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DEPARTMENT OF
WATER RESOURCES

Name of Party Filing Document:

UNITED STATES OF AMERICA

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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. 77-11537
	)	
Case Number: 39576	)	AFFIDAVIT OF THOMAS A. MONTOYA
_____	)	

State of: IDAHO
County of: CUSTER

Thomas A. Montoya, 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 Middle Fork Ranger District of the

Salmon-Challis National Forest. I have been employed by the Forest Service for 21 years.

2. As part of my assigned duties and responsibilities as the District Ranger on the by the Middle Fork Ranger District I am familiar with the use at Loon Creek Administrative Site.

3. I have reviewed the reserved water right claim, attached as Exhibit 1, submitted Forest Service for Loon 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 lands. It is currently utilized by the Forest Service at Loon Creek Administrative Site 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 Loon Creek Administrative Site located in a remote part of the Salmon-Challis National Forest. The administrative site is a fence compound that includes three dwellings, a garage/workshop, a garage/storage building, a gas house, a barn, a corral and other capital improvements. It is now customarily used by wilderness and recreation personnel and trail crews. It is also used by other personnel as needed and was used in 2006 for fighting fires. 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. Wilderness, recreation and trail programs assure access for management and is important in this remote country. These personnel 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 Loon Creek Administrative Site in quantities up to and including 1.00 c.f.s. during the period of May 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:

Unnamed Stream

c. The location is:

1) point of diversion:

B.M., T. 14 N, R. 13 E, S. 13 SESW.

2) place of use:

B.M., T. 14 N, R. 13 E, S. 14 SWSW and S. 15 SESE.

d. The quantity of water is:

1.00 c.f.s.

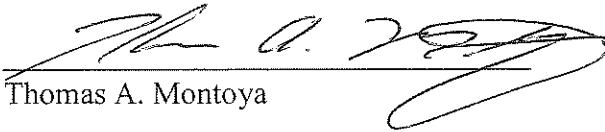
e. The period of use is:

May 1 through September 30

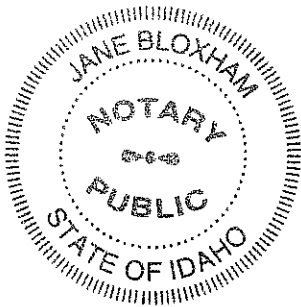
f. The purpose of use is:

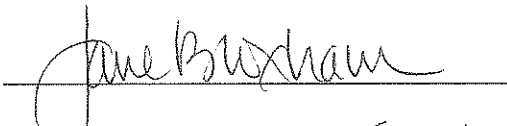
Administrative purposes at Loon Creek Administrative Site.

Dated this 5 day of February 2007.


Thomas A. Montoya

SUBSCRIBED and SWORN to before me this 5th day of February 2007.




NOTARY PUBLIC FOR: ECU

Residing at: Challis, ID 83226

My Commission Expires: 1-26-10

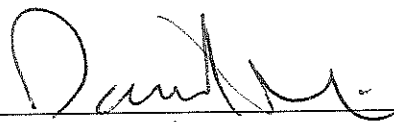
CERTIFICATE OF MAILING

I certify that on February 14, 2007, I mailed a true and correct copy of the foregoing Affidavit of Thomas A. Montoya 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: 77-11537

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: 11/05/1906
3. Source of water: UNNAMED STREAM Tributary: MAYFIELD CREEK
4. Location Meridian BOISE
Description of Diversion Works: Ditch or Canal From: Stream
Location of Point of Diversion
T: 14 N R: 13 E S: 13 SESW
Location of Place of Use
T: 14 N R: 13 E S: 14 SWSW T: 14 N R: 13 E S: 15 SESE
5. Quantity claimed: Period Quantity For
5/ 01 -- 9/ 30 1.00 CFS Administrative
6. Total Consumptive Use Claimed for Present and Future Use is:
1.00 CFS
7. Present and future uses to which the water is or will be used:
Administrative
8. Remarks:
State Basin: 77
National Forest: Challis
Forest Service Record ID: 4 6 17060205 63 0 0005
Loon Creek 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:

Aug 24 2005
[Signature]
Notary Republic

Residing at:

KUNA IDAHO

My Commission Expires:

11-20-2010

