

January 17, 2014

RECEIVED

JAN 17 2014

IDWR / NORTH

Mr. Shaun M. Maxey
Senior Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 Mineral Dr, Ste. 100
Coeur d'Alene, ID 83815

Re: CSRBA Claim No. 92-10502 (formerly License 92-7090)

Dear Mr. Maxey,

This letter is to re-assert our water right Adjudication Claim on License 92-7090, renumbered 92-10502 (hereinafter also "the 1981 Water Right"). Our Adjudication Claim on this License was filed 11/09/2009. As IDWR records show there has been a conflicting and unclear pedigree history on this water right license since it was first issued with a priority date of July 21, 1981. We feel that at this time the water right can be easily adjudicated "fair, comprehensive, technically correct and legally sufficient."

Our claim has had a conflicting claim submitted by Douglas A. McInturff. Mr. McInturff claims the water right by virtue of an agreement to sell a wild rice harvesting business. He contends that the sale agreement includes "water rights." We dispute his claim and contend that the sale agreement specifically excludes the sale of water rights appurtenant to our land. He has a lease on our property to grow and harvest wild rice which expires this year. With the expiration of McInturff's lease, he will not have an easement, implied or expressed, to point of diversion, place of use, nor will he have beneficial use. We understand that the water right belongs to the State of Idaho and if unused reverts back to the State. We would like to apply for use of that water.

We understand the issue will be ultimately determined by the court, with recommendation by IDWR. We object to the recommendation that the McInturffs be listed as co-owners of the 1981 Water Right. Without their having a lease covering point of diversion, beneficial use, and place of use, an unworkable situation is created vis a vis the owners of the appurtenant land. The split ownership creates conflict in the efficient administration of the water right. Section 42-1412(6), Idaho Code.

With the expiration of Mr. McInturff's lease, we therefore request the following:

1. Water right Adjudication Claim 92-10502 be granted for "the place of use" we own. We would like the 1981 Water Right to be granted in the name of Jeffrey P. & Mary Lou Baker, as Trustee of the Jeffrey & Mary Lou Baker Living Trust, dated June 26, 2013, as sole licensees.
2. A "Priority Date" on water right license 92-10502 be given as July 21, 1981, the date of the original license 92-7090.
3. And/or, the 1981 Water Right be given a new number with a priority date of July 21, 1981 and granted to us sole licensees.

Sale Agreement re "Water Rights"

Mr. McInturff cites a sale agreement of the wild rice harvesting business between Alexander W. Bruner (hereinafter "Al Bruner") and Douglas A. McInturff dated July 15, 2001 and signed in 2006, claiming the agreement transfers "water rights" from Bruner to McInturff.

Significantly, the July 15, 2001 Sale Agreement Mr. McInturff cites and which is in IDWR records, states that:

"WATER RIGHTS: The existing water rights included are registered with the Idaho Department of Water Administration as No. 92-07090 and No. 91-07094. These are valuable and absolutely essential to the operation. They are legal licenses which permit pumping water from the rivers into the fields at the specified rate. *The licenses pertaining to Jeff Bakers (sic) field were given to him earlier.*" (emphasis mine)

The last sentence in the above paragraph shows that the intent was that water rights in question did not pertain to our fields. We have two fields. The water right on the upper field has not been in dispute. The other field to which the Sale Agreement refers is the field (RP45N02W02100CA) with the 1981 Water Right in question, 92-7090. Mr. Bruner made it clear that licenses pertaining to our fields were not part of this agreement, nor should they have been. Furthermore, McInturff did not have a lease on our fields at the time, nor did Bruner.

As a point of clarification, the Sale Agreement could have been referring to a field adjacent to our property which is owned by William and Marie Ross; water right 92-7090 could have been used on that property. However, that property is less than ½ of the SWNE tract west of the St. Maries River in Township 45N, Range 2W, Section 2 and the NWNE tract in the same Section. William and Marie Ross own the land north of a ditch/dike in the SWNE tract; we own the land south of the ditch/dike including parts of SWNE, SENW, NESW, NWSE, and NWSW. (See 92-10502 Baker 2006 Image PIN RP45N02W02100CA, enclosed)

91-7094 is a water right on the St. Joe River and not part of the current dispute.

Significance of the Lease

We feel the expiration of the lease, which we have no intention of renewing, removes any claim by Mr. McInturff, the lessee, to "beneficial use," "point of diversion," or "place of use." Mr. McInturff does not own the land appurtenant to the point of diversion, nor any pumps, headgates, dikes, ditches, diversion infrastructure, or personal property associated with diversion. With the expired lease he will have no claim to beneficial use of the crop grown on that property. He will no longer have an easement, implied or expressed.

