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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. 77-13915
	)	
Case Number: 39576	)	AFFIDAVIT OF CAROL MCCOY BROWN
_____	)	

State of: IDAHO
County of: VALLEY

Carol McCoy Brown, 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 Cascade Ranger District of the Boise National Forest. I have been employed by the Forest Service for 16 years.

2. As part of my assigned duties and responsibilities as the District Ranger on the Cascade Ranger District, I am familiar with and use Landmark Ranger Station.

3. I have reviewed the reserved water right claim, attached as Exhibit 1, submitted by the Forest Service for Landmark Ranger 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 places 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 Landmark Ranger 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 Landmark Ranger Station, an administrative site located in a remote part of the Boise National Forest. The administrative site includes five dwellings, six garages, a warehouse, a shop, a shower house, a wood shed, a barn, a tack shed and other capital improvements. A fire crew is normally housed at this site each summer. In addition, it is also used by trail crews, timber marking crews and other employees as needed. In 2006 it was used during the Summit Lake fire as a base for a Type 2 operations chief. 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 Boise National Forest. Occupancy by fire personnel contribute to fire detection, fire suppression, fire management and fire prevention to improve and protect the forest from destruction by fire, thereby ensuring continuing viability of the resources on surrounding federally reserved National Forest System land. Administration of NFS programs and employee presence in the area serves to protect the forest from fire and other depredations and destruction. It contributes directly to other resource programs and conditions such as watershed protection, preservation of timber stands, wild land character, recreation access and public safety thereby 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 Landmark Ranger Station in quantities up to and including 0.06 c.f.s. during the period of May 1 through November 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:

Spring

c. The location is:

1) point of diversion:

B.M., T. 15 N, R. 7 E, S. 1 SESE.

2) places of use:

B.M., T. 15 N, R. 7 E, S. 1 SESE and S. 12 NENE and

T. 15 N, R. 8 E, S. 7 Lot 1 (NWNW) .

d. The quantity of water is:

0.06 c.f.s.

e. The period of use is:

May 1 through November 30

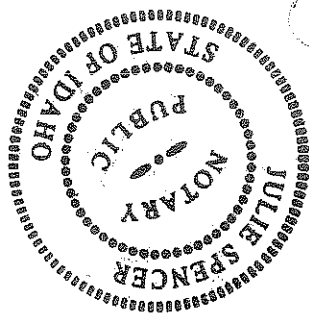
f. The purpose of use is:

Administrative purposes at Landmark Ranger Station.

Dated this 5 day of February 2007.

Carol McCoy Brown
Carol McCoy Brown

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



Julie Spencer
NOTARY PUBLIC FOR:

Residing at: Cascade ID

My Commission Expires: 1.21.11

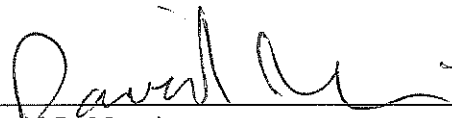
CERTIFICATE OF MAILING

I certify that on February 14, 2007, I mailed a true and correct copy of the foregoing Affidavit of Carol McCoy Brown 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: 77-13915

RESERVED UNDER FEDERAL LAW

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DEPARTMENT OF
WATER RESOURCES

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: 06/03/1905

3. Source of water: SPRING

Tributary: LANDMARK CREEK

4. Location Meridian BOISE

Description of Diversion Works: Headbox

From: Spring

Location of Point of Diversion

T: 15 N R: 07 E S: 1 SESE

Location of Place of Use

T: 15 N R: 07 E S: 1 SESE

ac: 0

T: 15 N R: 07 E S: 12 NENE

ac: 0

T: 15 N R: 08 E S: 7 NWNW

L: 01 ac: 0

5. Quantity claimed:

Period

Quantity

For

5/01 -- 11/30

0.06 CFS

Administrative

6. Total Consumptive Use Claimed for Present and Future Use is:

0.06 CFS

7. Present and future uses to which the water is or will be used:

Administrative

8. Remarks:

State Basin: 77

National Forest: Boise

Forest Service Record ID: 4217060208 81 0011

Landmark Ranger 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:

3/24/06

Jeffrey Scott Shaw
Notary Republic

Residing at:

Boise, ID

My Commission Expires:

10/17/06

JEFFREY SCOTT SHAW
☆ NOTARY PUBLIC ☆
STATE OF IDAHO

EXHIBIT - 1