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JUN 20 2016

DEPARTMENT OF
WATER RESOURCES

**SUPPLEMENTAL DIRECTOR'S REPORT
REGARDING SUBCASE NO. 91-7094**

**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**

June 17, 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 91-7094. 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 Amended Director's Report for Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) Claim No. 91-7094. Prior to filing the Basin 91 Director's Report, IDWR received one claim for water right 91-7094 by Darcy and Douglas McInturff ("McInturffs"). Attachment O. After the Basin 91 Director's Report was filed, Jeffrey C. Shippy ("Shippy") filed a Motion to File Late Claim 91-7893, which was granted by the Court. Claim 91-7893 was a competing claim to 91-7094. Attachment P. Additionally, Shippy filed an objection to claim 91-7094. After investigation of claim 91-7893, IDWR was unable to make a determination which, or if either of the claimants had exclusive ownership of water right 91-7094. Therefore, in the Amended Director's Report for 91-7094, IDWR listed both the McInturffs and Shippy as owners of water right 91-7094 and disallowed claim 91-7893. The McInturffs filed an objection to the Amended Director's Report and Shippy filed a response. The parties dispute the ownership of the right. This Report describes the complex situation concerning ownership of water right 91-7094.

III. Discussion

In preparing the Amended Director's Report recommendation for 91-7094, IDWR reviewed the documents in the water right license file. 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 – P¹:

- A. Application for Permit 91-7094, approved November 22, 1983.
- B. Affidavit of Publication, signed November 2, 1983.
- C. Proof of Beneficial Use for Permit No. 91-7094, received January 10, 1984.
- D. Articles of Incorporation for St. Maries Wild Rice, Inc., dated February 8, 1984.
- E. Certificate of Incorporation for St. Maries Wild Rice, Inc., dated February 13, 1984.
- F. Examination Fee Notice, Letter, dated April 30, 1986.
- G. Examination Fee Information, received September 5, 1986.
- H. Assignment of Permit 92-7090, received September 29, 1986.
- I. Field Examination Report, dated July 8, 1987.
- J. Idaho Corporation Annual Report, St. Maries Wild Rice, Inc., filed July 20, 1987.
- K. Water Right License 91-7094 to St. Maries Wild Rice Growers, dated November 5, 1991.
- L. Wild Rice Harvesting Business Sale Agreement, dated July 15, 2001.
- M. Change of Ownership, McInturff, dated August 17, 2005.
- N. Acknowledgment of Change of Ownership, dated December 5, 2006.
- O. Notice of a Claim to a Water Right, McInturff, received June 6, 2011.
- P. Late Notice of a Claim to a Water Right, Shippy, granted June 17, 2015.

History of Water Right 92-7090

Application for Permit 91-7094 (“Application”) was received on October 4, 1983. Attachment A. The application was in the name of St. Maries Wild Rice Growers, and signed by Al W. Bruner as the President of the organization. St. Maries Wild Rice Growers did not own the property on which the place of use is located. Therefore the Application 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 Aaron Robinson as the property owner and cited “[l]ong term lease with landowner receiving a share of crop” as the arrangement providing access to the place of use. Attachment A.

Notice of the Application was published in the St. Maries Gazette Record on October 12 and 19, 1983. Attachment B. IDWR approved permit 91-7094 on November 22, 1983.

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

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 10, 1984, IDWR received proof of beneficial use for Permit No. 91-7094 signed by Al Bruner for St. Maries Wild Rice Growers. Attachment C.

On April 30, 1986 IDWR sent an Examination Fee Notice letter to St. Maries Wild Rice Growers. Attachment F. On September 5, 1986 IDWR received the Examination Fee Information sheet listing St. Maries Wild Rice as the permit holder and Al W. Bruner as the person to contact to accompany the department representative during the field examination. Attachment G. On July 8, 1987, IDWR conducted a field examination for 91-7094. Attachment I. Al Bruner, listed as President of St. Maries Wild Rice, accompanied the examiner. IDWR issued water right license 91-7094 on November 21, 1991 in the name of St. Maries Wild Rice Growers. Attachment K.

Company and Land Ownership

IDWR does not have any documents in the file for 91-7094 that show St. Maries Wild Rice Growers became St. Maries Wild Rice, Inc. and thus assumed the assets of St. Maries Wild Rice Growers in the process. Permit 91-7094 was not assigned to St. Maries Wild Rice, Inc., and a change of ownership was not filed to change the name on the license from St. Maries Wild Rice Growers to St. Maries Wild Rice, Inc. However, the Assignment of Permit for related Water Right 92-7090 (Attachment H) indicates it is a possibility St. Maries Wild Rice, Inc. also owned Water Right 91-7094. Additionally, the address listed for St. Maries Wild Rice in the field exam (Attachment I) corresponds to the address for St. Maries Wild Rice, Inc. (Attachment J).

On February 13, 1984, Jeffery P. Baker and Steven W. Bruner incorporated St. Maries Wild Rice, Inc. Attachments D & E. On, July 20, 1987, Al W. Bruner filed the 1987 annual

report for St. Maries Wild Rice, Inc. Attachment J. 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. According to the Idaho Secretary of State's website, St. Maries Wild Rice, Inc. was administratively dissolved February 6, 1998.

Mr. Bruner sold his wild rice harvesting business in 2001 to the McInturffs. Attachment L. 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 91-7094. Attachment M. The change in ownership form included the sale agreement between the McInturffs and Bruner from 2001. Attachment L. IDWR updated its records to reflect the ownership change. Attachment N. IDWR has confirmed through tax lot data that Shippy owns the place of use for Water Right 91-7094.

IV. Conclusion

Based on the information presented above, IDWR determined there was a conflict concerning ownership. Both parties; the McInturffs, and Shippy may have an interest in water right 91-7094. Because IDWR was not able to determine which, if either, of the claimants had exclusive ownership of the water right, both claimants were listed as owners in the Amended Director's Report.

