

RECEIVED

MAR 08 2016

DEPARTMENT OF
WATER RESOURCES

Norman M. Semanko, ISB No. 4761
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
nms@moffatt.com
26002.0001

Attorneys for Claimant Marshall Law

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

Subcase No. 91-7339

**CLAIMANT MARSHALL LAW'S
RESPONSES TO OBJECTOR'S FIRST
REQUESTS FOR DISCOVERY**

Marshall Law,

Claimant,

vs.

Coeur d'Alene Tribe, a federally-recognized
Indian tribe,

Objector.

COMES NOW Claimant Marshall Law, by and through undersigned counsel of
record, and responds to Objector's First Requests for Discovery as follows:

**CLAIMANT MARSHALL LAW'S RESPONSES TO OBJECTOR'S
FIRST REQUESTS FOR DISCOVERY - 1**

COPY

Client:4088626.1

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Please admit that the United States of America is the legal owner, and the Coeur d'Alene Tribe is the beneficial owner of the submerged bed and banks of Coeur d'Alene Lake and the St. Joe River within the exterior boundaries of the Coeur d'Alene Indian Reservation.

RESPONSE TO REQUEST FOR ADMISSION NO. 1: Objection is made to Request for Admission No. 1 on the grounds that it is vague, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of any admissible evidence. Terms defined in this Request refer to court decisions, which speak for themselves. Responding Claimant also objects to this Request for Admission No. 1 because it seeks a legal conclusion regarding the ownership of "the submerged bed and banks of Coeur d'Alene Lake and the St. Joe River within the exterior boundaries of the Coeur d'Alene Indian Reservation." Without waiving these objections, Claimant denies Request for Admission No. 1.

REQUEST FOR ADMISSION NO. 2: Please admit that the United States of America, as the trustee, and the Coeur d'Alene Tribe, as the beneficially interested party of the trusteeship, is entitled to the exclusive use, occupancy, and right to the quiet enjoyment of the bed and banks of the Coeur d'Alene Lake and the St. Joe River within the current boundaries of the Coeur d'Alene Indian Reservation.

RESPONSE TO REQUEST FOR ADMISSION NO. 2: Objection is made to Request for Admission No. 2 on the grounds that it is vague, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of any admissible evidence. Terms defined in this Request refer to court decisions, which speak for themselves. Responding Claimant also objects to this Request for Admission No. 2 because it seeks a legal conclusion

regarding the ownership of “the submerged bed and banks of Coeur d’Alene Lake and the St. Joe River within the exterior boundaries of the Coeur d’Alene Indian Reservation.” Without waiving these objections, Claimant denies Request for Admission No. 2.

REQUEST FOR ADMISSION NO. 3: Please admit that the State if [sic] Idaho is permanently enjoined from asserting any right, title or otherwise interest in or to the bed and banks of the Coeur d’Alene Lake and the St. Joe River within the current boundaries of the Coeur d’Alene Indian Reservation.

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Objection is made to Request for Admission No. 3 on the grounds that it is vague, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of any admissible evidence. Without waiving the objection, Claimant lacks sufficient information to either admit or deny Request for Admission No. 3 at this time, and therefore, denies the same.

REQUEST FOR ADMISSION NO. 4: Please admit that the Coeur d’Alene Tribe has the inherent right to exclude non-members of the Coeur d’Alene Tribe from tribally owned lands within the Coeur d’Alene Reservation.

RESPONSE TO REQUEST FOR ADMISSION NO. 4: Objection is made to Request for Admission No. 4 on the grounds that it is vague and overly broad. Without waiving the objection, Claimant lacks sufficient information to either admit or deny Request for Admission No. 4 at this time, and therefore, denies the same.

REQUEST FOR ADMISSION NO. 5: Please admit that the point of diversion for this claim is located within the exterior boundary of the Coeur d’Alene Indian Reservation.

RESPONSE TO REQUEST FOR ADMISSION NO. 5: Objection is made to Request for Admission No. 5 on the grounds that it is vague, overly broad, unduly burdensome

and not reasonably calculated to lead to the discovery of any admissible evidence. Without waiving the objection, Claimant denies Request for Admission No. 5.

