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UNITED STATES OF AMERICA

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IN THE DISTRICT COURT OF THE FIFTH JUDICAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	Subcase Number(s): 37-14346 et al. see ATTACHMENT 1
Case No. 39576	**AMENDED AFFIDAVIT OF LISA A. JARO**

STATE OF IDAHO)
) ss.
COUNTY OF LINCOLN)

I Lisa A. Jaro, being of lawful age, and having first been duly sworn, do depose and state:

1. My name is Lisa A. Jaro. I am a graduate of the University of Idaho. I received a Bachelor of Science degree in Technology of Agricultural Science in 2002. I am an employee of the U.S., Department of Interior, Bureau of Land Management. The following statements are based upon my personal knowledge. My present position is that of Natural Resource Specialist

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(Water Rights) for the United States, Department of Interior, Bureau of Land Management (hereinafter "BLM"), Upper Snake River District, Shoshone Field Office, located in Shoshone, Idaho. I have extensive knowledge of, and experience with, the official business records of BLM associated with its water right claim filings in the Snake River Basin Adjudication (hereinafter "SRBA"), including but not limited to: BLM water right claim files; BLM water right field investigations; Master Title Plats (hereinafter "MTP"); Historical Indexes (hereinafter "HI"); and Control Document Index cards (hereinafter "CDI cards"). Since April 2000, I have been dealing with water rights, and I have: investigated hundreds of claims; collected, compiled and analyzed factual information and evidence for over a thousand water right claims; reviewed and analyzed official business records associated with water rights that are maintained by BLM, the Idaho Department of Water Resources (hereinafter "IDWR"), several Idaho Counties, and various federal agencies.

2. As part of my assigned duties and responsibilities since January 2003, I am responsible for coordinating the activities of BLM with the SRBA for the Shoshone Field Office of the Upper Snake River District (hereinafter "USRD"), and individually responsible for handling the water right claims made by the United States of America on behalf of BLM for the Shoshone Field Office within the USRD.

3. At the request of counsel for the United States, I am amending my previous affidavit to make certain corrections. This amended affidavit shall supercede and replace my previous affidavit in its entirety. The following is a summary of the important changes:

a. Two subcase numbers were mistakenly included on Attachment 1 to my previous affidavit and have been removed from this affidavit: 37-16632 and 37-17349.

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b. Four subcase numbers were mistakenly omitted from Attachment 1 to my previous affidavit and have been added to this affidavit: 37-16349, 37-16665, 37-16667, and 37-16669. I have researched these additional subcases and they are properly presented within this affidavit.

c. This amended affidavit corrects my previous affidavit to properly reference Attachment 1 throughout this amended affidavit.

4. At the request of counsel for the United States, I have reviewed the official business records of BLM that comprise the SRBA Water Right Claim files for the SRBA subcases listed on Attachment 1. The subcases shown in Attachment 1 are BLM water right claims to natural playa lakes (i.e. waterholes) and naturally-occurring free-flowing springs.

5. The Master Title Plats are official business records of the United States that identify United States' property and its status. The MTP is the United States' official Record of Title. It is a graphic display of township survey data, and are drafted from information abstracted, compiled, and composed from the latest approved U.S. Government Survey Plats, survey field notes, and protraction diagrams. It describes the locations of United States property, aliquot parcels, and government surveyed "lots." I have reviewed these records and determined that the federal public domain containing the water sources asserted in SRBA claims listed on Attachment 1 were located on unreserved federal public domain as of April 17, 1926; and this land currently remains under Department of Interior administration, except as follows. The following is a summary of land acquisitions associated with certain captioned subcases.

a. **Subcase 37-15032:**

United States Homestead Entry Patent (HE Pat) 852960 was issued to Fred Lee on 3/3/1922. The United States assigned serial numbers H-021291 and

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H-022039 to the entry applications that led to this patent. Subsequently, the United States reacquired this land pursuant to Corporation Warranty Deed from John Brown Incorporated on 3/12/1965. The United States assigned serial number I-014651 to this action.

b. **Subcases 37-18897 and 37-18902:**

United States Homestead Entry Patent (HE Pat) 573165 was issued to Levi G. Metcalf Jr. on 3/20/1917. The United States assigned serial numbers H-010285 and H-017714 to the entry applications that led to this patent. Subsequently, the United States reacquired this land pursuant to Corporation Warranty Deed from Struthers Incorporated on 10/19/1977. The United States assigned serial number I-12533 to this action.

c. **Subcase 37-19621:**

Land left federal ownership pursuant to State Grant, Act of Congress on 7/3/1890. It was reconveyed to the United States by a land exchange on 10/2/1991.

d. **Subcase 37-20044:**

United States Stock Raising Homestead Entry Patent (SRHE Pat) 974138 was issued to Worley N. Head on 2/8/1926. The United States assigned serial numbers BL-038387 to the entry that led to this patent. Subsequently, the United States reacquired this land pursuant to Corporation Warranty Deed from Highland Part & Parcels, Incorporated on 7/22/1992. The United States assigned Registration Opening Order number IDI-28601 to this action.