Submitted this 17th day of June 2016


Carter Fritschle
Manager, Adjudication Section

CERTIFICATE OF SERVICE

I hereby certify that on this 17TH day of JUNE, 2016, I caused to be served a copy of the SUPPLEMENTAL DIRECTOR'S REPORT REGARDING SUBCASE NO 91-7094 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

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

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

Jeffrey C Shippy
95 Ferguson Street
St. Maries, ID 83861

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

Signature of person delivering this
document

Stacy Delaney

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 Box 293, St Maries, Idaho 83861
UNNAMED STREAM Diffused Water tributary to St. Joe River - From item #10-32-A-4-1
2. Source of water supply St Joe River which is a tributary of Coeur d'Alene Lake
3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 18 Township 46N.
Range 1W B.M. Benewah County, additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 106 af for storage for (70 acres x 1.5 feet deep) purposes from March 1 to Nov. 30 (both dates inclusive)
(acre-feet per annum) irrigation
Diversion to
Amount 1.4 cfs for storage purposes from 3-1 to 11-30 (both dates inclusive)
(cfs as acre-feet per annum) From item #5-A-10-32
Amount 1.4 cfs for irrigation purposes from 3-1 to 11-30 (both dates inclusive)
(cfs as acre-feet per annum)
Amount 106 af for irrigation purposes from 3/1 to 11/30* (both dates inclusive)
(cfs as acre-feet per annum) from storage *kw 11/21/1983
5. Total quantity to be appropriated:
a. 1.4 cubic feet per second and/or b. 106 acre-feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Existing 24" CMP with attached screw-
gate. Existing pump may be utilized to remove excess spring flood water as
necessary to regulate desirable levels.
b. Height of storage dam na feet, active reservoir capacity 106 ^{12-8-83 S.S.} na acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage na to _____ inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is na 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 1 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: Irrigation for commercial wild rice,
agricultural use.

MICROFILMED

ATTACHMENT A

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

[illegible]

Total number of acres to be irrigated 70

c. Describe any other water rights used for the same purposes as described above. **None**

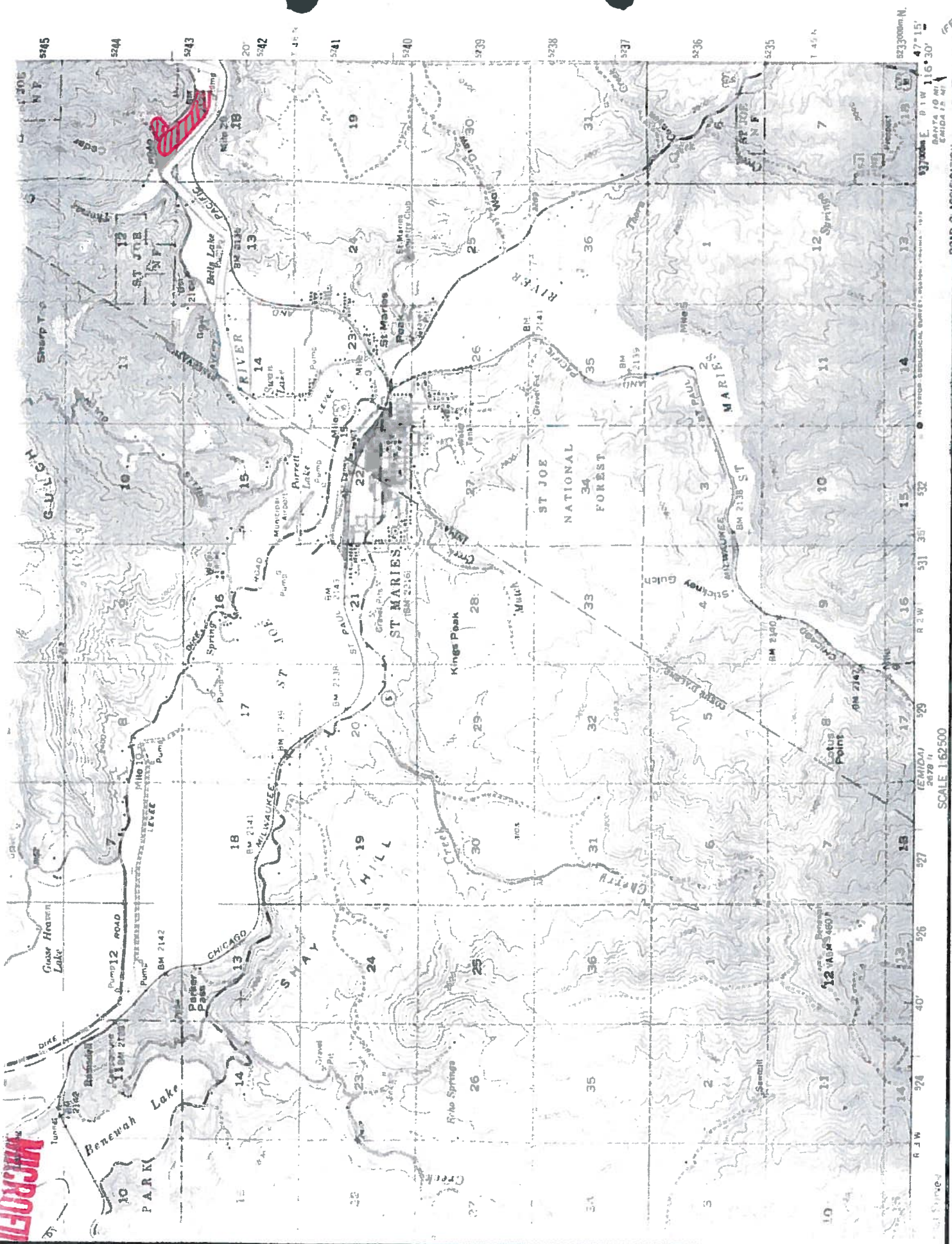
9. a. Who owns the property at the point of diversion Aaron Robinson

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Long term lease with landowner receiving a share of crop.