REQUEST FOR ADMISSION NO. 6: Please admit that the presumed OHWM for Coeur d'Alene Lake and the St. Joe River is 2128 feet above sea level.

RESPONSE TO REQUEST FOR ADMISSION NO. 6: Objection is made to Request for Admission No. 6 on the grounds that it seeks a legal conclusion regarding the "OHWM for Coeur d'Alene and the St. Joe River." Terms defined in this Request refer to court decisions, which speak for themselves. Without waiving these objections, Claimant denies Request for Admission No. 6.

REQUEST FOR ADMISSION NO. 7: Please admit that the point of diversion and/or some or all of the diversion works at issue in the above-encaptioned matter is below the presumed OHWM of the St. Joe River.

RESPONSE TO REQUEST FOR ADMISSION NO. 7: Objection is made to Request for Admission No. 7 on the grounds that it seeks a legal conclusion regarding the "OHWM of the St. Joe River." Terms defined in this Request refer to court decisions, which speak for themselves. Without waiving the objection, Claimant lacks sufficient information to either admit or deny Request for Admission No. 7 at this time, and therefore, denies the same.

REQUEST FOR ADMISSION NO. 8: Please admit that the waters overlying the bed and banks at the location of Claimant(s)[] water diversion point are navigable.

RESPONSE TO REQUEST FOR ADMISSION NO. 8: Objection is made to Request for Admission No. 8 on the grounds that it is vague, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of any admissible evidence. With waiving

the objection, Claimant lacks sufficient information to either admit or deny Request for Admission No. 8 at this time, and therefore, denies the same.

REQUEST FOR ADMISSION NO. 9: Please admit that under Idaho law the point of diversion for a water right is the point at which water is diverted from a natural water channel and put to beneficial use.

RESPONSE TO REQUEST FOR ADMISSION NO. 9: Objection is made to Request for Admission No. 9 on the grounds that it seeks a legal conclusion regarding “the point of diversion for a water right” and is not reasonably calculated to lead to the discovery of any admissible evidence. Without waiving the objection, Claimant denies Request for Admission No. 9.

REQUEST FOR ADMISSION NO. 10: Please admit that Claimant(s) did not have permission to encroach upon the submerged lands of the St. Joe River from either the United States or the Coeur d’Alene Tribe at the time the diversion works were constructed for this claim.

RESPONSE TO REQUEST FOR ADMISSION NO. 10: Objection is made to Request for Admission No. 10 on the grounds that it is vague, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of any admissible evidence. Terms defined in this Request refer to court decisions, which speak for themselves. Responding Claimant also objects to this Request for Admission No. 10 because it seeks a legal conclusion. Without waiving these objections, Claimant lacks sufficient information to either admit or deny Request for Admission No. 10 at this time, and therefore, denies the same.

REQUEST FOR ADMISSION NO. 11: Please admit that since the time Claimant(s) began diverting water from the St. Joe River he/she has never received permission to

encroach upon the submerged lands of the St. Joe River from either the United States or the Coeur d'Alene Tribe for Claimant(s)[] diversionary works.

RESPONSE TO REQUEST FOR ADMISSION NO. 11: Objection is made to Request for Admission No. 11 on the grounds that it is vague, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of any admissible evidence. Terms defined in this Request refer to court decisions, which speak for themselves. Responding Claimant also objects to this Request for Admission No. 11 because it seeks a legal conclusion. Without waiving these objections, Claimant lacks sufficient information to either admit or deny Request for Admission No. 11 at this time, and therefore, denies the same.

REQUEST FOR ADMISSION NO. 12: Please admit that under Idaho law a water right may not be initiated or maintained in trespass.

RESPONSE TO REQUEST FOR ADMISSION NO. 12: Objection is made to Request for Admission No. 12 on the grounds that it seeks a legal conclusion and is not reasonably calculated to lead to the discovery of any admissible evidence. Without waiving the objection, Claimant denies Request for Admission No. 12.