The IDWR website under "Water Rights" says: "A water right is authorization to use water in a prescribed manner, not to own the water itself. Without diversion and beneficial use, there is no water right."

We also understand the intent of Idaho Code Title 42-101 is that water rights stay with the land unless contracted away by other agreement. As we read Idaho Code Title 42-101, a water right "shall not be considered as being a property right in itself, but such right shall become the complement of, or one of the appurtenances of, the land or other thing to which, through necessity, said water is being applied."

That means to us a water right attaches to the property. If a person does not own the property or have a written lease to the property, he does not have a water right.

No such agreement to contract away the water right was ever signed by us or the previous owners of the "place of use" for this water, nor in any way did the land owners intentionally give up water rights appurtenant to this land.

Statute of Frauds

As we understand the statute of frauds, leases for real property must be in writing and signed by the parties to be enforceable as a matter of law. When St. Maries Wild Rice, Inc. applied for Water Right License 92-7090, it had no written lease establishing a claim to point of diversion, beneficial use, or place of use. There was an oral agreement regarding a crop lease but there was no written and signed agreement. The oral agreement, in no way, contracted away water rights.

The intent of Idaho Code Title 42-101 is that water rights stay with the land unless contracted away by other agreement. The landowners at the time did not contract away water rights, written or oral, nor did any subsequent landowners.

Priority Date

A priority date of July 21, 1981 should be given to our water right license because we have been the only party to the 1981 Water Right who have been there from the beginning and have maintained continuous involvement over the years, up to the present.

We understand that the definition of legal "standing" focuses on whether a prospective plaintiff can show some personal legal interest; the person must have a personal stake in the outcome of the controversy. Our interest in this water rights issue rises to the spirit of the meaning of legal "standing." We are the one party who was there in the beginning, have been involved over the past 32 years, and remain active in beneficial use today. Unfortunately, from official records the pedigree sheet is not clear on this point, but we have had standing since July 21, 1981.

Chronology of All Applicable Leases

To provide background information and to show standing I think it should be pointed out that Jeff Baker, the undersigned, was a partner with Al Bruner in St. Maries Wild Rice Growers when we originally applied for a water right permit on the Albert A. and Ludie M. Best property. (At the time, the Best property included the land currently owned by William and Marie Ross and Jeffrey and Mary Lou Baker and was the "place of use" for Water Right 92-7090.) I was later a partner in St. Maries Wild Rice, Inc. (hereinafter "SMWR") when we grew and harvested wild rice on the property. I sold my interest in SMWR in 1988, but remained active in wild rice farming. Mary Lou and I signed a ten year lease in 1994 with Ludie after Albert died to grow and harvest wild rice on her property.

The written lease was between Ludie Best and Riviere du Bois Farms, Inc., a wild rice management company Mary Lou and I formed. The lease was for ten years and was signed June 26, 1994. Ludie died

in 1995. It was understood by Al Bruner and all parties to the lease that we had beneficial use, diversion, and place of use. We later bought the property from the estate and own it today.

In 1995, the IDWR acknowledged my April 1995 Transfer Certificate listing Jeff Baker (me) as the sole owner of the water right. The "transfer" in 1995 re 92-7090 implies recognition of our ownership of the water right license. Perhaps IDWR did so by recognizing my history in wild rice production on that property and thus my "standing."

Al Bruner sold St. Maries Wild Rice, Inc. in 1996. The new buyers, Greg Runyan and partner, thought they owned the water rights with the purchase of the company. Mr. Runyan and I both checked with IDWR and came to the understanding that water rights stay with the land unless contracted away by other agreement. Certainly, none of the landowners engaged with SMWR intended to contract away water rights appurtenant to their property. The buyers later defaulted and Bruner got the business back, but the interlude was one more indication that the sale of water rights was not proper under the circumstances of SMWR not being able to show continuous use, beneficial use, diversion, place of use, and not having an agreement in writing.

According to the records of the Idaho Secretary of State, St. Maries Wild Rice, Inc., was administratively dissolved as a corporation in 1998.

In 2001, Bruner sold the assets of the dissolved company, St. Maries Wild Rice, Inc., to Douglas McInturff with "water rights" supposedly part of the sale agreement.

