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James R. Bennetts (retired)

Tuesday, September 6, 2022

Tamie J. Eberhard
Shoshone County Clerk
700 Bank Street, Suite 120
Wallace, Idaho 83873
via Hand Delivery

Shoshone County Commissioners
ATTN: Lori Teeters, Deputy Clerk
700 Bank Street, Suite 120
Wallace, Idaho 83873
via Hand Delivery

with copy to:

Ben Allen
Shoshone County Prosecutor
700 Bank Street, Suite 200
Wallace, Idaho 83873
via Hand Delivery

RE: *In re: Petition for validation of "WEST FORK PINE CREEK ROAD", Shoshone County, Idaho*
Comments and Evidence in re: Rehearing
Rehearing scheduled for Sept. 8, 2022 at 9:30 am

Dear Clerk and Commissioners of Shoshone County:

As you know, this office represents Paul Loutzenhiser (of Coeur d'Alene, ID), Robert Jutila (of Pinehurst and Osburn, ID), and North Idaho Trail Blazers Incorporated (of Rathdrum, ID). The foregoing shall be referred to herein and collectively as "Petitioners." This letter is in reference to the *Petition for Rehearing to Validate a Portion of "WEST FORK PINE CREEK ROAD", Shoshone County, Idaho* filed by Petitioners on July 19, 2022 (herein, "the Rehearing Petition"). The Rehearing Petition was accepted by Shoshone County and rehearing is scheduled for September 8, 2022, beginning at 9:30 am. The rehearing seeks reconsideration and review of the June 21, 2022 Shoshone County Board of Commissioners *Findings of Fact, Conclusions and Decision* (herein, "the Initial Decision") in relation to the *Petition for Validation of "WEST FORK PINE CREEK ROAD", Shoshone County, Idaho* filed by Petitioner Loutzenhiser on January 31, 2022 (herein, "the Validation Petition"). These proceedings, and the rehearing, are subject to Chapter 2,

www.sawtoothlaw.com

Attorneys licensed in Idaho, Montana, Oregon and Washington

Since the Commissioners established West Fork Pine Creek Road as a public highway, the County has maintained the Road. For instance, in 1974, the County expended public funds, and even received federal disaster assistance for those expenditures, in order to make repairs to the Road near its junction with Langlois Creek. Approximately 80-100 feet of the Road had washed out and required rebuilding. The County did not hesitate to act to maintain its public highway. See Exhibit C.

Various official, government maps dating from the 1940s, 1960s and 1970s, and geological surveys dating from 1961, and a 1965 Metsker's Map, and a 1970s survey, all depict, describe and illustrate West Fork Pine Creek Road as a public road. See Exhibit D.

Public funds have been expended upon the Road inversely as evidenced by the County granting property tax exceptions, or valuation adjustments, due to road right-of-way lying within private lands through which the Road traverses. See Exhibit E.

Private landowners, and their retained surveyors, along the Road have historically recognized the Road as a public highway, or a county road, or a public road. Legal descriptions and easement descriptions have been consistent with the Road being a public highway. Even from the private landowners lying within Section 1. See Exhibit F. See also Exhibit G.

A 2001 easement agreement between Avery and the United States granted access rights along Langlois Creek, but unfortunately those access rights for public use are limited to non-motorized travel only. See Exhibit G.

In the early 2010s, public funds were expended on the Road for the purpose of bridge replacement. See Exhibit H. In 2020, public funds were again expended on the Road for the purpose of "Open West Fork Pine Creek Road." See Exhibit H.

There are no known water resource concerns as relates to motorized travel and use of the Road. See Exhibit I. See also Exhibit J.

The Road is important and in the continued public interest not only because it has provided public access as a public highway for over 110 years, but also because it provides important motorized access to a 4x4 challenge course constructed during 2009 and 2010 on BLM ground, known as the Roller Coaster. The project resulted from a public-private partnership, and use of the Road for access to this unique off-road opportunity is crucial to its continued use and enjoyment. See Exhibit K. See also Exhibit L.

A search of Shoshone County records has revealed no evidence that the Commissioners have ever vacated or abandoned any portion of West Fork Pine Creek Road since it was established as a public highway in 1909.

III. Legal Argument.

A. *West Fork Pine Creek Road is a Declared and Previously Validated Public Road.*

Dating back to Idaho's territorial days, our statutes have recognized and vested county commissioners with authority to lay out and record roads as public highways. Rev. Stat. of Idaho Terr. §§ 850, 851 (1887). In 1909, the law in Idaho held that –

Roads laid out and recorded as highways, by order of a board of commissioners, and all roads used as such for a period of five years, provided the latter shall have been worked and kept up at the expense of the public or located and recorded by order of the board of commissioners, are highways.

1893 Idaho Sess. Laws § 1, p. 12 (emphasis added). Based on the above, West Fork Pine Creek Road is clearly a formally dedicated and established, and previously validated, public highway. The Shoshone County Commissioners, in 1909, approved viewers to lay out and survey the road, who then reported back, and the County then entered its order establishing and declaring the road as a public highway. Since 1909, there is a lack of evidence the Road has ever been vacated or abandoned. As such, it is clear error for the commissioners to simply ignore what was done in 1909, disregard it, and refuse to recognize the Road as a public road. The Commissioners should reconsider and reverse the Initial Decision, instead determining and declaring that the Road is a public highway, or public road, by virtue of the 1909 act of the then-commissioners.

B. *West Fork Pine Creek Road is alternatively a Public Road by Virtue of Public Use.*

The statute referenced above also allows a public highway to be created by public use. Even if the Commissioners are not persuaded that West Fork Pine Creek Road was laid out and established by its predecessors in 1909, then alternatively the Road should be declared a public highway as a result of public use. Such has been allowed under Idaho law since 1887. Rev. Stat. of Idaho Terr. §§ 850, 851 (1887). When the Road was established, Idaho law provided that –

Roads laid out and recorded as highways, by order of a board of commissioners, and all roads used as such for a period of five years, provided the latter shall have been worked and kept up at the expense of the public or located and recorded by order of the board of commissioners, are highways.

1893 Idaho Sess. Laws § 1, p. 12 (emphasis added). The evidence shows that the Road meets the requirements for being a public highway by public use and maintenance.

1. PUBLIC USE FOR 5 YEARS.

To satisfy the public use requirement, there does not have to be evidence the use was hostile to the property rights of another. East Side Highway Dist. v. Delavan, 167 Idaho 325 (2019). As such, whether public use of the Road began in a permissive manner or not is irrelevant to satisfying the requirement of public use. Chen v. Conway, 121 Idaho 1000, (1992); Simmons v. Perkins, 63 Idaho 136 (1941).

However, the public use must be regular, not casual and desultory. Kirk v. Schultz, 63 Idaho 278, 284 (1941). For instance, regular and continual use by the public for fishing, hunting, camping and recreating gives rise to public use to establish a public highway. Floyd v. Bd. of Comm'rs of Bonneville Cnty., 137 Idaho 718, 724 (2002). Certainly, access for mining and prospecting would meet this element as well. Public use may also be inferred, proven circumstantially, or shown with direct evidence – inferences of public use can be drawn from historical photographs, mineral surveys, old maps, deeds and the like. Sopatyk v. Lemhi Cnty., 151 Idaho 809, 814-15 (2011). Public use might also be inferred where the land over which the road traverses is exempted from assessment for property tax purposes. Cox v. Cox, 84 Idaho 513, 520 (1962).

The evidence offered by Petitioners is certainly enough to establish the public use element. The various county commissioners meeting excerpts, old maps, old surveys, old deeds, property tax records, old mineral surveys, etc., all provide a substantial and competent basis from which the Commissioners may infer public use of the Road dating back to 1909.

2. PUBLIC MAINTENANCE.

The public use is bolstered by the history of public maintenance on the Road. In 1909, the County cleared the Road of brush and debris. In 1974, the County repaired the road after a flood event. In the early 2010s, the County replaced a bridge along the Road. In 2020, the County “opened” the Road. This is all enough to establish the public maintenance requirement of the public road creation statute.

“Maintenance need only be work and repairs that are reasonably necessary; it is not necessary maintenance be performed in each of the five consecutive years or through the entire length of the road.” Ada Cnty. Highway Dist. v. Total Success Investments, LLC, 145 Idaho 360, 366 (2008). “It is not necessary for the county to do work upon a road that does not need work to keep it in repair or to put it in condition for the public to travel.” State v. Berg, 28 Idaho 724 (1916). It is not necessary that the entire length of the road receive maintenance. Gross v. McNutt, 4 Idaho 286, 289 (1894). The evidence mentioned above is in accord with the foregoing, thus satisfying the public maintenance requirement.

Additionally, Petitioners contend it is *prima facie* evidence of maintenance of a road at public expense where it is located in a public road district for which road maintenance funding is regularly available and used. Farrell v. Bd. of County Comm'rs of Lemhi County, 138 Idaho 378 (2002); Sopatyk v. Lemhi County, 151 Idaho 809 (2011). The 1909 county meeting excerpts note that the Road was located within Road District No. 7.

3. SUMMARY.

Based on the above, West Fork Pine Creek Road was established by regular public use and maintenance at public expense, dating as far back as 1909, and continuing for a period no less than 5 years. Since 1909, there is a lack of evidence the Road has ever been vacated or abandoned. As such, it is clear error for the Commissioners to simply ignore the relevant history of the road, its regular public use, and its regular upkeep at public expense, and refuse to recognize the Road as a public road established by public use. The Commissioners should reconsider and reverse the Initial Decision, instead determining and declaring that the Road is a public highway, or public road, by virtue of regular and continuous use in excess of 5 years, with maintenance at public expense.

C. Public Necessity and Public Interest are Irrelevant to Road Creation.

It is further clear error for the Commissioners to refuse to recognize the road as a public highway by formal dedication, or a public highway by public use, because of a misperception that the road is not necessary or in the public interest. Under the road creation statute referenced above, necessity and public interest are not part of the analysis – “[t]he necessity of public access is not germane to the determination of public road status” in the first instance. Roberts v. Swim, 117 Idaho 9, 16 (Ct. App. 1989).

D. West Fork Pine Creek Road ought to be Validated as a Public Road.

Based on the foregoing circumstances, Petitioners submit the Initial Decision is clearly in error, not supported by substantial and competent evidence, is arbitrary and capricious, and not in accord with the law. Idaho Code § 40-203A(1)(a) provides that a validation proceeding is appropriate to validate a road as a public highway “[i]f, through omission or defect, doubt exists as to the legal establishment or evidence of establishment of a highway or public right-of-way.” In Shoshone County, there is apparent doubt among citizens and travelers in the County as to whether the Road is a public highway, as adjacent landowners in Section 1 contend the Road is private and have taken action to block public use. This provides the requisite grounds and basis for the Commissioners to act on the Petition.

The evidence and law set forth above clearly and convincingly establish the Road was created, dedicated and validated back in 1909, and if that did not happen, then the Road was established by 5 years of public use and maintenance thereafter. Since its creation, the Road has never been vacated or abandoned.

As part of a validation decision, it would be appropriate to examine whether validation is in the public interest. Idaho Code § 40-203A(3). Here, the question and analysis is not the interests of private landowners, private citizens, private property, or the like. To the contrary, the public interest is what is of importance. And the public interest is not in whether the Road exists, but in whether it advances the public interest to resolve the doubt giving rise to the proceeding. Here, there is no doubt that there is a strong public interest in making a validation decision. The Road provides the only nearby motorized access to public land and to a popular recreation area. Moreover, local private landowners are taking action to obstruct public use of a public road. Interference with public use of a public road is a matter of public concern giving rise to the need for validation action.

E. The Report Requirement.

Idaho Code § 40-203A(2) sets forth certain requirements of the Commissioners when conducting validation proceedings. One such requirement is that the Commissioners shall “[c]ause a report to be prepared, including consideration of any survey and any other information required by the commissioners.” In review of the record on the initial hearing on the Petition, the record appears to be void of this required report. The Initial Decision is therefore reached in procedural error because of this oversight. To-date, no report has been apparently prepared by the County as relates to the rehearing. If one has been prepared, or exists previously, Petitioners request a copy of the same. If the County has not prepared a report, it ought to be done as commanded by statute. The purpose of the report requirement is to ensure county personnel examine the petition, County records, and investigate the circumstances in order to inform the Commissioners before action is taken.

IV. Conclusion.

We hope the foregoing and enclosed is useful to the Commissioners in their reconsideration of the Initial Decision, and rehearing of the Petition. Petitioners submit that the evidence in the record to-date, together with the evidence enclosed herewith, as applied to the law set forth above, clearly establishes that West Fork Pine Creek Road is a public highway, and that great public interest exists to validate it as such. There is a history of prior dedication and validation of the Road by Shoshone County, and of the expenditure of public funds, and use of public employees and equipment, relative to the repair, maintenance and patrol of West Fork Pine Creek Road. This history demands validation of West Fork Pine Creek Road without delay or hesitation.

Petitioners reserve all rights as relates to evidence and argument to be presented at rehearing.

Respectfully,



David P. Claiborne

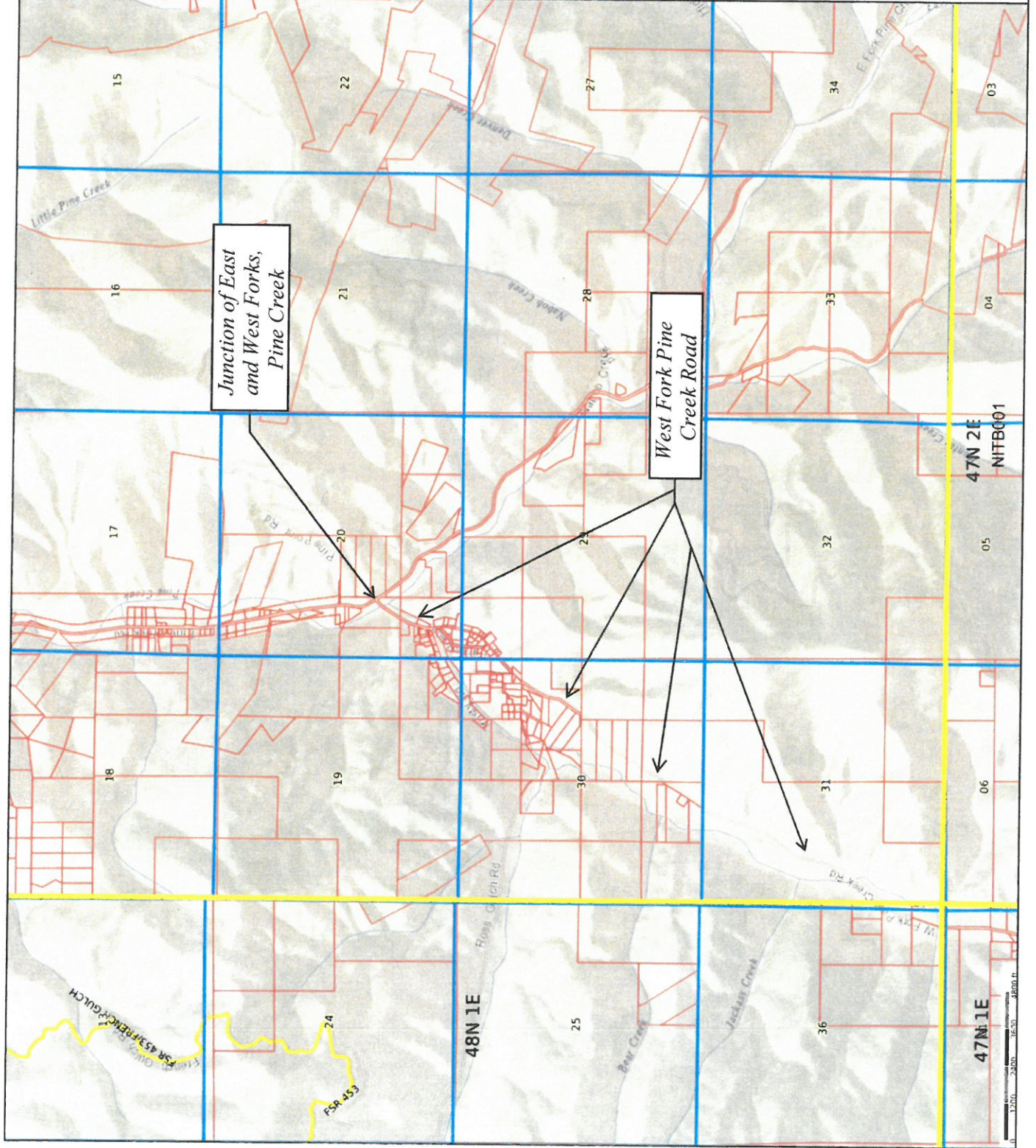
david@sawtoothlaw.com

EXHIBIT

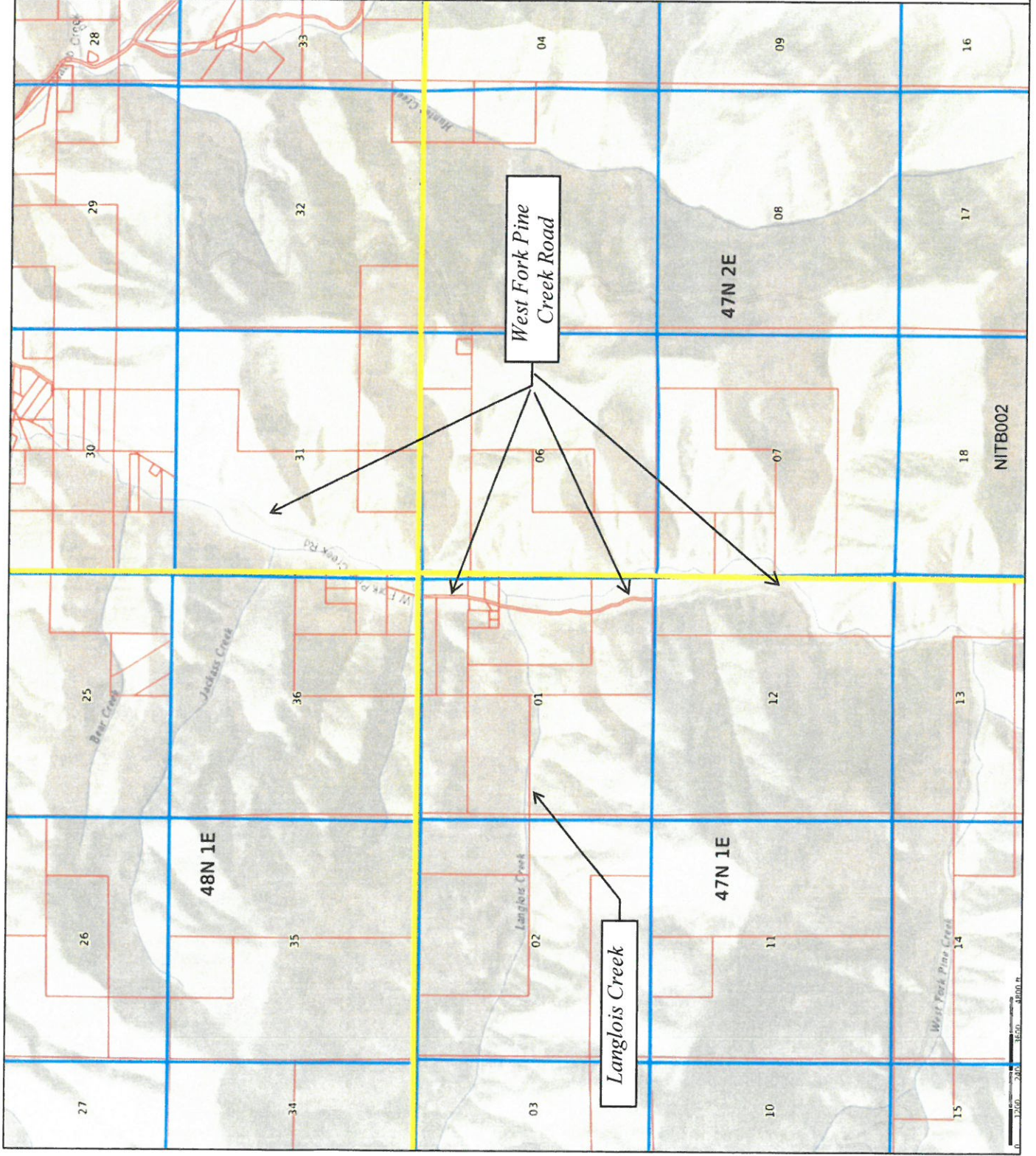
A

County Map 1

Printed on 9 / 5 / 2022
© Shoshone County, Idaho

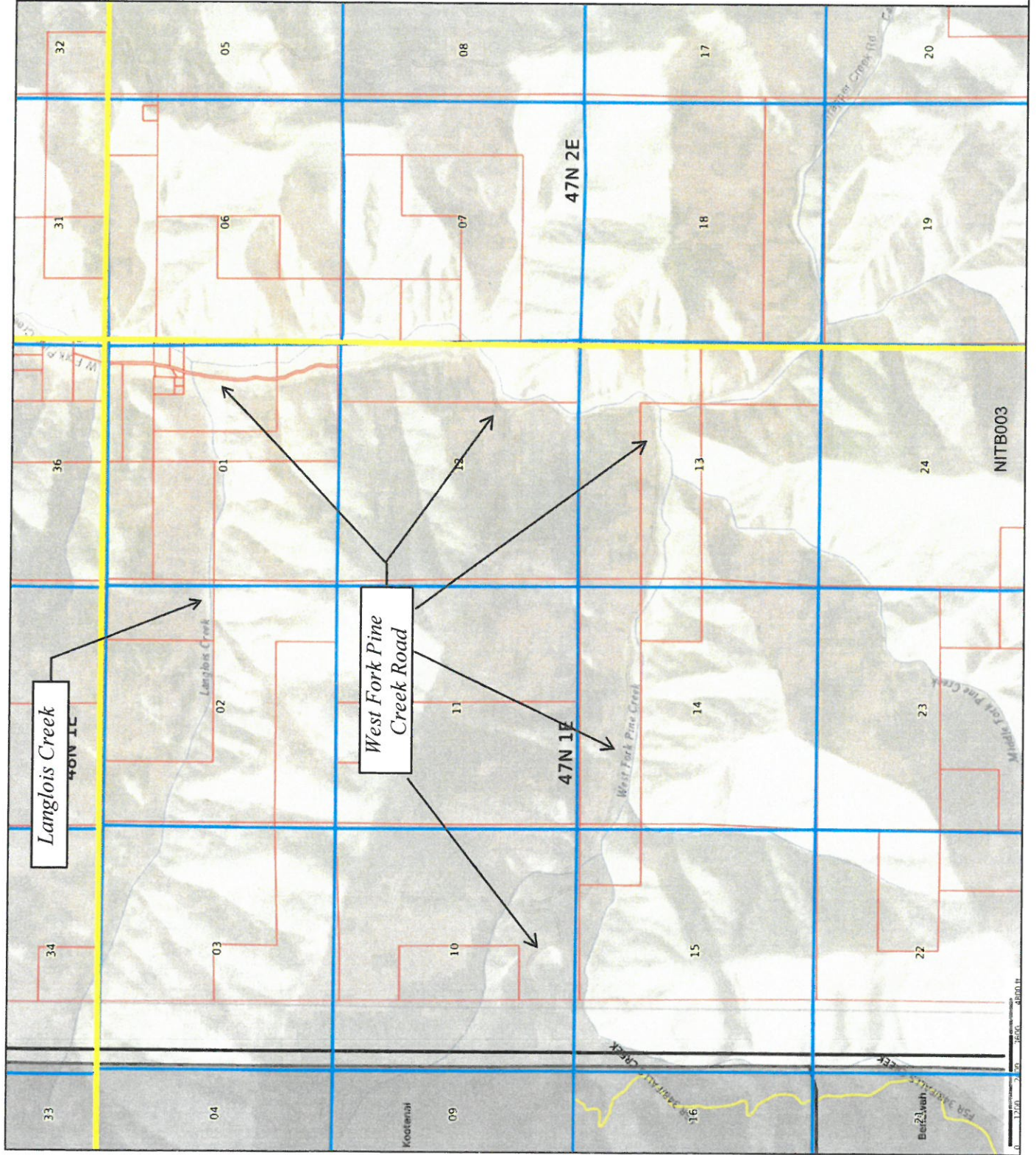


County Map 2



County Map 3

Printed on 9/5/2022
© Shoshone County, Idaho



EXHIBIT

B

Requested Survey
Said Public Highway

PROCEEDINGS COUNTY COMMISSIONERS.

