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DEPARTMENT OF
WATER RESOURCES

Name of Party Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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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. 75-14449
	)	
Case Number: 39576	)	AFFIDAVIT OF RUSSELL M. BACON
_____	)	

State of: IDAHO
County of: LEMHI

RUSSELL M. BACON, 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 North Fork Ranger District of the Salmon-Challis National Forest. I have been employed by the Forest Service for 15 years.

2. As part of my assigned duties and responsibilities as the District Ranger on the

AFFIDAVIT OF RUSSELL M. BACON – 75-14449

North Fork Ranger District I am familiar with the use at Hughes Creek Ranger Station, an Administrative Site on the Salmon Challis National Forest.

3. I have reviewed the reserved water right claim, attached as Exhibit 1, submitted Forest Service for Hughes Creek Ranger Station showing amendments needed to the claim as filed (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 Hughes Creek Ranger 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 Hughes Creek Ranger Station. It 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 Hughes Creek Ranger Station in quantities up to and including 0.10 c.f.s. during the period of May 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:

Sheep Creek

c. The location is:

1) point of diversion:

B.M., T. 25 N, R. 21 E, S. 14 SENW.

2) place of use:

B.M., T. 25 N, R. 21 E, S. 15 SESW.

d. The quantity of water is:

0.10 c.f.s.

e. The period of use is:

May 1 through October 31

f. The purpose of use is:

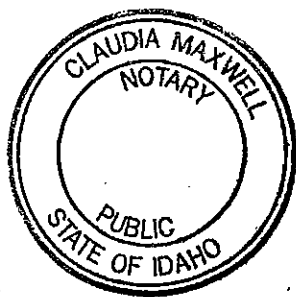
Administrative purposes at Hughes Creek Ranger Station.

Dated this 6th day of May 2009.



Russell M. Bacon

SUBSCRIBED and SWORN to before me this 6th day of May 2009.



Claudia Maxwell
NOTARY PUBLIC FOR: Idaho State
Lemhi County
Residing at: North Fork ID
My Commission Expires: 03/07/12

CERTIFICATE OF MAILING

I certify that on May 11, 2009, I mailed a true and correct copy of the foregoing Affidavit of Russell M. Bacon 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 black ink, appearing to read 'D. 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: A 75-~~04466~~ 14449
Date received: _____
Receipt No: _____

NOTICE OF CLAIM

TO A

WATER RIGHT
RESERVED UNDER FEDERAL LAW

1. Name of Claimant: UNITED STATES OF AMERICA (USDA-Forest Service)
Address: 324 25th Street
Ogden, Utah 84401
801-625-5360
2. Date of Priority: 11/05/1906
3. Source of water supply: SHEEP CREEK Tributary to: NF SALMON R
Forest Service Record ID: 04 13 17060203 21 0 0007 0

4. a. Location of Point of Diversion:

Township	Range	Section	Tract	Gov't Lot	County	Meridian
25 N	21 E	14	SENW		LEMHI	BOISE

b. Location of Place of Use:

Township	Range	Section	Tract	Gov't Lot	County	Meridian
25 N	21 E	15	SESW		LEMHI	BOISE

c. Description of existing diversion: DITCH or CANAL

d. If instream flows, beginning point of claimed instream flow is:

Township	Range	Section	Tract	Gov't Lot	County
-----	-----	-----	-----	-----	-----

Boise Meridian.

e. If instream flows, ending point of claimed instream flow is:

Township	Range	Section	Tract	Gov't Lot	County
-----	-----	-----	-----	-----	-----

Boise Meridian.

5. Total Quantity Claimed:

Cubic Feet per second -----	Acre-feet per annum -----	Elevation (ft) or Well Depth -----
0.10	36.00	0

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

Cubic Feet per second -----	Acre-feet per annum -----	Elevation (ft)/ or Well Depth -----
0.10	36.00	0

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

~~IRRIGATION~~ ADMINISTRATIVE

Season of Use: ~~January 1 thru December 31~~ May 1 through October 31

8. Attach the legal description of the reservation, and maps showing for each consumptive use the existing and proposed place of use and existing points of diversion.

BOUND SEPARATELY.

9. Remarks: (include a list of documents (s) creating the federal reservation and/or negotiated agreement).

Quad No. 19

BOUND SEPARATELY.

Application No: 75 -

10. Other water rights used for the same purpose:

11. Counties within the reservation:

12. Existing diversions:

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the claimant should be mailed to the individuals at the address below:

Jack Haugrud
Geoffrey Garver
Daria J. Zane
U.S. Department of Justice
Environment and Natural Resources Division
General Litigation Section
P.O. Box 663
Washington, D.C. 20044-0663
202-272-4134

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for such claim.