McInturff is now claiming ownership of the water right license based on a 2001 "Sale of Wild Rice Harvesting Business Agreement." Yet, in the agreement under "Water Rights" the agreement says, "The licenses [plural] pertaining to Jeff Bakers [sic] fields [plural] were given to him earlier." The Agreement, drawn up and agreed to by Al Bruner, clearly did not include a transfer of our water rights to Mr. McInturff. This phrase in the Sale Agreement is another acknowledgment of our standing.

Mr. McInturff did not have a written crop lease with the Baker's, or any other agreement re water rights at the time of the 2001 "Sale of Wild Rice Harvesting Business Agreement." A five year written agreement was later entered into between the McInturff's and the Baker's in 2008. That agreement expires after the 2014 harvest.

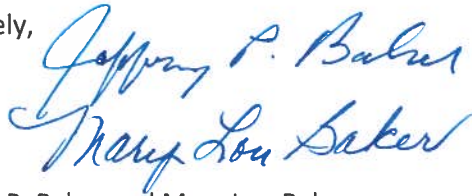
We contend that Bruner did not have the right to sell water rights appurtenant to our property because neither he nor St. Maries Wild Rice, Inc. could demonstrate continuous beneficial use, point of diversion, and place of use over the years. In fact, the Sale Agreement McInturff cites specifically states that the licenses pertaining to our fields are not part of the sale agreement. Furthermore, any claim McInturff might have to beneficial use, point of diversion, or place of use by virtue of the current lease will expire after the 2014 harvest (approximately September 2014). The lease will not be renewed.

When the lease expires, we will resume management of wild rice production on our own land. We would like to re-assert our water right Adjudication Claim on License 92-7090 (renumbered 92-10502), or a new number with a priority date of July 21, 1981, and be acknowledged as the sole licensees of water rights appurtenant to our property.

Please note the address changes listed in Appendix A, below.

Thank you for your consideration. Please let me know if you need further information.

Sincerely,



Jeffrey P. Baker and Mary Lou Baker

Trustees of the Jeffrey & Mary Lou Baker Living Trust, dated June 26, 2013

Phone: 208-262-9248, 208-640-1425

Email: jpbaker8@roadrunner.com

Enclosures:

IDWR copy of "Sale of Wild rice harvesting Business Agreement"
IDWR copy of "Notice of Change in Water Right Ownership"
Aerial Photomap, 92-10502 BAKER 2006 IMAGE PIN RP45N02W02100CA
Statement of Jeffrey P. Baker and Mary Lou Baker, signed 10/01/2012
Appendix A: Re "Water Right and Adjudication Search"

Appendix A: Things to clarify/update with reference to "Adjudication Search" printout:

1. McInturffs listed as sole current owner on 92-7090. Either the Bakers need to be sole current owner, or at least our property should not be listed as "place of use." We should have our own water right with our own property as place of use. See Aerial Photomap for clarification of boundaries. See 92-10502
2. 92-7175 needs current address, remove c/o SMWR. Upper field, from SM River
3. 92-7215 needs current address, unnamed stream is runoff from hillside. Upper field
4. 92-7215 needs current address, see above
5. 92-10502, ultimately determined by court, request sole ownership, place of use same as 7090

SALE OF WILD RICE HARVESTING BUSINESS

AGREEMENT

This AGREEMENT dated July 15TH, 2001 between Alexander W. Bruner (hereinafter Al Bruner) and Judith C. Bruner, husband and wife of Coeur d' Alene, Idaho, AND Douglas P. Mc Inturff and Darcy Mc Inturff, (hereinafter Doug Mc Inturff) husband and wife, of Garwood Idaho, is for the sale and transfer of all the wild rice harvesting and incidental equipment owned by the Bruners at St Maries Idaho. This sale and transfer will include all equipment, leases, water rights, harvest agreements, good will and other items, owned by the Bruners, associated with the wild rice industry in St Maries.

Al Bruner further agrees to assist Doug Mc Inturff by providing growing, harvest, technical, industry and other important information as may be reasonably required. He agrees that, without additional charge, he will train Doug Mc Inturff in the operation of the boats and harvesters as may be reasonably necessary during the summer and early fall of 2001. He will be available by telephone, family dinners and e-mail for advice beyond this period.

Al Bruner will assist in the transfer of the County lease on the building and will provide introductions to various persons associated with the business and industry in St Maries Idaho; Salem, Oregon and throughout the U.S. and Canada. He will also assist with obtaining necessary temporary laborers and boat operators.

