

RECEIVED

APR 22 2003

Department of Water Resources

Name of Party Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
United States Department of Justice
Assistant Attorney General
Environment and Natural Resources Division

DAVID L. NEGRI
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St. MSC033
Boise, ID 83724
(208) 331-5943

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. 23-11169
	)	
Case Number: 39576	)	AFFIDAVIT OF DUSTY L. HINCKS
_____	)	

State of: IDAHO
County of: BONNEVILLE

Dusty L. Hincks, 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 Palisades Ranger District of the Caribou-Targhee National Forests. I have been employed by the Forest Service for 26 years.

2. As part of my assigned duties and responsibilities as a Supervisory Range Technician on the Palisades Ranger District I am familiar with and use Calamity Guard Station.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Calamity 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 Calamity 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 Calamity Guard Station, an Administrative Site located on the Caribou-Targhee National Forests. The administrative site includes a dwelling, a garage, and other capital improvements. It is used every year for administration of National Forest resource management programs. Personnel utilize water at this site for administrative purposes. A fire crew, helitac and recreation personnel are normally housed at the site. Personnel utilize water at this site for administrative

purposes. Occupation and use of Calamity Guard Station is essential to the overall administration of Forest Service programs on this part of the Caribou-Targhee National Forests to protect timber and watersheds from fire and other depredations thereby ensuring continuing viability of the resources on surrounding federally reserved National Forest System land. This contributes directly to 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 Calamity Guard Station in quantities up to and including 0.02 c.f.s. during the period of January 1 through December 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:

Groundwater

c. The location is:

1) point of diversion:

B.M., T. 1 S, R.45 E, S. 17 NESW.

2) place of use:

B.M., T. 1 S, R.45 E, S. 17 NESW.

- d. The quantity of water is:
0.02 c.f.s.
- e. The period of use is:
January 1 through December 31
- f. The purpose of use is:
Administrative purposes at Calamity Guard Station.

Dated this 3rd day of April, 2003.

Dusty L. Hincks
Dusty L. Hincks

SUBSCRIBED and SWORN to before me this 3rd day of April, 2003.

R. D. Benedict

NOTARY PUBLIC FOR: STATE OF IDAHO

Residing at: IDAHO FALLS, IDAHO

My Commission Expires: April 20, 2004

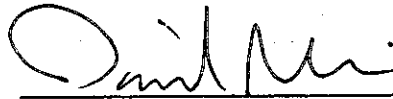
CERTIFICATE OF MAILING

I certify that on April 21, 2003, I mailed a true and correct copy of the foregoing Affidavit of Dusty L. Hincks 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: 23-11169

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

Source: GROUNDWATER

Quantity: .02 CFS

Priority Date: 01-15-1907

Point of Diversion: T01S R45E S17 NESW Within Bonneville County

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Domestic~~	01-01 TO 12-31	.02 CFS
	<u>Administrative</u>		

Place of Use:	~~Domestic~~	Within Bonneville County
	<u>Administrative</u>	
	T01S R45E S17	NESW

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0415 17040104 37 0170
CALAMITY GUARD STATION

EXHIBIT 1