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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. 77-11540
	)	
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 Loon 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 Loon 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 Loon 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 Loon Creek Guard Station, an Administrative Site located in a remote part of the Salmon-Challis National Forest surrounded by the Frank Church River Of No Return Wilderness. The administrative site includes a guard station building, a cabin, a barn/bunkhouse building, a garage, a shop, a gas house, storage buildings, a corral, and other capital improvements. It is used every year.

Personnel utilize water at this site for administrative purposes. Personnel housed at the site include fire crews, recreation crews, trail crews and a wilderness ranger. Occupation and use of Loon Creek 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 Loon Creek 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:

Loon Spring

c. The location is:

1) point of diversion:

B.M., T. 14 N, R. 13 E, S. 14 NWSW.

2) place of use:

B.M., T. 14 N, R. 13 E, S. 14 NWSW.

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

May 1 through October 31

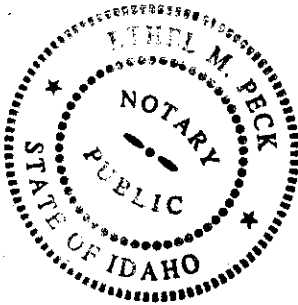
f. The purpose of use is:

Administrative purposes at Loon Creek 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.



Erhel M. Peck

NOTARY PUBLIC FOR:

Residing at: Challis

My Commission Expires: 3-19-04

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: 77-11540

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

Source: LOON SPRING Tributary: SINKS

Quantity: .02 CFS

Priority Date: 11-05-1906

Point of Diversion: T14N R13E S14 NWSW Within Custer County

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

Place of Use:	~~Domestic~~	Within Custer County
	<u>Administrative</u>	
	T14N R13E S14	NWSW

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0406 17060205 62 0001
Loon Creek Guard Station