Shoshone County, State of Idaho.

Regular April

Term, 1909.

Seventh

Day.

Wallace, Idaho.

April 19th, 1909.

The Board met pursuant to adjournment:-

Present:-

Commissioners:-

Robert Sterling,

John F. Murphy,

D.E. Keys,

Stanley P. Fairweather.

Clerk:-

The following proceedings were had to-wit:-

The record of yesterday's proceedings was read and approved:-

The petition and bond of O.E. Anderson and others for the establishment of a public highway commencing at the confluence of the East and West Forks of Pine Creek in Sec. 19, Tp. 48, N.R. 2, E.B.M., following said West Fork of Pine Creek south and through Secs. 19, 30 and part of 31, thence one fourth mile across Sec. 36, Tp. 48, N.R. 1 E.B.M., thence Southerly across Sections 1 and 12, thence Westerly across Secs. 13, 14 and 15 of Tp. 47, N.R. 1, E.B.M., was examined and approved, and George R. Trask, C.H. Strobe and W.H. Stokes were appointed viewers to lay out and survey said proposed road and to report to this Board thereon.

The following bills and claims against the County were examined and approved, and in the payment of the same, the Auditor is hereby ordered and directed to draw warrants on the several County Funds as follows, to-wit:-

CURRENT EXPENSE.

154-11	W.H. Herrick,	Maps for Assessor's Office,	\$ 12.00
42-40	Rocky Mountain Bell T. Co.,	Tolls and Rentals,	Red. \$247.85 to 200.20
4	L. Leighty,	Acting Coroner,	Red. \$ 10.00 to 6.00
5	L. Leighty,	"	Red. \$ 20.00 to 16.00
6	John C. Bodley,	Justice Fees,	19.50
7	Fred E. Ellis,	"	24.00
8	Geo. S. Leshar,	"	12.00
9	Thos. G. Kennedy,	"	33.50
50	Thos. G. Kennedy,	Acting Coroner,	12.00
1	J. H. Boomer,	Justice Fees,	45.00
2	Edd Adams,	Constable Fees, Wallace Pct. No. 1,	35.25
3	Edd Adams,	Constable, Probate Court,	13.00
4	Robert H. Pfeil,	Constable Fees, & Boarding Prisoners,	15.85
5	Robert H. Pfeil,	Constable Fees, Mullan Precinct,	29.00
6	Robert H. Pfeil,	Constable Fees, Coroner's Inquests,	17.75
7	Frank Guay,	Constable Fees,	Red. \$ 10.50 to 3.00
8	M. A. Cavanaugh,	"	6.50
54-60	Caleb Hollowell,	Salary as Janitor,	300.00
61-62	Irvin Reemes,	Salary as Asst. Janitor,	270.00
3	O. C. Trojanowski,	District Court Bailiff,	4.00
4	H. Phillips,	Livery Hire,	5.00
5	James R. Bean, M.D.	Autopsy, John O'Dell, Red. \$ 25.00 to 5.00	5.00
6	J. E. St. Jean,	Post Mortem, W.H. Wilson, Red. \$25.00	5.00
7	George Steward,	Drugs for County Jail and Supplies,	60.45
8	J. H. Ramey,	Livery Hire,	12.50
9	Charles Nelson,	Bringing body from 49 camp to Wallace,	22.00
70	Arthur Hanenkrat,	Bounty on Mountain Lion,	15.00
1	The Otterson Co. Ltd.,	Supplies to Court House,	2.93
2	Dr. W. A. Smith,	Services for Fred George. (Co. Jail).	-2.00
3	Mrs. Laura Butz,	Asst. Examiner, Teacher's Examination,	12.00
4	Ethel A. Wragg,	Taking Test. Probate Judge, Red. \$70.20 to 45.60	45.60
5	Archie Gillis,	Witness Fees, Insanity, Red. \$ 8.00 to 4.00	4.00
6	Penney's Grocery,	Supplies for Indg. Mrs. Cowan,	45.00
7	Mrs. Maggie Shannon,	Rent House, Indg. Persons, Red. \$48.00 to 36.00	36.00
8	John H. Foss,	Witness Fees, Insanity, Red. \$ 8.00 to 4.00	4.00
74-80	Robert Sterling,	Salary & Exp. Co. Commissioner,	300.00
81-82	John F. Murphy,	Salary & Exp. Co. Commissioner,	300.00
83-84	D. E. Keys,	Salary & Exp. Co. Commissioner,	300.00
85	Albert Kervey, (Road)	Laborer Road District No. 8,	30.00

The bill or claim of Wm. H. Randolph, for Witness Fees, in case of State vs McDiarmid, was disallowed on account of not proper charge or claim against the County.

And at this time the Board adjourned until to-morrow morning at 10 o'clock.

Attest:-

Stanley P. Fairweather Clerk.

Approved:-

Robert Sterling Chairman.

PROCEEDINGS COUNTY COMMISSIONERS.

Shoshone County, State of Idaho

PRO

Regular July

Term, 1909...

Twelfth

Day.

Wednesday.
Wallace, Idaho.
July 28, 1909.

The Board met pursuant to adjournment:

Present:

Commissioners:

Robert Sterling,
John F. Murphy,
D. E. Keys,
Stanley P. Fairweather.

Clerk:

The following proceedings were had to-wit:

The record of yesterday's proceedings was read and approved.

The official bond of L. F. Bechtel as Road Overseer of Road District No. 7, with John Mann and William J. Mann as sureties in the penal sum of \$300.00, was examined, approved and ordered recorded.

The report of the viewers heretofore appointed on the proposed wagon road beginning at the confluence of the East and West forks of Pine Creek, thence in a generally southerly course along the said West Fork of Pine Creek to the East end of the old State wagon road in Sec. 18, Tp. 48, N.R. 1 E.B.M., was examined and approved, and it was ordered that a wagon road commencing at a point near the confluence of the East and West Forks of Pine Creek in Sec. 19, Tp. 48, N.R. 2 E.B.M., thence in a generally southerly direction along said West Fork of Pine Creek to Brush's Cabin situate thereon near the East line of Sec. 18, Tp. 47, N.R. 1 E.B.M., be, and the same is hereby declared to be a public highway.

It appearing to the Board that the condition of the stream from the confluence of the East Fork of Pine Creek up the West Fork thereof to Brush's Cabin, on account of brush and timber being in said stream tends to endanger the county road along the banks thereof, and the bridges across said stream by reason of the likelihood of washing away said bridges and overflowing onto said road, it was ordered that the brush and timber now in said stream be cleared out and the stream cleaned from the confluence of the East Fork of Pine Creek up the West Fork thereof to Brush's Cabin, a distance of about seven miles, and that Frank Brooks be authorized to clear said brush and timber and clean said stream.

In the matter of the equalization of property assessments in Shoshone County, Idaho, for the year 1909, the Board sitting as a Board of Equalization, denied the petitions and applications of the Edward Rutledge Timber Co., the Milwaukee Land Company, the Potlatch Lumber Company, the Clearwater Timber Company, Ltd., the McCordrick Lumber Company, the Stack-Gibbs Lumber Company, the Cameron Lumber Company, and C. R. Smith for a reduction of the assessed valuation of the timber, timber lands and other property assessed to said persons, firms and corporations as the same now appear on the assessment roll for the year 1909.

And at this time the Board adjourned until to-morrow morning at 9 o'clock.

APPROVED:-

Robert Sterling
CHAIRMAN.

ATTEST:-

Stanley P. Fairweather
CLERK.

Title 40, Idaho Code. Please accept this letter and its enclosures as the comment and evidence submitted for rehearing on behalf of Petitioners.

I. THE ROAD THAT IS THE SUBJECT OF THE PETITION.

Attached at **Exhibit A** are illustrations from the Shoshone County Assessor's office showing the relevant road which Petitioners seek to validate as a public road. Beginning at County Map 1, the road originates near the confluence of the West and East Forks of Pine Creek, from Pine Creek Road. Pine Creek Road is an established public road. West Fork Pine Creek Road then travels from the confluence through Sections 20, 29, 30 and 31, T48N, R2E, B.M. Moving to County Map 2, West Fork Pine Creek Road then continues through Section 31, T48N, R2E, B.M., and then passes over to Section 36, T48N, R1E, B.M., and then in to Section 1, T47N, R1E, B.M., where it crosses Langlois Creek, continuing South through Sections 1, 12 and 13, T47N, R1E, B.M. County Map 3 then illustrates where West Fork Pine Creek Road makes a turn to the West in Section 13, T47N, R1E, B.M., continuing through Sections 14, 15 and 10, T47N, R1E, B.M., until it reaches the Shoshone County line. The foregoing described and illustrated course is what is referred to herein as "West Fork Pine Creek Road", or the "Road."

That portion of West Fork Pine Creek Road travelling through Sections 12, 13, 14, 15 and 10, T47N, R1E, B.M., are situated upon public lands of the United States. In the other portions described, the said road is generally travelling through and adjoining privately held lands.

It is the position and petition of Petitioners that Shoshone County validate West Fork Pine Creek Road as a public road from its intersection with Pine Creek Road until it reaches the Shoshone County line. Alternatively, West Fork Pine Creek road ought to be validated as a public road at least from its intersection with Pine Creek Road until it reaches lands of the United States in Section 12, T47N, R1E, B.M.

II. HISTORY OF THE SUBJECT ROAD.

The Road was established by positive and affirmative act of the Shoshone County Commissioners on April 19, 1909. Attached as **Exhibit B** are excerpts of proceedings of the Commissioners from that date. The proceedings describe the approval for the laying out of a "public highway commencing at the confluence of the East and West Forks of Pine Creek" along the course of the Road described above, basically following West Fork Pine Creek to the Shoshone County line. The Commission approved a survey of the route.

Then, on July 28, 1909, the Commissioners reviewed and approved the survey report, again declared the Road to be a public highway, and described it along the route given above for the Road, thereby allowing a connection to an old state wagon road. The Commission further employed and expended public funds to clear brush and debris along the Road from its confluence with East Fork Pine Creek a distance of 7 miles along West Fork Pine Creek Road.

EXHIBIT

C

Received funds
for work done
To Repair

Labor & Equipment

Why work done on 1 date
Approved months later?

3. STATE *Idaho* 4. COUNTY *Shoshone*

5. WORK CATEGORY (SEE DEFINITIONS)
 a. EMERGENCY ☐ A ☐ B ☐ C-1 ☐ D-1 ☐ E-1 ☐ F-1
 b. PERMANENT ☒ C-2 ☐ D-2 ☐ E-2 ☐ F-2 ☐ G

6. ITEM NO. *C-223*

7. DISASTER DECLARATION DATE *1-23-74*
 8. INSPECTION DATE *1-31-74*
 9. MAP OR PHOTO REFERENCE NO.

10. WORKTUBE ACCOMPLISHED BY:
☐ a. Contract ☒ b. Force Account

11. LOCATION AND DESCRIPTION OF DAMAGED FACILITIES
*West Fork Pine Creek Rd. Above Junction
 Leaning Creek Rd.*

12. DESCRIPTION OF DAMAGE
100 ft. of road washed out

13. PROPOSED WORK
Rebuild Roadway that is washed out

13. SUMMARY OF ESTIMATE

QUANTITY a.	UNIT b.	MATERIAL AND/OR DESCRIPTION c.	UNIT PRICE d.	COST e.
4	Hours	Truck 6 cy	5.00	45.00
2	Hours	F.L. Loader 4 1/2-5 1/2	17.00	34.00
2	Hours	Motor Patcher grader	7.00	14.00
13	Hours	Labor	6.00	78.00
TOTAL ESTIMATED COST				171.00

14. INSURANCE COVERAGE

☐ YES

☐ NO

AMOUNT

15. RECOMMENDATION

☒ a. ELIGIBLE

☐ b. INELIGIBLE
(Explain Separately)

c. FEDERAL INSPECTOR (Signature & Agency Name)
E. J. O'Leary Fed Highway

d. DATE

1-31-74

16. CONCURRENCES

☐ a. YES ☐ b. NO

c. STATE INSPECTOR (Signature)

d. AGENCY OR OFFICE

e. DATE

☐ a. YES ☐ b. NO

c. REPRESENTATIVE OF APPLICANT (Signature)
LLC. LIL

d. DATE

1-31-74

OEP 164
January 1971

INSTRUCTIONS FOR COMPLETING THIS FORM ARE CONTAINED IN MANUAL
 FOR FEDERAL OFFICIALS, OEP CIRCULAR 4000.6B

LIN

FILE, ADDRESS
CRANKOVICH, SHERIFF
Cossel,
PROSECUTING
ATTORNEY

City of Shoshone



DAMAGE SURVEY REPORT

(Under Public Law 606, 91st Congress)

1. APPLICANT (State Agency, County, City, Irrigation District, etc.) <i>Shoshone County</i>		2. DISASTER DECLARATION DATE <i>1-23-74</i>
3. STATE <i>Idaho</i>	4. COUNTY <i>Shoshone</i>	5. INSPECTION DATE <i>1-31-74</i>
6. WORK CATEGORY (SEE DEFINITIONS) a. EMERGENCY <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C-1 <input type="checkbox"/> D-1 <input type="checkbox"/> E-1 <input type="checkbox"/> F-1 b. PERMANENT <input checked="" type="checkbox"/> C-2 <input type="checkbox"/> D-2 <input type="checkbox"/> E-2 <input type="checkbox"/> F-2 <input type="checkbox"/> G		7. MAP OR PHOTO REFERENCE NO.
9. LOCATION AND DESCRIPTION OF DAMAGED FACILITIES <i>West Fork Pine Creek Road located near Lemhi Junction</i>		8. WORK TO BE ACCOMPLISHED BY: <input type="checkbox"/> a. Contract <input type="checkbox"/> b. Force Account
11. DESCRIPTION OF DAMAGE <i>cracked 20 ft of roadway</i>		10. PERCENTAGE OF WORK COMPLETED TO DATE
12. PROPOSED WORK <i>Remove and install 40 feet of 72 inch CMP, haul and place approx. 400 cu y. borrow material.</i>		

13. SUMMARY OF ESTIMATE				
QUANTITY a.	UNIT b.	MATERIAL AND/OR DESCRIPTION c.	UNIT PRICE d.	COST e.
59	Hours	Truck & eq. wiper.	18.50	1,091.50
30	Hours	Grader F.E. 2 1/2 cu. y. wiper	34.00	1,020.00
30	Hours	Dozer D-7 wiper	37.00	1,110.00
16	Hours	Laborer	6.00	96.00
8	Hours	Tamper	2.00	16.00
40	Lin Ft	72 inch CMP See C-223	35.00	1400.00
TOTAL ESTIMATED COST				4,733.50

14. INSURANCE COVERAGE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	AMOUNT _____
------------------------	---------------------------------------------------------------------	--------------

15. RECOMMENDATION			
<input checked="" type="checkbox"/> a. ELIGIBLE	<input type="checkbox"/> b. INELIGIBLE (Explain Separately)	c. FEDERAL INSPECTOR (Signature & Agency Name) <i>J. E. McCall, Gen. Fed. Hwy.</i>	d. DATE <i>1-31-74</i>

16. CONCURRENCES			
<input type="checkbox"/> a. YES <input type="checkbox"/> b. NO	c. STATE INSPECTOR (Signature)	d. AGENCY OR OFFICE	e. DATE
<input type="checkbox"/> a. YES <input type="checkbox"/> b. NO	c. REPRESENTATIVE OF APPLICANT (Signature)		d. DATE <i>1-31-74</i>

SUMMARY OF
DAILY ACTIVITY REPORTS



OFFICE OF
EMERGENCY
PREPAREDNESS
EXECUTIVE OFFICE OF THE PRESIDENT

DAMAGE SURVEY REPORT

(Under Public Law 606, 91st Congress)

1. APPLICANT (State Agency, County, City, Irrigation District, etc.) <i>Shoshone County</i>		2. DISASTER DECLARATION DATE <i>1-25-74</i>
3. STATE <i>Idaho</i>	4. COUNTY <i>Shoshone</i>	5. INSPECTION DATE <i>1-31-74</i>
6. WORK CATEGORY (SEE DEFINITIONS)		7. MAP OR PHOTO REFERENCE NO.
a. EMERGENCY <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C-1 <input type="checkbox"/> D-1 <input type="checkbox"/> E-1 <input type="checkbox"/> F-1 b. PERMANENT <input checked="" type="checkbox"/> C-2 <input type="checkbox"/> D-2 <input type="checkbox"/> E-2 <input type="checkbox"/> F-2 <input type="checkbox"/> G		c. ITEM NO. <i>C-224</i>
9. LOCATION AND DESCRIPTION OF DAMAGED FACILITIES <i>West Fork Pine Creek Road 1000 feet from Lankis Junction</i>		8. WORK TO BE ACCOMPLISHED BY: <input type="checkbox"/> a. Contract <input type="checkbox"/> b. Force Account
11. DESCRIPTION OF DAMAGE <i>Washed out 80 feet roadway</i>		10. PERCENTAGE OF WORK COMPLETED TO DATE
12. PROPOSED WORK <i>Furnish and install 40 feet of 72 inch chip and place approx. 710 cu ft of borrow material.</i>		

13. SUMMARY OF ESTIMATE

QUANTITY a.	UNIT b.	MATERIAL AND/OR DESCRIPTION c.	UNIT PRICE d.	COST e.
59	Hours	Truck & wiper	18.50	1,091.50
30	Hours	Loader F.E. 2 1/2 cu wiper	34.00	1,020.00
30	Hours	Dozer W-7	37.00	1,110.00
16	Hours	Laborer	6.00	96.00
8	Hours	Tamper	2.00	16.00
40	1/4 cu yd	72 inch chip See C-223	35.00	1,400.00
TOTAL ESTIMATED COST				4,733.50

14. INSURANCE COVERAGE ☐ YES ☒ NO AMOUNT _____

15. RECOMMENDATION

<input checked="" type="checkbox"/> a. ELIGIBLE	<input type="checkbox"/> b. INELIGIBLE (Explain Separately)	c. FEDERAL INSPECTOR (Signature & Agency Name) <i>E. H. ...</i>	d. DATE <i>1-31-74</i>
-------------------------------------------------	----------------------------------------------------------------	--------------------------------------------------------------------	---------------------------

16. CONCURRENCES

<input type="checkbox"/> a. YES <input type="checkbox"/> b. NO	c. STATE INSPECTOR (Signature)	d. AGENCY OR OFFICE	e. DATE
<input type="checkbox"/> a. YES <input type="checkbox"/> b. NO	c. REPRESENTATIVE OF APPLICANT (Signature)		d. DATE <i>1-31-74</i>

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
FEDERAL DISASTER ASSISTANCE ADMINISTRATION
**SUMMARY OF DOCUMENTATION IN SUPPORT OF AMOUNT CLAIMED
FROM THE FEDERAL DISASTER ASSISTANCE ADMINISTRATION
FOR ELIGIBLE DISASTER WORK**

Page No. _____

FDA 45-00-11

State IND

APPLICANT

SHOSHONE COUNTY

Project Application No. _____

Applicant's Reference No. arrant, acher, Claim Schedule No.)	Delivery date of articles or performance of services	DOCUMENTATION List documentation (Applicant's payroll, material out of applicant's stock, applicant owned equipment and name of vendor or contractor) by category and line item in the approved project application and give a brief description of the articles or services	AMOUNT		
			Line item in Approved Project Application	Applicant's Eligible Cost	
			Dollars	Dollars	Cents
		<u>CATEGORY C-2</u>			
		Item No. C-223 <u>West Fork Pine Creek</u>			
509	1/31	American Industrial Manufacturers 40 L.F. of 24" C.N.P. @ 4.25 1 12" Band @ 8.56		171.20	8.56
5294	2/1	Sveristen Logging Company 12 yd. Trk. w/operator 8 hrs. @ 19.15 2 hrs. O.T. @ 29.88		153.20	59.76
5117, 525	1/31, 2/1	Don Nickerson 3 1/2 yd. Loader w/operator 6 hrs. @ 22.00 Backhoe w/operator 6 hrs. @ 18.50		132.00	111.00
Sch. 1	1/31, 2/1	Payroll-- 3 hrs. @ 3.65 14 hrs. @ 4.05		10.95	56.70
Sch. 11	1/31, 2/1	Applicant owned equipment Vehicle #201 3 hrs. @ 1.35 Vehicle #206 3 hrs. @ 5.00 Vehicle #216 11 hrs. @ 7.00		4.05	15.00
				77.00	
			171.00	799.42	

DISTRIBUTION CODE: WHITE - F/AA Audit Section File Copy PINK - State Copy
GREEN - FDAA Audit Copy GOLD - Applicant Copy
YELLOW - FDAA Regional Copy
UD-481 (6-74) Replaces OEP Form 74 which is obsolete



OFFICE OF
EMERGENCY
PREPAREDNESS
EXECUTIVE OFFICE OF THE PRESIDENT

DAMAGE SURVEY REPORT

(Under Public Law 606, 91st Congress)

1. APPLICANT (State Agency, County, City, Irrigation District, etc.)		2. DISASTER DECLARATION DATE
3. STATE	4. COUNTY	5. INSPECTION DATE
6. WORK CATEGORY (SEE DEFINITIONS)		7. MAP OR PHOTO REFERENCE NO.
a. EMERGENCY <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C-1 <input type="checkbox"/> D-1 <input type="checkbox"/> E-1 <input type="checkbox"/> F-1 b. PERMANENT <input type="checkbox"/> C-2 <input type="checkbox"/> D-2 <input type="checkbox"/> E-2 <input type="checkbox"/> F-2 <input type="checkbox"/> G		c. ITEM NO. C-223
9. LOCATION AND DESCRIPTION OF DAMAGED FACILITIES		8. WORK TO BE ACCOMPLISHED BY: <input type="checkbox"/> a. Contract <input checked="" type="checkbox"/> b. Force Account
11. DESCRIPTION OF DAMAGE		10. PERCENTAGE OF WORK COMPLETED TO DATE
12. PROPOSED WORK		

13. SUMMARY OF ESTIMATE				
QUANTITY a.	UNIT b.	MATERIAL AND/OR DESCRIPTION c.	UNIT PRICE d.	COST e.
				45.00
				34.00
				14.00
				78.00
TOTAL ESTIMATED COST				171.00
14. INSURANCE COVERAGE <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT _____				

