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Department of Water Resources

Name of Party Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
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United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St. MSC033
Boise, ID 83724
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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. 31-11200
	)	
Case Number: 39576	)	AFFIDAVIT OF GREGORY S. LEWIS
_____	)	

State of: IDAHO
County of: CLARK

Gregory S. Lewis, being first duly sworn upon oath, deposes and says:

1. I am currently employed by the United States Department of Agriculture,
Agriculture Research Service (ARS) as the Research Leader at the U.S. Sheep Experiment

Station (Station) near Dubois, Idaho. I received a Ph.D. degree in reproductive physiology in 1978. I was a research physiologist at the USDA, ARS, Beltsville Agricultural Research Center. I became a Professor of Physiology in the Department of Animal and Poultry Sciences at Virginia Polytechnic Institute and State University before assuming my current position. I have been employed by the ARS for a total of 11 years.

2. As part of my duties and responsibilities as the Research Leader at the U.S. Experiment Station, I am familiar with the daily management operations and research at the Station.

3. I have reviewed reserved water right claim number 31-11200 (Claim), as amended and submitted by the ARS for the Station. Attached as Exhibit 1 is a true and correct copy of the Claim.

4. The Claim was prepared by Station personnel as part of their regular responsibilities. I verified the legal locations as set forth and described in Exhibit 1 and have personal knowledge that the elements of the Claim are true and correct as described in Exhibit 1.

5. The Claim is situated on federal lands reserved from the Public Domain by Executive Order as the U.S. Sheep Experiment Station. It is currently utilized by the ARS at the U. S. Sheep Experiment Station in the daily operation, administration and research conducted by the Station on Station lands.

6. The Claim is necessary for the administration of the Station pursuant to Executive Orders 2268 and 2491. These lands were withdrawn from the Public Domain for use by the Department of Agriculture of the United States as a sheep-breeding and grazing experimental station. See Exhibit 2.

7. The United States filed this Claim for use in association with the U.S. Sheep Experiment Station. Water is used at this site for administrative purposes related directly to the reservation under the Executive Orders listed in no. 6 above. The United States owns and manages between 4,000 and 7,000 sheep for research purposes at the Station. Water is used every year by the sheep, horses, guard dogs, herding dogs, herders and any other activity associated with sheep production, herding, grazing, management and research. Water is essential for the overall management, administration and research at the Station.

8. I have reviewed ARS historical records describing the establishment of the U.S. Sheep Experiment Station. Based upon my review, the lands upon which the reserved water right claim is located, including both the legal locations of the point of diversion and place of use as described in Exhibit 1, are reserved from the Public Domain by Executive Orders 2268 and 2491. This is substantiated in historical documents maintained by the Idaho State Office of the United States Bureau of Land Management in Boise, Idaho. Attached as Exhibit 2 are copies of the above referenced Executive Orders establishing the U.S. Sheep Experiment Station.

9. The priority date, November 21, 1916, for this reserved water right claim corresponds to the date of Executive Order 2491, which first reserved the land at the point of diversion for this water right from the Public Domain. *See* Exhibit 2.

10. Based upon personal experience and knowledge, discussions with ARS and other personnel at the Station and review of relevant ARS records, including but not limited to on-site administrative, management and research records, water has been historically, and is presently utilized at the Station in quantities up to and including 0.231 c.f.s. during the period of April 1 through December 1, as described in Exhibit 1.

11. Based upon the forgoing, I have personal knowledge of the following elements of the reserved water right claim number 31-11200:

a. The name and address of the claimant is:

UNITED STATES OF AMERICA acting on behalf of the USDA ARS,
U.S. Sheep Experiment Station, 550 W. Fort Street, MSC033, Boise, ID 83724.

b. The source of water is:

Groundwater

c. The priority date is:

November 21, 1916

c. The location is:

1) point of diversion:

B.M., T. 11 N, R.37 E, S. 9 SWNE

2) place of use:

All land reserved by Executive Orders 2268 and 2491 as the
United States Sheep Experiment Station.

d. The quantity of water is:

0.231 c.f.s.

e. The period of use is:

April 1 through December 1

f. The purpose of use is:

Administrative purposes at the U. S. Sheep Experiment Station

Dated this 25 day of April ^{bss} ~~May~~ 2003.

