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MAY -- 6 2003

Department of Water Resources

Fax

May 2, 2003

TO: Clerk of the SRBA Court

CC: R. Lee Leininger, DOJ-ENRD, Denver
Gloria Baimbridge, CACI-Boise

FROM: Fred Price, BLM-Idaho State Office

RE: 25-13635, 13637, 13653
65-19960, 19962

Please accept this affidavit for filing purposes.

Lee Leininger from the Dept. of Justice is filing a document also by fax and he would like this affidavit to be attached to it.

Thank you very much for your consideration.

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MAY - 6 2003

Department of Water Resources

Names of Parties Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural Resources Division

R. LEE LEININGER
Trial Attorney, U.S. Dept. of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
Ph.: (303) 312-7322 FAX: (303) 312-7379

**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

Case No. 39576

) Subcase Numbers: 25-13635, 25-13637,
) 25-13653, 65-19960, and 65-19962
)
) **AFFIDAVIT OF FREDRIC W. PRICE**
)
)
)

State of Idaho)
) ss.
County of Ada)

I Fredric W. Price, being of lawful age, and having first been duly sworn, state the
following:

//

1. My present position is that of Water Rights Specialist for the United States, Department of Interior, Bureau of Land Management (hereinafter "BLM"), Idaho State Office. My current responsibilities include coordinating the BLM's efforts for the Snake River Basin Adjudication (hereinafter "SRBA") in Idaho. I provide guidance and technical support to the State Director, Field Office Managers, and technical specialists in BLM field offices, particularly those specialists working in water rights and related issues. I develop training, guidance, and agency policy on water issues and in other programs affected by water rights, such as the range management and realty programs. I also review, interpret and analyze water rights claims for preparing opinions, recommendations, objections, and other SRBA documents to the Department of Justice.

2. I have been employed by the BLM since 1982 in the following positions:

- a. Eleven and a half years in various positions within the Rangeland Firefighting Program at the BLM, Shoshone Field Office. I spent 12 months working on that office's water rights team to develop and create 5,500 BLM claims, maps, and claim files;
- b. Since August of 1993 as a Water Rights Specialist in the BLM, State Office.

3. I have gained extensive experience with and knowledge of a wide range of government files, documents, records management, records retention, and archives since starting work for BLM in 1982. I have reviewed and interpreted over a thousand Historical Indexes. The Historical Indexes (hereinafter "HI") are official business records of the United States that maintain a timeline of events occurring on United States' property.

4. I have reviewed the claim file for BLM water right claim number 25-13635. This claim is to a spring source located on federal public land within the NWSESW, Section 20, T.01S., R.41E.

//

5. I reviewed the Historical Indexes for T.01S., R.41E. to determine if there were ever an attempt to homestead the legal land description described in paragraph 4 above. I was able to determine from my review of the HIs that the legal land description described in paragraph 4 above was subject to four failed attempts to homestead. Each application was for a Stock-Raising Homestead Entry (hereinafter "SRHE") made pursuant to the Act of December 29, 1916.

There was one pending entryman on April 17, 1926. This entry was a SRHE application filed by Sophia Nielsen on December 12, 1925. The SRHE application was assigned serial number BL-040273 and created a serialized case file numbered BL-040273. This SRHE application was partially relinquished on November 13, 1928 and entirely relinquished on September 27, 1930.

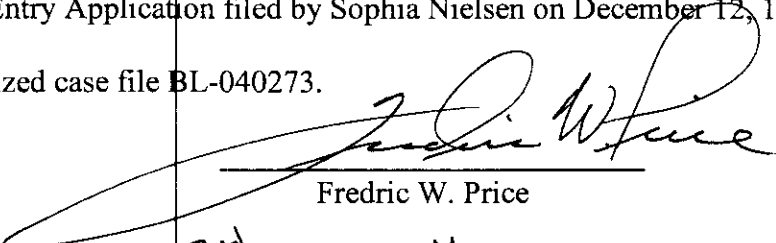
6. The Idaho State Office of BLM does not store historic land entry applications on site. The records are only retained for a certain period of time and then are sent to the record centers. In December, 2002, I submitted a request for homestead entry file BL-040273 from the National Archives in Washington D.C. I didn't receive anything. I submitted a second request for the files from the National Archives in Washington D.C. and three or four weeks later they responded that those records were located at the National Archives in Seattle, Washington. I submitted a third request to have a copy of serial case file number BL-040273 sent to me from the National Archives for the Pacific NW Region located in Seattle, Washington. On April 4, 2003, I finally received copies of the Homestead Entry File.