Al Bruner also agrees to transfer the equipment, as listed, in a "field ready" condition not later than August 20, 2001. Excluded in the "field ready" condition is the utility boat which will be transferred in its present as is condition. A separate payment of \$1,265 will be made by Doug Mc Inturff toward the necessary equipment repairs.

Al Bruner will also do the preliminary investigations relative to new growing areas, and bidding on the Benewah wild rice harvest. For this, and other similar services as may be required, Doug Mc Inturff agrees to provide reimbursement for reasonable and actual expenses incurred plus a consulting fee of \$100.00 per day as approved in advance.

It is agreed that the total sale price shall be \$15,000.00. A down payment of \$5,000.00 was paid on July 15TH of 2001. And the remaining \$10,000.00 shall be paid in two equal payments of \$5000.00 each. The first within 30 days after the end of the 2001 harvest and the final payment in January of 2002.

The attached document titled, "EQUIPMENT, June 2001", lists the equipment to be included and is made a part of this sale agreement.

Signed this 15TH day of July, 2001

EQUIPMENT

June 2001

BUILDING: Pole frame 40' x 70'; constructed in 1986-87. 50'x 50'x 6" reinforced Concrete slab behind building.

The building is located on Benewah County property at the St Maries Airport. The lease is without charge. However, the building reverts to County ownership when no longer used in the wild rice industry. It will be necessary to meet with the County Commissioners and transfer ownership. The annual property taxes on the building and farm equipment are about \$300.

The 1996 flood did considerable damage to the sheetrock walls and insulation in the offices and bathroom and rendered the building unusable for food products in their final form. The structure of the building was not harmed. The traveling chain hoist is very handy and will lift the entire frame works from the boats when major repairs are needed. The sewer system is not hooked up.

The shed, ovens, gas equipment, fork lift, pallet jack and conveyor belong to Larry Payne of St Maries Wild Rice, Inc. of Salem Oregon. To keep the operation going he will need to cure, roast and store the rice there until it is shipped to Salem. I am sure he will be easy to get along with about the building and utilities cost sharing. I suspect he would be very receptive to giving up this work to you in the future.

WATER RIGHTS:

The existing water rights included are registered with the Idaho Department of Water Administration as No. 92-07090 and No. 91-07094. These are valuable and absolutely essential to the operation. They are legal licenses which permit pumping water from the rivers into the fields at the specified rate. The licenses pertaining to Jeff Bakers fields were given to him earlier.

EQUIPMENT:

Wild rice pontoon airboat harvester #1 (largest) complete with 16' impact header. While there has been little maintenance done in the last year, it does not appear to be in need of any major repairs. It is in need of a thorough cleaning, tuning and servicing including a carburetor overhaul most likely. The header needs the tray and most of the screening replaced. Other minor repairs are needed. The estimated cost to have it field ready \$350-450).

Wild rice pontoon harvester #2 (smaller) complete with 14' all aluminum header. It was not used last year and appears to be missing a few minor parts. It was in good operating condition the year before. It also needs a thorough cleaning,

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NOV 29 2006

WATER RESOURCES
WESTERN REGION

Pursuant to the "Sale of Wild Rice Harvesting Business Agreement", the transaction transpired as outlined, July 15, 2001. Douglas A. McInturff and Darcy D. McInturff purchased from Alexander W. Bruner and Judith C. Bruner, for the sum of \$15,000.00, the equipment listed under the "Equipment June 2001" attachment, along with the water rights numbers 92-07090 and 91-07094, as well as the rights to run the business.

Alexander W. Bruner

Alexander W. Bruner
5507 N. Parkwood Lane
Coeur d'Alene, ID 86815

6/20/06
Date

Judith C. Bruner

Judith C. Bruner

6.20.06
Date

Lillian M. Lovlyn
Notary



6-20-06
Date

Douglas A. McInturff

Douglas A. McInturff
17786 E. Canary Creek Road
Cataldo, ID 83810

10-30-06
Date

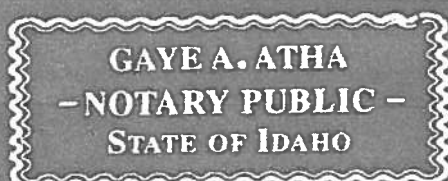
Darcy D. McInturff

Darcy D. McInturff

10-30-06
Date

Gaye A. Atha
Notary

10/30/06
Date



Commission Expires
11/22/06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**AUG 17 2005****DEPARTMENT OF
WATER RESOURCES**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
92-07090					
91-07094					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Alexander Belin Coeur d'Alene
5507 N. Parkwood Lane ID 83815
4. New Owner/Claimant(s) Douglas A. McInturff
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 17750 E. Canary Creek Rd.
 City, State and ZIP Code Cataldo ID 83810
 New Telephone Number 208 687-9308
5. Date you acquired the property 01/2001

