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Department of Water Resources

Name of Party Filing Document:

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. 47-15210
	)	
Case Number: 39576	)	AFFIDAVIT OF TONY BEITIA
_____	)	

State of: IDAHO
County of: CASSIA

Tony Beitia, 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 Minidoka Ranger

District of the Sawtooth National Forest. I have been employed by the Forest Service for 26 years.

2. As part of my assigned duties and responsibilities as the FMO on the Minidoka Ranger District I am familiar with and use Rock 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 Rock 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 Rock 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 Rock Creek Guard Station, an Administrative Site located on the Sawtooth National Forest. The administrative site includes an office, a bunkhouse, a warehouse 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. A fire crew is normally housed at the site. Personnel utilize water at this site for administrative purposes. Occupation and use of Rock Creek Guard Station is essential to the overall administration of Forest Service programs on this

part of the Sawtooth National Forest 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 Rock 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. 14 S, R.18 E, S. 25 SENE.

2) place of use:

B.M., T. 14 S, R.18 E, S. 25 NENE.

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

January 1 through December 31

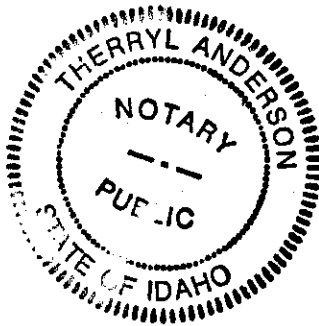
f. The purpose of use is:

Administrative purposes at Rock Creek Guard Station.

Dated this 4th day of APRIL, 2003.

Tony Beitia
Tony Beitia

SUBSCRIBED and SWORN to before me this 4 day of April, 2003.



Therryl Anderson
NOTARY PUBLIC FOR: Carson County

Residing at: Burley ID.

My Commission Expires: 1-31-2008

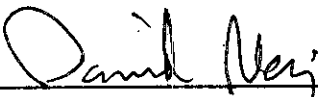
CERTIFICATE OF MAILING

I certify that on April 21, 2003, I mailed a true and correct copy of the foregoing Affidavit of Tony Beitia 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: 47-15210

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: SINKS

Quantity: .02 CFS

Priority Date: 06-12-1905

Point of Diversion: T14S R18E S25 SENE Within Twin Falls County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Domestic~~	01-01 TO 12-31	.02 CFS
	<u>Administrative</u>		

Place of Use:	~~Domestic~~	Within Twin Falls County
	<u>Administrative</u>	
	T14S R18E S25	NENE

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 041417040212210018 00
Rock Creek Guard Station

EXHIBIT 1