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Department of Water Resources

**Names of Parties Filing Document:**

UNITED STATES OF AMERICA

**Attorneys' Names and Addresses:**

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**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 Numbers: 73-10456 et. al. |
|                | ) | See Attachment 1                  |
|                | ) |                                   |
| Case No. 39576 | ) | <b>AFFIDAVIT OF</b>               |
|                | ) | <b>ALAN R. BITTNER</b>            |
| _____          | ) |                                   |

|                 |   |     |
|-----------------|---|-----|
| STATE OF IDAHO  | ) |     |
|                 | ) | ss: |
| COUNTY OF LEMHI | ) |     |

I Alan R. Bittner , being first duly sworn, do depose and state:

1. My name is Alan R. Bittner. I am a graduate of Cornerstone University in Grand Rapids, Michigan. I received a Bachelor of Arts degree in Biology in 1989. I am currently employed by the United States, Department of the Interior, Bureau of Land Management (BLM),

as a Natural Resource Specialist for the Salmon Field Office, Upper Columbia Salmon Clearwater District (hereinafter "UCSC") of the Bureau of Land Management (hereinafter "BLM"). located in Salmon, 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 (SRBA). This knowledge and experience includes, but is not limited to: BLM water right claim files, BLM water right field investigations, Master Title Plats (hereinafter "MTP"), Historical Indexes (herinafter "HI"), and Control Document Index cards (hereinafter "CDI cards"). In the 6 years that I have been dealing with water rights, I have: investigated thousands of claims; collected, compiled and analyzed factual information and evidence for thousands of water right claims; and reviewed and analyzed countless numbers of official business records associated with water rights and 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, I am responsible for coordinating the activities of BLM within the SRBA for the Challis Field Office and the Salmon Field Office, and individually responsible for handling the water right claims made by the United States of America on behalf of BLM for the Challis and Salmon Field Offices within the UCSC District.

3. 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 above captioned SRBA claims made by the United States of America on behalf of the BLM and have reached the determinations described below.

4. 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 the above captioned SRBA claims are located on unreserved federal public domain as of April 17, 1926; and this land currently remains under Department of Interior administration.

5. The claimed water sources were confirmed by field investigation.
6. Based upon the field verification and my review of the field investigation documents, the source of water for this claim is a spring located at the claimed Point of Diversion and Place of Use.
7. Based upon the field verification and my review of the field investigation documents, there is sufficient surface water at this site for consumptive use by livestock.
8. I have reviewed BLM official business records for the captioned subcases, including but not limited to, BLM claim files and BLM physical field investigations. I have also reviewed the official business records of IDWR for the captioned subcases, including IDWR's Director's Report recommendations. Each element of the water rights described by the captioned subcases has been independently verified and are exactly as described in the Director's Report recommendations for state basis of the captioned subcases, except the priority date

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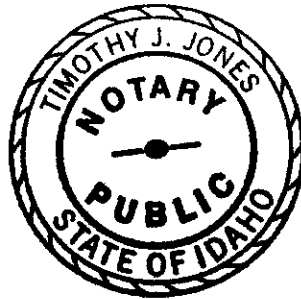
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for a federal reservation pursuant to PWR 107 would be April 17, 1926, and quantity was stipulated to in Basin-Wide Issue #9 to be 0.02 cfs.

Dated this 11<sup>th</sup> day of August, 2003

Alan R. Bittner  
Alan R. Bittner

On this 11<sup>th</sup> day of August, 2003, before me Timothy J. Jones, a notary public, personally appeared Alan R. Bittner, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same.



Timothy J. Jones

Notary Public for the State of Idaho

Residing at: Salmon

My Commission Expires: 2/16/08

## CERTIFICATE OF SERVICE

I certify that on August 12, 2003, I served a true and correct copy of the foregoing **AFFIDAVIT OF ALAN R. BITTNER; SUBCASE NUMBER: 73-10456 et. al., together with Attachment 1** upon the following individuals by placing the documents in the United States Mail in ~~Salmon~~ Boise, Idaho, postage paid, and addressed as follows: *by facsimile also to addresses below:*

Original to:

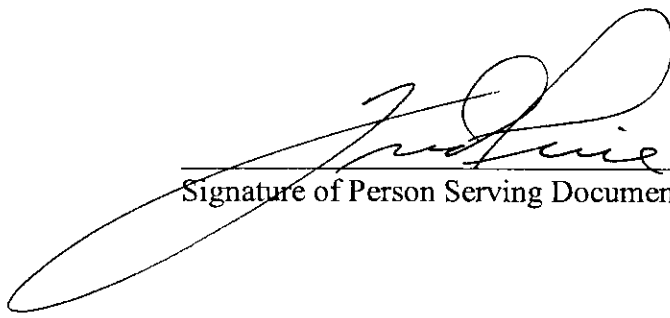
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

Copies to:

U.S. Department of Justice  
General Litigation Section  
Environment and Natural Resources Division  
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Boise, ID 83724

Chief, Natural Resources Division  
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State of Idaho  
P.O. Box 44449  
Boise, ID 83711-4449

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



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Signature of Person Serving Documents

## Attachment 1

73-10456  
73-10522  
73-10524  
73-10548  
73-10564  
73-10572  
73-10898  
73-11179  
73-11371  
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