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e. **Subcase 37-20045:**

United States Homestead Entry Patent (HE Pat) 840926 was issued to Samuel T. Werry on 1/4/1922. The United States assigned serial numbers H-023550 and H-024419 to the entry applications that led to this patent. Subsequently, the United States reacquired this land pursuant to Corporation Warranty Deed from Highland Part & Parcels, Incorporated on 7/22/1992. The United States assigned Registration Opening Order number IDI-28601 to this action.

f. **Subcase 37-20199:**

Land left federal ownership pursuant to State Grant, Act of Congress 7/3/1890. An Act of Congress on 1/25/1927 extended the Act of 7/3/1890 to include Mineral lands, subject to prior rights. The United States reacquired this property pursuant to private Withdraw on 9/27/1962, and was officially restored to the United States on 6/10/1963.

g. **Subcase 37-20207:**

United States Homestead Entry Patent (HE Pat) 646564 was issued to Lee C. Swingle on 8/24/1918. The United States assigned serial number H-015332 and H-018638 to the entry applications that led to this patent. Subsequently, the United States reacquired this land pursuant to Warranty Deed from Faulkner Land and Livestock on 11/7/1991. The United States assigned serial number IDI-27542 to this action.

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h. **Subcases 37-20231 and 37-20235:**

The United States Railroad Indemnity Selection Patent (RRIS Pat) 493368 was issued to Thorn Creek Cattle Association on 7/17/1911. The United States assigned serial number H-010156 to the entry that led to this patent. The RRIS Pat was relinquished on 5/1/1912. Subsequently, the United States reacquired this land pursuant to Warranty Deed from Thorn Creek Cattle Association on 9/23/1983. The United States assigned serial number I-19367 to this action.

i. **Subcases: 37-20233 and 37-20234:**

The United States Railroad Lieu Selection Patent (RRLS Pat) 919118 was issued to Lillie B. Wing on 10/4/1923. The United States assigned serial number H-019797 to the entry that led to this patent. Subsequently, the United States reacquired this land pursuant to warranty deed from Thorn Creek Cattle Association on 9/23/1983. The United States assigned serial number I-19367 to this action.

6. The claimed water sources described by the subcases listed on Attachment 1 were confirmed by field investigation.

a. **Subcase 37-20119:**

The tributary described in the Director's Report is listed as Magic Reservoir. BLM objected to this claim to make the tributary description consistent with IDWR data entry standards. According to those standards, man-made structures are not to be used as tributary names. Investigation of the claim has determined that the tributary would be better described as "Big Wood River."

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7. Based upon the field verification and my review of the field investigation documents, the source of water for the subcases listed on Attachment 1 is a natural playa lake (i.e. waterhole) or a free-flowing spring located at the claimed Point of Diversion and Place(s) of Use, except as follows.

a. **Subcase 37-20041:**

BLM objected to the Point of Diversion (hereinafter "POD") and the Place of Use (hereinafter "POU") description that was recommended in the Director's Report. The Notice of Claim submitted to IDWR correctly described the claim, but BLM provided an incorrect map with the notice. The POD was recommended as NWSENW, S27, T03N, R19E, but should be described in the NWSWNW. See attachments to BLM's Standard Form 1 Objection. The POU was recommended as SENW, S27, T03N, R19E, but should be described in the SWNW. See attachments to BLM's Standard Form 1 Objection.

b. **Subcase 37-20192:**

BLM objected to the Point of Diversion and the Place of Use description that was recommended in the Director's Report. The POD was recommended as SWNENE, S33, T04S, R13E, but should be described in the SWSWNW. See attachments to BLM's Standard Form 1 Objection. The POU was recommended as NENE, S33, T04S, R13E, but should be described in the SWNW. See attachments to BLM's Standard Form 1 Objection.

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8. Based upon the field verification and my review of the field investigation documents for the subcases listed on Attachment 1, there is sufficient water present at the sources described by these subcases for consumptive use by livestock.

Dated this 15 day of May, 2003

Lisa A. Jaro
Lisa A. Jaro

On this 15 day of May 2003, before me Marilyn Padgett, a notary public, personally appeared Lisa A. Jaro, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that she executed the same.

