

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 CLARK FORK-PEND OREILLE RIVER
BASIN WATER SYSTEM

RECEIVED

CIVIL CASE NUMBER: 69576

Claim ID: 96-4237

Date Received: 12-12-2022

Receipt No: N042032

Claim Fee: 25.00 By: JB

DEC 12 2022

IDWR / NORTH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) Andrew L. and Catherine S. Carothers Phone (509) 710-0889
Mailing address 8605 E. Liberty Spokane WA Zip 99212
Street or Box City State
Email address (optional) a.carothers@comcast.net
2. Date of priority: (Only one per claim) January 1, 1920 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Unnamed Spring
which is tributary to (b) Mirror Lake and Pend Oreille Lake
4. a. Location of point of diversion is: Township 56N, Range 2W, Section 25,
NW 1/4 of SE 1/4, Govt. Lot _____, BM, County of Bonner
Parcel no. RP56N02W257575A
Additional points of diversion, if any: _____
If available, GPS Coordinates 48 10.1140' N, 116 30.5720' W
- 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.

Developed Spring with storage tank and gravity flow pipeline.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Domestic purposes from 01-01 to 12-31 amount 0.02 or _____

For Fire Protection purposes from 01-01 to 12-31 amount 0.01 or _____

For Commercial purposes from 01-01 to 12-31 amount 0.01 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Domestic use for three structures and 30 campers.

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.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56	2W	25														D,C			0.04

Parcel no(s). RP56N02W252325A Total number of acres irrigated 0

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

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.
_____ or None (☒)

13. Remarks (Include an explanation of the priority date selected):

Priority Date selected is based on CLAIM TO A WATER RIGHT, 96-4237, filed on or about January 10, 1979, by claimants' mother, Laura M. Carothers.

Attached - "Water System - Spring" diagram (Map of Project as required, see page 3 below)

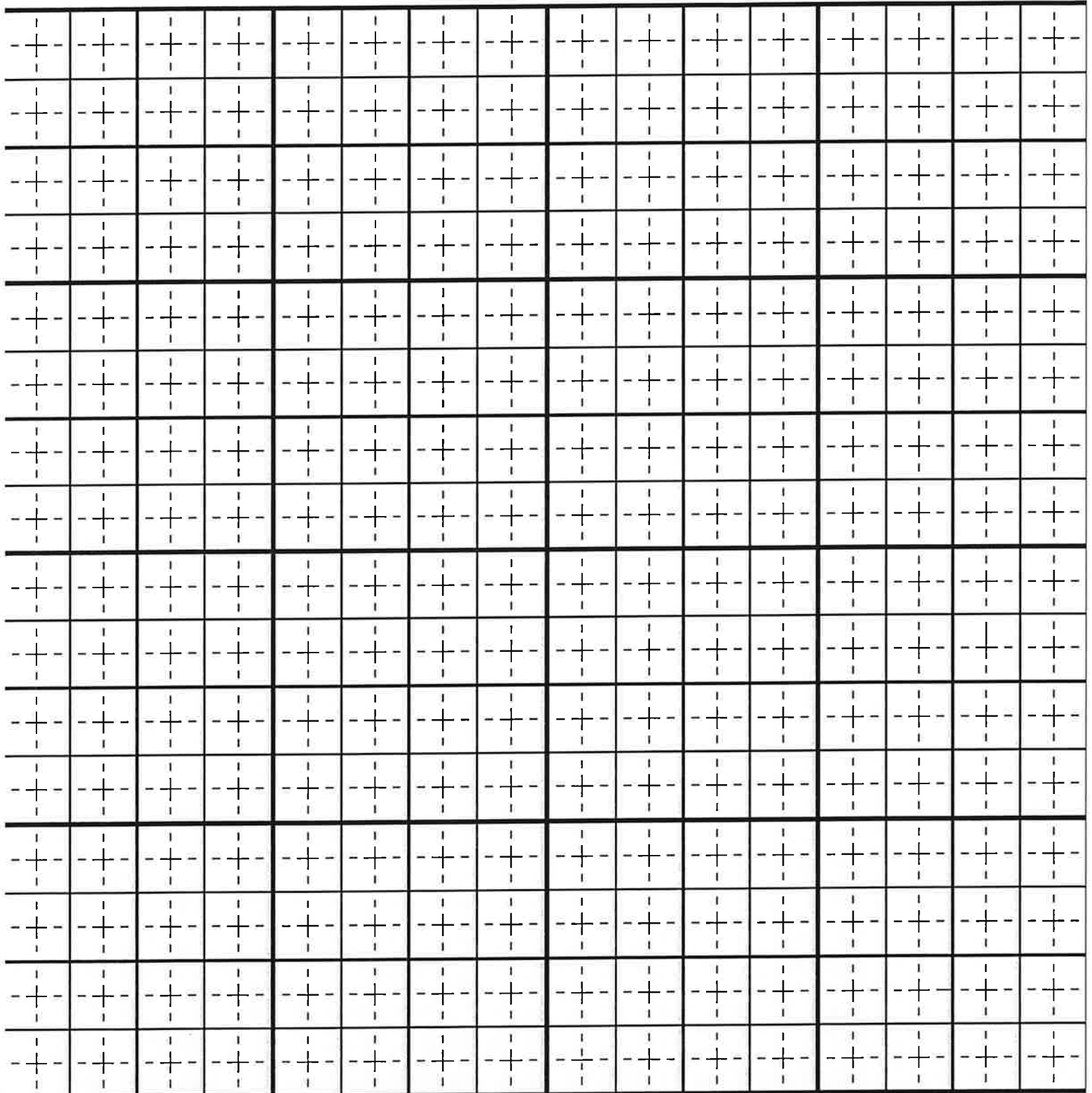
Attached - AFFIDAVIT OF JAMES A. CAROTHERS, AFFIDAVIT OF LOUIS M. AND JO ANN GROVES,

