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DEPARTMENT OF
WATER RESOURCES

Name of Party Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

MATTHEW J. McKEOWN
Acting Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

DAVID L. NEGRI
United States Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
(208) 333-1936; facsimile (208) 334-1414
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. 77-14227
	)	
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 Middle Fork Ranger District I am familiar with the use at Big Baldy Lookout.

3. I have reviewed the reserved water right claim, attached as Exhibit 1, submitted by the Forest Service for Big Baldy Lookout (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 Baldy Lookout 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 Baldy Lookout, an Administrative Site located in a remote part of the Salmon-Challis National Forest. The administrative site is a fire lookout on a mountain top. It is used as needed during periods of high fire danger and during very large fires to detect spot fires and fire locations. It is important for the administration of National Forest System land in this area. Personnel utilize water at this site for administrative purposes. Occupation and use of Big Baldy Lookout is essential to the overall administration of Forest Service programs on this part of the Salmon-Challis National Forest. The primary purpose is fire: 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. Prevention of depredation by fire 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 Big Baldy Lookout in quantities up to and including 0.02 c.f.s. during the period of June 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:

Spring

c. The location is:

1) point of diversion:

B.M., T. 17 N, R. 10 E, S. 26 SWSW.

2) place of use:

B.M., T. 17 N, R. 10 E, S. 26 SWNW.

d. The quantity of water is:

0.02 c.f.s.

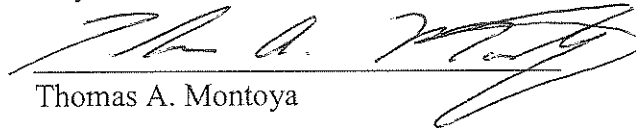
e. The period of use is:

June 1 through October 31

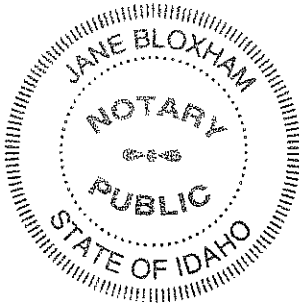
f. The purpose of use is:

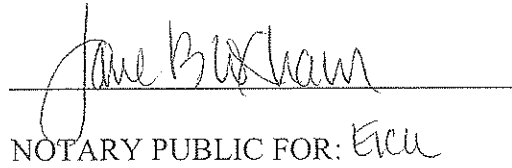
Administrative purposes at Big Baldy Lookout.

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

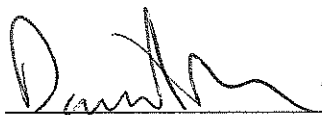
CERTIFICATE OF MAILING

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



David L. Negri

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DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
CIVIL CASE NUMBER: 39576
Ident. Number: 77-14227
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

FILED UNDER STATE 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: Spring Tributary: Sinks
4. Location Meridian BOISE
Description of Diversion Works: Pipe From: Spring
Location of Point of Diversion
T: 17 N R 10 E S: 26 SWSW
Location of Place of Use
T: 17 N R 10 E S: 26 SWNW ac: 0
5. Quantity claimed: Period Quantity For
6/01 - 10/31 0.02 CFS Administrative
6. Total Consumptive Use Claimed for Present and Future Use is:
0.02 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: 4617060205520002
Big Baldy Lookout