

**SUPPLEMENTAL DIRECTOR'S REPORT
REGARDING SUBCASE NO. 92-10502**

In Re CSRBA
Twin Falls County Civil Case No. 49576

Report to the CSRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Director
Carter Fritschle, Manager, Adjudication Section

April 20, 2016

I. Introduction

In accordance with Idaho Code § 42-1412(4) and Administrative Order 1, the Director of the Idaho Department of Water Resources (“IDWR”) submits this Supplemental Director’s Report (“Report”) regarding water right claim 92-10502. This Report was prepared under the supervision of Gary Spackman, Director, and Carter Fritschle, Manager, Adjudication Section. Carter Fritschle has knowledge of the information contained in this Report.

II. Summary of the Issue

At issue is IDWR’s recommendation in the Basin 92 Director’s Report for Coeur d’Alene-Spokane River Basin Adjudication (CSRBA) Claim No. 92-10502 (formerly licensed water right 92-7090). Prior to filing the Basin 92 Director’s Report, IDWR received three separate claims for water right 92-7090. After investigation of the claim, IDWR was unable to make a determination which, or if any, of the claimants had exclusive ownership of the water right. In the Basin 92 Director’s Report, IDWR listed as owners, in a single recommendation, all of the claimants on the three separate claims filed for water right 92-7090. The recommendation was reported as Claim No. 92-10502. Claimants, Jeffery P. Baker and Douglas A. McInturff, filed objections to the Director’s Report for 92-10502. William Ross filed a response to those objections. The parties dispute the ownership of the right. This Report describes the complex situation concerning ownership of water right 92-10502.

III. Discussion

In preparing the Director’s Report recommendation for 92-10502, IDWR reviewed the documents in water right license file 92-7090. Additional documents were sent to IDWR, or

obtained by IDWR to assist in the preparation of this Report. The documents discussed in this Report are attached as Attachments A – EE¹:

- A. Application for Permit 92-7090, approved September 24, 1981.
- B. Articles of Incorporation for St. Maries Wild Rice, Inc., dated February 8, 1984.
- C. Certificate of Incorporation for St. Maries Wild Rice, Inc., dated February 13, 1984.
- D. Proof of Beneficial Use for Permit No. 92-7090, received August 18, 1986.
- E. Letter from IDWR to St. Maries Wild Rice Growers, dated September 23, 1986.
- F. Assignment of Permit No. 92-7090, received September 29, 1986.
- G. Field Examination Report, dated July 8, 1987.
- H. Idaho Corporation Annual Report, St. Maries Wild Rice, Inc., filed July 20, 1987.
- I. Letter to IDWR from Al W. Bruner, dated November 18, 1988.
- J. Water Right License 92-7090 to St. Maries Wild Rice, dated May 15, 1992.
- K. Letter to IDWR from Jeffery P. Baker, dated March 19, 1993.
- L. Application for Transfer No. 4919 of Water Right 92-7090, dated March 22, 1993.
- M. Transfer Analysis Sheet for Transfer No. 4919.
- N. Letter to IDWR from Jeffery P. Baker, dated June 7, 1993.
- O. Application for Transfer No. 4547, received at IDWR's Northern Region Office on December 19, 1994.
- P. Notice of Application for Water Right Transfer No. 4547 published in the St. Maries Gazette on February 15 and 22, 1995.
- Q. Approved Transfer No. 4547, dated April 12, 1995.
- R. St. Maries Wild Rice Sales Agreement, dated July 15, 2001.
- S. Change of Ownership, McInturff, dated August 17, 2005.
- T. Acknowledgment of Change of Ownership, dated December 5, 2006.
- U. Letter of Agreement between McInturff and Baker, dated September 9, 2008.
- V. Notice of Claim, Baker, dated November 9, 2009.
- W. Notice of Claim, McInturff, dated June 6, 2011.
- X. Statement from Jeffery P. and Mary Lou Baker, dated October 1, 2012.
- Y. Letter informing Baker of renumber to 92-10502, dated September 11, 2012.
- Z. Letter from Baker to Maxey, dated January 17, 2014.
- AA. Notice of Claim, from Ross, dated April 23, 2014.
- BB. Notice of Error Reply Letter from Baker, dated September 4, 2014.
- CC. Partial Decree for Water Right 92-7175, dated September 25, 2015.
- DD. Partial Decree for Water Right 92-7215, dated September 25, 2015.
- EE. Aerial map of 92-10502 place of use with parcel numbers.

History of Water Right 92-7090

Application for Permit 92-7090 was received on July 21, 1981. Attachment A. The application was in the name of St. Maries Wild Rice Growers, and signed by Al W. Bruner as the

¹ The Attachments are listed chronologically, which may not reflect where they appear in the Report.

Manager/Consultant of the organization. St. Maries Wild Rice Growers did not own the property on which the place of use is located. Therefore the application for permit required St. Maries Wild Rice Growers to include the name of the property owner and the arrangement that authorized use of the property. The application listed Albert Best as the property owner and cited a "Sharecrop/long term lease" as the arrangement providing access to the place of use. Attachment A.

IDWR approved permit 92-7090 on September 24, 1981. Attachment A. The permit stated "issuance of this permit in no way grants a right-of-way or easement across the land of another." On August 18, 1986, IDWR received proof of beneficial use for Permit No. 92-7090 signed by Al Bruner as Co-Owner/Field Manager of St. Maries Wild Rice, Inc. Attachment D. The form listed the permit holder as St. Maries Wild Rice, Inc. Because the name of the permit holder on the proof of beneficial use did not match the name of the applicant, IDWR requested an assignment of Permit No. 92-7090. Attachment E. IDWR received an assignment of Permit No. 92-7090 on September 29, 1986 from Al W. Bruner. Attachment F.

On July 8, 1987, IDWR conducted a field examination for 92-7090. Attachment G. Al Bruner, cited as President of St. Maries Wild Rice Inc., accompanied the examiner. IDWR issued water right license 92-7090 on May 15, 1992 in the name of St. Maries Wild Rice, Inc. Attachment J.

Company and Land Ownership

On February 13, 1984, Jeffery P. Baker and Steven W. Bruner incorporated St. Maries Wild Rice, Inc. Attachments B & C. On, July 20, 1987, Al W. Bruner filed the 1987 annual report for St. Maries Wild Rice Inc. Attachment H. This annual report replaced Steven W. Bruner with Al. W. Bruner as the registered agent, and listed Jeffrey P. Baker as President, and

Al W. Brunner as Secretary. In a letter to IDWR dated November 18, 1988, Al W. Bruner and Jeffrey P. Baker were identified as “partners, directors and officers” of St. Maries Wild Rice Inc. Attachment I.

On March 24, 1993, IDWR received a letter from Jeffery P. Baker stating that he was “taking over the wild rice lease not only of [his] own field, but also the field of [his] mother-in-law.” Attachment K. The letter accompanied an application for transfer seeking to add a point of diversion to 92-7090. Attachment L. The transfer was assigned Transfer No. 4149. The transfer analysis sheet indicated proof of ownership was reviewed noting that Baker was President of St. Maries Wild Rice, Inc. Attachment M. Prior to IDWR approval, Transfer No. 4149 was withdrawn by Mr. Baker through a letter dated June 7, 1993. Attachment N.

On December 19, 1994, Jeffery P. Baker filed a second application for transfer to add a point of diversion to water right 92-7090. Attachment O. This application for transfer was assigned Transfer No. 4547, and was essentially identical to Transfer No. 4149. Notice of the transfer was published in the St. Maries Gazette Record on February 15 and 22, 1995. Attachment P. The publication stated that Jeffery P. Baker was the holder of the water right. On April 12, 1995, IDWR approved Transfer No. 4547 and listed Jeffery P. Baker as the owner on the approved transfer document. Attachment Q.

Mr. Bruner sold his company in 2001 to Douglas McInturff. Attachment R. The sale agreement specifically discussed water rights stating:

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

On August 17, 2005, the McInturffs submitted a change of ownership form for water right 92-7090. Attachment S. The change in ownership form included the sale agreement between McInturff and Bruner from 2001. Attachment R. IDWR updated its records to reflect the ownership change. Attachment T. In 2008, the Bakers and McInturffs entered into a lease agreement that authorized the McInturffs to use the Bakers' property. Attachment U. That lease ended in 2014. IDWR has confirmed through county tax lot data that the Jeffrey and Mary Lou Baker Living Trust owns parcel RP45N02W02100C and William Ross owns parcel RP45N02W021004. The two parcels contain the place of use for claim 92-10502. Attachment EE.

Adjudication

On November 10, 2009, IDWR received a CSRBA Notice of Claim to a Water Right for 92-7090 from Jeffery P. Baker². Attachment V. On June 6, 2011, IDWR received a competing claim for the same water right from Douglas and Darcy McInturff³. Attachment W. IDWR renumbered 92-7090 to 92-10502 in September 2012. Attachment Y. Upon learning that Douglas McInturff filed a competing claim, Jeffrey and Mary Lou Baker submitted letters to IDWR outlining why they thought the McInturffs did not own 92-7090. Attachment X and Z. William H. Ross submitted a competing claim for 92-7090 on March 25, 2014⁴. Attachment AA.

On September 4, 2014, IDWR received a notice of error reply from Jeffery P. Baker stating that the listed owners on the water right should appear as "Jeffery P. & Mary Lou Baker, as Trustees of the Jeffery & Mary Lou Baker Living Trust." Attachment BB.

² The Jeffrey and Mary Lou Baker Living Trust also has partial decrees for water rights 92-7175 and 92-7215. Attachments CC & DD.

³ IDWR numbered the claim 92-10503.

⁴ IDWR numbered the claim 92-10925.

IV. Conclusion

Based on the information presented above, IDWR determined there to be a conflict concerning ownership. All three parties; the Bakers, McInturffs, and Rosses may have an interest in water right 92-10502. Because IDWR was not able to determine which, if any, of the claimants had exclusive ownership of the water right, all three claimants were listed as owners in the recommendation.

Submitted this 20th day of April, 2016.


Carter Fritschle
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of April, 2016, I caused to be served a copy of the SUPPLEMENTAL DIRECTOR'S REPORT REGARDING SUBCASE NO 92-10502 by the following method to:

1. Original to:

Clerk of the District Court
CSRBA
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-delivered
☐ Facsimile

2. Copies to:

IDWR Document Depository
322 East Front St.
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-delivered
☐ Facsimile

William Ross
P.O. Box 161
St Maries, ID 83861

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Darcy McInturff
Douglas McInturff
17786 E Canary Creek Rd
Cataldo, ID 83810

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Jeffrey P Baker
715 N Chisholm Ct
Post Falls, ID 83854

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person delivering this document



Attachments

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To appropriate the public waters of the State of Idaho

1. Name of applicant ST MARIES WILD RICE GROWERS Phone 689-3259

Post office address c/o Al Bruner, Route 2, Box 176, Harrison, Idaho 83833

2. Source of water supply St. Maries River which is a tributary of St Joe River

3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2 Township 45N

Range 2W B.M. Benewah County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 26 cfs for irrigation purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. ~~2.6~~ 2.6 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. A 24" screw gate with attached CMP
has been installed for years and will be utilized as the inflow structure.
Post season drainage will be by pump installed downstream.

b. Height of storage dam none feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated 130

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion Albert Best, StMaries River Road, StMaries, Id.

b. Who owns the land to be irrigated or place of use same

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Sharecrop/long term lease

10. Remarks Commercial production of wild rice is to be undertaken which requires
the farmland to be flooded at a depth of 24" for an extended period.

