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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; facsimile (208) 387-0842
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. 63-31539
	)	
Case Number: 39576	)	AFFIDAVIT OF STEVEN M. SPENCER
_____	)	

State of IDAHO
County of ADA

STEVEN M. SPENCER, 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 consumptive water use specialist at the Boise Adjudication Team. I have been employed by the Forest Service for 26 years.

2. As part of my assigned duties and responsibilities, I oversee water right claims submitted by the Forest Service in the Snake River Basin Adjudication ("SRBA"). Attached as Exhibit 1 is a true and correct copy of claim number 63-31539 as amended, submitted in the SRBA.

3. I have reviewed Exhibit 1, which was submitted by the Forest Service for the Experiment Station, an administrative site on the Boise National Forest.

4. The claim is situated wholly on federal land owned by the United States of America and managed as National Forest System land.

5. I have reviewed Forest Service historical records describing the withdrawals and reservations of federal public land. Based upon my review, the lands upon which the reserved water right claim is located, including both the legal location of the point of diversion and place of use as described in Exhibit 1, were withdrawn from public entry for an administrative site in the Boise National Forest September 26, 1908. This is substantiated in historical documents maintained by the Idaho State Office of the United States Bureau of Land Management in Boise, Idaho. Attached as Exhibit 2 is a copy of the above referenced document.

6. The priority date, September 26, 1908, for this reserved water right claim corresponds to the date of withdrawal for this administrative site in the Boise National Forest. *See* Exhibit 2.

7. Based upon the forgoing, I have personal knowledge of the following elements of the federal reserved right claim 63-31539 attached hereto as Exhibit 1, submitted in the SRBA:

a. The land at the legal descriptions shown as the point of diversion and place of use

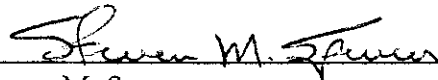
is federal land owned by the United States of America. It is now federally reserved National Forest System land. It was withdrawn from public entry for an administrative site in the Boise National Forest September 26, 1908. This site served as the headquarters of the Boise Basin Experimental Forest. It is still part of the Boise National Forest.

b. The name and address of the claimant is:

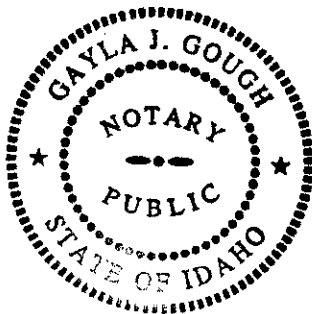
UNITED STATES OF AMERICA acting on behalf of the U.S.D.A. Forest
Service, 550 W. Fort Street, MSC033, Boise, ID 83724.

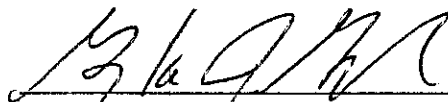
c. The priority date is:

September 26, 1908.


Steven M. Spencer

SUBSCRIBED and SWORN to before me this 26th day of June, 2003.




Gayla J. Gough
NOTARY PUBLIC FOR: Idaho
Residing at: Kuna, Idaho
My Commission Expires: 11/17/2004

CERTIFICATE OF MAILING

I certify that on ~~June~~ ^{July 1}, 2003, I mailed a true and correct copy of the foregoing Affidavit of Steven M. Spencer upon the following by First Class Unites 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

WATER RIGHT RESERVED UNDER FEDERAL LAW
AMENDED NOTICE OF CLAIM

Right Number: 63-31539

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: SLAUGHTERHOUSE GULCH CREEK

Quantity: .04 CFS

Priority Date: 09-26-1908

Point of Diversion: T06N R05E S27 NWNE Within Boise County

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	Administrative	01-01 TO 12-31	.04 CFS

Place of Use: Administrative Within Boise County
T06N R05E S27 NENE

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

Experiment Station Administrative Site. Used with 63-25141.

Explanatory Material: Basis of Claim - Reserved

Box 18

"L"
1908-158,858.

PSM

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

WASHINGTON, D.C., September 28, 1908.

IPB

JMCP.

Administrative Site,
Boise National Forest,
Idaho.

Withdrawal.

Register and Receiver,

Boise, Idaho.

Gentlemen:

The tracts near the Boise National Forest, Idaho, indicated on the attached diagram are withdrawn from appropriation and use of all kinds under the public land laws, subject to prior valid adverse claims, for use as an administrative site by the Forest Service in said national forest.

The tracts are described as W. $\frac{1}{4}$ SE. $\frac{1}{4}$ SE. $\frac{1}{4}$ and E. $\frac{1}{4}$ SE. $\frac{1}{4}$ SE. $\frac{1}{4}$ Sec. 28, W. $\frac{1}{4}$ NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 28, and NE. $\frac{1}{4}$ NE. $\frac{1}{4}$ and E. $\frac{1}{4}$ NW. $\frac{1}{4}$ NE. $\frac{1}{4}$ Sec. 27, T. 6 N., R. 5 E.; B.M., 120 acres, Idaho site.

23-69. This withdrawal is made upon the request of the Acting Forester, dated August 28, 1908.

You will make the proper notation hereof upon the records of your office.

Very respectfully,

Approved September 28, 1908:

S. W. Proudfit

Assistant Commissioner.

Frank Pierce

First Assistant Secretary.

EXHIBIT 2- PAGE 1