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UNITED STATES OF AMERICA

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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. 29-12485
	)	
Case Number: 39576	)	AFFIDAVIT OF JERALD D. TOWER
_____	)	

State of: IDAHO
County of: BANNOCK

Jerald D. Tower, 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 of the Westside Ranger District of the Caribou-Targhee National Forest. I have been employed by the Forest Service for 33 years.

2. As part of my assigned duties and responsibilities as the District Ranger on the Westside Ranger District I am familiar with water use at Summit Guard Station.

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

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 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 lands. It is currently utilized by the Forest Service at Summit 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 Summit Guard Station, an Administrative Site located on the Caribou-Targhee National Forest. The administrative site includes a 2 room cabin with many modern amenities, a fenced 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. Personnel occupy and frequent the guard station for a wide variety of administrative needs. It serves as quarters for range management, trail crew, recreation guard, recreation crew, road crew

and fire purposes. Summit Guard Station served at a fire camp as recently as 2000 and 2002 for fighting fires in the area. Occupation and use of Summit Guard Station is essential to the overall administration of Forest Service programs on this part of the Caribou-Targhee National Forest to protect timber and watersheds from fire, and to protect all natural resources from depredation and destruction thereby ensuring the continued viability of the natural 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 used historically, and is presently utilized at Summit Guard Station in quantities up to and including 0.04 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:

Spring

c. The location is:

1) point of diversion:

B.M., T12S, R36E, S 28 NWSW.

2) place of use:

B.M., T12S, R36E, S 28 SWNW.

d. The quantity of water is:

0.04 c.f.s.

e. The period of use is:

June 1 through September 30

f. The purpose of use is:

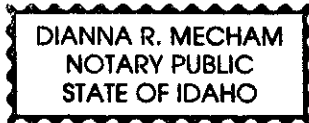
Administrative purposes at Summit Guard Station.

Dated this 9 day of March, 2004.

Jerald D. Tower
Jerald D. Tower

SUBSCRIBED and SWORN to before me this 9 day of March, 2004.

Dianna R. Mecham



NOTARY PUBLIC FOR:

Residing at: Pocatello IDAHO

My Commission Expires: 1/15/2009

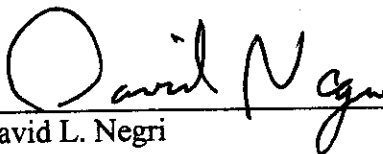
CERTIFICATE OF MAILING

I certify that on April 2, 2004, I mailed a true and correct copy of the foregoing Affidavit of Jerald D. Tower 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

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

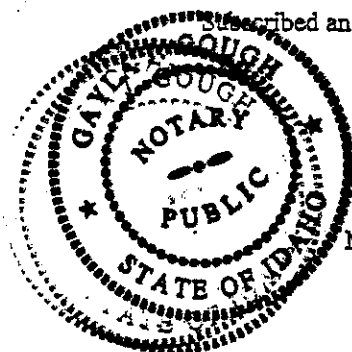
CIVIL CASE NUMBER: 39576

Ident. Number: 29-12485

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: 05/28/1906
3. Source of water: SPRING Tributary: MILL CREEK
4. Location Meridian BOISE
Description of Diversion Works: Headbox From: Spring
Location of Point of Diversion
T: 12 S R 36 E S: 28 NWSW
Location of Place of Use
T: 12 S R 36 E S: 28 SWNW
5. Quantity claimed: Period: 6/01 -- 9/30 Quantity: 0.04 CFS For: Administrative
6. Total Consumptive Use Claimed for Present and Future Use is:
0.04 CFS
7. Present and future uses to which the water is or will be used:
Administrative
8. Remarks:
State Basin: 29
National Forest: Caribou
Forest Service Record ID: 4 5 17040208 19 0095
Summit Guard Station

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



Subscribed and sworn to before me on:

Residing at:

My Commission Expires:

Steven M. Spencer
STEVEN M. SPENCER
Consumptive Water Use Specialist
June 18 2003
G. J. Smith
Notary Public
KUNA IDAHO
11-17-2004