

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 95-16107Date Received: 1/15/10Receipt No: 10262361Received By: LC

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) John D Bauer and/or Terry N. Bauer Phone (809) 291-5451

Mailing Address 14848 S. Idaho Rd Worley 10 Zip 83876
Street or Box City State

2. Date of Priority: (Only one per claim) 12/31/1939
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other ☒ (a) Spring/Lake Creek
which is tributary to (b) Lake Creek/Lake Coeur d'Alene

4. Location of Point of Diversion is: Township Spring 49N, Range 6W, Section 36,
SE 1/4 of SW 1/4, or Govt. Lot _____ BM. County of Kootenai

Parcel (PIN) no. -7000/4700/48N06W01-2600

Additional points of diversion if any: Lake Creek 48N06W01 Lot 3, to 49N06W36

If available, GPS coordinates: SE NW, SE NW, NE SW, SE SW

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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.

Backup source for house, instream stock watering
Pump for Lawn & garden irrigation, fire protection

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Domestic purposes from 1/1 to 12/31 amount .04 cfs () or AFY ()

For Stock water purposes from 1/1 to 12/31 amount .02

7. Total Quantity claimed .06 cfs ☒ or AFY ()

8. Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) 1 home and 30 head stock

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9. Location of Place of Use is: Township 49N, Range 06W, Section 36,

SE SW 1/4 of SW 1/4, Govt. Lot _____ BM. Parcel (PIN) no. _____

If different than shown in Item 4

for (Check One) Domestic () Stock () Domestic and Stock (X)

Additional places of use, if any 48N06W01 Lot 3, 49N06W36 NW

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 (X) No ()

If the 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.

Groundwater or None ()

13. Remarks:

14. Basis of Claim (Check One) Beneficial Use (X) 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: 1

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) John D. Brown Date: 11/5/10

Date: _____

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

_____ of _____,
Title Organization

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

_____ of _____,
Title 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, _____, 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 _____ Date _____

Address _____

Last Name _____ Identification No. _____

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Oct. 30, 2010

From: Glen & Connie Coppersmith
5808 W. Argent Rd.
Pasco, WA 99301
509-547-3778

To whom it may concern,

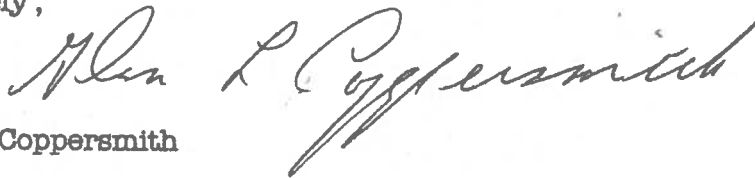
The land owned by John D. Bauer was previously owned by Wm. Kruse from the 1930's to the mid 1960's. When he passed away; his grandson Glen L. Coppersmith became owner of the property. He continued running the ranch until the mid to late 1970's when the property was sold.

Water was used from the creek and several improved springs by both Wm. Kruse and Glen Coppersmith. Creek water was used to operate a small saw mill as well as, cattle, sheep & pack horses needed to move sheep herder camps.

Several good springs on the property were improved to supply water to the house (burned down in the late 40's or early 50's), Water was also piped from springs to the barn and in the late 50's & 60's a bunkhouse and small mobile home.

If you have any questions, feel free to give us a call.

Sincerely,



Glen L. Coppersmith

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John D. Bauer

12100 S. Idaho Road

Rockford, Washington 99030

509-291-5451

October 24, 2010

Mr. & Mrs. Glen Coppersmith
5808 W. Argent Road
Pasco, WA 88301-2285

Dear Mr. & Mrs. Coppersmith,

As I mentioned in my previous phone call several weeks ago, I am trying to finalize a water rights application with the State of Idaho for the Lake Creek property that your family previously owned. According to the Idaho Department of Water Resources, I need confirmation that your family had established water usage on the property prior to 1971.

I was able to obtain a 1958 aerial photo of the property from the Soil Conservation District showing the conditions during your family's ownership. With respect to my water rights application with the state, I am in need of any recollections that you can provide regarding livestock watering and water use for the barn, house and small cabin.

When I moved onto the property in 1977, I discovered two previously developed water systems, which I have marked 'A' & 'B' on aerial photo. At point 'A', I discovered a developed spring (hand dug with clay tile pipe liner). From this spring, I also found a pipe extending to what I believed to be the old house location. I replaced the iron pipe, but continued to use this water source for my mobile home from 1977 to 1992. In 1992, I drilled a deeper well in approximately the same location; however, I continue to use the original spring for backup water if I have problems with the well pump. Any information regarding when this spring was developed would be helpful for my water rights application.

At point 'B', I found a buried iron water pipe installed at the edge of Lake Creek heading up the hill toward the old homestead location. This pipe apparently was used for pumping water to the barn or house, both of which were gone (torn or burned down) when I moved onto the property. In 1978, I installed a pump at this same 'B' location and have been pumping from the creek for livestock and garden water and to also to have a 2" emergency fire hose around the buildings. The original iron pipe still remains today. Can you provide me with any recollection of your family's water usage from the creek?

In addition to the developed water systems, I also assumed that your family allowed the livestock to water from the creeks on the property during the summer grazing season. Any information that you can share on this usage would also be helpful.

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I don't expect you to spend a lot of time preparing a response letter. If you could just add a few hand written notes of any of your recollections in the margins of this letter and return the letter to me I am sure that this will be adequate.

Thank you very much for your help on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Bauer". The signature is fluid and cursive, with a long horizontal stroke at the end.

John Bauer

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1958 Aerial photo from
Soil Conservation District.

'A' is the location where
I found the spring — uphill
from the old cabin.

'B' is where I found the
iron water pipe at the
edge of the creek.

