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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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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. 65-19506
	)	
Case Number: 39576	)	AFFIDAVIT OF WALTER B. ROGERS
_____	)	

State of: IDAHO
County of: ADA

Walter B. Rogers, 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 on the Lowman Ranger District of the Boise National Forest. I have been employed by the Forest Service for 32 years.

2. As part of my assigned duties and responsibilities as the District Ranger on the Lowman Ranger District I am familiar with use at Warm Springs Guard Station.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Warm Springs 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 Warm Springs 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 Warm Springs Guard Station, an Administrative Site located on the Boise National Forest. The administrative site includes a cabin, a garage, a barn, a corral 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 Warm Springs Guard 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 recreation and trails. Administration of NFS programs, including recreation and trails, and presence in the area serves to protect the forest from depredations and destruction by people visiting the national forest. Fire is a particular threat that recreation managers monitor in recreation areas. And a well maintained trail system further enhances access for management purposes. These primary activities as well as other related resource management programs thereby ensure continued viability of the resources on surrounding federally reserved NFS land. This results in watershed protection, preservation of timber stands which contributes directly 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 Warm Springs 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. 9 N, R. 10 E, S. 7 NENW.

2) place of use:

B.M., T. 9 N, R. 10 E, S. 7 NENW

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

January 1 through December 31

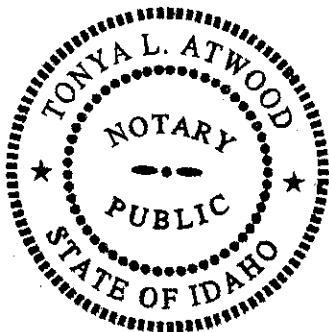
f. The purpose of use is:

Administrative purposes at Warm Springs Guard Station.

Dated this 11 day of April, 2003.

Walter B. Rogers
Walter B. Rogers

SUBSCRIBED and SWORN to before me this 11th day of April, 2003.



Tonya L. Atwood

NOTARY PUBLIC FOR:

Residing at: Meridian, Id.

My Commission Expires: 1-2-07

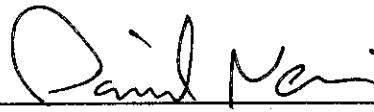
CERTIFICATE OF MAILING

I certify that on April 21, 2003, I mailed a true and correct copy of the foregoing Affidavit of Walter B. Rogers 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: 65-19506

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

Source: SPRING Tributary: SINKS

Quantity: .02 CFS

Priority Date: 05-29-1905

Point of Diversion: T09N R10E S07 NENW

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~~
Administrative
T09N R10E S07 NENW

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 04 02 17050120 43 0 0004
Warm Springs Guard Station

EXHIBIT 1