

RECEIVED

AUG 02 2006

DEPARTMENT OF
WATER RESOURCES

Name of Party Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

DAVID L. NEGRI
United States Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 W. Fort St. MSC033
Boise, ID 83724
(208) 334-1936; facsimile (208) 334-1414
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 MONTE L. HURD
_____	)	

State of: IDAHO
County of: WASHINGTON

Monte L. Hurd, 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 Fire Mangement Officer (FMO) on the West Zone of the Payette

National Forest. The West Zone is the Weiser and Council Ranger Districts. I have been employed by the Forest Service for 24 years.

2. As part of my assigned duties and responsibilities as the FMO on the West Zone I am familiar with and use Brownlee Ranger Station.

3. I have reviewed the reserved water right claim, attached as Exhibit 1, submitted by the Forest Service for Brownlee 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 Brownlee 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 Brownlee Ranger Station, an Administrative Site located on the Payette National Forest. It includes two bunkhouses, a warehouse, six trailer pads 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. Occupation and use of Brownlee Ranger Station is essential to the overall administration of Forest Service programs on this part of the Payette National

Forest. A fire crew is normally stationed at this site during the summer. Their primary responsibilities are in fire - fire suppression, fire prevention, and fire planning. Administration of NFS programs such as fire and personnel presence in the area serves to protect the forest from depredations and destruction by fire, thereby ensuring continuing viability of the resources on surrounding federally reserved NFS land. This results in watershed protection, preservation of timber stands, wild land character, recreation access and public safety thereby directly contributing to the maintenance of and improving watershed conditions, timber production and favorable conditions of water flow.

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 Brownlee Ranger Station in quantities up to and including 0.03 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:

Spring

c. The location is:

1) point of diversion:

B.M., T. 16 N, R. 4 W, S. 9 SWSW.

2) place of use:

B.M., T. 16 N, R. 4 W, S. 9 NWSW.

d. The quantity of water is:

0.03 c.f.s.

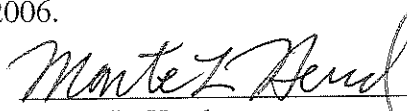
e. The period of use is:

May 1 through November 30

f. The purpose of use is:

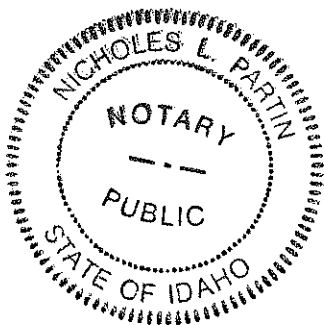
Administrative purposes at Brownlee Ranger Station.

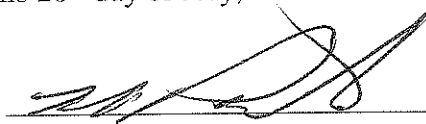
Dated this 28th day of July, 2006.



Monte L. Hurd

SUBSCRIBED and SWORN to before me this 28th day of July, 2006.





NOTARY PUBLIC FOR:

Residing at: *m.d.-ile, Idaho*

My Commission Expires: *7/23/2012*

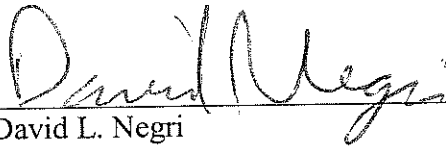
CERTIFICATE OF MAILING

I certify that on August 1, 2006, I mailed a true and correct copy of the foregoing Affidavit of Monte L. Hurd 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

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.

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

Subscribed and sworn to before me on:

March 14, 2004

Georgia Fairbridge
Notary Public

Residing at:

Boise, Idaho

My Commission Expires:

10-07-08

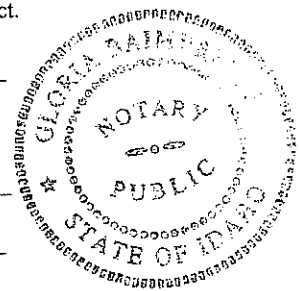


EXHIBIT 1