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JAN 21 2015

DEPARTMENT OF
WATER RESOURCES

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

In Re CSRBA)

A.

Subcase

92-10502

(Insert water right number)

Case No. 49576)

STANDARD FORM 1
OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: JEFFREY P. BAKER

Address: 715 N CHISHOLM CT

POST FALLS, ID 83854

Daytime Phone: 208-262-9248; CELL: 208-640-1425

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: DARCY MCINTURFF

JEFFREY P. BAKER

Address: 17786 E CANARY CREEK RD

715 N CHISHOLM CT

CATALDO, ID 83810

POST FALLS, ID 83854

NAME: DOUGLAS MCINTURFF

WILLIAM ROSS

ADDRESS: 17786 E CANARY CREEK RD

P.O. BOX 161

CATALDO, ID 83810

SAINT MARIES, ID 83861

D. I object to the following elements or general provision as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: JEFFREY P. & MARY LOU BAKER, AS TRUSTEE OF THE
JEFFREY AND MARY LOU BAKER LIVING TRUST, DATED
JUNE 26, 2013
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **General Provision** ☐ Individual Water Right ☐ All Water Rights
☐ Should not be recommended.

☐ This general provision was not recommended but should be recommended as described below.

Should be: _____

☐ General provision was recommended but should be modified as described below.

Should be: _____

11. ☐ **I object** because the recommendation contains an accomplished transfer under Idaho Code § 42-1425 resulting in injury to my water right(s) and/or enlargement of the original right.

12. ☐ **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** PLEASE SEE
ATTACHED LETTER OF EXPLANATION

INSTRUCTIONS FOR MAILING

You must mail the Objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on _____, 20____, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to: Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: JEFFREY P. BAKER
Address: 715 N CHISHOLM CT
POST FALLS, ID 83854

January 15, 2015

Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

Re: Subcase 92-10502, Objection, Item "E," Reasons Supporting Objection

Dear District Court,

The following are reasons supporting objections to IDWR recommendations regarding water right 92-10502:

The sole owner of the appurtenant land is the Jeffrey and Mary Lou Baker Living Trust. The water right was never separated from the appurtenant land (RP45N02W02100CA). No other party has a lease or any agreement that would divide sole ownership rights.

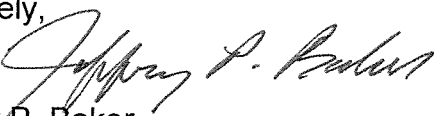
William Ross owns a separate parcel (RP45N02W021004A) and manages his land separately. He has applied for his own water rights for his own land and should be removed from this water right (92-10502).

Darcy and Douglas McInturff should be removed from this water right because they do not have an easement to point of diversion, place of use, nor beneficial use of the water.

Please see attached Standard Form 1 Objection, "Notice of Change in Water Right Ownership" filed with IDWR October 30, 2014, copy of deed, letter terminating lease with McInturffs, and an image of the appurtenant property (RP45N02W02100CA).

The only name on water right 92-10502 should be: Jeffrey and Mary Lou Baker Living Trust.

Sincerely,

 1-15-2015

Jeffrey P. Baker

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

 1-15-2015

Mary Lou Baker

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



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPARTMENT OF
WATER RESOURCES

Notice of Change in Water Right Ownership

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1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
92-10502	Yes ☒		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: DARCY MCINTURFF, JEFFREY P. BAKER, DOUGLAS MCINTURFF, WILLIAM ROSS
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): JEFFREY + MARY LOU BAKER, AS TRUSTEE OF THE JEFFREY + MARY LOU
Name of each new owner as listed on the conveyance document

BAKER LIVING TRUST, DATED JUNE 26, 2013

New owner continued Name connector ☒ and ☐ or ☐ and/or

715 N. CHISHOLM CT

Mailing address

POST FALLS

City

ID
State

83854
ZIP

208-640-1425

Telephone

JABAKER8@ROADRUNNER.COM
Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

- * ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
* ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- * NEITHER APPLY SEE ATTACHED EXPLANATION
5. Date you acquired the water rights and/or claims listed above: PRIORITY DATE 7/21/1981

6. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - ☒ No fee is required for pending adjudication claims.

