

Name of Party Filing Document:

UNITED STATES OF AMERICA

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ISB#6697

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. 81-10326
	)	
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 25 years.

2. As part of my assigned duties and responsibilities as the District Ranger, I am familiar with the use at Fenn Ranger Station.

3. I have reviewed the reserved water right claim, Exhibit 1, submitted by the Forest Service for Fenn Ranger 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 place 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 Fenn Ranger 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 Fenn Ranger Station, an administrative site located on the Selway Wild and Scenic River in the Nez Perce National Forest. The site includes three residences, a garage, two warehouses, a fire cache, a pasture and a historic ranger station. It is the main headquarters and office of the Moose Creek Ranger District and is in continual use for administration of National Forest resource management programs. It is the permanent duty station for 15 full time employees. There are approximately 25 personnel stationed there year round including the district fire management

officer and assistant fire management officer. Numerous summer employees are also stationed there including 20 fire personnel. Water at this site is used for administrative purposes. Occupation and use of Fenn Ranger Station is essential to the overall administration of Forest Service programs on this part of the Nez Perce National Forest. All district programs are managed from this facility including fire, wilderness, trails, recreation, wildlife and fisheries to improve and protect the forest from destruction by fire and other depredations, 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, wilderness character, trail maintenance, recreation access and public safety.

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 Fenn Ranger Station in quantities up to and including 0.09 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:

Selway River, tributary to Middle Fork Clearwater River.

c. The location is:

1) point of diversion:

B.M., T. 32 N, R. 7 E, S. 23 Lot 4 (SWSE).

2) place of use:

B.M., T. 32 N, R. 7 E, S. 23 Lot 1 (SWNW), Lot 3 (SEnw) and
Lot 4 (SWSE).

d. The quantity of water is:

0.09 c.f.s.

e. The period of use is:

January 1 to December 31

f. The purpose of use is:

Administrative purposes at Fenn Ranger Station.

Dated this 3rd day of May, 2005.

Joe B. Hudson
Joe B. Hudson

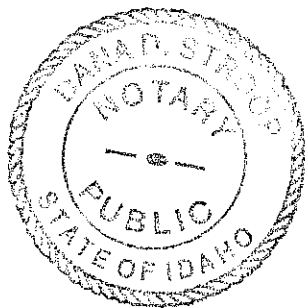
SUBSCRIBED and SWORN to before me this 3rd day of May, 2005.

Dana Straup

NOTARY PUBLIC FOR: Idaho

Residing at: Grangeville, Id

My Commission Expires: 11-24-07



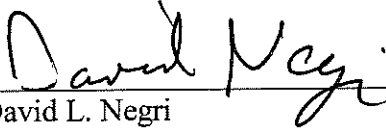
CERTIFICATE OF MAILING

I certify that on May 9, 2005, 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

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Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: 81-10326

RESERVED UNDER FEDERAL LAW

1. Name of Claimant: UNITED STATES OF AMERICA on behalf of the U.S.D.A. Forest Service

Address: 550 W. Fort Street MSC033

Boise

ID 83724

2. Date of Priority: 02/22/1897

3. Source of water: SELWAY RIVER

Tributary: CLEARWATER, MIDDLE
FORK

4. Location Meridian BOISE

Description of Diversion Works: Pump

From: Stream

Location of Point of Diversion

T: 32 N R 07 E S: 23 SWSE L 4

Location of Place of Use

T: 32 N R 07 E S: 23 SENW L 3 ac: 3 T: 32 N R 07 E S: 23 SWNW L 1 ac: 9

T: 32 N R 07 E S: 23 SWSE L 4 ac: 3

5. Quantity claimed: Period Quantity For
1/ 01 - 12/ 31 0.09 CFS Administrative

6. Total Consumptive Use Claimed for Present and Future Use is:
0.09 CFS

7. Present and future uses to which the water is or will be used:
Administrative

8. Remarks:

State Basin: 81

National Forest: Nez Perce

Forest Service Record ID: 1 17 17060302 1 0 2513

Fenn Ranger Station.

I verify to the best of my knowledge the statements contained in this document are true and correct.

Steven M. Spencer
STEVEN M. SPENCER
Consumptive Use Water Specialist

Subscribed and sworn to before me on:

11-17-04
Gloria Baimbridge
Notary Republic

Residing at:

Boise, Idaho - Ada County

My Commission Expires:

10-7-08