15. RECOMMENDATION			
<input type="checkbox"/> a. ELIGIBLE	<input type="checkbox"/> b. INELIGIBLE (Explain Separately)	c. FEDERAL INSPECTOR (Signature & Agency Name)	d. DATE
16. CONCURRENCES			
<input type="checkbox"/> a. YES <input type="checkbox"/> b. NO	c. STATE INSPECTOR (Signature)	d. AGENCY OR OFFICE	e. DATE
<input type="checkbox"/> a. YES <input type="checkbox"/> b. NO	c. REPRESENTATIVE OF APPLICANT (Signature)		d. DATE

Form OEP 154
February 1971

INSTRUCTIONS FOR COMPLETING THIS FORM ARE CONTAINED IN MANUAL
FOR FEDERAL OFFICIALS, OEP CIRCULAR 4000.6B

SUMMARY OF

LINE ITEM C-222

BOOKKEEPER

REPORT DATE	LABOR	MATERIAL	EQUIPMENT
1-31-74.	\$.05	179 76	174 05
2-1-74	4.55		377 96
TOTAL COST	\$ 67 65	179 76	552 01

TE 2-2-74

W. Fork Pine Creek

32.40

6

136.00

Michael S. Goldstein

7/10/74

C-224

E 2-4-74

W. Fork Pipe Creek

10	4.05 Operator	R. Anderson	40.50
10	4.05 Driver	C. Ohman	40.50
9	4.05 operator	M. Heien	36.45

117.45

MATERIAL				
UNIT	DESCRIPTION	DOCUMENT OR INVOICE REF.	UNIT PRICE	EXTENSION

EQUIPMENT				
QTY	RATE	NAME OF LESSOR	DESCRIPTION	EXTENSION
10	7.00	216	Motor Grader	70.00
10	5.00	210	Dump Truck	50.00
9	17.00	215	Loader	153.00
8	22.00	John Powers	w/operator TD 200 Dozer	866.00

539.00

BOOKKEEPER

M. Repton

7/10/74

C-224
W. Fork Pine Creek

2-5-74

DATE: _____ CREDIT: _____

MATERIAL				
	DESCRIPTION	DOCUMENT OR INVOICE REF.	UNIT PRICE	EXTENSION

EQUIPMENT				
QTY	RATE	APPLICANT OWNED OR NAME OF LESSOR	DESCRIPTION	EXTENSION
4	22.00	Jerald Avery	w/ operator HD 16 Dozer	88.00
8	26.00	John Powers	w/ operator TD 20 R Dozer	208.00

354.00

BOOKKEEPER
M. P. [Signature] 7/10/74

C-224

2-14-74

W Fork Pine Creek

MATERIAL		
DESCRIPTION	DOCUMENT OR INVOICE REF.	UNIT PRICE

EQUIPMENT			
RATE	APPLICANT OWNED OR		EXTENSION
	NAME OF LESSOR	DESCRIPTION	
2	Don	w/operator	
22.00	Nickerson	3 1/2 yd Loader	44.00
4	Delmer	w/operator	
17.50	Bermis	10 yd Truck	70.00

114.00

BOOKKEEPER

M. Leptien

7/10/74

C-224
W. Fork Pine Creek

2-15-74

DATE	DESCRIPTION	UNIT PRICE	EXTENSION
2	4.05 Operator R. Anderson		8.10

8.10

DESCRIPTION	MATERIAL DOCUMENT OR INVOICE REF.	UNIT PRICE	EXTENSION

EQUIPMENT			
RATE	APPLICANT OWNED OR NAME OF LESSOR	DESCRIPTION	EXTENSION
2	7.00 216	Motor Grader	14.00
8	266.00 John Powers	w/operator TD 20B Dozer	266.00

\$ 280.00

BOOKKEEPER	
M. Lafatada	7/10/74

C-224

3-15-74

W. Fork Pine Creek

✓ 6	4.05	Operator	M. Hojem	24.30
✓ 8	3.95	Driver	B. Battista	31.60
✓ 8	3.95	Driver	W. Oberg	31.60
✓ 8	4.05	Driver	C. Ohman	32.40
✓ 8	4.05	Operator	R. Anderson	32.40

152.30

MATERIAL				
UNIT	DESCRIPTION	DOCUMENT OR INVOICE REF.	UNIT PRICE	EXTENSION

EQUIPMENT				
APPLICANT OWNED OR				
RATE	NAME OF LESSOR	DESCRIPTION		
✓ 6	17.00	215	Lander	102.00
✓ 8	6.00	209	Dump Truck	48.00
✓ 8	6.00	208	Dump Truck	48.00
✓ 8	5.00	210	Dump Truck	40.00
✓ 8	7.00	216	Motor Grader	56.00
				294.00

BOOKKEEPER

M. Refuter 7/10/74

C-224

7-22-74

W. Fork Pine Creek

✓ 8	405	Operator	L. Crawford	32.40

32.40

MATERIAL			
DESCRIPTION	DOCUMENT OR INVOICE REF.	UNIT PRICE	EXTENSION

EQUIPMENT

✓ 8	CT & RATE	APPLICANT OWNED OR		EXTENSION
		NAME OF LESSOR	DESCRIPTION	
	13.00	219	Dozer	104.00

104.00

BOOKKEEPER

M. Lofgren

8/27/74

C-224
W. Fork Pine Creek

7-23-74

✓ 8	4.05	Operator	R. Anderson	32.40
✓ 8	3.95	Trk. Driver	B. Battista	31.60
✓ 8	4.05	Operator	M. Lake	32.40
✓ 8	3.95	Trk. Driver	W. Oberg	31.60
✓ 8	4.05	Trk. Driver	C. Ohman	32.40

160.40

MATERIAL				
UNIT	DESCRIPTION	DOCUMENT OR INVOICE REF.	UNIT PRICE	EXTENSION

EQUIPMENT				
QTY	RATE	APPLICANT OWNED OR NAME OF LESSOR	DESCRIPTION	EXTENSION
✓ 8	7.00	216	Motor Grader	56.00
✓ 8	6.00	209	Dump Truck	48.00
✓ 8	17.00	215	Loader	136.00
✓ 8	6.00	208	Dump Truck	48.00
✓ 8	5.00	210	Dump Truck	40.00
				328.00

7 EXAM

BOOKKEEPER

M. Lofstrom 8/29/74

C-224

7-25-74

W Fork Pine Creek

UNIT	RATE	CONF	NAME	EXTENSION
8	4.05	Operator	L. Crawford	32.40

32.40

MATERIAL				
UNIT	DESCRIPTION	DOCUMENT OR INVOICE REF.	UNIT PRICE	EXTENSION

EQUIPMENT				
UNIT	RATE	APPLICANT OWNED OR NAME OF LESSOR	DESCRIPTION	EXTENSION
8	13.00	219	Dozer	104.00

104.00

BOOKKEEPER
M. Lefort
8/29/74

C-224

TE 7-26-74

W Fork Pine Creek

8	1405 Operator	L. Crawford	32.40

32.40

MATERIAL				
UNIT	DESCRIPTION	DOCUMENT OR INVOICE REF.	UNIT PRICE	EXTENSION

EQUIPMENT				
APPLICANT OWNED OR				
NAME OF LESSOR	DESCRIPTION	EXTENSION		
8	13.00 219	Dozer	104.00	

104.00

BOOKKEEPER

M. Ralston 8/29/74

DATE

NO. C-224

DATE 7-29-74

W. Fork Pine Creek

QUANTITY	DATE	CRAFT	NAME	EXTENSION
8	4.05	Operator	L. Crawford	32.40

32.40

MATERIAL			
DESCRIPTION	DOCUMENT OR INVOICE REF.	UNIT PRICE	EXTENSION

EQUIPMENT				
APPLICANT OWNED OR		NAME OF LESSOR	DESCRIPTION	EXTENSION
RAIL				
✓ 8	13.00	219	Dazer	104.00

104.00

BOOKKEEPER	
M. R. [Signature]	8/29/74

C-223

1-31-74

W. Fork Pine Creek

		CRAFT	NAME	
✓ 3	14.05	Labor	L. Crawford	12.15
✓ 3	3.65	TAK. Driver	J. Padula	10.95

23.10

			MATERIAL		
	UNIT	DESCRIPTION	DOCUMENT OR INVOICE REF.	UNIT PRICE	EXTENSION
40	L.F.	24" C.M.P.	5094	4.28	171.20
1	Each	12" BAND	5094	8.56	8.56

179.76

			EQUIPMENT	
	RATE	APPLICANT OWNED OR NAME OF LESSOR	DESCRIPTION	EXTENSION
✓ 6	18.50	DAN NICKERSON	w/ operator Inter. Backhoe	111.00
✓ 3	1.35	201	Pickup	4.05
✓ 3	5.00	206	Dum. Truck	15.00
2	22.00	DAN NICKERSON	w/ operator 3 1/2 cu. Loader	44.00

174.05

BOOKKEEPER

M. Padula

8/13/74

DAILY ACTIVITY REPORT

ITEM NUMBER C-223

DATE 2-1-74

LOCATION W. Fork Pin Creek

Hrs		LABOR			
Reg	OT	RATE	CRAFT	NAME	EXTENSION
✓ 11		4.05	Grader Operator	R. Anderson	44.55

\$ 44.55

MATERIAL					
QUAN.	UNIT	DESCRIPTION	DOCUMENT OR INVOICE REF.	UNIT PRICE	EXTENSION

\$ _____

EQUIPMENT					
Hrs		APPLICANT OWNED OR		DESCRIPTION	EXTENSION
Reg	OT	RATE	NAME OF LESSOR		
✓ 8	2	14.15	Sverdsten Logging Co.	w/operator 12 cu. Dump Trk.	212.96
✓		22.00	Dan Nickerson	w/operator 3 1/2 cu. Loader	88.00
✓ 11		7.00	ILG	Cat. Motor Grader	77.00

\$ 377.96

FOREMAN		BOOKKEEPER		DATE
		Tr. Del. t. *		2/13/74

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
FEDERAL DISASTER ASSISTANCE ADMINISTRATION
**SUMMARY OF DOCUMENTATION IN SUPPORT OF AMOUNT CLAIMED
FROM THE FEDERAL DISASTER ASSISTANCE ADMINISTRATION
FOR ELIGIBLE DISASTER WORK**

Page No. _____

APPLICANT SIOUX COUNTY

Project Application No. _____

FDAA 15-DR-11

State IDAHO

Applicant's Reference No. Narrative, oucher, Claim Schedule No.)	Delivery date of articles or performance of services	DOCUMENTATION List documentation (Applicant's payroll, material out of applicant's stock, applicant owned equipment and name of vendor or contractor) by category and line item in the approved project application and give a brief description of the articles or services	AMOUNT		
			Line item in Approved Project Application	Applicant's Eligible Cost	
				Dollars	Cents
		<u>CATEGORY C-2</u>			
		Item No. C-224 <u>West Fork Pine Creek</u>			
5287	2/1-2/15	John Powers TD 20B Dozer w/operator 32 hrs. @ 26.00 7 hrs. O.T. @ 29.00		832.00 203.00	
5288	2/14	Dan Nickerson 3 1/2 yd. Loader w/operator 2 hrs. @ 22.00		44.00	
5289	2/14	Dolmer Beanis 10 yd. Trk w/operator 4 hrs. @ 17.50		70.00	
5290	2/5	Jerald Avery HD 16 Dozer 4 hrs. @ 22.00		88.00	
5291	1/28-7/29	Payroll -- 32 hrs. @ 3.95 122 hrs. @ 4.05		126.40 494.10	
5292	1/28-7/29	Applicant owned equipment Vehicle #210 26 hrs. @ 5.00 Vehicles #208, 209 32 hrs. @ 6.00 Vehicle #216 28 hrs. @ 7.00 Vehicle #214 5 hrs. @ 7.50 Vehicle #219 32 hrs. @ 13.00 Vehicles #215, 220 31 hrs. @ 17.00		130.00 192.00 196.00 37.50 416.00 527.00	
			4,733.50	3,356.00	

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HUD-481 (6-74) Replaces OEP Form 74 which is obsolete



OFFICE OF
EMERGENCY
PREPAREDNESS
EXECUTIVE OFFICE OF THE PRESIDENT

DAMAGE SURVEY REPORT (Under Public Law 606, 91st Congress)

1. APPLICANT (State Agency, County, City, Irrigation District, etc.)

3. STATE

4. COUNTY

6. WORK CATEGORY (SEE DEFINITIONS)

a. EMERGENCY ☐ A ☐ B ☐ C-1 ☐ D-1 ☐ E-1 ☐ F-1b. PERMANENT ☐ C-2 ☐ D-2 ☐ E-2 ☐ F-2 ☐ G

c. ITEM NO.

- 224

9. LOCATION AND DESCRIPTION OF DAMAGED FACILITIES

11. DESCRIPTION OF DAMAGE

12. PROPOSED WORK

2. DISASTER DECLARATION DATE

5. INSPECTION DATE

7. MAP OR PHOTO REFERENCE NO.

8. WORK TO BE ACCOMPLISHED BY:

☐ a. Contract ☐ b. Force Account

10. PERCENTAGE OF WORK COMPLETED TO DATE

13. SUMMARY OF ESTIMATE

QUANTITY a.	UNIT b.	MATERIAL AND/OR DESCRIPTION c.	UNIT PRICE d.	COST e.
				1,091.50
				1,020.00
				1,110.00
				96.00
				16.00
				1400.00
		See C-223		
		TOTAL ESTIMATED COST		4,733.50

14. INSURANCE COVERAGE

☐ YES☐ NO

AMOUNT

15. RECOMMENDATION

☒ a. ELIGIBLE☐ b. INELIGIBLE
(Explain Separately)

c. FEDERAL INSPECTOR (Signature & Agency Name)

d. DATE

16. CONCURRENCES

☐ a. YES ☐ b. NO

c. STATE INSPECTOR (Signature)

d. AGENCY OR OFFICE

e. DATE

☐ a. YES ☐ b. NO

c. REPRESENTATIVE OF APPLICANT (Signature)

d. DATE

DAILY ACTIVITY REPORTS

LINE ITEM C-224

BOOKKEEPER M. Lopez

REPORT DATE	LABOR		MATERIAL	EQUIPMENT
1-28-74	\$	20 25	\$	27 50
2-1-74				237 00
2-2-74		32 40		136 00
2-4-74		117 45		535 00
2-5-74				354 00
2-14-74				114 00
2-15-74		8 10		280 00
3-15-74		152 30		294 00
7-22-74		32 40		104 00
7-23-74		6 42		228 00
7-25-74		33 40		104 00
7-26-74		42		104 00
7-29-74		42		104 00
TOTAL COST	\$	625	\$	2735 50

C-224
W. Fork Pine Creek

1-28-74

QTY	UNIT PRICE	DESCRIPTION	EXTENSION
5	4.05	Operator C. Ohman	20.25

20.25

MATERIAL					
QTY	UNIT PRICE	DESCRIPTION	DOCUMENT OR INVOICE REF.	UNIT PRICE	EXTENSION

EQUIPMENT				
QTY	UNIT PRICE	NAME OF LESSOR	DESCRIPTION	EXTENSION
5	7.50	214	Loader	37.50

37.50

BOOKKEEPER	7/10/74
M. Lofsted	

C-224
W Fork Pine Creek

2-1-74

MATERIAL				
UNIT	DESCRIPTION	DOCUMENT OR INVOICE REF.	UNIT PRICE	EXTENSION

EQUIPMENT				
CT	RATE	APPLICANT OWNED OR NAME OF LESSOR	DESCRIPTION	
8	1	26.00	John Powers w/operator TD 20B Dozer	237.00

237.00

246

BOOKKEEPER

M. Sefster

7/11/74

EXHIBIT

D

*Redundant
See 1 seen ALL?*

SAMPLE 2
M-11-02

U. S. DEPARTMENT OF THE INTERIOR

BUREAU OF MINES

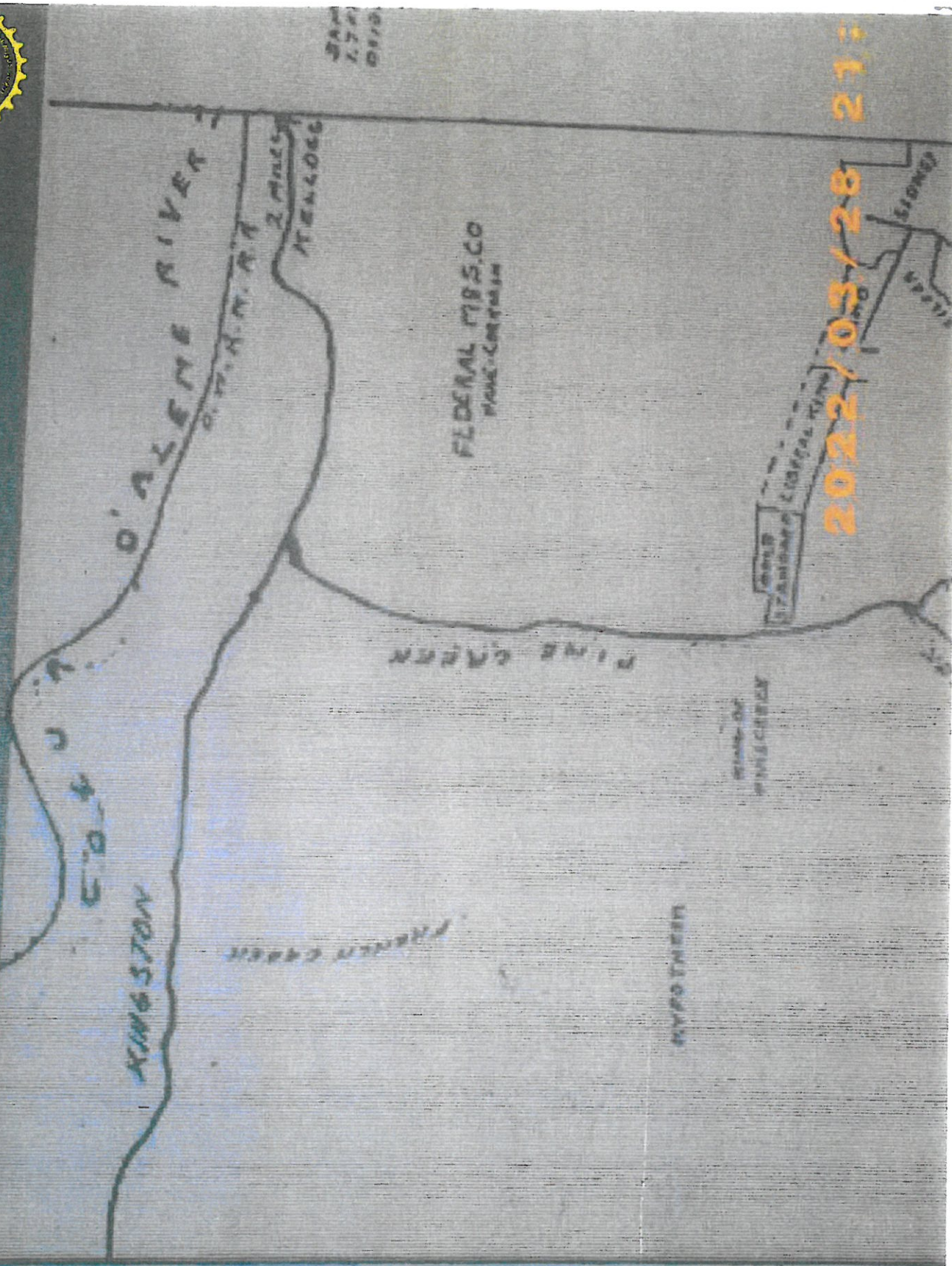
BRUNTON SKETCH MAP
OF

ANCHOR AND COLUSA TUNNELS
COLUSA CREEK, SHOSHONE COUNTY, IDAHO
SUMMARY REPORT NO. 3
SCALE 1"=100'

ENG'R. J.A. HERDLICK DATE 7-1-45

TRACED 2-2-45 J.A.H.

2022/03/28 21:





WINDY OF
PINEAPPLE

STAMEN
LIBRARY

10 AMO

MAJOR LEAD - 1000

10 AMO

COUSAR

FOAM PINE CABBAGE

WEST

2022/03/28 21:





LAMBSON CREEK,
A

11

12

7

8

9

WEST COAST

TOWN
47
N.

13

10

17

16

COLUMBIA
CANAL

H. P. L. B. A. S. E.

24

13

20

21

21

10025

24

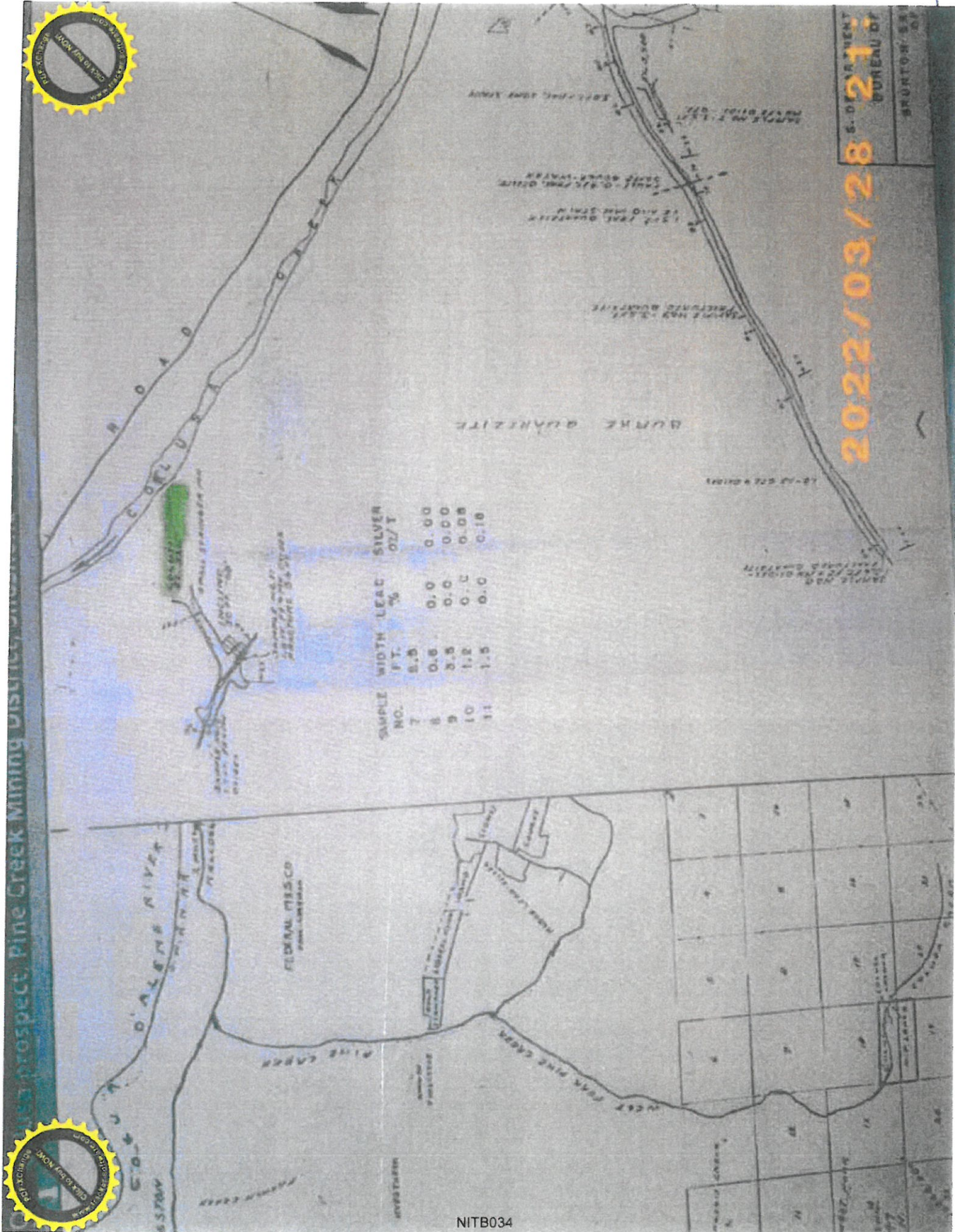
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C. T. E. S. T.



