

COPY

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RECEIVED

JUL 29 2016

DEPARTMENT OF
WATER RESOURCES

Counsel for the Coeur d'Alene Tribe

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

In re CSRBA	)	
	)	Subcase Nos.: 91-7102; 91-7173
Case No. 49576	)	
	)	
_____	)	
Steve and Deanne Hawks,	)	
	)	AFFIDAVIT OF SCOTT RASOR
Claimant(s),	)	
	)	
v.	)	
	)	
Coeur d'Alene Tribe, a federally-recognized	)	
Indian Tribe,	)	
	)	
Objector.	)	
_____	)	

State of Idaho)
) ss.
County of Kootenai)

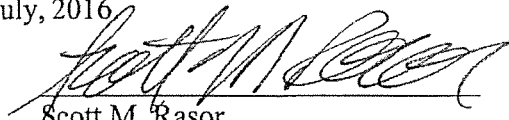
COMES NOW, Scott Rasor, after being duly sworn before an officer authorized to administer oaths, swears and declares as follows:

- (1) My name is Scott Rasor. I am a PLS surveyor, duly authorized in the State of Idaho. I am over the age of 18 and am competent to testify to matters herein. I have personal knowledge of the matters contained herein.
- (2) I have been licensed as a PLS surveyor since 1990. I have engaged in hundreds, if not thousands of surveys in the northern Idaho region, to include, but not necessarily limited to, Kootenai, Benewah, Shoshone, and Bonner counties. I am familiar with the professional standards to conduct such surveys in such locations.
- (3) On June 16, 2016, I, along with staff under my supervision, caused a survey to be completed of Lots 6 and 13 of Block 2 of the Sylvia's Haven Subdivision in or near St. Maries, Idaho. The work done in this paragraph comported with the professional standards for surveying in the above-noted location.
- (4) Attached hereto as Exhibit 1 is a true, accurate, and correct copy of an exhibit my office prepared and I have reviewed of Lot 6, and adjacent properties, based on the survey work completed in paragraph 3 above. After my review, I have placed my official stamp on this exhibit. This exhibit shows the boundaries of Lot 6 along with where the end of the water diversionary works ("foot valve") is located in relation to Lot 6, along with adjacent properties. The exhibit also shows the elevation of the lagoon bed underlying the foot valve, along with the elevation of the foot valve itself.

- (5) Attached hereto as Exhibit 2 is a true, accurate, and correct copy of an exhibit my office prepared and I have reviewed of Lot 13, and adjacent properties, based on the survey work completed in paragraph 3 above. After my review, I have placed my official stamp on this exhibit. This exhibit shows the boundaries of Lot 13 along with where the end of the water diversionary works ("foot valve") is located in relation to Lot 13, along with adjacent properties. The exhibit also shows the elevation of the river bed underlying the foot valve, along with the elevation of the foot valve itself.
- (6) Based on my training, education, experience, and physical inspection and investigation of Lots 6 and 13, along with the water diversionary works located thereon, it is my professional opinion that the end points of such diversionary works, e.g., where the water is diverted from its natural source, are located on property outside of the boundaries of Lots 6 and 13 as noted on, and consistent with, Exhibits 1 and 2 attached hereto.
- (7) My opinion is held to a reasonable degree of probability and certainty in my respective field of expertise and licensure.

Further you affiant sayeth naught.

Respectfully submitted this 20th day of July, 2016


Scott M. Rasor

NOTARIAL ATTESTATION

That on the 20th day of July, 2016, and after being duly sworn, Scott M. Rasor, personally known to me and/or upon showing sufficient identification, appeared before me and executed this document.




Print: Julie Smith, Notary Public
Residing at: Post Falls, Idaho

My commission expires: 7/15/2020

Certificate of Service

I hereby certify that on the 20th day of July, 2016, a copy of the foregoing Affidavit was served on the following counsel of record and other entities via the method indicated below:

Norman Semanko

Moffatt, Thomas, Barrett, Rock & Fields, Chtd.