Attached - AFFIDAVIT OF ANDREW L. CAROTHERS, RELEASE - JAMES AND CHERYL VEIKOS

Name of claimant(s) Andrew L. and Catherine S. Carothers Claim ID _____

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 inches equals 1 mile



Name of claimant(s) Andrew L. and Catherine S. Carothers Claim ID

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 96-4237

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 Clark Fork-Pend Oreille River Basin Water System 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: 5

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) *Andrew L. Carothers* Date: *12/4/2022*

Catherine S. Carothers Date: *12/4/2022*

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

_____ of _____
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) _____, will be acting as attorney at law on 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 _____

Name of claimant(s) Andrew L. and Catherine S. Carothers Claim ID _____

Water system "Spring"



Township 56N
Range 2W
Section 25
Bonner County

April 15, 2022

Major Roads

Local Roads

Local

Ramp

Parcels

Lots

Township

Township

Section

Government Lots

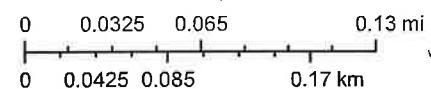
Quarter-Quarter Section

Attachment - Form No. 42-1409-1

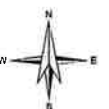
Claimants - Andrew L. and Catherine S. Carothers

#13 - Map of Project (as required, see Page 3)

1:4,514



Bonner County



AFFIDAVIT OF JAMES A. CAROTHERS

Affidavit in support of Form No. 42-1409-1, NOTICE OF CLAIM TO A WATER RIGHT, Andrew L. Carothers and Catherine S. Carothers, Claimants.

1. My name is James A. Carothers. I am 58 years old and I currently reside at 1724 N. Cook St., Spokane, Washington 99207-5314. I am the middle child of Andrew L. Carothers and Catherine S. (Schell) Carothers. My father, Andrew L. Carothers is the middle child of Arthur Ward Carothers and Laura M. Carothers.
2. I am a Certified Public Account and have had a private practice for 30 years.
3. Mirror Lake Resort was originally opened by my grandfather, Ward Carothers, and my grandmother, Laura Carothers, prior to my birth in 1963.
4. In approximately 1978, the water supplied to my grandmothers' mobile home from the unnamed spring and the piping system that had been in place for many years was diminished to an almost un-useable level. My understanding is that some of it had been in place since approximately 1920 and other portions since approximately 1965. In approximately 1978, I assisted my uncle, Gary A. Syth Sr., with the installation of new PVC piping from the holding tank.
5. In 1978 and 1979, I entered into an agreement with my grandmother, Laura M. Carothers, to operate Mirror Lake Campground. I had full control of the campground and I can attest to the fact that the water system referenced in this claim did, and does to this day, serve Mirror Lake Campground.
6. I can attest that water was supplied by the unnamed spring referenced in this Claim to my grandmothers' mobile home, Bunny and Frank's mobile home, and Marvin and Ruth's mobile home as long as I can remember, at least back to age 10 (1973).

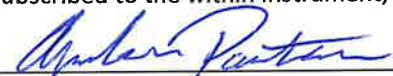
I declare under the penalty of perjury that the foregoing is true and correct to the best of my recollection.

Dated this 13 day of May, 2022.