SUPPORT DATA**IN FILE #** 91-07094

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

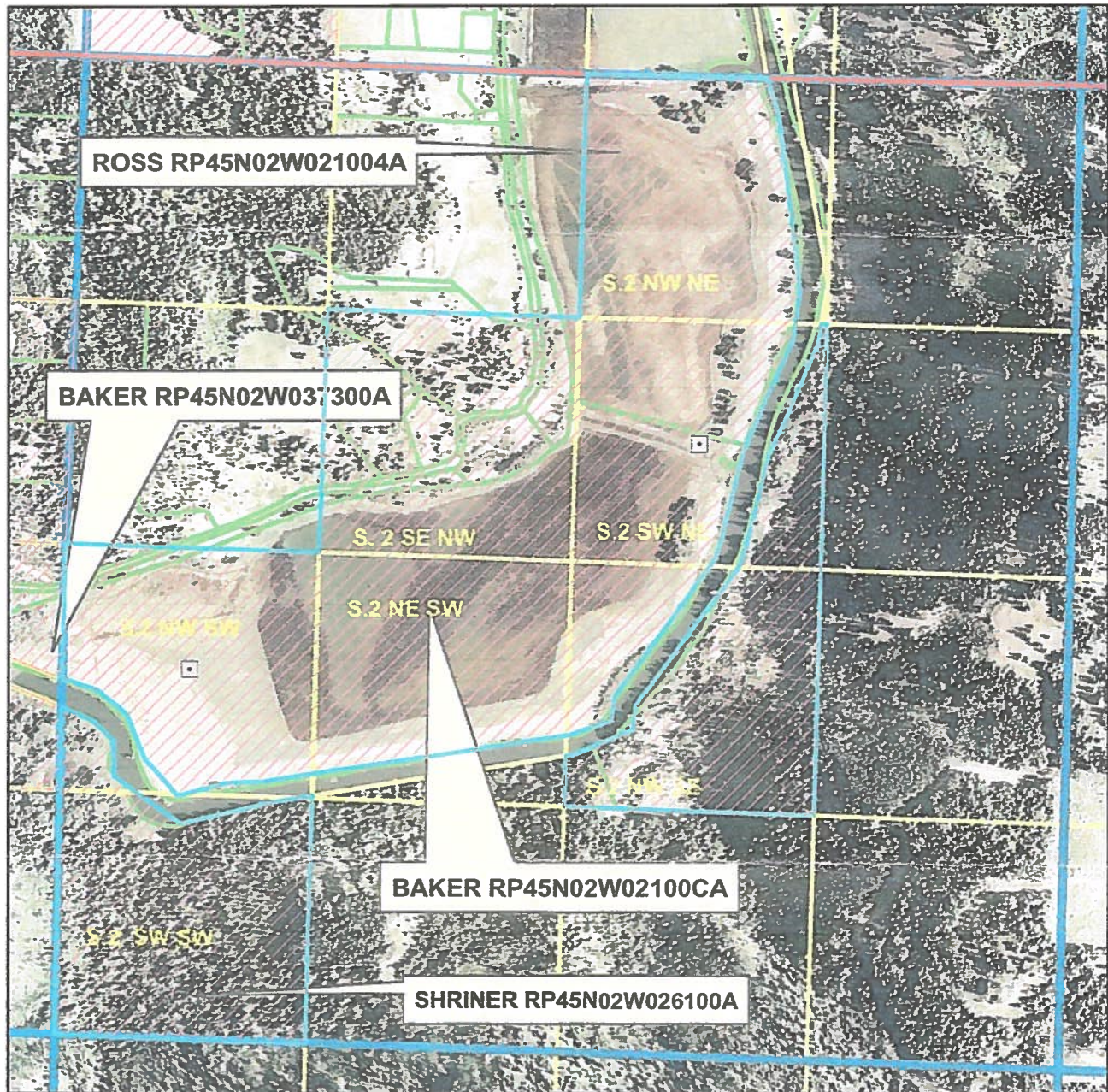
Debra A. McArthur

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by AM Date 8-17-05 Fee \$ 50.00/ks
 Receipted by _____ Date _____ Receipt No. 00788806
 Processed by _____ AJ Date _____ WR _____ Date _____

92-10502 BAKER 2006 IMAGE PIN RP45N02W02100CA



STATEMENT OF JEFFREY P. BAKER AND MARY LOU BAKER

We the undersigned, Jeffrey P. Baker, and Mary Lou Baker, make the following statement regarding the ownership of water right License 92-7090 and the changes to this Water Right since the License was originally issued by the Idaho Department of Water Resources (IDWR).

