

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. 81-10438
	)	
Case Number: 39576	)	AFFIDAVIT OF JONI PACKARD
_____	)	

State of: IDAHO
County of: IDAHO

Joni Packard, 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 Powell Ranger District of the Clearwater National Forest. I have been employed by the Forest Service for 13 years.

2. As part of my assigned duties and responsibilities as the District Ranger on the Powell Ranger District, I am familiar with and use the Elk Summit Guard Station.

3. I have reviewed the reserved water right claim, attached as Exhibit 1, submitted by the Forest Service for Elk Summit 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 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 Elk Summit 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 the Elk Summit Guard Station, an administrative site located in a remote part of the Clearwater National Forest. The guard station includes a historic guard station cabin, shed, corral and other capital improvements. Elk Summit Guard Station administrative site is used every year for administration of National Forest resource management programs. Personnel utilize water at this site for domestic and other administrative purposes. Wilderness personnel and government

packers routinely use the site because it is situated within 1/4 mile of the Selway Bitterroot Wilderness. Other personnel use the site as needed. Employee presence and occupancy at Elk Summit 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 Elk Summit Guard Station in quantities up to and including 0.02 c.f.s. during the period of June 1 through November 30, as described in Exhibit 1.

9. Based upon the foregoing, 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. 34 N, R. 14 E, S. 1 SWNE

2) place of use:

B.M., T. 35 N, R. 14 E, S. 36 SESE

- d. The quantity of water is:
0.02 c.f.s.
- e. The period of use is:
June 1 through November 30
- f. The purpose of use is:
Administrative purposes at Elk Summit Guard Station.

Dated this 30th day of April, 2005.

Joni Packard
Joni Packard

SUBSCRIBED and SWORN to before me this 30th day of April, 2005.

Julie A. Rasmussen

NOTARY PUBLIC FOR:

Residing at:

My Commission Expires:



JULIE A. RASMUSSEN
NOTARY PUBLIC-MONTANA
Residing at Missoula, Montana
My Comm. Expires Jan 27, 2008

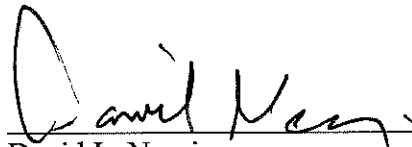
CERTIFICATE OF MAILING

I certify that on May 9, 2005, I mailed a true and correct copy of the foregoing Affidavit of Joni Packard 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

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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: 81-10438

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: SPRING

Tributary: SINKS

4. Location Meridian BOISE

Description of Diversion Works: Headbox

From: Spring

Location of Point of Diversion

T: 34 N R 14 E S: 1 SWNE

Location of Place of Use

T: 35 N R 14 E S: 36 SESE

5. Quantity claimed:

Period

Quantity

For

6 / 01 - 11 / 30

0.02 CFS

Administrative

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

0.02 CFS

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

Administrative

8. Remarks:

State Basin: 81

National Forest: Clearwater

Forest Service Record ID: 1 5 17060303 19 0 A002

Elk Summit Guard 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