REQUEST FOR ADMISSION NO. 13: Please admit that the Claimant(s) does not have the right to enter the lands of the Coeur d'Alene Tribe for the purposes of maintaining his/her diversion works.

RESPONSE TO REQUEST FOR ADMISSION NO. 13: Objection is made to Request for Admission No. 13 on the grounds that it is vague. Responding Claimant also objects to this Request for Admission No. 13 on the grounds that it seeks a legal conclusion and is not reasonably calculated to lead to the discovery of any admissible evidence. Without waiving these objections, Claimant denies Request for Admission No. 13.

REQUEST FOR ADMISSION NO. 14: Please admit that a decreed water right and/or an IDWR water permit or license does not authorize the holder of said right, permit, or license to trespass on the land of another for any purpose.

RESPONSE TO REQUEST FOR ADMISSION NO. 14: Objection is made to Request for Admission No. 14 on the grounds that it seeks a legal conclusion and is not reasonably calculated to lead to the discovery of any admissible evidence. Without waiving the objection, Claimant denies Request for Admission No. 14.

REQUEST FOR ADMISSION NO. 15: Please admit that under Idaho law riparian rights are limited to the right to maintain adjacency to navigable waters and to build or use aids to navigation but does not provide for any right to make any consumptive use of water or right of access for the appropriation of water.

RESPONSE TO REQUEST FOR ADMISSION NO. 15: Objection is made to Request for Admission No. 15 on the grounds that it is vague, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of any admissible evidence. Terms defined in this Request refer to court decisions, which speak for themselves. Responding Claimant also objects to this Request for Admission No. 15 because it seeks a legal conclusion. Without waiving these objections, Claimant denies Request for Admission No. 15.

INTERROGATORIES

INTERROGATORY NO. 1: If you deny any of the Requests for Admissions 1-15 above, please state the legal and/or factual basis of each denial, if any.

ANSWER NO. 1: See Responses to Request for Admissions No. 1-15.

INTERROGATORY NO. 2: Please identify the legal basis which you intend to rely upon for support of your statements in your response to the Tribe's objection:

“The U.S. did not reserve any other littoral or riparian rights in regard to the subject lands which are ordinarily attendant to waterfront property, including the right to access water, to wharfage, or to use the adjacent water. These rights are therefore appurtenant to and including [sic] with those waterfront lands sold by the U.S. and are subject only to State law regulation as provided by the Acts of Congress enabling the alienation of those lands.”

ANSWER NO. 2: Objection is made to Interrogatory No. 2 on the grounds that it seeks a legal conclusion. Notwithstanding the objection, the statement in Claimant’s response to the Tribe’s objection speaks for itself.

INTERROGATORY NO. 3: Does the Claimant(s) hold an encroachment permit from the Coeur d’Alene Tribe for any purpose? If so, what is the encroachment type and Tribal permit number?

ANSWER NO. 3: Objection is made to Interrogatory No. 3 on the grounds that it is vague, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of any admissible evidence. Notwithstanding the objection, the encroachment permits of Claimant, if any, are available to and held by the Tribe.

INTERROGATORY NO. 4: Before installing the diversionary works in the St. Joe River, did Claimant(s), or Claimant(s)[’] predecessors in title request the permission of either the United States or Tribe to encroach upon the submerged lands of the St. Joe River?

ANSWER NO. 4: Objection is made to Interrogatory No. 4 on the grounds that it is vague, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of any admissible evidence. Notwithstanding the objection, Claimant did not request the permission of either the United States or Tribe to encroach upon the submerged lands of the St. Joe River.

INTERROGATORY NO. 5: Please state the name, address, telephone number, and type of testimony, lay or expert, for any witnesses you may call at trial of this matter.

ANSWER NO. 5: Claimant is unsure, at this time, whom he may call as witnesses at the time of hearing. Claimant reserves the right to supplement this answer in a timely manner prior to hearing and pursuant to any trial schedule produced by the court. Claimant may call any and all of the individuals identified during discovery, to include, but not be limited to the following individuals:

a) Claimant, Marshall Law, c/o Norman Semanko, Attorney at Law, 101 S. Capitol Blvd., 10th Floor, P.O. Box 829, Boise, Idaho 83701-0829.

