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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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United States Department of Justice  
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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. 78-10575            |
|                    | ) |                                 |
| 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 Mangement 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 Hard Creek Guard Station.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Hard Creek Guard Station (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 Hard Creek Guard Station 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 Hard Creek Guard Station, an Administrative Site located in a remote area of the Payette National Forest. The administrative site is a two room cabin and a barn. 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 Hard Creek Guard Station is essential to the overall administration of Forest Service programs on this part of the Payette National Forest.

Personnel use this site to administer National Forest System(NFS) resource management programs, primarily recreation. However the guard station was used as the main fire camp for nearby fires in 1989 and 1992. Administration of NFS programs and presence in the area serves to protect the forest from depredations and destruction by fire, thereby ensuring continuing viability of the resources on surrounding federally reserved NFS land. This results in 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 Hard Creek Guard Station in quantities up to and including 0.02 c.f.s. during the period of June 1 through October 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. 21 N, R. 2 E, S. 1 SWSW.

2) place of use:

B.M., T. 21 N, R. 2 E, S. 11 NENE.

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

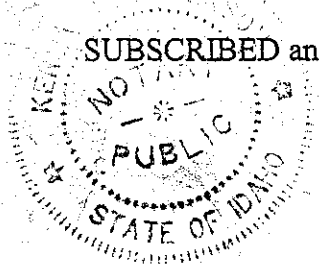
June 1 through October 31

f. The purpose of use is:

Administrative purposes at Hard Creek Guard Station.

Dated this 17~~th~~ day of April, 2003.

Cec D. Welbaum  
Vincent D. Welbaum



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

Kenneth J. Selman

NOTARY PUBLIC FOR:

Residing at: Donnelly, Idaho

My Commission Expires: 02-06-04

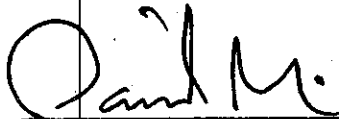
### CERTIFICATE OF MAILING

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: 78-10575

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: HARD CREEK

Quantity: .02 CFS

Priority Date: 06-03-1905

Point of Diversion: T21N R02E S01

SWSW Within Idaho County

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

Period of Use Quantity  
06-01 TO 10-31 .02 CFS

Place of Use: ~~Domestic~~  
Administrative  
T21N R02E S11

Within Idaho County

NENE

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0412 17060210 39 0307  
Hard Creek Guard Station