

Name of Party Filing Document:

UNITED STATES OF AMERICA

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Counsel for the United States of America

RECEIVED
SEP 05 2006
DEPT. 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 SRBA	)	Subcase No. 74-15497
	)	
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

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 74-15497 in the SRBA.

3. I have reviewed Exhibit 1, for Hayden Creek Administrative Site.

4. I have reviewed Forest Service historical records describing the early reservation of lands that are now part of the National Forest System (NFS) known today 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 and set apart as a ranger station for use in connection with the administration of the Salmon National Forest on December 4, 1908, by the Assistant Secretary of the Department of the Interior. This is substantiated in historical documents maintained by the Idaho State Office of the United States Bureau of Land Management in Boise, Idaho.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 reservation document.

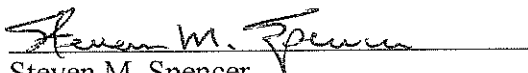
5. The priority date, December 4, 1908, for this reserved water right claim corresponds to the date of the above referenced approval of this reservation for the Salmon National Forest. *See Exhibit 2.*

6. Based upon the forgoing, I have personal knowledge of the following elements of the federal reserved right claim 74-15497 attached hereto as Exhibit 1, submitted in the SRBA:

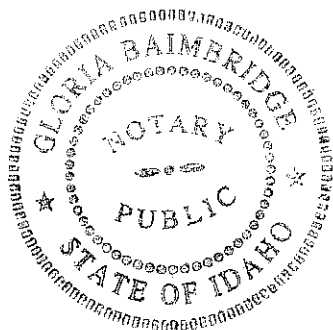
a. The land at the legal descriptions shown as the point of diversion and place of use is federally reserved National Forest System land. It was first reserved on December 4, 1908, by the Assistant Secretary of the Department of the Interior. It is now part of the Salmon Challis National Forest.

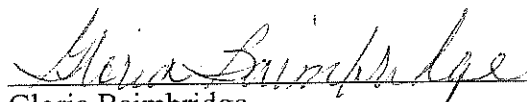
b. The name and address of the claimant is: UNITED STATES OF AMERICA acting on behalf of the USDA Forest Service, 550 W. Fort Street, MSC033, Boise, ID 83724.

c. The priority date is: December 4, 1908.


Steven M. Spencer

SUBSCRIBED and SWORN to before me this 31st day of August, 2006




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

SEP 07 2004

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

CIVIL CASE NUMBER: 39576

Ident. Number: 74-15497

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: 12/04/1908

3. Source of water: Hayden Creek

Tributary: Lemhi River

4. Location Meridian BOISE

Description of Diversion Works: None

From: Stream

Location of Point of Diversion

T: 18 N R 24 E S: 29 SENE L 5 B T: 18 N R 24 E S: 29 SENE L 5 E

Location of Place of Use

T: 18 N R 24 E S: 29 SENE L 5 ac: 0

5. Quantity claimed:

Period

Quantity

For

1 / 01 - 12 / 31

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: 74

National Forest: Salmon

Forest Service Record ID: 4 13 170602 0

Lemhi Administrative Site

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

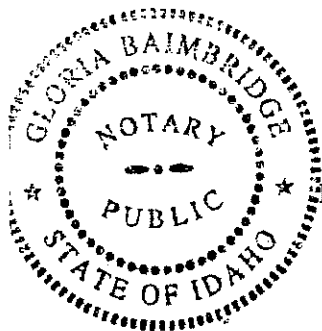
Subscribed and sworn to before me on:

9-7-04
Gloria Baimbridge
Notary Republic

Residing at:

Boise Idaho - Ada County
10-07-08

My Commission Expires:



78H
28
REFER IN REPLY TO THE FOLLOWING

Land
65012-1908
76699-1908
79910-1908
J H H

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, December 2, 1908

Subject:
Land set apart for ranger
station.

Salmon 7.7 2
Box 127
Salmon National Forest
DEC 5 1908
195585
187008

The Honorable

The Secretary of the Interior.

Sir:

At the request of the Associate Forester in letters of November 12, and 25, 1908, respectively, I recommend that the W/2 of the SE/4 of the NE/4 and the E/2 of the SW/4 of the NE/4 of Sec. 29, T. 18 N., R. 24 E., B. M., situated in the Agency and school plant and school farm of the Lemhi Reservation, Idaho, be reserved and set apart as a ranger station for use in connection with the administration of the Salmon National Forest, provided that nothing in this order shall interfere with the use and occupancy of any ground and buildings occupied by the custodian in charge of the reservation, or with the five-acre tract occupied by the Foreign & Domestic Missionary Society of the Protestant Episcopal Church, and that the Commissioner of the General Land Office be requested to make the necessary notation of this reserve on the records of his office and hold it from all forms of settlement and entry when the lands become to be disposed of.

The Indian title to the lands in the reservation, including the agency and school plant and school farm, has been

L-65012-2

Sol-2

195585

extinguished and the Indians removed to the Fort Hall reservation in Idaho. The Office is informally advised, by the Commissioner of the General Land Office, that the spring of 1909 will find the surveys accepted and the plats ready, so that the lands of this reservation may be opened to entry.

Very respectfully,

R. G. Valentine

Acting Commissioner.

RS

December 4, 1908

Approved and referred to the Commissioner of the General Land Office for action in accordance with the foregoing recommendations.

J. M. Wilson
Assistant Secretary.

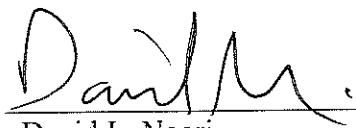
CERTIFICATE OF MAILING

I certify that on September 1, 2006, I mailed a true and correct copy of the foregoing Affidavit of Steven M. Spencer – 74-15497 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