INTERROGATORY NO. 6: For each person listed as an expert witness above, please:

- (a) State the subject matter on which the expert is expected to testify;
- (b) Provide a complete statement of all opinions to be expressed and the basis and reasons therefore;
- (c) Provide the facts, data or other information considered by the witness in forming his or her opinions;
- (d) Note any exhibits to be used by the expert witness as a summary of or support for the opinions; and,
- (e) Provide the qualifications of the witness, including a list of all publications (co)authored by the witness within the preceding ten (10) years, the compensation to be paid for the testimony, and a list of other cases in which the witness has testified as an expert at trial or by deposition within the four preceding years.

ANSWER NO. 6: Claimant is unsure, at this time, whom he may call as witnesses at the time of hearing. Claimant reserves the right to supplement this answer in a timely manner prior to hearing and pursuant to any trial schedule produced by the court.

INTERROGATORY NO. 7: Please describe the Claimant(s)[] diversion works and water system from the point of diversion to the place of use, including but not limited to, a description of all materials located in the water, the pump capacity (in gallons per minute), the conduit diameter(s) (in inches), any storage facilities on the property (and storage volume in gallons), and a description of the water conveyance on the property.

ANSWER NO. 7: Objection is made to Interrogatory No. 7 on the grounds that the information requested is equally available to the Tribe as to the Claimant. Notwithstanding the objection, documents containing the information requested in Interrogatory No. 7 are available in the Claimant's licensing file online on the Idaho Department of Water Resources' website at <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

INTERROGATORY NO. 8: If the Claimant(s) assert anyone other than the Coeur d'Alene Tribe owns the submerged lands underlying the claimant's point of diversion please list the name and contact information of such person or entity.

ANSWER NO. 8: Objection is made to Interrogatory No. 8 on the grounds that it is vague, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of any admissible evidence. Notwithstanding the objection, either Claimant or the State of Idaho owns the submerged lands underlying the Claimant's point of diversion.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce any documents you assert support your factual and/or legal basis in answering Requests for Admission Nos. 1-15 and Interrogatories Nos. 1-8.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Objection is made to Request for Production No. 1 on the grounds that it is vague and overly broad. Notwithstanding the objection, Claimant responds as follows: See documents previously produced or referenced and documents produced herewith.

REQUEST FOR PRODUCTION NO. 2: Please produce a true, accurate, correct, and admissible copy of the deed, or other document, by which you acquired title to your property. If you acquired your property by operation of law, please produce any documents which evidence the factual basis of your acquisition.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: See Exhibit A attached hereto.

REQUEST FOR PRODUCTION NO. 3: Please produce a true, accurate, correct, and admissible copy of any title insurance policy (with declarations page) covering the real property to which the water right claim at issue in this matter is appurtenant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Claimant does not have documents responsive to this request.

REQUEST FOR PRODUCTION NO. 4: Please produce a true, accurate, correct, and admissible copy of any available engineering/draftsman drawings, reports, or other documents related to your property's water-system.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Objection is made to Request for Production No. 4 on the grounds that it is overly burdensome and the information requested is equally available to the Tribe as to the Claimant. Notwithstanding the objection, documents requested in Request for Production No. 4 are available in the Claimant's licensing file online on the Idaho Department of Water Resources' website at <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

REQUEST FOR PRODUCTION NO. 5: Please produce a true, accurate, correct, and admissible copy of a scaled elevation-view (side-cut view) diagram of the diversion works at issue in this case. On the diagram, please draw the OHWM and the ordinary low water mark. Please provide the elevation of the pump, the elevation of the high/low point of the water line, the length of the water line (in feet), and depth of pump (in feet below OHWM). Please provide the lowest elevation of the entire diversion works.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: Objection is made to Request for Production No. 5 on the grounds that it is overly burdensome and the information requested is equally available to the Tribe as to the Claimant. Notwithstanding the objection, documents requested in Request for Production No. 5 are available in the Claimant's licensing file online on the Idaho Department of Water Resources' website at <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

