

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. 77-14231
	)	
Case Number: 39576	)	AFFIDAVIT OF NEIL J. BOSWORTH
_____	)	

State of: IDAHO
County of: ADA

Neil J. Bosworth, 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 Lowman Ranger District of the Boise

National Forest. I have been employed by the Forest Service for 13 years.

2. As part of my assigned duties and responsibilities as the District Ranger on the Lowman Ranger District I am familiar with use at Elk Creek Guard Station.

3. I have reviewed the reserved water right claim, attached as Exhibit 1, submitted by the Forest Service for Elk 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 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 Elk 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 Elk Creek Guard Station, an administrative site located in a remote part of the Boise National Forest. The administrative site includes five dwellings, an office, a bunkhouse, a fire cache building, two trailer pads, a fire warehouse, a warehouse, a wood shed, a fuel storage building, a storage building, a generator shed, a barn, a corral, a fenced pasture and other capital improvements. Approximately twenty fire personnel are stationed at this location each summer. Wilderness management personnel also regularly use the site and other employees use the site as needed

throughout the summer. 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 Elk Creek Guard Station is essential to the overall administration of Forest Service programs on this part of the Boise National Forest. Administration of NFS programs and presence in the area also 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 will be utilized in the future at Elk Creek Guard Station in quantities up to and including 0.11 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:

Tributary of Elk Creek

c. The location is:

1) point of diversion:

B.M., T. 13 N, R. 9 E, S. 32 NWNE.

2) place of use:

B.M., T. 13 N, R. 9 E, S. 32 NWNE.

d. The quantity of water is:

0.11 c.f.s.

e. The period of use is:

June 1 through October 31

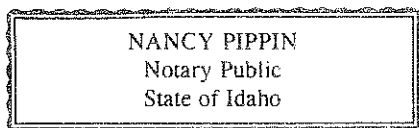
f. The purpose of use is:

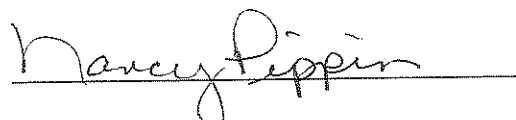
Administrative purposes at Elk Creek Guard Station.

Dated this 9 day of February, 2007.


Neil J. Bosworth

SUBSCRIBED and SWORN to before me this 9th day of February 2007.




Nancy Pippin

NOTARY PUBLIC FOR:

Residing at: Ada County

My Commission Expires: Sept. 6, 2011

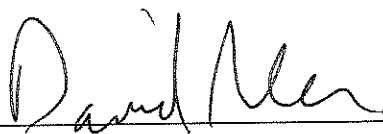
CERTIFICATE OF MAILING

I certify that on September 5, 2007, I mailed a true and correct copy of the foregoing Affidavit of Neil J. Bosworth 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: 77-14231

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: 11/06/1906
3. Source of water: TRIBUTARY OF ELK CREEK Tributary: ELK CREEK
4. Location Meridian BOISE
Description of Diversion Works: Pipe From: Stream
Location of Point of Diversion
T: 13 N R 09 E S: 32 NWNE
Location of Place of Use
T: 13 N R 09 E S: 32 NWNE ac: 0
5. Quantity claimed: Period Quantity For
6 / 01 - 10 / 31 0.11 CFS Administrative
6. Total Consumptive Use Claimed for Present and Future Use is:
0.11 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: 4 2 17060205 68 0000
Elk Creek 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:

February 14, 2007
Gloria Baimbridge
Notary Republic

Residing at:

Boise, Idaho

My Commission Expires:

10/17/2008

