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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)
)
Case Number: 39576)

)

Subcase No. 77-13920

AFFIDAVIT OF CLEM POPE

State of: IDAHO
County of: VALLEY

Clem Pope 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 Recreation and Wilderness Resource Specialist on the Krassel Ranger District of the Payette National Forest. I have been employed by the Forest Service for

34 years.

2. As part of my assigned duties and responsibilities as the Recreation and Wilderness Resource Specialist on the Krassel Ranger District I am familiar with and use Big Creek Guard Station.

3. I have reviewed the reserved water right claim, attached as Exhibit 1, submitted by the Forest Service for Big Creek 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 Big Creek 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 Big Creek Guard Station, an Administrative Site located adjacent to the Frank Church River Of No Return Wilderness in a remote part of the Payette National Forest. The administrative site includes a residence, a cabin, two apartments, a warehouse, a gas house, a barn, a nearby landing strip, pasture and other capital improvements. It is used every year for administration of National Forest resource management programs. Personnel utilize water at this site for administrative purposes. Personnel are normally housed at the site include a wilderness technician, a wilderness

patrol, and recreation and trails crews. Their presence, occupation and use of Big Creek Guard Station is essential to the overall administration of Forest Service programs on this part of the Payette National Forest to protect timber and watersheds from depredations and fire. This remote site becomes an active hub at any time there is a fire in the area for access and operations to support fire suppression. A well maintained trail system and employee presence is vital in this area, thereby ensuring continuing viability of the resources on surrounding federally reserved National Forest System land to maintain and improve 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 Big Creek Guard Station in quantities up to and including 1.00 c.f.s. during the period of May 1 through October 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:

McCorkle Creek

c. The location is:

1) points of diversion:

B.M., T. 21 N, R. 9 E, Section 26 NWSW and SWNE.

2) places of use:

B.M., T. 21 N, R. 9 E, Section 23 SWSE, and

Section 26 NWNE, SWNE, SENW, NESW and NWSE.

d. The quantity of water is:

1.00 c.f.s.

e. The period of use is:

May 1 through October 31

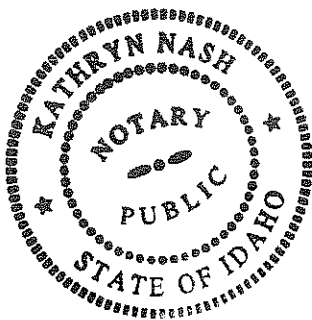
f. The purpose of use is:

Administrative purposes at Big Creek Guard Station.

Dated this 30 ^{January} day of ~~February~~ 2007.

Clem Pope
Clem Pope

SUBSCRIBED and SWORN to before me this 30 ^{January} day of ~~February~~ 2007.



Kathryn Nash

NOTARY PUBLIC FOR:

Residing at:

My Commission Expires: March 13, 2007

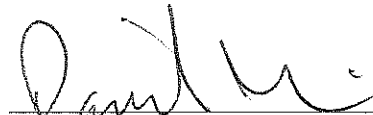
CERTIFICATE OF MAILING

I certify that on February 14, 2007, I mailed a true and correct copy of the foregoing Affidavit of Clem Pope 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: 77-13920

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: 12/27/1919

3. Source of water: MCCORKLE CREEK

Tributary: BIG CREEK

4. Location Meridian BOISE

Description of Diversion Works: Headgate

From: Stream

Location of Point of Diversion

T: 21 N R 09 E S: 26 NWSW

T: 21 N R 09 E S: 26 SWNE

Location of Place of Use

T: 21 N R 09 E S: 23 SWSE

ac: 0

T: 21 N R 09 E S: 26 NWNE

ac: 0

T: 21 N R 09 E S: 26 SWNE

ac: 0

T: 21 N R 09 E S: 26 SENW

ac: 0

T: 21 N R 09 E S: 26 NESW

ac: 0

T: 21 N R 09 E S: 26 NWSE

ac: 0

5. Quantity claimed: Period
5 / 01 -- 10 / 31

Quantity
1.00 CFS

For
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: Payette

Forest Service Record ID: 4 12 17060206 0

Big Creek 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