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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. 69-11491
	)	
Case Number: 39576	)	AFFIDAVIT OF MONTE L. HURD
_____	)	

State of: IDAHO
County of: WASHINGTON

Monte L. Hurd, 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 Assistant Fire Management Officer (AFMO) on the Weiser

Ranger District of the Payette National Forest. I have been employed by the Forest Service for 20 years.

2. As part of my assigned duties and responsibilities as the AFMO on the Weiser Ranger District I am familiar with and use Brownlee Ranger Station.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Brownlee Ranger 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 Brownlee Ranger 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 Brownlee Ranger Station, an Administrative Site located on the Payette National Forest. It includes two bunkhouses, a warehouse, six trailer pads and other capital improvements. 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 Brownlee Ranger Station is essential to the overall administration of Forest Service programs on this part of the Payette National Forest. A fire crew is normally stationed at this site during the summer. Their primary

responsibilities are in fire - fire suppression, fire prevention, and fire planning. Administration of NFS programs such as fire and personnel 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 Brownlee Ranger Station in quantities up to and including 0.02 c.f.s. during the period of April 1 through November 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:

Groundwater

c. The location is:

1) point of diversion:

B.M., T. 16 N, R. 4 W, S. 9 SWSW.

2) place of use:

B.M., T. 16 N, R. 4 W, S. 9 NWSW.

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

April 1 through November 30

f. The purpose of use is:

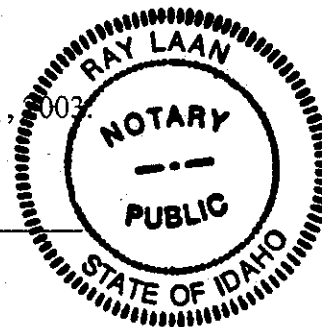
Administrative purposes at Brownlee Ranger Station.

Dated this 25 day of April, 2003.

Monte L. Hurd
Monte L. Hurd

SUBSCRIBED and SWORN to before me this 25 day of April, 2003.

Ray Laan



NOTARY PUBLIC FOR:

Residing at: WEISER IDAHO

My Commission Expires: 09-05-06

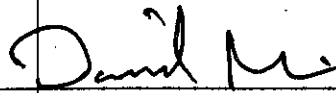
CERTIFICATE OF MAILING

I certify that on May 2, 2003, I mailed a true and correct copy of the foregoing Affidavit of Monte L. Hurd 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: 69-11491

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

Source: ~~EAST BROWNLEE SPRING~~ Tributary: ~~EAST BROWNLEE CREEK~~
GROUNDWATER

Quantity: .02 CFS

Priority Date: 05-10-1906

Point of Diversion: T16N R04W S09 SWSW Within Washington County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Domestic RANGER STATION~~	~~05-01~~ <u>04-01</u> TO 11-30	.02 CFS
	<u>Administrative</u>		

Place of Use:	~~Domestic~~	Within Washington County
	<u>Administrative</u>	
	T16N R04W S09	NWSW

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0412 17050201 52 0229

Brownlee Ranger Station

EXHIBIT 1