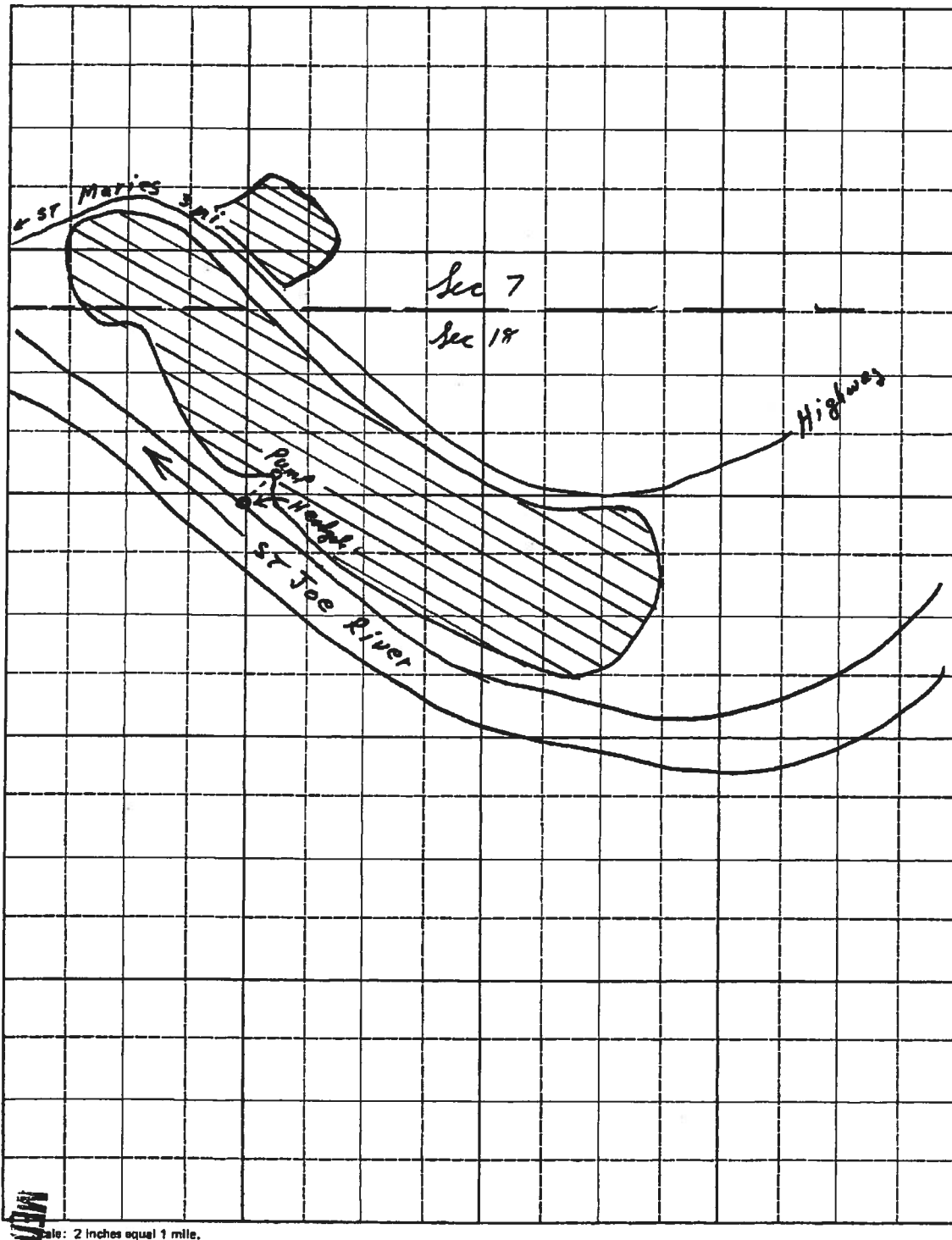
10. Remarks Spring runoff water will be retained within the cultivated field beginning in March. This will be supplemented from StJoe River as needed to maintain an average 18" depth through the growing and harvest season.

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SCALE 1:62,500

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Al W. Bruner
(Applicant)

PRESIDENT

MICROFILMED

Proposed Priority 10/4/83

Received by pm Date 10/7/83 Time 12:20 pm

Preliminary check by JK Fee \$ 65.00

Received by pm Date 10/4/83 (3/36-4)

Publication prepared by pm Date 10/6/83

Published in A. Merriam Journal Record

Publication dates 10/12-19/83

Publication approved pm Date 11/5/83

Protests filed by: 72512

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by J. Blum Saxton

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. 91-7094, 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 December 1, 19 84.

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: The issuance of this permit in no way grants any right-of-way or easement across the land of another.
The storage of water under this permit is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

Witness my hand this 22nd day of November, 1983.

J. Blum Saxton
Chief, Operations Bureau

Affidavit of Publication

STATE OF IDAHO
County of Benewah, ss.

JoJane Hammes, being first duly sworn on oath, deposes and says that she is co-publisher and business manager 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 hereon.

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 12th day of October, 1983 and the last on the 19th day of October, 1983.

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.

JoJane Hammes

Subscribed and sworn to before me this 2nd day of Nov., 1983

Sharon D. Black

Notary Public in and for Benewah County, Idaho
Residing at St. Maries, Idaho

Notice of application filed by Rice Growers

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s)
have been filed to appropriate the
public waters of the State of Idaho:

91-7094

Name: St. Maries Wild Rice
Growers

Address: P.O. Box 293, St. Maries,
Idaho 83861

Date Filed: October 4, 1983

Source: Unnamed Stream
tributary to Saint Joe River, Saint
Joe River tributary to Coeur
d'Alene Lake

Point of Diversion: NENW Sec 18 T
46N R 01W

In: NWNE SWNE NENW Sec 18 T
46N R 01W SESW Sec 07 T 46N R
01W for 70 acres

Use: Irrigation (1.40 cfs);
Irrigation Storage (106.0 AF);
Diversion to Storage (1.40 CFS)

The permit(s) will be subject to
all prior water rights. Protests
must be filed with the Director,
Dept. of Water Resources, 4055
Gov't Way, Coeur d'Alene, Idaho
83814 on or before October 31, 1983.

