

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 Nos.: 84-11920; et. al
)
)
)
)
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 43 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 (except where specifically noted below). The following is a summary of land acquisitions associated with the subcases listed on Attachment 1.

a. **Subcase 84-12045:** United States Cash Entry Patent (CE Pat) number 3610 was issued to George W. Snyder on 11/02/1903. Subsequently, the United States reacquired this land pursuant to Warranty Deed from Central Idaho Title, Inc. on 7/19/1990. The United States assigned serial number IDI-27563 to this action.

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 84-11925:** BLM and IDWR filed an SF-5 (amended claim) with the court on August 14, 2003.

b. **Subcase 84-11958:** BLM and IDWR filed an SF-5 (amended claim) with the court on August 14, 2003.

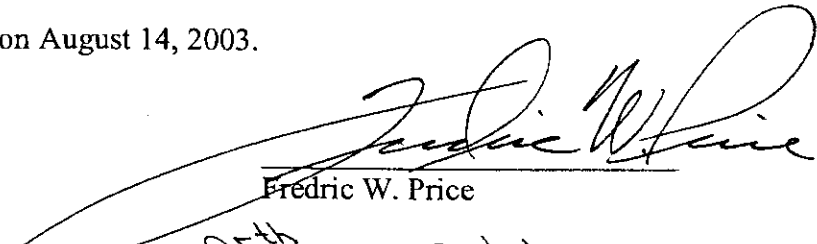
c. **Subcase 84-12045:** BLM and IDWR filed an SF-5 (amended claim) with the court on August 14, 2003.

d. **Subcase 85-15241** IDWR's abstract/recommendation described the Tributary as "Six Mile Canyon". Review of the U.S.G.S. 7 ½ minute (topographic) map for this area describes the geological feature that the spring contributes water to as "Sixmile Canyon". The tributary would be more accurately described as "Sixmile Canyon", rather than referenced as "Six Mile Canyon". There has been no SF-5 filed in this subcase

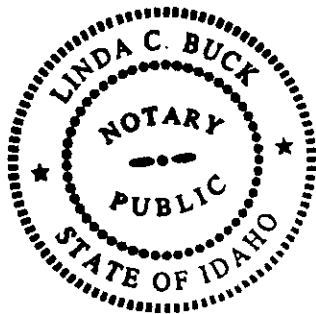
e. **Subcase 85-15267** BLM and IDWR filed an SF-5 (amended claim) with the court on August 14, 2003.

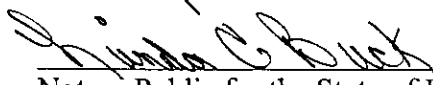
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f. Subcase 86-10860 BLM and IDWR filed an SF-5 (amended claim) with the court on August 14, 2003.


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: 84-11920 et. al.** by placing the documents in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

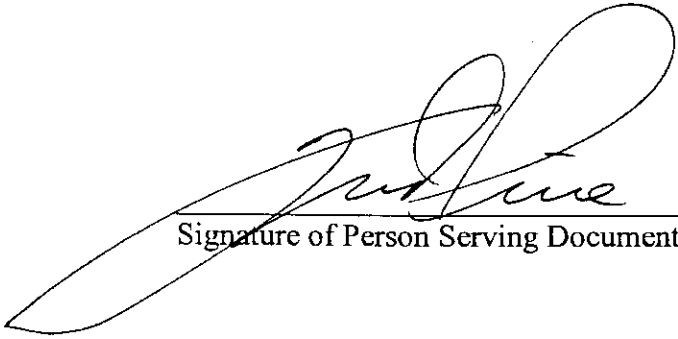
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Copies to:

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Office of the Attorney General
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Boise, ID 83711-4449

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



Signature of Person Serving Documents

ATTACHMENT 1

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84-11920
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