P.O. Box 829

Boise, Idaho 83701-0829

☐ First Class Mail, Postage Prepaid

☒ Facsimile @ (208) 385-5384

☐ Hand-delivery

Counsel for Claimant(s) and Respondent NIWRA members

Clive Strong

Steven Strack

Office of the Attorney General

State of Idaho

P.O. Box 83720

Boise, Idaho 83720-0010

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☐ Hand-delivery

Counsel for Respondent State of Idaho

U.S. Department of Justice

Environment & Nat'l Resources

550 W. Fort St., MSC 033

Boise, Idaho 83724

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☐ Hand-delivery

Idaho Department of Water Resources

P.O. Box 83720

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☐ Hand-delivery

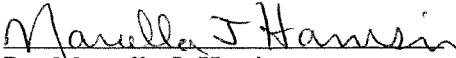
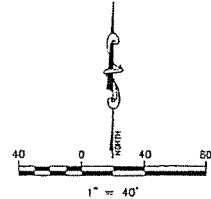

By: Marcella J. Harrison

EXHIBIT 1

WATER SYSTEM INTAKE EXHIBIT LOT 6, BLOCK 2, SYLVIA'S HAVEN IN GOVERNMENT LOTS 1 & 7, SECTION 7, T.46N., R.2W., B.M., BENEWAH COUNTY, IDAHO



BASIS OF BEARING

THE BEARINGS SHOWN ON THIS SURVEY, EXCEPT SOME RECORD BEARINGS, ARE REFERENCED TO THE LINE BETWEEN THE MONUMENTED NORTHWEST CORNER OF LOT 7, BLOCK 2 AND THE WITNESS CORNER MONUMENT ON THE LINE BETWEEN LOT 8 AND LOT 7, BLOCK 2, ACCORDING TO THE RECORD OF SURVEY RECORDED AS INSTRUMENT NO. 24120R AT BOOK 5 OF SURVEYS AT PAGE 81 (RS). THE BEARING IS S34°20'30"E.

LEGEND

- ⊙ FOUND AN IRON ROD, 5/8 INCH DIAMETER WITH AN ALUMINUM CAP MARKED PLS 6766
- FOUND AN IRON ROD, 5/8 INCH DIAMETER WITH AN ELITE PLASTIC CAP
- CALCULATED POINT (NOTHING FOUND OR SET)
- △ POINT ON WATER LINE, OR AS NOTED
- R/O PRIOR SURVEY RECORD NUMBER
- WC WITNESS CORNER
- W--- WATER LINE
- OTHERS AS NOTED

PRIOR SURVEYS/SURVEYS OF RECORD

1. GARDNER WALKER	PLS 703	DEC. 1964	NST. No. 144648
2. BARRELL WALKER	PLS 703	MAY 1963	NST. No. 152064
3. BARRELL WALKER	PLS 703	APR. 1961	NST. No. 160636
4. JOHN HONE	PLS 832	JULY 1968	NST. No. 216115
5. CHRIS REINALDO	PLS 8766	MAY 2000	NST. No. 219350
6. CHRIS REINALDO	PLS 8766	MAY 2000	NST. No. 220137
7. CHRIS REINALDO	PLS 8766	JUN. 2008	NST. No. 241206

PURPOSE OF SURVEY

THIS SURVEY WAS PERFORMED TO DEFINE THE HORIZONTAL AND VERTICAL LOCATION OF THE WATER SYSTEM INTAKE LINE WHICH EXTENDS INTO THE LAGOON FROM LOT 6, BLOCK 2, SYLVIA'S HAVEN, AS SHOWN HEREON.

SURVEYOR'S NOTES

THIS DOES NOT REPRESENT A COMPLETE BOUNDARY SURVEY. PROPERTY LINES SHOWN ARE BASED UPON FOUND LOT CORNER MONUMENTS AS CALLED FOR IN PRIOR SURVEYS AND SURVEYS OF RECORD, LISTED ABOVE.

ELEVATION DATUM

AMSTA CALL (208) 768-1357 - COLOR OF ALDIE LAKE ELEVATION ON 6/16/16
 = 2127.88 FT.



SURVEYOR'S CERTIFICATE

I, SCOTT W. RASOR, PROFESSIONAL LAND SURVEYOR No. 6374 IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION FOR THE COLOR OF ALDIE LAKE.

