RECEIVED
SEP - 3 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
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	)	Subcase Numbers: 63-30498 et al.
	)	See Attachment 1
Case No. 39576	)	
	)	**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. In that capacity, 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 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;

b. Since August of 1993 as a Water Rights Specialist in the BLM, State Office;

3. My experience with water rights is as follows:

a. My eleven and a half years in BLM's fire program required that I have the ability to understand and interpret maps, legal land descriptions, and Range Improvement Project Files. I was routinely required to:

- travel to remote fire locations with just a map;
- map the position and extent of fires for which I was responsible;
- locate, construct and maintain range improvements (including but not limited to: spring developments, pipelines and fences), and to supplement the range improvement project files.
- I taught several courses to new employees in interpreting maps and BLM

Master Title Plats (hereinafter "MTP"), as well as, in the use of a compass.

- In my work with the BLM, I have been responsible for tasks requiring an ability to interpret: maps, legal land descriptions, and water claims, including the preparation, mapping and review of 5,500 SRBA water right claims for BLM.
- In my work with the BLM, I have reviewed hundreds of Range Improvement Project Files for the purpose of locating the project, to determine when it was constructed, whether it was completed, whether it is still functional, to identify candidates for filing SRBA water claims, and to capture certain types of projects into the Geographic Information Systems (i.e. computer mapping system).

b. As a Water Rights Specialist in the BLM State Office, it is my responsibility to provide guidance and direction to Idaho BLM offices in all matters relating to water rights, and make recommendations to the Department of Justice. My experience with water rights in my present position is as follows:

- I develop policy for BLM across several programs to deal with water issues, such as the range management and realty programs.
- I have reviewed tens of thousands of legal land descriptions represented in Points of Diversion (hereinafter "POD") and Places of Use (hereinafter "POU") that were published in SRBA Director's Reports to determine land ownership by comparing those land descriptions to BLM's Master Title Plats and Historical Indexes. I have reviewed hundreds of deeds to determine who owned what land descriptions.

- I've prepared over a thousand revised water right descriptions for use with the SRBA Standard Form 5 (hereinafter "SF-5") to resolve objections involving the BLM.
- I provide advice, guidance and direction to BLM field office personnel as to investigating and preparing claims, how to interpret water rights and how they relate to other water rights.
- For hundreds of subcases, I have made determinations whether multiple claims exist for the same source and what the nature of their relationship is to each other.
- I have reviewed hundreds of Range Improvement Project Files for the purpose of locating the project, to determine when it was constructed, whether it was completed, if it is still functional, who contributed to the construction and in what amounts, and to determine whether water is present and in what amounts.
- I developed the investigative criteria to be used for BLM field offices to investigate water sources for claims preparation and for objection purposes. I have reviewed thousands of BLM claim files and field investigations conducted by BLM. I have also performed investigations of water rights in the field.
- I routinely provide technical assistance, reports, recommendations and opinions to the Department of Justice concerning all the above matters.
- //

4. I have extensive knowledge of, and experience with, the official business records of BLM

associated with its water right claim filings in the SRBA, including but not limited to: BLM water right claim files, BLM water right field investigations, Master Title Plats, Historical Indexes, and Control Document Indexes (hereinafter "CDI").

5. 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.

6. The Master Title Plat (hereinafter "MTP") is an official business record of BLM. The MTP is the United States' official Record of Title. It is a graphic display of township survey data, and is 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."

The Historical Index (hereinafter "HI") is an official business record of the United States that maintains a time line of events occurring on United States' property.

7. Based upon a review of BLM's SRBA water right claim files and IDWR's Director's Report recommendations, the captioned subcases are BLM "dual" claims based upon state and federal law. The federal claim basis is claimed pursuant to an Executive Order, dated April 17, 1926, and known as Public Water Reserve 107 (hereinafter "PWR 107"). The state basis is a beneficial use basis with a priority date of June 28, 1934. The 1934 date was reached through settlement with the State of Idaho.

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

//

9. 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.

10. 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.

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

Fredric W. Price

Subscribed and sworn to before me this 29TH day of August, 2003.
Witnessed by my hand and official seal.

Notary Public for State of Idaho
Residing at: Boise
My Commission Expires: 5-16-2009

JOHN W. THORNBURGH NOTARY PUBLIC STATE OF IDAHO

CERTIFICATE OF SERVICE

I certify that on 8-29, 2003, I served a true and correct copy of foregoing **AFFIDAVIT OF FREDRIC W. PRICE; SUBCASE NO: 63-30498 et al., together with Attachment 1** 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

63-30498
63-30499
63-30500
63-30501
63-30502
63-30503
63-30504
63-30505
63-30506
63-30507
63-30508
63-30509
63-30510
63-30511
63-30512
63-30513
63-30514
63-30515
63-30516
63-30517
63-30518
63-30519
63-30520
63-30521
63-30522
63-30523
63-30524
63-30525
63-30527
63-30528
63-30529
63-30530
63-30531
63-30532