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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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Environment and Natural Resources Division
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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. 77-14133
	)	
Case Number: 39576	)	AFFIDAVIT OF THOMAS GIONET
_____	)	

State of: IDAHO
County of: CUSTER

Thomas Gionet, 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 a Supervisory Range Technician on the Middle Fork Ranger District of the Salmon-Challis National Forest. I have been employed by the Forest Service for 14 years.

2. As part of my assigned duties and responsibilities as a Supervisory Range Technician on the Middle Fork Ranger District, I am familiar with use at Indian 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 Indian 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 Indian Creek Guard Station to manage National Forest System (NFS) 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 Indian Creek Guard Station, an Administrative Site located in a remote part of the Salmon-Challis National Forest in the Middle Fork of the Salmon Wild and Scenic River corridor. The administrative site includes a residence, a guard station cabin, an office/bunkhouse, a cabin for the FS packer, a barn, a shop, a paint shed, a horse pasture and other capital improvements. It is used every year. Personnel utilize water at this site for administrative purposes. Personnel housed at the site throughout the summer include a river ranger, recreation crews, trail crews, noxious weed, and fire crews. Occupation and use of Indian Creek Guard Station is essential to the overall administration of

utilize water at this site for administrative purposes. Personnel housed at the site throughout the summer include a river ranger, recreation crews, trail crews, noxious weed, and fire crews. Occupation and use of Indian Creek Guard Station is essential to the overall administration of Forest Service programs on this part of the Salmon-Challis National Forest. Personnel working from this site monitor resources and people in the back country, on the Middle Fork of the Salmon River, and they work on the trail system. Their work assures access to the NFS land and their contacts with people and presence in the area enhance management efforts to improve and protect the forest from depredation and destruction by people and fire, thereby ensuring the continued viability of the resources on surrounding federally reserved NFS land. This contributes directly to water-shed protection, preservation of timber stands, wild land character, and public safety thereby 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 Indian Creek Guard Station in quantities up to and including 0.07 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:

Indian Creek Spring

c. The location is:

1) point of diversion:

B.M., T. 16 N, R. 11 E, S. 4 Lot 1 (NENE).

2) place of use:

B.M., T. 16 N, R. 11 E, S. 3 Lot 5 (NWNW).

d. The quantity of water is:

0.07 c.f.s.

e. The period of use is:

April 1 through November 30

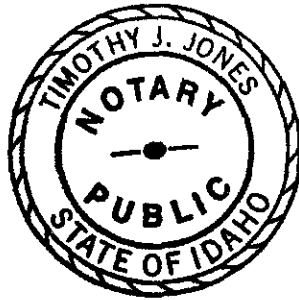
f. The purpose of use is:

Administrative purposes at Indian Creek Guard Station.

Dated this 29 day of April, 2003.

Thomas Gionet
Thomas Gionet

SUBSCRIBED and SWORN to before me this 29th day of April, 2003.



Timothy J. Jones

NOTARY PUBLIC FOR: Idaho

Residing at: Salmon

My Commission Expires: 2/16/08

CERTIFICATE OF MAILING

I certify that on May 2, 2003, I mailed a true and correct copy of the foregoing Affidavit of Thomas Gionet 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: 77-14133

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

Source: INDIAN CREEK SPRING Tributary: SALMON RIVER, MIDDLE FORK

Quantity: ~~.01~~ .07 CFS

Priority Date: 11-05-1906

Point of Diversion: T16N R11E S04 Lot 1 NENE Within Valley County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Domestic GUARD STATION~~	04-01 TO 11-30	~~.01~~ .07 CFS
	<u>Administrative</u>		

Place of Use: ~~Domestic-~~ Within Valley County
Administrative
T16N R11E S03 Lot 5 NWNW

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0406 17060205 80 0001
Indian Creek Guard Station