Kings Pk 28

Match

RESERVATION

INDIAN

Suckney Gulch



WATER TANK

GRAVEL PIT

ST. PAUL

12.13

ANNU

River

Thom

Point of Discharge
Point of Division

St. Maries

Syringa

RECORDED
MAR 09 1951

T 45N

Canyon

30

31

27

24

3

10

16

3

B.M.
2152.71

R2W 35

R1W

A full-page sheet of white graph paper featuring a uniform grid of thin black lines. The grid consists of 20 columns and 20 rows, creating a total of 400 small squares. There are no margins, text, or other markings on the page.

(Applicant)
(Manager/Consultant)

Processed Priority 7/21/1981

Received by pm Date 7/21/81 Time 11:04am
Preliminary check by pm Fee \$ 85.00
Received by pm Date 7/22/81 (18256)
Publication prepared by pm Date 7/23/81
Published in J. Meris Fayette Record
Publication dates 7/29 + 8/5/81
Publication approved pm Date 8/21/81
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by RWH RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 92-7090, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 24th day of September, 19 81

J. Glen Saxton
Chief, Operations Bureau

MICROFILMED
MAR 09 1981

ARTICLES OF INCORPORATION
OF
ST. MARIES WILD RICE, INC.

FEB 17 2 45 PM '84

The undersigned, acting as incorporators of a corporation under the Idaho Business Corporation Act, adopt the following Articles of Incorporation for such corporation:

- FIRST: The name of the corporation is ST. MARIES WILDRICE, INC.
- SECOND: The period of its duration is perpetual.
- THIRD: The purposes for which the corporation is organized are to grow, process and market wild rice, together with all related activities and the transaction of any and all lawful business for which corporations may be incorporated under the Idaho Business Corporation Act.
- FOURTH: The aggregate number of shares which the corporation shall have authority to issue is 100,000 shares, with no par value per share.
- FIFTH: There are no provisions denying pre-emptive rights.
- SIXTH: The internal affairs of the corporation shall be governed by a duly adopted Code of Bylaws which shall be consistent with these Articles of Incorporation and the laws of the State of Idaho.
- SEVENTH: The address of the initial registered office of the corporation is Route 1, Box 24, Harrison, Idaho 83833, (the physical location being 1.0 miles from State Highway 97 on O'Gara Road), County of Kootenai, State of Idaho, and the name of the registered agent at such address is STEVEN W. BRUNER.
- EIGHTH: The number of directors constituting the initial Board of Directors of the corporation is two (2), and the names and addresses of the persons who are to serve as directors until the first annual meeting of shareholders,

or until their successors are elected and shall qualify, are:

JEFFREY P. BAKER

984 Wellwood Road
Apt. 28R
Midvale, Utah 84047

STEVEN W. BRUNER

Route 1, Box 24
Harrison, Idaho 83833

NINTH: The name and address of each incorporator is:

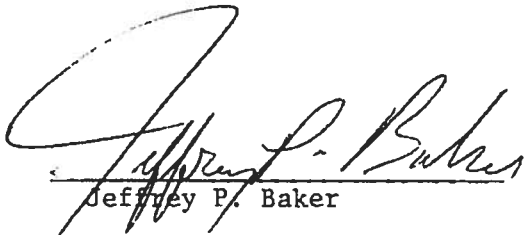
JEFFREY P. BAKER

984 Wellwood Road
Apt. 28R
Midvale, Utah 84047

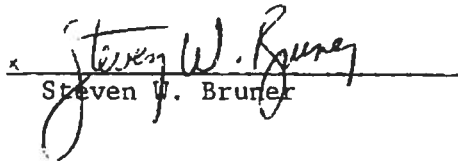
STEVEN W. BRUNER

Route 1, Box 24
Harrison, Idaho 83833

DATED this 8 day of February, 1984.



Jeffrey P. Baker

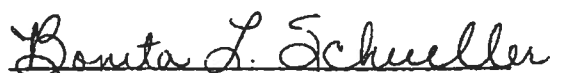


Steven W. Bruner

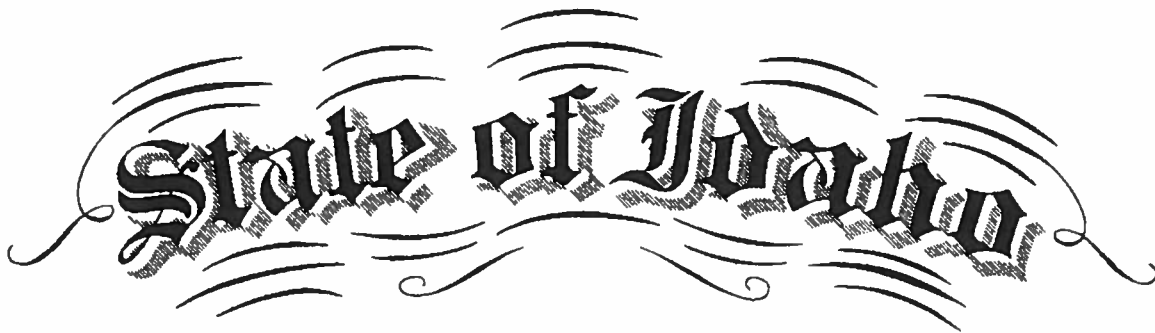
STATE OF IDAHO,)
 : ss
County of Benewah)

On this 8 day of February, 1984, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared JEFFREY P. BAKER and STEVEN W. BRUNER, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



Notary Public - State of Idaho
Residing at St. Maries therein
My commission expires: 3/84



Department of State.

**CERTIFICATE OF INCORPORATION
OF**

ST. MARIES WILDRICE, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that
duplicate originals of Articles of Incorporation for the incorporation of _____

ST. MARIES WILDRICE, INC.

duly signed pursuant to the provisions of the Idaho Business Corporation Act, have been received
in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of
Incorporation and attach hereto a duplicate original of the Articles of Incorporation.

Dated: **February 13, 1984**



Pete T. Cenarrusa

SECRETARY OF STATE

by: _____

Form 03/86

RECEIVED

AUG 18 1986

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received \$150.00

Date 8-18-86

Receipt # 38926

Receipt by lg

Reviewed by _____

Sent to region _____

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 92-7090

Name(s) of Permit Holder: St. Marie Wild Rice, Inc.

Post Office Address: Box 293 St. Marie, Idaho 83861 (not change)

Telephone No. (208) 245-5835

Source of Water: St. Marie River

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation 130 max (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 2.6 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: Approx Nov. 1981

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

Fee enclosed \$ 150.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination: MAR 04 1981

Al W. Bruner
(Name)

(208) 245-5835 or Home 689-3259
(Telephone Number)

PO Box 293, St. Marie, Idaho 83861
(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

July 8, 1986
Date

Al W. Bruner Co-owner / Field Manager
Signature of Permit Holder (and title, if appropriate)

Attachment D

150.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

A. KENNETH DUNN

Mailing address
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 23, 1986

St. Maries Wild Rice Growers
c/o Al Bruner
Box 293
St. Maries, ID 83861

Dear Mr. Bruner:

Re: Permit No. 92-7090

On August 18, 1986, the department received the proof of beneficial use form submitted for the above referenced permit. I note that the name has been changed from St. Maries Wild Rice Growers to St. Maries Wild Rice Inc. Before the proof form is acceptable, an assignment recording the name change must be made.

Enclosed is a partially completed assignment form. Please review it, sign it before a notary public and return it to this office. Upon receipt, the department will continue processing the proof form.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

MAR 09 1987

Attachment E

State of Idaho
Department of Water Resources

RECEIVED
SEP 29 1986

ASSIGNMENT OF PERMIT

Department of Water Resources

Al Bruner representing
I, ST. MARIES WILD RICE GROWERS, hereby assign to ST. MARIES WILD RICE INC.
of PO Box 293, St marie, Idaho 83861
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 92-7090
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 25th day of September, 19 86.

X Al W Bruner
Permit Holder
CO Owner/manager

Spouse of Permit Holder

State of Idaho)
County of Benewah) ss.

On this 25th day of September, 19 86, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Genevieve J. Tester
Notary Public residing at St. maries
Lifetime Commission

My commission expires:
Lifetime **MAR 09 1987**

MICROFILMED

Attachment F



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PERMIT # 92-7090

INITIALS

gate valve

Pump #1

92-7090

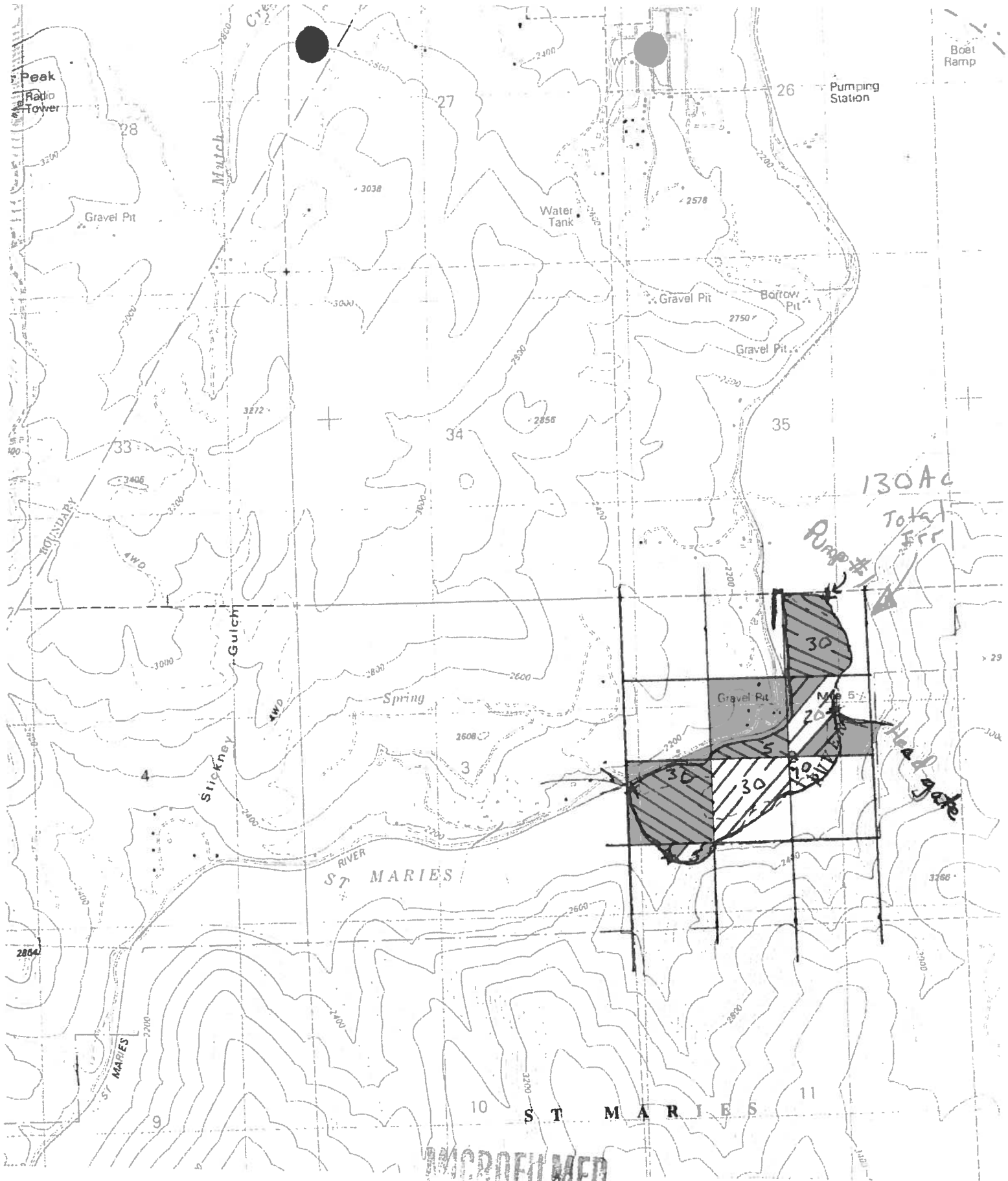
MICROFILMED

JUN 29 1992

Pump #2



Attachment G



T 45 N

R 2W

JUN 29 1992

SEC. 2

92-7090

EXAM DATE - 7-8-87

11 mi. COUNTY DUMPSTER + 1/4 mi. TRAIL ACROSS DIRT

T45N
R2W

92-7090



Ser. 10.

