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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
General Litigation Section
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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. 77-11535
	)	
Case Number: 39576	)	AFFIDAVIT OF THOMAS GIONET
_____	)	

State of: IDAHO
County of: CUSTER

Thomas Gionet, 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 Supervisory Range Technician on the Middle Fork Ranger District of the Salmon-Challis National Forest. I have been employed by the Forest Service for 14 years.

2. As part of my assigned duties and responsibilities as a Supervisory Range Technician on the Middle Fork Ranger District, I am familiar with use at Indian Spring Guard Station.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Indian Spring 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 Indian Spring 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 Indian Spring Guard Station, an Administrative Site located in a remote part of the Salmon-Challis National Forest. The administrative site includes a cabin, a corral, and other capital improvements. It is used every year. This is an important staging and transfer location as people prepare to enter the Frank Church River Of No Return Wilderness. It is literally the "end of the road". Personnel

utilize water at this site for administrative purposes. The primary use is by the wilderness trail crew, however all personnel entering the wilderness in this area use this site. Occupation and use of Indian Spring Guard Station is essential to the overall administration of Forest Service programs on this part of the Salmon-Challis National Forest. Personnel working from this site monitor resources and people in the back country and work on the trail system. Their work assures access to the NFS land and their contacts with people and presence in the area serves to improve and protect the forest from depredation and destruction by people and fire, thereby ensuring the continued viability of the resources on surrounding federally reserved National Forest System land. This contributes directly to enhancing resource conditions such as watershed protection, preservation of timber stands, wild land character, and public safety thereby 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 Indian Spring Guard Station in quantities up to and including 0.02 c.f.s. during the period of May 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:

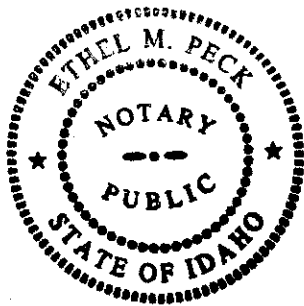
UNITED STATES OF AMERICA acting on behalf of the U.S.D.A. Forest
Service, 550 W. Fort Street, MSC033, Boise, ID 83724.

- b. The source of water is:
Indian Spring
- c. The location is:
- 1) point of diversion:
B.M., T. 15 N, R. 13 E, S. 2 NWNE.
 - 2) place of use:
B.M., T. 15 N, R. 13 E, S. 2 NWNE.
- d. The quantity of water is:
0.02 c.f.s.
- e. The period of use is:
May 1 through October 31
- f. The purpose of use is:
Administrative purposes at Indian Spring Guard Station.

Dated this 8 day of April, 2003.

Thomas Gionet
Thomas Gionet

SUBSCRIBED and SWORN to before me this 8th day of April, 2003.



Ethel M. Peck

NOTARY PUBLIC FOR:

Residing at: Challis

My Commission Expires: 3-19-2004

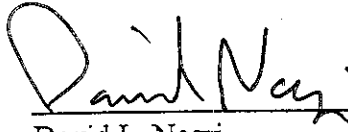
CERTIFICATE OF MAILING

I certify that on April 21, 2003, I mailed a true and correct copy of the foregoing Affidavit of Thomas Gionet 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: 77-11535

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

Source: INDIAN SPRING Tributary: ~~INDIAN CREEK~~ SINKS

Quantity: .02 CFS

Priority Date: 11-05-1906

Point of Diversion: T15N R13E S02 NWNE Within Custer County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Domestic GUARD STATION~~	05-01 TO 10-31	.02 CFS
	<u>Administrative</u>		

Place of Use: ~~Domestic~~ Within Custer County
Administrative
T15N R13E S02 NWNE

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0406 17060205 66 0003
Indian Spring Guard Station