2022/03/28

6. DEPARTMENT OF THE INTERIOR

BURTON, S.

NITB034

Contributions to Economic Geology, 1961

GEOLOGICAL SURVEY BULLETIN 1142

*This bulletin was printed
as separate chapters, A-M*



2022/03/28 21:

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[The letters in parentheses preceding the titles designate separately published chapters.]

(A) Geology and mineral deposits of the Twin Crags quadrangle, Idaho, by
Arthur R. Campbell and Stanley E. Good.

(B) Geology of the Ewing quadrangle, Kentucky and Virginia, by R. G. Eng-
lund, H. L. Switch, L. D. Harris, and J. G. Stephens.

(C) A preliminary report on the Precambrian iron deposits near Atlantic
City, Wyoming, by Richard W. Bayley.

(D) Economic geology of the Plant City quadrangle, Florida, by James
B. Cathcart.

(E) Geology of the Calumity Peak area, Custer County, South Dakota, by
Donald H. Kupfer.

(F) Geology of the magnesite belt of Stevens County, Washington, by Ian
Campbell and John S. Loofbourow, Jr.

(G) Geology of the Red Devil quicksilver mine, Alaska, by E. M. MacKevett,
Jr., and H. C. Berg.

(H) Future petroleum producing capacity of the United States, by A. I. Zais, 217.

(I) Geology of some copper deposits in North Carolina, Virginia, and Alabama,
by G. H. Espenshade.

UNITED STATES DEPARTMENT OF THE INTERIOR

STEWART L. UDALL, *Secretary*

GEOLOGICAL SURVEY

Thomas B. Nolan, *Director*

2022/03/28 21:

Wallace formation

Igneous rocks

Unconsolidated sediments

Structure

Folds

Faults

Northwestward-trending faults

Northward-trending faults

Mineral deposits

Siderite veins

Palisade mine

Other siderite veins

Lead-zinc bearing veins

International mine

K. C. prospect

Patricia No. 1 prospect

Tiberius prospect

Antimony-bearing veins

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ILLUSTRATIONS

Page

PLATE 1. Geologic map of the Twin Crags quadrangle, Idaho..... In pocket

2. Geologic maps of the Palisade mine, Kootenai County,

Idaho

2022/103kt/28 21:

ABSTRACT

The 7½-minute Twin Craggs quadrangle in the panhandle of Idaho includes parts of Shoshone, Kootenai, and Benewah Counties. It was mapped in 1948 to 1950 as part of a study of the general geology of the Coeur d'Alene mining district, which extends eastward from the quadrangle.

The area is underlain by low-grade metasedimentary rocks of the Precambrian Belt series, and by a few lamprophyre and diabase dikes that probably are of early Tertiary age. The Belt series is represented by five formations, from oldest to youngest: the Pritchard formation, Burke formation, Revett quartzite, St. Regis formation, and Wallace formation. These formations consist principally of argillite and quartzite, but include a very few impure limestone and dolomite beds. Tertiary(?) to Recent unconsolidated sediments cover a few small areas in the quadrangle.

The sedimentary rocks of the quadrangle are part of a southward-dipping homocline that has been interrupted and deformed locally by faulting and folding. The structural pattern is coarse grained and simple compared to that of the Coeur d'Alene district. Faults generally are steeply dipping to vertical; folds are broad and open, and plunge at low angles. Direction of movement on fault planes is in many cases indeterminate owing to the thick stratigraphic units involved and the lack of key horizons.

The known mineral deposits of the quadrangle consist of barren siderite veins; quartz and siderite veins that locally contain galena, sphalerite, pyrite, pyrrhotite, and chalcopyrite; and stibnite-bearing veins. The only recorded mineral production from the quadrangle is one small shipment of antimony ore in 1916. All accessible mine workings were mapped during the course of this study.

INTRODUCTION

2022/03/28 21:21

mineral production from the quadrangle is one small shipment of antimony ore in 1916. All accessible mine workings were mapped during the course of this study.

INTRODUCTION

Geologic mapping of the Twin Crags quadrangle was begun in 1948 as part of a study of the general geology of the Coeur d'Alene mining district. Stanley E. Good was in charge of the work during the summers of 1948 and 1949 and was assisted by Arthur B. Camp-

A1

A2

CONTRIBUTIONS TO ECONOMIC GEOLOGY

bell. Campbell, assisted by George E. Banta, completed the field work in 1950.

The structural framework and stratigraphy of this area, which is

CONTRIBUTIONS TO ECONOMIC GEOLOGY

bell. Campbell, assisted by George E. Becraft, completed the field-work in 1950.

The structural framework and stratigraphy of this area, which is near the principal mineralized part of the Coeur d'Alene district, are different in some respects from those of the greater part of the district. A comprehensive report on the general geology of the Coeur d'Alene district currently being prepared by S. W. Hobbs, A. B. Griggs, R. E. Wallace, and A. B. Campbell considers matters of geologic interpretation for the entire district, including the Twin Craggs quadrangle. Thus, the present report is in general restricted to a description of the geologic features of the quadrangle.

LOCATION, CULTURE, AND ACCESS

The Twin Craggs quadrangle is in the Coeur d'Alene Mountains of northern Idaho, about 55 miles airline east-southeast of Spokane, Wash. (fig. 1). The 7½-minute quadrangle is an area of about 51 square miles in Shoshone, Benewah, and Kootenai Counties bounded by parallels 47°22'30" and 47°30' and by meridians 116°15' and

LOCATION, CULTURE, AND ACCESS

The Twin Crag quadrangle is in the Coeur d'Alene Mountains of northern Idaho, about 55 miles airline east-southeast of Spokane, Wash. (fig. 1). The 7½-minute quadrangle is an area of about 51 square miles in Shoshone, Benewah, and Kootenai Counties bounded by parallels 47°22'30" and 47°30' and by meridians 116°15' and 116°22'30".

Only about 50 people maintain permanent residence in the quadrangle; most of them live in the valley of Pine Creek. Some of these people are engaged in logging operations, in farming, and in prospecting, but the economy of the area depends mainly on mining activity in the neighboring Coeur d'Alene district.

Access to the quadrangle is from the northeast or south. From the northeast the quadrangle may be reached by traveling westward on U.S. Highway 10 from Kellogg, Idaho, to the village of Pinehurst, then south up the valley of Pine Creek. The roads along Pine Creek, West Fork, Middle Fork, and Calusa Creek provide access to much of the northern three-quarters of the quadrangle. The southern part of the quadrangle is accessible from secondary roads that follow Reeds Gulch, Falls Creek, and Mineral Creek. These secondary roads join the St. Maries-Avery road in the St. Joe River valley. Parts of the area are served only by unimproved dirt roads, many of which are blocked by fallen timber and slumped banks. Few foot trails are



2022/03/28 14:



LOT 2
33.02 AC.

LOT 1
33.10 AC.



1900
1900

1900
1900

2022/03/28
1900



08/06/2020

ROAD

CREEK

1900

2050

1950

2000

2050

County



2022/03/28 14:

FORK

PINE

47MDE01/300



WEST

2022/03/28 14:11



2022/03/28 14:14

NITB049



NITB050



End of Traverse
West Fork Pine Creek Road

1-27-81

2022/03/28 14:

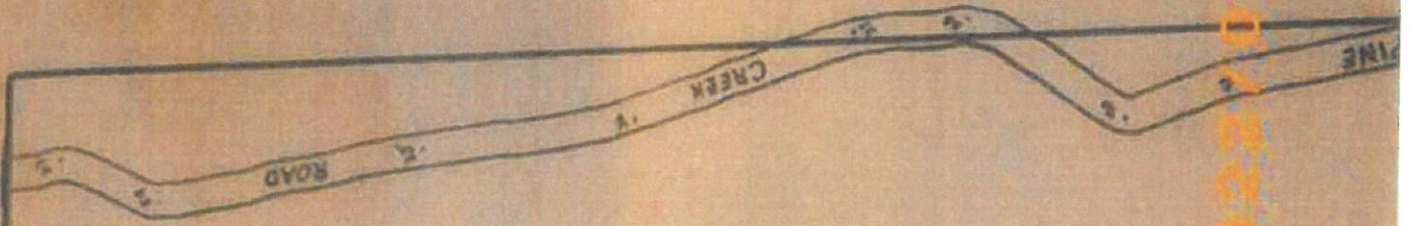


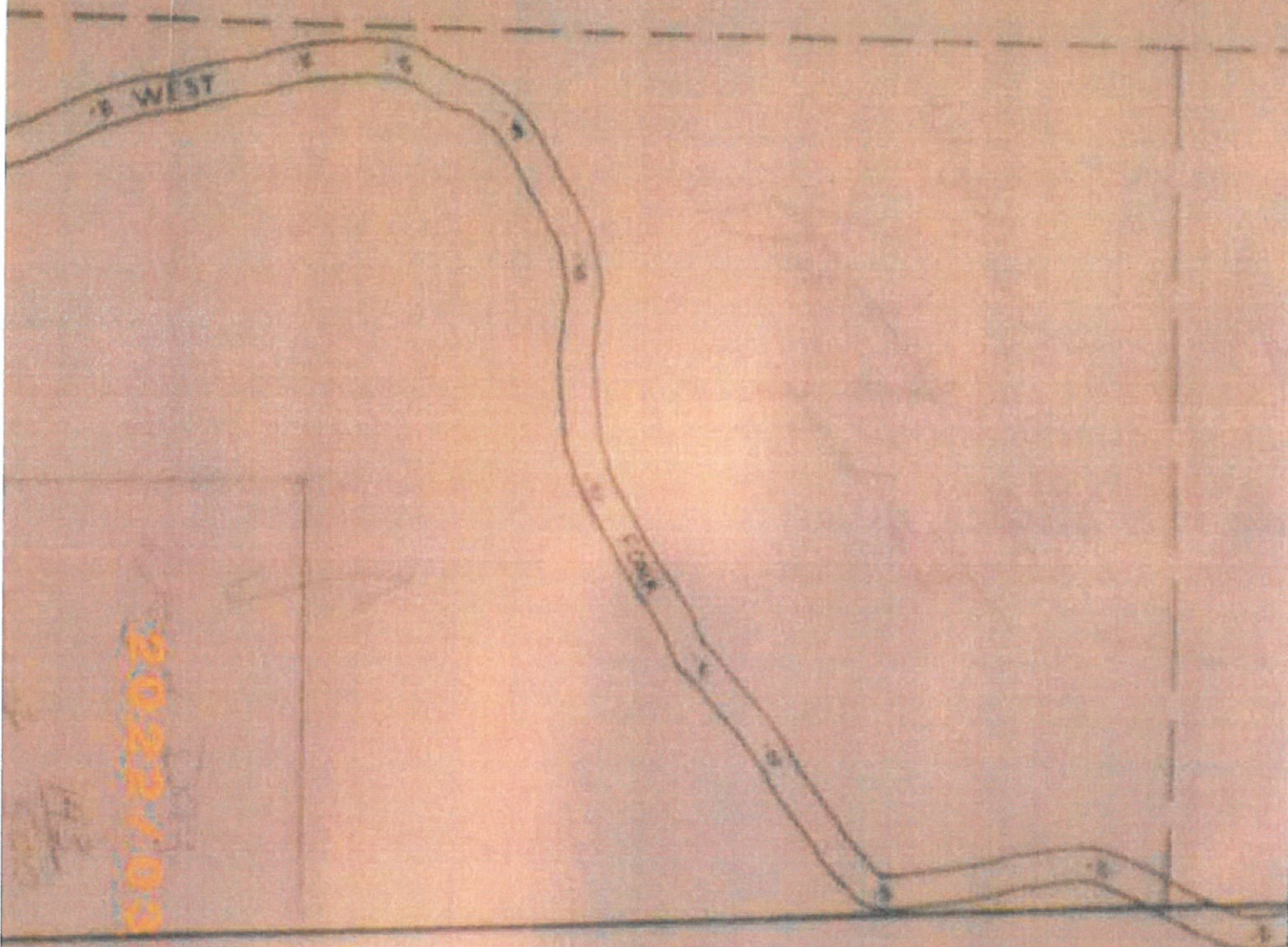
12-47-1

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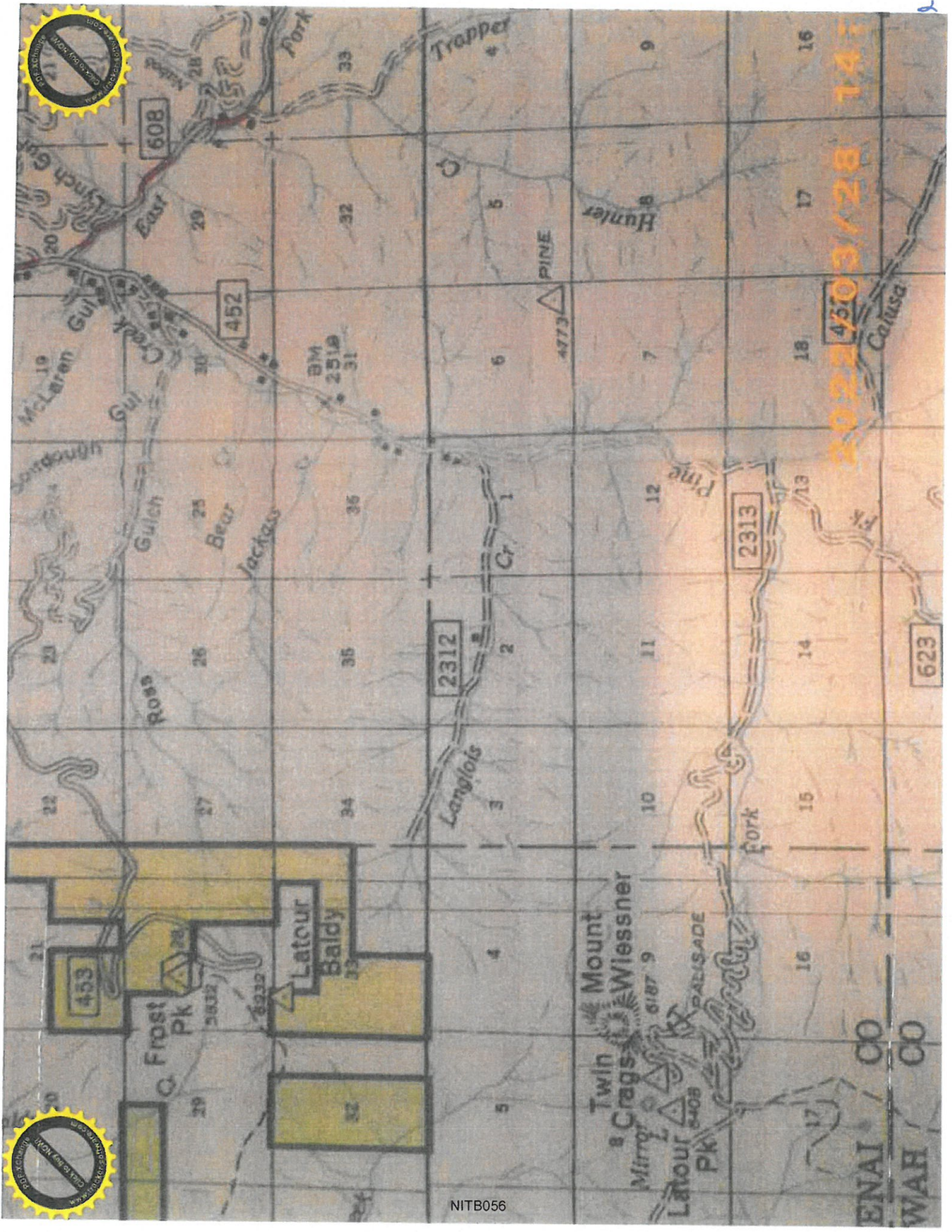




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SECTION
T47N



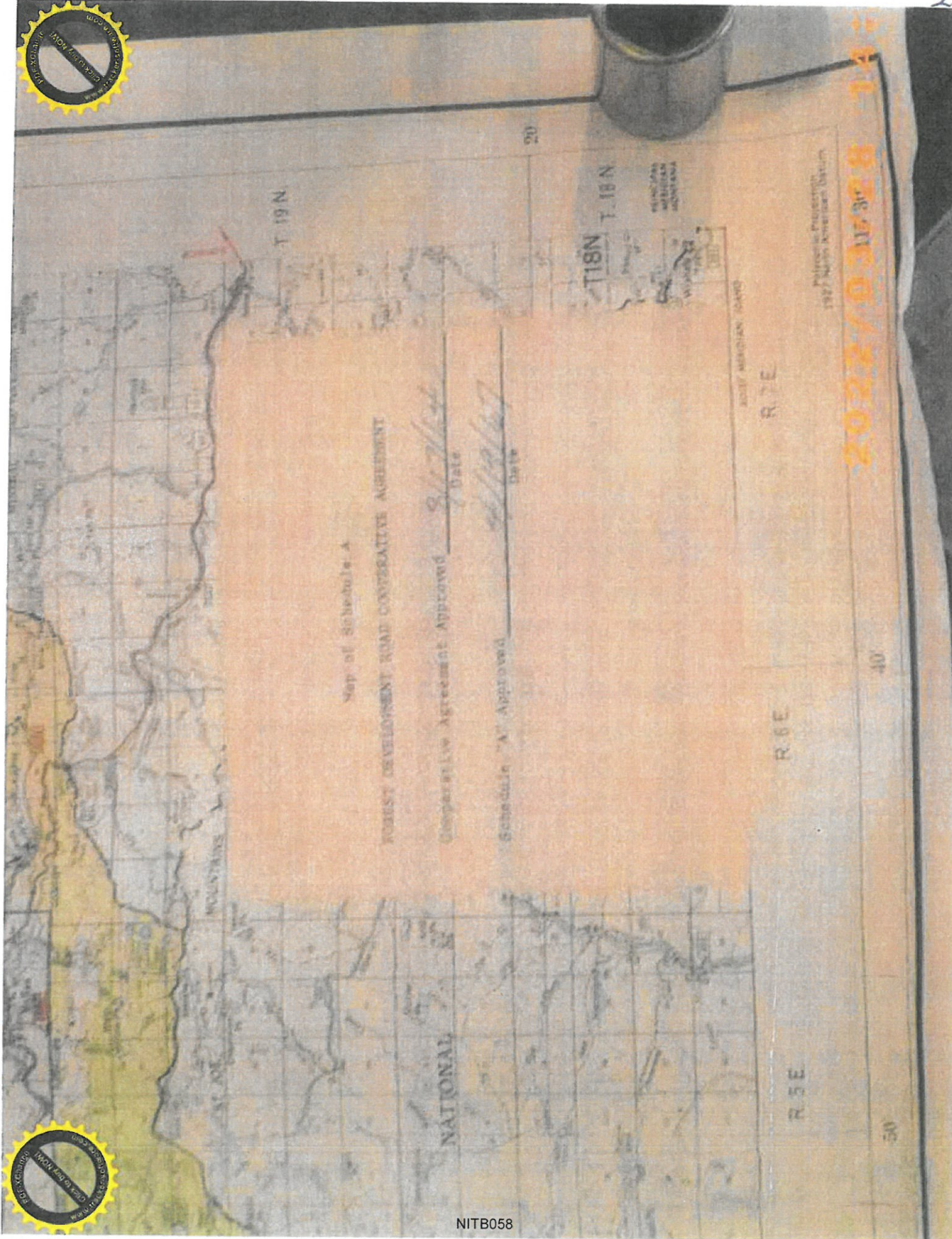


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NITB056



NITB057



Map of Schedule A

FOREST DEVELOPMENT ROAD COOPERATIVE AGREEMENT

Cooperative Agreement Approved 8/27/67 Date

Schedule "A" Approved 8/27/67 Date

NATIONAL

T18N T.18N

BLIND PASS
MONTANA

BLIND PASS
MONTANA

R 7 E

R 6 E

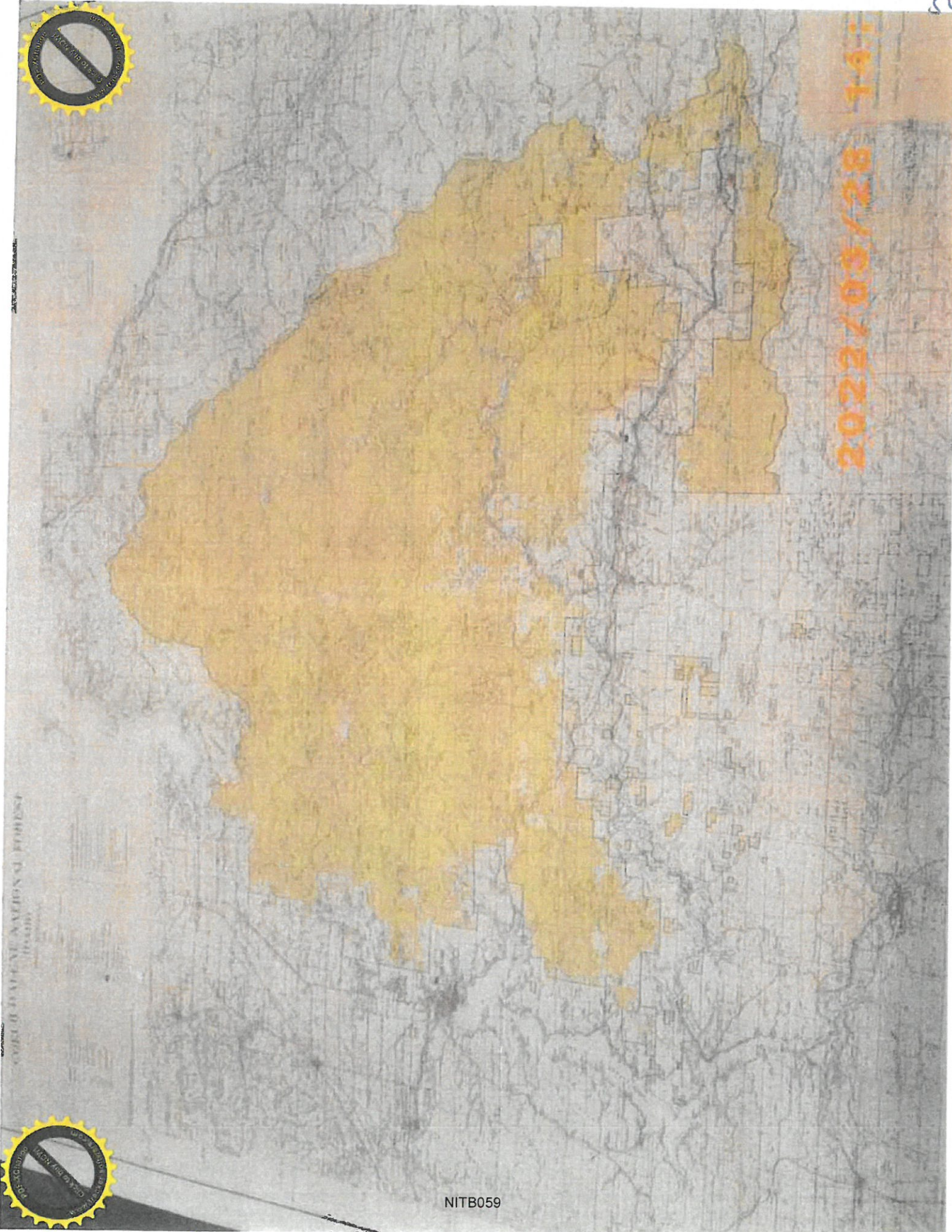
R 5 E

Blind Pass
Montana

2022/03/15 14:14



COAST GUARD NATIONAL FOREST



2022/03/28 14:1

NITB059

DATED NOV 1965
SCALE 2 IN. = ONE MILE
COMPILED BY

METSKER MAPS

1020 THIRD AVE., SEATTLE, WASH.
111 SO. 10TH ST., TACOMA, WASH.

NOTE -
THIS ATLAS IS CAREFULLY COMPILED
FROM GOVERNMENT, CITY, COUNTY AND STATE
RECORDS AND THE MOST AUTHENTIC DATA
OBTAINABLE. ANY CONSTRUCTIVE CRITICISM
WILL BE GRATEFULLY

2022103128 147



127



NOTE -

THIS ATLAS IS CAREFULLY COMPILED
FROM GOVERNMENT, CITY, COUNTY AND STATE
RECORDS AND THE MOST AUTHENTIC DATA
OBTAINABLE, ANY CONSTRUCTIVE CRITICISM
OR CORRECTIONS WILL BE GRATEFULLY
RECEIVED.

