

COPY

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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 No. 55-10055
	)	
Case No. 39576	)	AFFIDAVIT OF LORNA K. JORGENSEN DATED
	)	JANUARY 26, 2004
	)	
_____	)	

State of Idaho)
)SS
County of Ada)

I, LORNA K. JORGENSEN, being first duly sworn, deposes and states:

1. I am a deputy attorney general, representing the Idaho Department of Lands. I
make all statements in this affidavit based upon personal knowledge.

2. I made a diligent search of the records of the Idaho Department of Lands and found Clear List No. 35 that transferred to the Idaho Department of Lands from the United States on February 19, 1923 the following described land:

T09S R02W	S22	NWSE
	S23	SWNE
		SENE
		SWNW
		NWSW
		NESE
	S24	NWSW

A true and correct copy of Clear List No. 35 is attached as Attachment I hereto and incorporated by this reference.

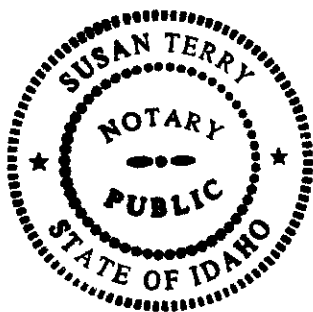
3. I negotiated, on behalf of the Idaho Department of Lands, a SETTLEMENT AGREEMENT BETWEEN THE STATE OF IDAHO (IDAHO DEPARTMENT OF LANDS) AND JOSEPH E. BLACK dated November 24, 2003, (hereinafter referred to as the "Settlement Agreement"). As a part of the Settlement Agreement, Mr. Black expressed his intent to abandon and has abandoned the water rights expressed in the Black partial decree for the place of use descriptions and for the point of diversion descriptions on State endowment land. Mr. Black signed a letter notifying the Director of the Idaho Department of Water Resources that he intended to abandon and did abandon his water right claims on State endowment land. The letter also stated that Mr. Black supported the amendment of the Black Partial Decree entered for subcase no. 55-10055 so that the decree reflects that he intended to abandon and has abandoned the claims on State endowment land. A true and correct copy of that letter is attached as Attachment II hereto and incorporated by reference.

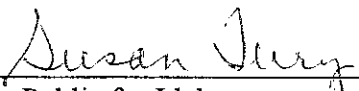
4. Further your affiant sayeth naught.



LORNA K. JORGENSEN
Deputy Attorney General

Subscribed and sworn (or affirmed) before me this 26th day of January, 2004.





Notary Public for Idaho
Residing at: Manpa Idaho
My Commission expires: 8-30-05

CERTIFICATE OF SERVICE

I certify that on this 26th day of January 2004, I caused the original and the copies of the **AFFIDAVIT OF LORNA JORGENSEN DATED JANUARY 26, 2004** to be filed and served on the following persons parties by the method designated:

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

U.S. MAIL

2. One copy to the owner of the water right at the following address:

Joseph E. Black
Star Rte, Box 49
Hammett, ID 83627

U.S. MAIL

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

STATEHOUSE MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

U.S. MAIL



DAVID J. BARBER
Deputy Attorney General

ATTACHMENT I

March 8 1923. 35.

I hereby certify that the annexed transcript of clear-list No. 35; embracing 30,120.41 acres of indemnity school land selections of the State of Idaho in the Boise land district, approved on February 19, 1923, is a

true and literal exemplification of the original approved list on file in this office.

IN TESTIMONY WHEREOF I have hereunto sub-

scribed my name and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.



Geo. W. Tishman
Assistant Commissioner of the General Land Office.

APPROVED LIST NO. 35 OF

EXHIBITING the tracts selected by the State of Idaho in the school lands, or losses to its grant for the support of Common Schools, assigned as bases for the (26 Stat. 215) and February 25, 1891 (26 Stat., 796), amending Sections 2275 and 2276, United

