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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Claimant Paul Ebert

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. 92-7027

**CLAIMANT PAUL EBERT'S
RESPONSES TO OBJECTOR'S FIRST
REQUESTS FOR DISCOVERY**

Paul Ebert,

Claimant,

vs.

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

Objector.

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

**CLAIMANT PAUL EBERT'S RESPONSES TO OBJECTOR'S
FIRST REQUESTS FOR DISCOVERY - 1**

COPY

Client:4088617.1

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, Paul Ebert, 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>.

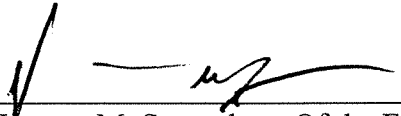
REQUEST FOR PRODUCTION NO. 13: Please produce any other documents which may be relevant to, or support, Claimant(s)' water right claim, Objector's objection, and/or any responses to the objection which have been filed in this matter.

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

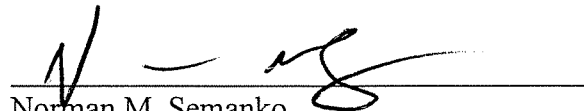
By 

Norman M. Semanko – Of the Firm
Attorneys for Claimant Paul Ebert

STATE OF IDAHO)
) ss.
County of Ada)

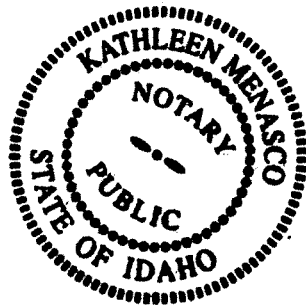
NORMAN M. SEMANKO, being first duly sworn, deposes and says:

He is the attorney for the Claimant Paul Ebert in the above-entitled cause and makes this verification for and on behalf of said Claimant; that he has read the foregoing **CLAIMANT PAUL EBERT'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 12/19/19

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 PAUL EBERT'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

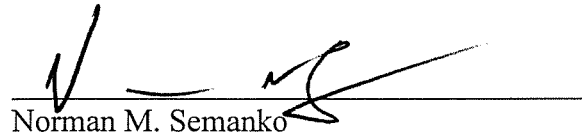
☒ U.S. Mail, Postage Prepaid
() Hand Delivered
() Overnight Mail
() Facsimile

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

THIS INDENTURE, Made the 14th day of July in the year of our Lord one thousand nine hundred and Sixty Four, between Archie Pierce, and Wilma M. Pierce, his wife of Benewah County, State of Idaho, parties of the first part, and Arthur M. Bryntesen and Alta Mae Bryntesen, his wife of Benewah County, State of Idaho, parties of the second part.

WITNESSETH, That said parties of the first part, for and in consideration of the sum of TEN AND NO/100 - - - - - (\$10.00) - - - - - Dollars in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged and the said parties of the second part forever released and discharged therefrom have granted, bargained, sold, remised, released, alienated, and confirmed and by these presents do grant, bargain, sell, release, alienate and confirm unto the said parties of the second part, and to their heirs and assigns, forever all the following described lot, piece, or parcel of land situated in the county of Benewah and State of Idaho, and known and described as follows, to-wit:

A parcel of land in Lot 1 Section 8 Township 46 North Range 2 WBM more particularly described as follows: Beginning at a point on the west line of the right-of-way of Highway 95A as now laid out, 1790 feet from the east line of Lot 2 of said section, thence easterly along said right-of-way line a distance of 150' to a point, thence at right angles to said right-of-way line, westerly a distance of 198 feet more or less to the bank of the St. Joe River, thence northwesterly along said bank of the St. Joe River, a distance of 163½ feet to a point, thence easterly, and parallel to the south line of said tract, a distance of 134 feet to the place of beginning.

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof and all the estate, right, title, interest, claim, or demand whatsoever of the said parties of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances, to have and to hold the said premises above bargained and described, with the appurtenances unto the said parties of the second part their heirs and assigns forever.

And that the said parties of the first part, for themselves and their heirs, executors and administrators do covenant, grant, bargain and agree to and with the said parties of the second part their heirs and assigns, that at the time of ensealing delivery of these presents they are well seized of the premises above conveyed as of good, sure, perfect, absolute and indefeasible estate of inheritance in law and fee simple and have good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid; and that the same are free and clear of all former or other grants, bargains, sales, liens, taxes, assessments and incumbrances of what kind or nature soever:

and the above bargained premises in the quiet and peaceable possession of said parties of sec-

bargained and described, with the appurtenances unto the said parties of the second part
their heirs and assigns forever.

And that the said parties of the first part, for themselves and their heirs,
executors and administrators do covenant, grant, bargain and agree to and with the
said parties of the second part their heirs and assigns, that at the time of ensealing de-
livery of these presents they are well seized of the premises above conveyed as of
good, sure, perfect, absolute and indefeasible estate of inheritance in law and fee simple and
have good right, full power and lawful authority to grant, bargain, sell and convey the same
in manner and form aforesaid; and that the same are free and clear of all former or other grants,
bargains, sales, liens, taxes, assessments and incumbrances of what kind or nature soever:

and the above bargained premises in the quiet and peaceable possession of said parties of sec-
ond part their heirs and assigns against all and every person or persons lawfully claim-
ing or to claim the whole or any part thereof, the said parties of the first part shall and will
warrant and defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto
set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of



Archie Pierce, (SEAL)
Wilma M Pierce (SEAL)
(SEAL)
(SEAL)

92-7027

STATE OF IDAHO, }
County of Benewah, } ss.

I, _____ the undersigned Notary Public _____ in and for said County, in the State aforesaid, do hereby certify that _____ Archie Pierce, and Wilma M. Pierce _____ his wife, personally known to me as the real person s whose name s are _____ subscribed to the foregoing Deed, appeared before me in person, and acknowledged that the y executed and delivered the said Deed as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial seal this 31st day of July in the year of our Lord, one thousand nine hundred and Sixty Four

NOTARY PUBLIC, State of Idaho
Resident at St. Paul, Idaho
My commission expires Feb. 24, 1967

Ray A. Bowen

DEED, WARRANTY

INDEXED
104434
EX-104

TO

Dated _____ 19____

STATE OF IDAHO, }
County of Benewah, } ss.

Filed for record at the request of

Archie Pierce, Wilma M. Pierce

on the 25 day of March

1964, at 1:24 o'clock, P.M.

and recorded in book 0-2

of Deeds on page 403

Levi Meigs
County Recorder

By *Frank Leonard*
Deputy

Fees, \$ 2.00

RETURN TO