

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. 77-11652
	)	
Case Number: 39576	)	AFFIDAVIT OF THOMAS A. MONTOKA
_____	)	

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 Sleeping Deer Lookout.

3. I have reviewed the reserved water right claim, attached as Exhibit 1, submitted by the Forest Service for Sleeping Deer 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 Sleeping Deer 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 Sleeping Deer Lookout, an Administrative Site located in a remote part of the Salmon-Challis National Forest. The administrative site is a traditional 14 by 14 foot fire lookout on a mountain top. It is used as needed during periods of high fire danger and during very large fires to detect fires. 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 Sleeping Deer 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 Sleeping Deer Lookout in quantities up to and including 0.02 c.f.s. during the period of January 1 through December 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:

Pole Creek

c. The location is:

1) point of diversion:

B.M., T. 17 N, R. 15 E, S. 27 NWNE.

2) place of use:

B.M., T. 17 N, R. 15 E, S. 27 NWNE.

d. The quantity of water is:

0.02 c.f.s.

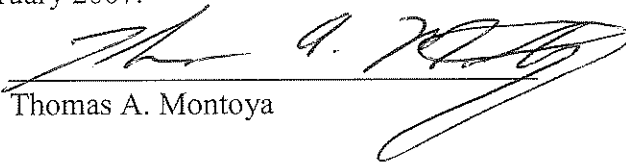
e. The period of use is:

January 1 through December 31

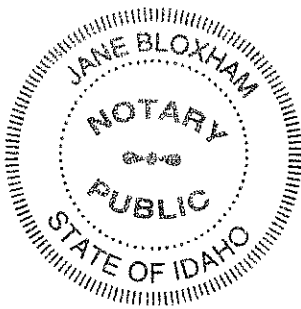
f. The purpose of use is:

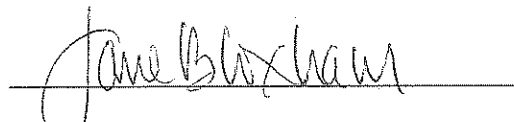
Administrative purposes at Sleeping Deer Lookout.

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: ETC

Residing at: Challis, ID 83226

My Commission Expires: 1-26-10

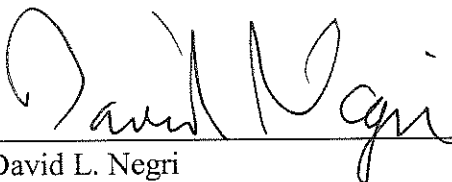
CERTIFICATE OF MAILING

I certify that on September 5, 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: 77-11652

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: POLE CREEK

Tributary: WEST FORK CAMAS CREEK

4. Location Meridian BOISE

Description of Diversion Works: None

From: Stream

Location of Point of Diversion

T: 17 N R: 15 E S: 27 NWNE

Location of Place of Use

T: 17 N R: 15 E S: 27 NWNE ac: 0

5. Quantity claimed: Period Quantity For
1/ 01 -- 12/ 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: 4 6 17060206 69 0003

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:

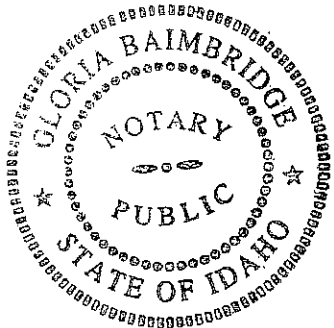
February 13, 2007
Gloria Baimbridge
Notary Republic

Residing at:

Boise, Idaho

My Commission Expires:

10 - 17 - 08



77-11652

EXHIBIT - 1