Gregory S. Lewis
Gregory S. Lewis

SUBSCRIBED and SWORN to before me this 25 day of April, 2003.



Lily M. Hunter

NOTARY PUBLIC FOR: Clark County

Residing at: Shelbo, Idaho

My Commission Expires: 01-31-06

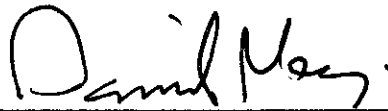
CERTIFICATE OF MAILING

I certify that on May 2, 2003, I mailed a true and correct copy of the foregoing Affidavit of Gregory S. Lewis 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

NOTICE OF AMENDED CLAIM
RESERVED UNDER FEDERAL LAW

Right Number: 31-11200

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE
USDA ARS
US SHEEP EXPERIMENT STATION
HC 62 Box 2010
DUBOIS, ID 83423

Source: GROUND WATER

Quantity: .231 CFS

Priority Date: 11-21-1916

Point of Diversion: T11N R37E S09 SWNE Within Clark County

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	~~Stockwater~~	04-01 TO 12-01	.231 CFS
	<u>Administrative</u>		

Place of Use: ~~Stockwater~~ Within Clark County

~~T11N R37E S09 LOT (NE SW)~~

The place of use includes all land reserved as the United States Sheep Experiment Station by Executive Orders 2268 and 2491 (attached). Water is trucked from the point of diversion to locations throughout the reservation.

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

Explanatory Material: Basis of Claim - Reserved

Executive Order

United States Sheep Experiment Station.

Pursuant to authority contained in the act of Congress approved June 25, 1910 (36 Stat., 847), as amended by act of August 24, 1912 (37 Stat., 497), and upon the recommendation of the Secretary of Agriculture, it is hereby ordered that the following described areas in the State of Idaho be withdrawn for use by the Department of Agriculture of the United States as a sheep-breeding and grazing experimental station, excepting from the force and effect of this withdrawal all lands covered by valid adverse claims initiated prior to the date hereof and maintained pursuant to law.

T. 11 N., R. 36 E., all;
T. 10 N., R. 36 E., Secs. 1, 2, 11, and 12;
T. 10 N., R. 37 E., Secs. 5, 6, 7, and 8.
Boise Base and Meridian.

WOODROW WILSON

THE WHITE HOUSE,

30 October, 1915.

[No. 2268.]

CERTIFIED

to be a true copy of a document on
file in the Idaho State Office

APR 25 2003

Pat J. Rourke

BUREAU OF LAND MANAGEMENT

Second Executive Order

UNITED STATES SHEEP EXPERIMENT STATION

IDAHO

It appearing that certain changes should be made in the boundaries of the area withdrawn by Executive Order dated October 30, 1915, No. 2268, for use by the Department of Agriculture of the United States as a sheep-breeding and grazing experimental station, it is hereby ordered, under authority of the Act of Congress approved June 25, 1910 (36 Stat., 847), as amended by the Act approved August 24, 1912 (37 Stat., 497), that the public lands in the following described areas in Idaho be, and the same are hereby withdrawn from settlement, location, sale or entry and reserved as an addition to such station, subject to the provisions, limitations and conditions of said acts:

In T. 11 N., R. 37 E., E $\frac{1}{2}$ of E $\frac{1}{2}$ and W $\frac{1}{2}$ of Sec. 2, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ Sec. 3; NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ and S $\frac{1}{2}$ Sec. 4; Secs. 5 to 11, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 12; W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, Secs. 14 to 19, inclusive, W $\frac{1}{2}$ Sec. 20, N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 22; N $\frac{1}{2}$ of N $\frac{1}{2}$ Sec. 23, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 24, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 29 and all Secs. 30 and 31;

