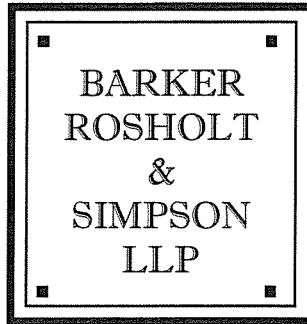


ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON



1010 W. Jefferson, Suite 102
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

195 River Vista Place, Suite 204
Twin Falls, ID 83301-30297
(208) 733-0700 telephone
(208) 735-2444 facsimile

Albert P. Barker
apb@idahowaters.com

March 15, 2016

RECEIVED

MAR 17 2016

DEPARTMENT OF
WATER RESOURCES

Jeff Peppersack
Chief Water Allocation Bureau
Idaho Department of Water Resources
322 Front Street
Boise, ID 83702

Re: Jerald Baird – Water Right No. 82-07175

Dear Jeff:

I am writing on behalf of Jerald and Debra Baird. They own land in Idaho County in Township 29 North, Range 8 East, Boise-Meridian, Section 9, SE ¼ NW ¼. They have a water right for this property under License No. 82-07175 to divert 0.16 cfs from Big Elk Creek, tributary to Clearwater River. The point of diversion is on their property and they have the right to irrigate 6 acres of that property with water diverted from the creek. Water is diverted from the creek into a ditch and the excess is returned to the creek at another location on their property.

Baird purchased this property from Richard and Bonnie Knudson in 1978 (deed attached). The Knudsons had purchased the Baird property and some other adjacent property from Gertrude Maxwell in 1969 (deed attached). Gertrude Maxwell had owned a large ranch on Big Elk Creek that she had subdivided and sold off parcels to others, including Knudsons.

Concerned about the potential access to their property by third parties, Baird secured releases from Maxwell and from Knudsons (who were in the chain of title from Maxwell). At the time of the sale to Baird, Maxwell still owned some property on Big Elk Creek downstream of the Baird property. Gertrude Maxwell provided Baird a release of any and all claims to water, ditches, and drain ditches which she might otherwise have the right to use on the Baird property. This release became effective upon the death of Gertrude Maxwell or the sale by her of her land in the NE ¼, NW ¼ of Section 15, Township 29 North, Range 8 E, whichever occurred first. (Release attached). Gertrude Maxwell retained the right to use the ditch on the Baird property as long as she lived or until she sold this parcel of property in Section 15 that she owned further downstream on Big Elk Creek. In addition to buying the property from Knudson by warranty deed, Baird obtained a separate quitclaim and release from Knudson and Dynamic American

Jeff Peppersack
Idaho Department of Water Resources
March 15, 2016
Page 2

Corporation, another entity that had purchased some of the property along Big Elk Creek. This quitclaim and release relinquished any and all right of ingress and egress on the Baird property for access to canals or ditches (Release and quitclaim attached).

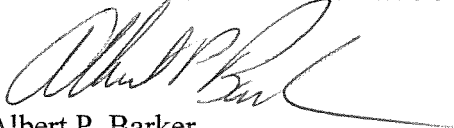
At present, Gertrude Maxwell is no longer living. The property in the NE ¼ NW ¼ of Section 15, Township 29 N, Range 8 E is not in her estate or owned by her heirs. According to the Department's water right records, Water Right No. 82-4014 is appurtenant to property in the NE ¼ NW ¼ of Section 15 and is held in the name of Vernon and Carol Davis. This right was originally claimed on the adjudication by Gertrude Maxwell. Therefore, the release of the right of access to the Baird property given by Maxwell to Baird in 1978 is effective. Any right that any person may have had to enter onto the Baird property to obtain access to the point of diversion or the ditch has been terminated. Please note that there are still two other points of diversion on Big Elk Creek available for right 82-4014, according to the Department's records.

Baird hereby requests that the attached deeds and releases be included in the back files of Water Right No. 82-07175. These records are already recorded with the county. However, to ensure that the Department's water right records fully reflect the property interest associated with the water rights, we request that this letter and the attached copies of the recorded documents be included along with the back file for Water Right No. 82-7175 to provide notice to persons who might inspect the water right files. At this time, we are not requesting any affirmative action by the Department beyond filing the documents.

Thank you for your consideration. If you have any questions, please contact me.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP



Albert P. Barker

APB/se
Enclosures

cc: Jerald Baird

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273126

WARRANTY DEEDINDEXED ☒
TRACTED ☒
FILMED ☒

For Value Received RICHARD C. KNUDSON and BONNIE L. KNUDSON,
husband and wife, the grantors, do hereby grant, bargain, sell and convey
unto JERALD M. BAIRD, a single man, and DEBRA PATRIN, a single woman,
the grantees, whose current address is c/o Gold Point Mines, Elk City, Idaho
83525, the following described premises, in Idaho County, State of Idaho,
to-wit:

Southeast Quarter Northwest Quarter (SE 1/4 NW 1/4)
of Section Nine (9), Township 29 North, Range Eight
(8) East Boise Meridian, Idaho County, Idaho.

