

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. 77-11635
	)	
Case Number: 39576	)	AFFIDAVIT OF CLEM POPE
_____	)	

State of: IDAHO
County of: VALLEY

Clem Pope 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 Wilderness Resource Specialist on the Krassel Ranger District of the Payette National Forest. I have been employed by the Forest Service for 30 years.

2. As part of my assigned duties and responsibilities as the Wilderness Resource Specialist on the Krassel Ranger District I am familiar with and use Cold Meadow Guard Station.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Cold Meadow 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 Cold Meadow 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 Cold Meadow Guard Station, an Administrative Site located in the Frank Church River Of No Return Wilderness in a remote part of the Payette National Forest. The administrative site includes a residence, a bunkhouse, a wash/shower house, a warehouse, a nearby landing strip 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. This is an important site for management of the wilderness. Personnel are normally housed at the site include seasonal wilderness crews, a wilderness technician and a wilderness trail crew. Their presence, occupation and use of Cold Meadow Guard Station is essential to the overall administration of Forest Service programs on this part of the Payette National Forest to protect timber and watersheds from depredations and fire. This remote site becomes a an active hub at any time there is a fire in the area for access and operations to support fire suppression. A well maintained trail system and employee presence is vital in this area, thereby ensuring continuing viability of the resources on surrounding federally reserved National Forest System land to maintain and improve 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 Cold Meadow Guard Station 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. 12 E, S. 35 SESE.

2) place of use:

B.M., T. 23 N, R. 12 E, S. 35 SESE.

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 Cold Meadow Guard Station.

Dated this 28 day of April, 2003.

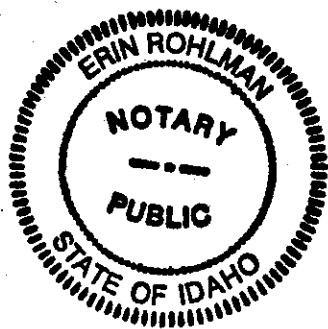
Clem Pope
Clem Pope

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

NOTARY PUBLIC FOR:

Residing at:

My Commission Expires:



ACKNOWLEDGEMENT	
STATE OF IDAHO	) ss.
COUNTY OF <u>Valley</u>	)
On this <u>28</u> day of <u>April</u> , in the year of <u>2003</u> , before me, <u>Erin Rohlman</u> , a Notary Public for the State of Idaho, personally appeared <u>Clem Pope</u>	
known to me to be the person (persons) whose name is (names-are) subscribed to the within instrument, and acknowledged to me that he (they) executed the same.	
<u>Erin Rohlman</u>	
Notary Public for the State of Idaho	
Residing in <u>New Meadows, ID</u>	
My commission expires <u>11/13/2010</u>	

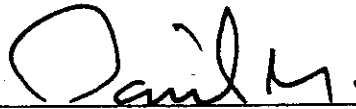
CERTIFICATE OF MAILING

I certify that on May 2, 2003, I mailed a true and correct copy of the foregoing Affidavit of Clem Pope 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: 77-11635

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: SINKS

Quantity: .02 CFS

Priority Date: 06-03-1905

Point of Diversion: T23N R12E S35

SESE Within Idaho County

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

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

Place of Use: ~~Domestic~~
Administrative
T23N R12E S35

Within Idaho County

SESE

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0412 17060207 16 0501
Cold Meadow Guard Station