

Names of Party Serving Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

RONALD J. TENPAS
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) 334-1936
(202) 305-0435

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. 78-10625
	)	
Case Number: 39576	)	AFFIDAVIT OF JOHN FANTINI, JR
_____	)	

State of: IDAHO
County of: IDAHO

JOHN FANTINI JR, 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 Staff on the Salmon River Ranger District of the Nez

Perce National Forest. I have been employed by the Forest Service for 28 years.

2. As part of my assigned duties and responsibilities as Recreation Staff on the Salmon River Ranger District I am familiar with use at Silvers Administrative Site.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Silvers Administrative Site (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 Silvers Administrative Site 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 Silvers Administrative Site. The administrative site is used every year to support Forest Service employees engaged in programs of work which regulate the use and occupancy of National Forest System land and protect the forests from a variety of potential damages such as fire, insects and disease, erosion and other disturbance activities. This ongoing work enhances watershed protection and preservation of timber stands thereby directly contributing to the maintenance 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 is presently utilized at Silvers Administrative Site in quantities up to and including 0.08 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:

Shingle Creek

c. The location is:

1) point of diversion:

B.M., T. 23 N, R. 1 W, S. 1 SWNE.

2) place of use:

B.M., T. 23 N, R. 1 W, S. 1 SWNE.

d. The quantity of water is:

0.08 c.f.s.

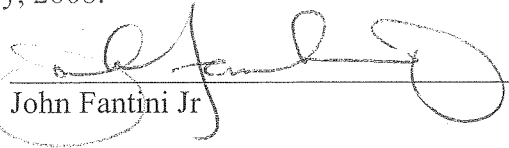
e. The period of use is:

January 1 through December 31

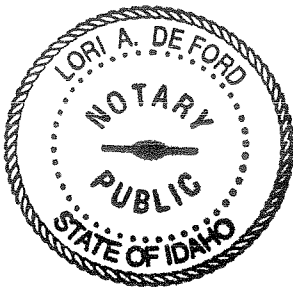
f. The purpose of use is:

Administrative purposes at Silvers Administrative Site.

Dated this 23rd day of January, 2008.


John Fantini Jr

SUBSCRIBED and SWORN to before me this 23rd day of January, 2008.




Lori A. DeFord

NOTARY PUBLIC FOR: State of Idaho

Residing at: Shangerville, ID

My Commission Expires: 6-24-2012

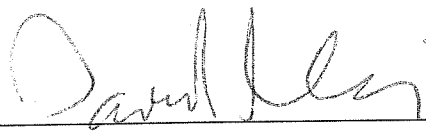
CERTIFICATE OF MAILING

I certify that on January 29, 2008, I mailed a true and correct copy of the foregoing Affidavit of John Fantini 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

A handwritten signature in cursive script, appearing to read "David Negri", is written over a horizontal line.

David L. Negri

NOTICE OF AMENDED CLAIM
RESERVED UNDER FEDERAL LAW

Right Number: 78-10625

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE, ID 83724

Source: SHINGLE CREEK Tributary: RAPID RIVER

Quantity: 0.08 CFS
1.00 AFY

Priority Date: 05-10-1906

Point of
Diversion: T23N R01W S01 SWNE Within Idaho County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Administrative	01-01 TO 12-31	0.08 CFS
			1.00 AFY

Use is for Silvers Administrative Site.

Place of Use: Administrative Within Idaho County
T23N R01W S01 SWNE

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Reserved

FOREST SERVICE RECORD ID = 011717060210010220 00