KEN DUNN, Dir.

No. 7281 — Oct. 12-19.

R
11/4/83

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NOV 3 1983

Department of Water Resources
Northern District Office

ATTACHMENT B

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 91-2094.

Name(s) of Permit Holder: St. Maurice Wild Rice Growers

Post Office Address: Box 293
St. Maurice, Idaho 83861 Tel. No. 689-3759

Source of Water: St. Joe River & spring runoff

Extent of Use:
☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 70 acres (acres)
☐ Other

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

The above information is a true statement of the extent to which the above numbered permit has been developed.

January 3, 1984 Date W. W. Bruner Signature of Permit Holder

St Mark's R Crocker
Box 793
St Mark's Rd 83861



JAN 10 1984



Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MICROFILMED

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

*no space
w/par
in 10/1/04*

Feb 13 2 43 PM '04

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,

ATTACHMENT D

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:

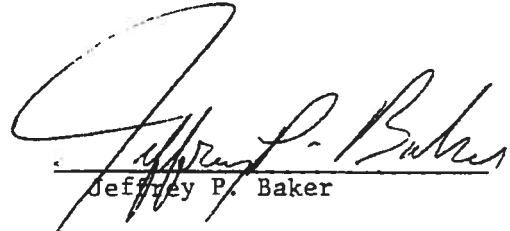
JEFFREY P. BAKER

984 Wellwood Road
Apt. 28R
Midvale, Utah 84047

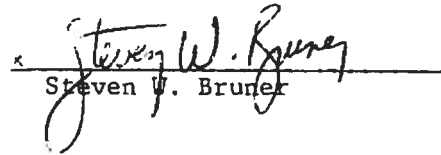
STEVEN W. BRUNER

Route 1, Box 24
Harrison, Idaho 83833

DATED this 8 day of February, 1984.



Jeffrey P. Baker

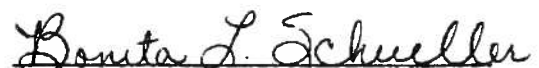


Steven W. Bruner

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. Mary's therein
My commission expires: 3/84



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



A handwritten signature in cursive script, reading "Pete T. Cenarrusa".

SECRETARY OF STATE

by: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720

91-7094
ST. MARIES WILD RICE GROWERS
P.O. BOX 293
ST. MARIES, ID 83861

138122

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You may later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

ATTACHMENT F

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

NOV 21 1991

4/86

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AUG 18 1986

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only
 Fee Received \$ 125.00
 Date 8-18-86
 Receipt # 38926
 Receipt by [Signature]
 Sent to S.O. 7/13/86

RECEIVED

SEP 5 1986

1. Permit No. 91-7094

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE.

- ☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: St Maries Wild Rice

3. Post Office Address: PO Box 293 St Maries
Idaho 83861 Telephone No. (208) 245-5835

4. Source of Water: St Joe River + unnamed creek & spring

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 70 (acres) Other/Remark _____6. Total rate &/or volume for which proof is submitted 1.4 cfs 104 acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

Summer 1984

8. Person to contact to accompany the department representative during the field examination:

W W Bruner
(Name)

PO Box 293, St Maries, ID 83861 (208) 245-5835
 (Address) (Telephone Number)

- ☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

NOV 21 1991

Date _____

Signature of Permit Holder (and title, if appropriate) _____

ATTACHMENT G

B/25

State of Idaho
Department of Water Resources

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SEP 29 1986

ASSIGNMENT OF PERMIT

Department of Water Resources

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

Devere S. Tester
Notary Public residing at St. Maries
Lifetime Commission

My commission expires:
Lifetime

MICROFILMED
MAR 09 1987

ATTACHMENT H

SENIOR AGENT REVIEW

Check List
for
Beneficial Use Field Report

Permit 91-07694

☒ **A. GENERAL INFORMATION**

- ☒ 1. Name and address are most current available. (Check BU statement)
☒ 2. Exam Date
☒ 3. Source (Check Permit)

☒ **B. OVERLAP REVIEW**

- ☒ 1. & 2. (Rule 5,1,4)

☒ **C. SYSTEM DESCRIPTION**

- ☒ 1. Diversion System Diagram (Rule 5,1,3 / 5,1,4)
☒ 2. USGS (Rule 5,1,7 / 5,1,9) Aerial (Rule 5,1,17)
Photo of pd and/or pu or explanation
☒ 3. Word Picture (Rule 5,1,3 / 5,1,4)
☒ 4. Diversion (Rule 5,1,3)
☒ 5. Compare with USGS Map, Land Survey Maps, Aerial Photos and Permit.
☒ 6. Irrigation (Rule 5,1,8) method of determination

☒ **D. FLOW MEASUREMENTS** Check math (Rule 5,1,13 / 5,1,14)

☒ **E. FLOW CALCULATIONS** Check math (Rule 5,1,13 / 5,1,14)

☒ **F. OPTIONAL**

☒ **G. VOLUME CALCULATIONS**

Three significant figures and no more than 1/10's (Rule 6,1,2)
Fish (Rule 5,1,11) number stock, homes, etc... (Rule 5,1,12)

☒ **H. REMARKS AND OVERLAP ANALYSES**

All actual uses listed; all permitted uses not used, also listed; (Rule 5,1,2):
Overlaps (Rule 5,1,4):
Return flows (Rule 5,1,5):
Conditions (Rule 5,1,6).

☒ **I. RECOMMENDATIONS**

- ☒ 1. Municipal (Rule 5,1,10): Compare with items E & G, permit, fee, capacity
(Rule 5,1,15): Measured flows for each use listed separately (Rule 5,1,14).
Period of year (Rule 5,1,13)
☒ 2. Compare permit to exam for amendments (Rule 5,1,16)

☒ **J. AUTHENTICATION**

Name, Signature, Certification Date, Exam Date.

