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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. 77-11569
	)	
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 Cape Horn Guard Station.

3. I have reviewed the reserved water right claim, attached as Exhibit 1, submitted by the Forest Service for Cape Horn 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 point 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 Cape Horn 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 Cape Horn Guard Station, an administrative site located in a remote part of the Salmon-Challis National Forest. The administrative site includes two dwellings, a bunkhouse, a barn/workshop building, a shed/fire cache, a pump house, a gas house and other capital improvements. A recreation guard is normally stationed at the site during the summer. Other employees use the site as needed throughout the summer. For example, Cape Horn Guard Station has been extensively used for fire operations in 2001 and 2006. During these fires there were over 100 personnel at the site. 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. The recreation guard contacts people throughout the summer, monitors camp sites and fires at camp sites. 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 Cape Horn Guard Station in quantities up to and including 1.00 c.f.s. during the period of July 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:

Knapp Creek

c. The location is:

1) point of diversion:

B.M., T. 12 N, R. 12 E, S. 7 SWSE.

2) place of use:

B.M., T. 12 N, R. 11 E, S. 13 SENE.

d. The quantity of water is:

1.00 c.f.s.

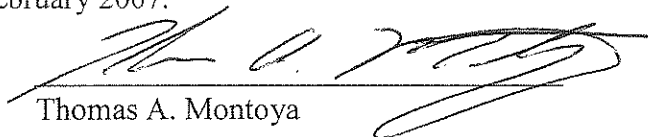
e. The period of use is:

July 1 through September 30

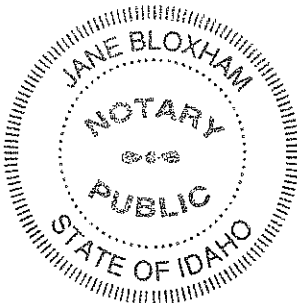
f. The purpose of use is:

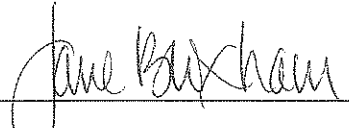
Administrative purposes at Cape Horn Guard Station.

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: Eric

Residing at: Challis, ID 83226

My Commission Expires: 1-26-10

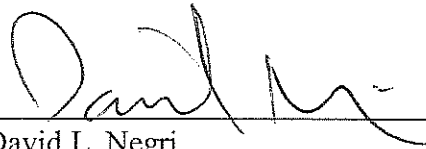
CERTIFICATE OF MAILING

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

A handwritten signature in black ink, appearing to read "David L. Negri", is written over a horizontal line.

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: 77-11569

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: KNAPP CREEK Tributary: MARSH CREEK
4. Location Meridian BOISE
Description of Diversion Works: Ditch or Canal From: Stream
Location of Point of Diversion
T: 12 N R 12 E S: 7 SWSE
Location of Place of Use
T: 12 N R 11 E S: 13 SENE
5. Quantity claimed: Period Quantity For
7/ 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 54 0 0011
Cape Horn 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:

May 23, 2015
Gloria Baimbridge
Notary Republic

Residing at:

Boise, Idaho - Ada County

My Commission Expires:

10-07-08