And it is further ordered that said order of withdrawal of October 30, 1915, be revoked in so far as it affects the areas hereinafter described, and that the public lands therein be, and they are hereby restored to the public domain:

In T. 10 N., R. 36 E., NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 2;

In T. 11 N., R. 36 E., W $\frac{1}{2}$ of E $\frac{1}{2}$ and W $\frac{1}{2}$ Sec. 2, Secs. 3 to 8, inclusive, W $\frac{1}{2}$ Sec. 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, Secs. 17, 18, 19, 20, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 28, all Secs. 29, 30, 31, 32 and 33;

In T. 10 N., R. 37 E., all Secs. 5 and 8;

Boise Base and Meridian.

WOODROW WILSON

THE WHITE HOUSE,

21 November, 1916.

-(No. 2491.)

CERTIFIED

to be a true copy of a document on
file in the Idaho State Office

APR 25 2003

Rex J. Rousley
BUREAU OF LAND MANAGEMENT

EXHIBIT 2-PAGE 2

SECTION	SUBDIVISION										ACRES	KIND OF ENTRY -OR- PURPOSE OF ORDER	SERIAL FILE -OR- ORDER NUMBER	DATE OF ACTION	DATE POSTED	REMARKS - E. G. DATE CLOSED, TERMINATED, REJECTED OR RESCINDED
	OTHER DESCRIPTION															
	NE 1/4	NW 1/4	SW 1/4	SE 1/4	LOTS	FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION, MINERALS, WATER, AND/OR OTHER PUBLIC PURPOSES, AND INDIAN TREATIES, REFER TO INDEX OF MISCELLANEOUS DOCUMENTS										
18	X										316.45	HE	BL 01532	10/29/1913		Canc 6/18/1920
19	X															
20	X										320.00	HE	BL 01537	11/1/1913		Rel 3/10/1915
21	X										120.00	HE	BL 01536	11/10/1913		Rel 5/5/1914
22	X												BL 01662	4/1/1914		Canc 8/6/1915
23	X										320.00	HE	BL 01697	5/4/1914		Rel 3/2/1915
24	X										120.00	HE	BL 01888	10/24/1914		Rel 2/1/1916
25	X										320.00	HE	BL 01886	3/3/1915		Rel 5/10/1916
26	X										35.26	HE	BL 02120	5/28/1915		Rel 8/12/1915
27	X										120.00	HE	BL 02131	6/1/1915		Canc 8/31/1918
28	X										320.00	HE	BL 02142	6/3/1915		Rel 1/25/1917
29	X															
30	X										320.00	HE Pat	4-18562	6/15/1915		BL 013710
31	X															
32	X										318.59	HE	BL 02104	6/22/1915		And: Rel 7/21/1916
33	X															
34	X										310.55	HE	BL 02273	10/11/1915		Rel 3/22/1916
35	X										315.84	HE	BL 02274	10/11/1915		Canc 8/9/1920
36	X															
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46	X										160.00	HE Pat	501101	11/21/1915		BL 011125
47	X										80.00	HE	BL 023148	12/29/1915		Rel 2/19/1917
48	X															
49	X										80.00	HE	BL 023601	3/21/1916		Rel 11/9/1916
50	X										120.00	HE	BL 024555	6/13/1916		Rel 7/22/1916
51	X															
52	X										320.00	HE Pat	537158	7/7/1916		BL 013009
53	X															
54	X										310.33	HE	BL 025195	9/1/1916		Rel 3/7/1917
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56	X										80.00	HE	BL 025596	11/9/1916		Rel 5/14/1917
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FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION, MINERALS, WATER, AND/OR OTHER PUBLIC PURPOSES, REFER TO INDEX OF MISCELLANEOUS DOCUMENTS																
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25											40.00	HE	BL 01662	6/7/1914		Rel 3/2/1915
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