

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 Nos.: 83-10266 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. 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. 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 236 subcases listed on Attachment 1 for SRBA claims made by the United States of America on behalf of the BLM and have reached the determinations described below.

5. Based upon a review of BLM's SRBA water right claim files and IDWR's abstract/recommendations, the subcases listed on Attachment 1 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.

6. The MTPs 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 are located on unreserved federal public domain as of April 17, 1926; and this land currently remains under Department of Interior administration.

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

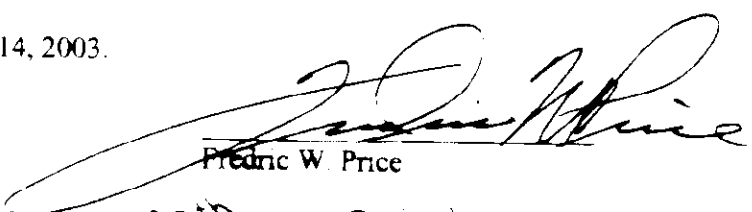
8. Based upon the field verification and my review of the field investigation documents for each of the subcases listed on Attachment 1, there is sufficient surface water at these sites for consumptive use by livestock.

9. Based upon the field verification and my review of the field investigation documents, the source of water for each of the subcases listed on Attachment 1 is a spring located at the claimed Point of Diversion (hereinafter "POD") and Place of Use (hereinafter "POU"), except as noted below.

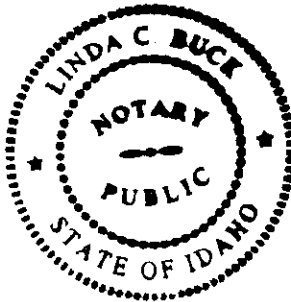
10. I have reviewed the BLM official business records for each of the subcases subject to this affidavit for a federal reserved water right pursuant to PWR 107. The elements of the claimed water rights have been verified through examination of claim files and physical field investigations and are correctly 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 be 0.02 cfs, not to exceed 13,000 gpd. For the following subcases and based upon my review and independent verification, certain elements of the federal reserve basis are not

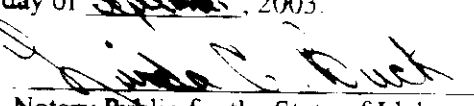
exactly as described in IDWR's original abstract/recommendation and those elements have been altered by amended abstract/recommendations attached to Standard Forms 5 (hereinafter "SF-5"), amended claims that were filed in the subcases identified below:

- a. **Subcase 83-10370:** BLM and IDWR filed an SF-5 (amended claim) with the court on August 14, 2003
- b. **Subcase 83-10636:** BLM and IDWR filed an SF-5 (amended claim) with the court on August 14, 2003.
- c. **Subcase 83-10654:** BLM and IDWR filed an SF-5 (amended claim) with the court on August 14, 2003.


Fredric W. Price

Subscribed and sworn to before me this 25th day of September, 2003.
Witnessed by my hand and official seal.




Notary Public for the State of Idaho

Residing at: Mountain Home, ID
My Commission Expires: 12/21/05

CERTIFICATE OF SERVICE

I certify that on Sept. 25, 2003, I served a true and correct copy of the foregoing **AFFIDAVIT OF FREDRIC W. PRICE; SUBCASE NUMBERS: 83-10266 et. al.** by placing the documents in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

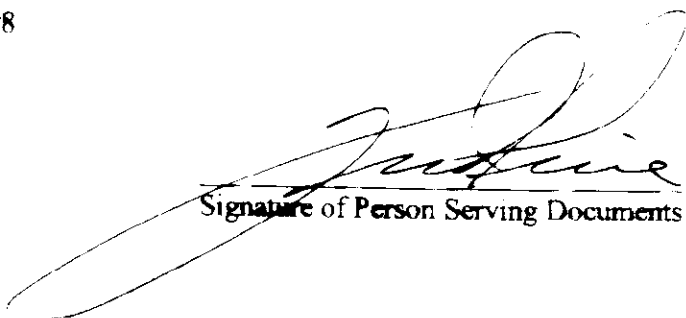
And by Fax
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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

83-10266	83-10348	83-10430	83-10530	83-10616	83-10702
83-10268	83-10350	83-10432	83-10532	83-10618	83-10704
83-10270	83-10352	83-10434	83-10534	83-10620	83-10706
83-10272	83-10354	83-10436	83-10536	83-10622	83-10708
83-10274	83-10356	83-10438	83-10538	83-10624	83-10710
83-10276	83-10358	83-10440	83-10540	83-10626	83-10712
83-10278	83-10360	83-10442	83-10542	83-10628	83-10714
83-10280	83-10364	83-10448	83-10544	83-10630	83-10716
83-10282	83-10366	83-10452	83-10546	83-10632	83-10718
83-10284	83-10368	83-10454	83-10548	83-10634	83-10720
83-10286	83-10370	83-10458	83-10550	83-10636	83-10722
83-10288	83-10372	83-10460	83-10552	83-10638	83-10724
83-10290	83-10374	83-10462	83-10554	83-10640	83-10726
83-10292	83-10376	83-10464	83-10556	83-10642	83-10728
83-10294	83-10378	83-10466	83-10558	83-10644	83-10730
83-10296	83-10380	83-10472	83-10560	83-10646	83-10732
83-10298	83-10382	83-10474	83-10562	83-10648	83-10734
83-10300	83-10384	83-10476	83-10564	83-10650	83-10736
83-10304	83-10386	83-10482	83-10566	83-10652	83-10738
83-10306	83-10388	83-10484	83-10568	83-10654	83-10740
83-10308	83-10390	83-10486	83-10570	83-10656	83-10742
83-10310	83-10392	83-10488	83-10572	83-10658	83-10744
83-10312	83-10394	83-10490	83-10574	83-10662	83-10746
83-10314	83-10396	83-10492	83-10576	83-10664	83-10748
83-10316	83-10398	83-10494	83-10578	83-10666	83-10750
83-10318	83-10400	83-10496	83-10580	83-10668	83-10752
83-10320	83-10402	83-10498	83-10584	83-10670	83-10754
83-10322	83-10404	83-10502	83-10586	83-10672	83-10756
83-10324	83-10406	83-10506	83-10590	83-10674	83-10758
83-10326	83-10408	83-10508	83-10592	83-10676	83-10760
83-10328	83-10410	83-10510	83-10594	83-10680	83-10762
83-10330	83-10412	83-10512	83-10596	83-10682	83-10764
83-10332	83-10414	83-10514	83-10598	83-10684	83-10766
83-10334	83-10416	83-10516	83-10600	83-10686	83-10768
83-10336	83-10418	83-10518	83-10604	83-10688	83-10770
83-10338	83-10420	83-10520	83-10606	83-10690	83-11879
83-10340	83-10422	83-10522	83-10608	83-10694	
83-10342	83-10424	83-10524	83-10610	83-10696	
83-10344	83-10426	83-10526	83-10612	83-10698	
83-10346	83-10428	83-10528	83-10614	83-10700	