7. Signature: Jeffrey P. Baker TRUSTEE OF THE JEFFREY + MARY LOU BAKER L.T. 10/30/2014
Signature of new owner/claimant Title, if applicable Date
- Signature: Mary Lou Baker TRUSTEE OF THE JEFFREY + MARY LOU BAKER L.T. 10/30/2014
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

Approved by _____ Processed by _____ Date _____

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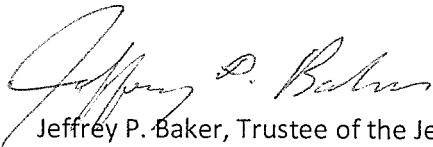
IDWR / NORTH

IDWR / NORTH

Attachment to "Notice of Change in Water Right Ownership" Water Right/Claim No. 92-10502

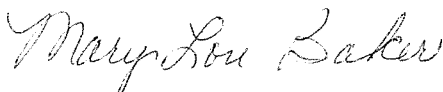
Item #4

1. Item # 4 does not apply because the water right was never separated from the appurtenant land where the water is used. There is not any conveyance document that separates the water right from the land. Our deed to the appurtenant property in Section 3 does include "riparian rights." "Riparian rights" may be a term inconsistent with current Idaho law, but the intent is clearly that water rights stay with the land and that there is not any agreement separating the water right from the appurtenant land. The deed to our property in Section 2 does not include the term "riparian rights" but neither is there any mention of the water rights being separated from the land by any other agreement. (See attached copy of Deed) The Jeffrey & Mary Lou Baker Living Trust is the sole owner of the appurtenant land (RP45N02W02100CA) and the Trust is applying for the sole ownership of the water right appurtenant to the property.
2. William Ross owns a separate parcel (RP45N02W021004A) and should be removed from this water right. He has applied for a separate water right with a separate point of diversion for his own appurtenant property. (See attached image) Points of diversion are on each side of the property line separating the Ross ownership and the Baker ownership. They are within 20 feet of each other on each side of the common property line, approximately in the location of the square marker (in center of S. 2 SW NE) on the attached image.
3. Darcy McInturff and Douglas McInturff should be removed from the water right because they do not own the appurtenant property and do not have a water right separated from the property by conveyance document. They had a lease to the appurtenant property which has since expired. With the expiration of the lease they will not have an easement, actual or implied, to the point of diversion, place of use, nor beneficial use of the water. (See attached copy of letter to McInturffs)



Jeffrey P. Baker, Trustee of the Jeffrey & Mary Lou Baker Living Trust, Dated

10/30/2014



Mary Lou Baker, Trustee of the Jeffrey & Mary Lou Baker Living Trust, Dated

10/30/2014

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Instrument # 266674

BENEWAH COUNTY

8-30-2013 03:31:13 No. of Pages: 5

Recorded for: CALLAHAN & ASSOCIATES

DEANNA BRAMBLETT

Ex-Officio Recorder Deputy

Index to: DEEDS, WARRANTY & S W D

IDWR / NORTH

Fee: 22.00

RECORDING REQUESTED BY AND MAIL TO:

Callahan & Associates, Chtd.

PO Box 2226

Coeur d'Alene ID 83816-2226

WARRANTY DEED

JEFFREY P. BAKER and MARY L. BAKER, also know as MARY LOU BAKER, husband and wife, acting individually and as Trustees of THE JEFFREY P. BAKER TRUST dated April 16, 1998, and the MARY LOU BAKER TRUST dated April 16, 1998, do hereby grant, convey and transfer to JEFFREY P. BAKER and MARY LOU BAKER, TRUSTEE, JEFFREY AND MARY LOU BAKER LIVING TRUST, all of their REAL PROPERTY interest now held or hereafter acquired in the following described real property:

See Exhibit "A" attached hereto and incorporated herein by reference.

To have and hold the said REAL PROPERTY as TRUSTEE. Grantor will warrant and defend the above-described real property against all claims and demands whatsoever, except such rights, easements, covenants, restrictions, health or zoning regulations and assessments as appear of record or use upon the premises. The Grantor of this deed is also the beneficiary of the JEFFREY AND MARY LOU BAKER LIVING TRUST. The address of the grantee is 715 W Chisholm Ct., Post Falls, ID 83854.

Dated this 26 day of JUNE, in the year 2013.