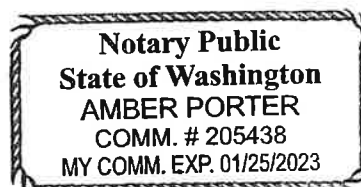

James A. Carothers

WASHINGTON
STATE OF ~~IDAHO~~)
SPOKANE)ss
COUNTY OF ~~BONNER~~)

On this 13 day of MAY in the year of 2022, before me, a Notary Public in and for said State, personally appeared James A. Carothers, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public: AMBER PORTER
Residing at: SPOKANE, WA
My commission expires: 1/25/2023



AFFIDAVIT OF LOUIS M. AND JO ANN GROVES

Affidavit in support of Form No. 42-1409-1, NOTICE OF CLAIM TO A WATER RIGHT, ^{Andrew L.}James A. Carothers and ^{Catherine S.}Lisa A. Carothers, Claimants.

1. Our names are Louis M. Groves and Jo Ann Groves. We are 83 years old. We currently reside at 902 S. Division, Wardner, Idaho 83837.
2. We have camped at Mirror Lake Campground on Memorial Day weekend and many other times every year since 1965.
3. The following information is based on our personal knowledge.
4. We are aware that the system providing water to Mirror Lake Campground is supplied by a spring and has been since we began camping at Mirror Lake Campground.

We declare under the penalty of perjury that the foregoing is true and correct to the best of our recollection.

Dated this 29th day of April, 2022.

Louis M. Groves
Louis M. Groves

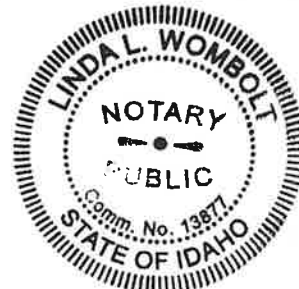
Jo Ann Groves
Jo Ann Groves

STATE OF IDAHO)
) :ss

COUNTY OF SHOSHONE)

On this 29th day of April in the year of 2022, before me, a Notary Public in and for said State, personally appeared Louis M. Groves and Jo Ann Groves, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Linda L. Wombolt
Notary Public: Linda L. Wombolt
Residing at: Wardner, Idaho
My commission expires: 11/5/24



AFFIDAVIT OF LOUIS M. AND JO ANN GROVES

Form No. 42-1409-1, NOTICE OF CLAIM TO A WATER RIGHT, ^{Andrew L.}James A. Carothers and ^{Catherine S.}Lisa A. Carothers, Claimants.

Andrew L. + Catherine S. Carothers Page 1 of 1

AFFIDAVIT OF ANDREW L. CAROTHERS

Affidavit in support of Form No. 42-1409-1, NOTICE OF CLAIM TO A WATER RIGHT, Andrew L. Carothers and Catherine S. Carothers, Claimants.

1. My name is Andrew L. Carothers. I am married to Catherine S. (Schell) Carothers. I am 78 years old. I am the middle son of Arthur W. Carothers and Laura M. Carothers. I currently reside at 8605 E. Liberty Avenue, Millwood, Washington, 99212.
2. The following information is based on my personal knowledge.
3. On April 16, 1919, the Carothers brothers (Andrew, Arthur Ward (my father), and Clark) purchased Section 25 of Township 56N, Range 2W, Boise Meridian. (See attached article from the Bonner County Daily Bee, April 16, 2019)
4. Shortly thereafter, in 1920, an unnamed spring located in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, approximately 48° 10' N, 116° 30' W, was diverted for use by my father, Arthur Ward Carothers. Efforts were undertaken to develop the spring and a water system was constructed with piping to supply water to our family home, barn, chicken coop and garden. This use was continuous from 1920 to the present, with the alterations described below.
5. In 1941, my father, Arthur Ward Carothers married my mother, Laura M. Eldred.
6. I was born on June 24, 1943
7. In approximately 1952, my mother and father began operating Mirror Lake Campground. Upon reaching my teens, I was included in the operation of the campground.
8. In approximately 1958, we improved the water system by building a concrete holding tank (approximately 6 ft wide, 7 ft tall, and 8 ft deep, holding approximately 1500 gallons).
9. The system was used to supply water to our family home, barn, chicken coop and garden until 1965. At that time, we added piping to supply water to our new family home, a 10'x53' mobile home, as well as adding spigots to serve Mirror Lake Campground operated by our family.
10. In approximately 1968, my aunt, Lavonne E. (Bunny)(Eldred) Turk and my uncle, Frank Turk, mom's sister and brother-in-law, were allowed to use of a portion of the property near our family mobile home in exchange for labor, and moved a mobile home in for their use as a second home. Piping was added to provide water from the spring system to this mobile home. Bunny and Frank used the mobile home until Frank's death on April 2, 1994. Bunny continued using the mobile home until her death on March 2, 1998.