4-127

CAUSE OF LOSS.	DESCRIPTION OF BASES.	SECTION.	TOWNSHIP.	RANGE.	MERIDIAN.	AREA OF TRACTS. ACRES.	TOTAL AREA OF BASES. ACRES.
Fractional Township	✓ Deficiency		9 S.	39 E.	Boise		160 00
"	✓ "		16 S.	41 E.	"		240 00
"	✓ "		16 S.	11 E.	"		80 00
Indian Allotments	✓ Lots 3, 5, 6, 7, 8	16	33 N.	2 W.	"		120 00
Fractional Township	✓ Deficiency		55 N.	2 W.	"		200 00
National Forest	✓ N $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	16	33 N.	6 E.	"	600 00)	640 00
"	✓ SE $\frac{1}{4}$ NE $\frac{1}{4}$	16	33 N.	10 E.	"	40 00)	640 00
"	✓ N $\frac{1}{2}$	16	32 N.	7 E.	"	320 00)	640 00
"	✓ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	36	34 N.	12 E.	"	320 00)	640 00
"	✓ All	36	28 N.	15 E.	"		640 00
"	✓ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Part of SW $\frac{1}{4}$ SE $\frac{1}{4}$	36	52 N.	2 W.	"		515 33
"	✓ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$	16	36 N.	8 E.	"		120 00
"	✓ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	36	32 N.	14 E.	"		320 00
"	✓ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$	16	35 N.	14 E.	"	120 00)	320 00
"	✓ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$	36	34 N.	13 E.	"	200 00)	320 00
"	✓ N $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	16	35 N.	9 E.	"		400 00
Fractional Township	✓ Deficiency		16 N.	44 E.	"		80 00
National Forest	✓ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	16	34 N.	13 E.	"		160 00
Patented Homesteads	✓ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$	16	53 N.	1 E.	"		560 00
"	✓ Lots 1, 2, Part of Lot 3	16	50 N.	3 W.	"		80 00
Hd. & Cash Entries	✓ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Lots 2, 5 and 6	16	4 N.	1 W.	"	349 65)	
Patented H. E.	✓ Part of Lot 1	16	4 N.	1 W.	"	50 25)	
Cash Entry	✓ Part of Lot 3	16	4 N.	1 W.	"	40 00)	
"	✓ Part of Lot 7	16	4 N.	1 W.	"	32 90)	
Indian Allotment	✓ Part of Lot 8	16	37 N.	2 W.	"	17 25)	
Indian Allotments	✓ Lots 5, 6, 11, 12, 13, 14, 15, 16	36	33 N.	1 W.	"	160 00)	640 00
National Forest	✓ All	36	40 N.	9 E.	"		640 00
"	✓ S $\frac{1}{2}$ NE $\frac{1}{4}$, Part of NE $\frac{1}{4}$ NE $\frac{1}{4}$	16	40 N.	9 E.	"	119 83)	
"	✓ S $\frac{1}{2}$ NW $\frac{1}{4}$, Part of NW $\frac{1}{4}$ NE $\frac{1}{4}$	16	40 N.	9 E.	"	119 85)	
"	✓ S $\frac{1}{2}$, Part of NE $\frac{1}{4}$ NW $\frac{1}{4}$	16	40 N.	9 E.	"	359 87)	
"	✓ Part of NW $\frac{1}{4}$ NW $\frac{1}{4}$	16	40 N.	9 E.	"	39 90)	639 45
"	✓ All	16	42 N.	9 E.	"		640 00
"	✓ S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$	16	32 N.	8 E.	"		160 00
Carried forward							8,194 83

POSTED:
JUNE 27, 1923.
E. F.

ATTACHMENT II

RECEIVED

NOV 25 2003

Department of Water Resources

Karl Dreher
Director
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706-2237

Subject: Abandonment of Only Those Water Rights on State Endowment Land Listed Within the Black Partial Decree Water Right No. 55-10055

Dear Director Dreher:

On January 30, 1998, I, Joseph E. Black received a Partial Decree No. 55-10055. The Partial Decree lists water right claims on both my private land and on State endowment land. By this document, I intend to abandon only those water rights on State endowment land but intend to retain the water right on my private land. Therefore:

I, Joseph E. Black, Star Route, Box 49, Hammett, Idaho 83627 do not intend to abandon nor do I abandon my water right claim on private land located in:

Township 9 South, Range 2 West, B.M
NESESW of Section 14

Place of Use Stockwater T09S R02W S14 SESW

I, Joseph E. Black, Star Route, Box 49, Hammett, Idaho 83627 do intend to abandon and do hereby abandon my water right claims on the State endowment land located in:

Township 9 South, Range 2 West, B.M
N2SE1/4; SE1/4SE1/4 of Section 22
S2N2; S2 of Section 23
SW1/4NW1/4; NW1/4SW1/4 of Section 24

In addition, I support the amendment of the Black Partial Decree Water Right No. 55-10055 so that it reflects that I intend to abandon and have abandoned all of the following:

Point of Diversion	T09S R02w	S22	SWNWSE
		S23	SESWNE
			SESENE
			SWSWNW
			SENWSW
			NENESE
		S24	NWNWSW

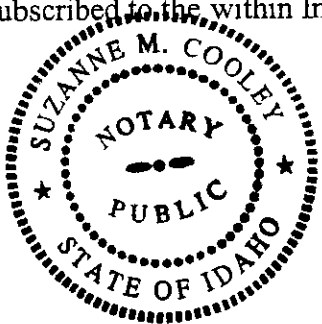
Place of Use	Stockwater	T09S R02W	S22	NWSE
			S23	SWNW
				NWSW
	Stockwater from Storage		S23	SWNE
				SENE
				NESE
			S24	NWSW

Respectfully,

Joseph E. Black
Joseph E. Black

STATE OF IDAHO)
) ss.
County of Owyhee)

On this 24 day of NOV., 2003, before me, a Notary Public in and for said State, personally appeared Joseph E. Black, known or identified to me to be the person whose name is subscribed to the within Instrument, and acknowledged to me that he executed the same.



Suzanne M. Cooley
Notary Public for Idaho
Residing at: Bowen ID
My Commission expires: 7-22-2008

The foregoing is a true and certified copy of the document on file at the department of Water Resources
Signed this 3rd day of December, 2003
A. Glen Saylor