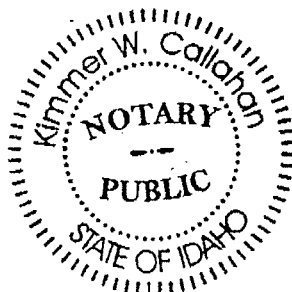
Jeffrey P. Baker
JEFFREY P. BAKER
Individually and as Trustee

Mary Lou Baker
MARY L. BAKER
Individually and as Trustee

STATE OF IDAHO
COUNTY OF KOOTENAI

On this 26 day of June, in the year 2013, before me the undersigned Notary Public in and for the State of Idaho, personally appeared JEFFREY P. BAKER and MARY L. BAKER, husband and wife, known to me to be the persons whose names are subscribed herein, and acknowledged to me that they executed the same in their individual capacity and as Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year written above.



[Signature]
Notary Public for Idaho
Comm. Exp.: 11/2/15

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Parcel 1

The following described parcels which are situated in Section Three (3), Township Forty-five (45) North, Range Two (2) West, Boise Meridian:

That part of Lot 5, which is described as beginning at a point where the South boundary of the right-of-way of the Chicago, Milwaukee, St. Paul & Pacific Railroad intersects the West boundary of said Lot 5; thence South along said West boundary of Lot 5 to the South boundary of Lot 5; thence Northeasterly along said South boundary of Lot 5 to a point where said South boundary of Lot 5 intersects the South boundary of said Railroad right-of-way; thence Southwesterly along the South boundary of said Railroad right-of-way to the point of beginning;

Lots Eight (8), Nine (9) and Ten (10);

That part of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) lying South of said Railroad right-of-way;

That part of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) lying South of said Railroad right-of-way; and

That part of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) lying South of said Railroad right-of-way; with all appurtenances, including riparian rights;

EXCEPTING THEREFROM, HOWEVER, that part of said Lot 10 and the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section Three (3), more particularly described as follows:

Beginning at the point where the West boundary of said Section 3 intersects the South boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad (now St. Maries River Railroad) right-of-way; thence Northeasterly along said Railroad right-of-way a distance of 1,264.7 feet to the intersection of said Railroad right-of-way with the crown of the existing dike; thence Southerly along the crown of said dike a distance of 695 feet, more or less, to the St. Maries River, which is the South boundary of said Lot 10; thence Westerly along said South boundary to the West boundary of said Section 3; thence North along said Section line to the point of beginning.

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Parcel 2

The following described parcels which are situated in Section Three (3), Township Forty-five (45) North, Range Two (2) West, Boise Meridian:

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That part of Lot 5, which is described as beginning at a point where the South boundary of the right-of-way of the Chicago, Milwaukee, St. Paul & Pacific Railroad intersects the West boundary of said Lot 5; thence South along said West boundary of Lot 5 to the South boundary of Lot 5; thence Northeasterly along said South boundary of Lot 5 to a point where said South boundary of Lot 5 intersects the South boundary of said Railroad right-of-way; thence Southwesterly along the South boundary of said Railroad right-of-way to the point of beginning;

Lots Eight (8), Nine (9) and Ten (10);

That part of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) lying South of said Railroad right-of-way;

That part of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) lying South of said Railroad right-of-way; and

That part of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) lying South of said Railroad right-of-way; with all appurtenances, including riparian rights;

EXCEPTING THEREFROM, HOWEVER, that part of said Lot 10 and the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of said Section Three (3), more particularly described as follows:

Beginning at the point where the West boundary of said Section 3 intersects the South boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad (now St. Maries River Railroad) right-of-way; thence Northeasterly along said Railroad right-of-way a distance of 1,264.7 feet to the intersection of said Railroad right-of-way with the crown of the existing dike; thence Southerly along the crown of said dike a distance of 695 feet, more or less, to the St. Maries River, which is the South boundary of said Lot 10; thence Westerly along said South boundary to the West boundary of said Section 3; thence North along said Section line to the point of beginning.