☒ **WELL INSPECTION REPORT**

Check with permit and well log for discrepancies

Signature

T. D. King

Date

9/24/90



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PERMIT # 91-7094

INITIALS



Pipe line to
St. Joe River



#1 pump

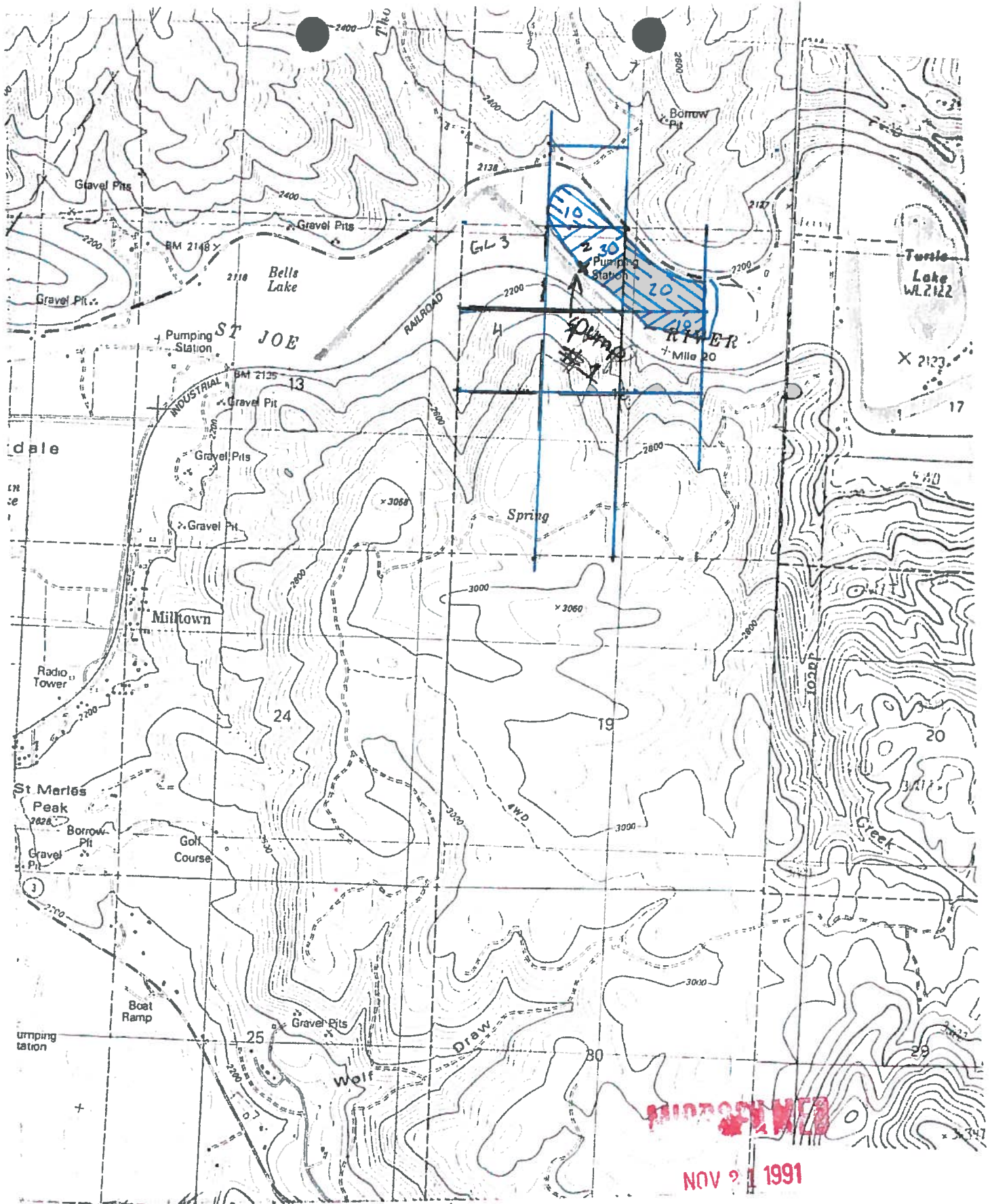


RECEIVED

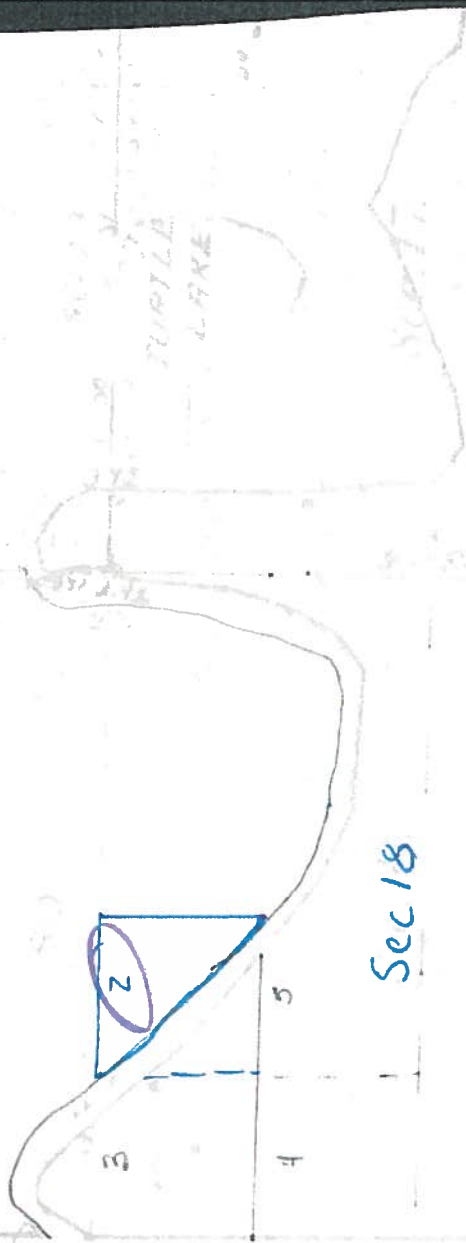
NOV 21 1991

#2 pump





TWP. 46 N., RGE. 1W SEC. 18 MAP # _____ PERMIT # 91-7094
DATE OF EXAM 7-8-87



RECORDED

NOV 21 1991

46N 1W Sec 18 Gov. lot 2

#91-7094

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 24 1991

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 91-7094

1. Owner: St. Maries Wild Rice

Phone No. 245-5835

Current Address: P.O. Box 293, St. Maries, Idaho 83861

2. Accompanied by: Al Bruner

EXAM. DATE: 6-30-87 7-8-87

Address: P.O. Box 293, St. Maries, Id.