License 92-7090 was originally issued to St. Maries Wild Rice, Incorporated, an Idaho Corporation, which was originally owned by Alexander W. Bruner and Jeffrey P. Baker. We, Jeff and Mary Lou, sold our interest in St. Maries Wild Rice, Inc. to Al Bruner in 1988.

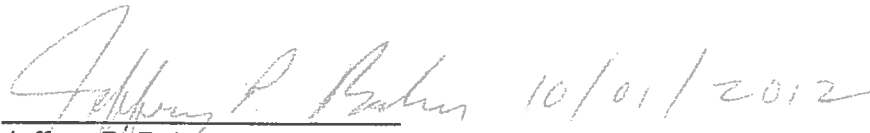
The Mary Lou Baker Trust currently owns the 92-7090 Place of Use (Benewah County property parcel RP45N02W02100CA) and any appurtenant water rights.

It is our understanding of Idaho Code Title 42-101 that water rights stay with the land unless contracted away by other agreement. No such agreement was ever signed by us or the previous owners of this land (RP45N02W02100CA). Yet, a sale agreement of the wild rice harvesting business between Alexander W. Bruner and Douglas McInturff dated July 15, 2001 and signed in 2006 includes "water rights."

At no time did we, the landowners, of the Place of Use for this water (License 92-7090) contract away the water right to this land (RP45N02W02100CA). Therefore, we believe the Agreement between Bruner and McInturff dated July 15, 2001 and signed in 2006 does not convey ownership of Water Right License 92-7090 from us to anyone else. Mr. Bruner never held any ownership interest in the property (RP45N02W02100CA) adjacent to the St. Maries River and the water right was not his to convey in accordance with Idaho Code Title 42-101.

We believe the first sentence in the paragraph titled "WATER RIGHTS" in the Bruner/McInturff sales agreement refers to Water Right License 92-7090 and is an improper conveyance. Bruner never held ownership of the Place of Use for this Water Right, and 92-7090 was not his to convey.

We also believe the last line of this paragraph titled "Water Rights" does refer to Water Right License 92-7175 which is upstream on the St. Maries River at a different Place of Use.


Jeffrey P. Baker


Mary Lou Baker, Trustee of the Mary Lou Baker Trust

Department of
Water Resources

APPENDIX A

Water Right and Adjudication

Ph: 208-262-9248

Cell: 208-640-1425

↓ Choose One or More Search Items ↓ Click "Search" To Enter Your Parameters

Name
(Click to expand or collapse)

☐ All
☒ Search for a specific Name
 • First Name: JEFFREY
 • Last Name: BAKER

Adjudication, Water Right & Basin or Transfer
☒ All
☐ Search for a specific Basin, Right or Transfer number

Location of Use or Diversion
☒ All
☐ Search for a specific Location by legal description

Sources
☒ All
☐ Search for Surface Water, Ground Water or a specific Source &/or Tributary

Water Use
☒ All
☐ Search for a specific Water Use

Dates
☒ All
☐ Search for a specific Date Type & range of Dates

Water Right Types
☒ All
☐ Search for one or more specific Water Right Types

Status
☒ All
☐ Search for both Active & Inactive Records

[Search Results \(11\)](#)
(Click to expand or collapse)

[Export Results to Excel](#) [Clear All Items](#) [Start Search](#)

Click any column to sort table

12

Options	Type ?	Basin	Sequence	Suffix	Application Number	Basis	Status	Priority Date	Div. Rate (cfs)	Source	Water Use	Owner
Details More Options	Water Right	92	7090			License	Active	07/21/1981	2.6	ST MARIES RIVER	IRRIGATION	MC INTURFF, DARC; MC INTURFF, DOUGLAS A
Details More Options	Water Right	92	7175			License	Active	11/13/1984	1	ST MARIES RIVER	IRRIGATION	BAKER, JEFFREY P
Details More Options	Water Right	92	7215			License	Active	12/19/1994	0.97	UNNAMED STREAM	IRRIGATION	BAKER, JEFFREY P
Details More Options	Recommendation	92	7175			License	Active	11/13/1984	1	ST MARIES RIVER	IRRIGATION	BAKER, JEFFREY P
Details More Options	Recommendation	92	7215			License	Active	12/19/1994	0.97	UNNAMED STREAM	IRRIGATION	BAKER, JEFFREY P
Details More Options	Recommendation	92	10163			Beneficial Use	Active	11/01/1982	0.04	GROUND WATER	DOMESTIC	BAKER, JEFFREY P

5.

