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JAN 30 2015

IDWR/NORTHERN

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: 91-4137
)
) AFFIDAVIT OF JACK A. BUELL IN
) SUPPORT OF THE CLAIM FOR
) WATER ADJUDICATION OF JACK A.
) BUELL AND ELEANOR BUELL
)
)

STATE OF IDAHO)
) ss.
County of Benewah)

1. My name is Jack A. Buell. I am filing this Affidavit in support of the above-entitled Claim for Water Adjudication based upon beneficial use of water diverted from Swan Lake for stock water and for dust control at the Swan Lake Mill industrial site located in Benewah County, Idaho.
2. I currently am a resident of Benewah County, Idaho. I own certain real property in Benewah County, Idaho located along the St. Joe River in St. Maries, Idaho with my wife, Eleanor Buell, as shown in the maps attached hereto as **Exhibit A** commonly known as "Swan Lake."
3. We are the owners of J.M.F. Co., Inc., d/b/a Jack Buell Trucking, an Idaho corporation, and our corporation is currently has a log mill operation called Swan Lake Mill on some of the real property described herein.
4. Historically, the real property where the diversion works are located was owned by Halvor Thorhaug. In July 1953 Halvor Thorhaug created the diversion system we currently use. The system consisted of a 10 horsepower pump and pipe 3" in diameter. The water was used to irrigate the property and to water stock. The historical use is detailed in Claim to Water Right No. 91-4137 filed with the Department of Water Resources on June 28, 1983 attached hereto as **Exhibit B**. There have been no major changes to the system since 1953, only repairs made.

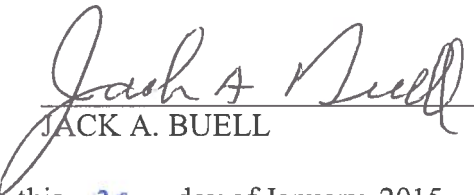
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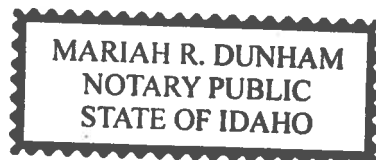
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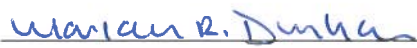
5. Currently the real property, and the diversion works installed in July 1953, are used for the Swan Lake Mill Site and stock watering.
6. The Swan Lake Mill Site was developed on or about January 1, 1998 and has been used for industrial use in the timber industry since that time.
7. Water for dust abatement is pumped from lake and canals into a 4000 gallon tanker truck which takes 10 minutes to fill and then applied to the landing and roads for dust control.
8. In addition to the industrial use detailed herein, the water is still used for stockwater purposes for approximately 50 head of cattle that run on the northern portion of the property which is not developed into a mill site.

