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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. 77-13913
	)	
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 Elk 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 Elk 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 Elk 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 Elk Creek Guard Station, an administrative site located in a remote part of the Boise National Forest. The administrative site includes six cabins, an office, three trailers, six trailer pads, a workshop, a fire warehouse, a radio building, a fuel storage building, a generator shed, a barn, a corral, and other capital improvements. Approximately twenty fire personnel are stationed at this location each summer. Other employees use the site as needed throughout the summer. 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 Elk Creek Guard Station is essential to the overall administration of Forest Service programs on this part of the Boise National Forest. Administration of NFS programs and presence in the area also serves to protect the forest from depredations and destruction. This ensures the continued viability of the resources on surrounding federally reserved NFS land and directly contributes to watershed protection, preservation of timber stands and to the maintenance of and improvement of 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 Elk Creek Guard Station in quantities up to and including 0.02 c.f.s. during the period of May 1 through November 30, 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. 13 N, R. 9 E, S. 32 NWNE.

2) place of use:

B.M., T. 13 N, R. 9 E, S. 32 NWNE.

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

May 1 through November 30

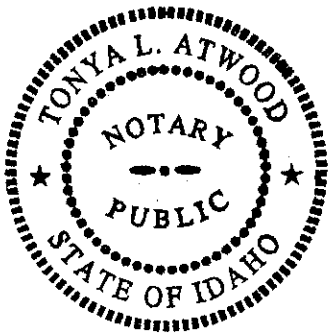
f. The purpose of use is:

Administrative purposes at Elk Creek 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, Idaho

My Commission Expires: 1-2-07

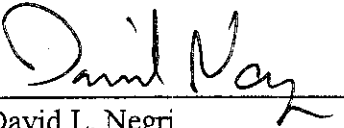
CERTIFICATE OF MAILING

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: 77-13913

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

Source: SPRINGS Tributary: ELK CREEK

Quantity: .02 CFS

Priority Date: ~~05-29-1905~~ 11-16-1906

Point of Diversion: T13N R09E S32 NWNE Within Valley County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Domestic~~	05-01 TO 11-30	.02 CFS
	<u>Administrative</u>		

Place of Use:	~~Domestic~~	Within Valley County
	<u>Administrative</u>	
	T13N R09E S32	NWNE

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0402 17060205 68 0016
Elk Creek Guard Station