

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. 81-11820
	)	
Case Number: 39576	)	AFFIDAVIT OF DAVID M. CAMPBELL
_____	)	

State of: MONTANA
County of: RAVALLI

David M. Campbell, 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 West Fork Ranger District of the Bitterroot National Forest. I have been employed by the Forest Service for 30 years.

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

3. I have reviewed the reserved water right claim, attached as Exhibit 1, submitted by the Forest Service for Magruder 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 Magruder 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 Magruder Guard Station, an administrative site surrounded by the Frank Church River Of No Return Wilderness and the Wild & Scenic River portion of the Selway River on the Bitterroot National Forest. The site includes a cabin that is used as an office/bunkhouse, a residence, two warehouses, a fire cache, a barn, a pasture, a helispot and other capital improvements. It is used every year for administration of National Forest resource management programs. Personnel utilize water at this

site for domestic and other administrative purposes. Fire personnel, wilderness rangers and trails crews use the site, as well as other personnel as the need arises. Wilderness management requires well maintained trails to provide access to this part of the forest. Occupation and use of Magruder Guard Station is essential to the overall administration of Forest Service programs on this part of the Bitterroot National Forest to protect it from fire and other depredations, thereby directly contributing to other resource programs and conditions such as watershed protection, wilderness character, trail maintenance, recreation access, preservation of timber stands 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 Magruder Guard Station in quantities up to and including 0.50 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:

Unnamed stream, tributary to the Selway River.

c. The location is:

1) point of diversion:

B.M., T. 27 N, R. 14 E, S. 3 SWSW.

2) place of use:

B.M., T. 27 N, R. 14 E, S. 3 NESW.

d. The quantity of water is:

0.50 c.f.s.

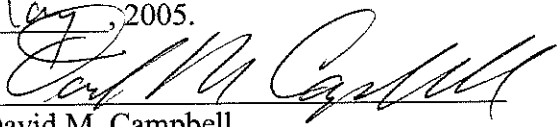
e. The period of use is:

May 1 through November 30

f. The purpose of use is:

Administrative purposes at Magruder Guard Station.

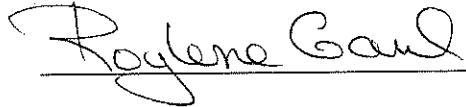
Dated this 3rd day of May, 2005.


David M. Campbell

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



ROYLENE W. GAUL
NOTARY PUBLIC-MONTANA
Residing at Victor, Montana
My Comm. Expires August 12, 2008



Roylene Gaul

NOTARY PUBLIC FOR:

Residing at: Victor, MT

My Commission Expires: 8/12/2008

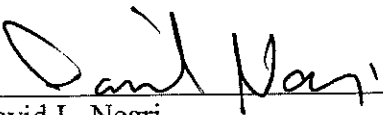
CERTIFICATE OF MAILING

I certify that on May 9, 2005, I mailed a true and correct copy of the foregoing Affidavit of David M. Campbell 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: 81-11820

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: UNNAMED STREAM

Tributary: SELWAY RIVER

4. Location Meridian BOISE

Description of Diversion Works: Combo

From: Stream

Location of Point of Diversion

T: 27 N R 14 E S: 3 SWSW

Location of Place of Use

T: 27 N R 14 E S: 3 NESW ac: 10

5. Quantity claimed: Period Quantity For
5/01 - 11/30 0.50 CFS Administrative

6. Total Consumptive Use Claimed for Present and Future Use is:
0.50 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 17060301 18 A011

Magruder 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