Marilyn Padgett
Notary Public in and for the State of Idaho

Residing at: Shoshone ID

My Commission Expires: 7-1-06

MARILYN PADGETT NOTARY PUBLIC STATE OF IDAHO

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CERTIFICATE OF SERVICE

I certify that on May 15th, 2003, I served a true and correct copy of foregoing **AMENDED AFFIDAVIT OF LISA A. JARO; SUBCASE NUMBER(S): 37-14346 et al., together with ATTACHMENT 1** upon the following individuals by placing the document in the United States Mail in Shoshone, 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

Norman M. Semanko
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Boise, Idaho 83701-2139

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 4449
Boise, ID 83711-4449

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

Lisa A. Jaro
Signature of Person Serving Document

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ATTACHMENT 1

NATURAL PLAYA LAKES

37-20162	37-20165	37-20167	37-20169	37-20212
37-20163	37-20166	37-20168	37-20211	37-20259
37-20164				

FREE FLOWING SPRINGS

37-14346	37-15728	37-16599	37-16721	37-17002
37-14353	37-15753	37-16603	37-16735	37-17302
37-14355	37-15914	37-16605	37-16737	37-17473
37-14520	37-15916	37-16607	37-16739	37-17494
37-14560	37-16097	37-16611	37-16741	37-17501
37-14573	37-16099	37-16615	37-16753	37-17522
37-14592	37-16118	37-16621	37-16755	37-17525
37-14594	37-16132	37-16623	37-16757	37-17618
37-14606	37-16140	37-16627	37-16759	37-17640
37-14618	37-16159	37-16629	37-16763	37-17688
37-14641	37-16162	37-16631	37-16765	37-17717
37-14643	37-16167	37-16633	37-16769	37-17774
37-14658	37-16250	37-16635	37-16781	37-17776
37-14687	37-16286	37-16637	37-16791	37-17858
37-14692	37-16300	37-16639	37-16799	37-17939
37-14709	37-16306	37-16641	37-16805	37-18200
37-14713	37-16315	37-16645	37-16807	37-18216
37-14718	37-16323	37-16651	37-16809	37-18226
37-14721	37-16345	37-16653	37-16811	37-18228
37-14876	37-16347	37-16655	37-16813	37-18349
37-14886	37-16349	37-16657	37-16825	37-18435
37-14900	37-16431	37-16659	37-16827	37-18498
37-14943	37-16434	37-16665	37-16829	37-18519
37-14962	37-16436	37-16667	37-16833	37-18648
37-15020	37-16438	37-16669	37-16835	37-18650
37-15023	37-16440	37-16671	37-16837	37-18845
37-15026	37-16442	37-16673	37-16839	37-18897
37-15032	37-16508	37-16675	37-16843	37-18902
37-15301	37-16557	37-16677	37-16845	37-18905
37-15333	37-16559	37-16679	37-16847	37-18907
37-15430	37-16565	37-16681	37-16849	37-19242
37-15443	37-16569	37-16685	37-16859	37-19246
37-15463	37-16571	37-16697	37-16992	37-19252
37-15474	37-16577	37-16701	37-16996	37-19256
37-15701	37-16579	37-16703	37-16998	37-19313
37-15714	37-16593	37-16705	37-17000	37-19314

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ATTACHMENT 1 continued

37-19407	37-20072	37-20189
37-19409	37-20073	37-20191
37-19580	37-20074	37-20192
37-19582	37-20076	37-20193
37-19584	37-20078	37-20195
37-19590	37-20079	37-20196
37-19595	37-20081	37-20197
37-19605	37-20085	37-20198
37-19612	37-20086	37-20199
37-19617	37-20087	37-20203
37-19621	37-20088	37-20204
37-20030	37-20090	37-20205
37-20031	37-20097	37-20206
37-20032	37-20098	37-20207
37-20033	37-20100	37-20208
37-20034	37-20101	37-20209
37-20035	37-20104	37-20218
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37-20039	37-20112	37-20223
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37-20046	37-20123	37-20234
37-20047	37-20131	37-20235
37-20048	37-20133	37-20236
37-20049	37-20134	37-20237
37-20050	37-20138	37-20241
37-20051	37-20173	37-20242
37-20052	37-20174	37-20243
37-20053	37-20176	37-20247
37-20055	37-20177	
37-20058	37-20178	
37-20059	37-20179	
37-20061	37-20182	
37-20063	37-20183	
37-20064	37-20186	
37-20066	37-20188	

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