Ser. 11.

Ser. 12.

RECORDED

JUN 29 1992

Gov't Lots
2, 5, 8, 9, 10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 24 1991

Department of Water Resources

A. GENERAL INFORMATION

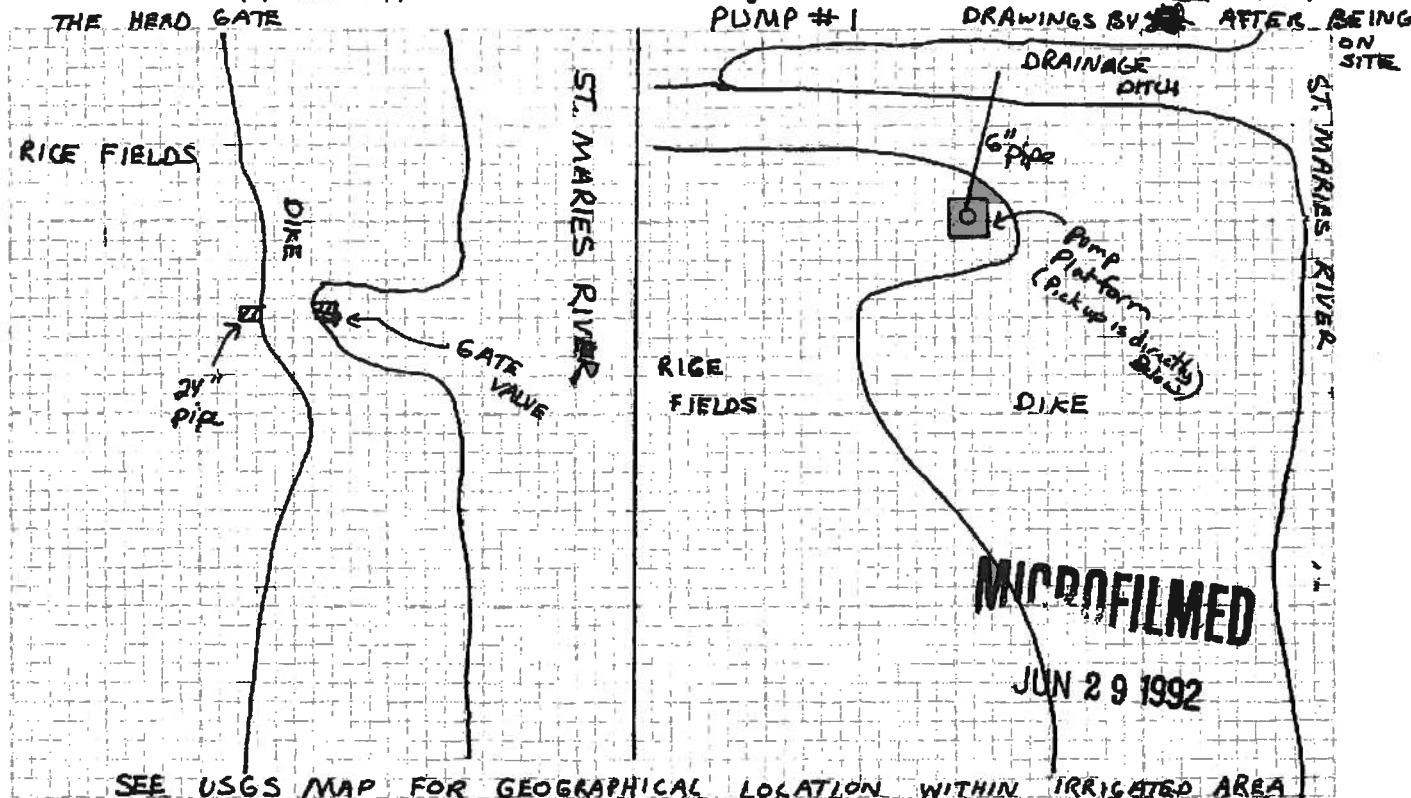
- Permit No. 92-7090
1. Owner: St. Maries Wild Rice Inc. Phone No. 245-5835
Current Address: Box 293, St. Maries, Idaho 83861
2. Accompanied by: Al Bruner EXAM. DATE: ~~6-30-87~~ 7-8-87
Address: Box 293, St. Maries, Id. Phone No. SAME
Relationship to Permit Holder: President
3. Source: St. Maries River tributary to St. Joe River

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE ☐ Copies Attached
2. Other water rights with same point of diversion: NONE SEE REMARKS TDK ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached AERIAL NOT AVAILABLE - k (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

System Description (continued)

- 3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)**

Irr. Ac. are filled by springs and runoff, at high water a gate can ^{24"} inlet water to equalize levels, a 5 hp pump, pumps water out of field when excess occurs. When gate is opened as supplement #2 pump is used. ^{for} ~~to~~ ≈ 40 Ac. Not in use during exam but previous use has occurred. Flood irr. $\approx 18"$ Ave. deep.

#2 PUMP CONSIST OF; 12" INTAKE EXTRACTOR PTO & PUMP, 6" OPEN DISCHARGE INTO FIELD FOR FLOOD IRR. EXCESS WATER DISCHARGED INTO ST. MARYS RIVER WITHIN $\frac{1}{2}$ MILE S. 2 T45N, R2W TDK

$$z''_{\text{headst.}} = z'$$
☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
For outflow	Century	5			6"
For Supplement	Chris-Fuller	65			~~8"~~ 6"

***Code to correspond with No. on map and aerial photo**

- 5. Point(s) of Diversion:**

[illegible]

Map-Permit

- 6. Place(s) of Use:**

Indicate Method of Determination

[illegible]

Total

130

MINUTES

Do not use this space

JUN 29 1992

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PORTABLE METER		HERSHEY SPARKING		1D 4333	12"	

2. Measurements:

~~NO MEASUREMENT POSSIBLE~~
 (7 REV/MIN) (.001 AF/REV) (43560 AF/AF) (60 360°/MIN)

$$\frac{(7)(.001)(43560)}{60} = 5.08 \text{ cfs}$$

 PUMP IS ON TRACTOR PTO
 Q CAN BE GREATER OR LESS TDK

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$Q = 2.6$ via permit = .02(130) = 2.6 cfs
 irr. req. per AC.

2. Alternate Method for Checking Purposes:

$$Q = \frac{65(8.8)(.75)}{2.3(60) + 2} = 3.06 \text{ cfs}$$

 From St. Maries River For Supplement Approx. For irr.

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (130 \text{ Acres Irrigated}) \times (3.0 \text{ Irrigation Requirement}) = 390$

$V_{D.R.} = [2.6 \text{ Diversion Rate (cfs)}] \times (245 \text{ Days in Irrigation Season}) \times 1.9835 = 1263$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 390$

2. Volume Calculations for Other Uses:

$V_{\text{Storage}} = 18" \text{ deep} \times 130 \text{ AC} \times \frac{Ft}{12 \text{ in}} = 195$
 For & From irr

MICROFILMED
 JUN 29 1992

H. REMARKS AND OVERLAP REVIEW ANALYSIS

NONE

#2 PUMP SAME PUMP AS DESCRIBED AS #1 PUMP IN 91-7176 & AS #2 PUMP IN 91-7094

I. RECOMMENDATIONS

1. Recommended Amounts

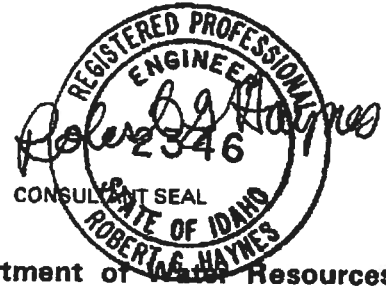
Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3-15	11-15	2.6 cfs	390 195 AF
STORAGE FOR IRR	3-15	11-15		195
Totals:			2.6 cfs	585 195 AF

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name Jennifer Arques
Signature Jennifer Arques
Certification Date _____
Field Report Preparation Date 7-8-87



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

RECORDED

JUN 29 1992

No. 075038	Idaho Corporation Annual Report Form		2. Registered Agent and Office	
Return To Secretary of State Room 203, Statehouse Boise, ID 83720 SEC. OF STATE 87 JUL 20 PM 2 13	Due No Later Than November 1, 1987		A1 W	
	1. Mailing Address — Please Correct: 075038		~~STEVEN W. BRUNER~~	
	ST. MARIES WILDRICE, INC. ~~STEVEN W. BRUNER~~ P. O. BOX 293 ST. MARIES, IDAHO 83861		ST. MARIES AIRPORT Bldg #1 ST. MARIES, IDAHO 83861	
4. Names and Addresses of Officers and Directors			3. Incorporated Under The Laws of STATE OF IDAHO	
President: Secretary: Directors:	Name Jeffrey P. Baker A1 W. Bruner	Street or P.O. Address Box 293 " 71	City St. Maries Harrison	State Zip ID 83861 ID 83833
5. Nature of Business Agricultural farming & processing of Wild Rice		6. I certify that this Annual Report has been examined by me and is to the best of my knowledge true, correct and complete. Signature <u>A1 W. Bruner</u> Date <u>6-30-87</u> Name (Typed or Printed) <u>A1 W. Bruner</u> Title <u>Sec/Treas</u>		

ENTERED
JUL 28 1987

10000500 2042



**ST. MARIES
WILD RICE**

P.O. Box 293
St. Maries, ID 83861
(208) 243-5835

One mile west on Hwy. 3 at the St. Maries Airport

NOV 95 1988

November 18, 1988

Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720

RE: Application for Permit No. 92-7183

As per your request, the names and addresses of all partners, directors and officers of St Maries Wild Rice, Inc. are as follows: Directors are the same in this "S" Corporation.

President: Jeffrey P. Baker
11770 S. Elderberry Way
Sandy, UT 84092

Sec/Treas. Al W. Bruner
Gen. Mgr. PO Box 71
Harrison, ID 83833

Sincerely,

Al W. Bruner

"Premium quality Idaho grown wild rice"

RECEIVED

JUL 08 1993

Attachment I

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 92-07090

Priority: July 21, 1981

Maximum Diversion Rate: 2.60 CFS
Maximum Diversion Volume: 390.0 AF

This is to certify, that ST. MARIES WILD RICE INC.

