

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

In Re CSRB	)	Claim No: 4444
	)	4445
	)	4446
Case No. 49576	)	4500
	)	
	)	AFFIDAVIT OF STEVE CUVALA
	)	IN SUPPORT OF THE APPLICATIONS
	)	OF MERLE AND DEBORAH
	)	STEPHENSON

STATE OF IDAHO)
) ss.
County of Benewah)

The undersigned, being duly deposed under oath, states as follows:

1. My name is Steven J. Cuvala. I reside with my wife, Peggy Cuvala, at 550 Wittrock Road, Benewah County, State of Idaho. I am employed by the Idaho Department of Lands. I own real property adjacent to Merle and Deborah Stephenson's real property located in Section 9, T45N, R3W, Benewah County, Idaho.
2. I purchased part of my real property from Perry W. Humphrey and the heirs to his estate, Sunday Darrar and Linda Matthews, the daughters of Perry W. Humphrey. I also purchased part of my real property from Don Darter, who acquired his interest from the Darrar/Matthews owners. I moved with my wife to our property in 1981.
3. I am familiar with the prior owners of the real property I own and the real property owned by Merle and Deborah Stephenson. I was personally acquainted with brothers Perry W. Humphrey and Paul Humphrey, who originally owned my real property and the real property now owned by Merle and Debbie Stephenson. They operated a cattle ranch together known as Mountain Glow Hereford Ranch. The ranch operation was dissolved and the real property was divided between Perry W. Humphrey and Paul Humphrey.
4. I have personal knowledge of the four (4) water sources now utilized and claimed by Merle and Deborah Stephenson because I worked and lived in Benewah County for the

Humphrey Brothers in the early 1970s and I learned about the history of the ownership of their land and the water sources they used for domestic, irrigation and stockwater purposes as follows:

A. The domestic spring, identified as Claim #4500, provides water to Merle and Deborah Stephenson's home. I was a student at the University of Idaho in the early 1970s. I started working in Benewah County in 1974 for the Idaho Department of Lands doing seasonal work in the summer. While working in Benewah County, I also hayed for Perry and Paul Humphrey during the summers for several years, beginning in 1974. Perry Humphrey showed me where the spring house for the domestic spring was located in 1974, the first summer I worked for the Humphrey Brothers. He showed me where it was located on the original "Garl" homestead, and he told me that his parents, Estelle and Fred Humphrey, had acquired the property from the Arthur and Ernestine Garl in 1939. It is my understanding from working and living with the Humphrey family that Perry and Paul Humphrey inherited the land from their parents. In 1974, Estelle Humphrey and her son, Paul Humphrey, were still living in the home and they were still using this domestic spring for water to the home. It is also my understanding that the Humphreys developed this spring to their home in approximately 1962. I lived with them in 1975 and I remember taking baths at their home and I remember that it took a long time to fill up the bath tub.

B. The unnamed stream used for irrigation, identified as Claim #4445, provides irrigation for pastureland and cattle watering and is served with a black poly gravity feed pipes to the pastures. This land is currently under a lease to a third party for cattle and been leased since 1983. I know this unnamed stream was used historically for irrigation and stock watering when the Humphrey brothers owned the Mountain Glow Hereford Ranch based upon my conversations with the Humphreys. I know this stream was being used in 1975 for irrigation because I helped Paul Humphrey move the black poly irrigation pipe and there were cows in the pasture. I also remember chopping holes in the ice in this stream with Perry Humphrey one winter when the stream froze and we needed to water the cattle.

C. Benewah Creek, which is used for irrigation & stock water, identified as Claim #4444 was historically used by the Humphrey brothers in the 1960s for irrigation. They tried growing wheat in the 1960s but they were not growing wheat when I worked for them in the 1970s. This creek is now used to water cattle and is leased to a third party. I personally saw cattle drink water from this creek in 1975 and years after for stock water.

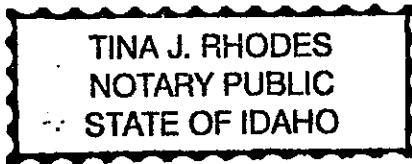
D. Spring to unnamed creek, which is a tributary of Benewah Creek and is identified as Claim #4446 was developed by Harry & Dick Woodbury, Woodbury Construction for the Humphreys in 1982 with pipe and a concrete tank. Although I cannot remember the year, I remember that it was developed sometime in the early 1980s.

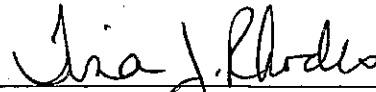
DATED this 20th day of April, 2009.



Steve Cuvala

SUBSCRIBED and SWORN to before me this 20th day of April, 2009.





Notary Public in and for Idaho

Residing at: St. Maries, Idaho

Commission expires: 11/8/2010