

RECEIVED

MAY - 5 2003

Department of Water Resources

Name of Party Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
United States Department of Justice
Assistant Attorney General
Environment and Natural Resources Division

DAVID L. NEGRI
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St. MSC033
Boise, ID 83724
(208) 331-5943

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. 79-13956
	)	
Case Number: 39576	)	AFFIDAVIT OF EARL A. BAUMGARTEN
_____	)	

State of: IDAHO
County of: IDAHO

Earl A. Baumgarten, 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 Resource Assistant on the Hells Canyon National Recreation Area (HCNRA). I have been employed by the Forest Service for 32 years.

2. As part of my assigned duties and responsibilities as a Resource Assistant on the HCNRA I am familiar with use at Red Rock Administrative Site.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Pittsburg Administrative Horse Pasture, part of Red Rock 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 Pittsburg Administrative Horse Pasture, part of Red Rock 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 Red Rock Administrative Site located in a remote area on the HCNRA. The administrative site includes an expansive horse pasture where government owned pack and saddle stock are wintered every year. The water right claim is necessary to provide stockwater for horses and mules which are used by the Forest Service to access and administer remote, otherwise inaccessible forest areas.

Water is used at this location for administrative purposes. The government owned pack and saddle stock are used every year by the Forest Service to administer National Forest resource management programs. Occupation and use of this site is essential to the overall administration of Forest Service programs on the HCNRA, and Nez Perce and Payette National Forests. Trails, back country, range, recreation and wilderness programs require the use of stock and pack animals to access remote areas to administer resource management programs throughout the summer. This access assures inventory crews and rangers can monitor and inspect resources such as timber stand health and productivity, fuels loading, forage condition and utilization, and watershed condition. Their presence also serves to protect the forest from destruction by fire and other depredations, thereby ensuring continuing viability of the resources on surrounding federally reserved NFS land and 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 Pittsburg Administrative Horse Pasture at Red Rock Administrative Site in quantities up to and including 0.02 c.f.s. during the period of November 1 through May 31, 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:

Spring

c. The location is:

1) point of diversion:

B.M., T. 27 N, R. 1 W, S. 17 SWSE.

2) place of use:

B.M., T. 27 N, R. 1 W, S. 17 SWSE.

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

November 1 through May 31

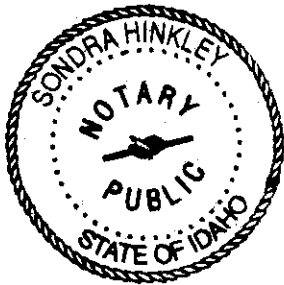
f. The purpose of use is:

Administrative purposes at Pittsburg Administrative Horse Pasture, part of Red
Rock Administrative Site.

Dated this 10th day of April, 2003.

Earl A. Baumgarten
Earl A. Baumgarten

SUBSCRIBED and SWORN to before me this 10 day of April, 2003.



Sondra Hinkley

NOTARY PUBLIC FOR:

Residing at: Higgins Idaho

My Commission Expires: 9/23/08

CERTIFICATE OF MAILING

I certify that on May 2, 2003, I mailed a true and correct copy of the foregoing Affidavit of Earl A. Baumgarten 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: 79-13956

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

Source: SPRING

Tributary: ~~SNAKE RIVER~~ SINKS

Quantity: .02 CFS

Priority Date: 03-02-1907

Point of Diversion: T27N R01W S17

SWSE

Within Idaho County

Purpose and

Period of Use: Purpose of Use
~~Stockwater~~
Administrative

Period of Use
11-01 TO 05-31

Quantity
.02 CFS

Place of Use: ~~Stockwater~~
Administrative
T27N R01W S17

Within Idaho County

SWSE

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID # 0117 17060101 01 9914
Red Rock Administrative Site

EXHIBIT 1