SCOTT W. RASOR, PLS 6374 DATE SHEET 1 OF 1

NOTE:
 THIS EXHIBIT DOES NOT ATTEMPT TO SHOW ALL EASEMENTS OR RIGHTS-OF-WAY OF RECORD, THE SIZE OR LOCATION OF PRESCRIPTIVE EASEMENTS, FENCE LINES OR PHYSICAL FEATURES OF THE PROPERTY, TRAIL, DRAIN, AS BOUNDARY, ROAD, AND FENCES IF SHOWN, ARE FOR INFORMATIONAL PURPOSES ONLY.

SCALE: 1" = 40'
 DATE: JULY 20, 2016

DRAWN: JWH
 CHECKED:

JOB NO. CHALLENGE
 AND FILE ON THE - 304-104
 CREW: DEG & EF



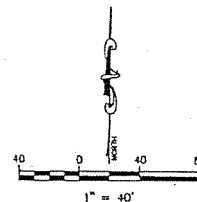
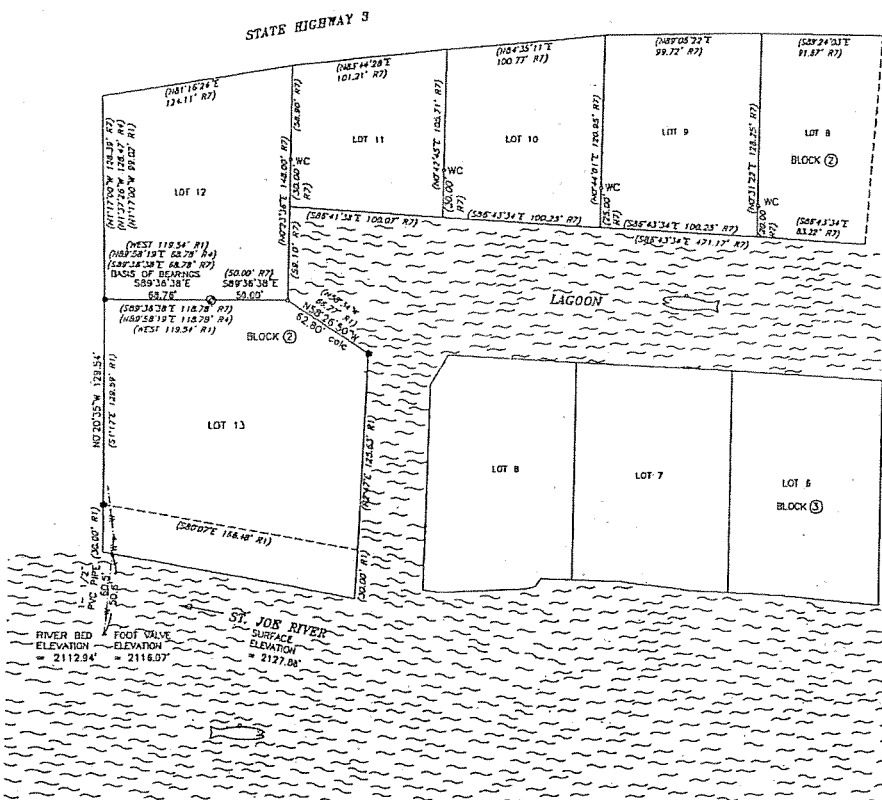
MECKEL ENGINEERING & SURVEYING
 200 N. GARDNER BLVD. SUITE 100, BOISE, IDAHO 83725-1000



WATER SYSTEM INTAKE EXHIBIT
 LOT 6, BLOCK 2, SYLVIA'S HAVEN IN GOVERNMENT LOTS 1 & 7,
 SECTION 7, T.46N., R.2W., B.M., BENEWAH COUNTY, IDAHO

EXHIBIT 2

WATER SYSTEM INTAKE EXHIBIT LOT 13, BLOCK 2, SYLVIA'S HAVEN IN GOVERNMENT LOTS 1 & 7, SECTION 7, T.46N., R.2W., B.M., BENEWAH COUNTY, IDAHO



BASIS OF BEARING

THE BEARINGS SHOWN ON THIS SURVEY, EXCEPT SOME BEARINGS, ARE REFERENCED TO THE LINE BETWEEN THE MONUMENTED SOUTHWEST CORNER OF LOT 13, BLOCK 2 AND THE WITNESS CORNER MONUMENT ON THE LINE BETWEEN LOT 12 AND LOT 13, BLOCK 2, ACCORDING TO THE RECORD OF SURVEY RECORDED AS INSTRUMENT NO. 241304 IN BOOK 5 OF SURVEYS AT PAGE 82. THE BEARING IS S29°34'30"E.