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Parcel 3

All that part of Government Lots Five (5), Eight (8), Nine (9) and Ten (10) and the South Half of the Northwest Quarter (S1/2 NW1/4) lying South of the right of way of the St. Maries River Railroad and North of the St. Maries River in Section 2, Township 45 North, Range 2 West, Boise Meridian, and all that part of the East Half of the Northeast Quarter of the Southeast Quarter (E1/2 NE1/4 SE1/4) lying and being between the right of way of the St. Maries River Railroad and the St. Maries River in Section 3, Township 45 North, Range 2 West, Boise Meridian;

EXCEPTING THEREFROM that part of Government Lot Five (5) previously deeded to William Ross, et ux, and recorded 03/06/92 as Instrument No. 188496, Benewah County Records.

Parcel 4

A parcel of land in the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 2, Township 45 North, Range 2 West, Boise Meridian, the boundary of this parcel is described as follows:

Beginning at the Northwest corner of said Southwest Quarter Northwest Quarter (SW 1/4 NW 1/4). Running thence S 89°37'45" E, along the North line of this Southwest

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Parcel 4 (Cont.)

Quarter Northwest Quarter (SW 1/4 NW 1/4), a distance of 330.00 feet, thence S 00°13'30" E, parallel to the West line of the Southwest Quarter Northwest Quarter (SW 1/4 NW 1/4), a distance of 1,139.13 feet to a point adjacent to an existing fence, thence S 88°20'30" E, parallel and adjacent to this fence, a distance of 68.79 feet; thence N 82°00'00" E, parallel to this fence, a distance of 283.23 feet, thence S 27°38'15" E a distance of 113.25 feet to a point on the northerly right-of-way boundary of the St. Maries River County Road (this right-of-way boundary runs parallel to and offset 30 feet northerly from the centerline of this road as it currently exists); thence S 66°26'45" W, along this right-of-way boundary, a distance of 692.44 feet; thence S 83°46'45" W along this right-of-way boundary, a distance of 94.47 feet to a point on the West line of the Northwest Quarter Southwest Quarter (NW 1/4 SW 1/4); thence N 00°45'30" W, along this West line, a distance of 183.06 feet to the 1/4 Corner between Sections 2 and 3. Thence N 00°13'30" W, along the West line of the Southwest Quarter Northwest Quarter (SW 1/4 NW 1/4), a distance of 1,308.07 feet to the point of beginning. Enclosing an area of 12.43 acres.

The above-described parcel has been assigned Benewah County Assessor's Tax Number 1197 and is depicted on a Survey Plat recorded as Instrument Number 192690 in Benewah County, Idaho.

Together with an easement for the right of ingress and egress along a roadway 30 feet in width across an adjoining portion of said Southwest Quarter Northwest Quarter (SW 1/4 NW 1/4), the centerline of this roadway generally follows the centerline of an existing driveway and is described as:

Beginning at a point on the most easterly boundary of the above-described parcel, from this point the southeast corner of this parcel bears S 27°38'15" E - 29.50 feet. Running thence S 80°19'15" E a distance of 54.90 feet to a point on the northerly right-of-way boundary of the St. Maries River County Road.

This non-exclusive easement right is to perpetually run with and serve the above-described parcel and adjoining lands retained by the Grantor.

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September 4, 2014

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IDWR / NORTH

Douglas and Darcy Mc Inturff
17786 E Canary Creek Rd
Cataldo, ID 83810

Re: Water Right 92-10502

Dear Doug and Darcy,

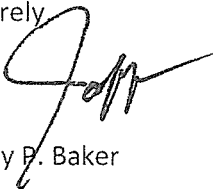
As you know, the Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) process is underway. I assume you received a printout of IDWR's preliminary recommendation for reporting claims to the CSRBA District Court. I am in the process of filing a "Notice of Error Reply" in an effort to resolve errors before the report is finalized and filed with the CSRBA Court. This letter is to clarify the status of our letter of agreement dated September 9, 2008.

The letter of agreement states that the lease expires after the 2014 harvest. In terms of Idaho water law, with the expiration of the lease there will be no easement, actual or implied, to the point of diversion, place of use, nor beneficial use.

I believe that the "Sale of Wild Rice Harvesting Business Agreement" on file with IDWR does not properly transfer ownership of the water right appurtenant to our land. The intent of paragraph labeled "Water Rights" appears to exclude water rights on our land with the following: "The licenses pertaining to Jeff Bakers (sic) fields were given to him earlier."

