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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. 77-10796
	)	
Case Number: 39576	)	AFFIDAVIT OF PATTY BATES
_____	)	

State of: IDAHO
County of: CUSTER

Patty Bates, 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 District Ranger on the North Fork and Middle Fork Ranger Districts 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 the District Ranger on the North Fork and Middle Fork Ranger Districts, I am familiar with and use at Bernard Guard Station.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Bernard 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 Bernard 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 Bernard Guard Station, an administrative site located in a remote part of the Salmon-Challis National Forest on the Salmon River within the congressionally designated National Wild and Scenic River Corridor. The administrative site includes a residence, a log tack and tool building, a pasture and other capital improvements. It is normally used by a wilderness trail crew during the summer. It is 28 miles by trail inside the Frank Church River Of No Return Wilderness. Employees are often flown into the site. Other employees use the site as needed throughout the summer. It is used every year by the Forest Service to administer

National Forest resource management programs. Personnel utilize water at this site for administrative purposes. Occupation and use of the site is essential to the overall administration of Forest Service programs on this part of the Salmon-Challis National Forest. Trail maintenance to assure access for management is important in this remote country. The trail crew also makes contact with people throughout the summer and reports on other activities and situations they encounter. Administration of NFS programs and employee presence in the area serves to protect the forest from depredations and destruction. This ensures the continued viability of the resources on surrounding federally reserved NFS land and directly contributes to watershed protection, preservation of timber stands and to the maintenance of and improvement of 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 Bernard Guard Station in quantities up to and including 0.02 c.f.s. during the period of April 1 through October 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:

Bernard Creek

c. The location is:

1) point of diversion:

B.M., T. 19 N, R. 14 E, S. 22 NWNW.

2) place of use:

B.M., T. 19 N, R. 14 E, S. 22 Lot 3 (SENW).

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

April 1 through October 31

f. The purpose of use is:

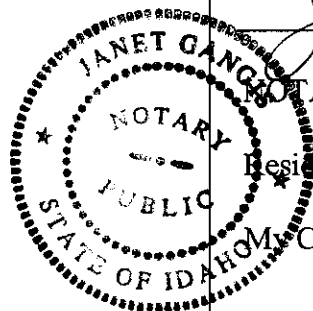
Administrative purposes at Bernard Guard Station.

Dated this 29th day of April, 2003.

Patty Bates
Patty Bates

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

Janet Ganges
NOTARY PUBLIC FOR: Idaho
Residing at: Challis
Commission Expires: 4/30/04

A circular notary seal for Janet Ganges, Notary Public, State of Idaho. The seal is stamped over the signature and text of the notary. It features a double-lined border with the text "JANET GANGES" at the top, "NOTARY PUBLIC" in the center, and "STATE OF IDAHO" at the bottom. There are small stars on either side of the word "NOTARY".

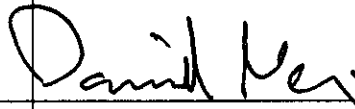
CERTIFICATE OF MAILING

I certify that on May 2, 2003, I mailed a true and correct copy of the foregoing Affidavit of Patty Bates 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: 77-10796

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

Source: BERNARD CREEK Tributary: SALMON RIVER, MIDDLE FORK

Quantity: .02 CFS

Priority Date: ~~11-14-1902~~ 11-05-1906

Point of Diversion: T19N R14E S22 NWNW Within Valley County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Domestic~~	04-01 TO 10-31	.02 CFS
	<u>Administrative</u>		

Place of Use: ~~Domestic~~ Within Valley County
Administrative
T19N R14E S22 Lot 3 SENW

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0413 17060206 39 0002
Bernard Guard Station