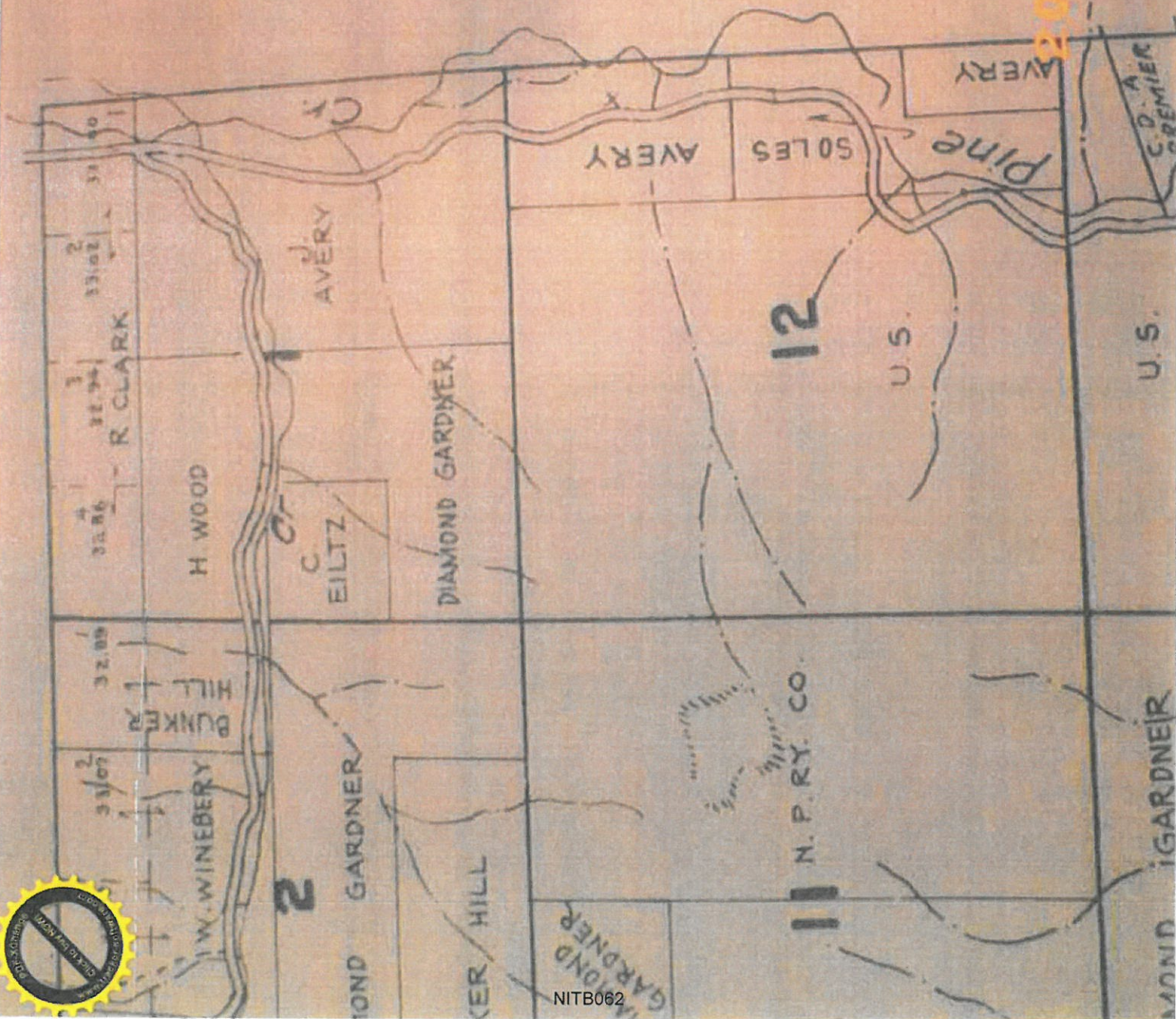
"METSKEER THE MAP MAN"

NITB061

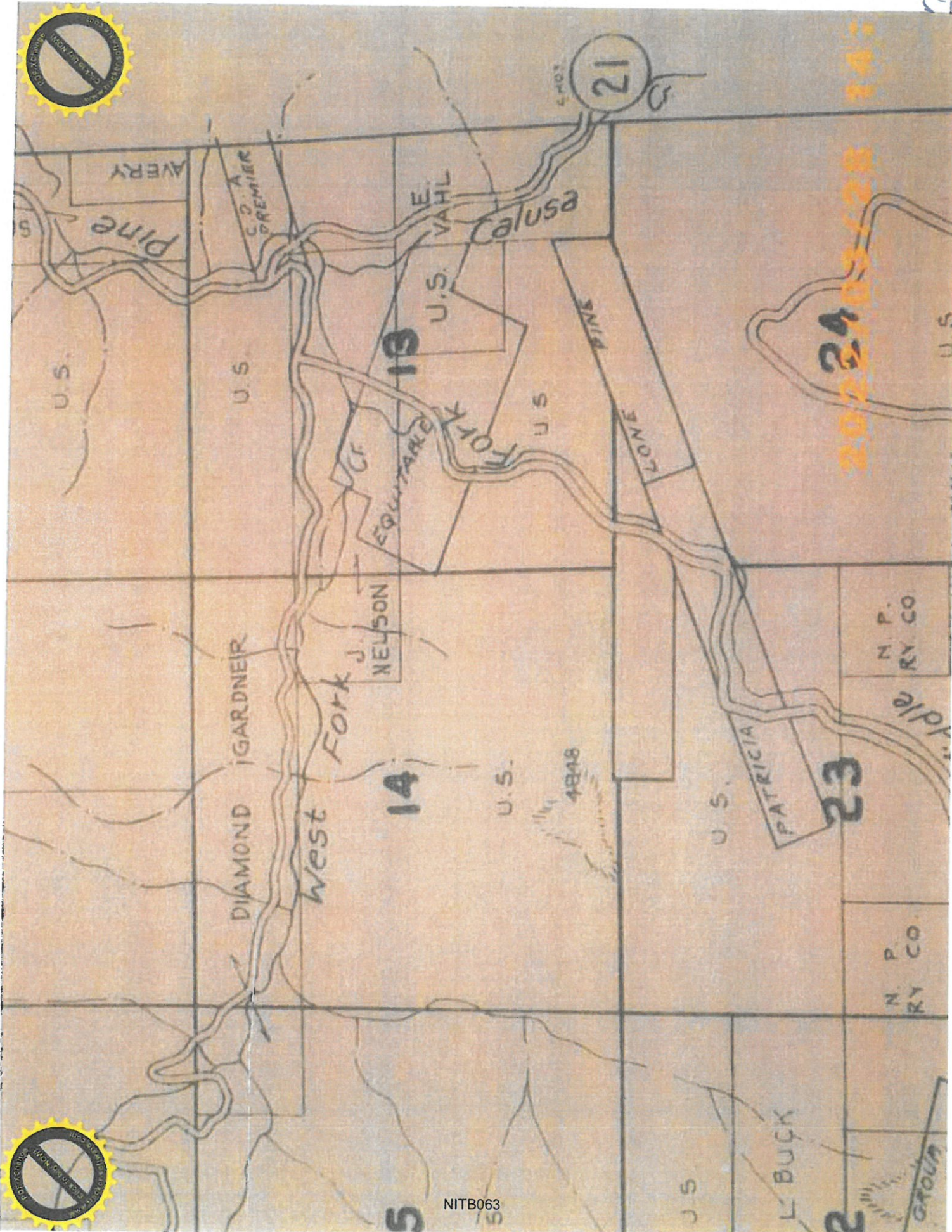
IT PAYS TO HAVE A FEW GOOD MAPS. GET THE BEST OF
"METSKEER THE MAP MAN"
GLOBES, GOVT. MAPS, STATE, COUNTY, TOWNSHIP, CITY, SECTION
OR ADDITION MAPS. ANYTHING IN THE MAP LINE
PHOTOSTATS-DRAFTING - BLUE PRINTING
MAP MOUNTING

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METSKEER'S TOWNSHIP MAPS SHOW PROPERTIES & OWNERSHIP



NITB062



NITB063

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U. S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
JOHN B. MCGUIRE, CHIEF

FOREST VISITORS MAP

COEUR D'ALENE NATIONAL FOREST

IDAHO AND MONTANA

BOISE MERIDIAN AND PRINCIPAL MERIDIAN MONTANA

1972



LEGEND

- | | |
|----------------------------------------------------------|--------------------------------------------------|
| National Forest Boundary | Forest Supervisor's Headquarters |
| Adjacent National Forest Boundary | District Ranger Station |
| State Boundary Line | Forest Service Station |
| County Boundary Line | Recreation Site, Forest Service |
| Reservation Boundary Line | Recreation Site, Other than Forest Service |
| Interstate Highway | Workshop Control Station |
| U. S. Highway | Horizontal Control Station |
| State Highway | and Permanent Lookout Station |
| Forest Route | Permanent Lookout Station |
| Paved Primary Road | with Navigational Number on Road |
| Paved Secondary Road | Trail |
| Main City Road (Normally Suitable For Automobile Travel) | U.S. Mineral or Location Monument |
| Dirt Road | Mine, Quarry or Gravel Pit |
| Trail | Boundary Monument |
| National | Located for Landmark Object: Airway Beacon, etc. |
| Power Transmission Line | Monument, Cabin or Other Building |
| Coeur d'Alene National Forest | Schmidt House |
| Adjacent National Forest Lands | Church |
| Recreation Resource Lands (BLM) | Point of Interest |
| State Lands | Set Area |

FOR OFFICIAL USE ONLY (U.S. GOVERNMENT PRINTING OFFICE: 1964)

Unpublished location records

Unpublished location records

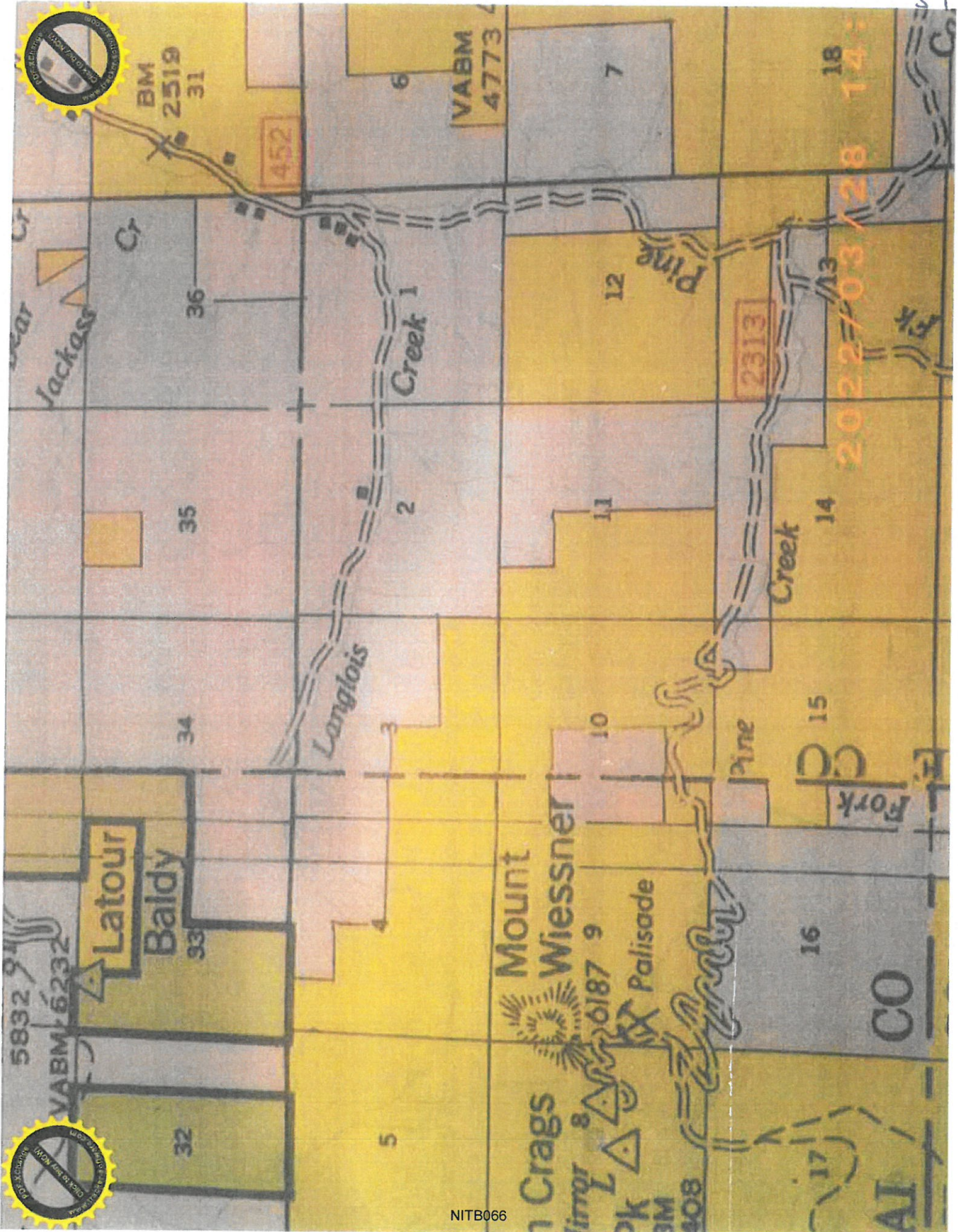
KEY MAP

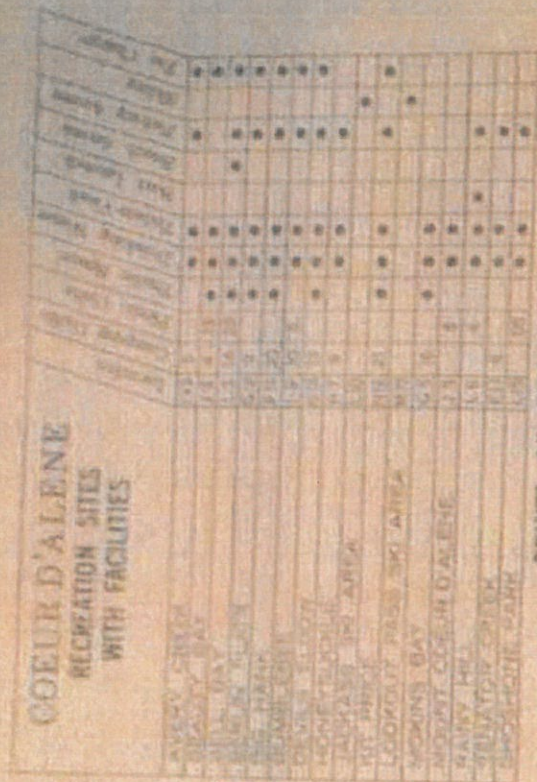
NITB064



2022/03/28 14:







POINTS OF INTEREST

54

22

卷之九

W. Z. W.

2022/03/28 14:



NITB068



RECORD OF SURVEY

Sec. 17, T. 40 N., R. 1 E., S. 10 N.
Washington County, Idaho

State of Idaho
County of Washington
Survey of the Sec. 17, T. 40 N., R. 1 E., S. 10 N.
of the Public Land

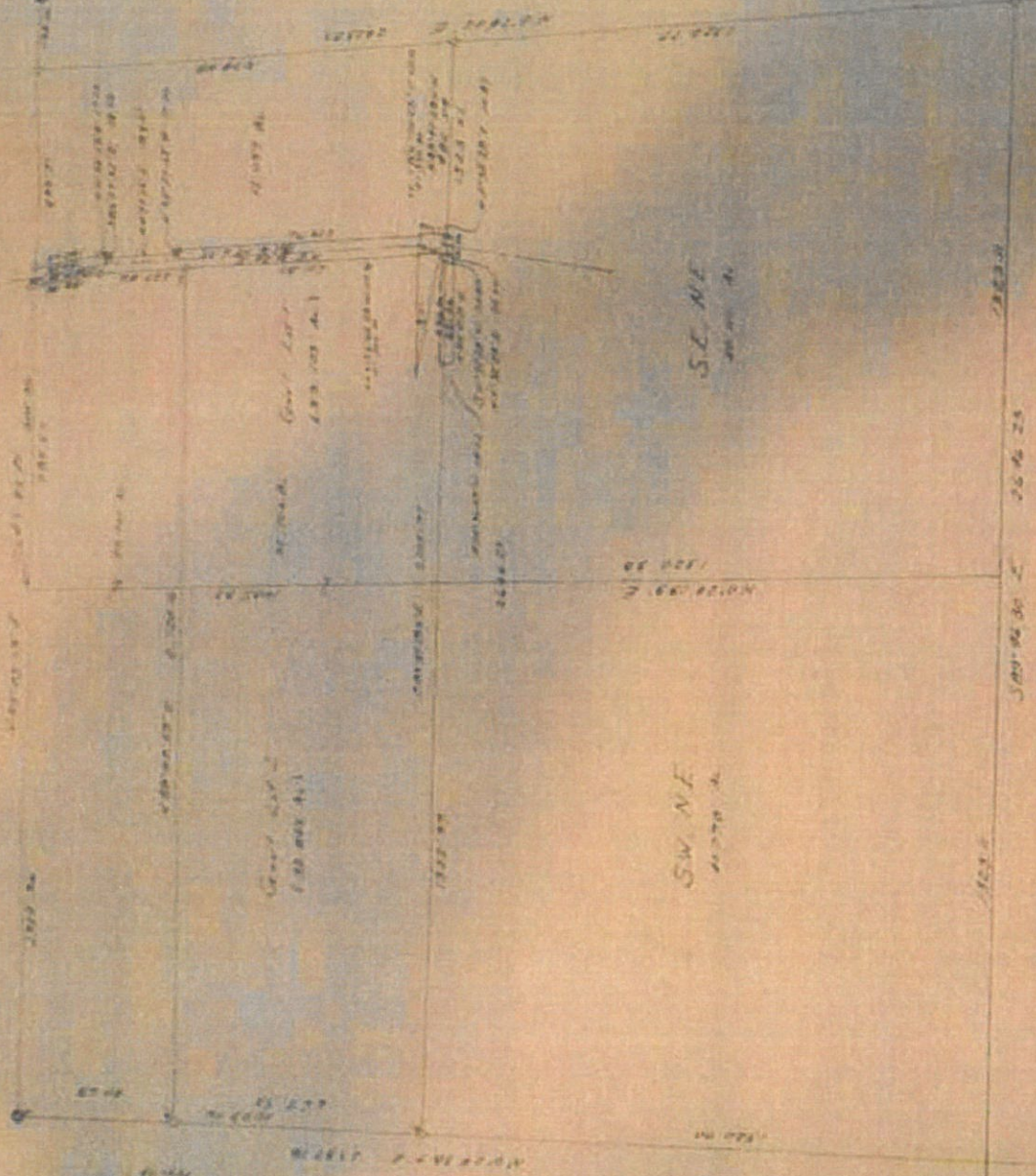
Surveyed for the Survey
O. H. M. Stone, Surveyor

Conditions of Survey

1. That the land is a very good
pasture and is well watered.
2. That the land is well watered
and is a very good pasture.
3. That the land is well watered
and is a very good pasture.



Surveyed for the Survey
O. H. M. Stone, Surveyor



2022/03/28 14:14

SE 1/4



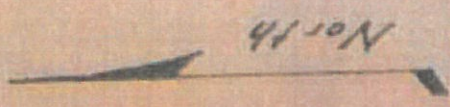
RECORD OF SURVEY

Sec. 1, T. 47 N., R. 1 E., B. M.
Shoshone County, Idaho

Scale 1" = 200'

Date 7-28-80

Note Basis of bearing
is the B.L.M. called
bearing on the East
1/2 of the North line
of Sec. 1.



- Corners set this Survey
- B.L.M. Brass Capped Mon's found

Certificate of Survey 2022/03/28 143

I, Robert A. Van Kleeck, a Registered

Janet Zamboni

Robert VanKleeck

Misc

On file
500



misc

Onfile
500

- o Corners set this Survey
- o B.L.M. Brass Capped Mon's found

Certificate of Survey

I, Robert A. Van Kleeck, a Registered Land Surveyor in and for the State of Idaho, hereby certify that this plot correctly represents a survey made by me or under my direction in conformance with Idaho Code 34-2709, 1973 and accepted methods and procedures.



Revised 8/1/80



665

N. 0° 24' 38.7" E. 2397.16

1330.00



EXHIBIT

E

*What Public funds
is That the ACRES
of Ground coverings ?*

TIMBERLAND ELIGIBILITY DETERMINATION FORM
FOR PARCELS LARGER THAN 5 ACRES

04/18/88

AVERY, JERALD P. & JOANNE D.
HC-01, BOX 94
PINEHURST, ID 83850

Legal Description:
NESE, E1/2NWSE, SENE, LESS TAX
NO'S, E1/2SWNE
1-47-1

PARCEL: 47N01E-01-1300

CATEGORY: 07 TOTAL ACRES: 102.600

If the enclosed form(s) are not received by this office by June 15, 1988, it must be assumed that the land does not meet the qualifications for an agricultural exemption and current market value will be used to value the property.

GENERAL DATA:

TOTAL SIZE OF UNIT

1. Timber: 102 ACRES
2. Grazing: 0 AC.
 a. timbered 0 AC.
 b. open 0 AC.
3. Cropland 0 AC.
 (detail on ag. form)
4. Homesite(s) 0 AC.
5. Nursery 0 AC.
6. Christmas Trees 0 AC.
7. Non-productive land 0 AC.
8. Road right-of-way 4 AC.
9. Other 0 AC.

ACQUISITION:

Purchase Price of Unit _____
Date of Sale _____
Length of Loan _____
Interest Rate _____

RECEIVED

JUN 10 1988

IS THE UNIT RECOGNIZED AS A TREE FARM BY THE AMERICAN FOREST INSTITUTE?.....

Yes _____ No ☒

TREE FARM NUMBER _____

YEAR CERTIFIED _____

IS PROFESSIONAL FORESTRY ADVICE USED?.....