AFFIDAVIT OF ANDREW L. CAROTHERS

Form No. 42-1409-1, NOTICE OF CLAIM TO A WATER RIGHT, Andrew L. Carothers and Catherine S. Carothers, Claimants.

11. In 1970, my father, Arthur Ward Carothers passed and the property was transferred to my mother, Laura M. Carothers, his wife.
12. In approximately 1971, my uncle, Marvin J. Eldred and my aunt, Ruth Eldred, my mom's brother and sister-in-law, were allowed to use of a portion of the property near our family mobile home in exchange for labor. They moved a mobile home in for them to live in and piping was added to provide water from the spring system to this mobile home. Marvin and Ruth lived there together until Marvin passed on June 9, 1978. Ruth continued to live in the mobile home until her death on October 29, 1994.
13. In approximately 1978, due to deterioration of the existing piping, Gary A. Syth, Sr. and my middle son, James A. Carothers, installed a new PVC pipeline from the holding tank to the location of the family mobile home, Eldred's mobile home, Turk's mobile home, and Mirror Lake Campground.
14. In 1978 and 1979, my son, James A. Carothers entered into an agreement with my mom, Laura M. Carothers to operate Mirror Lake Campground. This agreement was for James to operate Mirror Lake Campground during the fishing season of that time (approximately April 1 through November 30).
15. On or about January 10, 1979, my mom, Laura M. Carothers, filed a "CLAIM TO A WATER RIGHT", Form No. 243, with the State of Idaho, Department of Water Resources (IDWR) (Claim No. 96-4237) for the "Unnamed Spring" and the "Developed Spring with gravity flow pipeline". This claim was for use described as "Domestic for three Trailers & 30 Campers". This Claim was published by IDWR on January 17, 1979 and January 24, 1979 and was acknowledged by IDWR in a letter dated February 5, 1979.
16. My mom, Laura M. Carothers, operated Mirror Lake Campground before 1978 and after 1979 and lived in the family mobile home.
17. On June 24, 1983, my mom, Laura M. Carothers, gave a parcel of land to Robert W. Garrison and Sally M. (Carothers) Garrison, Laura's granddaughter and her husband (Deed # 399941). Then, in early 1994, the Garrisons desired to acquire a mortgage in order to build a home on the parcel, however, the lender required that they have a source of water available in order to get financing. Garrisons had a well drilled 75 feet deep in September of 1981 and did not locate enough water to be useable. Therefore, at Sally's request, on May 20, 1994, my mom, Laura M. Carothers, signed a correction to their current deed (# 428662) adding the following language;

"Together with easements and water rights for the existing water system located southeast of said property and the existing county road."

AFFIDAVIT OF ANDREW L. CAROTHERS

Form No. 42-1409-1, NOTICE OF CLAIM TO A WATER RIGHT, Andrew L. Carothers and Catherine S. Carothers, Claimants.

This was intended to grant joint use of the water system. My mom, Laura M. Carothers, continued at all times to have water supplied to the property that the CLAIM TO A WATER RIGHT was filed on behalf of, serving her home, two other mobile homes, and Mirror Lake Campground.

This also allowed the Garrisons to place a pump in the holding tank built in approximately 1958 and install piping to their new home. This joint use continued until June of 1996 when the Garrisons had a new well drilled and achieved sufficient water to disconnect and abandon the pump and piping from the holding tank. This right to water was abandoned completely and forever at that time. Additionally, the language referring to the use of the water system is not included on any subsequent deeds (525606 at Sally's divorce from Robert, 526285 a scrivener's error, 570430 upon Sally's marriage to Christopher R. Sundquist, 589843 upon Sally's divorce from Christopher, 915551 upon her marriage to Randy Hamilton, 916102 a scrivener's error, 927791 by Randy Hamilton and Sally Hamilton to Sally M. Hamilton as her sole and separate property, 927798 upon the sale of the parcel by Sally M. Hamilton to James Veikos and Cheryl Veikos).

On April 11, 2022, James M. Veikos and Cheryl Veikos released any and all rights they may have had to this water system as appurtenances to their property (Deed 927798) (Release, Instrument 1003643 recorded with Bonner County).

