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DEPARTMENT OF
WATER RESOURCES

Name of Party Filing Document:

UNITED STATES OF AMERICA

Attorney's Names and Addresses:

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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. 69-11515
	)	
Case Number: 39576	)	AFFIDAVIT OF STEVEN M. SPENCER
_____	)	

State of: IDAHO
County of: ADA

STEVEN M. SPENCER, 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 consumptive water use specialist at the Boise Adjudication

Affidavit of Steven M. Spencer – 69-11515

Team. I have been employed by the Forest Service for 29 years.

2. As part of my assigned duties and responsibilities, I oversee water right claims submitted by the Forest Service in the Snake River Basin Adjudication ("SRBA"). Attached as Exhibit 1 is a true and correct copy of claim number 69-11515, as amended and before the Court in the SRBA.

3. I have reviewed Exhibit 1, as amended by the Forest Service for Brownlee Ranger Station.

4. I have reviewed Forest Service historical records describing the reservation of early forest reserves, which later became known as National Forests. Based upon my review, the lands upon which the reserved water right claim is located, including both the legal locations of the point of diversion and place of use as described in Exhibit 1, were first reserved on May 10, 1906, in A Proclamation signed by President Theodore Roosevelt enlarging the Weiser Forest Reserve. This is substantiated in historical documents maintained by the Idaho State Office of the United States Bureau of Land Management in Boise, Idaho. Attached as Exhibit 2 is a copy of the above referenced Proclamation.

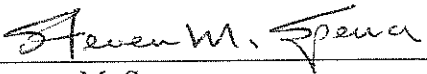
5. The priority date, May 10, 1906, for this reserved water right claim corresponds to the date of the Proclamation enlarging the Weiser Forest Reserve. *See* Exhibit 2.

6. Based upon the forgoing, I have personal knowledge of the following elements of the federal reserved right claim 69-11515 attached hereto as Exhibit 1, submitted in the SRBA:

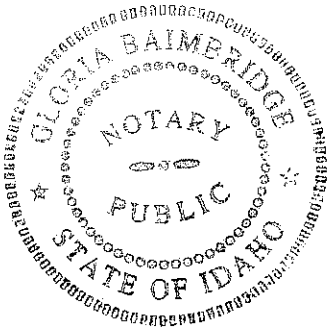
a. The land at the legal descriptions shown as the point of diversion and place of use is federally reserved National Forest System land. It was first reserved on May 10, 1906, in A Proclamation signed by President Theodore Roosevelt enlarging the Weiser Forest Reserve. It is now part of the Payette National Forest.

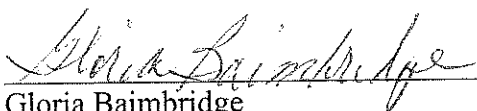
b. The name and address of the claimant is: UNITED STATES OF AMERICA acting on behalf of the USDA Forest Service, 550 W. Fort Street, MSC033, Boise, ID 83724.

c. The priority date is: May 10, 1906.


Steven M. Spencer

SUBSCRIBED and SWORN to before me this 1st day of August, 2006




Gloria Baimbridge
NOTARY PUBLIC FOR: Idaho
Residing at: Boise, Idaho
My Commission Expires: 10/07/2008

CERTIFICATE OF MAILING

I certify that on August 1, 2006, I mailed a true and correct copy of the foregoing Affidavit of Steven M. Spencer – 69-11515 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

A handwritten signature in dark ink, appearing to read "David L. Negri", written over a horizontal line.

David L. Negri

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: 69-11515

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: 05/10/1906
3. Source of water: SPRING Tributary: BROWNLEE CREEK
4. Location Meridian BOISE
Description of Diversion Works: Combo From: Spring
Location of Point of Diversion
T: 16 N R: 04 W S: 9 SWSW
Location of Place of Use
T: 16 N R: 04 W S: 9 NWSW ac: 0
5. Quantity claimed: Period Quantity For
5/ 01 - 11/ 30 0.03 CFS Administrative
6. Total Consumptive Use Claimed for Present and Future Use is:
0.03 CFS
7. Present and future uses to which the water is or will be used:
Administrative
8. Remarks:
State Basin: 69
National Forest: Payette
Forest Service Record ID: 4 12 17050201 0
Brownlee Guard Station

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

Subscribed and sworn to before me on:

Steven M. Spencer

STEVEN M. SPENCER
Consumptive Use Water Specialist

March 14, 2006

Gloria Ramirez
Notary Republic

Residing at:

Boise, Idaho

My Commission Expires:

10-07-08

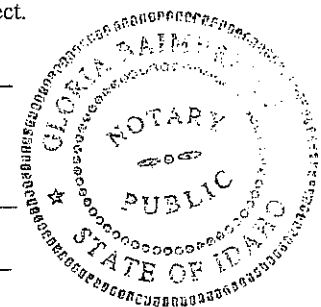


EXHIBIT 1

Warning is hereby expressly given to all persons not to make settle- Reserved from settlement.
ment upon the lands reserved by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 3d day of May, in
[SEAL.] the year of our Lord one thousand nine hundred and six,
and of the Independence of the United States the one
hundred and thirtieth.

THEODORE ROOSEVELT

By the President:

ELIHU ROOT
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

May 10, 1906.

A PROCLAMATION.

WHEREAS, the Weiser Forest Reserve, in the State of Idaho, was established by proclamation dated May twenty-fifth, nineteen hundred and five; Weiser Forest Reserve, Idaho. Preamble. Ainc, p. 3055. Post, p. 3294. Vol. 30, p. 36.