TOGETHER WITH all rights, title and interest acquired
by Grantors, by ownership, prescription or use, for
ingress, egress and maintenance, of an existing road
extending from the East line of above described property,
thence continuing parallel to and North of Big Elk Creek
in a Southeasterly direction, over and across Sections
9, 10, and 15 to the County Road in the vicinity of Gertrude
Maxwell's ranch house, all in Township 29 North, Range
8, East Boise Meridian, Idaho County, Idaho.

and

TOGETHER WITH all mineral, timber and water rights.

TO HAVE AND TO HOLD the said premises with their
appurtenances unto the said Grantees, their heirs and assigns
forever. And the said Grantors do hereby covenant to and with
the said Grantees, that they are the owners in fee simple of said
premises; that they are free from all encumbrances except taxes
and assessments for 1978 and thereafter, and that they will warrant
and defend the same from all lawful claims whatsoever.

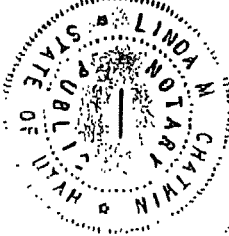
IN WITNESS WHEREOF, the said Grantors have hereunto
set their hands and seals this 28th day of March,
1978.

Richard C. Knudson
Bonnie L. Knudson

273126
20F2STATE OF UTAH)
: ssCounty of SALT LAKE

On this 28th day of MARCH, 1978, before me, the undersigned, a Notary Public in and for the State of Utah, personally appeared RICHARD C. KNUDSON and BONNIE L. KNUDSON, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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



Linda M. Chaffin
Notary Public in and for the State of : UTAH
Residing at: S.L.C., UTAH

Filed and recorded at the request of INLAND ABSTRACT
at 2:45 o'clock P.M. this 18 day of April, 1978
Bob J. Maite By _____
Ex-Officio Auditor and Recorder Deputy
Idaho County, Idaho Fee \$ 2.00

Gerald M. Baird
Debra Patin
90 Gold Point Dr
Elk City, Id 1044

235924

INDEXED
FILED
MAR 12 1969
DAVID

235924

WARRANTY DEED

For Value Received OBTURUDE MAXWELL, a single woman

the grantor, does hereby grant, bargain, sell and convey unto RICHARD O. KNUDSON
husband of Dorene L. Knudson, dealing with his sole and separate property,
the premises, the following described premises, to-wit:

Situate in the County of Idaho, State of Idaho, to-wit:

The South Half of the Southeast Quarter (S 1/2 SE 1/4) of Section 4;
the North Half of the Northeast Quarter (N 1/2 NE 1/4), the East
Half of the Northwest Quarter (E 1/2 NW 1/4), and the Southeast
Quarter (SE 1/4) of Section 9; the West Half of the Northwest Quarter
(W 1/2 NW 1/4), and the West Half of the Southwest Quarter (W 1/2
SW 1/4) of Section 10; and the Northwest Quarter of the Northwest
Quarter (NW 1/4 NW 1/4) of Section 15, all in Township 29 North,
Range 8 East of the Boise Meridian, Idaho County, Idaho.

Together with all water and water rights, ditches and ditch rights
appurtenant thereto.

EXCEPT, AND SUBJECT TO: an easement expressly reserved by
Grantor for all existing ditch, canal and drainage ditch rights and
easements as they now exist, together with Grantor, her heirs,
assigns and successors right to use and maintain said ditches,
canals and drainage ditches to irrigate the property retained by her
in the Northeast Quarter Northwest Quarter (NE 1/4 NW 1/4) of
Section 15, Township 29 North, Range 8, E. O. M., Idaho County,
Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
his heirs and assigns forever. And the said Grantor does hereby covenant, to and
with the said Grantee, that she is the owner in fee simple of said premises, that said
premises are free from all incumbrances.

and that she will warrant and defend the same from all lawful claims whatsoever.
Dated: November 10, 1969.

Obturude Maxwell
OBTURUDE MAXWELL

STATE OF IDAHO, COUNTY OF NEC
On this 10th day of November, 1969
before me, a notary public in and for said State, personally
appeared OBTURUDE MAXWELL, a

single woman

known to me to be the person
whose name is subscribed to the foregoing instrument, and acknowledged to
me that she executed the same for the purposes and consideration therein
expressed.
Obturude Maxwell
Notary Public
My Comm. Expires May 28, 1970

STATE OF IDAHO, COUNTY OF IDAHO
I hereby certify that this is a true and correct
copy of the original as the same appears in my records.