REQUEST FOR PRODUCTION NO. 6: Please produce a true, accurate, correct, and admissible copy of a scaled plan-view (top view) diagram of the property and diversion works at issue in this case. On the diagram, please include all property boundaries, structures, pasture, yard, gardens, and other locations where water use is occurring. Please include the

location of the St. Joe River, the location of all components of the diversion works, pump, and water line, and the location of all water conveyance systems on the property.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: Objection is made to Request for Production No. 6 on the grounds that it is overly burdensome and the information requested is equally available to the Tribe as to the Claimant. Notwithstanding the objection, documents requested in Request for Production No. 6 are available in the Claimant's licensing file online on the Idaho Department of Water Resources' website at <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

REQUEST FOR PRODUCTION NO. 7: Please produce a true, accurate, correct, and admissible copy of photos showing the diversion works and water-system, including but not limited to the pump, water lines and/or piping, pump house, and irrigation system.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: Claimant does not have documents responsive to this request.

REQUEST FOR PRODUCTION NO. 8: Please produce a true, accurate, correct, and admissible copy of any deeds, surveys, plats, or other document which relates to the property at the location of your point of diversion. In this request the term "property" means land appurtenant to your point of diversion.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: Documents requested in Request for Production No. 8 are available in the Claimant's licensing file online on the Idaho Department of Water Resources' website at <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx> and the Idaho Department of Water Resources' Coeur d'Alene Spokane River Basin Adjudication claims database at <http://www.srba.state.id.us/SREPT.HTM>. The responding Claimant does not have possession, custody or control of any

additional deeds, surveys, plats, or other documents which relate to the property at the location of the Claimant's point of diversion. See also Response to Request for Production No. 2.

REQUEST FOR PRODUCTION NO. 9: Please produce a true, accurate, correct, and admissible copy of any water withdrawal permit(s) and license(s) and/or encroachment permit(s) you may hold from the Idaho Department of Water Resources and/or the Idaho Department of Lands.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: Objection is made to Request for Production No. 9 on the grounds that it is overly burdensome and the information requested is equally available to the Tribe as to the Claimant. Notwithstanding the objection, documents requested in Request for Production No. 9, if any, are available in the Claimant's licensing file online on the Idaho Department of Water Resources' website at <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx> and by public records request to the Idaho Department of Lands.

REQUEST FOR PRODUCTION NO. 10: Please produce all I.R.C.P. Rule 26 material for any witness listed or noted as an expert witness in your answer to Interrogatories Nos. 5 and 6 above.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: Claimant is unsure, at this time, whom he may call as witnesses at the time of hearing. Claimant reserves the right to supplement this answer in a timely manner prior to hearing and pursuant to any trial schedule produced by the court.

REQUEST FOR PRODUCTION NO. 11: Please produce documents related to available water use data for the diversion works and/or the property.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: Objection is made to Request for Production No. 11 on the grounds that it is overly burdensome and the information requested is equally available to the Tribe as to the Claimant. Notwithstanding the objection, documents requested in Request for Production No. 11 are available in the Claimant's licensing file online on the Idaho Department of Water Resources' website at <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

REQUEST FOR PRODUCTION NO. 12: Please produce any documents related to other sources of water used by the Claimant(s) on the property and/or other claims made in the CSRBA by the Claimant(s) for other water rights appurtenant to the property and/or any additional water use permits or licenses acquired by the claimant since the commencement of the CSRBA for water use appurtenant to the property at issue.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: Objection is made to Request for Production No. 12 on the grounds that it is overly burdensome and the information requested is equally available to the Tribe as to the Claimant. Notwithstanding the objection, documents requested in Request for Production No. 12 are available in the Claimant's licensing file online on the Idaho Department of Water Resources' website at <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx> and the Coeur d'Alene Spokane River Basin Adjudication claims database at <http://www.srba.state.id.us/SREPT.HTM>.

