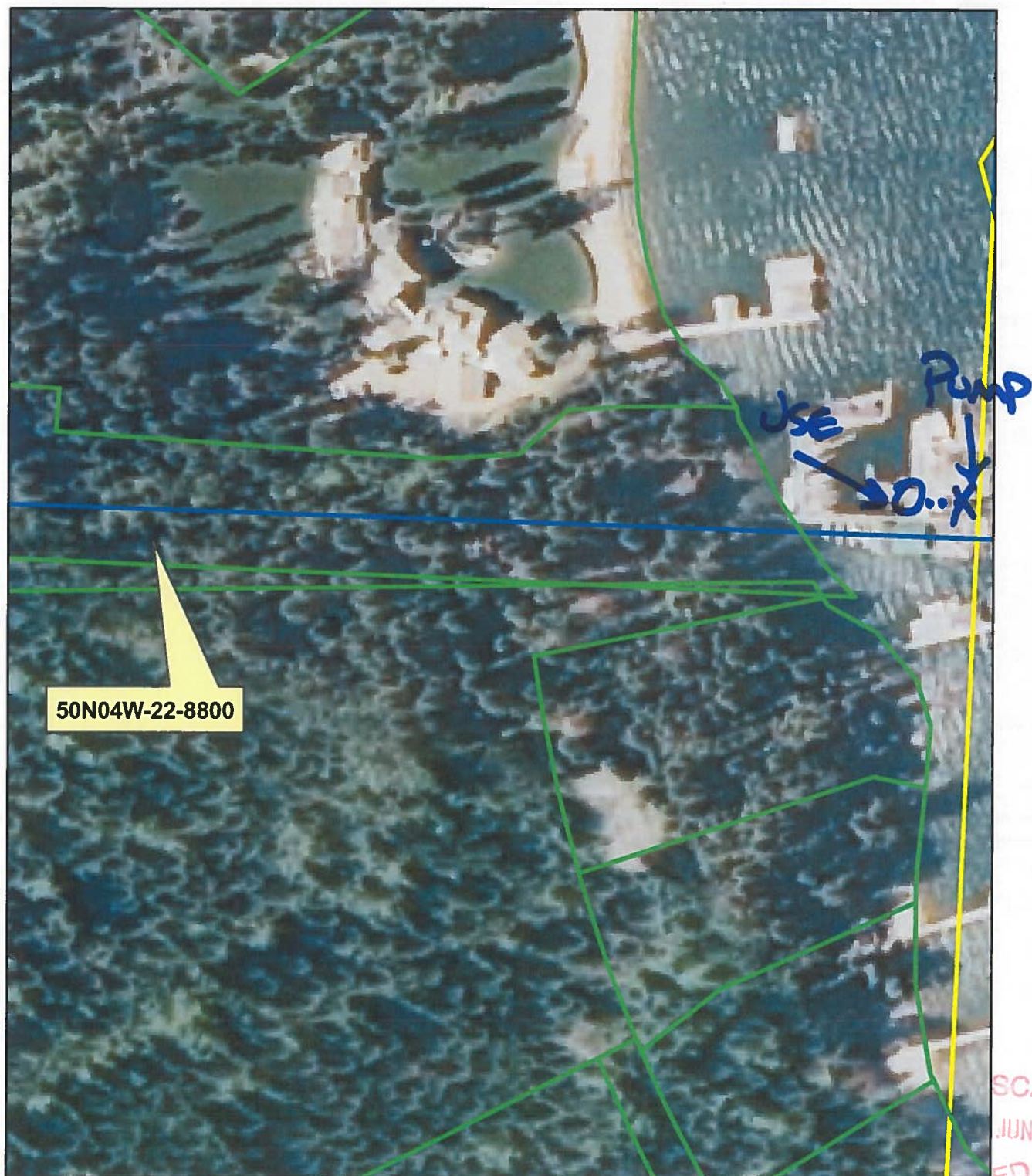
Past Uses of the Property

According to information reviewed for this assessment, the subject property was undeveloped prior to construction of the existing residence in 1937-1938. **Murphy Marine Construction began operations in 1938**, though we have not found maps or aerial photos this old to illustrate the property. One of the sheds was built in 1940 and one in 2006. The attached permit renewal dated 1978 references marina structures submitted in 1975. These appear to be the main docks, boathouse and shop structures illustrated in aerial photographs from 1975 and 1981.

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COWLES PIN 50N04W-22-8800



50N04W-22-8800

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