P.O. BOX 293

ST. MARIES ID 838610000 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 21, 1981; and has submitted Proof of Beneficial Use on August 18, 1986. An examination indicates that the works have a diversion capacity of 3.060 cfs of water from:

ST. MARIES RIVER tributary to ST. JOE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.60 CFS	390.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 2, Township 45N, Range 02W
BENEWAH County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
45N	02W	2	NWNE 30	SWNE 20	SENE 5	
			NESW 30	NWSW 30	SWSW 5	
			NWSE 10			130

Total number of acres irrigated: 130

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

RECORDED

JUN 29 1992

State of Idaho
Department of Water Resources

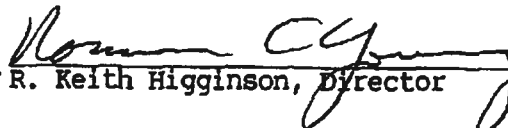
WATER RIGHT LICENSE

WATER RIGHT NO. 92-07090

CONDITIONS/REMARKS:

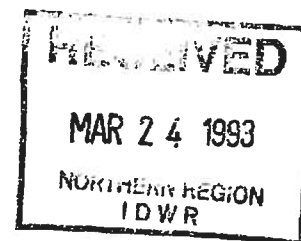
6. The issuance of this right in no way grants any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 15TH day of MAY, 1992.


Acting for R. Keith Higginson, Director

JUN 29 1992

March 19, 1993



Mr. Ken Knoblock
Department of Water Resources
Northern Region Office
1910 Northwest Blvd - Suite 210
Coeur d'Alene, ID 83814-2615

Dear Ken,

As I mention to you on the phone, I am taking over the wild rice lease not only of my own field, but also the field of my mother-in-law. I would like to make the irrigation system more efficient by installing an electric pump on each field and locate the pump near the existing power transmission line.

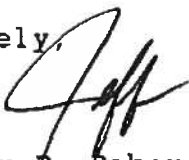
Enclosed is my "Application for Transfer of Water Right" requesting a change in the point of diversion into my mother-in-law's field. I understand a transfer is not needed in my field because the new point of diversion is within the same forty acre field.

The requested flow rate will remain at 1 cfs. I may request a higher rate later after working out a new irrigation schedule with the Soil Conservation Service.

I am also sending a copy of the enclosed "Joint Application for Permit" to the Corps of Engineers requesting their approval of the project.

Please let me know if you need any further information.

Sincerely,


Jeffrey P. Baker
11770 So. Elderberry Way
Sandy, Utah 84092
(801) 571-4951

*left message
with person about
\$50.00/mo fee.
4/30 5/5
JEFF SAID
HE WOULD
SEND FEE*

Attachment K

MAILED
JUL 08 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4149

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED

JUN 18 1993

PART 1

ST. MARIES WIND RICE INC

Name of applicant JEFFREY P. BAKER Phone (801) 571-4951

Post Office address 11770 So. ELDERBERRY WAY, SANDY, UT 84092

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes THE PROPOSED ADDED DIVERSION POINT IS DESIREABLE BECAUSE OF IT'S PROXIMITY TO EXISTING ELECTRICAL POWER TRANSMISSION LINES TO BE USED TO SUPPLY POWER TO AN ELECTRICAL IRRIGATION PUMP.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|---|----------|-----------------------|------------------|----------------|
| 927090 | 7/21/81 | 2.6 CFS | IRRIGATION | JUN 1 to OCT 1 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred <u>1</u> cubic feet per second and/or _____ acre-feet per annum. | | | | |
| 3. Source of water <u>ST. MARIES RIVER</u> tributary to <u>ST. JOE</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use:

[illegible]

Attachment L

Total acres 45/30

PART 1

6. General Information:

a. Description of diversion system A 24" CULVERT WILL BE PLACED INTO RIVER TO BE USED FOR BOTH DRAINAGE AND A SOURCE OF IRRIGATION WATER. A 4' DIAMETER STANDPIPE WILL BE ATTACHED ON THE FIELD SIDE WITH AN ELECTRIC PUMP INSTALLED. (SEE ATTACHE DRAWING)

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ✓ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

THE EFFECT ON THE LAND WILL NOT BE CHANGED. THE CHANGE WILL BE THAT A MORE EFFICIENT ELECTRIC PUMP CAN BE USED INSTEAD OF A TRACTOR PTO DRIVEN PUMP.

d. Remarks:

TIME IS OF THE ESSENCE IN THE APPROVAL PROCESS SINCE IT IS DESIREABLE TO BEGIN THE WORK BEFORE THE RIVER REACHES SUMMER LEVEL.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____

RECEIVED

JUL 08 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 927090 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water ST. MARIES RIVER tributary to ST. JOE

4. Date or priority _____

5. Water is used for the following purpose:

amount 1 CFS for IRRIGATION purposes from JUN 1 to OCT 1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	E	SW	NE	2	45N	2W	BENEWAH	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
45N	2W	2		30	20					5	30	30	5			10			65-130

JUL 08 1993

Total acres 65 130

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

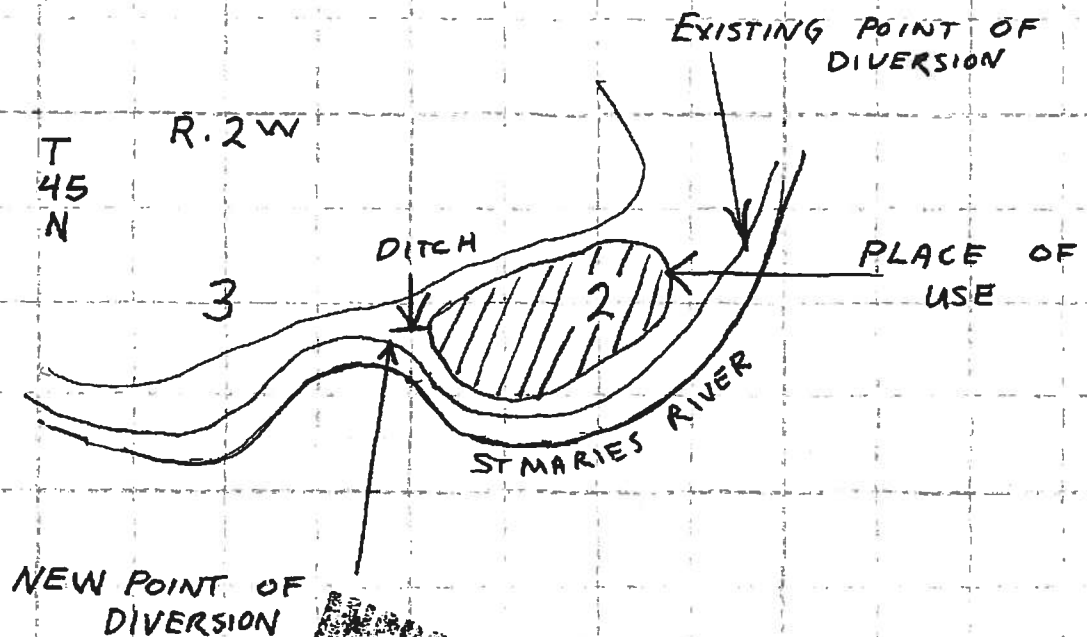
JUL 08 1993

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHED DRAWING



RECEIVED
JUL 08 1993

PART 3

B. CHANGES IN NATURE OF USE

1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>NO CHANGE</u>	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

EFFECTS ON OTHER WATER USES WILL NOT BE CHANGED.
THE CHANGE WILL BE THAT A MORE EFFICIENT ELECTRIC
PUMP CAN BE USED INSTEAD OF A TRACTOR PTO
DRIVEN PUMP, BECAUSE OF THE NEW LOCATION NEAR
EXISTING POWER LINES.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

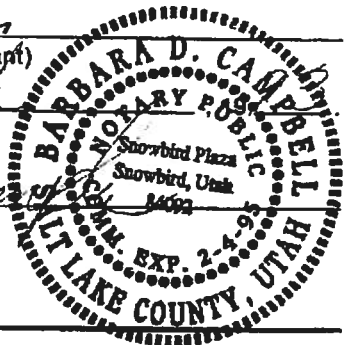
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Jeffrey P. Behr
 (Signature of Applicant)

Subscribed and sworn to before me this 32nd day of March

Barbara D. Campbell
 (Notary Public)

My commission expires 2-4-95

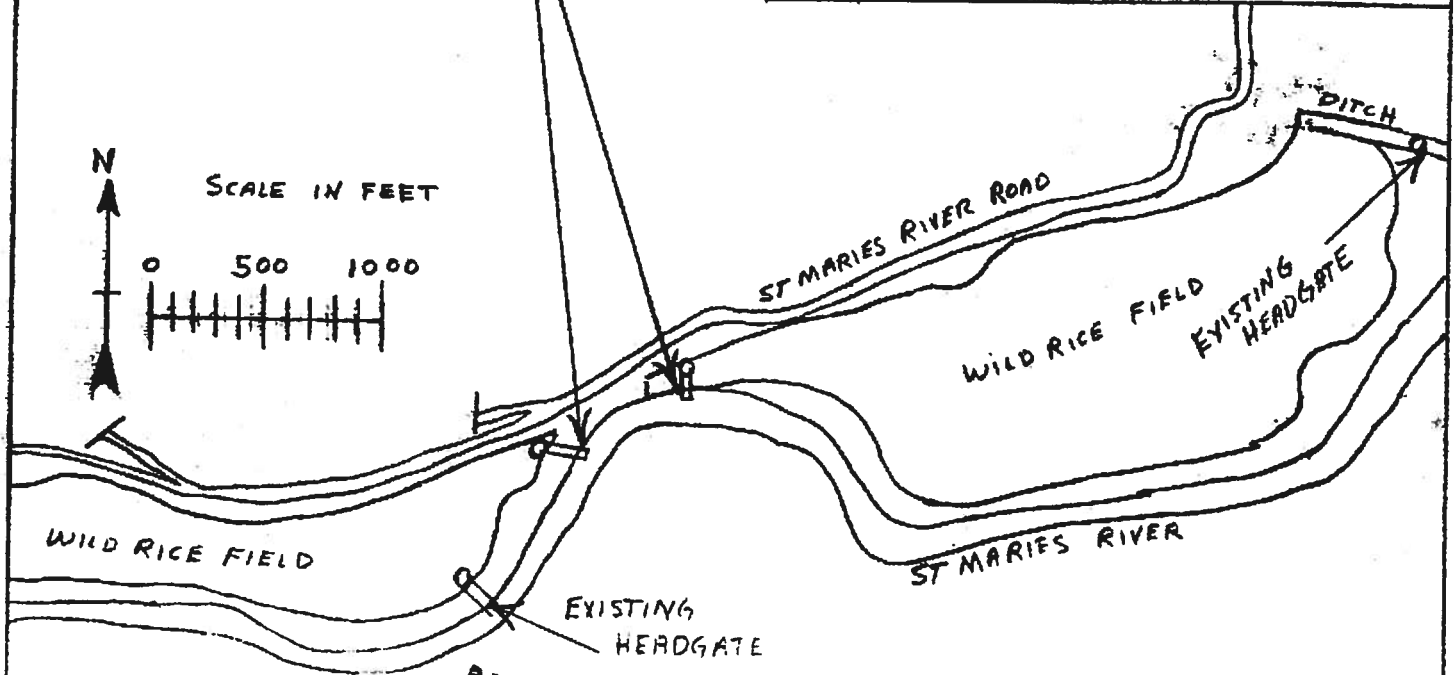
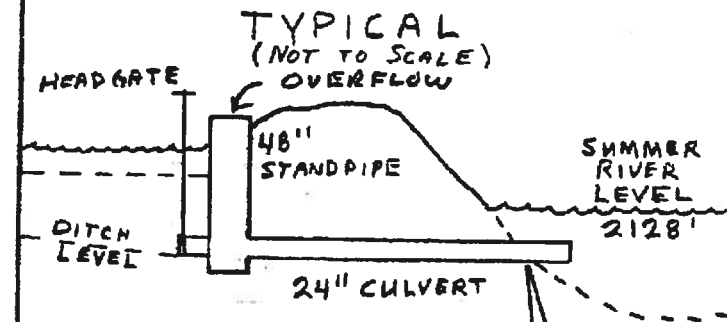
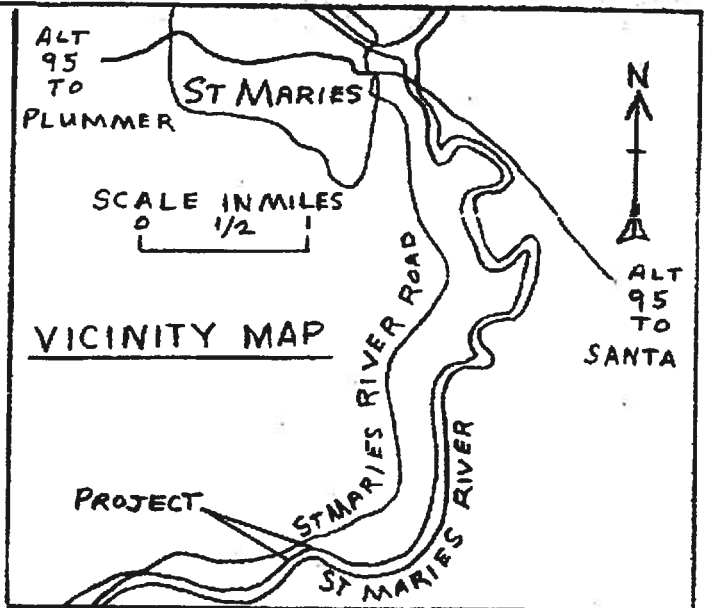


FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments	
Received by <u><i>[Signature]</i></u> Date <u>5/10/93 (see rec'd)</u>	Protest filed by _____
Prelim. check by _____ Fee _____	
Receipted by <u><i>[Signature]</i></u> Date <u>5/10/93 (NG520)</u>	
Published in _____	Copies of protest forwarded by _____
Pub. dates _____	Hearing held by _____ Date _____
Watermaster recommendation requested on _____	Recommended for ☐ approval ☐ denial
_____ rec'd. _____	by _____
Copy of transfer sent to lien holder _____	



JUL 08 1993



JUL 08 1993

NOTES:

TOTAL FILL FOR 2 INSTALLATIONS
ESTIMATED AT 30 CU YDS -
LOCATION: 4 PARCELS IN SECT. 3,
TWP. 45N, R2W, B.M.

PROPOSED
INSTALLATION OF DRAINAGE
CULVERT, HEADGATE, & STANDPIPE
IN: ST. MARIES RIVER DRAINAGE
NEAR: ST. MARIES
COUNTY: BENEWAH STATE: IDAHO
APPLICANT/PROP OWNER J.P. BAKER
DATE: 19 MAR 1993 SHEET 1 OF 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: AB

1. Right number 92-07090 Applicant BAKER
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☐ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use. — SAME
 - e. ☒ Check map (shows p.d. and p.u. after transfer). ATTACHED
 - f. ☒ Check for correct signature, notarization, and fee. OKAY
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
PRESIDENT OF ST. MARIES WILD RICE.
 - h. ☒ Check for expansion in use of right. Comments P/U SAME
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☐ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

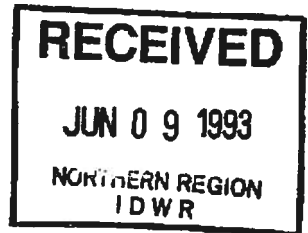
1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____

June 7, 1993



Mr. Al Beardslee
Department of Water Resources
Northern Region Office
1910 Northwest Blvd - Suite 210
Coeur d'Alene, ID 83814-2615

RE: Right number 92-7090

Dear Al,

As you know, I submitted a request for a change in the point of diversion on my mother-in-law's wild rice field in St. Maries with my letter and application of March 19, 1993. At that time I was planning to take over the management of the field. Plans have changed and I will not be taking over the field this year and, therefore, I would like to withdraw my request for a change in the point of diversion. I would like the point of diversion to remain where it has been.

I understand that the \$50 sent in to cover advertising cannot be refunded.

Thank you for your help.

Sincerely,

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

Jeffrey P. Baker
11770 So. Elderberry Way
Sandy, Utah 84092



JUL 08 1993

Attachment N

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4547
RECEIVED
MAR 15 1995

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Name of applicant JEFFREY P. BAKER Phone (801) 571-4951
Post Office address 11770 S. ELDERBERRY WAY SANDY, UT 84092

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes THE EXISTING WILD RICE FIELD HAS BEEN DIVIDED INTO TWO FIELDS WITH ONE FIELD HAVING A SLIGHTLY HIGHER ELEVATION, THE NEW POINT OF DIVERSION WILL ALLOW WATER TO BE PUMPED INTO THE HIGHER FIELD MORE EFFICIENTLY

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 927090 Priority _____ Amount (cfs/ac-ft) 2.6 CFS Nature of Use IRRIGATION Period of Use JUN 1 to OCT 1
2. Total amount of water being transferred 2.6 cubic feet per second and/or 320 acre-feet per annum.
3. Source of water ST MARIES RIVER tributary to ST JOE
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	E	NE	SE	3	45N	2W	BENEWAH	
		NW	SW	2	45N	2W	BENEWAH	
		SW	NE	2	45N	2W	BENEWAH	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
45N	2W	2		30	20					8	30	30	5			10			65/30

Attachment O

Total acres

65/30

PART 1**6. General Information:**

a. Description of diversion system A 24" CULVERT WILL BE PLACED INTO THE RIVER TO PROVIDE A SOURCE OF IRRIGATION WATER. A 4' DIAMETER STANDPIPE WILL BE ATTACHED ON THE FIELD SIDE WITH A DIESEL POWERED PUMP INSTALLED

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

THE AFFECT ON THE LAND WILL NOT BE CHANGED. THE CHANGE WILL BE THAT THE HIGHER FIELD CAN BE MORE EFFICIENTLY IRRIGATED AND ALSO IT'S PROXIMITY TO A ROAD THE EQUIPMENT CAN BE BETTER MONITORED.

d. Remarks:

TIME IS OF THE ESSENCE IN THE APPROVAL PROCESS SINCE IT IS DESIREABLE TO BEGIN THE WORK BEFORE THE RIVER REACHES SUMMER LEVEL

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

APR 18 1995

Witness my hand this _____ day of _____, 19____.

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 92-07090

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.60 CFS	390.0 AF

SOURCETRIBUTARY OF

ST. MARIES RIVER

ST. JOE RIVER

Priority: 07/21/1981

LOCATION OF POINT(S) OF DIVERSION:SWNE , Sec. 2, Township 45N, Range 02W
BENEWAH CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
45N 02W 2	NWNE 30	SWNE 20	SENE 5	
	NESW 30	NWSW 30	SWSW 5	
	NWSE 10			130

Total number of acres irrigated: 130

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
2. The issuance of this right in no way grants any right-of-way or easement across the land of another.

APR 5 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

WR5809NP
 No. 92-07090

IDAHO DEPARTMENT OF WATER RESOURCES
 WATER RIGHT PROFILE REPORT

DATE: 01/13/95
 PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ST. MARIES WILD RICE INC. P.O. BOX 293 ST. MARIES ID 83861	07/21/1981	IRRIGATION	03-15 11-15	2.60 CFS	390.00 AFA
TOTAL DIVERSION:					2.60 CFS	390.00 AFA

Water Source: ST. MARIES RIVER

Tributary to: ST. JOE RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 3.06 CFS

Point(s) of Diversion: T45N R02W S02 SWNE

BENEWAH County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	SUM
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
45N	02W	2	:	30	20	:	05	:	30	30	05	:	10	:	130.0	
TOTAL ACRES															130.0	

Pol County: BENEWAH

Conditions of Approval:

- R29 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
- 004 - The issuance of this right in no way grants any right-of-way or easement across the land of another.

Dates: App. Received: 07/21/1981 Priority Date: 07/21/1981
 Proof Due Date: 09/01/1986 Proof Made Date: 08/18/1986
 Exam Made Date: 06/19/1991 Exam Sent to S.O.:
 Licensed Date: 05/16/1992

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 01/05/87 05/14/88 CONVERT 06/13/89 CURTIS 06/19/91 STYPA
 07/30/91 CURTIS 10/09/91 CURTIS

9. Describe any other water rights used for the same purpose as described above

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 927090 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water ST. MARIES RIVER tributary to ST JOE

4. Date or priority _____

5. Water is used for the following purpose:

amount 1 CFS for IRRIGATION purposes from JUN 1 to OCT 1
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____

6. Total amount of water under right _____ cubic feet per second and _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	1/4	1/4	County	Local name for diversion
	E	SW	NE	2	45N	2W	BENIGNAH	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
45N	2W	2			7						8	25	25						65

Total acres 65

9. Describe any other water rights used for the same purpose as described above _____

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	2	45N	2W	BENEFICIAL	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 2.4 for IRRIGATION purposes from 3/15 to 4/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

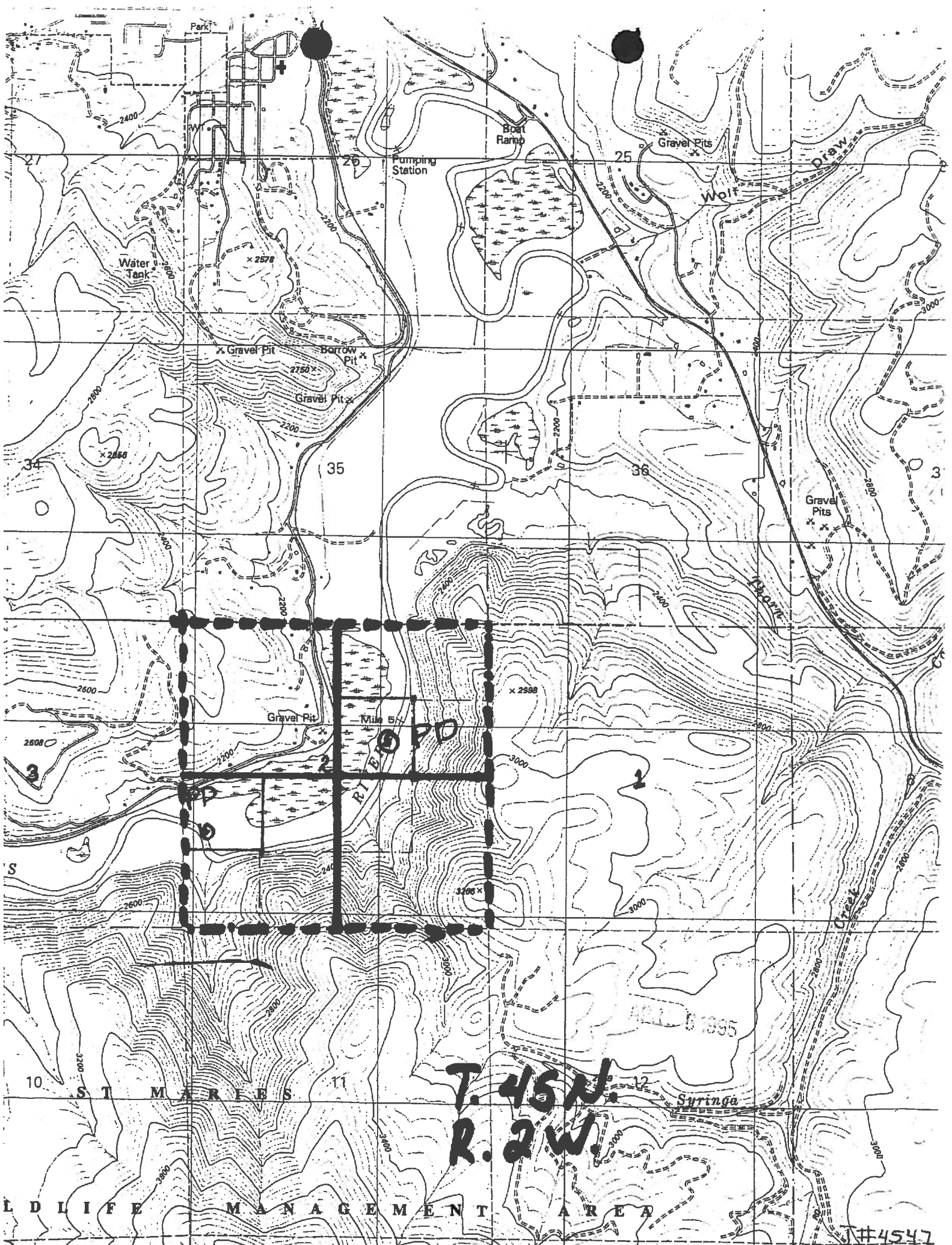
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NE	2	45N	2W	BENEFICIAL	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
45N	2W	2		30	20					5	30	30	5			10			130