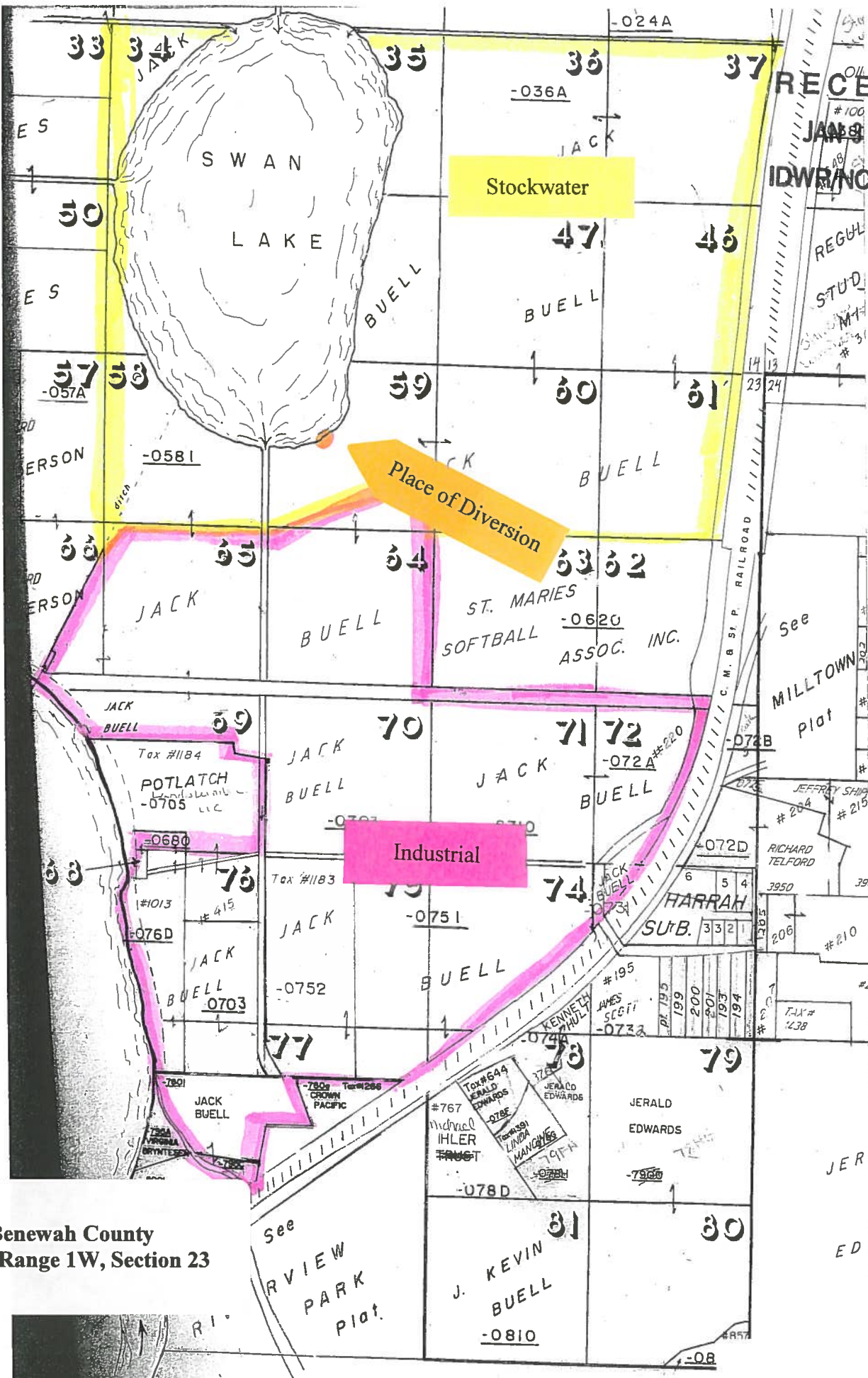
DATED this 29 day of January, 2015.


JACK A. BUELL

SUBSCRIBED and SWORN to before me this 29 day of January, 2015.




Notary Public in and for Idaho
Residing at: St. Maries
Commission expires: 6/21/2018



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Benewah County
T46N, Range 1W, Section 23

EXHIBIT A



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STATE
DEPARTMENT OF V
JUL 12 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 28 1983

DEPARTMENT OF WATER RESOURCES DIVISION OF WATER RIGHTS WATER RIGHT



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Department of Water Resources
Northern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that **Halvor O. Thorhaug**

(Name of Claimant)

132 Riverdale Drive, St. Maries, Idaho 83861

Telephone No. 245-2710

(Mailing Address)

{Zip Code}

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) July, 1953

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Swan Lake tributary to N/A

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs. at)		(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.5 cfs.</u>	Use <u>irrigation</u>	Period of Use From <u>6-15</u>	To <u>9-15</u>
Quantity	<u>.02 cfs.</u>	Use <u>stock</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
	<u>.52 cfs.</u>	TOTAL QUANTITY USED. (200	gallons per minute)	
			for irrigation	

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NW ¼ NE ¼, Sec. 23 Twp. 46 Rge. 2 B.M., County of Benewah

Additional points of diversion: the point of diversion is better known as Tract 58 of Riverdale Tracts,
according to the recorded plat thereof, records of Benewah County, Idaho.

