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Department of Water Resources

**Name of Party Filing Document:**

UNITED STATES OF AMERICA

**Attorneys' Names and Addresses:**

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Environment and Natural Resources Division  
General Litigation Section  
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Boise, ID 83724  
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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. 83-10221        |
|                    | ) |                             |
| Case Number: 39576 | ) | AFFIDAVIT OF HARTMUT PAULAT |
| _____              | ) |                             |

State of: IDAHO  
County of: IDAHO

Hartmut Paulat, 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 Maintenance Worker on the Lochsa Ranger District of the Clearwater National Forest. I have been employed by the Forest Service for 25 years.

2. As part of my assigned duties and responsibilities as the Maintenance Worker for the Lochsa Ranger District, I am familiar with use at Weitas Guard Station.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Weitas 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 Weitas 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 Weitas Guard Station, an administrative site located in a remote area of the Clearwater National Forest. The work center includes two log cabin residences, a log cabin bunkhouse, a 25 X 70 foot office/kitchen building with loft, a barn, warehouse, storage buildings 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. Fire and trail crews are normally housed at the site. In times of high fire severity two twenty person crews are staged

at these facilities. Their use and occupation of Weitas Guard Station is essential to the overall administration of Forest Service programs on this part of the Clearwater National Forest to protect it from fire and other depredations, thereby ensuring continuing viability of the other resources that directly contribute to maintaining and improving watershed conditions and productive timber stands.

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 Weitas Guard Station 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. 37 N, R. 8 E, S. 15 NENW.

2) place of use:

B.M., T. 37 N, R. 8 E, S. 15 NENW.

- 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 Weitas Guard Station.

Dated this 21 day of March, 2003.

Hartmut Paulat  
Hartmut Paulat

SUBSCRIBED and SWORN to before me this 21 day of March, 2003.

Paula Johnson

NOTARY PUBLIC FOR: Idaho

Residing at: Kamiah

My Commission Expires: 8-5-03

# CERTIFICATE OF MAILING

I certify that on April 21, 2003, I mailed a true and correct copy of the foregoing Affidavit of Hartmut Paulat 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: 83-10221

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: SINKS

Quantity: .02 CFS

Priority Date: 11-06-1906

Point of Diversion: T37N R08E S15 ~~NWSE~~ NENW Within Clearwater County

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

Place of Use: ~~Domestic~~ Within Clearwater County  
Administrative  
T37N R08E S15 ~~NWSE~~ NENW

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

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 0105 17060307 10 A005  
Weitas Guard Station