OK

OK

OK

Details	<u>Recommendation</u>	92	10502			License	Active	07/21/1981	2.6	ST MARIES RIVER	IRRIGATION	BAKER, JEFFREY P; MC INTURFF, DARCY; MC INTURFF, DOUGLAS
More Options												
Details	<u>Claim</u>	92	7175			License	Active	11/13/1984	1	ST MARIES RIVER	IRRIGATION	BAKER, JEFFREY P
More Options												
Details	<u>Claim</u>	92	7215			License	Active	12/19/1994	0.97	UNNAMED STREAM	IRRIGATION	BAKER, JEFFREY P
More Options												
Details	<u>Claim</u>	92	10163			Beneficial Use	Active	11/01/1982	0.04	GROUND WATER	DOMESTIC	BAKER, JEFFREY P
More Options												
12												
Export Results to Excel Clear All Items Start Search												

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/16/2014

1. WATER RIGHT NO. 92-7090

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DARCY MC INTURFF 17786 E CANARY CREEK RD CATALDO, ID 83810 (208) 689-9308
Current Owner	DOUGLAS A MC INTURFF 17786 E CANARY CREEK RD CATALDO, ID 83810 (208) 689-9308

Priority Date: 07/21/1981

Basis: License

Status: Active

BAKERS NEED TO BE
SOLE CURRENT OWNERS,
OR AT LEAST, OUR PROPERTY
SHOULD NOT BE LISTED AS
"PLACE OF USE," SEPARATE
OUT OUR TRACTS UNDERLINED
BELOW.

<u>Source</u>	<u>Tributary</u>
ST MARIES RIVER	ST JOE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	2.6 CFS	390 AFA
Total Diversion			2.6 CFS	

Location of Point(s) of Diversion:

ST MARIES RIVER|SWNE|Sec. 02|Township 45N|Range 02W|BENEWAH County
ST MARIES RIVER|NWSW|Sec. 02|Township 45N|Range 02W|BENEWAH County

Licensed Diversion Capacity: 3.06

Place(s) of use:

Place of Use Legal Description: IRRIGATION BENEWAH County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
45N	02W	2		NWNE	30		SWNE	20*						
				SENE	5									
				NESW	30		NWSW	30		SWSW	5			
				NWSE	10									

* SOUTH 1/2
* SOUTH OF
DITCH/DIKE

Total Acres: 130

Conditions of Approval:

1. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. The total instantaneous diversion of water from all points of diversion under Transfer No. 4547 shall not exceed 2.60 cfs, nor total combined annual volume of 390.0 af.
5. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. R29 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

Dates:

Licensed Date: 05/16/1992

Decreed Date:

Permit Proof Due Date: 9/1/1986

Permit Proof Made Date: 8/18/1986

Permit Approved Date: 9/15/1981

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 07/21/1981

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/16/2014

2. WATER RIGHT NO. 92-7175

<u>Owner Type</u>	<u>Name and Address</u>
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Current Owner	JEFFREY P BAKER C/O ST MARIES WILD RICE 11770 S ELDERBERRY WY SANDY, UT 84092
---------------	--

REMOVE SMWR
UPDATE ADDRESS:
715 N, CHISHOLM CT
POST FALLS, ID 83854

Priority Date: 11/13/1984

Basis: License

Status: Active

SourceTributary

ST MARIES RIVER | ST JOE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	1 CFS	120 AFA
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

ST MARIES RIVER | SWSE Lt 8 | Sec. 03 | Township 45N | Range 02W | BENEWAH County

Licensed Diversion Capacity: 3.6

Place(s) of use:

Place of Use Legal Description: IRRIGATION BENEWAH County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
45N	02W	3		SWSW	10		SESW	12						
				NWSE	4		SWSE	14						

Total Acres: 40

Conditions of Approval:

1. R24 This right when combined with all other rights shall provide no more than 3.0 afa per acre for irrigation of the lands above.