Yes _____ No ☒

IF YES, WHO ADVISED OR MANAGES? _____

Has this unit been involved in a cost share plan with Federal or State Government for planning or thinning? NO

SPECIFIC DATA:

SPECIES

QUANTITY
Bf or %

CURRENT INVENTORY

AVERAGE
Diameter

AGE OF
Stand

- | SPECIES | QUANTITY
Bf or % | CURRENT INVENTORY
AVERAGE
Diameter | AGE OF
Stand |
|---------------|---------------------|------------------------------------------|-----------------|
| 1. White Pine | 5% | 6" | 20 years |
| 2. Larch | 15% | 12" | 20 |
| 3. Hemlock | 15% | 12" | 20 |
| 4. Cedar | 5% | 6" | 20 |
| 5. Ponderosa | 5% | 6" | 20 |
| 6. Douglas | 20% | 12" | 20 |
| 7. Other | 40% | 20" | 20 |

HARVEST INFORMATION

Year
Cut

Quantity
Harvested

Products

Logs, Poles, Chips, etc.

- | SPECIES | Year
Cut | Quantity
Harvested | Products |
|---------------|-------------|-----------------------|--------------------------|
| 1. White Pine | | | Logs, Poles, Chips, etc. |
| 2. Larch | | | |
| 3. Hemlock | | | |
| 4. Cedar | | | |
| 5. Ponderosa | | | |
| 6. Douglas | | | |
| 7. Other | | | |

REPLANT:

Acres Planted _____ Yr.

Acres Planted _____ Yr.

Trees are reaching their selves (so thick you can't walk through them)
I certify that to the best of my knowledge the information I have provided herein is true, correct and complete

PLEASE ATTACH ONE OR MORE OF THE FOLLOWING:
1. Timber Cruise
2. Written forest management plan
3. State Forester's recommendations

Jerald P. Avery
(Signature)

6-8-88
(Date)

682-3206
(Phone)

EXHIBIT

F

EASEMENT

AFTER RECORDING RETURN TO:
Plum Creek Timber Co. L.P.
999 Third Avenue Suite 2300
Seattle, WA 98104
Attn: Kathleen Croll

Accommodation
Recording

361699

908-22-50.210

Document No. 56645

EASEMENT

THIS EASEMENT, dated this 28th day of March, 1994, from JERALD P. AVERY and JOANNE D. AVERY, husband and wife, whose address is HC01 Bos 94, Pinehurst, Idaho 83850, hereinafter called "Grantor," to PLUM CREEK TIMBER COMPANY, L.P., a Delaware limited partnership, its successors, whose address is 999 Third Avenue, Suite 2300, Seattle, Washington 98104, herein called "Grantee,"

WITNESSETH:

Grantor, for and in consideration of \$1.00, and other valuable considerations received by Grantor, does hereby grant to Grantee, and its successors, contractors, purchasers, and permittees, subject to existing easements and valid rights, a permanent, non-exclusive, non-assignable easement for the construction, reconstruction, use and maintenance of an existing road, along and across the following described lands in the County of Shoshone, State of Idaho:

A strip of land Sixty-six (66) feet in width with such additional widths as may be necessary for needed cuts and fills over and across the following lands as described on Exhibit "A" attached hereto and made a part hereof.

Such easement is located approximately as shown on Exhibit "B" attached hereto and made a part hereof.

All grants and conveyances herein are subject to all matters of public record as of the date of this easement.

The parties hereto hereby agree that the rights hereinabove granted shall be subject to the following terms and conditions:

1. The easement and right of way conveyed herein is for the purposes of constructing, reconstructing, maintaining, repairing and using an existing road over and upon said easement and right of way.
2. Grantor reserves for itself, its successors and assigns, the right at all times and for any purpose to go upon, cross and recross, at any place on grade or otherwise, said easement and right of way, and to use such road on said easement and right of way in a manner that will not unreasonably interfere with the rights granted to Grantee hereunder.
3. Grantor may grant to third parties, upon such terms as it chooses, any or all of the rights reserved by it herein; provided, that use by such party shall be subject to the terms and conditions of this easement and

361699

shall not unreasonably interfere with the rights granted to Grantee hereunder.

4. Grantee may permit its officers, employees, contractors, licensees, lessees, purchasers of timber and other valuable materials, and their agents, hereinafter individually referred to as "Permittee" and collectively referred to as "Permittees," to exercise the rights granted to it herein.
5. In exercising the rights herein granted, Grantee may, within the Sixty-six (66) foot right-of-way, cut and remove brush, trees and other obstructions which, in the opinion of Grantee, interfere with the use thereof; provided however, that all merchantable timber so cut upon said right-of-way shall be cut into logs of standard lengths and placed upon the road right-of-way for disposal by Grantor.
6. Both parties acknowledge and agree that Grantee shall control the access granted hereunder by a locked gate and such other measures reasonably necessary to prevent unauthorized vehicle access. Both parties, their successors and assigns, agree that such gate will be closed and locked at all times except when authorized use of the road requires that it be open. The parties hereto shall use their reasonable efforts to prevent unauthorized vehicle traffic behind such gate.
7. The cost of road maintenance shall be allocated on the basis of respective uses of said road. When any party uses said road, or a portion thereof, that party shall perform or cause to be performed, or contribute or cause to be contributed, that share of maintenance occasioned by such use as hereinafter provided. During periods when said road, is being used solely by one party, such party shall maintain said road so used to the standards existing at the time use is commenced. During periods when more than one party is using said road, or a portion thereof, the parties hereto shall meet and establish necessary maintenance provisions. Such provisions shall include, but shall not be limited to:
 - (a) The appointment of a maintainer, which may be one of the parties hereto or any third party, who will perform or cause to be performed at a reasonable and agreed upon rate the maintenance of the road or the portion thereof being used; and
 - (b) A method of payment by which each party using said road, shall pay its pro rata share of the cost incurred by said maintainer in maintaining said road.

361699

Accommodation
Recording

47

8. For the purposes of this easement, maintenance is defined as the work normally necessary to preserve and keep the roadway, road structure and road facilities as nearly as possible in their present condition or as hereafter improved.
9. Each party using said road shall repair or cause to be repaired at its sole cost and expense that damage to said road occasioned by it which is in excess of that which it would cause through normal and prudent usage of said road. Should inordinate damage to said road occur which is not caused by an authorized user of said road, the parties hereto shall meet to agree on the cost of replacement, and the shares of replacement cost to be borne by each user of said road.
10. Unless the parties hereto agree in writing to share the cost of improvements in advance of such improvements being made, said improvements shall be solely for the account of the improver.
11. When either party is the sole user of said road, or any portion thereof, such party shall maintain that portion of said road so used at its sole expense. However, during periods of time when other parties are using the same portions of said road, maintenance shall be in proportion to each party's use.
12. The rights and obligations hereunder shall inure to the benefit of and be binding upon the successors of the parties hereto.

361699

Accommodation
Recording

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IN WITNESS WHEREOF, the parties hereto have executed this instrument, as of the day and year first above written.

GRANTOR:

Jerald P. Avery
Jerald P. Avery

Joanne D. Avery
Joanne D. Avery

GRANTEE:

Attest:

PLUM CREEK TIMBER COMPANY, L.P.

By Plum Creek Management
Company, L.P., General Partner

By Susanna N. Duke
Susanna N. Duke, Director
Law and Secretary

By Rick R. Holley
Rick R. Holley, President
and Chief Executive Officer

ACKNOWLEDGMENT

STATE OF IDAHO)

COUNTY OF)

) ss.

On this 28 day of March, in the year 1994, before me Carol Stoddard, a Notary Public, personally appeared Jerald P. Avery known to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Carol Stoddard
Notary Public in and for the
State of Idaho
Residing at Kellogg
My Commission Expires 4-3-98

361699

Accommodation
Recording

ACKNOWLEDGMENT

STATE OF IDAHO)
) ss.
COUNTY OF)

On this 28 day of March, in the year 1994, before me Carol Stoddard, a Notary Public, personally appeared Joanne D. Avery known to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Carol Stoddard
Notary Public in and for the
State of Idaho
Residing at Kellogg
My Commission Expires 4-3-98

ACKNOWLEDGMENT

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

On this 21st day of March, 1994, before me personally appeared Rick R. Holley and Susanna N. Duke, to me known to be the President and Chief Executive Officer and the Director Law and Secretary, respectively, of Plum Creek Management Company, L.P., general partner of Plum Creek Timber Company, L.P., the limited partnership that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited partnership for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument on behalf of the limited partnership and that the seal affixed is the seal of said limited partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

KATHLEEN L. CROLL
STATE OF WASHINGTON
NOTARY --- PUBLIC
My Commission Expires 4-17-97

Kathleen L. Croll
Notary Public in and for the
State of Washington
Residing at Seattle, WA
My Commission Expires 4-17-97

50

EXHIBIT "A"

361699

Accommodation
Recording

EASEMENT DESCRIPTION

Beginning at Corner No. 2 of H.L. White Jr. tract marked by a drill steel, bit end up, 6 inches above ground, from which the West 1/4 Corner of Section 6, Township 47 North, Range 2 East, B.M., bears South 48°13'40" East, 1.060.65 Feet; thence

East 121.4 feet to centerline of West Fork Pine Creek County Road, thence

South 19° West, 53 feet along centerline of West Fork Pine Creek County Road to intersection of easement location centerline. Said easement terminus located at westerly county road right-of-way boundary, thence

South 88° West, 264 feet, thence

South 83° West, 132 feet, thence

South 73° West, 132 feet, thence

South 72° West, 132 feet, thence

South 44° West, 66 feet, thence

South 25° West, 132 feet, thence

South 49° West, 66 feet, thence

South 89° West, 132 feet, thence

South 84° West, 66 feet, thence

South 70° West, 132 feet, thence

North 88° West, 132 feet, thence

North 85° West, 47 feet to the west property line of Jerald P. and Joanne D. Avery, that being the west line of the E1/2SW1/4NE1/4 of Section 1, Township 47 North, Range 1 East, B.M. and the terminus of easement.

20' 

361699

Accommodation
Recording

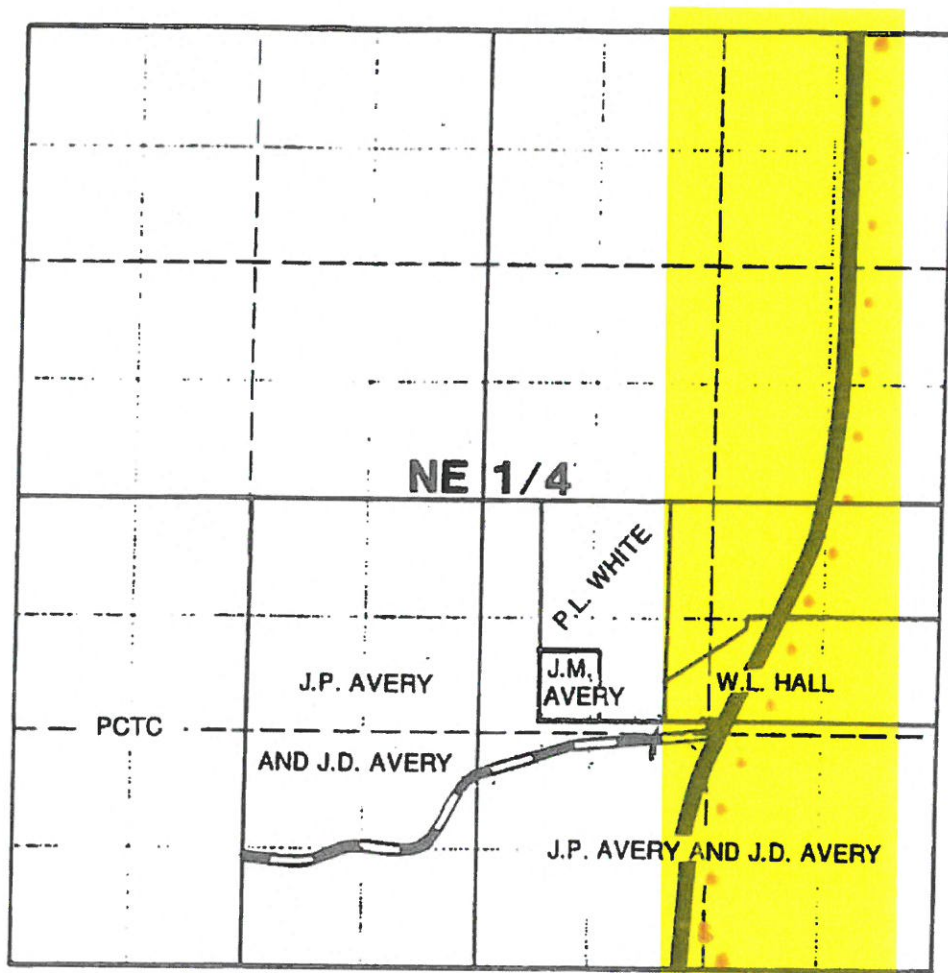



Exhibit 'B'

Sec. 1 Twp. 47N Rge. R1E, B.M.

SHOSHONE County, ID

 EASEMENT FROM J.P. AVERY AND J.D. AVERY TO PCTC

 WEST FORK PINE CR. COUNTY RD

PC PalmGreen Timber Company, Inc.

Scale 1 in = 500 ft DWN BY LLK DATE 3.9.94

RECORDED
at the request of
SECURITY TITLE CO.

361699

DEEDS

Return for

FILED

PLUM CREEK TIMBER CO. L.P.
999 THIRD AVENUE
SUITE 2300
ATTN: KATHLEEN CROLL
SEATTLE WA 98104

'94 APR 28 PM 4 09

MELOA KINGFIELD
SPokane City Recorder
Deputy

21.00

EXHIBIT

G

*Buyer of Land
2001
new lease*

53

397059

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

NONEXCLUSIVE ROAD EASEMENT

Serial No.
IDI-32950

For \$575.00 and other considerations, if any, as provided herein

JERALD P. AVERY AND JOANNE D. AVERY, husband and wife
and
JOSEPH M. AVERY, Manager

hereinafter called Grantor, whether one or more, does hereby grant to the UNITED STATES OF AMERICA, and its assigns, as authorized by Section 205 of the Federal Land Policy and Management Act of 1976 as amended (U.S.C. 1715), a perpetual nonexclusive easement to locate, construct, use, maintain, improve, relocate and repair a road located on the following-described real property situated in the County of Shoshone, State of Idaho, to wit:

A parcel of land lying in a portion of the East Half of the Southwest Quarter of the Northeast Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) and the South East Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 1, Township 47 North, Range 1 East, Boise Meridian. Said parcel being described is all that portion of said property contained within a strip of land 60 feet in width, being 30 feet on each side of the centerline of an existing road shown on Exhibit A, attached and made a part hereof.

The parcel of land to which the above description applies contains 1.92 acres, more or less.

The easement herein granted is for the full use of the above described property as a road by the UNITED STATES OF AMERICA, its licensees and permittees, to lands owned, administered, or controlled by the UNITED STATES OF AMERICA. Grantor reserves the right of ingress and egress over and across the road for all lawful purposes and consistent with prior existing agreements: *Provided*, That such use shall not interfere with the easement granted herein: *Provided further*, That grantors use of the roadway across lands administered by the Grantee for any commercial or any ancillary use thereto shall be subject to a reciprocal Right-of-Way Grant, which will be provided to grantor prior to said commercial use.

The grant of easement herein made is subject to the effect of reservations and leases, if any, of oil, gas, and minerals in and under said land.

IDI-32950
Page 1 of 3
Acknowledgments on Page 3

54

397059

Use of the easement conveyed herein by Grantee shall be subject to the following provisions:

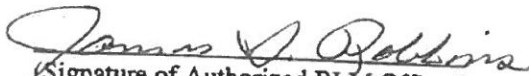
Shown on Attached Exhibit B

TO HAVE AND TO HOLD said easement unto the UNITED STATES OF AMERICA and its assigns for a term commencing on the date shown below and continuing forever.

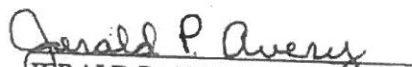
Grantor covenants and warrants that he is lawfully seized and possessed of the land aforesaid and has the full right, power, and authority to execute this conveyance, and that said land is free and clear of liens, claims, or encumbrances, except as shown above, and that he will defend the title to the easement conveyed herein and quiet enjoyment thereof against the lawful claims and demands of all persons.

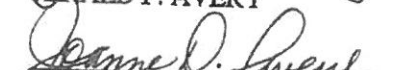
Accepted subject to approval of title
by the Department of Justice:

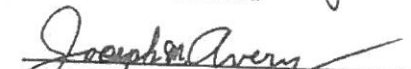
Dated this 18th day of January, 2001


(Signature of Authorized BLM Officer)

Act. F.C. mgr. ID-086
(Title)


GERALD P. AVERY


JOANNE D. AVERY


JOSEPH M. AVERY

IDI-32950

Page 2 of 3

Acknowledgments on Page 3

397059

INDIVIDUAL ACKNOWLEDGMENT

STATE OF)
)ss:
COUNTY OF)

On this 18TH day of January, 2001, personally came before me, a notary public in and for said County and State, the within-named JERALD P. AVERY and JOANNE D. AVERY, husband and wife, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Scott Forsell
Notary Public in and for the
State of Idaho
Residing at Hayden, Idaho
My commission expires: April 18, 2006
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS

INDIVIDUAL ACKNOWLEDGMENT

STATE OF)
)ss:
COUNTY OF)

On this 18TH day of January, 2001, personally came before me, a notary public in and for said County and State, the within-named JOSEPH M. AVERY, Manager to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

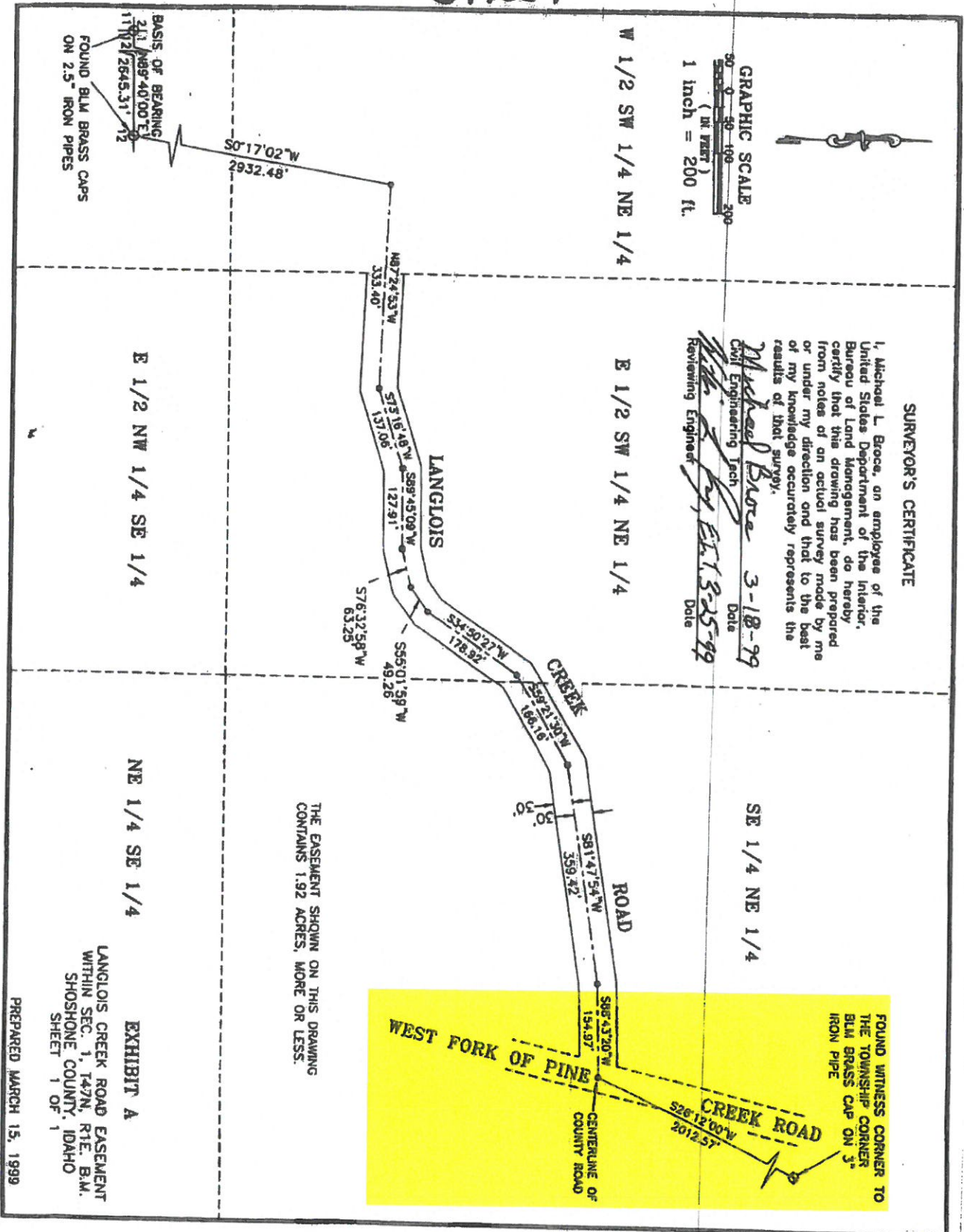
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Scott Forsell
Notary Public in and for the
State of Idaho
Residing at Hayden, Idaho
My commission expires:

MY COMMISSION EXPIRES
April 18, 2006
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS

397059



SURVEYOR'S CERTIFICATE

I, Michael L. Broca, an employee of the United States Department of the Interior, Bureau of Land Management, do hereby certify that this drawing has been prepared from notes of an actual survey made by me or under my direction and that to the best of my knowledge accurately represents the results of that survey.

Michael L. Broca 3-18-79
Civil Engineering Tech Date
Reviewing Engineer Date

SE 1/4 NE 1/4

THE EASEMENT SHOWN ON THIS DRAWING
CONTAINS 1.92 ACRES, MORE OR LESS.

