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Department of Water Resources

Name of Party Filing Document:

UNITED STATES OF AMERICA

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ISB # 6697

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. 63-25204
	)	
Case Number: 39576	)	AFFIDAVIT OF JOHN SHELLEY
_____	)	

State of IDAHO
County of CAMAS

John Shelly, 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 Supervisory Rangeland Management Specialist on the Fairfield

Ranger District of the Sawtooth National Forest. I have been employed by the Forest Service for 30 years.

2. As part of my assigned duties and responsibilities as the Supervisory Rangeland Management Specialist, I am familiar with and use Shake Creek Guard Station pasture.

3. I have reviewed the reserved water right claim, attached as Exhibit 1, submitted by the Forest Service for Shake Creek Guard Station pasture ("claim").

4. The claim was prepared by Forest Service personnel as part of their normal responsibilities. I field 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 place 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 (NFS) lands. It is currently utilized by the Forest Service at the Shake Creek Guard Station pasture administrative site 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 Shake Creek Guard Station pasture, an administrative site located in a remote area of the Sawtooth National Forest. It was used as part of the Shake Creek Ranger District, previously headquartered at Shake Creek Guard Station. The site is a fenced pasture where government owned pack and saddle stock are kept when they are not in use at other locations. This pasture is used every year. Pack and saddle stock are essential to several administrative programs conducted by the Forest Service. Many remote areas are most easily and cost effectively accessed by horseback. Horses are

important to range, back country, trail, noxious weed, fire and other management programs on many parts of the Sawtooth National Forest. Water is used at the 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 Sawtooth National Forest. Administration of NFS programs and employee presence on-the-ground contributes to the protection of the forest from depredations and destruction. This ensures the continued viability of the resources on surrounding federally reserved NFS land. For example, horses and pack animals are used by special trail crews working out of Shake Creek Guard Station doing initial trail clearing and cutting of large fallen trees each spring preliminary to regular trail crew work. Other crews can then access the forest to accomplish their work. Trails are the only access to much of the forest in this area. Horses and mules are routinely used for packing fire suppression materials and equipment when fires are not otherwise accessible. Noxious weed crews also pack into the area. They are part of an ongoing program treating evasive exotic nonnative plants that are invading parts of the forest in the surrounding area. Noxious weeds prevent native trees and other plants from growing and fulfilling their natural role in the ecosystem. These weeds are a serious threat to the health of the overall watershed. Each of these management activities 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 Shake Creek Guard Station pasture in quantities up to and including 1.0 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:

Shake Creek.

c. The location is:

1) point of diversion:

B.M., T. 03 N, R. 11 E, S. 09 Lot 1 (NENW).

2) place of use:

B.M., T. 03 N, R. 11 E, S. 09 Lot 1 (NENW) and Lot 2 (NWNW).

d. The quantity of water is:

1.0 c.f.s.

e. The period of use is:

June 1 through September 30

f. The purpose of use is:

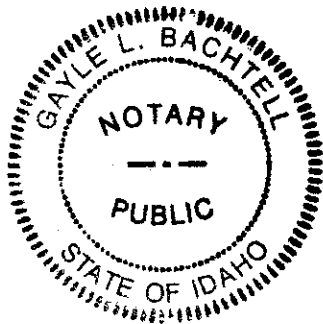
Administrative purposes at Shake Creek Guard Station pasture.

Dated this 5th day of June, 2003.

John Shelly
John Shelly

SUBSCRIBED and SWORN to before me this 5th day of June, 2003.

Gayle L. Bachtell
NOTARY PUBLIC FOR:
Residing at: Fairfield
My Commission Expires: 10-15-05



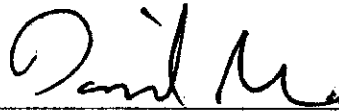
CERTIFICATE OF MAILING

I certify that on ~~June~~^{July} 1, 2003, I mailed a true and correct copy of the foregoing Affidavit of John Shelly upon 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

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AUG 28 2002

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: 63-25204

Department of Water Resources

RESERVED UNDER FEDERAL LAW

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service

Address: 550 W. Fort Street MSC033

Boise

ID 83724

2. Date of Priority: 05/29/1905

3. Source of water: SHAKE CREEK

Tributary: BOISE RIVER, SOUTH FORK

4. Location Meridian BOISE

Description of Diversion Works: Ditch or Canal

From: Stream

Location of Point of Diversion

T: 03 N R 11 E S: 9 NENW L 1

Location of Place of Use

T: 03 N R 11 E S: 9 NWNW L 2

T: 03 N R 11 E S: 9 NENW L 1

5. Quantity claimed: Period Quantity For
6/01 - 9/30 1.00 CFS Administrative

6. Total Consumptive Use Claimed for Present and Future Use is:

1.00 CFS

7. Present and future uses to which the water is or will be used:

Administrative

8. Remarks:

State Basin: 63

National Forest: Sawtooth

Forest Service Record ID: 4 14 17050113 42 0 2033

Shake Creek Administrative Site pasture.

I verify that to the best of my knowledge the statements contained in this document are true and correct.

Steven M. Spencer
STEVEN M. SPENCER
Consumptive Water Use Specialist

Subscribed and sworn to before me on:

28 Aug. 2002

S. Sherman
Notary Public

Residing at:

Boise ID

My Commission Expires:

11-14-2004

