

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 APR 2 PM 1 28

Names of Parties Filing Document:

UNITED STATES OF AMERICA

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Department of Water Resources

**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)

Case No. 39576)

Subcase Number(s): 37-14346 et.al.
sec ATTACHMENT 1

**AFFIDAVIT OF
LISA A. JARO**

STATE OF IDAHO)

COUNTY OF LINCOLN)

ss.

I Lisa A. Jaro, being of lawful age, and having first been duly sworn, do depose and state:

1. My name is Lisa A. Jaro. I am a graduate of the University of Idaho. I received a Bachelor of Science degree in Technology of Agricultural Science in 2002. I am an employee of the U.S., Department of Interior, Bureau of Land Management. The following statements are based upon my personal knowledge. My present position is that of Natural Resource Specialist

(Water Rights) for the United States, Department of Interior, Bureau of Land Management (hereinafter "BLM"), Upper Snake River District, Shoshone Field Office, located in Shoshone, 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), including but 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"). Since April 2000, I have been dealing with water rights, I have: investigated hundreds of claims; collected, compiled and analyzed factual information and evidence for over a thousand water right claims; reviewed and analyzed official business records associated with water rights that are 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, since January 2003, I am responsible for coordinating the activities of BLM with the SRBA for the Shoshone Field Office of the Upper Snake River District (hereinafter USRD), and individually responsible for handling the water right claims made by the United States of America on behalf of BLM for the Shoshone Field Office within the USRD.

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 SRBA subcases listed in Attachment 1. The 310 subcases shown in Attachment 1 are BLM water right claims for natural playa lakes and naturally-occurring free-flowing springs.

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 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. The following is a summary of land acquisitions associated with certain captioned subcases.

a. **Subcase 37-20199:**

Land left federal ownership pursuant to State Grant, Act of Congress 7/3/1890. An Act of Congress on 1/25/1927 extended the Act of 7/3/1890 to include Mineral lands, subject to prior rights. The United States reacquired this property pursuant to private Withdraw on 9/27/1962, and was officially restored to the United States on 6/10/1963.

b. **Subcase 37-19621:**

Land left federal ownership pursuant to State Grant, Act of Congress on 7/3/1890. It was reconveyed to the United States by a land exchange on 10/2/1991.

c. **Subcase 37-20207:**

United States Homestead Entry Patent (HE Pat) 646564 was issued to Lcc C. Swingle on 8/24/1918. The United States assigned serial number H-015332 and H-018638 to the entry applications that led to this patent. Subsequently, the United States reacquired this land pursuant to Warranty Deed from Faulkner Land

and Livestock on 11/7/1991. The United States assigned serial number IDI-27542 to this action.

d. Subcases 37-20231 and 37-20235:

The United States Railroad Indemnity Selection Patent (RRIS Pat) 493368 was issued to Thorn Creek Cattle Association on 7/17/1911. The United States assigned serial number H-010156 to the entry that led to this patent. The RRIS Pat was relinquished on 5/1/1912. Subsequently, the United States reacquired this land pursuant to Warranty Deed from Thorn Creek Cattle Association on 9/23/1983. The United States assigned serial number I-19367 to this action.

c. Subcases: 37-20233 and 37-20234:

The United States Railroad Lieu Selection Patent (RRLS Pat) 919118 was issued to Lillie B. Wing on 10/4/1923. The United States assigned serial number H-019797 to the entry that led to this patent. Subsequently, the United States reacquired this land pursuant to warranty deed from Thorn Creek Cattle Association on 9/23/1983. The United States assigned serial number I-19367 to this action.

f. Subcases 37-18897 and 37-18902:

United States Homestead Entry Patent (HE Pat) 573165 was issued to Levi G. Metcalf Jr. on 3/20/1917. The United States assigned serial numbers H-010285 and H-017714 to the entry applications that led to this patent. Subsequently, the United States reacquired this land pursuant to Corporation Warranty Deed from Struthers Incorporated on 10/19/1977. The United States assigned serial number I-12533 to this action.

g. **Subcase 37-15032:**

United States Homestead Entry Patent (HE Pat) 852960 was issued to Fred Lee on 3/3/1922. The United States assigned serial numbers H-021291 and H-022039 to the entry applications that led to this patent. Subsequently, the United States reacquired this land pursuant to Corporation Warranty Deed from John Brown Incorporated on 3/12/1965. The United States assigned serial number I-014651 to this action.

h. **Subcase 37-20044:**

United States Stock Raising Homestead Entry Patent (SRIIE Pat) 974138 was issued to Worley N. Head on 2/8/1926. The United States assigned serial numbers BL-038387 to the entry that led to this patent. Subsequently, the United States reacquired this land pursuant to Corporation Warranty Deed from Highland Part & Parcels, Incorporated on 7/22/1992. The United States assigned Registration Opening Order number IDI-28601 to this action.

i. **Subcase 37-20045:**

United States Homestead Entry Patent (HE Pat) 840926 was issued to Samuel T. Werry on 1/4/1922. The United States assigned serial numbers H-023550 and H-024419 to the entry applications that led to this patent. Subsequently, the United States reacquired this land pursuant to Corporation Warranty Deed from Highland Part & Parcels, Incorporated on 7/22/1992. The United States assigned Registration Opening Order number IDI-28601 to this action.

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

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a. **Subcase 37-20119:**

The tributary described in the Director's Report is listed as Magic Reservoir. BLM objected to this claim to make the tributary description consistent with IDWR data entry standards. According to those standards, man-made structures are not to be used as tributary names. Investigation of the claim has determined that the tributary would be better described as "Big Wood River."

