

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. 83-10175
	)	
Case Number: 39576	)	AFFIDAVIT OF PATRICK PARKER
_____	)	

State of: IDAHO
County of: CLEARWATER

Patrick Parker, 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 North Fork Ranger

District of the Clearwater National Forest. I have been employed by the Forest Service for 31 years.

2. As part of my assigned duties and responsibilities as the FMO for the North Fork Ranger District, I am familiar with and use Eagle Point Lookout.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Eagle Point 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 Eagle Point 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 Eagle Point Lookout, an Administrative Site located on the Clearwater National Forest. It is a 50 foot tall tower on a mountain top with scheduled use every other year. However, it may be activated at any time during times of high fire danger, fire severity and lightning. The primary purpose is fire: fire detection, fire suppression, fire management and fire prevention to improve and protect the forest from destruction by fire. The tower also houses radio equipment and is an important part of the forests electronic communication network. Personnel utilize water at this site for administrative purposes. Occupation and use of Eagle Point Lookout is essential to the overall

administration of Forest Service programs on this part of the Clearwater National Forest to protect the forest from destruction by fire, thereby ensuring continued 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, recreation access and public safety thereby directly contributing 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 Eagle Point Lookout in quantities up to and including 0.02 c.f.s. during the period of May 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. 40 N, R. 7 E, S. 24 SWNE.

2) place of use:

B.M., T. 40 N, R. 7 E, S. 23 NENE.

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

May 1 through November 30

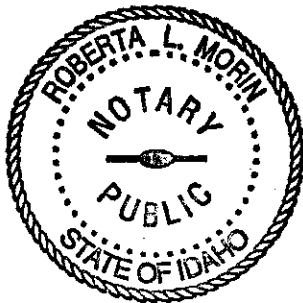
f. The purpose of use is:

Administrative purposes at Eagle Point Lookout.

Dated this 20th day of March, 2003.

Patrick Parker
Patrick Parker

SUBSCRIBED and SWORN to before me this 20th day of March, 2003.



Roberta L Morin

NOTARY PUBLIC FOR: State of Idaho

Residing at: Orofino, Idaho

My Commission Expires: 10/13/2005

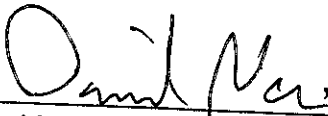
CERTIFICATE OF MAILING

I certify that on April 21, 2003, I mailed a true and correct copy of the foregoing Affidavit of Patrick Parker 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: 83-10175

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: ~~EAGLE CREEK~~ SNEAK CREEK

Quantity: .02 CFS

Priority Date: 11-06-1906

Point of Diversion: T40N R07E S24

SWNE

Within Clearwater County

Purpose and
Period of Use: Purpose of Use
~~Domestic~~
Administrative

Period of Use
05-01 TO 11-30
Quantity
.02 CFS

Place of Use: ~~Domestic~~
Administrative
T40N R07E ~~S24~~ S23 ~~SWNE~~ NENE

Within Clearwater County

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0105 17060307 00 A002
Eagle Point Lookout