Phone No. SAME

Relationship to Permit Holder: President

3. Source: St. Joe River and unnamed creeks and springs tributary to CDA Lake

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

☐ Copies Attached

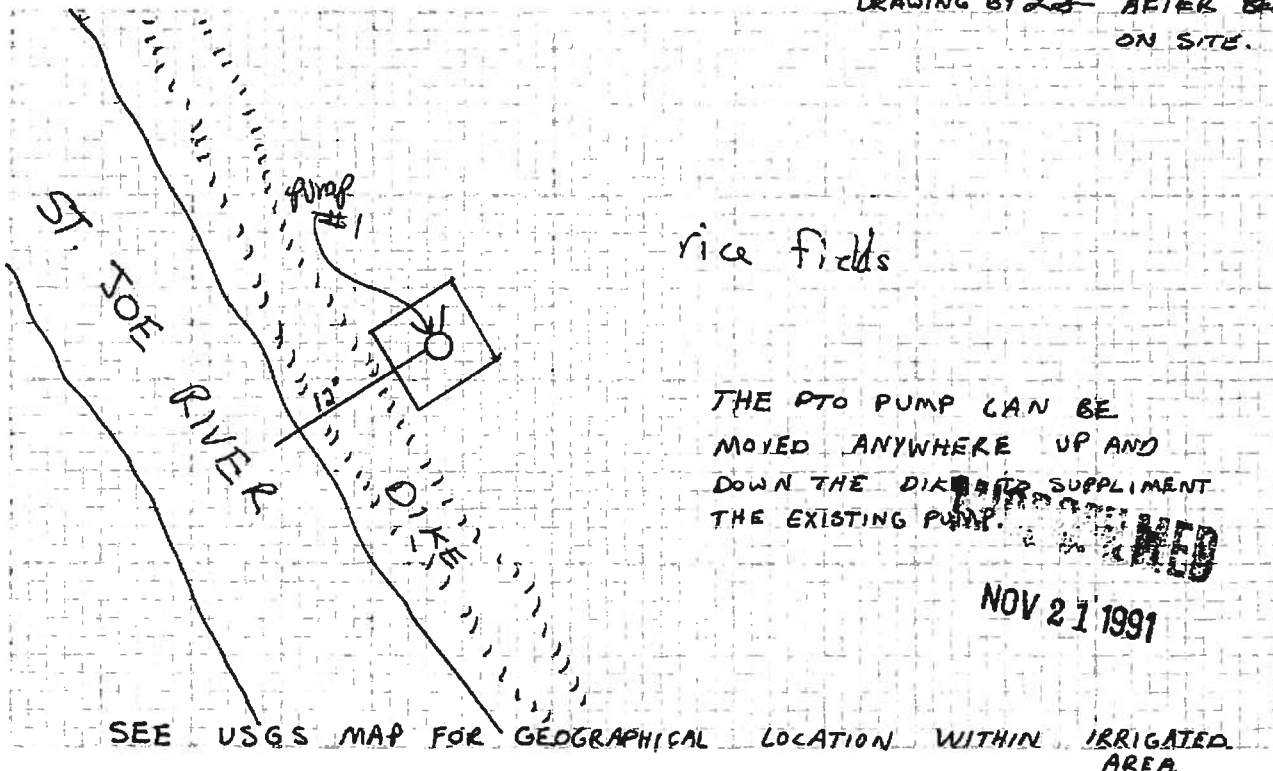
☐ Copies of Field Exam's Attached

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

8/25/89

DRAWING BY LS AFTER BEING
ON SITE.



Scale: 1" = NTS

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
(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.)

Runoff & springs fill irr. Ac. if excess it is pumped out through #1 pump to St. Joe River 12" intake & 12" out let to River. & when water in field is low, water is pumped through #2 pump for irr of Ac.

Irr is by flooding @ an avg. of 18"

14" gate maintains water level.

#2 PUMP CONSISTS OF 12" INTAKE, TRACTOR PTO & PUMP, 6" DISCHARGE IN FIELD FOR FLOOD IRR. EXCESS WATER DISCHARGED INTO ST JOE RIVER WITHIN GL 2, SEC 15, T46N, R1W

☐ See Remarks on page 4 for continuation

4. #2 h_{st} = 2'

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1 For outflow	US Motor	7.5	510560		12"
#2 For supplement	PTO	65			8" 6"

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	2		NE	NW	18	46N	1W	Benedict	Map - permit

6. Place(s) of Use:

Indicate Method of Determination

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	
46N	1W	18		20	10		30												60
		7												10					10
																			70

Total

NOV 21 1991

Do not use this space

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		ID. 4333	12"	

2. Measurements:

— NO MEASUREMENT WAS POSSIBLE!
 7.000 7 REV/MIN, 2001 AF/REV
 $\frac{7(2001)(43560)}{60} = 5.08285$
 CAN THROTTLE BACK FOR LESSER Q

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$Q = 1.4 \text{ cfs via permit}$
 Q Total diversion for irr.

2. Alternate Method for Checking Purposes:

$= \frac{65(8.8)(.75)}{2.3(60) + 2} = 3.06 \text{ cfs}$
 Q From St. Joe River for supplement

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:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 70 \times 3.0 = 210 \text{ AF}$
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.4 \times 245 = 680$
 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 210 \text{ AF}$

2. Volume Calculations for Other Uses:

$V = 18 \text{ in deep} \times 70 \text{ AC} \times \frac{1 \text{ ft}}{12 \text{ in}} = 105 \text{ AF}$
 Storage
 For and from
 irr.