I'm sorry we couldn't correct the record several years ago when the issue first came up. It would have simplified the adjudication process. Nevertheless, these are the points that I plan to use to clarify the record and include on my Notice of Error Reply.

Sincerely,



Jeffrey P. Baker

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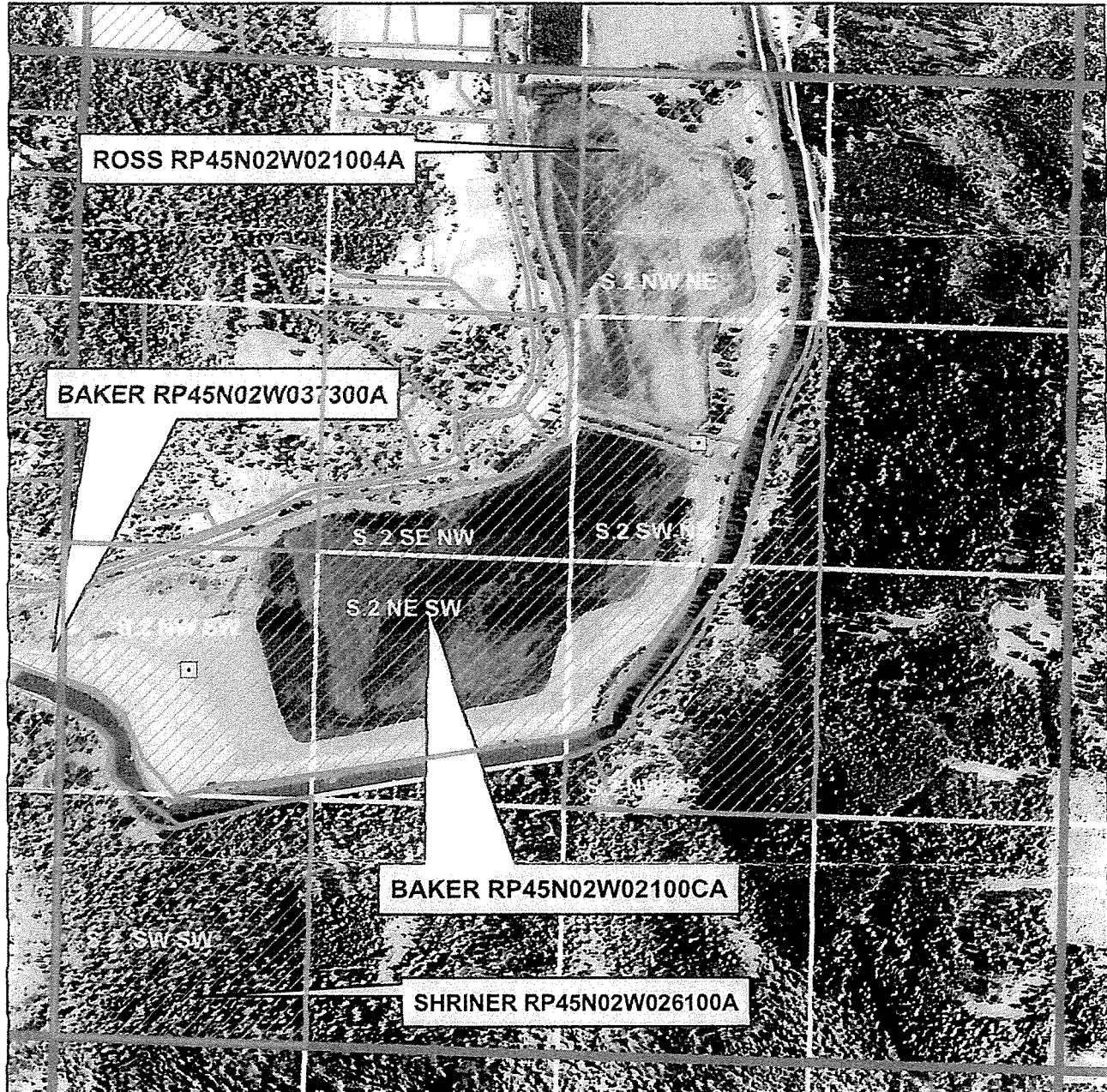
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92-10502 BAKER 2006 IMAGE PIN RP45N02W02100CA



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