(c) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. The system consists of a 10 horsepower pump and pipe which is 3" in diameter.
have been no changes in the system since 1953--only repairs made.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 30

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: the primary use of the water is for irrigation of approximately 30 acres; however, approximately 30 head of cattle use Swan Lake for watering during the entire year

NOTE: Include here the type and number of stock watered: 30 head of cattle

(7) If you are claiming water as a member of an organization, list name of organization:

EXHIBIT B

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A hand-drawn map on a grid background. The map is divided into four quadrants by a central vertical and horizontal line. The quadrants are labeled as follows:

- Top-left: Section 15
- Top-right: Section 19
- Bottom-left: Section 22
- Bottom-right: Section 23

In the top-right quadrant (Section 19), there is a small circle with a dot in the center. Two arrows point from this circle to the right. The top arrow is labeled "SWAN LAKE" and the bottom arrow is labeled "point of diversion".

On the left side of the grid, there is a vertical stamp that reads "RECEIVED" with a date "JAN 30 2015" and the text "IDWR/NORTHERN" below it.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

Halvor O. Thornburg
HALVOR O. THORNBURG (ent)

Notary Public
Residing at St. Maries

JK-7-12-83
 FOR DEPARTMENT USE ONLY
 Received by pro Date 6-28-83 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by JK Date 7-12-83 claimant by: _____
 \$30.00 fee received by JK Date 7/12/83 (28756)
 Published in St. Martin Gazette
 Dates 8/24/83

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 24th day of Aug., 1983 and the last on the 31st day of Aug., 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 1st day of Sept., 1983

Sharon D. Blackman

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

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**Two people file claims
to Ben. Co. water**

**NOTICE OF CLAIMS
TO WATER RIGHTS**

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

91-4137

Name: Halvor O. Thorhaug
Address: 132 Riverdale Drive, St. Maries, Idaho 83861
Priority Date: July 1, 1953
Source: Swan Lake tributary to Sinks
Point of Diversion: NWNE Sec 23 T 46N R 02W
In: NWNE Sec 23 T 46N R 02W for 30 acres
Use: Irrigation (0.50 cfs); Stock-water (0.02 cfs)

95-4698

Name: Mrs. E.M. Place
Address: Rt. 1 Box 89, Plummer, Idaho 83861
Priority Date: Jan. 1, 1910
Source: Groundwater
Point of Diversion: NESE Sec 16 T 46N R 04W
In: NESE Sec 16 T 46N R 04W
Use: Domestic (0.04 cfs)

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 4055 Government Way, Coeur d'Alene, Idaho 83814.

KEN DUNN, Dir.

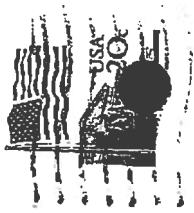
No. 7217 — Aug. 24-31.

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EST

Department of Water Resources

H.C. Thorhaug
132 Riverdale Drive
St. Maries, Idaho 83861



State of Idaho
Department of Water Resources
Northern Region office
4055 Government Way - Suite 9
Coeur d'Alene, Idaho 83814

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State of Idaho
Department of Water Resources

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CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number 91-4137 Applicant Shorkang

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed. NA

By TK Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By CW Date 11-1-83

NOTIFIED

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91-4137-

THORHAUG, HALYOR O.