6. Based upon the field verification and my review of the field investigation documents, the source of water for these water right claims is a free-flowing spring located at the claimed Point of Diversion and Place(s) of Use.

a. **Subcase 37-20041:**

BLM objected to the Point of Diversion (hereinafter "POD") and the Place of Use (hereinafter "POU") description that was recommended in the Director's Report. The Notice of Claim submitted to IDWR correctly described the claim, but BLM provided an incorrect map with the notice. The POD was recommended as NWSENW, S27, T03N, R19E, but should be described in the NWSWNW. See attachments to BLM's Standard Form 1 Objection. The POU was recommended as SENW, S27, T03N, R19E, but should be described in the SWNW. See attachments to BLM's Standard Form 1 Objection.

b. **Subcase 37-20192:**

BLM objected to the Point of Diversion and the Place of Use description that was recommended in the Director's Report. The Notice of Claim submitted to IDWR correctly described the claim, but BLM provided an incorrect map with the notice. The POD was recommended as SWNENE, S33, T04S, R13E, but should be described in the SWSWNW. See attachments to BLM's Standard Form 1 Objection. The POU was

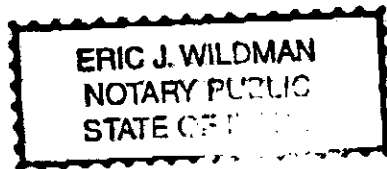
recommended as NENE, S33, T04S, R13E, but should be described in the SWNW. See attachments to BLM's Standard Form 1 Objection.

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

Dated this 2nd day of April, 2003

Lisa A. Jaro
Lisa A. Jaro

On this 2 day of April 2003, before me Eric J. Wildman, a notary public, personally appeared Lisa A. Jaro, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same.



[Signature]
Notary Public for the State of Idaho

Residing at: Cody, ID

My Commission Expires: 10/17/06

CERTIFICATE OF SERVICE

I certify that on _____, 2003, I served a true and correct copy of foregoing **AFFIDAVIT OF LISA A. JARO; SUBCASE NUMBER(S): 37-14346 et. al., together with ATTACHMENT 1** upon the following individuals by placing the document in the United States Mail in Shoshone, 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
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Environment and Natural Resources Div
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IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Lisa A. Jaro 4/2/03
Signature of Person Serving Document

ATTACHMENT 1
NATURAL PLAYA LAKES

37-20162	37-20165	37-20167	37-20169	37-20212
37-20163	37-20166	37-20168	37-20211	37-20259
37-20164				

FREE FLOWING SPRINGS

37-14346	37-15714	37-16593	37-16721	37-17000
37-14353	37-15728	37-16599	37-16735	37-17002
37-14355	37-15753	37-16603	37-16737	37-17302
37-14520	37-15914	37-16605	37-16739	37-17349
37-14560	37-15916	37-16607	37-16741	37-17473
37-14573	37-16097	37-16611	37-16753	37-17494
37-14592	37-16099	37-16615	37-16755	37-17501
37-14594	37-16118	37-16621	37-16757	37-17522
37-14606	37-16132	37-16623	37-16759	37-17525
37-14618	37-16140	37-16627	37-16763	37-17618
37-14641	37-16159	37-16629	37-16765	37-17640
37-14643	37-16162	37-16631	37-16769	37-17688
37-14658	37-16167	37-16632	37-16781	37-17717
37-14687	37-16250	37-16633	37-16791	37-17774
37-14692	37-16286	37-16635	37-16799	37-17776
37-14709	37-16300	37-16637	37-16805	37-17858
37-14713	37-16306	37-16639	37-16807	37-17939
37-14718	37-16315	37-16641	37-16809	37-18200
37-14721	37-16323	37-16645	37-16811	37-18216
37-14876	37-16345	37-16651	37-16813	37-18226
37-14886	37-16347	37-16653	37-16825	37-18228
37-14900	37-16431	37-16655	37-16827	37-18349
37-14943	37-16434	37-16657	37-16829	37-18435
37-14962	37-16436	37-16659	37-16833	37-18498
37-15020	37-16438	37-16671	37-16835	37-18519
37-15023	37-16440	37-16673	37-16837	37-18648
37-15026	37-16442	37-16675	37-16839	37-18650
37-15032	37-16508	37-16677	37-16843	37-18845
37-15301	37-16557	37-16679	37-16845	37-18897
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37-15430	37-16565	37-16685	37-16849	37-18905
37-15443	37-16569	37-16697	37-16859	37-18907
37-15463	37-16571	37-16701	37-16992	37-19242
37-15474	37-16577	37-16703	37-16996	37-19246
37-15701	37-16579	37-16705	37-16998	37-19252

ATTACHMENT 1 continued

37-19256	37-20059	37-20177	37-20243
37-19313	37-20061	37-20178	37-20247
37-19314	37-20063	37-20179	
37-19407	37-20064	37-20182	
37-19409	37-20066	37-20183	
37-19580	37-20072	37-20186	
37-19582	37-20073	37-20188	
37-19584	37-20074	37-20189	
37-19590	37-20076	37-20191	
37-19595	37-20078	37-20192	
37-19605	37-20079	37-20193	
37-19612	37-20081	37-20195	
37-19617	37-20085	37-20196	
37-19621	37-20086	37-20197	
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37-20032	37-20090	37-20203	
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37-20034	37-20098	37-20205	
37-20035	37-20100	37-20206	
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37-20039	37-20110	37-20218	
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37-20042	37-20113	37-20222	
37-20043	37-20115	37-20223	
37-20044	37-20116	37-20224	
37-20045	37-20119	37-20227	
37-20046	37-20120	37-20228	
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37-20049	37-20131	37-20233	
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37-20052	37-20138	37-20236	
37-20053	37-20173	37-20237	
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