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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

Case No. 49576

A.

Subcase

92-10502

(Insert water right number)

STANDARD FORM 1
OBJECTION

AMENDMENT

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

Address:

17786 E CANARY CREEK RD
CATALDO, ID 83810

JEFFREY P. BAKER

715 N CHISHOLM CT

POST FALLS, ID 83854

NAME: DOUGLAS MCINTURFF

ADDRESS: 17786 E CANARY CREEK RD

CATALDO, ID 83810

WILLIAM ROSS

P.O. Box 161

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
2. ☐ **Source**
Should be: _____ JUNE 26, 2013
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 AMENDMENT TO OBJECTION

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 DECEMBER 2, 2015, 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: <u>DARCY MCINTURFF</u>	<u>JEFFREY P. BAKER</u>
Address: <u>17786 E CANARY CREEK RD</u>	<u>715 N CHISHOLM CT.</u>
<u>CATALDO, ID 83810</u>	<u>POST FALLS, ID 83854</u>

SF.1-Objection
Amended 11/14/2014

DOUGLAS MCINTURFF
17786 E CANARY CREEK RD.
CATALDO, ID 83810

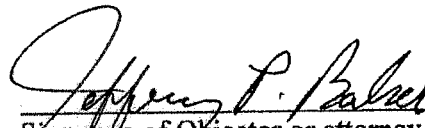
WILLIAM ROSS
P.O. BOX 161
SAINT MARIES, ID 83861

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
PO Box 83720
Boise, ID 83720-0010



Signature of Objector or attorney
mailing on Objector's behalf

December 2, 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 Sir or Madam,

This Amendment to my Objection is to clarify my letter to the Clerk of the District Court of January 15, 2015, attached. I believe my objection as written could be stated more clearly.

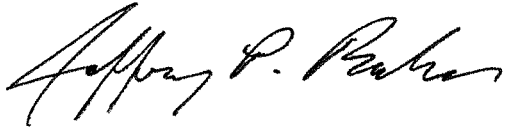
The original application for water right license was filed on appurtenant land owned by Albert and Ludie Best. Albert and Ludie were the parents of Mary Lou Baker and Ada Marie Ross. With the death of Albert and Ludie, the property was divided within the family into two adjacent parcels. One parcel (RP45N02W02100CA) is now owned by the Jeffrey and Mary Lou Baker Living Trust, and a separate adjacent parcel (RP45N02W021004A) is owned by William and Ada Marie Ross.

The two adjacent properties are separately owned and separately managed. The Bakers and the Rosses wish to have the water right split and renumbered, with each party having their separate water right and with each water right having the original priority date of July 21, 1981. Conditions listed in Transfer No. 4547 in the name of Jeffrey P Baker should apply, except the limitation in item 6 should be split proportionately to the acres irrigated on each parcel (59% to RP45N02W02100CA; 41% to RP45N02W021004A).

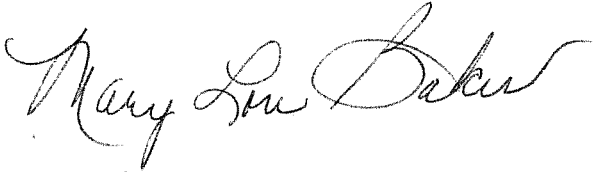
Darcy and Douglas McInturff should be removed from this water right because they do not have a deed that separates the water right from the appurtenant land. They do not have an easement to point of diversion, place of use, nor beneficial use of the water.

Please see attached Amended Standard Form 1 Objection with a copy of our deed conveying land "with all appurtenances" from the estate of Ludie Best, deceased, to Jeffrey P Baker and Mary Lou Baker. "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) was attached to original Objection filed with letter dated January 15, 2015.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey P. Baker".

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

A handwritten signature in cursive script that reads "Mary Lou Baker".

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

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BENEWAH COUNTY
KAY SATHER, CLERK
Kay Sather
Benewah County, Idaho

CO-PERSONAL REPRESENTATIVES
DEED

THIS DEED, made by DAVID MITCHELL BEST and KATHRYN ALBERTA FRANZ, co-personal representatives of the ESTATE OF LUDIE M. BEST, DECEASED, Grantors, to JEFFERY P. BAKER and MARY LOU BAKER, husband and wife, of 2709 Longbranch Road, City of Union, County of Boone, State of Kentucky 41091, as Grantees.

WHEREAS, Grantors are the personal representatives of said estate, filed as Probate Number SP95-00090, in Benewah County, Idaho;

THEREFORE, for valuable consideration received, Grantors sell and convey to Grantees the following described real property in Benewah County, Idaho, to-wit:

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;

CO-PERSONAL REPRESENTATIVES
DEED

EXCEPTING THEREFROM that part of Government
Lot Five (5) previously deeded to William
Ross, et ux, and recorded 3/6/92 as
Instrument No. 188496, Benewah County
Records,

with all appurtenances.

EXECUTED this 25th day of May, 1996.

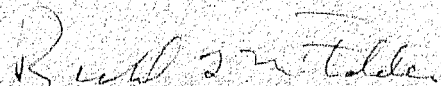
David Mitchell Best
DAVID MITCHELL BEST
Co-Personal Representative of the
Estate of Ludie M. Best,
Deceased.

Kathryn Alberta Franz
KATHRYN ALBERTA FRANZ
Co-Personal Representative of the
Estate of Ludie M. Best,
Deceased.

STATE OF IDAHO)
 : ss.
County of Benewah)

On this 25th day of May, 1996, before me, the undersigned, a Notary Public in and for the said State, personally appeared DAVID MITCHELL BEST and KATHRYN ALBERTA FRANZ, known to me to be the persons whose names are subscribed to the above and foregoing CO-PERSONAL REPRESENTATIVES DEED, as co-personal representatives of the Estate of Ludie M. Best, deceased, and acknowledged to me that they executed the same as such personal representatives.

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



Notary Public, State of Idaho
Residing at: St. Maries
Commission expires: 02/06/97

CO-PERSONAL REPRESENTATIVES
DEED

STATE OF IDAHO }
County of Benewah } ss

I, Deanna Bramblett, Clerk of the above
entitled Court & County Recorder do hereby
certify the foregoing to be a full, true and
correct copy of the original..... *Co-personal representation*
as the same now appears on file and on record
in my office.

WITNESS my hand and official seal

This 30 day of November, 20 15

By Deanna Bramblett Clerk

By Frederick J. J. J. Deputy