132 RIVERDALE DR., ST. MARIES, ID 83861

Source: SWAN LAKE trib. to SINKS

Priority Date: 07/01/1953

Diversion Pt: NWNE Sec 23 T 46N R 02W

Use: IRRIGATION (0.50 CFS)
STOCKWATER (0.02 CFS)

In: NWNE Sec 23 T 46N R 02W FOR 30 ACRES

MICROFILMED

11/20/14

PAO410 - PARCEL MASTER INQUIRY

15:48:52

PARCEL: RP 00380010036A A

F9=MS

F17=DD F19=SP

CHECK CORE NUMBERS-LR

BUELL, JACK A

BUELL, ELEANOR L

LEGAL DESCRIPTION

RIVERDALE TRACTS

TRACTS 36,37,46,47,59,60,61,64

SPLIT 9/27/95

318 HIGHLAND DRIVEProVal Area Number 1CODE AREA 26-0000 OWNER CD ST MARIES ID 83861PARC TYPE LOC CODE 1EFFDATE 1011996 EXPDATE PREV PARCEL RP003800100360T

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
3	2011	68530	AC	53042				
15	2011	2000	AC	5000				
17	2011	4000	AC	4658				
19	2011	2120	AC					
TOTALS		76650		62700				

ENTER NEXT PARCEL NUMBER RP A

FKeys:

F3=Exit

F6=NM

F7=LG

F8=CT

F13=TM

F18=HS

F20=SrcH

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11/20/14

PAO410 - PARCEL MASTER INQUIRY

15:48:57

PARCEL: RP 003800100581 A

F9=MS

F17=DD F19=SP

LEGAL DESCRIPTION

BUELL, JACK A
BUELL, ELEANOR LRIVERDALE TRACTS
TRACTS 58,65,PT 66 & 69318 HIGHLAND DRIVEProVal Area Number 1CODE AREA 26-0000 OWNER CD PARC TYPE LOC CODE 1ST MARIES ID 83861EFFDATE 5061993 EXPDATE PREV PARCEL RP003800100580T

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
3	2011	18010	AC	13939				
17	2011	5050	AC	25250				

TOTALS 23060 39189

ENTER NEXT PARCEL NUMBER RP AFKeys: F3=Exit F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH

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11/20/14

PAO410 - PARCEL MASTER INQUIRY

15:49:28

PARCEL: RP 00380010076E A

F9=MS

F17=DD F19=SP

LEGAL DESCRIPTION

BUELL, JACK A
BUELL, ELEANOR L

RIVERDALE TRACTS

PT TRACT 76

SPLIT 10/5/88

ProVal Area Number 1

318 HIGHLAND DRIVE

CODE AREA 26-0000 OWNER CD

ST MARIES ID 83861

PARC TYPE LOC CODE 1

EFFDATE 1011989 EXPDATE

PREV PARCEL RP00380010076BA

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
17	2011	1250	AC	6250				

TOTALS 1250 6250

ENTER NEXT PARCEL NUMBER RP A

FKeys: F3=Exit F6=Nm F7=LG
 F8=CT F13=TM F18=HS F20=SRch

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PAO410 - PARCEL MASTER INQUIRY

15:49:25

PARCEL: RP 00380010076D A

F9=MS

F17=DD F19=SP

LEGAL DESCRIPTION

BUELL, JACK A
BUELL, ELEANOR LRIVERDALE TRACTS
PT TRACT 76 (PT OF TAX #1013)
SPLIT 10/5/88318 HIGHLAND DRIVEProVal Area Number 1ST MARIES ID 83861CODE AREA 26-0000 OWNER CD 1132 RIVERDALE DRIVE 83861PARC TYPE LOC CODE 1EFFDATE 1011989 EXPDATE PREV PARCEL RP00380010076BA

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
17	2011	1650	AC	8250				

TOTALS 1650 8250

ENTER NEXT PARCEL NUMBER RP AFKeys: F3=Exit F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SrcH

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PAO410 - PARCEL MASTER INQUIRY

15:49:21

PARCEL: RP 003800100752 A

F9=MS

F17=DD F19=SP

LEGAL DESCRIPTION

BUELL, JACK A
BUELL, ELEANOR LRIVERDALE TRACTS
TAX #1183 (PT TRACT 75 & 77)
SPLIT 5/10/93318 HIGHLAND DRIVEProVal Area Number 1CODE AREA 26-0000 OWNER CD ST MARIES ID 83861PARC TYPE LOC CODE 1EFFDATE 5101993 EXPDATE PREV PARCEL RP003800100750T