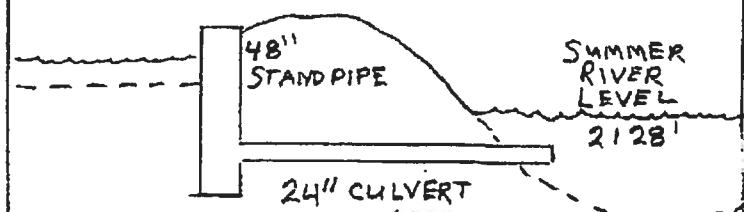
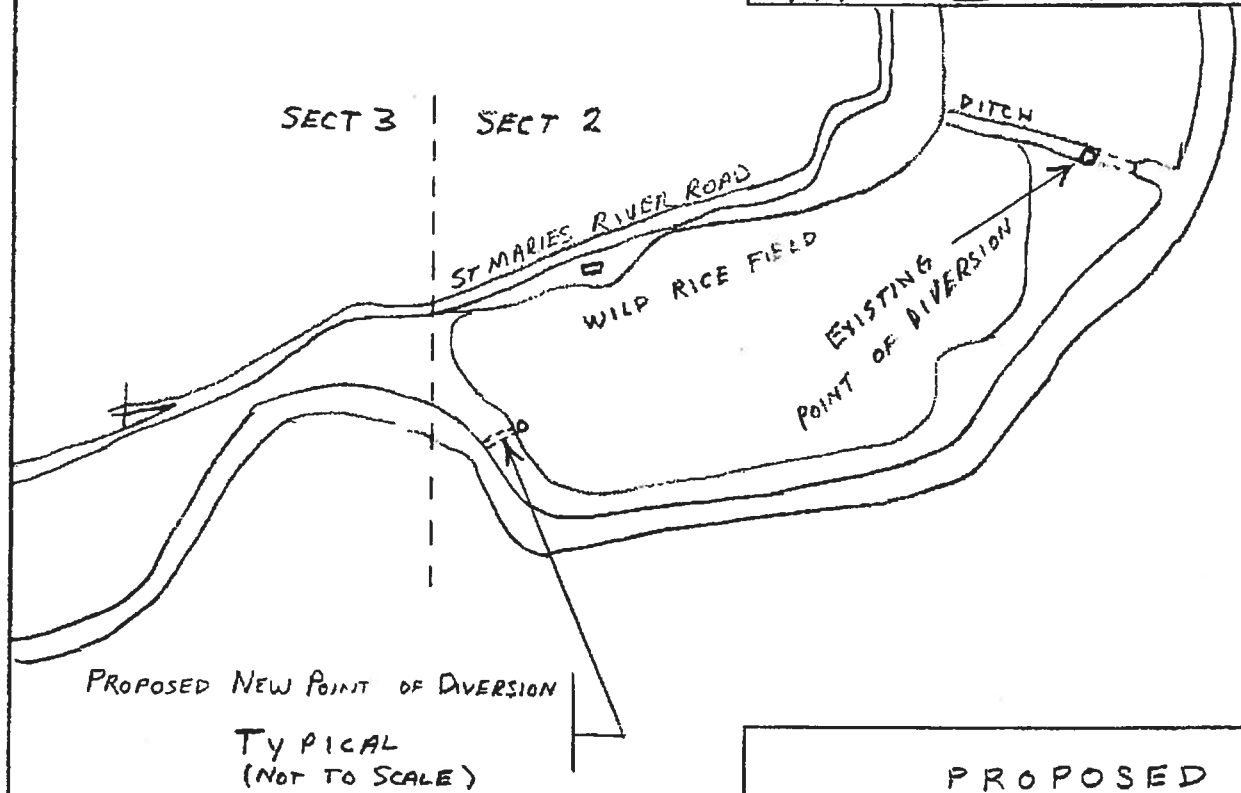
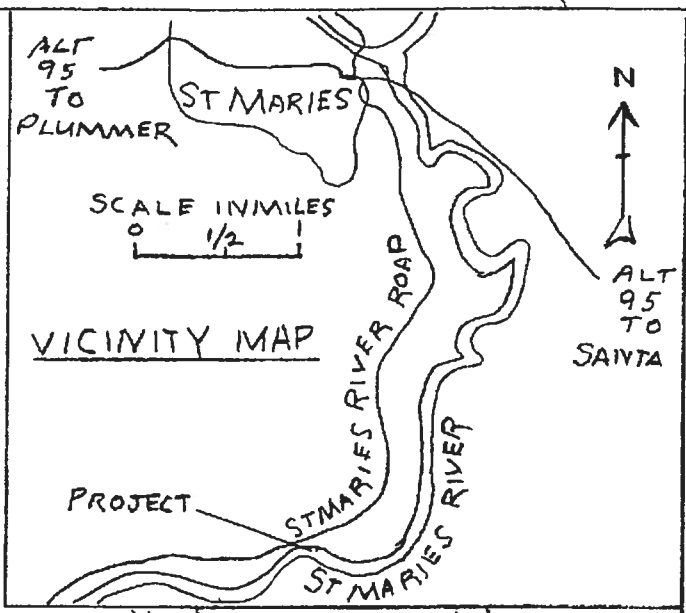
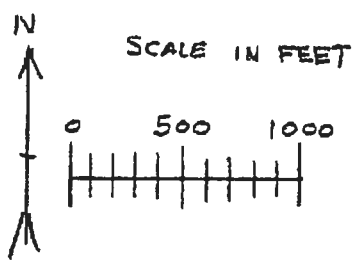
Total acres 130



T. 46 N.
R. 2 W.

LD LIFE MANAGEMENT AREA

4547



PROPOSED

CHANGE IN POINT OF DIVERSION

W 1/4, NW 1/4, SW 1/4, SEC. 2, TWP 45 N,

RGE 2 W

IN: ST. MARIES RIVER DRAINAGE

NEAR: ST. MARIES

COUNTY: BENEWAH STATE: IDAHO

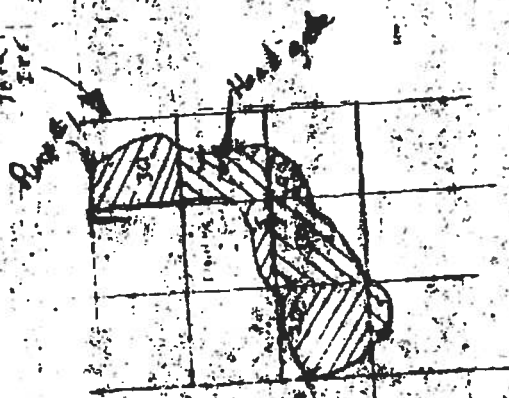
APPLICANT JEFFREY P. BAKER

DATE: 1 DEC 1994 SHEET 1 OF 1

APR 8 1995



1000



92-7090

7-2-27

24

2

244

T#4547

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHED DRAWING

APR 18 1995

PART 3**B. CHANGES IN NATURE OF USE**

1.	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>NO CHANGE</u>			_____ to _____ _____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

EFFECTS ON OTHER WATER USES WILL NOT BE
CHANGED. THE CHANGE WILL BE THAT A MORE
EFFICIENT PUMP LOCATION CAN BE USED.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Jeffrey P. Balun
(Signature of Applicant)

Subscribed and sworn to before me this 19 day of December, 19 94.

Robert D. Haynes
(Notary Public)

My commission expires 11/10/1998

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by RJA Date 12/19/94 Protest filed by 3/6/95

Prelim. check by _____ Fee \$100.00 N008512

Receipted by RJA Date 12/19/94 U8512

Published in St. Maria Gazette Copies of protest forwarded by _____

Pub. dates 2/15 & 22/95 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

APR 18 1995

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of the notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 15th day of February, 1995 and the last on the 22nd day of February, 1995.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 22nd day of Feb., 1995

Cynthia Ann Hammes

STATE OF IDAHO)
COUNTY OF BENEWAH)

On this 22nd day of Feb., in the year of 1995 before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Sharon D. Blackburn

Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires: November 4, 1998

**Water right transfer
filed by SM Wild Rice**

**NOTICE OF APPLICATION
FOR WATER RIGHT
TRANSFER NO. 4547**

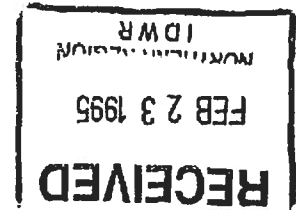
NOTICE IS HEREBY GIVEN that water right License No. 92-07090 in the name of ST. MARIES WILD RICE INC., whose address was P.O. Box 293, St. Maries, ID 83861, was originally filed with a point of diversion in the SWNE of Sec. 02, T45N R02W, Benewah County, to be used for irrigation purposes from 3/15 to 11/15. The priority date is 7/21/1981.

The present right holder, JEF. FREY P. BAKER, whose address is 11770 S. Elderberry Way, Sandy, UT 84092, now wishes to add a point of diversion in the NWSW of Sec. 02, T45N R02W.

(For additional information concerning the property location, call the Northern Regional Office at 769-1450.)

Any protest to the proposed transfer must be filed with the applicant and with the Idaho Department of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, on or before March 6, 1995.

R. KEITH HIGGINSON, Dir.
No. 2621 --- Feb. 15-22.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4547
WATER RIGHT NO. 92-07090

This is to certify that: **JEFFREY P BAKER**
11770 S ELDERBERRY WAY
SANDY UT 840920000

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.60 CFS	390.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
ST. MARIES RIVER	ST. JOE RIVER

Priority: 07/21/1981

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 2, Township 45N, Range 02W
NWSW , Sec. 2, Township 45N, Range 02W
BENEWAH County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
45N	02W	2	NWNE 30	SWNE 20	SENE 5	
			NESW 30	NWSW 30	SWSW 5	
			NWSE 10			130
						130

Total number of acres irrigated: 130

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
2. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

APR 18 1995

TRANSFER NO. 4547
WATER RIGHT NO. 92-07090

CONDITIONS/REMARKS:

4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. The total instantaneous diversion of water from all points of diversion under Transfer No. 4547 shall not exceed 2.60 cfs, nor total combined annual volume of 390.0 af.

