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DEPARTMENT OF
WATER RESOURCES

Name of Party Filing Document:

UNITED STATES OF AMERICA

Attorneys' 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. 77-10795
	)	
Case Number: 39576	)	AFFIDAVIT OF STEPHEN J KIMBALL
_____	)	

State of: IDAHO
County of: LEMHI

Stephen J. Kimball, 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 North Fork Ranger District of the Salmon-Challis 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 on the North Fork Ranger District, I am familiar with and use at Bernard Guard Station.

3. I have reviewed the reserved water right claim, attached as Exhibit 1, submitted by the Forest Service for Bernard 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 Bernard 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 Bernard Guard Station, an administrative site located in a remote part of the Salmon-Challis National Forest on the Salmon River within the congressionally designated National Wild and Scenic River Corridor. The administrative site includes a residence, a log tack and tool building, a pasture and other capital improvements. It is normally used by a wilderness trail crew during the summer. It is 28 miles by trail inside the Frank Church River Of No Return Wilderness. Employees are often flown into the site. Other employees use the site as needed throughout the summer. It is used every year by the Forest Service to administer National Forest resource management programs. Personnel utilize water at this site for

administrative purposes. Occupation and use of the site is essential to the overall administration of Forest Service programs on this part of the Salmon-Challis National Forest. Trail maintenance to assure access for management is important in this remote country. The trail crew also makes contact with people throughout the summer and reports on other activities and situations they encounter. Administration of NFS programs and employee presence in the area serves to protect the forest from depredations and destruction. This ensures the continued viability of the resources on surrounding federally reserved NFS land and directly contributes to watershed protection, preservation of timber stands and to the maintenance of and improvement of 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 Bernard Guard Station in quantities up to and including 0.03 c.f.s. during the period of April 1 through September 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:

Bernard Creek

c. The location is:

1) point of diversion:

B.M., T. 19 N, R. 14 E, S. 22 SWNW.

2) place of use:

B.M., T. 19 N, R. 14 E, S. 22 Lot 3 (SENW).

d. The quantity of water is:

0.03 c.f.s.

e. The period of use is:

April 1 through September 30

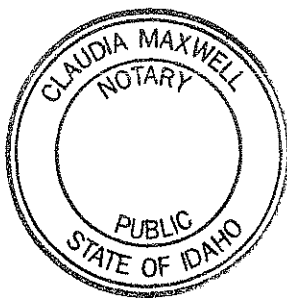
f. The purpose of use is:

Administrative purposes at Bernard Guard Station.

Dated this 8th day of February 2007.

Stephen J. Kimball
Stephen J. Kimball

SUBSCRIBED and SWORN to before me this 8 day of February 2007.



Claudia Maxwell

NOTARY PUBLIC FOR:

Residing at: North Fork ID 83466

My Commission Expires: 03/07/12

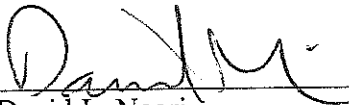
CERTIFICATE OF MAILING

I certify that on February 14, 2007, I mailed a true and correct copy of the foregoing Affidavit of Stephen J. Kimball 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: 77-10795

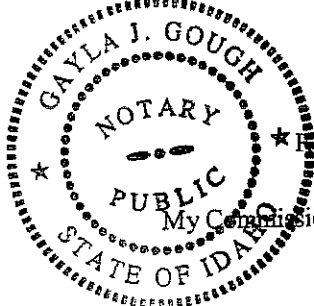
RESERVED UNDER FEDERAL LAW

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: 12/27/1919
3. Source of water: BERNARD CREEK
Tributary: SALMON RIVER, MIDDLE FORK
4. Location Meridian BOISE
Description of Diversion Works: Ditch or Canal
From: Stream
Location of Point of Diversion
T: 19 N R 14 E S: 22 SWNW
Location of Place of Use
T: 19 N R 14 E S: 22 SENW L 3
5. Quantity claimed: Period Quantity For
4/01 - 9/30 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: 77
National Forest: Salmon
Forest Service Record ID: 4 13 17060206 39 0 0004
BERNARD 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:



Aug 24 2005
[Signature]
Notary Republic
KUNA, IDAHO
11-20-2010

Residing at:

My Commission Expires: