

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: 95-16789
Case No. 49576)
) SUPPLEMENTAL AFFIDAVIT OF
) JACK A. BUELL IN SUPPORT OF THE
) WATER ADJUDICATION CLAIMS OF
) BENEWAH COUNTY, IDAHO
)
)

STATE OF IDAHO)
) ss.
County of Benewah)

RECEIVED
JUN 20 2014
IDWR / NORTH

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. This Supplemental Affidavit is submitted on behalf of Benewah County, a political subdivision of the State of Idaho and our three (3) road districts and is supplemental to the Affidavit previously filed with the Idaho Department of Water Resources on or about the 29th day of May, 2014 in support of the above entitled claim.
3. Benewah County Road District One currently uses two water trucks, a 2,500 gallon water truck and a 4,500 gallon water truck, to pull water from the points of diversion indicated on the Point of Diversion List, Attachment # 4 to the Notice of Claim to Water Right. It takes fifteen (15) minutes to fill the 4,500 gallon truck with a water pump.
4. Benewah County Road District Two currently uses two water trucks, a 2,500 gallon water truck and a 6,500 gallon water truck, to pull water from the points of diversion indicated on the Point of Diversion List, Attachment # 4 to the Notice of Claim to Water Right. It takes twenty five (25) minutes to fill the 6,500 gallon truck with a water pump.

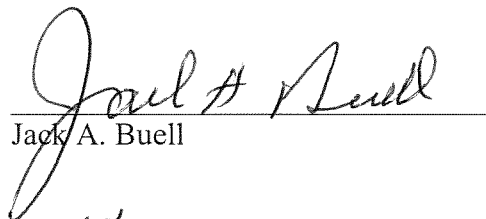
5. Benewah County Road District Three currently uses one 8,000 gallon water truck to pull water from the points of diversion indicated on the Point of Diversion List, Attachment # 4 to the Notice of Claim to Water Right. It takes twelve (12) minutes to fill each truck with a high powered water pump.

6. Benewah County has laid out, maintained, controlled, constructed, managed and taken care of the public road system in Benewah County since 1917. Historically, the three (3) road districts have owned and operated pumps, water trucks and other equipment for dust control and abatement similar to the trucks and equipment currently listed above in paragraphs 3, 4 and 5.

7. I have personal knowledge that during my entire lifetime, on and after 1936, Benewah County road crews have diverted water for dust control and abatement, and that the points of diversion, locations where the water was used for dust control along the various county roads, the quantity of water needed for such activities and the water trucks and equipment required for the road districts would have been similar to what we are using today.

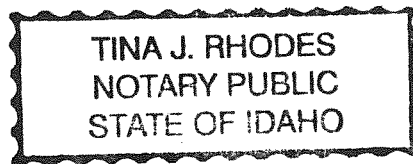
8. In my capacity as the Chair of the Benewah County Commissioners, upon information and belief, I affirm that since 1917, the historical diversion of water for beneficial use by Benewah County for dust control and abatement on our county roads has been conducted during the customary, regular and ordinary course of county business, as authorized by state law, since 1917.

DATED this 19 day of June, 2014.



Jack A. Buell

SUBSCRIBED and SWORN to before me this 19 day of June, 2014





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

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: 95-16789
)
) SUPPLEMENTAL AFFIDAVIT OF
) NANCY A. WOLFF TO CORRECT
) CLERICAL ERROR RE: DATE OF
) FORMATION FOR
) BENEWAH COUNTY, IDAHO

RECEIVED

STATE OF IDAHO)
) ss.
County of Benewah)

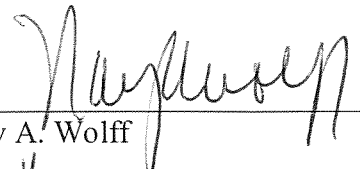
JUN 20 2014

IDWR / NORTH

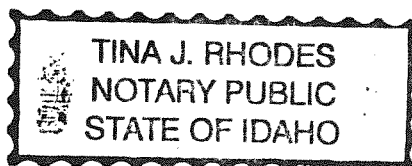
The undersigned, being duly sworn upon oath, deposes and states as follows:

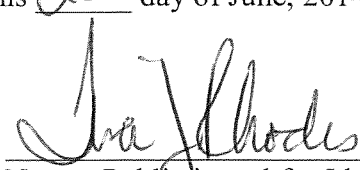
1. I am the attorney of record for Claimant, Benewah County, Idaho in the above-entitled claim. My bar license number is 2930.
2. I prepared the Affidavit for Jack A. Buell on behalf of Claimant Benewah County, signed on May 28, 2014 and the Supplemental Affidavit of Jack A. Buell on behalf of Claimant Benewah County, signed on June 19, 2014.
3. I made a clerical error in the recitation of the date of formation of Benewah County. The correct date of formation was January 23, 1915 instead of 1917.

DATED this 20 day of June, 2014.


Nancy A. Wolff

SUBSCRIBED and SWORN to before me this 20th day of June, 2014




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