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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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Environment and Natural Resources Division
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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. 65-11336
	)	
Case Number: 39576	)	AFFIDAVIT OF DAVID F. HALE
_____	)	

State of: IDAHO
County of: GEM

David F. Hale, 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 Forester on the Emmett Ranger District of the Boise National Forest. I have been employed by the Forest Service for 36 years.

2. As part of my assigned duties and responsibilities as the Supervisory Forester on the Emmett Ranger District I am familiar with use at Silver Creek Guard Station and Research Station..

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Silver Creek Guard Station and Research 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 Silver Creek Guard Station and Research 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 Silver Creek Guard Station and Research Station, an Administrative Site located on the Boise National Forest. The administrative site includes a cabin, a barn, two sheds, a helispot, seven trailer hookups and other capital improvements. 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 Silver Creek Guard Station and Research Station is essential to the overall administration of Forest Service programs on this part of the Boise National Forest. Personnel use this site to administer National Forest System(NFS) resource management programs including timber, fire and trails. A fire prevention guard is normally stationed at the site. Administration of NFS programs, including fire and timber, and presence in the area serves to protect the forest from depredations and destruction by fire, thereby ensuring continuing viability of the resources on surrounding federally reserved NFS land. This results in watershed protection, preservation of timber stands thereby directly contributing to the maintenance of 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 Silver Creek Guard Station and Research Station in quantities up to and including 0.04 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. 12 N, R. 6 E, S. 20 NWNW.

2) place of use:

B.M., T. 12 N, R. 6 E, S. 20 SWNW

d. The quantity of water is:

0.04 c.f.s.

e. The period of use is:

January 1 through December 31

f. The purpose of use is:

Administrative purposes at Silver Creek Ranger Station and Research Station.

Dated this 3rd day of April, 2003.

David F. Hale
David F. Hale

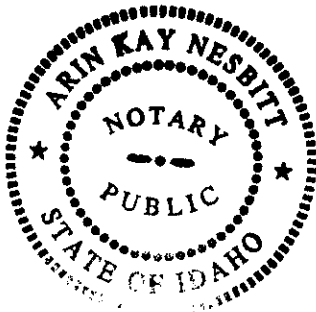
SUBSCRIBED and SWORN to before me this 3rd day of April, 2003.

Arin Kay Nesbitt

NOTARY PUBLIC FOR:

Residing at: Gom County

My Commission Expires: 4-17-07



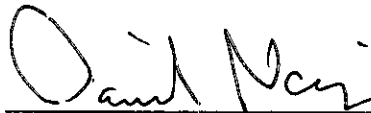
CERTIFICATE OF MAILING

I certify that on April 21, 2003, I mailed a true and correct copy of the foregoing Affidavit of David F. Hale 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: 65-11336

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

Source: GROUNDWATER-SPRING Tributary: SILVER CREEK

Quantity: .04 CFS

Priority Date: 05-29-1905

Point of Diversion: T12N R06E S20 NWNW Within Boise County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Domestic~~	01-01 TO 12-31	.04 CFS
	<u>Administrative</u>		

Place of Use: ~~Domestic~~ Within Boise County
Administrative
T12N R06E S20 SWNW

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 04 02 17050121 56 0007

Silver Creek Guard Station and Research Station