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
3	2011	6520	AC	5046				

TOTALS 6520 5046

ENTER NEXT PARCEL NUMBER RP AFKeys: F3=Exit F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SRchRECEIVED
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PAO410 - PARCEL MASTER INQUIRY

15:49:15

PARCEL: RP 003800100751 A

F9=MS

F17=DD F19=SP

LEGAL DESCRIPTION

BUELL, JACK A
BUELL, ELEANOR LRIVERDALE TRACTS
PT 74, 75, 77, 78 W OF R R
LESS TAX #1183 +318 HIGHLAND DRIVEProVal Area Number 1ST MARIES ID 83861CODE AREA 26-0000 OWNER CD 594 MILWAUKEE ROAD 83861PARC TYPE LOC CODE 1EFFDATE 5101993 EXPDATE PREV PARCEL RP003800100750T

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
3	2011	14280	AC	11052				
10	2011	1000	AC	17000				
31	2011			39244				
32	2011			1110				
TOTALS		15280		68406				

ENTER NEXT PARCEL NUMBER RP A

FKeys: F3=Exit F6=Nm F7=Lg
F8=CT F13=TM F18=HS F20=SrcH

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PAO410 - PARCEL MASTER INQUIRY

15:49:12

PARCEL: RP 003800100731 A

F9=MS

F17=DD F19=SP

LEGAL DESCRIPTION

BUELL, JACK A
BUELL, ELEANOR LRIVERDALE TRACTS
PT 73 -W OF R R318 HIGHLAND DRIVEProVal Area Number 1CODE AREA 26-0000 OWNER CD PARC TYPE LOC CODE 1ST MARIES ID 83861EFFDATE 4161990 EXPDATE PREV PARCEL RP00380010073AT

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
15	2011	500	AC	17750				
32	2011			6290				

TOTALS 500 24040

ENTER NEXT PARCEL NUMBER RP AFKeys: F3=Exit F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SrcH

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PAO410 - PARCEL MASTER INQUIRY

15:49:09

PARCEL: RP 00380010072A A

F9=MS

F19=SP

LEGAL DESCRIPTION

BUELL, JACK A
BUELL, ELEANOR L

RIVERDALE TRACTS
TAX #220 (PT OF TRACT 72 W OF
RD & RR)

318 HIGHLAND DRIVE

ProVal Area Number 1

CODE AREA 26-0000 OWNER CD

PARC TYPE LOC CODE 1

ST MARIES ID 83861

EFFDATE 12221982 EXPDATE

PREV PARCEL

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
3	2011	5420	AC	4195				

TOTALS

5420

4195

ENTER NEXT PARCEL NUMBER RP A

FKeys:

F3=Exit

F6=NM

F7=LG

F8=CT

F13=TM

F18=HS

F20=SrcH

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PAO410 - PARCEL MASTER INQUIRY

15:49:05

PARCEL: RP 003800100710 A

F9=MS

F19=SP

LEGAL DESCRIPTION

BUELL, JACK A
BUELL, ELEANOR L

RIVERDALE TRACTS
TRACT 71

318 HIGHLAND DRIVE

ProVal Area Number 1

CODE AREA 26-0000 OWNER CD

PARC TYPE LOC CODE 1

ST MARIES ID 83861

EFFDATE 12221982 EXPDATE

PREV PARCEL

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
3	2011	9890	AC	7654				

TOTALS

9890

7654

ENTER NEXT PARCEL NUMBER RP A

FKeys:

F3=Exit

F6=Nm

F7=LG

F8=CT

F13=TM

F18=HS

F20=SrcH

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11/20/14

PAO410 - PARCEL MASTER INQUIRY

15:48:59

PARCEL: RP 003800100680 A

F9=MS

F17=DD F19=SP

LEGAL DESCRIPTION

BUELL, JACK A
BUELL, ELEANOR LRIVERDALE TRACTS
TRACT 68 & PT 69
(PT TAX #1013)318 HIGHLAND DRIVEProVal Area Number 1CODE AREA 26-0000 OWNER CD ST MARIES ID 83861PARC TYPE LOC CODE 1132 RIVERDALE DRIVE 83861EFFDATE 12221982 EXPDATE PREV PARCEL

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
17	2011	1100	AC	5500				

TOTALS 1100 5500

ENTER NEXT PARCEL NUMBER RP AFKeys: F3=Exit F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH

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PAO410 - PARCEL MASTER INQUIRY

15:49:02

PARCEL: RP 003800100703 A

F9=MS

F17=DD F19=SP

LEGAL DESCRIPTION

BUELL, JACK A
BUELL, ELEANOR LRIVERDALE TRACTS
TRACT 70, PT OF TAX #415
(PT TRACT 76) +318 HIGHLAND DRIVEProVal Area Number 1CODE AREA 26-0000 OWNER CD ST MARIES ID 83861PARC TYPE LOC CODE 1EFFDATE 5061993 EXPDATE PREV PARCEL RP003800100702T

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
17	2011	14040	AC	70200				
39	2011			24810				

TOTALS 14040 95010

ENTER NEXT PARCEL NUMBER RP AFKeys: F3=Exit F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SrcHRECEIVED
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PAO410 - PARCEL MASTER INQUIRY

15:47:21

PARCEL: RP 46N02W23795C A

F9=MS

F17=DD

BUELL, JACK A
BUELL, ELEANOR L

LEGAL DESCRIPTION

S23 T46N R2W
W2 TAX #1006 (PT TAX #109)318 HIGHLAND DRIVEProVal Area Number 1CODE AREA 26-0000 OWNER CD PARC TYPE LOC CODE 1ST MARIES ID 83861EFFDATE 3011996 EXPDATE PREV PARCEL RP46N02W23795BT

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
14	2011	260	AC	1300				

TOTALS 260 1300

ENTER NEXT PARCEL NUMBER RP AFKeys: F3=Exit F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SrcH

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PAO410 - PARCEL MASTER INQUIRY

15:47:18

PARCEL: RP 46N02W237801 A

F9=MS

F17=DD F19=SP

LEGAL DESCRIPTION

BUELL, JACK A
BUELL, ELEANOR L

S23 T46N R2W
PT LOT 7, PT TAX #109, LESS
TAX #1266

318 HIGHLAND DRIVE

ProVal Area Number 1

CODE AREA 26-0000 OWNER CD

ST MARIES ID 83861

PARC TYPE LOC CODE 1

EFFDATE 3011996 EXPDATE

PREV PARCEL RP46N02W237800T

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
14	2011	3890	AC	19450				

TOTALS 3890 19450

ENTER NEXT PARCEL NUMBER RP A

FKeys: F3=Exit F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SrcH

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IDWR/NORTHERN

PROPERTY - PARCEL MASTER INQUIRY

11:59:00

PARCEL: RP 46N02W148400 A

BUELL, JACK A
BUELL, ELEANOR L

318 HIGHLAND DRIVE

ST MARIES ID 83861

F9=MS
F17=DD F19=SP
LEGAL DESCRIPTION
S14 T46N R2W
SWSE (RIVERDALE TRACTS 34,35,
48, 49)

ProVal Area Number 1
CODE AREA 26-0000 OWNER CD
PARC TYPE LOC CODE 1
EFFDATE 11241982 EXPDATE
PREV PARCEL

X for parcel	comments	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
CAT/ST# RY								
3 1 2011		6000	AC	4644				
18 1 2011		34000	AC	8500				

TOTALS 40000

13144

ENTER NEXT PARCEL NUMBER RP A
FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

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