18. In 1996 Universal Studios entered into a contractual agreement with my mom, Laura M. Carothers, to use her property in the filming of a movie named "Dante's Peak". Universal Studios built a log home near the shore of Mirror Lake for use in this movie and the agreement called for them to leave the structure at the conclusion of the filming.
19. After the conclusion of filming and during approximately 1997 and 1998, I, and my wife, Catherine S. Carothers, worked to make the Log Home shell left by Universal Studios into a residence for my mom, Laura M. Carothers. This included extending the water pipeline from the spring system to the new Log Home as well as adding additional spigots for use by Mirror Lake Campground. My mom, Laura M. Carothers, moved into the log home in approximately 1999 where she lived until her death in July of 2012.
20. In 2001, my mom, Laura M. Carothers, transferred her property to her three heirs; 1) myself and my wife, Catherine S. (Schell) Carothers; 2) my sister Margaret A. (Carothers) Syth and Gary A. Syth Sr., husband and wife, and my nephew Gary A. Syth, Jr. and Kjersten M. Syth, son and daughter-in-law of my sister, Margaret; and 3) Sally M. (Carothers) (Garrison) Sundquist, my niece and the surviving daughter of Arthur W. Carothers, Jr., my brother and oldest son of my parents. On April 27, 2001, the Section 25 property was divided and a parcel of land containing the Mirror Lake Campground and the homestead property was transferred to myself and my wife. In addition, on January 7, 2001, a parcel was transferred to Gary A. Syth, Jr. and Kjersten M. Syth that contains the point of diversion (the spring) for the water system that has been used by our family homes since approximately 1920 and Mirror Lake Campground since approximately 1952.

AFFIDAVIT OF ANDREW L. CAROTHERS

Form No. 42-1409-1, NOTICE OF CLAIM TO A WATER RIGHT, Andrew L. Carothers and Catherine S. Carothers, Claimants.

21. At no time since approximately 1965 did this water system serve the parcel of land now owned by Gary A. Syth, Jr. and Kjersten M. Syth.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my recollection.

Dated this 18 day of April, 2022.

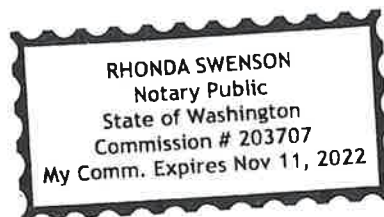

Andrew L. Carothers

Washington
STATE OF ~~IDAHO~~)
Spokane) :ss
COUNTY OF ~~BONNER~~)

On this 18th day of April in the year of 2022, before me, a Notary Public in and for said State, personally appeared Andrew L. Carothers, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public: Rhonda Swenson
Residing at: Spokane County, WA
My commission expires: 11/11/2022



Mail Recorded Document to:
Andrew L. Carothers
8605 E. Liberty Ave.
Millwood, Washington 99212-3402

Instrument # 1003643
Bonner County, Sandpoint, Idaho
04/11/2022 03:05:19 PM No. of Pages: 2
Recorded for: JAMES CAROTHERS
Michael W. Rosedale Fee: \$14.00
Ex-Officio Recorder Deputy
Index to: MISC

RELEASE

RELEASE

We, James Veikos and Cheryl Veikos, husband and wife, do hereby release to Andrew L. Carothers and Catherine S. Carothers, husband and wife, any and all rights we may have to the Easements and Water Rights for the existing water system located southeast of property described in Exhibit A, and the existing county road, as conveyed in Instrument # 927798, as appurtenances to said property, and originally conveyed in Instrument #446192.

By: [Signature]
James Veikos

By: [Signature]
Cheryl Veikos

STATE OF IDAHO)
) :ss

COUNTY OF BONNER)

On this 11 day of APRIL in the year of 2022, before me, a Notary Public in and for said State, personally appeared James Veikos and Cheryl Veikos, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public: DANIEL J ROMERO
Residing at: 217 CEDAR ST - SANDPOINT, ID
My commission expires: 12-27-2027

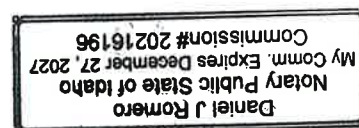


EXHIBIT A

A tract of land lying within the SE ¼ of Section 25, Township 56 North, 2 West, Boise Meridian, Bonner County, Idaho, described as follows:

Beginning at the E ¼ of said Section, thence South 59°59'02" West a distance of 1764.65 feet to the True Point of Beginning, thence South 01° E 187 Feet; Thence South 52°15' West 187 Feet; Thence South 34°59'59" West 337 Feet; Thence South 77°30' West 300 Feet; Thence North 7°43'57" West 417.5 Feet; Thence North 37°0'24" East 447.56 Feet; Thence South 72°56'26" East 436.96 Feet to the True Point of Beginning.