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Department of Water Resources

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

Case No. 39576

) Subcase Numbers.: 65-19812 et. al.
) **AFFIDAVIT OF ROBERT R. MALLIS**
)
)
)

STATE OF IDAHO)

COUNTY OF ADA)

ss:

I, Robert R. Mallis, being duly sworn, do depose and state as follows:

1. My name is Robert R. Mallis. My education includes a B. S. degree in geology from Virginia Polytechnic Institute. I have been employed as a geologist by the United States Department of the Interior, Bureau of Land Management (hereinafter "BLM") in Idaho for 19

years. During that time I have performed extensive field studies in Idaho for various resource programs. For the past seven years I have been the Lower Snake River District (hereinafter "LSRD") water rights coordinator. 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 (hereinafter "SRBA"). My duties include reviewing the District's SRBA water right claims to insure that they are accurate and timely filed. I have performed numerous field investigations of water right claims over the past seven years. The facts attested to in this affidavit are based upon my review of BLM claim files and personal observations and knowledge. The opinions attested to in this affidavit are based on my education and experience.

2. As part of my assigned duties and responsibilities, I am responsible for coordinating the activities of BLM within the SRBA for the entire LSRD, and individually responsible for handling the water right claims made by the United States of America acting through the BLM for the Owyhee Field Office within the LSRD.

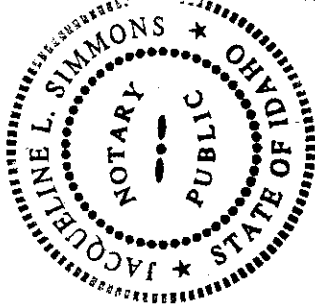
3. At the request of counsel for BLM, I have reviewed the official business records of BLM that comprise the SRBA Water Right Claim files for the above captioned SRBA claims made by the United States of America acting through the BLM and have reached the determinations described below.

4. The Master Title Plats are official business records of the United States that identify United States property and its status. I have reviewed these records and determined that the federal public domain containing the water sources asserted in the above captioned SRBA claims are located on unreserved federal public domain as of April 17, 1926; and this land currently remains under Department of Interior administration.

5. Physical verification (or Field Investigation) of the claimed water sources has confirmed: the location (Point of Diversion and Place of Use) of the sources; the source of water as springs or waterholes; and the presence of surface water in quantities sufficient for consumptive use by livestock.

Robert R. Mallis
Robert R. Mallis

Subscribed and sworn to before me this 27th day of November, 2002.
Witnessed by my hand and official seal.



Jacqueline L. Simmons
Notary Public in and for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 4-7-2005

Attachment A

65-19812
65-19814
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