

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. 23-10768
	)	
Case Number: 39576	)	AFFIDAVIT OF GARTH ALLEMAN
_____	)	

State of: IDAHO
County of: BEAR LAKE

Garth Alleman, 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 Fire Management Officer (FMO) on the Montpelier and Soda

Springs Ranger Districts of the Caribou-Targhee National Forests. I have been employed by the Forest Service for 16 years.

2. As part of my assigned duties and responsibilities as the FMO on these ranger districts I am familiar with and use Caribou Basin Guard Station.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Caribou Basin 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 Caribou Basin 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 Caribou Basin Guard Station, an Administrative Site located on the Caribou-Targhee National Forests. The administrative site includes a cabin, the historic/original guard station building, an A-frame hut, fire cache, a horse pasture 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. Range management and fishery personnel normally use the site. However, it is also used by fire personnel when there are fires nearby such as in 2000 when the

base fire camp for the Pole Creek fire was established at the station. Personnel utilize water at this site for administrative purposes. Occupation and use of Caribou Basin Guard Station is essential to the overall administration of Forest Service programs on this part of the Caribou-Targhee National Forests to protect timber and watersheds from fire and other depredations thereby ensuring continuing viability of the resources on surrounding federally reserved National Forest System land. This contributes directly to maintaining 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 Caribou Basin Guard Station in quantities up to and including 0.02 c.f.s. during the period of May 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:

Spring

c. The location is:

1) point of diversion:

B.M., T. 3 S, R.44 E, S. 20 NWNE.

2) place of use:

B.M., T. 3 S, R.44 E, S. 20 NWNE.

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

May 1 through November 30

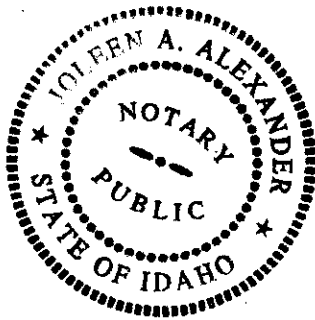
f. The purpose of use is:

Administrative purposes at Caribou Basin Guard Station.

Dated this 28 day of April, 2003.

Garth Alleman
Garth Alleman

SUBSCRIBED and SWORN to before me this 28th day of April, 2003.



Joellen A. Alexander

NOTARY PUBLIC FOR:

Residing at: Montpelier, Idaho

My Commission Expires: 4-2-2005

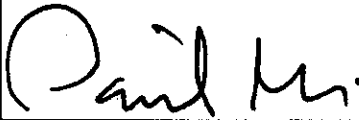
CERTIFICATE OF MAILING

I certify that on May 2, 2003, I mailed a true and correct copy of the foregoing Affidavit of Garth Allemen 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: 23-10768

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: MC COY CREEK

Quantity: .02 CFS

Priority Date: 01-15-1907

Point of Diversion: T03S R44E S20

NWNE Within Bonneville County

Purpose and

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

Period of Use Quantity
05-01 TO 11-30 .02 CFS

Place of Use: ~~Domestic~~
Administrative
T03S R44E S20

Within Bonneville County

NWNE

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 040517040104100266 00
CARIBOU BASIN GUARD STATION

EXHIBIT 1