

United States
Department of
Agriculture

Forest
Service

Boise Adjudication Team
Recreation and Lands
Intermountain Region

161 E. Mallard Drive
Suite A
Boise, ID 83706

May 2, 2003

Clerk of the District Court
Snake River Basin Adjudication
253 3rd Ave. North
Twin Falls, Idaho 83301

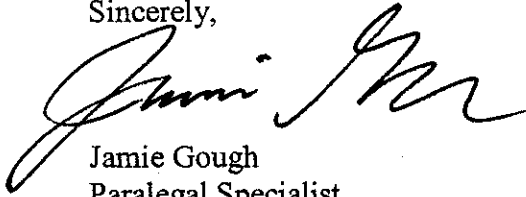
Re: Affidavit of Garth Alleman - 24-10393

Dear Clerk:

The notarized signature page for the attached Affidavit of Garth Alleman did not reach our office in time for the filing deadline. Mr. Alleman has indicated that the Affidavit is correct and he had placed the signature page in an overnight package to our office. Unfortunately, we did not receive it. We will provide the Court the signature page as soon as it arrives.

Thank you for your assistance in this matter.

Sincerely,



Jamie Gough
Paralegal Specialist
USDA Forest Service

cc: David Negri, USDOJ

Enclosure(s)

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. 24-10393
	)	
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 Clear 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 Clear 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 Clear 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 Clear Creek Guard Station, an Administrative Site located on the Caribou-Targhee National Forests. The administrative site includes two historic guard station buildings, an A-frame cabin, 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 personnel normally use the site. However, it is also used by fire personnel when there are fires nearby such as in 2000 when there were several fires in this area.

Personnel utilize water at this site for administrative purposes. Occupation and use of Clear Creek 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 Clear Creek Guard Station in quantities up to and including 0.02 c.f.s. during the period of January 1 through December 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. 10 S, R.45 E, S. 26 SWNW.

2) place of use:

B.M., T. 10 S, R.45 E, S. 20 SWNW.

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

January 1 through December 31

f. The purpose of use is:

Administrative purposes at Clear Creek Guard Station.

Dated this _____ day of _____, 2003.

Garth Alleman

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

NOTARY PUBLIC FOR:

Residing at:

My Commission Expires:

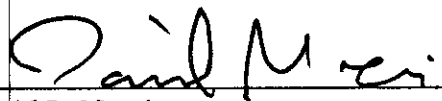
CERTIFICATE OF MAILING

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: 24-10393

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: CLEAR CREEK

Quantity: .02 CFS

Priority Date: 01-15-1907

Point of Diversion: T10S R45E S26 SWNW Within Caribou County

Purpose and

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

Period of Use Quantity
01-01 TO 12-31 .02 CFS

Place of Use: ~~Domestic~~
Administrative
T10S R45E S26

Within Caribou County

SWNW

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 040517040105 60134 00
Clear Creek Guard Station