

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. 63-30978
	)	
Case Number: 39576	)	AFFIDAVIT OF LAWRENCE L. DONOHOO
_____	)	

State of: IDAHO
County of: ELMORE

LAWRENCE L. DONOHOO, 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 Resource Assistant/Facilities Manager on the Mountain Home Ranger District of the Boise National Forest. I have been employed by the Forest Service for 35 years.

2. As part of my assigned duties and responsibilities as Resource Assistant/Facilities Manager on the Mountain Home Ranger District I am familiar with use at Lester Creek Guard Station Administrative Site.

3. I have reviewed the reserved water right claim, as amended and attached as Exhibit 1, submitted by the Forest Service for Lester Creek Guard Station 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 Lester Creek Guard Station 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 Lester Creek Guard Station 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 Lester Creek Guard Station Administrative Site in quantities up to and including 0.04 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:

Ground Water

c. The location is:

1) point of diversion:

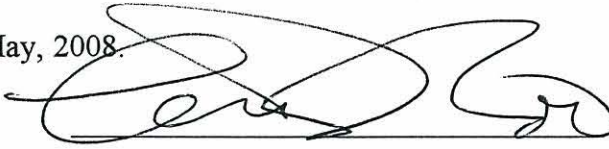
B.M., T. 1 N, R. 9 E, S. 2 SESW.

2) place of use:

B.M., T. 1 N, R. 9 E, S. 2 SESW.

- d. The quantity of water is:
0.04 c.f.s.
- e. The period of use is:
January 1 through December 31
- f. The purpose of use is:
Administrative purposes at Lester Creek Guard Station Administrative Site.

Dated this ^{21st} ~~20th~~ day of May, 2008.



SUBSCRIBED and SWORN to before me this ^{21st} ~~20th~~ day of May, 2008.



Patti Ferrell

NOTARY PUBLIC FOR: Home Federal

Residing at: mtn. Home

My Commission Expires: 2/28/11

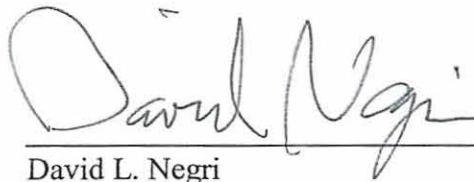
CERTIFICATE OF MAILING

I certify that on May 30, 2008, I mailed a true and correct copy of the foregoing Affidavit of Lawrence L. Donohoo 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, reading "David Negri", is written over a horizontal line.

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: 63-30978

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: GROUNDWATER

Tributary:

4. Location Meridian BOISE

Description of Diversion Works: Wells

From: Groundwater

Location of Point of Diversion

T: 01 N R 09 E S: 2 SESW

Location of Place of Use

T: 01 N R 09 E S: 2 SESW

5. Quantity claimed:

Period

Quantity

For

1/ 01 - 12/ 31

0.04 CFS

Administrative

6. Total Consumptive Use Claimed for Present and Future Use is:

0.04 CFS

7. Present and future uses to which the water is or will be used:

Administrative

8. Remarks:

State Basin: 63

National Forest: Boise

Forest Service Record ID: 4 2 17050113 7 0 0011

Lester 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:

April 18 2006

Robbin Hall

Notary Republic

Residing at:

Twin Falls, ID

My Commission Expires:

October 4, 2007

