

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

Case No. 49576

) Claim No: 95-16790
)
)
) AFFIDAVIT OF JACK A. BUELL IN
) SUPPORT OF THE WATER
) ADJUDICATION CLAIMS OF
) BENEWAH COUNTY, IDAHO
)

STATE OF IDAHO)
) ss.
County of Benewah)

The undersigned, being duly sworn upon oath, deposes and states as follows:

1. My name is Jack A. Buell. I have served as a Benewah County Commissioner since 1973 and I currently am the elected Chair of the Board, consisting of three (3) elected county commissioners.
2. I am submitting this Affidavit on behalf of Benewah County, a political subdivision of the State of Idaho, and our three (3) county road districts in support of twelve (12) water adjudication claims filed with the Idaho Department of Water Resources in the above-entitled matter.
3. Benewah County was established by the Idaho State Legislature and its corporate boundaries were defined pursuant to Idaho Code 31-107, with an effective date of January 23, 1915. Prior to that date, Benewah County was part of Kootenai County, Idaho.
4. Benewah County, by and through the Board of County Commissioners, is authorized, empowered and required to supervise roads, bridges, and ferries. Idaho Code 31-805 was first adopted in 1913, and it currently states, in part: "The board shall lay out, maintain, control and manage public roads, turnpikes, ferries and bridges within the county, and levy such tax therefor as authorized by law..."

5. Benewah County is divided into three road districts, and each county commissioner is also a Road Supervisor. I am in charge of District 1, Commissioner Philip Lampert is in charge of District 2, and Norman L. "Bud" McCall is in charge of District 3. In each of our districts, we utilize water throughout the county for road maintenance and dust control by pumping water from certain designated creeks, streams, rivers, or springs, all of which have been specifically described and set forth in each claim filed by Benewah County as to point of diversion and place of use.

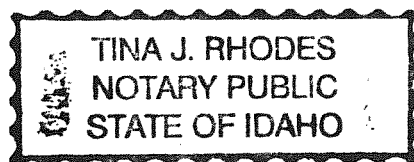
6. Historically, Benewah County has laid out, maintained, controlled, constructed, managed and taken care of the public road system running over and across the county, by and through the Board of County Commissioners and the county road district supervisors. This has included the regular diversion of public waters required for this purpose from various locations throughout the county. I was born in 1936 and I cannot remember a time when a county road crew was not using water pumped or diverted into a water truck for use on the roads in Benewah County.

7. Upon information and belief, the diversion of public waters at designated points throughout Benewah County for use on the county road system has been conducted regularly and in the ordinary course of business since Benewah County was first established in 1917.

DATED this 28th day of May, 2014.

Jack A. Buell
Jack A. Buell

SUBSCRIBED and SWORN to before me this 28th day of May, 2014



Tina J. Rhodes
Notary Public in and for Idaho
Residing at: St. Maries, Idaho
Commission expires: 11/8/2016

**Benewah County: District 1
PLACE OF USE LIST
Attachment #2**

Twn	Rng	Sec	NE						NW						SW						SE							
			NE	NW	SW	SE	Govt. Lot	NE	NW	SW	SE	Govt. Lot	NE	NW	SW	SE	Govt. Lot	NE	NW	SW	SE	Govt. Lot						
44N	03W	4			M		1,2			M	M	4																
		5					1,2																					
45N	02W	6								M	M									M								
45N	02W	7																										
45N	03W	12	M						M																			
		13																										
		24																										
		25																										
		26			M						M	M	2							M								
		27			M							M							M									
		28																										
		29																										
		30																										
		31	M																									4
		32	M		M					M																		
		33								M																		
45N	04W	23																										
		24			M						M																	
		25		M								M																
		26																										
46N	02W	3																										
		4																										
		6			M																							
		8																										
		9		M	M						M									M								
		20			M																							
		28	M																									
		29																										
		30	M																									
		31	M		M															M								
		33																										
46N	03W	1			M															M								
		2																										
		3																										
		4																										
		7																										
		17																										
		18	M																	M								
47N	02W	32																										
		33			M																							
		34																										

Benewah County: District 1
Point of Diversion List
Attachment #4

POD No.	Township	Range	Section	Qtr	Qtr	County
1	46N	03W	33	NE	NE	Benewah
2	46N	02W	22	SE	NW	Benewah
3	46N	01E	19	Govt. Lot 1		Benewah
4	46N	03W	9	SW	NW	Benewah