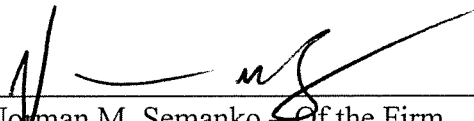
REQUEST FOR PRODUCTION NO. 13: Please produce any other documents which may be relevant to, or support, Claimant(s)' water right claim, Objector's objection, and/or any responses to the objection which have been filed in this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13: Objection is made to Request for Production No. 13 on the grounds that it is overly burdensome and the information

requested is equally available to the Tribe as to the Claimant. Notwithstanding the objection, documents requested in Request for Production No. 13 are available in the Claimant's licensing file online on the Idaho Department of Water Resources' website at <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx> and the Coeur d'Alene Spokane River Basin Adjudication claims database at <http://www.srba.state.id.us/SREPT.HTM>.

DATED this 7th day of March, 2016.

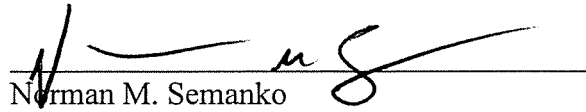
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Norman M. Semanko Of the Firm
Attorneys for Claimant Marshall Law

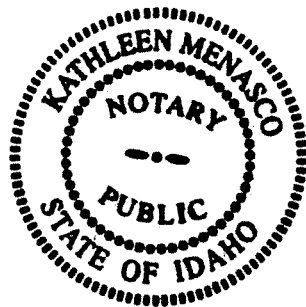
STATE OF IDAHO)
) ss.
County of Ada)

NORMAN M. SEMANKO, being first duly sworn, deposes and says:

He is the attorney for the Claimant Marshall Law in the above-entitled cause and makes this verification for and on behalf of said Claimant; that he has read the foregoing **CLAIMANT MARSHALL LAW'S RESPONSES TO OBJECTOR'S FIRST REQUESTS FOR DISCOVERY**, knows the contents thereof, and that the same are true to the best of his knowledge, information and belief.


Norman M. Semanko

SUBSCRIBED AND SWORN to before me this 7th day of March, 2016.




NOTARY PUBLIC FOR IDAHO
Residing at Meridian Idaho
My Commission Expires 10/9/19

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of March, 2016, I caused a true and correct copy of the foregoing **CLAIMANT MARSHALL LAW'S RESPONSES TO OBJECTOR'S FIRST REQUESTS FOR DISCOVERY** to be served by the method indicated below, and addressed to the following:

Howard A. Funke
Kinzo H. Mihara
Dylan Hedden-Nicely
HOWARD FUNKE & ASSOCIATES, P.C.
424 Sherman Avenue, Suite 308
P.O. Box 969
Coeur d'Alene, Idaho 83816-0969
Facsimile (208) 667-4695

☒ U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile

Chief, Natural Resources Division
OFFICE OF THE ATTORNEY GENERAL
STATE OF IDAHO
P.O. Box 83720
Boise, ID 83720-0010

☒ U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile

Director
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, ID 83720-0098

☒ U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile

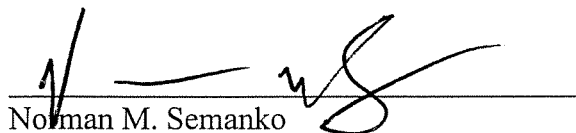

Norman M. Semanko

EXHIBIT A

91-7339

252205

QUITCLAIM DEED

RECEIVED

2008 OCT 10 PM 3 20

J. MICHELE R. CLERK
BENEWAH COUNTY

THIS QUITCLAIM DEED, made between the Grantors Albert D. and Eleanor R. Law

a married couple of, 88929 Highway 3 N, St Maries 83861, Benewah County, State of Idaho, for good consideration do hereby release remise and forever quitclaim all interest in the following described property, situated in the County of Benewah, State of Idaho, to the Grantees Marshall J. and Amanda K. Law a married couple of #9 Ponderosa Park Drive, Kettle Falls, Washington 99141:

SEE ATTACHED EXHIBIT "A"

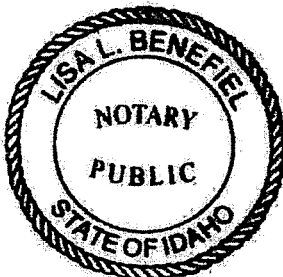
Signed under seal this 10 day of October, 2008

Albert D. Law
Albert D. Law

Eleanor R. Law
Eleanor R. Law

STATE OF IDAHO)
:SS.
COUNTY OF KOOTENAI)

On this 10th day of October, 2008, before me, a Notary Public in and for the State of Idaho, personally appeared Albert D. and Eleanor R. Law, Grantors known or identified to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.



