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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. 77-10835
	)	
Case Number: 39576	)	AFFIDAVIT OF LARRY SWAN
_____	)	

State of: IDAHO
County of: VALLEY

Larry Swan, 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 Fire Management Officer (FMO) on the McCall Ranger District of the Payette National Forest. I have been employed by the Forest Service for 32 years.

2. As part of my assigned duties and responsibilities as the FMO on the McCall Ranger District I am familiar with and use Pilot Peak Lookout.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Pilot Peak 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 Pilot Peak 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 Pilot Peak Lookout, an Administrative Site located in a remote part of the Payette National Forest. The administrative site is two story fire lookout on a mountain top. It is a primary lookout for this area. It is used every year for administration of National Forest resource management programs. Personnel utilize water at this site for administrative purposes. Occupation and use of Pilot Peak Lookout is essential to the overall administration of Forest Service programs on this part of the Payette 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, thereby ensuring continuing viability of the resources on surrounding federally reserved National Forest System land. Prevention of depredation by fire contributes directly to other resource programs and conditions such as watershed protection, preservation of timber stands, wild land character, recreation access and public safety 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 Pilot Peak Lookout in quantities up to and including 0.02 c.f.s. during the period of June 1 through October 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:

Spring

c. The location is:

1) point of diversion:

B.M., T. 21 N, R. 8 E, S. 8 SWSW.

2) place of use:

B.M., T. 21 N, R. 8 E, S. 7 SENW.

- d. The quantity of water is:
0.02 c.f.s.
- e. The period of use is:
June 1 through October 31
- f. The purpose of use is:
Administrative purposes at Pilot Peak Lookout.

Dated this 10 day of April, 2003.

Larry Swan
Larry Swan

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



Kathryn Nash

NOTARY PUBLIC FOR: State of Idaho

Residing at: Valley County

My Commission Expires: 3/13/07

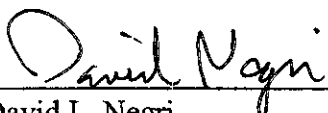
CERTIFICATE OF MAILING

I certify that on April 21, 2003, I mailed a true and correct copy of the foregoing Affidavit of Larry Swan 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: 77-10835

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

Source: ~~PILOT-PEAK~~ SPRING Tributary: SINKS

Quantity: .02 CFS

Priority Date: 12-27-1919

Point of Diversion: T21N R08E S08 SWSW Within Valley County

Purpose and	Purpose of Use	Period of Use	Quantity
Period of Use:	~~Domestic~~	06-01 TO 10-31	.02 CFS
	<u>Administrative</u>		

Place of Use:	~~Domestic~~	Within Valley County
	<u>Administrative</u>	
	T21N R08E S07	SENW

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0412 17060208 29 0406

Pilot Peak Lookout

EXHIBIT 1