NOV 21 1991

H. REMARKS AND OVERLAP REVIEW ANALYSIS

AERIAL PHOTO SHOWS ONLY FOREST. NO OVERLAP.
AERIAL PHOTO UNUSABLE - RE TRACING MADE BUT UNABLE TO DETERMINE
SECTION CORNERS

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	1.4 cfs	-
Div. to storage	3-15	11-15	1.4 cfs	-
storage for irr.	3-15	11-15	-	105 AF
irr. from storage	3-15	11-15	-	105 AF
Totals:			1.4 cfs	105 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 Argraves
Signature Jennifer Argraves
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.

UNRECORDED
NOV 21 1991

No. 075036		Idaho Corporation Annual Report Form Due No Later Than November 1, 1987		2. Registered Agent and Office A1 W ~~STEVEN W. BRUNER~~ ST. MARIES AIRPORT ST. MARIES, IDAHO 83861	
Return To Secretary of State Room 203, Statehouse Boise, ID 83720 SEC. OF STATE 87 JUL 20 PM 2 13		1. Mailing Address — Please Correct 075036 ST. MARIES WILDRICE, INC. ~~STEVEN W. BRUNER~~ P. O. BOX 293 ST. MARIES, IDAHO 83861		3. Incorporated Under The Laws of STATE OF IDAHO	
4. Names and Addresses of Officers and Directors President: <i>Jeffrey P. Bruner</i> Secretary: <i>A1 W. Bruner</i> Directors:		Street or P.O. Address Box 293 " 71		City St. Maries Harrison	
		State ID		Zip 83861	
5. Nature of Business <i>Agricultural Farming</i> <i>& processing of Wild Rice</i>		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 <i>A1 W. Bruner</i> Date <i>6-30-87</i> Name (Printed) <i>A1 W. Bruner</i> Title <i>Sec/Treas</i>			

ENTERED
JUL 28 1987

1000005000 2042

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 91-07094

Priority: November 23, 1983

Maximum Diversion Rate: 1.40 CFS
Maximum Diversion Volume:¹ 210.0 AF

This is to certify, that ST. MARIES WILD RICE GROWERS
P.O. BOX 293

ST. MARIES ID 83861 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated October 4, 1983; and
has submitted Proof of Beneficial Use on January 10, 1984. An examination indicates
that the works have a diversion capacity of 5.080 cfs of water from:

UNNAMED STREAM
ST. JOE RIVER

tributary to ST. JOE RIVER
tributary to COEUR D ALENE LAKE

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	1.40 CFS	210.0 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 2(NENW), Sec. 18, Township 46N, Range 01W
BENEWAH County

PLACE OF USE: IRRIGATION
TWN RGE SEC

	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
46N 01W 7	SESW 10			10
18	NWNE 20	SWNE 10	NENW 30	60

Total number of acres irrigated: 70

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 which 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

NOV 21 1991

ATTACHMENT K

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

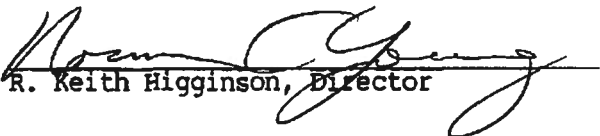
WATER RIGHT NO. 91-07094

CONDITIONS/REMARKS:

6. The issuance of this permit 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 5TH day of NOVEMBER, 1991.

Acting for


R. Keith Higginson, Director

NOV 21 1991

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.

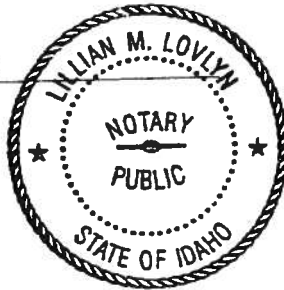
Alexander W. Bruner
Alexander W. Bruner
5507 N. Parkwood Lane
Coeur d'Alene, ID 86815

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

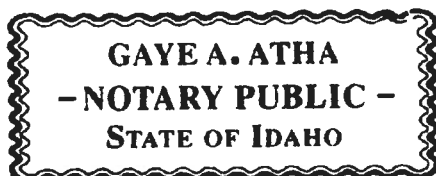
10-30-06
Date

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
 Single Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

17786 E. Canary Creek Rd.

City, State and ZIP Code

Cataldo ID 83810

New Telephone Number

208 687-9308

5. Date you acquired the property

06/2001

SUPPORT DATA**IN FILE #** 91-07094**ATTACHMENT M**

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)

Logan A. McEntiff

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. 2048886
 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 N

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: 91-7094

Date Received: 6/6/2011

Receipt No: T093309

Received By:

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

1. Name of Claimant(s)

DOUGLAS MCINTURFF Phone:(208) 689-9308

17786 E CANARY CREEK RD

CATALDO ID 83810

DARCY MCINTURFF Phone:(208) 689-9308

17786 E CANARY CREEK RD

CATALDO ID 83810

2. Date of Priority: 11/23/1983

3. Source: ST JOE RIVER

Tributary to: COEUR D ALENE LAKE

UNNAMED STREAM

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>
46N	01W	18	NE NW	2	BENEWAH	
46N	01W	18	NE NW	2	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	1.4	210

7. Total Quantity Appropriated is: 1.4 C.F.S. and/or 210 A.F.A

8. Non-irrigation uses:

9. Place of use:

<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>
46N	01W	7	SE SW		IRRIGATION	10
					Section Acres	10

<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>
46N	01W	18	NE NW		IRRIGATION	30
			NW NE		IRRIGATION	20
			SW NE		IRRIGATION	10
					Section Acres	60

Total Acres 70

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 that appears on our water right report for water right 91-7094.