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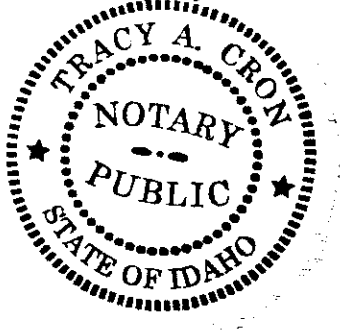
//

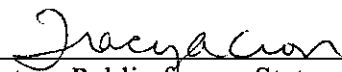
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7. I do hereby certify that Attachment 1 to this affidavit is a true and correct copy of the Stock-Raising Homestead Entry Application filed by Sophia Nielsen on December 12, 1925 that was contained within serialized case file BL-040273.


Fredric W. Price

Subscribed and sworn to before me this 2nd day of MAY, 2003.
Witnessed by my hand and official seal.




Notary Public for State of Idaho
Residing at: Meridian, Idaho
My Commission Expires: 8/22/03

CERTIFICATE OF SERVICE

I certify that on 5-2-, 2003, I served a true and correct copy of foregoing **AFFIDAVIT OF FREDRIC W. PRICE; SUBCASE NUMBER: 25-13635, 25-13637, 25-13653, 65-19960, and 65-19962** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

1. Original to:

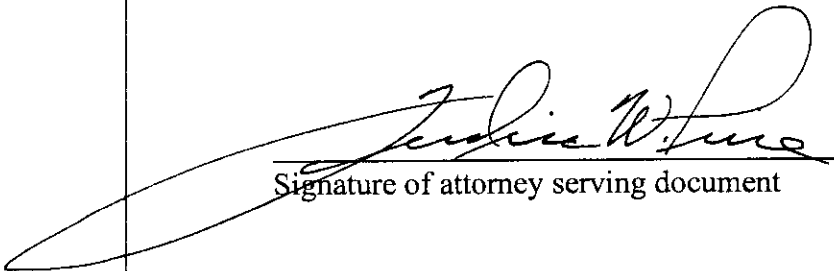
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Div
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098



Signature of attorney serving document

ATTACHMENT 1

The following pages are a true and correct copy of the Stock-Raising Homestead Entry Application described below:

CASE FILE NUMBER: **BL-040273**

HOMESTEAD ENTRY APPLICANT:
Sophia Nielsen

ENTRY AUTHORITY:
Stock-Raising Homestead Entry pursuant to the Act of December 29, 1916

DATE OF ENTRY APPLICATION:
December 12, 1925

DATE ENTRY RELINQUISHED:
November 13, 1928 Partially Relinquished
September 27, 1930 Entirely Relinquished

Fee \$ 10.00
Comm (Orig) \$ 2.40
Excess \$
Comm (Fin.) \$
Pur Mon \$
Test Fees \$
Interest \$
U. S. Land Office, Blackfoot, Idaho

4-016.
(Form approved by the Secretary of the Interior January 18, 1917.)

DEPARTMENT OF THE INTERIOR.

STOCK-RAISING HOMESTEAD ENTRY—ORIGINAL.

(Act of December 29, 1916.)

RECEIVED
U. S. LAND OFFICE
BLACKFOOT, IDAHO
DEC 17 1925
MAY 2 A M

Serial No. 040273
Receipt No. 2836458

APPLICATION AND AFFIDAVIT.

I, Sophia Nielsen (female), of Idaho Falls, Idaho, R D #2, do hereby apply to enter under the act of December 29, 1916 (Public No. 290, 64th Congress), subject to the reservation to the United States of all coal and other minerals in the land, together with the right to prospect for, mine, and remove the same.

W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 20; NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 29
E $\frac{1}{2}$ E $\frac{1}{2}$ Section 30
Township 1 South, Range 41 East, Boise Meridian, containing 640 acres.

