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Department of Water Resources

Name of Party Filing Document:

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. 78-10647
	)	
Case Number: 39576	)	AFFIDAVIT OF EARL A. BAUMGARTEN
_____	)	

State of: IDAHO
County of: IDAHO

Earl A. Baumgarten, 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 Resource Assistant on the Hells Canyon National Recreation Area (HCNRA). I have been employed by the Forest Service for 32 years.

2. As part of my assigned duties and responsibilities as a Resource Assistant on the HCNRA I am familiar with use at Seven Devils Guard Station.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Seven Devils 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 Seven Devils 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 Seven Devils Guard Station, an Administrative Site located in a remote area on the HCNRA. The administrative site includes a log cabin and shower house. 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 Seven Devils Guard Station is essential to the overall administration of Forest Service programs on this part of the HCNRA. Personnel use

this site to administer National Forest System(NFS) resource programs including fire and back country management. The Heavens Gate fire lookout uses this guard station as a weigh station while traveling to the lookout and to shower throughout the summer. Administration of NFS programs, including fire, back country management, and presence in the area serves to protect the forest from depredations and destruction by fire, thereby ensuring continuing viability of the resources on surrounding federally reserved NFS land. This results in watershed protection, preservation of timber stands 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 Seven Devils Guard Station in quantities up to and including 0.02 c.f.s. during the period of June 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. 23 N, R. 1 W, S. 7 SENW.

2) place of use:

B.M., T. 23 N, R. 1 W, S. 7 NESW.

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

June 1 through November 30

f. The purpose of use is:

Administrative purposes at Seven Devils Guard Station.

Dated this 10th day of April, 2003.

Earl A. Baumgarten
Earl A. Baumgarten

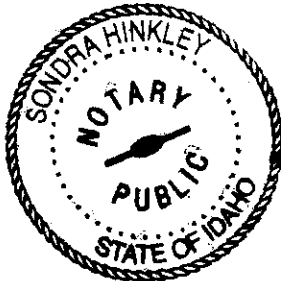
SUBSCRIBED and SWORN to before me this 10 day of April, 2003.

Sondra Hinkley

NOTARY PUBLIC FOR:

Residing at: Ruggies Idaho

My Commission Expires: 9/23/08



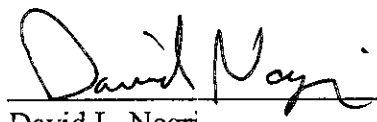
CERTIFICATE OF MAILING

I certify that on April 21, 2003, I mailed a true and correct copy of the foregoing Affidavit of Earl A. Baumgarten 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: 78-10647

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: ~~BRIDGE CREEK~~ SINKS

Quantity: .02 CFS

Priority Date: 05-10-1906

Point of Diversion: T23N R01W S07 SENW Within Idaho County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Domestic~~	06-01 TO 11-30	.02 CFS
	<u>Administrative</u>		

Place of Use: ~~Domestic~~ Within Idaho County
Administrative
T23N R01W S07 NESW

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0117 17060210 01 0522
Seven Devils Guard Station