E 1/2 NW 1/4 SE 1/4

NE 1/4 SE 1/4

EXHIBIT A

LANGLOIS CREEK ROAD EASEMENT
WITHIN SEC. 1, T47N, R1E, B.M.
SHOSHONE COUNTY, IDAHO
SHEET 1 OF 1

PREPARED MARCH 15, 1999

57

397039
EXHIBIT B

SPECIAL PROVISIONS
ROAD EASEMENT IDI-32950
JERALD P. AVERY AND JOANNE D. AVERY
JOSEPH M. AVERY, Manager
LANGLOIS CREEK, W. FORK PINE CREEK ACCESS

1. Grantee shall cause the road which is located on the subject right-of-way to be maintained in good repair during periods of use by grantee or its licensees and to be left in as good a condition as prior to such use.
2. Grantor, his successors and assigns, reserves title to all timber, now or hereafter growing, standing or down, within the subject right-of-way. Grantee may clear brush within the subject right-of-way at any time. Grantee may fall timber within the right-of-way and danger trees adjacent to the right-of-way for construction, operation and maintenance of a road only with the permission of Grantor. Merchantable trees shall be bucked into standard log lengths and decked adjacent to the right-of-way in a manner suitable for loading with mobile loading equipment.
3. During periods of use of the subject right-of-way by Grantee or its licensees, Grantee shall require its licensees to maintain comprehensive liability insurance covering all operations including vehicles of the licensee in the following minimum amounts: (a) Bodily injury \$250,000.00, for injuries to any one person; \$500,000.00, for any one occurrence; and (b) Property damage \$500,000.00, for any one occurrence. Grantee shall further prohibit its licensees from carrying weapons for hunting purposes during authorized periods of use of the subject right-of-way.
4. Grantor reserves the right alone to extend rights and privileges for use of the parcel to State, and local subdivisions thereof, and to other commercial users, except users of lands or resources owned or controlled by the Grantee for non-commercial public access except during the closure period. Provided, that such additional use also shall be controlled by the Grantors so as not to unreasonably interfere with use of the roads by the Grantee or to cause the Grantee to bear a share of the maintenance cost greater than the Grantee's use justifies.
5. Grantor hereby authorizes the general public the right to use the easement as an access way available for non-motorized travel only, to lands administered or controlled by the United States for purposes related to general recreation, consistent with the management and administrative practices of the United States. Public use of the easement is subject to the following conditions:

IDI-32950

- a) To minimize damage to resources and potential conflict between the public and Grantor's operations, public entry or use of the easement may be prohibited by Grantor seasonally (beginning on the first day of big-game archery season as defined annually by the Idaho Department of Fish and Game, through the month of December) and during periods when logging operations or related activities are in progress. Grantor will attempt to notify grantee in writing or by telephone at least 2 weeks prior to the date of the anticipated road closure.
 - b) After the first year it is also agreed that the parties will revisit the seasonal limitations of the easement to determine if further seasonal limitations are needed, specifically covering snowmobile activity.
 - c) Public access is provided for non-commercial users of public lands only.
6. Grantee shall provide and install a gate across the subject right-of-way at a location mutually agreed upon by Grantee and Grantor in T. 47 N., R. 1 E., Section 1, Northeast Quarter. Grantor shall be responsible for the maintenance and repair of such gate. Grantee will provide signing for the closed roadways at the gate, and will state the closure periods, justification for closure, and state that non-motorized use of the road is welcome.
 7. Grantee agrees to grant at no cost to the Grantor, the Grantor's family, or the Grantor's heirs, a Right-of-Way on the Grantee's road in the West Fork for access to the Grantor's property in the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 22, Township 47 North, Range 1 East, Boise Meridian, only if a road is ever constructed to the Grantor's property located in Section 22. Such Right-of-Way shall be granted by Grantee to Grantor at the time of construction.
 8. Grantor reserves the right of ingress and egress, and the right to cross and re-cross the parcel described above at any place by any reasonable means and for any purpose in such manner as will not interfere unreasonably with the use of the road.
 9. Disturbed soils within the easement area shall be re-seeded with grass seed which is acceptable to both grantor and grantee.
 10. Grantee agrees to assume responsibility for controlling public use of the road, recognizing Grantee's limited availability of law enforcement personnel may result in less than adequate control of unauthorized use.

RECORDED
at the request of

397059

Alliance Title Co.

in

Deeds

Return to:

Jackie Simmons

USDA

BLM

1387 South Vinnell Way

Boise, ID 83704

Fee \$ 18.00

IDI-32950

'01 JAN 31 PM 4 17

MARCIA WINGFIELD
SHOSHONE CITY RECORDER
BY *[Signature]* DEPUTY

EXHIBIT

H

*Did S.L.S. County
pay on others Paid*

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2014

Wednesday, November 19, 2014

The Board met pursuant to recessing Tuesday, November 18, 2014.

Present:

Commissioners: Larry Yergler

Jim Best

Leslee Stanley

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Board met with Vince Peterson, Shoshone County Transfer Station Director at 9:30 a.m. in Executive Session per Idaho Code 67-2345(c). A motion was made by Commissioner Best, seconded by Commissioner Stanley to adjourn from Executive Session. The motion carried unanimously. A motion was made by Commissioner Best, seconded by Commissioner Stanley to approve the Employee Change of Status form from the Solid Waste Department as presented. The motion carried unanimously. The Solid Waste Department has reduced the expenses in their budget to cover the approved change of status.

The Board convened at 10:00 a.m. to review the consent agenda. The consent agenda was approved unanimously with specific items addressed as indicated.

- Board of Commissioner Minutes – Monday, November 3, 2014 through Friday, November 14, 2014
- 2015 Beer, Wine, Liquor Licenses
- Agreement Between Shoshone County and Northwest Medical Transport for Silver Express Bus Shuttle Service
- Transfer Balance of Title II Grant Funds to Road Department – Resolution 2014-47 – This item was tabled
- RAC Title II Noxious Weed Trust – This item was tabled
- Equipment Lease Agreement between Shoshone County and Ben & Melissa Scheffelmaier for Snowmobile Groomer

#33	T&R LLC/Rick's Place	Kingston	Beer/Liquor
#34	T&R LLC/Kingston Kwik Stop	Kingston	Beer/Retail Wine
#35	Grannis Petroleum Products/Gas Mart	Osburn	Beer/Retail Wine
#36	W Inn, Inc./O'Rourke's	Wallace	Beer/Liquor
#37	Melissa Scheffelmaier/Scheffy's	Avery	Beer/Liquor
#38	Farlee Enterprises/Silverhorn Motor Inn	Kellogg	Beer/Liquor
#39	Carousel Gas & Tire, Inc.	Pinehurst	Beer
#40	Pinehurst Golf Course, Inc.	Pinehurst	Beer/Liquor

The Board convened at 10:15 a.m. in Executive Session per ID Code 67-2345(d) to review and approve indigent cases as follows:

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2014

- #2014-35/Approved
- #2014-140, #2014-139, #2014-135/Denied

The Board met with Tony Matson, CPA with Hayden & Ross at 1:00 p.m. to discuss details/timing of the County audit.

The Board met with Keisha Oxendine, Shoshone County Prosecuting Attorney at 3:00 p.m. in Executive Session per Idaho Code 67-2345(f). The Board adjourned from Executive Session with no decision to be made in open session.

The Board met with Frosty Greenfield, Shoshone County Public Works Director, at 4:00 p.m. for a department update. The Board unanimously approved the State/Local Agreement Federal Aid Project No. A013(872) W. Fork Pine Creek Bridge between Shoshone County and the Idaho Transportation Department.

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: _____
Chairman

By: _____
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2013

Tuesday, August 6, 2013

The Board met pursuant to recessing Monday, August 5, 2013.

Present:

Commissioners: Larry Yergler

Jim Best

Leslee Stanley

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Commission convened at 9:00 a.m. to review the consent agenda. The consent agenda was approved unanimously as follows:

- Indigent Case #2013-119/Denied
- Approve Fee Schedule from Shoshone County EMS Corporation dated July 17, 2013
- Resolution 2013-26 Certifying Delinquent Deferred Tax To Real Property
- Resolution 2013-27 Authorizing Right-of-Way Contract for W. Fork Pine Creek Bridge

RESOLUTION 2013-26

**A RESOLUTION CERTIFYING DELINQUENT
DEFERRED TAX TO REAL PROPERTY**

WHEREAS, Ellen Sauer, Treasurer of Shoshone County, has requested that delinquent deferred tax be certified to the real property as follows:

<u>NAME</u>	<u>REAL PROPERTY</u>	<u>AMOUNT</u>
Brad Eaton	49N02E199300	\$2,228.58

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Shoshone County Board of Commissioners that the delinquent deferred tax taxes be certified to the real property as stated above.

DATED this 6th day of August 2013.

BOARD OF COUNTY COMMISSIONERS

s/Larry Yergler

Larry Yergler, Chairman

RESOLUTION 2013-27

**A RESOLUTION AUTHORIZING RIGHT-OF-WAY CONTRACT
W. FORK PINE CREEK BRIDGE PER STIPULATION FOR
SETTLEMENT CASE NO. CV-2011-416
SHOSHONE COUNTY, STATE OF IDAHO**

WHEREAS, Shoshone County received Stipulation For Settlement, Case No. CV-2011-416, District Court of the First Judicial District, State of Idaho, County of Shoshone; and

WHEREAS, based on Stipulation For Settlement, Shoshone County authorizes the Right-of-Way Contract for W. Fork Pine Creek Bridge, Parcel ID No. 07216L12.

NOW THEREFORE BE IT RESOLVED, to authorize the Right-of-Way Contract for W. Fork Pine Creek Bridge, Project N. 07216L12, per Stipulation For Settlement, Case No. CV-2011-416 as presented.

DATED this 6th day of August 2013.

BOARD OF COUNTY COMMISSIONERS

Larry Yergler, Chairman

Leslee Stanley, Commissioner

Jim Best, Commissioner

ATTEST:

Susan K. Hendrixson
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2012

Thursday, March 29, 2012

The Board met pursuant to recessing Wednesday, March 28, 2012.

Present:

Commissioners: Jon Cantamessa

Larry Yergler

Vince Rinaldi

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Commission reviewed and approved the agreement with the Idaho Transportation Department and Shoshone County a Local Professional Services Agreement for the West Fork of Pine Creek Bridge, #STC-5750.

Commissioner Cantamessa attended a Panhandle Health District Board of Health meeting at 12:00 p.m. at the Panhandle Health District office in Sandpoint, ID.

Commissioner Rinaldi attended a Panhandle Area Council meeting at 12:00 p.m. at the PAC office in Hayden.

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: _____
Chairman

By: _____
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2012

Thursday, February 16, 2012

The Board met pursuant to recessing Wednesday, February 15, 2012.

Present:

Commissioners: Jon Cantamessa
Larry Yergler

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

Commissioner Rinaldi was not in attendance for the day.

The Commission met with Mike Biotti, Shoshone County Transfer Station Director at 10:00 a.m. for a department update and to discuss his position that is open. Mike will be retiring next month.

Commissioner Yergler attended a Shoshone County Child Abuse/Domestic Violence Task Force meeting at 11:30 a.m. at the Broken Wheel in Kellogg.

Mitch Alexander, Sheriff of Shoshone County, State of Idaho, appointed Melissa Myers as a Reserve Detention Deputy, in and for Shoshone County effective February 15, 2012.

The Commission met with John Thomas, Shoshone County Public Works Director at 1:30 p.m. to discuss the West Fork Pine Creek, Key No. 07216, Construction Inspection. The Commission also reviewed and approved the Local Public Agency's Certificate of Completion of Right-of-Way Activities for the South Fork CDA River Road Bridge, Key No. 1194.

Commissioner Cantamessa participated on a Panhandle Health District Trustee conference call at 2:00 p.m.

The Commission reviewed and approved an Otis Elevator Maintenance Agreement for the Courthouse elevator, Machine Number 232923, Proposal Number DXE120202055152 in the amount of \$3,240.00.

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: _____
Chairman

By: _____
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2011

Monday, December 12, 2011

The Board met pursuant to recessing Thursday, December 8, 2011.

Present:

Commissioners: Jon Cantamessa

Larry Yergler

Vince Rinaldi

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Commission met with Mike Smith, Shoshone County Juvenile Probation Officer at 10:00 a.m. to discuss a department budget request.

Commissioner Cantamessa attended a District 1 Mental Health and Intoxication Center Steering Committee meeting from 1:00 p.m. to 2:30 p.m. at the Kootenai County Administration Building, Room 1B.

The Commission reviewed and approved the Inland Empire Cooperative Weed Management Area 2012 Annual Operating Plan as presented.

The Commission attended a LHTAC West Fork Pine Creek Bridge Replacement Project Determination of the County's Right to Take Possession Hearing at 2:30 p.m. in the District Court Room.

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: _____
Chairman

By: _____
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2011

Wednesday, July 13, 2011

The Board met pursuant to recessing Tuesday, July 12, 2011.

Present:

Commissioners: Jon Cantamessa

Larry Yergler

Vince Rinaldi

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Commission attended the Shoshone County Collaborative Mullan Forest Health Restoration Site Field Trip from 8:30 a.m. to 12:00 p.m.

The Commission met with Public Works Director John Thomas at 3:00 p.m. to review the road budget for the 4th quarter, West Fork Pine Creek Bridge/Local Agreement for signatures, BHS flood costing status, and FEMA flood identified site and cost estimates. The Commission reviewed and approved the State/Local Agreement between the Idaho Transportation Department and Shoshone County for Project No. BR-5750 (101) W. Fork Pine Creek Bridge, Key No. 07216.

The Commission met with Val Siegel, Shoshone County Prosecuting Attorney at 4:00 p.m. to discuss legal issues.

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: _____
Chairman

By: _____
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2011

Tuesday, June 21, 2011

The Board met pursuant to recessing Monday, June 20, 2011.

Present:

Commissioners: Jon Cantamessa

Larry Yergler

Vince Rinaldi

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Commission attended an Elected Officials meeting at 10:00 a.m.

The Commission met with Sherry Klaus with Benewah Soil & Water Conservation District and Kajsa Stromberg with Idaho Department of Environmental Quality at 11:00 .m. to discuss a project that was assumed from Kootenai-Shoshone Water Conservation District and to discuss the Recreation Plan being developed for this area.

Jerry White, County Assessor Shoshone County, State of Idaho, appointed Marlene Young as Clerical Assistant, in and for Shoshone County, State of Idaho effective June 21, 2011.

The Commission reviewed and approved the following as approved by the Shoshone County Public Works Department and Prosecuting Attorney's office.

RESOLUTION 2011-26

**A RESOLUTION APPROVING
REPRESENTATION OF KARL D. VOGT, ATTORNEY
FOR POTENTIAL EMINENT DOMAIN MATTER
WEST FORK PINE CREEK BRIDGE REPLACEMENT
SHOSHONE COUNTY, STATE OF IDAHO**

WHEREAS, Project No. BR-5750(101) is for highway purposes and is for an improvement to a section of the West Fork Pine Creek Bridge; and

WHEREAS, the right-of-way necessary for the proposed project consists in part of certain real property described as Parcel No. 12, Parcel ID No. 07216L12, Key No. 7216; and

WHEREAS, the parcel so designated and shown on said project plans is necessary to the construction of said project; and

WHEREAS, that the record owner(s) according to a Preliminary Title Report of the parcel so designated and shown on said project plans is Evan D. and Jennifer E. Lewis; and

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2011

WHEREAS, that the office of the Public Works Department, Shoshone County, Idaho has, by and through its representatives, sought in good faith to arrive at a settlement with the record owners and has been unable to make any reasonable bargain or settlement thereof; and

WHEREAS, Shoshone County, Idaho shall acquire the herein designated real property through the power of eminent domain.

NOW THEREFORE BE IT RESOLVED, that the Shoshone County Board of Commissioners has reviewed and approved an Engagement Letter from Karl D. Vogt, Attorney, dated June 14, 2011, (Exhibit A), to provide representation to the County relating to the eminent domain matter involving property owners Evan D. and Jennifer E. Lewis.

DATED this 21st day of June 2011.

BOARD OF COUNTY COMMISSIONERS

s/Vince Rinaldi
Vince Rinaldi, Chairman

s/Jon Cantamessa
Jon Cantamessa, Commissioner

s/Larry Yergler
Larry Yergler, Commissioner

ATTEST:

s/Susan K. Hendrixson
Susan K. Hendrixson
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2011

Tuesday, April 12, 2011

The Board met pursuant to recessing Monday, April 11, 2011.

Present:

Commissioners: Jon Cantamessa

Larry Yergler

Vince Rinaldi

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Commission convened at 9:30 a.m. to review the consent agenda. The Commission approved the consent agenda as presented.

RESOLUTION 2011-14

**A RESOLUTION ACQUIRING A TEMPORARY EASEMENT
AND PERMANENT EASEMENTS FOR REPLACEMENT
OF THE WEST FORK PINE CREEK BRIDGE
SHOSHONE COUNTY, STATE OF IDAHO**

WHEREAS, Shoshone County is replacing the West Fork Pine Creek Bridge, (LHTAC) Federal Aid Project No. BR-5750(101); and

WHEREAS, the County is required to acquire a 2,265 square foot temporary construction easement on a portion of the property identified as follows:

Parcel #48N02E206025

Jason and Karrie Jerauld

201 West Pine Creek Road, Pinehurst, ID; and

WHEREAS, Shoshone County has required purchasing portions of the six (6) parcels identified as follows:

Parcel #48N02E206390 & #48N02E206400

Kimberly Twiss

61 North Bank, Smelterville, ID

Parcel #48N02E206500

Ernestine Hoffman

16 Barker Loop, Pinehurst, ID

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2011

Parcel #48N02E206550
Evan & Jennifer Lewis
338 West Fork Pinecreek, Pinehurst, ID

Parcel #48N02E206560 & 48N02E206570
Clarence Ohmen
309 West Fork Pinecreek Road, Pinehurst, ID

Parcel #48N02E206580
Henry Beckwith
323 West Fork Pinecreek Road, Pinehurst, ID

Parcel #48N02E206380
William & Thea Jackson
10 North Bank Road, Pinehurst, ID

WHEREAS, First American Title Company, Kellogg, Idaho, will be the closing agent between Shoshone County and the parcel owners; and

WHEREAS, Vince Rinaldi, Chairman of the Shoshone County Board of Commissioners has the authority to execute all contract, leases, grants, deeds, negotiable instruments and any other legal documents on behalf of the Board.

NOW, THEREFORE BE IT RESOLVED, that Shoshone County accepts the purchase of the temporary and permanent easements as presented for the purpose of replacing the West Fork Pine Creek Bridge, (LHTAC) Federal Aid Project No. BR-5750(101) bridge. Legal descriptions are on attached Exhibit "A".

DATED this 12th day of April 2011.

BOARD OF COUNTY COMMISSIONERS

s/Vince Rinaldi
Vince Rinaldi, Chairman

s/Jon Cantamessa
Jon Cantamessa, Commissioner

s/Larry Yergler
Larry Yergler, Commissioner

BOOK 2011

Deputy Clerk: Susan K. Hendrixson

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2010

Tuesday, December 21, 2010

The Board met pursuant to recessing Monday, December 20, 2010.

Present:

Commissioners: Jon Cantamessa

Vern Hanson

Vince Rinaldi

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Commission met with the Health Benefit Advisory Committee at 10:30 a.m. to discuss a wellness program for Shoshone County employees.

The Commission reviewed and approved an Amendment to the Agreement for Engineering Services between HDR Engineering and Shoshone County dated September 1, 2010. The Period of Service shall be amended to 03/31/2011.

The Commission reviewed and approved a Right of Way Contract between Shoshone County and Henry and Martha Beckwith regarding Project No. BR-5750(101), W. Fork Pine Creek Bridge.

The Commission reviewed and approved a Right of Way Contract between Shoshone County and William and Thea Jackson regarding Project No. BR-5750(101), W. Fork Pine Creek Bridge.

The Commission reviewed and approved the Board of Commissioners minutes from Wednesday, December 1, 2010 through Friday, December 17, 2010.

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: _____
Chairman

By: _____
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2010

Monday, November 1, 2010

The Board met pursuant to recessing Thursday, October 28, 2010.

Present:

Commissioners: Jon Cantamessa

Vern Hanson

Vince Rinaldi

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Commission reviewed and approved the cancellation of taxes for 2010 on the following:

Parcel #C-0050-035-003A – Pd 10/28/10

Solid Waste \$38.00

Total: \$38.00

The Commission reviewed and approved an Amendment to Agreement For Engineering Services between HDR Engineering and Shoshone County for the West Fork Pine Creek ROW Acquisition for an additional fee amount of \$1,000.00 that will be added for additional Appraisal services to make the total agreement amount \$51,561.77.

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: _____
Chairman

By: _____
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2010

9210	Mussel/Watercraft Inspection	\$8,186.79
	TOTAL:	\$584,746.69

STATE OF IDAHO)
) ss.
County of Shoshone)

We, the Shoshone County Commissioners, being duly sworn do hereby certify and declare that we have reviewed the demands enumerated and referred to in the foregoing register and that the same are to the best of our knowledge accurate and are just claims against the County and that there are funds available for payment thereof in the County Treasury.

APPROVED for distribution as of 08/31/10

s/Jon Cantamessa
Commissioner

s/Vern Hanson
Commissioner

s/Vince Rinaldi
Commissioner

The Commission met with Gordon Clemens at 10:30 a.m. regarding a county indigent lien.

The Commission met with County Clerk Peggy White at 1:30 p.m. to discuss FY 2010/2011 budget.

The Commission reviewed and approved an Agreement between Shoshone County and HDR Engineering, Inc. for Real Estate Services for West Fork Pine Creek Bridge, project #BR-5750(101).

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: _____
Chairman

By: _____
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2010

Thursday, May 6, 2010

The Board met pursuant to recessing Wednesday, May 5, 2010.

Present:

Commissioners: Jon Cantamessa

Vern Hanson

Vince Rinaldi

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

The Commission attended a site visit of the West Fork of Pine Creek Bridge with Shoshone County Public Works Director John Thomas at 9:30 a.m.

Commissioner Rinaldi attended a Panhandle Lakes RC&D Council meeting from 1:00 p.m. until 3:30 p.m. at the Panhandle Health District office in Hayden, ID.

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: _____
Chairman

By: _____
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2010

Tuesday, April 27, 2010

The Board met pursuant to recessing Monday, April 26, 2010.

Present:

Commissioners: Jon Cantamessa

Vern Hanson

Vince Rinaldi

Deputy Clerk: Susan K. Hendrixson

The following proceedings were had to-wit:

Commissioner Hanson attended a District 1 Juvenile Detention Advisory Board meeting in Coeur d'Alene from 10:00 a.m. until 12:00 p.m. The purpose of the meeting was for a FY 2011 budget presentation.

The Commission met with Public Works Director John Thomas, Engineer Bill Drake, and via conference call, Larry Evans with Forsgren Associates at 11:00 a.m. to discuss the West Fork of Pine Creek Bridge.

The Commission convened at 1:30 p.m. for the purpose of an indigent appeal hearing on case #2009-263, David Estes. Those in attendance: Commission Chairman Jon Cantamessa, Commissioner Vern Hanson, Commissioner Vince Rinaldi, Administrative Assistant Susan Hendrixson, and Deputy Clerk Terry Pederson. Commissioner Cantamessa presided, introduced those in attendance and gave a brief recap of the case. This case was denied by the Board on December 29, 2009, the application was incomplete and not enough information to make a decision. The decision was appealed by David Estes, and a hearing was scheduled for March 16, 2010. Kootenai Medical Center requested a delay of the hearing, and the hearing was rescheduled to today's date. No other parties were in attendance for the hearing. A motion was made by Commissioner Hanson, seconded by Commissioner Rinaldi that since no one was in attendance to present any new information, to sustain the original denial. The motion carried unanimously and the hearing adjourned.

Commissioner Hanson left for the day at 3:00 p.m.

Thereafter, the meeting adjourned.

ATTEST Peggy White
County Clerk

Approved: _____
Chairman

By: _____
Deputy Clerk

PROCEEDINGS COUNTY COMMISSIONERS

SHOSHONE COUNTY, IDAHO

BOOK 2007

Monday, December 17, 2007

The Board met pursuant to recessing Thursday, December 13, 2007.

Present:

Commissioners: Jon Cantamessa

Sherry Krulitz

Vince Rinaldi

Deputy Clerk: Susan K. Johnson

The following proceedings were had to-wit:

The Commission met with Representative Frank Henderson (R-ID 5th) at 9:45 a.m. to discuss water adjudication.

The Commission met with Emmi Cunningham and Eugene Hollingbeck at 11:00 a.m. regarding a property tax hardship exemption on parcels #49N01E268400 and #49N01E261300. This property is an inheritance from their grandfather and the property received a deferred tax penalty and the tax for 2007 are \$23,795.27.

The Commission met with Connie Seymour, and John & Diana Pierce at 1:30 p.m. The purpose of the meeting was to introduce themselves and discuss the purpose of Soul Restoration, which is interim housing for women.

The Commission participated in a conference call with Public Works Director John Thomas and David Evans & Associates at 3:00 p.m. regarding the West Fork Pinecreek Bridge.