And whereas, it is provided by the Act of Congress, approved June fourth, eighteen hundred and ninety-seven, entitled, "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes", that "The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve";

And whereas, it appears that the public good would be promoted by adding to the said forest reserve certain lands, within the State of Idaho, which are in part covered with timber;

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the aforesaid act of Congress, approved June fourth, eighteen hundred and ninety-seven, do proclaim that the aforesaid Weiser Forest Reserve is hereby enlarged to include the said additional lands, and that the boundaries of the reserve are, accordingly, now as shown on the diagram forming a part hereof;

Forest reserve, Idaho, enlarged.

Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper United States Land Office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired: *Provided*, that this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, or settlement was made.

Lands excepted.

Warning is hereby expressly given to all persons not to make settle- Reserved from settlement.
ment upon the lands reserved by this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 10th day of May,
[SEAL.] in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States the one hundred and thirtieth.

THEODORE ROOSEVELT

By the President:

ELIHU ROOT
Secretary of State.

TOWNSHIP 16 NORTH RANGE 4 WEST OF THE BOISE MERIDIAN, IDAHO

SECTION	SUBDIVISION										ACRES	KIND OF ENTRY -OR- PURPOSE OF ORDER	SERIAL FILE -OR- ORDER NUMBER	DATE OF ACTION	DATE POSTED	REMARKS E. G. DATE CLOSED, TERMINATED, REJECTED OR RESCINDED
	NE 1/4		NW 1/4		SW 1/4		SE 1/4		LOTS	OTHER DESCRIPTION						
	NE	NW	SW	SE	NE	NW	SW	SE								
FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION, MINERALS, WATER, AND/OR OTHER PUBLIC PURPOSES, AND INDIAN TREATIES, REFER TO INDEX OF MISCELLANEOUS DOCUMENTS																
3										MS 1675	17N 4W	52.619	ME Pat	38379	4/1/1904	MC 279
14	X		X					X	X			160.00	CE Pat	2359	6/10/1904	Recon BL 046606 5/15/1933
11									X							
14	X	X			X							160.00	CE Pat	2360	6/10/1904	Recon BL 046606 5/15/1933
33								X		X						
34					X	X						160.00	CE Pat	2375	6/10/1904	
14					X											
15								X		X						
22	X											160.00	CE Pat	2494	7/26/1904	Partially Recon BL 054848 12/8/1944; Part Recon 12/18/1985
14					X			X	X							
23	X											160.00	CE Pat	2453	8/23/1904	Recon BL 054848 12/8/1944
14						X						40.00	CE Pat	2579	8/23/1904	Recon BL 054848 12/8/1944
24					X		X									
25			X									120.00	CE Pat	2671	8/23/1904	Recon 12/18/1985
23		X			X							80.00	CE Pat	2774	12/29/1904	Recon BL 054848 12/8/1944
										M&B; 14N 5W						Chg to Weiser NF Act 3/4/1907; Partially Rev Proc 1151 6/30/1911; Trfd to Payette NF
													Proc Wd1 Weiser Forest Res		5/10/1906	PLD 218 3/18/1944
6								X								
9					X	X	X	X			20N 1E		SO Wd1 USFS Adm S		11/21/1906	Brownlee Rgr Sta 7; Enlgt SO 11/18/1907; Partially Rev SO 11/18/1907, SO 5/15/1914
35								X		X	15N 4W	80.00	HE	B 04367	1/1/1907	Rel 8/27/1909
29								X	X	X						
32	X											160.00	HE Pat	2514	6/3/1907	
35					X	X	X	X				160.00	HE Pat	2483	6/15/1907	
14								X								
23			X	X	X							160.00	CE Pat	3634	8/1/1907	Recon BL 054848 12/8/1944
5					X		X	X	X			160.00	HE Pat	2488	8/26/1907	
32		X						X								
33			X		X							160.00	HE Pat	2574	11/14/1907	
8										N 1/2 NE 1/4 SE 1/4, SW 1/4 NE 1/4 SE 1/4						
9								X		S 1/2 NE 1/4 SE 1/4, S 1/2 SW 1/4 SW 1/4		SO Rev USFS Adm S SO 11/21/1906		11/18/1907		Brownlee Rgr Sta
8										NE 1/4 SE 1/4 SE 1/4						
9	X				X					N 1/2 NW 1/4 SE 1/4		SO Enlgt USFS Adm S SO				
													11/21/1906		11/18/1907	Brownlee Rgr Sta 7
27		X						X	X	X		160.00	HE Pat	2605	1/23/1908	
35		X	X					X	X			160.00	HE Pat	2619	1/27/1908	
34					X		X	X	X			160.00	HE Pat	2633	2/24/1908	
34										X	15N 4W	80.00	HE Pat	2634	2/24/1908	
5																
6	X	X	X		X	X										
5			X	X								320.00	CE Pat	623	3/26/1908	
32																
33					X						15N 4W	80.00	HE Pat	2715	4/30/1908	
22			X	X								80.00	HE	B 0374	7/23/1908	Canc 2/14/1913
8					X			X				80.00	HE Pat	47331	2/18/1909	B 0362
33			X		X							80.00	HE	B 05714	3/13/1909	Ref 4/4/1912
1										X	See Rmks					S 1/2 NE 1/4 NW 1/4 SE 1/4, SE 1/4 NW 1/4 SE 1/4, NE 1/4 NW 1/4 SE 1/4, S 1/2 NW 1/4 NE 1/4 SE 1/4, SW 1/4 NE 1/4 SE 1/4, E 1/2 NE 1/4 SE 1/4, E 1/2 SW 1/4 SE 1/4
27											N 1/2 NW 1/4 NW 1/4					
28											N 1/2 NW 1/4 NE 1/4 NE 1/4	160.00	HE	B 06382	5/22/1909	Ref 3/1/1911