Dates:

Licensed Date: 07/03/1993

Decreed Date:

Permit Proof Due Date: 12/1/1985

Permit Proof Made Date: 10/17/1985

Permit Approved Date: 11/20/1984

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 09/24/1984

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 48.5

Combined Volume Limit: 145.5

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/16/2014

3. WATER RIGHT NO. 92-7215

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEFFREY P BAKER 2709 LONGBRANCH RD UNION, KY 41091 (606)384-2156

UPDATE ADDRESS!
715 N. CHISHOLM CT.
POST FALLS, ID 83854

Priority Date: 12/19/1994
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	ST MARIES RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.97 CFS	
Total Diversion			0.97 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM|NESW|Sec. 03|Township 45N|Range 02W|BENEWAH County

Licensed Diversion Capacity: 1

Place(s) of use:

Place of Use Legal Description: IRRIGATION BENEWAH County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
45N	02W	3		NWSW	1	10	SWSW	11	9	SESW	17.4			
				NWSE	5	8	SWSE	14.1						

Total Acres: 48.5

Conditions of Approval:

1. R24 This right when combined with all other rights shall provide no more than 3.0 afa per acre for irrigation of the lands above.
2. Rights 92-07215 and 92-07175 are limited to a total combined annual diversion volume of 145.5 AF and to the irrigation of a combined total of 48.5 acres in a single irrigation season. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. 01M

Dates:

Licensed Date: 11/08/1996

Decreed Date:

Permit Proof Due Date: 3/1/1996

Permit Proof Made Date: 1/25/1996

Permit Approved Date: 3/24/1995

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 12/19/1994

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 48.5

Combined Volume Limit: 145.5

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/16/2014

4,

WATER RIGHT NO. 92-7215

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEFFREY P BAKER 2709 LONGBRANCH RD UNION, KY 41091 (606)384-2156

NEED CURRENT ADDRESS:
715 N. CHISHOLM CT.
POST FALLS, ID 83854

Priority Date: 12/19/1994

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	ST MARIES RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.97 CFS	
Total Diversion			0.97 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM|NESW|Sec. 03|Township 45N|Range 02W|BENEWAH County

Licensed Diversion Capacity: 1

Place(s) of use:

Place of Use Legal Description: IRRIGATION BENEWAH County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
45N	02W	3		NWSW	1	10	SWSW	11	9	SESW	17.4			
				NWSE	5	8	SWSE	14.1						

Total Acres: 48.5

Conditions of Approval:

1. Rights 92-07215 and 92-07175 are limited to a total combined annual diversion volume of 145.5 AF and to the irrigation of a combined total of 48.5 acres in a single irrigation season. After specific notification by the department, the right holder shall install a suitable measuring
- 2.01M device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- 3.R24 This right when combined with all other rights shall provide no more than 3.0 afa per acre for irrigation of the lands above.

Dates:

Licensed Date: 11/08/1996

Decreed Date:

Permit Proof Due Date: 3/1/1996

Permit Proof Made Date: 1/25/1996

Permit Approved Date: 3/24/1995

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 12/19/1994

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 48.5

Combined Volume Limit: 145.5

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

1/16/2014

5, WATER RIGHT NO. 92-10502

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DOUGLAS MC INTURFF 17786 E CANARY CREEK RD CATALDO, ID 83810 (208) 689-9308
Current Owner	DARCY MC INTURFF 17786 E CANARY CREEK RD CATALDO, ID 83810 (209) 689-9309
Current Owner	JEFFREY P BAKER 715 N CHISHOLM COURT POST FALLS, ID 83854 (208) 262-9248

ULTIMATELY DETERMINED BY
COURT

REQUEST SOLE OWNERSHIP
SEE JANUARY 2014 LETTER

NOTE! PLACE OF USE SAME
AS 7090

Priority Date: 07/21/1981

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
ST MARIES RIVER	ST JOE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3 /15	11/15	2.6 CFS	390 AFA
Total Diversion			2.6 CFS	

Location of Point(s) of Diversion:

ST MARIES RIVER|SWNE|Sec. 02|Township 45N|Range 02W|BENEWAH County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BENEWAH County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
45N	02W	2		NWNE	30		SWNE	20						
				SENE	5									
				NESW	30		NWSW	30		SWSW	5			
				NWSE	10									

Total Acres: 130

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Based on Water Right License 92-7090

Dates:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close