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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. 81-10353
	)	
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 Horse Creek Administrative Site.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for the Horse Creek Administrative Site (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 Horse Creek Administrative Site 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 Horse Creek Administrative Site, an administrative site located in a remote part of the Nez Perce National Forest. The site includes a cabin and other capital improvements. It is used every year for administration of National Forest resource and research programs. Personnel utilize water at this site for administrative purposes. Occupation and use of Horse Creek Administrative Site is essential to the overall administration of Forest Service programs on this part of the Nez Perce

National Forest, particularly the Horse Creek Administrative Research Area. Watershed crews and research personnel are routinely housed at the site. A substantial part of their research culminates in watershed studies associated with a variety of land management activities dedicated to preventing depredations of resources and to protecting and improving watershed conditions. This directly contributes to assuring 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 Horse Creek Administrative Site 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:

Unnamed stream, tributary to Horse Creek

c. The location is:

1) point of diversion:

B.M., T. 31 N, R. 9 E, S. 30 SESE.

2) place of use:

B.M., T. 31 N, R. 9 E, S. 30 SESE.

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

June 1 to November 30

f. The purpose of use is:

Administrative purposes at Horse Creek Administrative Site.

Dated this 10th day of April, 2003.

Joe B. Hudson
Joe B. Hudson

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

Joe Hudson

NOTARY PUBLIC FOR: Club of the District Court

Residing at: Strangerville, Idaho 83530

My Commission Expires:

Jan 2007

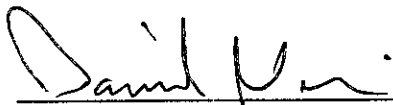
CERTIFICATE OF MAILING

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: 81-10353

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

Source: UNNAMED STREAM Tributary: HORSE CREEK

Quantity: .02 CFS

Priority Date: 02-22-1897

Point of Diversion: T31N R09E S30 SESE 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 R09E S30	SESE

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0117 17060302 02 2911
Horse Creek Administrative Site