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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. 77-10797

Case Number: 39576) AFFIDAVIT OF VINCENT D. WELBAUM

State of: IDAHO
County of: ADAMS

Vincent D. Welbaum, 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 Acting Fire Management Officer (FMO) and Helitack Foreman on

the New Meadows Ranger District of the Payette National Forest. I have been employed by the Forest Service for 25 years.

2. As part of my assigned duties and responsibilities as the Acting FMO and Helitack Foreman on the New Meadows Ranger District I am familiar with and use Hershey Point Lookout.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Hershey Point Lookout (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 Hershey Point Lookout 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 Hershey Point Lookout, an Administrative Site located in a remote area of the Payette National Forest. The administrative site is a two story structure on a mountain top. It is used every year for administration of National Forest resource management programs. Personnel utilize water at this site for administrative purposes. Occupation and use of Hershey Point Lookout is essential to the overall administration of Forest Service programs on this part of the Payette National Forest. The 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 continuing viability of the resources on surrounding federally reserved National Forest System land. Prevention of depredation by fire contributes directly to other resource programs and conditions such as watershed protection, preservation of timber stands, wild land character, recreation access 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 Hershey Point Lookout in quantities up to and including 0.02 c.f.s. during the period of June 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:

Spring

c. The location is:

1) point of diversion:

B.M., T. 23 N, R. 3 E, S. 29 NWNW.

2) place of use:

B.M., T. 23 N, R. 3 E, S. 20 SWSW.

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

June 1 through September 30

f. The purpose of use is:

Administrative purposes at Hershey Point Lookout.

Dated this 17th day of April, 2003.

Vincent D. Welbaum
Vincent D. Welbaum

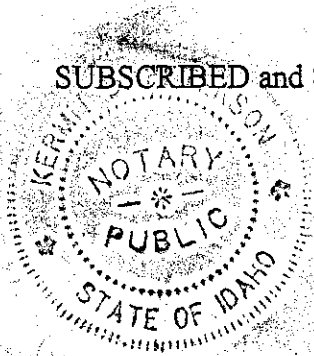
SUBSCRIBED and SWORN to before me this 17th day of April, 2003.

Kermit D. Peterson

NOTARY PUBLIC FOR:

Residing at: Donnelly, Idaho

My Commission Expires: 02-06-03



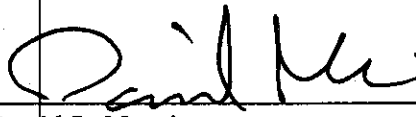
CERTIFICATE OF MAILING

I certify that on May 2, 2003, I mailed a true and correct copy of the foregoing Affidavit of Vincent D. Welbaum 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: 77-10797

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

Source: ~~HERSHEY POINT~~ SPRING Tributary: SINKS

Quantity: .02 CFS

Priority Date: 06-30-1932

Point of Diversion: T23N R03E S29 NWNW Within Idaho County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Domestic~~	06-01 TO 09-30	.02 CFS
	<u>Administrative</u>		

Place of Use: ~~Domestic~~ Within Idaho County
Administrative
T23N R03E ~~S29~~ S20 ~~NWNW~~ SWSW

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0412 17060209 34 0303
Hershey Point Lookout

EXHIBIT 1