The Commission reviewed and approved Task Order No. 1 between Shoshone County and David Evans and Associates for Transportation Improvement Applications in the amount of \$5,000. The Commission reviewed and approved Task Order No. 2 between Shoshone County and David Evans and Associates for Project Management Assistance on the W Fork of Pine Creek Bridge in an amount not to exceed \$5,000. The Commission reviewed and approved Task Order No. 3 between Shoshone County and David Evans and Associates for Transportation Improvement Applications in the amount of \$4,000.

The Commission met with Terry Pederson, Shoshone County Social Services and Chip Busch with the Idaho Department of Health & Welfare at 3:30 p.m. regarding an indigent case. The meeting was Executive Session per Idaho Code 67-2345(d).

The Commission convened to review indigent cases. A motion was made by Commissioner Cantamessa, seconded by Commissioner Rinaldi to deny indigent case #2007-221. The motion carried unanimously. A motion was made by Commissioner Rinaldi, seconded by Commissioner Cantamessa, to approve indigent case #2007-211. The motion carried unanimously.

**Shoshone County Public Works
Labor and Equipment Costs**

9/9/2020 - Open West Fork Pine Creek Road

Employee	Hours	Loaded Rate/Hr	Total	Equipment	Equip Description	Equip Operator	Equip Hours	Rate/Hr	Total
Employee A	2	\$34.44	\$68.88	302	PU 3/4 Ton 4x4	Employee A	2	\$22.64	\$45.28
Employee B	5	\$32.43	\$162.15	244	PU 3/4 Ton 4x4	Employee B	5	\$22.64	\$113.20
Employee C	5	\$29.45	\$147.25	245	Backhoe	Employee C	5	\$43.46	\$217.30
Employee D	5	\$28.91	\$144.55	225	PU 3/4 Ton 4x4	Employee D	5	\$22.64	\$113.20
Employee E	5	\$28.87	\$144.35	219	Tandem Dump 12YD	Employee E	5	\$79.62	\$398.10
Employee F	4	\$30.60	\$122.40	313	Tandem Tractor Trk	Employee F	2	\$52.98	\$105.96
				314	Trailer Tandem 60T	Employee F	2	\$19.30	\$38.60
				406	Dozer, Crawler	Employee F	2	\$153.35	\$306.70
Total Labor			\$789.58						
				Total Equipment					
				\$1,338.34					

Total Labor and Equipment \$2,127.92

Employee A

EMPLOYEE NUMBER

DATE

9/9/20

STARTING TIME

6:00

AM/PM

EMPLOYEE SIGNATURE

SHOSHONE COUNTY
ROAD DEPARTMENT
DAILY TIME CARD

SUPERVISOR SIGNATURE

HOURS		JOB CODE	PROJECT NUMBER	EQUIPMENT		MATERIAL			REMARKS
REG.	O. T.			NO.	HRS.	UNITS	Y/T	INV. CODE SUPPLIER	
3		4500	10-349	340	3				Rock Pile Cleanup
3		4400	10310						
2		4500	10406	302	2				
2		3001	1034	300	2				West Fork Pine Creek Joe Avery Blockage
Tot									

INJURED ON THE JOB? YES _____ NO 10

Employee B

EMPLOYEE NUMBER  DATE 9-9-2020 STARTING TIME 6 AM ☒ PM

EMPLOYEE SIGNATURE  SUPERVISOR SIGNATURE Shane G. Smith

SHOSHONE COUNTY
ROAD DEPARTMENT
DAILY TIME CARD

NITB116

HOURS		JOB CODE	PROJECT NUMBER	EQUIPMENT		UNITS	MATERIAL		REMARKS
REG.	O. T.			NO.	HRS.		Y/T	INV. CODE SUPPLIER	
5		3001	E3901	244	5				OPEN ROAD
4		3001	R2	244	4				
1		4401	Equip 2						
10									INJURED ON THE JOB? YES _____ NO <u>X</u>

STARTING TIME 6:00 AM/PM

EMPLOYEE SIGNATURE

**SHOSHONE COUNTY
ROAD DEPARTMENT
DAILY TIME CARD**

SUPERVISOR SIGNATURE

NITB117

HOURS		JOB CODE	PROJECT NUMBER	EQUIPMENT		MATERIAL		REMARKS
REG.	O. T.			NO.	HRS.	UNITS	Y/T	
5		3001	E3901	245	5			open Road
3		4796	01401					Vacation
2		3001	D4404	245	2			Clean up trees
								INJURED ON THE JOB? YES _____ NO <u>X</u>

Employee D

EMPLOYEE NUMBER

DATE

9/9/20

STARTING TIME

6

AM/PM

EMPLOYEE SIGNATURE

SHOSHONE COUNTY
ROAD DEPARTMENT
DAILY TIME CARD

SUPERVISOR SIGNATURE

Darryl J. Camp

NITB 18

HOURS		JOB CODE	PROJECT NUMBER	EQUIPMENT		MATERIAL		REMARKS
REG.	O. T.			NO.	HRS.	UNITS	Y/T	
5		3001	E3901	225	5			Pine Creek
2		3001	D4404	225	2			Brush Cleanup
2		4400	225	225	2			Wet Scratcher
1		4795	OVHD-1					Chico Appt
INJURED ON THE JOB? YES NO <input checked="" type="checkbox"/>								

EMPLOYEE NUMBER _____ DATE 9.9-20 STARTING TIME _____ 6 AM/PM

EMPLOYEE NUMBER

DATE _____

6.9.20

STARTING TIME _____ 6 AM/PM

6AM/PM

EMPLOYEE SIGNATURE

**SHOSHONE COUNTY
ROAD DEPARTMENT
DAILY TIME CARD**

SUPERVISOR SIGNATURE

Figure

HOURS		JOB CODE	PROJECT NUMBER	EQUIPMENT		MATERIAL		REMARKS
REG.	O. T.			NO.	HRS.	UNITS	Y/T	
5		3001	E3901	219	5			OPEN ROAD AS
2		3001	D440F	219	2			
1		4400	V2225					
2		3001	01-2	262	2			ROCKS
INJURED ON THE JOB? YES								NO <input checked="" type="checkbox"/>

3

EMPLOYEE F

EMPLOYEE NUMBER

DATE 9-9-20

STARTING TIME 6:00 AM/PM

EMPLOYEE SIGNATURE

SHOSHONE COUNTY
ROAD DEPARTMENT
DAILY TIME CARD

SUPERVISOR SIGNATURE

HOURS		JOB CODE	PROJECT NUMBER	EQUIPMENT		MATERIAL			REMARKS
REG.	O. T.			NO.	HRS.	UNITS	Y/T	INV. CODE SUPPLIER	
2.0		4500	1034	313/314	2.0				open road up Pine Creek West Fork (See Avel)
2.0		3001	1	406	2.0				
6.0		4400	V-310						
INJURED ON THE JOB? YES _____ NO <u>X</u>									

EXHIBIT

I

? why

From: Paul Loutzenhiser <p.loutz1976@gmail.com>
Sent: Monday, April 4, 2022 5:06 PM
To: Mike Fitzgerald
Cc: Jay Huber; John Hansen; Lori Teeters (BOCC Secretary); Jim Cason; bob jutila; Shoshone County Prosecutor; Darrell Raver
Subject: Water crossings on West fork Pine Creek Rd.

CAUTION: This email originated from outside of the Shoshone County email system.
Be extra cautious, especially if you are not expecting this email!
DO NOT CLICK links or open attachments unless you recognize the sender and know the content is safe.
If there is any doubt, hit the Phish Alert button!

To the Representatives of Shoshone County,

Todd Higen had reached out to us after Joe Avery attempted to get the area closed down by IDWR. He took Todd up the West fork Pine Creek rd to show the condition. Todd called Darrell Raver (NITB President) to let us know what Joe was up to. After a conversation with him, he provided this email to us. We would like to use this to show that IDWR is aware of the water crossings and that they have no issues with them. They are even willing to help us improve or install more if needed.

Thank you for your consideration,

Paul Loutzenhiser

From: Darrell Raver [<mailto:idahorubicon@gmail.com>]
Sent: Tuesday, September 29, 2020 5:58 PM
To: Higen, Todd <Todd.Higen@idwr.idaho.gov>
Cc: Darrell Raver <idahorubicon@gmail.com>; Paul Loutzenhiser <pandaloutz09@twc.com>
Subject: Re: IDWR Follow Up Email

Thanks Todd, we will get this out to the public and incorporate this into our guidelines.

Thanks for reaching out to the club today.

Darrell Raver
President NITB

Sent from my iPhone

On Sep 29, 2020, at 5:14 PM, Higen, Todd <Todd.Higen@idwr.idaho.gov> wrote:

Darrell,

The Idaho Department of Water Resources (IDWR) has jurisdiction over actions that alter perennial streams below the Ordinary High Water Mark under the Stream Channel Protection act (Title 42-38). This covers Federal, State and private lands, but in general crossing the stream in an off-road vehicles is not an action that requires a permit or is subject to an enforcement action from IDWR. However, if the off-road activities get to a point where the stream channel is altered or fish habitats are destroyed an enforcement action may be pursued by IDWR. IDWR would like to avoid enforcement actions and we prefer to educate groups about recreating in Idaho streams so off-road enthusiasts can enjoy the trails and roads while protecting water quality and fish habitats at the same time. Below are a few basic guidelines for off-road activities in our streams.

Use existing crossing and fords

Do not disturb intact streambanks

Leave existing riparian vegetation intact Limit driving up the main channel of the streams Be mindful of the spring and fall spawning windows for salmonids in fish bearing streams If a new stream crossing is needed apply for a Stream Channel Alteration Permit through IDWR and possibly the Army Corp of Engineers

Thank you very much

Todd Higen
Stream Channel Protection Specialist
Northern Region
Idaho Department of Water Resources
todd.higen@idwr.idaho.gov
208-762-2814

Sent from my iPhone

From: [Paul Loutzenhiser](#)
Sent: Tuesday, August 9, 2022 6:20 PM
To: David Claiborne
Cc: [Sandra Mitchell](#); [Bob Jutila](#); [Cindy Holman](#); [Daniele Halgren](#); [Darrell Raver](#); [Ken Bond](#); [Mark Tihonovich](#); [Patti Evans](#); [Ben Burr](#); [Wayne Hallgren](#)
Subject: Fwd: IDWR Follow Up Email
Attachments: ORV Comment Draft acg edits.docx

Sent from my iPhone

Begin forwarded message:

From: Darrell Raver <idahorubicon@gmail.com>
Date: February 27, 2022 at 9:00:51 PM PST
To: Paul Loutzenhiser <p.loutz1976@gmail.com>
Subject: Fwd: IDWR Follow Up Email

Sent from my iPhone

Begin forwarded message:

From: "Higens, Todd" <Todd.Higens@idwr.idaho.gov>
Date: October 6, 2020 at 11:41:28 AM PDT
To: Darrell Raver <idahorubicon@gmail.com>
Subject: IDWR Follow Up Email

Darrell,

I have attached a copy of the statement for your meeting, it is very general and if you ever have questions please feel free to get a hold of me. The guy who is in charge of our public relations will be contacting the newspaper contact directly.

Thank you

Todd Higens
Stream Channel Protection Specialist
Northern Region
Idaho Department of Water Resources
todd.higens@idwr.idaho.gov
208-762-2814

From: Darrell Raver [<mailto:idahorubicon@gmail.com>]
Sent: Tuesday, October 6, 2020 11:19 AM
To: Higen, Todd <Todd.Higen@idwr.idaho.gov>
Cc: Paul Loutzenhiser <pandaloutz09@twc.com>
Subject: Re: IDWR Follow Up Email

Great, I have copied Paul Loutzenhiser on this and he has the contact info for the paper. Can you send the approved statement to Paul & I as well as the paper. We have our monthly meeting tonight.

Sent from my iPhone

On Oct 6, 2020, at 11:14 AM, Higen, Todd
<Todd.Higen@idwr.idaho.gov> wrote:

Hi Darrell,

I have an approved statement for the Shoshone Press. For our own records, Who is the contact with the paper?

Thank you

Todd

From: Darrell Raver [<mailto:idahorubicon@gmail.com>]
Sent: Wednesday, September 30, 2020 7:52 PM
To: Higen, Todd <Todd.Higen@idwr.idaho.gov>
Subject: Re: IDWR Follow Up Email

Todd,

We had sent this to the paper, we have reached out to the press and asked them to hold off on using this info. I will let you know what we find out. Sorry for this but I did not get the email until tonight.

Give me a call if you need to.

Thanks,

Darrell

Sent from my iPhone

On Sep 30, 2020, at 7:54 AM, Higen, Todd
<Todd.Higen@idwr.idaho.gov> wrote:

Darrell,

Thank you for your time and understanding.
After you mentioned the Shoshone Press I did
ask around in my office and I found out that any
statement from our agency for the press needs
to go through the Northern Office Regional
Manager (Doug Jones) or the State office. I will
fill him in on our conversation and see what he
thinks first thing this morning.

Thanks

Todd Higen
Stream Channel Protection Specialist
Northern Region
Idaho Department of Water Resources
todd.higen@idwr.idaho.gov
208-762-2814

From: Darrell Raver
[<mailto:idahorubicon@gmail.com>]
Sent: Tuesday, September 29, 2020 5:58 PM
To: Higen, Todd
<Todd.Higen@idwr.idaho.gov>
Cc: Darrell Raver <idahorubicon@gmail.com>;
Paul Loutzenhiser <pandaloutz09@twc.com>
Subject: Re: IDWR Follow Up Email

Thanks Todd, we will get this out to the public
and incorporate this into our guidelines.

Thanks for reaching out to the club today.

Darrell Raver
President NITB

Sent from my iPhone

On Sep 29, 2020, at 5:14 PM,
Higens, Todd
<Todd.Higens@idwr.idaho.gov>
wrote:

Darrell,

The Idaho Department of Water Resources (IDWR) has jurisdiction over actions that alter perennial streams below the Ordinary High Water Mark under the Stream Channel Protection act (Title 42-38). This covers Federal, State and private lands, but in general crossing the stream in an off-road vehicles is not an action that requires a permit or is subject to an enforcement action from IDWR. However, if the off-road activities get to a point where the stream channel is altered or fish habitats are destroyed an enforcement action may be pursued by IDWR. IDWR would like to avoid enforcement actions and we prefer to educate groups about recreating in Idaho streams so off-road enthusiast can enjoy the trails and roads while protecting water quality and fish habitats at the same time. Below are a few basic guidelines for off-road activities in our streams.

- Use existing crossing and fords
- Do not disturb intact streambanks
- Leave existing riparian vegetation intact

- Limit driving up the main channel of the streams
- Be mindful of the spring and fall spawning windows for salmonids in fish bearing streams
- If a new stream crossing is needed apply for a Stream Channel Alteration Permit through IDWR and possibly the Army Corp of Engineers

Thank you very much

Todd Higen
Stream Channel Protection
Specialist
Northern Region
Idaho Department of Water
Resources
todd.higen@idwr.idaho.gov
208-762-2814

The Idaho Stream Channel Protection Act regulated by the Idaho Department of Water Resources (IDWR) was designed to protect Idaho stream channels against alteration for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality. Any action that obstructs, diminishes, destroys, alters, modifies, relocates or changes the natural existing shape or direction of water of any continuously flowing stream below the mean high water mark requires an IDWR Stream Channel Alteration Permit. ORV activity or creating roads/trails that "alter a stream channel" is a regulated activity and requires a permit. However, if the activity has little to no impact on water flow, streambank stability or fish habitat then no permit is required. Below are a few guidelines for off-road activities in or near Idaho streams to avoid the need for a Stream Channel Alteration Permit.

- Use existing crossings or fords
- Do not disturb streambanks
- Do not disturb riparian vegetation
- Avoid crossing streams during the spring and fall spawning windows for salmonids in fish bearing streams

For additional information or if you have any questions please contact the Northern Regional Office of the Idaho Department of Water Resources.

EXHIBIT

J

? AGAIN

From: [Paul Loutzenhiser](#)
Sent: Tuesday, August 9, 2022 6:16 PM
To: David Claiborne
Cc: [Sandra Mitchell](#); [Bob Jutila](#); [Cindy Holman](#); [Daniele Halgren](#); [Darrell Raver](#); [Ken Bond](#); [Mark Tihonovich](#); [Patti Evans](#); [Ben Burr](#); [Wayne Hallgren](#)
Subject: Fwd: Your trip up to Rollercoaster with Chris Shafer and BLM

Sent from my iPhone

Begin forwarded message:

From: Paul Loutzenhiser <p.loutz1976@gmail.com>
Date: September 3, 2021 at 8:01:37 PM PDT
To: Kajsa.Vanderiet@deq.idaho.gov
Cc: idahorubicon@gmail.com, Robert.Steed@deq.idaho.gov,
Chantilly.Higbee@deq.idaho.gov
Subject: Re: Your trip up to Rollercoaster with Chris Shafer and BLM

Kajsa, I am sorry to hear you're leaving your position. I hope everything goes well moving forward for you.

Thank you for your response on this topic. Your insight is greatly appreciated.

Sincerely, Paul Loutzenhiser - NITB

Sent from my iPhone

On Sep 3, 2021, at 7:29 PM, Kajsa.Vanderiet@deq.idaho.gov wrote:

Hi Paul,

I'm sorry for the delay. I'm actually leaving my position with DEQ for family health reasons. My last day is today. I will have to refer you to Robert Steed (robert.steed@deq.idaho.gov) and Chantilly Higbee (Chantilly.higbee@deq.idaho.gov). I'm cc-ing both on this email.

Personally, I thought your trail looked like fun. I understand there are land use/trespassing issues/landowner agreement - type concerns, but those are not really DEQ's bailiwick. That seems to be more of an issue for BLM to handle. From a water quality and aquatic habitat perspective, I did not see obvious water quality impacts from the roller coaster portion of the trail during our very brief look. It is quite a distance from water, which is helpful. I wasn't able to do a very in-depth review so others may have a different conclusion. Nearly all of the fords across the stream appeared stable and crossed at a 90-degree angle to minimize impact. The only place where that seemed to be a problem was at the very bottom where the trail travels some distance up a side channel where there had been a beaver dam and there were trout present in that pool where the vehicles drive when we visited. There's some room for improvement down there, but that looked achievable. When folks are getting off trail, obviously that can pose other problems too.

West Fork of Pine Creek is actually in pretty decent shape and contains some healthy trout and invertebrate populations. It's important to protect those resources while still being able to have some fun and access public lands.

From what I've seen up there, I am more concerned about the water quality impacts of vehicle traffic in Grouse, Denver, and Highland Creeks where vehicles are traveling in the actual stream channels and where the in-channel sediments contain contamination from upstream mine sites.

I hope that helps. Sorry again for the delay.

Kajsa Eagle Van de Riet
Coeur d'Alene Basin Restoration Plan Coordinator
Water Quality Analyst
Coeur d'Alene Regional Office
2110 Ironwood Parkway, Coeur d'Alene, Idaho 83814
Direct: (208) 666-4633
Email: kajsa.vanderiet@deg.idaho.gov
Web: <http://www.deg.idaho.gov/restoration-partnership> &
<http://www.deg.idaho.gov/basin-watershed-advisory-groups>

From: Paul Loutzenhiser <p.loutz1976@gmail.com>
Sent: Thursday, August 5, 2021 9:10 AM
To: Kajsa Van de Riet
Cc: Darrell Raver
Subject: Your trip up to Rollercoaster with Chris Shafer and BLM

Hi Kajsa,

Chris was telling me about your experience going up to Rollercoaster trail a few weeks ago. I was hoping that you could give a report of that day from your point of view?

Thank you for your time, Paul Loutzenhiser - NITB

Sent from my iPhone

EXHIBIT

K



From: [Paul Loutzenhiser](#)
Sent: Tuesday, August 9, 2022 6:14 PM
To: David Claiborne
Cc: [Sandra Mitchell](#); [Bob Jutila](#); [Cindy Holman](#); [Daniele Halgren](#); [Darrell Raver](#); [Ken Bond](#); [Mark Tihonovich](#); [Patti Evans](#); [Ben Burr](#); [Wayne Hallgren](#)
Subject: Fwd: Roller Coaster Trail

Sent from my iPhone

Begin forwarded message:

From: Brian White <brimiwhite@yahoo.com>
Date: July 27, 2021 at 10:22:55 AM PDT
To: Paul Loutzenhiser <p.loutz1976@gmail.com>
Subject: Re: Roller Coaster Trail

Hello -

I was the Outdoor Rec Planner for the CdA Field Office for about four years (2006-2010) during the time this project was planned and implemented. It was part of an ongoing partnership with NITB we further developed in my time there.

My recollection of the West Fork Pine Creek road conversion project are as follows -

- 1) NITB approached BLM about adding features/modifying the subject road
- 2) Field Manager and others were engaged in planning/decision making
- 3) An appropriate Cat exclusion category was used
- 4) Project had interdisciplinary review
- 5) The road was designated open for 4x4 and other motorized/non motorized use
- 6) Road was to remain passable to std 4x4 vehicles/add bypass for features.
- 7) Work was conducted by NITB members
- 8) Field Manager toured site after construction

I hope this information helps in your communication with the current field office staff and leadership.

Brian White

On Tuesday, July 27, 2021, 08:33:33 AM PDT, Paul Loutzenhiser
<p.loutz1976@gmail.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: President <president@northidahotrailblazers.com>
Date: July 21, 2021 at 4:33:19 PM PDT
To: brain.white2@usda.gov
Cc: p.loutz1976@gmail.com
Subject: Roller Coaster Trail

Hi Brian,

Thanks for talking with Paul this morning, as the two of you discussed we are looking for any information that would speak to the process that was used in the original BLM due diligence for the Roller Coaster trail. The trail is located on what is or was the Pine Creek Road. We believe this work was done in 2009 or 2010 so BLM's due diligence was likely just prior to that. Our search for information is a direct result of current BLM leaderships view that the work and the project was improperly documented and or analyzed and therefore is in question. Your assistance in providing information on work completed and any documentation will be greatly appreciated. We would like to continue what had been started as this is a highly regarded trail for the local off-road community.

Please feel free to contact at your convenience, my cell number is 208-651-3941.

Sincerely,

Darrell Raver
NITB President

Sent from my iPhone

EXHIBIT

L

?



From: Paul Loutzenhiser <p.loutz1976@gmail.com>
Sent: Monday, April 4, 2022 5:24 PM
To: Mike Fitzgerald
Cc: Jay Huber; Jim Cason; John Hansen; Lori Teeters (BOCC Secretary);
Shoshone County Prosecutor; Darrell Raver; bob jutila
Subject: Addressing some statements made at the public comment hearing on
April 2, 2022

CAUTION: This email originated from outside of the Shoshone County email system.
Be extra cautious, especially if you are not expecting this email!
DO NOT CLICK links or open attachments unless you recognize the sender and know the content is safe.
If there is any doubt, hit the Phish Alert button!

Representatives of Shoshone County,

I have sent several emails to address some comments that have been made recently.

1. BLM had an active roll in the creation of the Rollercoaster trail which now sits on what was part of West fork Pinecreek rd. As you can see in Brian White's email. Since it's creation NITB has spent funds we have raised to maintain the trail with the guidance from BLM.
2. DEQ is aware of the condition of the road and with some minor efforts and guidance NITB can easily remedy any issue that's needs to addressed.
3. The water crossing have been inspected by Todd Higen of IDWR. They are in good condition and they do not have a concern about them.

I just wanted everyone to be aware that NITB takes this historical public access very seriously. We want to work with everyone available to keep it open for all recreationalist and future generations!

Thank you for your time,

Paul Loutzenhiser

Sent from my iPhone