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

**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

ID Number: 91-7893

Date Received: _____

Receipt No: _____

Amount: _____ By: _____

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

Please type or print clearly

1. Name of claimant(s) JEFFERY C SHIPPY Phone 208-582-0582
Mailing address 95 FERGUSON ST ST MARIES ID 83861
Street or Box City State ZIP
2. Date of priority (only one (1) per claim) 11/23/1983
Month Day Year (yyyy)
3. Source of water supply (check one) Ground Water () or Other (x) (a) UNNAMED STREAM / ST JOE RIVER
which is tributary to (b) ST JOE RIVER / COEUR D ALENE LAKE
4. a. Location of point of diversion is: Township 46N, Range 01W, Section 18,
NE 1/4 of NW 1/4, or Govt. Lot 2, B.M., County of BENEWAH
Parcel (PIN) no. RP46N01W181000A, RP46N01W077700A
Additional points of diversion if any: 46N01W18NENW LOT 2
If available, GPS coordinates: _____
- b. If instream flow, beginning point of claimed instream flow is: Township _____, Range _____,
Section _____, 1/4 of _____ 1/4, or Govt. Lot _____, B.M., County of _____
ending point is: Township _____, Range _____, Section _____, 1/4 of _____ 1/4 or
Govt. Lot _____, B.M., 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.
LEVEE THAT BACKS UP THE UNNAMED STREAM AND A PUMP THAT PUMPS WATER FROM THE ST
JOE RIVER FOR IRRIGATION OF WILD RICE ,

COPY

ATTACHMENT P

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 1.4 or 210.0

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 1.4 (cfs) and/or (b) 210.0 (acre-feet)

8. Non-irrigation uses; describe fully (e.g. Domestic: give number of households served; Stockwater: type and number of livestock, etc.): IRRIGATION OF 70 ACRES

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 (e.g. 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	
46N	01W	7											1.5	22.0					23.5
													L4						
46N	01W	18	1.5	23.0	5.0		17.0												46.5
			L1		L7		L2												

Parcel (PIN) no(s). SAME AS ABOVE

Total number of acres irrigated 70.0

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

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

COMPETING CLAIM 91-7094 or None ()

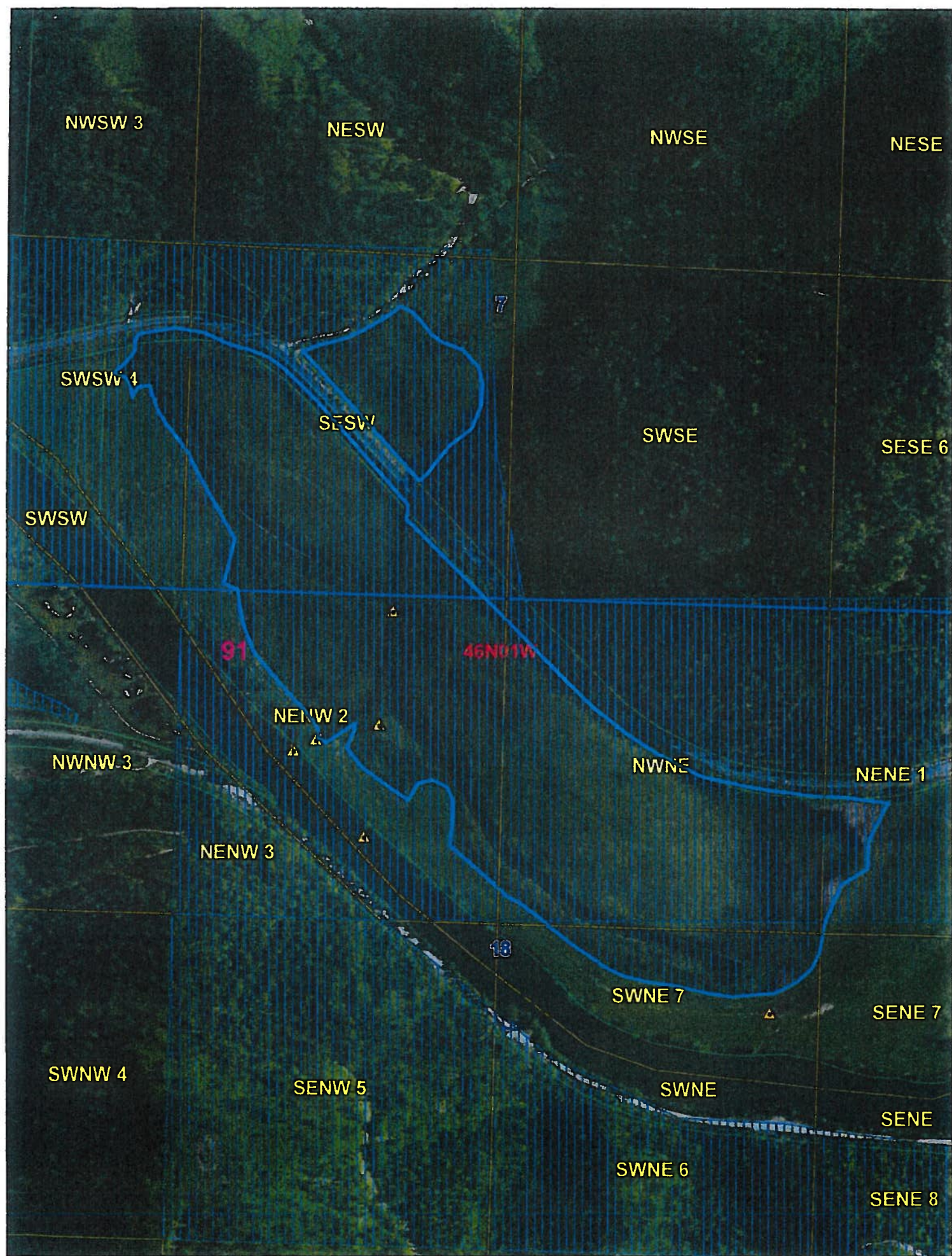
13. Remarks:

I AM THE LAND OWNER OF THIS IRRIGATED PROPERTY AND THIS WATER RIGHT SHOULD BE IN MY NAME.

COPY

Last name SHIPPY

Identification no.



14. Basis of claim (check one) Beneficial Use () Posted Notice () License (x) Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable, provide IDWR water right number 91-7094

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 (x) 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 C. Shippy* Date: 3/12/15
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 _____ Date _____

Address _____

COPY

Last name SHIPPY Identification no. _____