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Department of Water Resources

Name of Party Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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Counsel for the United States of America

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

In Re SRBA	)	Subcase No. 75-11199
	)	
Case Number: 39576	)	AFFIDAVIT OF GARY L. MILLS
_____	)	

State of: IDAHO
County of: LEMHI

Gary L. Mills, being first duly sworn upon oath, deposes and says:

1. I am currently employed by the United States Department of Agriculture, Forest Service (Forest Service), as the Fire Management Officer for the Salmon-Challis National Forest. I have been employed by the Forest Service for 36 years.

2. As part of my assigned duties and responsibilities as the FMO for the Salmon-Challis National Forest, I am familiar with use at Moyer Creek Administrative Site.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Moyer Creek Administrative Site (Claim).

4. The Claim was prepared by Forest Service personnel as part of their normal duties. I verified the legal locations as set forth and described in Exhibit 1 and have personal knowledge that the location of the point of diversion and point of use and source of the water supply are true and correct as described in Exhibit 1.

5. The Claim is situated wholly within National Forest System lands. It is currently utilized by the Forest Service at Moyer Creek Administrative Site to manage National Forest System lands.

6. The Claim is necessary for the administration of the National Forest pursuant to the Organic Administration Act of 1897, 16 U.S.C. § 475 *et seq.*, for the purposes of securing favorable conditions of water flow and to furnish a continuous supply of timber.

7. The United States filed this Claim for use in association with Moyer Creek Administrative Site, located in a remote part of the Salmon-Challis National Forest. The administrative site includes two fourplex apartments, seven duplexes, a laundry, a shop, storage buildings, two helipads and other capital improvements. It is used every year to house summer crews including a fire crew, a rappelling crew (specialized fire fighters who rappel from a hovering helicopter down into a fire), trail crew, a timber saw crew and a fish inventory crew.

Personnel utilize water at this site for administrative purposes. Occupation and use of Moyer Creek Administrative Site is essential to the overall administration of Forest Service programs on this part of the Salmon-Challis National Forest. A primary purpose is fire: fire detection, fire suppression, fire management and fire prevention to improve and protect the forest from destruction by fire, thereby ensuring continued viability of the resources on surrounding federally reserved National Forest System land. The presence of other resource management crews also contributes to the prevention of destruction by fire and other depredations. This contributes directly to enhancing resource conditions such as watershed protection, preservation of timber stands, wild land character, and public safety thereby directly contributing to the maintenance of and improving watershed conditions, timber production and favorable conditions of water flow.

8. Based upon personal experience and knowledge, discussions with Forest Service personnel and review of relevant Forest Service records, including but not limited to, on-site inspection records, water has been historically, and is presently utilized at Moyer Creek Administrative Site in quantities up to and including 0.06 c.f.s. during the period of March 1 through September 30, as described in Exhibit 1.

9. Based upon the forgoing, I have personal knowledge of the following elements of the reserved water right claim:

a. The name and address of the claimant is:

UNITED STATES OF AMERICA acting on behalf of the U.S.D.A. Forest
Service, 550 W. Fort Street, MSC033, Boise, ID 83724.

b. The source of water is:

Moyer Creek

c. The location is:

1) point of diversion:

B.M., T. 20 N, R. 18 E, S. 35 SWNE.

2) place of use:

B.M., T. 20 N, R. 18 E, S. 35 SENW.

d. The quantity of water is:

0.06 c.f.s.

e. The period of use is:

March 1 through September 30

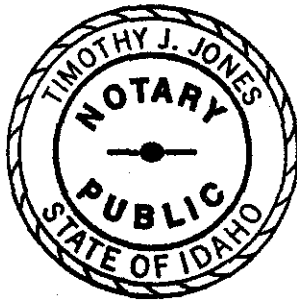
f. The purpose of use is:

Administrative purposes at Moyer Creek Administrative Site.

Dated this 18 day of April, 2003.

Gary L. Mills
Gary L. Mills

SUBSCRIBED and SWORN to before me this 18th day of April, 2003.



Timothy J. Jones

NOTARY PUBLIC FOR: Idaho

Residing at: Salmon

My Commission Expires: 2/16/08

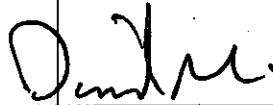
CERTIFICATE OF MAILING

I certify that on May 2, 2003, I mailed a true and correct copy of the foregoing Affidavit of Gary L. Mills to the following by First Class United States Mail, prepaid:

Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720



David L. Negri

NOTICE OF AMENDED CLAIM
RESERVED UNDER FEDERAL LAW

Right Number: 75-11199

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

Source: MOYER CREEK

Tributary: PANTHER CREEK

Quantity: ~~+.02~~ .06 CFS

Priority Date: 11-05-1906

Point of Diversion: T20N R18E S35

SWNE

Within Lemhi County

Purpose and

Period of Use: Purpose of Use
~~Domestic~~
Administrative

Period of Use Quantity
03-01 TO 09-30 ~~+.02~~ .06 CFS

Place of Use: ~~Domestic~~
Administrative
T20N R18E S35

Within Lemhi County

SENW

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0413 17060203 26 0022
Moyer Creek Administrative Site