I do solemnly swear that I am not the proprietor of more than 160 acres of land in any State or Territory; that I am a native born (Applicant must state whether native born, naturalized, or has filed declaration of intention to become a citizen. If not native born, certified copy of naturalization or declaration of intention, as case may be, must be filed with this application.) citizen of the United States, and am single and over 21 years of age

(State whether the head of a family, married or unmarried, or over twenty-one years of age, and if not over twenty-one, applicants must set forth the facts which constitute him the head of a family.)

that this application is honestly and in good faith made for the purpose of actual settlement, use, and improvement by the applicant, and not for the benefit of any other person, persons, or corporation; that I will faithfully and honestly endeavor to comply with all the requirements of law as to settlement and improvements necessary to acquire title to the land applied for; that I am not acting as agent for any person, corporation, or syndicate in making this entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered or any part thereof, or the timber thereon; that I do not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for myself, and that I have not, directly or indirectly, made, and will not make, any agreement or contracts, in any way or manner, with any person or persons, corporation, or syndicate, whatsoever, by which the title which I may acquire from the Government of the United States will inure in whole or in part to the benefit of any person except myself. I have not heretofore made any entry under the timber and stone, desert land, or preemption laws, except as follows: ~~that no part of said land is claimed, occupied or being worked under the mining laws; that said land is unoccupied and unappropriated by any person claiming same under the public land laws other than myself.~~

I have not heretofore made a homestead entry except as follows: none

I further state that the land is not occupied and improved by any Indian; that it does not contain merchantable timber and no timber except None

is not susceptible of irrigation from any known source of water

Posted FEB 11 1926 in Vol. 61, p. 10, by A. A. M., Div. "O".

Examined and passed S. F. M. "O" MAR 9 1926

OCT 15 1930 Reacquisition noted
DEC 3 1928 Reacquisition noted

Page 2 - ATTACHMENT 1, AFFIDAVIT OF FREDRIC W. PRICE; SUBCASE NUMBER: 25-13635, 25-13637, 25-13653, 65-19960, and 65-19962

supply, except the following areas: none

(Here give subdivisions and areas of the

land, if any, susceptible of irrigation.)

and does not contain any water hole or other body of water needed or used by the public for watering purposes; that the land is chiefly valuable for grazing and raising forage crops.

Sophia Nielsen

(Sign here, with full Christian name.)

NOTE.—Every person swearing falsely to the above affidavit will be punished as provided by law for such offense. (See Sec. 125, U. S. Criminal Code, below.)

I HEREBY CERTIFY that the foregoing affidavit was read to or by affiant in my presence before affiant affixed signature thereto; that affiant is to me personally known (~~or has been satisfactorily identified before me by~~);

(Give full name and post-office address.)

that I verily believe affiant to be a qualified applicant and the identical person hereinbefore described; and that said affidavit was duly subscribed and sworn to before me, at my office, in Blackfoot, Bingham County, Idaho, within the Blackfoot, Idaho (County and State) land district, this 10th day of December, 1925, 191

PG Johnston

Register

(Official designation of officer.)

We, Irvin W. Nielsen, of Idaho Falls, Idaho and D H Sedgwick, of Blackfoot, Idaho do solemnly swear that we are well acquainted with the above-named affiant and the lands described, and personally know that the statements made by him relative to the character of the said lands are true.

Irvin W. Nielsen
D H Sedgwick

I HEREBY CERTIFY that the foregoing affidavit was read to or by affiants in my presence before affiants affixed signatures thereto; that affiants are to me personally known (~~or have been satisfactorily identified before me by~~);

(Give full name and post-office address.)

and that said affidavit was duly subscribed and sworn to before me at Blackfoot, Idaho this 10th day of December, 1925, 191

PG Johnston

Register

(Official designation of officer.)

UNITED STATES LAND OFFICE at BLACKFOOT, Idaho

DEC 12 1925

, 191

I HEREBY CERTIFY that the foregoing application is for surveyed land of the class which the applicant is legally entitled to enter under the act of December 29, 1916; that there is no prior valid adverse right to the same, and has this day been allowed.

PG Johnston

Register

UNITED STATES CRIMINAL CODE.

Sec. 125. Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true; is guilty of perjury, and shall be fined not more than two thousand dollars and imprisoned not more than five years. (Act, March 4, 1909, 35 Stat., 1111.)

CG-5358

* * * COMMUNICATION RESULT REPORT (MAY. 2.2003 4:05PM) * * *

FILE MODE	OPTION	ADDRESS (GROUP)	TTI RESULT	PAGE
134	MEMORY TX	DOJ R LEE LEININGER CACI G BAIMBRIDGE SRBA 5TH DIST COURT	OK OK OK	P. 9/9 P. 9/9 P. 9/9

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

E-2) BUSY
E-4) NO FACSIMILE CONNECTION

Fax

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