

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. 74-15497
	)	
Case Number: 39576	)	AFFIDAVIT OF DENNIS M. HILLIARD
_____	)	

State of: IDAHO
County of: LEMHI

Dennis M. Hilliard, 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 Leadore Ranger District of the Salmon

RECEIVED
SEP 05 2006
DEPARTMENT OF
WATER RESOURCES

Challis National Forest. I have been employed by the Forest Service for 26 years.

2. As part of my assigned duties and responsibilities as the District Ranger on the Leadore Ranger District I am familiar with the use of Hayden Creek Administrative Site..

3. I have reviewed the reserved water right claim, attached as Exhibit 1, submitted by the Forest Service for Hayden Creek Administrative Site (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 (NFS) land. It is currently utilized by the Forest Service at Hayden Creek Administrative Site.

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 Hayden Creek Administrative Site on the Salmon Challis National Forest. It is a fenced forty acre parcel of land that is used to pasture government owned pack and saddle stock. It is the primary winter pasture for these animals. It is used every year and is an integral part of the administration of National Forest resource management programs. Use of pack and saddle stock is essential to the overall administration of Forest Service programs on this part of the Salmon Challis National Forest because access to much of the forest is on trails and limited to foot and horse travel. Access is vital to the administration of resource management programs on NFS land such as

timber, rangeland, forest health, watershed and wildlife inventory. It also increases the federal presence on the ground and the ability to respond to depredations and other administrative needs. This helps ensure the continued viability of the resources on federally reserved NFS land on this part of the Salmon Challis National Forest thereby contributing to watershed protection, preservation of timber stands, wild land character and 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 Hayden Creek Administrative Site in quantities up to and including 0.02 c.f.s. during the period of January 1 through December 31, 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:

Hayden Creek

c. The location is:

1) point of diversion:

B.M., T. 18 N, R. 24 E, S. 29 Lot 5 (SENE).

2) place of use:

B.M., T. 18 N, R. 24 E, S. 29 Lot 5 (SENE).

d. The quantity of water is:

0.02 c.f.s.

e. The period of use is:

January 1 through December 31

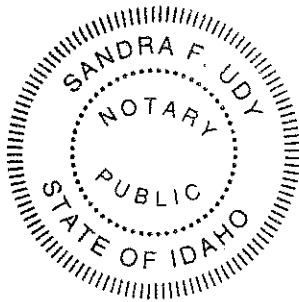
f. The purpose of use is:

Administrative purposes at Hayden Creek Administrative Site.

Dated this ~~27~~ day of August, 2006.

Dennis M. Hilliard
Dennis M. Hilliard

SUBSCRIBED and SWORN to before me this 29th day of August, 2006.



Sandra F. Udy

NOTARY PUBLIC FOR:

Residing at: Leadore Idaho

My Commission Expires: 09/18/2008

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

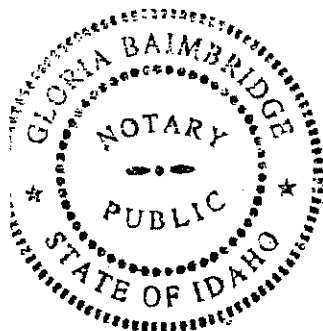
Subscribed and sworn to before me on:

9-7-04
Gloria Baimbridge
 Notary Republic

Residing at:

Boise Idaho - Ada County
10-07-08

My Commission Expires:



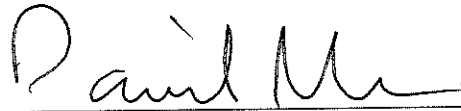
CERTIFICATE OF MAILING

I certify that on September 1, 2006, I mailed a true and correct copy of the foregoing Affidavit of Dennis M. Hilliard 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 black ink, appearing to read "David L. Negri", written over a horizontal line.

David L. Negri