Dated this 12th day of April, 1995.

J. Glen Saxton
for Chief, Water Alloc. Bureau

APR 18 1995

SALE OF WILD RICE HARVESTING BUSINESS

AGREEMENT

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

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

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

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

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

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

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

Signed this 15TH day of July, 2001

EQUIPMENT

June 2001

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

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

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

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

WATER RIGHTS:

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

EQUIPMENT:

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

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

RECEIVED

NOV 29 2006

WATER RESOURCES
WESTERN REGION

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

Alexander W. Bruner
Alexander W. Bruner

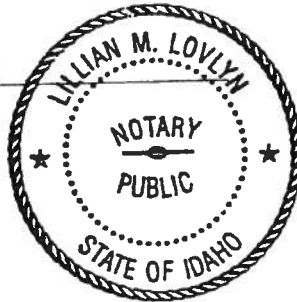
5507 N. Parkwood Lane
Coeur d'Alene, ID 86815

6/20/06
Date

Judith C. Bruner
Judith C. Bruner

6.20.06
Date

Lillian M. Lovlyn
Notary



6-20-06
Date

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

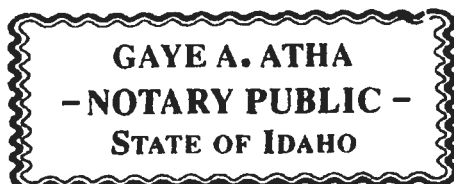
10-30-06
Date

Darcy D. McInturff
Darcy D. McInturff

10-30-06
Date

Gaye A. Atha
Notary

10/30/06
Date



Commission Expires
11/22/06

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

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

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

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

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

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) Alexander Bruner Coeur d'Alene
5507 N. Parkwood Lane ID 83815
4. New Owner/Claimant(s) Douglas A. McInturff
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 17781c E. Canary Creek Rd.
 City, State and ZIP Code Cataldo ID 83810
 New Telephone Number 208 689-9308
5. Date you acquired the property 06/2001

SUPPORT DATA

Attachment S

IN FILE # 91-07094

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

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

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

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

Debra A. McIntosh

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

For Office Use Only

Received by MM Date 8-17-05 Fee \$ 50.00
 Receipted by MM Date 8-17-05 Receipt No. C078886
 Processed by _____ AJ Date _____ WR _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 05, 2006

DOUGLAS A. MC INTURFF
DARCY MC INTURFF
17786 E CANARY CREEK RD
CATALDO ID 83810

RE: Change of Ownership for Water Right Nos. 91-7094 & 92-7090

Dear Mr. & Mrs. Mc Inturff:

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Darla Block
Technical records Specialist

Enclosure

Attachment T

Wild Rice Farming

Letter of Agreement

September 9, 2008

This letter is a recap of a new agreement on a lease of two wild rice fields owned by the Mary Lou Baker Trust off St. Maries River Road. The lessee is St. Joe River Wild Rice Co.

The term of the lease will be five years, expiring after the 2014 harvest. The lease will be renewable upon mutual agreement. The cost of the lease will be \$100 per year for both fields including pumping systems.

St. Joe River Wild Rice Co. will pay all costs of production and receive the entire crop on both fields.

The property is not for sale and there is no intention of putting the property up for sale during the course of the lease. However, the owner retains the right to sell at anytime during the term of the lease. In the case of a sale, the terms of this letter of agreement will apply to the new buyer, or St. Joe River Wild Rice Co. will be compensated for early termination of the lease by the following method:

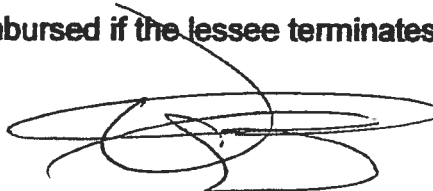
Development expenses will be tabulated in the first year.

Compensation for development expenses will be paid to the lessee on a five-year straight-line depreciation schedule. For example, if the development expenses were \$10,000 and the property was sold in the first, second, third, fourth, or fifth year the compensation would be \$10,000 in the first year, \$8,000 in the second, \$6,000 third, \$4,000 fourth, and \$2,000 during the fifth year. The lessee will be entitled to the crop harvested in the year of the sale.

Development expenses will not be reimbursed if the lessee terminates the lease early.



Jeffrey P. Baker



Douglas A. McInturff



Mary Lou Baker
Trustee of Mary Lou Baker Trust



Darcy McInturff

SCANNED
SEP 13 2012

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D' ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

92-10502
CIVIL CASE NUMBER: 49576
Ident. Number 42-7040
Date Received: 11-10-09
Receipt No: N022776 C
Received By: CM

N027648

CM

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) JEFFREY P. BAKER Phone 208 262-9248

Mailing Address 75N CHISHOLM CT. POST FALLS ID ZIP 83854
Street or Box City State

2. Date of Priority (Only one (1) per claim) _____
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other ☒ (a) ST. MARIES RIVER
which is tributary to (b) ST. JOE RIVER

4. a. Location of Point of Diversion is: Township 45N, Range 24W, Section 2,
SW 1/4 of NE, 1/4 Govt. Lot _____, BM., County of BENEWAH

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. _____

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)
For IRRIGATION purposes from 3/15 to 11/15 amount 2.6 or 390
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45N	2W	2		30	20					5	30	30	5			10			130

Parcel (PIN) no(s). _____

Total number of acres irrigated 130

10. In which county (ies) are lands listed above as place of use located? BENEFAN

11. Do you own the property listed above as place of use? Yes ☒ No ()
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None ()

13. Remarks: _____

Last Name _____ Identification No. 92-10502

NOV 10 2009

Kings Pk

Match

Water

SAVER PIT

River

Gravel

Old Road

St. Maries

Point of Discharge

Point of Diversion

Spring

MICROFILMED
MAR 09 1981

T 45N

SCANNED
92-10502 NOV 10 2009

R2W 35'

R1W

14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 92-7090

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do () do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct

Signature of Claimant (s) Jeffrey P. Bulmer Date: 11-9-09

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Identification No. 95-10502D

NOV 10 2009

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

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO
THE USE OF WATER FROM THE COEUR D'ALENE-
SPOKANE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number: 92-10503

Date Received: 6/6/2011

Receipt No: T093310

Received By:

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED
UNDER STATE LAW

1. Name of Claimant(s)

DOUGLAS MCINTURFF Phone:(209) 689-9309

17786 E CANARY CREEK RD

CATALDO ID 83810

DARCY MCINTURFF Phone:(209) 689-9309

17786 E CANARY CREEK RD

CATALDO ID 83810

2. Date of Priority: 7/21/1981

3. Source: ST MARIES RIVER Tributary to: ST JOE RIVER

4. Point of Diversion:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>	<u>Type</u>
45N	02W	2	SW NE		BENEWAH	
45N	02W	2	NW SW		BENEWAH	

5. Description of diverting works:

6. Water is used for the following purposes:

<u>Purpose</u>	<u>From To</u>	<u>C.F.S.</u>	<u>(or) A.F.A</u>
IRRIGATION	3 /15 11/15	2.6	390

7. Total Quantity Appropriated is: 2.6 C.F.S. and/or 390 A.F.A

8. Non-irrigation uses:

9. Place of use:

92-10503

6/13/2011

Attachment W

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4</u>	<u>Lot</u>	<u>Use</u>	<u>Acres</u>
45N	02W	2	NE SW		IRRIGATION	30
			NW NE		IRRIGATION	30
			NW SE		IRRIGATION	10
			NW SW		IRRIGATION	30
			SE NW		IRRIGATION	5
			SW NE		IRRIGATION	20
			SW SW		IRRIGATION	5
					Section Acres	130
					Total Acres	130

10. Place of use in counties: BENEWAH

11. Do you own the property listed above as place of use? Yes

12. Other Water Rights Used:

13. Remarks:

Priority date description: I am selecting this date as it is the one on the water right report for water right number 92-7090.

Description of use: Water Use Description

IRRIGATION

14. Basis of Claim: License

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Individuals: I/We do solemnly swear or affirm under penalty or perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
 _____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty or perjury that I am

_____ of _____,
 Title Organization

That I have signed the foregoing document in the space below as

_____ of _____,
 Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date: _____

Title and Organization _____

Please print name

RECEIVED
OCT - 1 2012
IDWR/NORTHERN

STATEMENT OF JEFFREY P. BAKER AND MARY LOU BAKER

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

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

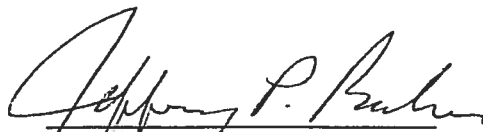
The Mary Lou Baker Trust currently owns the 92-7090 Place of Use (Benewah County property parcel RP45N02W02100CA) and any appurtenant water rights.

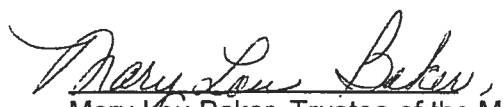
It is our understanding of Idaho Code Title 42-101 that water rights stay with the land unless contracted away by other agreement. No such agreement was ever signed by us or the previous owners of this land (RP45N02W02100CA). Yet, a sale agreement of the wild rice harvesting business between Alexander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

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

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

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

 10/01/2012
Jeffrey P. Baker

 10/01/2012
Mary Lou Baker, Trustee of the Mary Lou Baker Trust

SCANNED
OCT - 1 2012



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 11, 2012

Mr. Jeffrey Baker
715 N Chisholm CT
Post Falls, ID 83854

Re: Coeur d'Alene-Spokane River Basin Adjudication Claim (CSRBA) Claim No. 92-10502

Dear Mr. Baker:

Idaho Department of Water Resources (IDWR) has received your water right Adjudication Claim on License 92-7090 to use St. Maries River water for irrigation in Benewah County (Parcel RP45N02W02100CA and / or RP45N02W021004A). Your Claim has been renumbered with Identification No. 92-10502 and a copy is enclosed.

Please contact me after you have reviewed the copy of 92-10502 and enclosed aerial photomap. I need to review the current property ownership with you and several other questions on your Claim.

My telephone number is (208) 762.2816. Please contact me if you have any questions.

Respectfully,

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

Enclosure: Copy of CSRBA Claim No. 92-10502
Aerial Photomap

Attachment Y

January 17, 2014

RECEIVED

JAN 17 2014

IDWR / NORTH

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

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

Dear Mr. Maxey,

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

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

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

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

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

Sale Agreement re "Water Rights"

Attachment Z

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

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

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

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

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

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

Significance of the Lease

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

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

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

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

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

Statute of Frauds

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

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

Priority Date

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

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

Chronology of All Applicable Leases

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

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

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

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

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

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

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

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

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

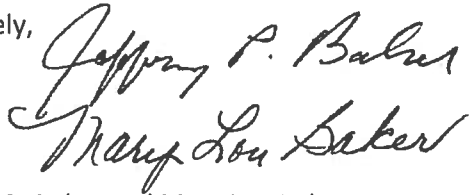
We contend that Bruner did not have the right to sell water rights appurtenant to our property because neither he nor St. Maries Wild Rice, Inc. could demonstrate continuous beneficial use, point of diversion, and place of use over the years. In fact, the Sale Agreement McInturff cites specifically states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

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

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

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

Sincerely,

Handwritten signatures of Jeffrey P. Baker and Mary Lou Baker in cursive script.