Lisa L. Benefiel
Notary Public for the State of Idaho
Residing at: Harrison
Commission Expires: 02/26/2013

91-7339

EXHIBIT "A"

DESCRIPTION FOR ALBERT LAW
NEW SOUTH PARCEL

A part of the SW1/4 of section 8, Township 46 North, Range 2 West, Boise Meridian, Benewah County, Idaho; more particularly described as follows:

COMMENCING at the West 1/4 section corner of said section, monumented with an iron pipe, 2 inches diameter, with a brass cap, 2-1/2 inches diameter marked RLS 703, from which the Center 1/4 section corner of said section, monumented with an iron pipe, 1-1/2 inches diameter, with a brass cap, 2 inches diameter marked RLS 906, bears North 89°18'00" East, 2849.95 feet (of record as North 89°18'00" East, 2849.67 feet) distant;

thence South 0°03'48" West, 282.50 feet, along the West line of the SW1/4 of said section, to a point on the southerly right-of-way line of STATE HIGHWAY No. 3, monumented with an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766, said point being the POINT OF BEGINNING;

thence traversing said southerly right-of-way line of STATE HIGHWAY No. 3, as follows:

South 78°33'34" East, 298.40 feet to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence 99.67 feet along the arc of a 385.00 foot radius curve right, said curve having a chord bearing South 71°08'34" East, 99.39 feet distant, to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence South 63°43'34" East, 216.90 feet to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence 22.24 feet along the arc of a 435.00 foot radius curve left, said curve having a chord bearing South 65°11'27" East, 22.24 feet distant, to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;

thence South 0°07'57" West, 84.77 feet, and leaving said southerly right-of-way line, to an iron rod, 30 inches long, 5/8 inch diameter, with an aluminum cap, 2 inches diameter marked Witness Corner - PLS 6766;

thence continuing South 0°07'57" West, 5.00 feet to a point on the approximate normal pool or summer storage level of the ST. JOE RIVER, which is witnessed by the aforementioned monument;

thence along said line of approximate normal pool, the meanders of which are as follows:

South 78°30'00" West, 72.77 feet;

thence South 85°00'00" West, 99.00 feet;

thence North 83°00'00" West, 66.00 feet;

thence North 20°00'00" West, 17.00 feet;

thence North 8°00'00" West, 46.00 feet;

thence North 75°00'00" West, 10.00 feet;

thence South 7°00'00" East, 62.00 feet;

thence South 76°00'00" West, 37.00 feet;

thence South 84°00'00" West, 70.00 feet;

thence North 89°30'00" West, 89.00 feet;

thence North 88°30'00" West, 168.77 feet to a point on the West line of the SW1/4 of said section;

thence North 0°03'48" East, 5.00 feet, and leaving said line of approximate normal pool along said West line, to an iron rod, 30 inches long, 5/8 inch diameter, with an aluminum cap, 2 inches diameter, marked Witness Corner - PLS 6766, witnessing the aforementioned point;

thence continuing North 0°03'48" East, 297.98 feet along said West line, to the POINT OF BEGINNING.

This parcel contains 3.1 acres, more or less.

EXCEPTING THEREFROM

that part, if any, lying below the ordinary high water mark of the St. Joe River as claimed by the Coeur d'Alene Tribe and/or the State of Idaho.

TOGETHER WITH

any riparian rights pertaining

SUBJECT TO AND TOGETHER WITH

any easements, rights, restrictions or reservations of record or view

The above meanders are not an attempt to retrace the General Land Office meanders of the St. Joe River, nor an attempt to determine the ownership of the upland owner.