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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. 81-10330
	)	
Case Number: 39576	)	AFFIDAVIT OF JOE B. HUDSON
_____	)	

State of: IDAHO
County of: IDAHO

Joe B. Hudson, 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 Moose Creek Ranger District of the Nez Perce National Forest. I have been employed by the Forest Service for 23 years.

2. As part of my assigned duties and responsibilities as the District Ranger, I am familiar with the use of Indian Hill Lookout.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for the Indian Hill 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 Indian Hill 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 Indian Hill Lookout, an administrative site located on the boundary of the Selway Bitterroot Wilderness in a remote part of the Nez Perce National Forest. The site includes is a 50 foot tall fire lookout and a cabin which are used every year for administration of National Forest resource management programs. Personnel utilize water at this site for administrative purposes. Occupation and use of Indian Hill 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. In addition trail maintenance personnel and a wilderness packer use the cabin throughout the summer. These personnel and the resource management programs they conduct ensure the continuing viability of the resources on surrounding federally reserved National Forest System land. Prevention of depredation by fire and trail access contribute directly to other resource programs and conditions such as watershed protection, management and preservation of timber stands, wilderness character, trail maintenance, recreation access and public safety.

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 Hill Lookout 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, tributary to Little Creek.

c. The location is:

1) point of diversion:

B.M., T. 31 N, R. 10 E, S. 29 SWSW.

2) places of use:

B.M., T. 31 N, R. 10 E, S. 29 SWSW and

B.M., T. 31 N, R. 10 E, S. 29 SWNW.

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 Indian Hill Lookout.

Dated this 10 day of April, 2003.

Joe B. Hudson
Joe B. Hudson

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

Rose Gehring

NOTARY PUBLIC FOR: Clerk of the Dist. Court

Residing at: Starguville, Alaska 93530

My Commission Expires:

Jan. 2007

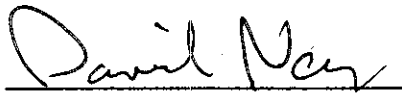
CERTIFICATE OF MAILING

I certify that on April 21, 2003, I mailed a true and correct copy of the foregoing Affidavit of Joe B. Hudson upon 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: 81-10330

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: LITTLE CREEK

Quantity: .02 CFS

Priority Date: 02-22-1897

Point of Diversion: T31N R10E S29 SWSW 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
	<u>Administrative</u>	
	T31N R10E S29	SWSW

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0117 17060302 02 0112
Indian Hill Lookout