Jeffrey P. Baker and Mary Lou Baker

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

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

Email: jpbaker8@roadrunner.com

Enclosures:

IDWR copy of "Sale of Wild rice harvesting Business Agreement"

IDWR copy of "Notice of Change in Water Right Ownership"

Aerial Photomap, 92-10502 BAKER 2006 IMAGE PIN RP45N02W02100CA

Statement of Jeffrey P. Baker and Mary Lou Baker, signed 10/01/2012

Appendix A: Re "Water Right and Adjudication Search"

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

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

RECEIVED

MAR 25 2014

IDWR/NORTHERN

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

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D' ALENE-SPOKANE RIVER
BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 49576

Ident. Number 92-10925Date Received: 4-23-14Receipt No: NJ 30397Received By: cm

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) William H. Ross Phone (208) 245-3005Mailing Address P.O. Box 161 St. Maries ID ZIP 838612. Date of Priority (Only one (1) per claim) July 21, 1981

Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other () (a) St. Maries Riverwhich is tributary to (b) St. Joe River4. a. Location of Point of Diversion is: Township 45N, Range 2W, Section 2SW, 1/4 of NE, 1/4 Govt. Lot _____, BM., County of BeneviahParcel (PIN) no. RP 45 N02 W02 1004A

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

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IDWR/NORTHERN

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 24 or 390

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
45N	2W	2	5	10	10	5	5	4			3				9	4.49			

Parcel (PIN) no(s). RP 45N02W021004A

Total number of acres irrigated 55.49

10. In which county (ies) are lands listed above as place of use located? Beneviah

11. Do you own the property listed above as place of use? Yes ☒ No ()
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None ()

13. Remarks: _____

Last Name _____ Identification No. _____

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14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License () Permit () Decree () **IDWR/NORTHERN**

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do () do not () wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) William H. Ross Date: 3-21-2014
Ade Marie Ross Date: 3/21/2014

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

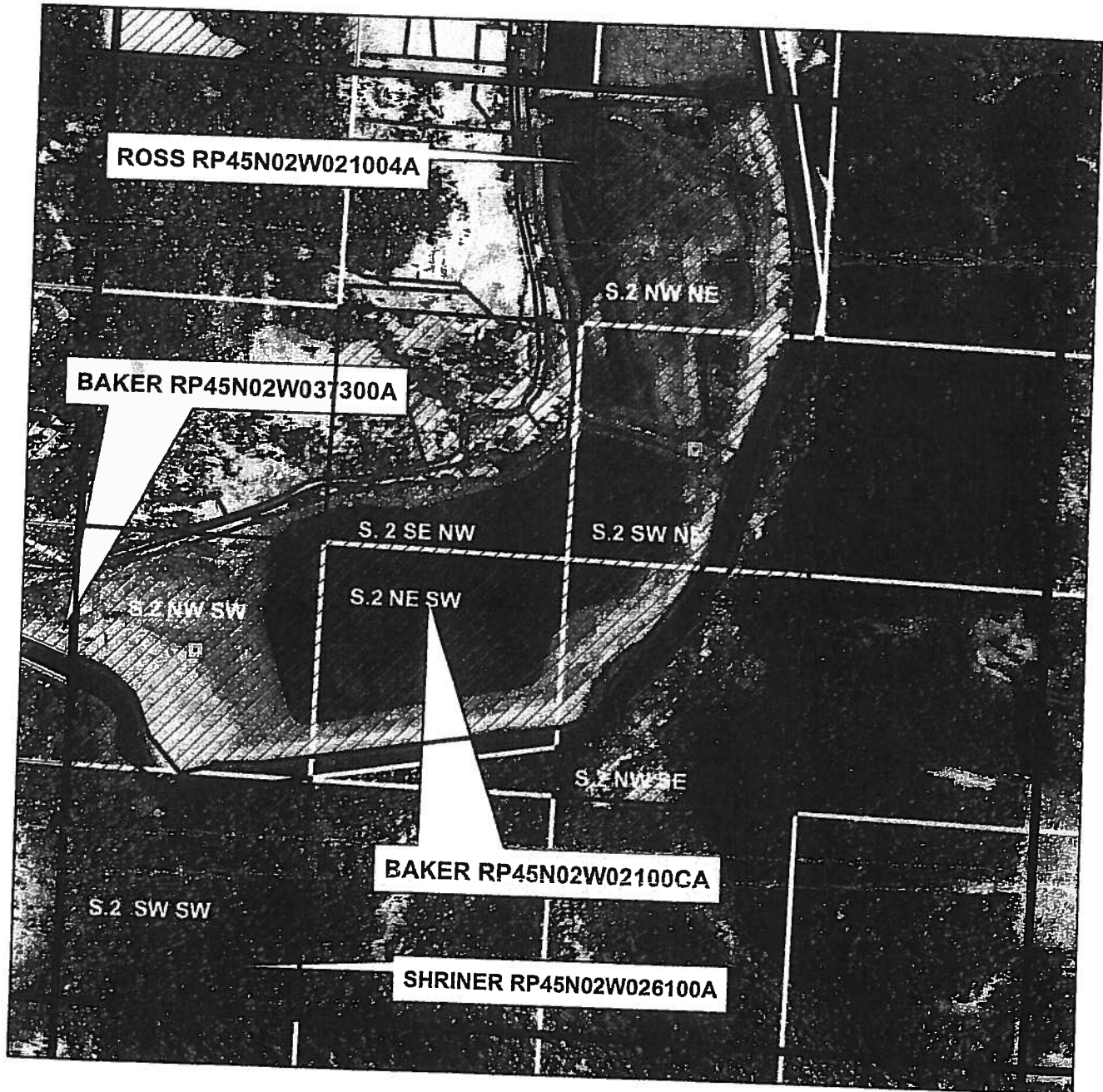
Last Name _____ Identification No. _____

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IDWR/NORTHERN

92-10502 BAKER 2006 IMAGE PIN RP45N02W02100CA



06/13/2014

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 12, 2014

Water right number: 92-10502

DARCY MC INTURFF
17786 E CANARY CREEK RD
CATALDO ID 83810
Telephone Number: (209) 689-9309

JEFFREY P BAKER
715 N CHISHOLM COURT
POST FALLS ID 83854
Telephone Number: (208) 262-9248

DOUGLAS MC INTURFF
17786 E CANARY CREEK RD
CATALDO ID 83810

WILLIAM ROSS
PO BOX 161
SAINT MARIES ID 83861
Telephone Number: (208) 245-3065

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IDWR / NORTH

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

NAME AND ADDRESS

(REMOVE NAME + ADDRESS OF MCINTURFFS + ROSS)

2. Describe the changes you wish to make in the proposed recommendation:

JEFFREY P. + MARY LOU BAKER, AS TRUSTEE OF THE
JEFFREY + MARY LOU BAKER LIVING TRUST,
DATED JUNE 26, 2013

3. Give a brief explanation as to why you disagree with these portions:

TO REFLECT TRUST OWNERSHIP

(SEE ATTACHED NOTICE OF ERROR REPLY, "PAGE 2")

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 9/2/2014

SIGNATURE:

NAME:

Jeffrey P. Baker

JEFFREY P. BAKER

Drive, Suite 100, Coeur D' Alene, ID 83815, (208) 762-2800

92-10502

LOWER FIELD

PAGE 1

Attachment BB

Notice of Error
Reply
Page 2

Right Number: 92-10502

With reference to the three items on IDWR form "Notice of Error Reply," page 1, attached:

1. The portion of the proposed recommendation with which I disagree is the "Name and Address" portion.
2. The change I wish to make in the proposed recommendation is that the Name and Address should read as follows:

Jeffrey P. & Mary Lou Baker, as Trustees of the Jeffrey & Mary Lou Baker Living Trust, dated June 26, 2013
715 N Chisholm Ct.
Post Falls, ID 83854

Other names and addresses should be removed.

3. The explanation as to why the other names should be removed is that 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.

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)

Darcy McInturff and Douglas McInturff should be removed from the water right because they do not own the appurtenant property and as of the end of the 2014 crop year (approximately the end of September 2014) 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)

The McInturff's have claimed ownership of the water right by virtue of a "Sale of Wild Rice Harvesting Business Agreement" dated July 15, 2001 (on file with IDWR). The agreement does not include a warranty deed to the ownership of the water right. The water right was never separated from the appurtenant land by written or verbal contract. The "Sale Agreement" did not properly transfer ownership of the water right to the McInturff's. Moreover, the paragraph labeled "Water Rights:" specifically excludes the licenses pertaining to the fields owned by the Jeffrey & Mary Lou Baker Living Trust. The paragraph states, "The licenses pertaining to Jeff Bakers (sic) fields were given to him earlier." Clearly, the intent of the Sale Agreement did not include transfer of ownership of water rights appurtenant to land owned by the Trust.

The McInturff's do not have a valid claim on the water right and their names should be removed from it.

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 49576)
)
) Water Right 92-07175

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DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: JEFFREY AND MARY LOU BAKER
LIVING TRUST
715 N CHISHOLM CT
POST FALLS, ID 83854

SOURCE: ST MARIES RIVER TRIBUTARY: ST JOE RIVER

QUANTITY: 1.00 CFS
120.00 AFY

Right Nos. 92-7175 and 92-7215 are limited to a total combined
annual diversion volume of 120 AF.

PRIORITY DATE: 11/13/1984

POINT OF DIVERSION: T45N R02W S03 LOT 8 (SWSE) Within Benewah County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.00 CFS 120.00 AFY

PLACE OF USE:	Irrigation	Within Benewah County
	T45N R02W S03	NESW 3.0 NWSW 1.0
	LOT 10 (SWSW) 2.0	LOT 9 (SESW) 12.0
	LOT 5 (NESE) 1.0	NWSE 7.0
	LOT 8 (SWSE) 14.0	
	40.0 Acres Total	

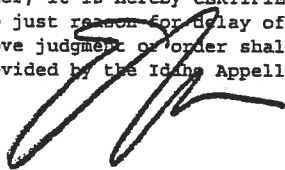
Right Nos. 92-7175 and 92-7215 are limited to the irrigation of
a combined total of 40 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Wildman
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

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

RECEIVED

OCT 02 2015

DEPARTMENT OF
WATER RESOURCES

In Re CSRB)
Case No. 49576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 92-07215

NAME AND ADDRESS: JEFFREY AND MARY LOU BAKER
LIVING TRUST
715 N CHISHOLM CT
POST FALLS, ID 83854

SOURCE: UNNAMED STREAM TRIBUTARY: ST MARIES RIVER

QUANTITY: 0.97 CFS
120.00 AFY

Right Nos. 92-7175 and 92-7215 are limited to a total combined
annual diversion volume of 120 AF.

PRIORITY DATE: 12/19/1994

POINT OF DIVERSION: T45N R02W S03 NESW Within Benewah County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.97 CFS 120.00 AFY

PLACE OF USE: Irrigation Within Benewah County

	T45N R02W S03	NESW	3.0	NWSW	1.0
LOT 10	(SWSW)	2.0	LOT 9	(SESW)	12.0
LOT 5	(NESE)	1.0		NWSE	7.0
LOT 8	(SWSE)	14.0			
40.0 Acres Total					

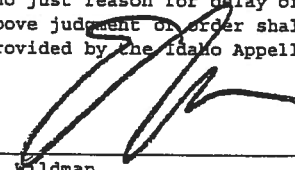
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Eric J. Wildman
Presiding Judge of the
Coeur d'Alene-Spokane River Adjudication

92-10502 BAKER 2006 IMAGE PIN RP45N02W02100CA