Attest:
My Comm. Expires May 28, 1970
[Signature]
Notary Public

not
should be
they are to be

and read for record
check if all this
is in the
of record.
Notary Public
[Signature]
My Comm. Expires May 28, 1970

273128
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273128

RELEASEINDEXED ☒
TRACTED ☒
FILED ☒

For a valuable consideration, the receipt and sufficiency of which is hereby acknowledged, GERTRUDE MAXWELL, a single woman, hereby conveys and releases any claim to water, canal ditches and draining ditches claimed by her in SE 1/4 NW 1/4 of Section 9, Township 29 North, Range 8 East Boise Meridian. THIS RELEASE TO BECOME EFFECTIVE either upon the death of Gertrude Maxwell or upon the sale by her of NE 1/4 NW 1/4 of Section 15, Township 29 North, Range 8 East Boise Meridian, whichever event occurs first. This Release conveys the above rights to the owners of SE 1/4 NW 1/4 of Section 9, Township 29 North, Range 8 East Boise Meridian on the date of the first of the above two events occurs. At the present time JERALD M. BAIRD, a single man, and DEBRA PATRIN, a single woman, c/o Gold Point Mines, Elk City, Idaho 83525, are the record owners of said property.

SPECIFICALLY EXCEPTED from the above release is the water rights acquired, owned and used by GERTRUDE MAXWELL under Idaho Claim to Water Rights No. 82-4014, which claim has been granted and recorded. These rights will at all times remain with GERTRUDE MAXWELL, her heirs and successors.

DATED this 31 day of March, 1978.

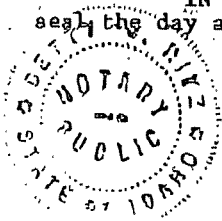
Gertrude Maxwell
GERTRUDE MAXWELL

STATE OF IDAHO)

County of Idaho)^{SS}

On this 30 day of March, 1978, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared GERTRUDE MAXWELL, a single woman, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she executed the same.

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



Betty J. McIntosh
Notary Public in and for the State
of Idaho, residing at Elk City, Idaho
therein.

-1-

3 of 4

Filed and recorded at the 10:44 AM at INLAND ABSTRACT
at 2:45 o'clock P.M. this 18 day of April, 1978
Bob J. Waite
Notary Public and Recorder
Elk County, Idaho

278107

1043

(INDEXED)
(SERIALIZED)
(FILED)QUITCLAIM AND RELEASE

For Valuable Consideration, the receipt and sufficiency whereof is hereby acknowledged, RICHARD C. KNUDSON and BONNIE L. KNUDSON, husband and wife, and DYNAMIC AMERICAN CORPORATION (formerly Dyna-Flex Corporation), a Utah Corporation, as Grantors, hereby demise, quit claim, convey and release to JERALD BAIRD, a single person, and DEBRA PATRIN, a single person, as Grantees, All of their right, title and interest, howsoever acquired, in and to any canal ditches, draining ditches, roads, rights of ingress and egress or to go upon, over or across the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section Nine (9), Township Twenty-Nine (29), North Range Eight (8), East of the Dolea Meridian, Idaho County, Idaho.

DATED this 28 day of March, 1978.

Richard C. Knudson
RICHARD C. KNUDSON

Bonnie L. Knudson
BONNIE L. KNUDSON

DYNAMIC AMERICAN CORPORATION,
a Utah Corporation

ATTEST:

[Signature]
Secretary

By:

[Signature]
President

STATE OF ID
County of

signed, and
appeared in
known to me
within and
executed

my official

STATE OF ID
County of

signed, and
appeared,
known to me
the corporate
and acknowledged
and mentioned
execute a
seal of

my official

273 127
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STATE OF UTAH)
County of Salt Lake ss

On this 28 day of March, 1978, before me, the under-
signed, a Notary Public in and for the State of Utah, personally
appeared RICHARD C. KNUDSON and BONNIE L. KNUDSON, husband and wife,
known to me to be the persons whose names are subscribed to the
within and foregoing instrument and acknowledged to me that they
executed the same.

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

[Signature]
Notary Public in and for the State of
Utah, residing at Salt Lake herein;

STATE OF UTAH
County of Salt Lake

On this 28 day of March, 1978, before me, the under-
signed, a Notary Public in and for the State of Utah, personally
appeared Richard C. Knudson and Bonnie L. Knudson
known to me to be the President and Secretary, respectively, of
the corporation that executed the within and foregoing instrument,
and acknowledged the said instrument to be the free and voluntary
act and deed of said corporation, for the uses and purposes therein
mentioned, and each on oath stated that he was authorized to
execute said instrument and that the seal affixed is the corporate
seal of said corporation.

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

[Signature]
Notary Public in and for the State of
Utah, residing at Salt Lake herein;