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Department of Water Resources

Names of Parties Filing Document:

UNITED STATES OF AMERICA

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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: 74-11014 et. al.
) See Attachment 1
)

Case No. 39576

) **AFFIDAVIT OF**
) **ALAN R. BITTNER**
)

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 (hereinafter "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, except as described for 74-14831 below. The following is a summary of land acquisitions associated with the captioned subcases.

a. Subcase 74-12432:

United States Stock Raising Homestead Entry Patent (SRHE Pat) 1041393 was issued to Fletcher A. Wheaton on 10/20/1930. The United States assigned serial number BL-039195 to the entry application that led to this patent.

Subsequently, the United States reacquired the land pursuant to warranty deed from John Sells on 12/9/2002. The United States assigned serial number IDI-033137 to this action.

b. Subcase 74-14831:

United States Homestead Entry Patent (HE Pat) 613301 was issued to A. Roy Buchanan on 1/7/1918. The United States assigned serial number H-020227 to the entry application that led to this patent. Subsequently, the United States reacquired the land pursuant to warranty deed from Corliss R. Morphey on 10/16/1964. The United States assigned serial number I-013899 to this action.

5. The claimed water sources were confirmed by field investigation.

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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.

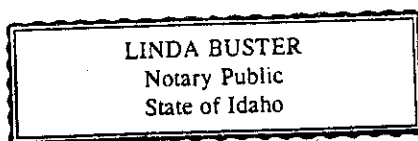
7. Based upon the field verification and my review of the field investigation documents, there is sufficient surface water at this site for consumptive use by livestock.

8. I have reviewed the BLM official business records for each of the subcases subject to this affidavit for a federal reserved water right pursuant to PWR 107. The elements of the claimed water rights have been verified through examination of claim files and physical field investigations and are correctly described in the abstract/recommendation of the claims issued by IDWR. The quantity for a federal reservation based upon Public Water Reserve 107 was stipulated to and ruled upon in Basin-Wide Issue #12 to be 0.02 cfs. The quantity element for each of the above captioned subcases should be 0.02 cfs.

Dated this 29th day of August, 2003

Alan R. Bittner
Alan R. Bittner

On this 29 day of August, 2003, before me Linda Buster, 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.



Linda Buster

Notary Public for the State of Idaho

Residing at: Salmon, Idaho

My Commission Expires: 8-22-06

CERTIFICATE OF SERVICE

I certify that on August 22nd, 2003, I served a true and correct copy of the foregoing **AFFIDAVIT OF ALAN R. BITTNER; SUBCASE NUMBER: 74-11014 et. al., together with Attachment 1** upon the following individuals by placing the documents in the United States Mail in Salmon, Idaho, postage paid, and addressed as follows:

Original to:

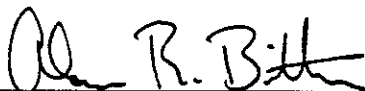
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Copies to:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
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 83711-4449

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



Signature of Person Serving Documents

Attachment 1

74-11014	74-11168	74-11377	74-11561	74-11755
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