LEGEND

- ② FOUND AN IRON ROD, 5/8 INCH DIAMETER WITH AN ALUMINUM CAP MARKED PLS 832
- FOUND AN IRON ROD, 5/8 INCH DIAMETER WITH A PLASTIC CAP MARKED PLS 833
- ★ FOUND A DRILL STEEL, NO CAP
- ▲ FOUND AN IRON ROD, 1/2 INCH DIAMETER, NO CAP
- CALCULATED POINT (NEEDING FOUND OR SET)
- △ POINT ON WATER LINE, OR AS NOTED
- R/O PRIOR SURVEY RECORD NUMBER
- WC WITNESS CORNER
- WATER LINE
- OTHERS AS NOTED

PRIOR SURVEYS/SURVEYS OF RECORD

1. DARRELL WALKER	PLS 703	DEC 1988	INST. NO. 144644
2. DARRELL WALKER	PLS 703	MAY 1989	INST. NO. 150664
3. DARRELL WALKER	PLS 703	APR 1989	INST. NO. 150638
4. JOHN HONE	PLS 832	JULY 1988	INST. NO. 218915
5. CHRIS RENALDO	PLS 838A	MAR 2000	INST. NO. 236300
6. CHRIS RENALDO	PLS 838A	MAY 2000	INST. NO. 230127
7. CHRIS RENALDO	PLS 838A	JUN 2000	INST. NO. 241308

PURPOSE OF SURVEY

THIS SURVEY WAS PERFORMED TO DEFINE THE HORIZONTAL AND VERTICAL LOCATION OF THE WATER SYSTEM INTAKE LINE WHICH EXTENDS INTO THE ST. JOE RIVER FROM LOT 13, BLOCK 2, SYLVIA'S HAVEN, AS SHOWN HEREON.

SURVEYOR'S NOTES

THIS DOES NOT REPRESENT A COMPLETE BOUNDARY SURVEY. PROPERTY LINES SHOWN ARE BASED UPON FOUND LOT CORNER MONUMENTS, AS CALLED FOR IN PRIOR SURVEYS AND SURVEYS OF RECORD, LISTED ABOVE.

ELEVATION DATUM

AVASTA GULL (2004) 789-1351 - COLOR # ALDIE LAKE ELEVATION ON 6/18/16 = 2127.08 FT.



SURVEYOR'S CERTIFICATE

I, SCOTT M. RASOR, PROFESSIONAL LAND SURVEYOR NO. 6374 IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION FOR THE COLOR OF ALDIE LAKE.

SCOTT M. RASOR, PLS 6374 DATE SHEET 1 OF 1

NOTE: THIS EXHIBIT DOES NOT ATTEMPT TO SHOW ALL EASEMENTS OR RIGHTS-OF-WAY OF RECORD, THE SIZE OR LOCATION OF PRESCRIPTIVE EASEMENTS, FENCE LINES OR PHYSICAL FEATURES OF THE PROPERTY, ITEMS SUCH AS DRAINAGE, ROADS AND FENCES IF SHOWN, ARE FOR INFORMATIONAL PURPOSES ONLY.

SCALE: 1" = 40'	DRAWN: JWH	FOR NO CHANGE	NO PLS OR PLS - 244/10/16
DATE: JUNE 24, 2016	CHECKED: JWH	CREW: DEC 8, 17	MECKEL

MECKEL ENGINEERING & SURVEYING

WATER SYSTEM INTAKE EXHIBIT

LOT 13, BLOCK 2, SYLVIA'S HAVEN IN GOVERNMENT LOTS 1 & 7, SECTION 7, T.46N., R.2W., B.M., BENEWAH COUNTY, IDAHO