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Department of Water Resources

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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. 77-10887
	)	
Case Number: 39576	)	AFFIDAVIT OF KIM SHERWOOD
_____	)	

State of: IDAHO
County of: IDAHO

Kim Sherwood, 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 a hydrologist on the Red River Ranger District of the Nez Perce National Forest. I have been employed by the Forest Service for 4½ years.

2. As part of my assigned duties and responsibilities as the hydrologist for the Red River Ranger District, I am familiar with and use the Oregon Butte Lookout.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Oregon Butte Lookout (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 Oregon Butte Lookout 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 Oregon Butte Lookout, an Administrative Site located in the Gospel Hump Wilderness in a remote part of the Nez Perce National Forest. The administrative site is a traditional fire lookout on a mountain top. It is used every year for administration of National Forest resource management programs. Personnel utilize water at this site for administrative purposes. Occupation and use of Oregon Butte Lookout is essential to the overall administration of Forest Service programs on this part of the Nez Perce National Forest. The primary purpose is fire: fire detection, fire suppression, fire

management and fire prevention to improve and protect the forest from destruction by fire, thereby ensuring continuing viability of the resources on surrounding federally reserved National Forest System land. Prevention of depredation by fire contributes directly to other resource programs and conditions such as watershed protection, preservation of timber stands, wilderness character, trail maintenance, recreation access and public safety 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 Oregon Butte Lookout in quantities up to and including 0.02 c.f.s. during the period of June 1 through October 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. 25 N, R. 6 E, S. 12 NWSE.

2) place of use:

B.M., T. 25 N, R. 6 E, S. 12 NESW.

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

June 1 through October 31

f. The purpose of use is:

Administrative purposes at Oregon Butte Lookout.

Dated this 11th day of April, 2003.

Kim Sherwood
Kim Sherwood

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



Sandy Nelson

NOTARY PUBLIC FOR: Idaho

Residing at: Elk City

My Commission Expires: 9/20/2008

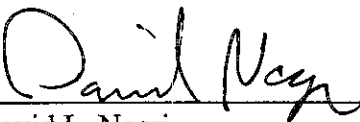
CERTIFICATE OF MAILING

I certify that on April 21, 2003, I mailed a true and correct copy of the foregoing Affidavit of Kim Sherwood 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: 77-10887

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: 02-22-1897

Point of Diversion: T25N R06E S12 NWSE Within Idaho County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Domestic~~	06-01 TO 10-31	.02 CFS
	<u>Administrative</u>		

Place of Use:	~~Domestic~~	Within Idaho County
	<u>Administrative</u>	
	T25N R06E S12	NESW

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0117 17060207 02 2211
Oregon Butte Lookout

EXHIBIT 1