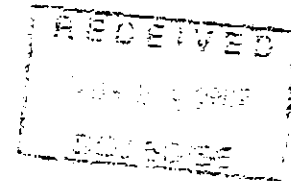


FILENames of Parties Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

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Environment and Natural Resources Division

LARRY A. BROWN
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General Litigation Section
Environment and Natural Resources Division
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Ph.: (202) 305-0435 FAX: (202) 305-0274

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(s): 25-13637

)

) AFFIDAVIT OF
) DEENA M. TEEL

Case No. 39576

)

)

)

)

STATE OF IDAHO)

)

ss:

COUNTY OF BONNEVILLE)

)

I Deena M. Teel, being first duly sworn, do depose and state:

1. My name is Deena M. Teel. I am currently employed by the United States,
Department of the Interior, Bureau of Land Management (BLM), as an Ecologist for the Idaho

Falls Field Office, Upper Snake River District located in Idaho Falls, 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). In the 9½ years that I have been dealing with water rights, I have: investigated thousands of claims; collected, compiled and analyzed factual information and evidence for thousands of water right claims; and reviewed and analyzed countless numbers of official business records associated with water rights and maintained by BLM, the Idaho Department of Water Resources (IDWR), several Idaho Counties, and various federal agencies.

2. As part of my assigned duties and responsibilities, I am responsible for coordinating the activities of BLM within the SRBA for the Upper Snake River District (USRD), and individually responsible for handling the water right claims made by the United States of America on behalf of BLM for the Idaho Falls Field Office within the USRD.

3. The subcase, 25-13637, identified in this document is a "dual" claim based upon state and federal law. The federal basis was claimed pursuant to an Executive Order dated April 17, 1926 and known as Public Water Reserve 107 (hereinafter "PWR 107"). The source element for this subcase identifies a spring. I verified the claim basis and the source element by reviewing the BLM claim files and IDWR Director's Report recommendations for this subcase number. The dates for filing of documents with the court were determined from the SRBA Court's website by running an IWATRS Report for Subcase Summary.

4. At the request of counsel, I was asked to determine whether there were any claims asserted by non-federal entities to the source associated with this subcase. I researched the Point of Diversion using IDWR's web based data system and was able to determine that there are no non-federal entities who have claimed the source described within the identified subcase. My

research would have revealed any claims on record with IDWR, including claims filed in the SRBA and "administratively" (i.e. applications, permits and licenses not filed in the SRBA).

5. I used the SRBA Court's web based data system to determine whether there were any objections or responses filed by any other parties besides the State of Idaho and/or BLM. This research revealed no other parties to this subcase.

6. 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 file for the above captioned SRBA claim made by the United States of America on behalf of the BLM and have reached the determinations described below:

a. The Master Title Plans 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 source asserted in subcase number 25-13637 is located on unreserved federal public domain as of April 17, 1926; and this land currently remains under Department of Interior administration.

b. The Historical Indexes are official business records of the United States that maintain a timeline of events occurring on United States' property. I have reviewed these records and determined that the federal public domain containing the water source asserted in subcase number 25-13637 was associated with four homestead entries initiated under authority of the Stockraising Homestead Act of December 29, 1916. This act allowed a homestead entry, not exceeding 640 acres, of lands chiefly valuable for grazing and raising forage crops. Under this act, no cultivation of land was required, but some range improvements were required. The provisions

for such homesteads were effectively repealed in 1934 by the Taylor Grazing Act, and repealed in actuality by FLPMA. All four of the aforementioned stockraising homestead entries (hereinafter "SRHE") were subsequently canceled or relinquished. Following is a summary of each SRHE:

- i. Earl Warnock initiated a SRHE on 2/17/1917 for 640 acres of public land. The United States assigned a serial number (BL 027470) to this application. The SRHE was subsequently canceled on 11/12/1925. No reason for the cancellation is provided in the historical indexes or other official business records associated with this SRHE.
- ii. Sophia Nielsen initiated a SRHE on 12/12/1925 for 480 acres of public land. The United States assigned a serial number (BL 040273) to this application. A partial relinquishment of the portion of the SRHE associated with the federal public domain containing the water source asserted in subcase number 25-13637 was initiated on 11/13/1928. The SRHE was subsequently relinquished in its entirety on 9/27/1930. No reason for the relinquishment is provided in the historical indexes or other official business records associated with this SRHE.
- iii. Louise Keifer initiated a SRHE on 4/4/1930 for 160 acres of public land. The United States assigned a serial number (BL 045046) to this application. The SRHE was subsequently relinquished on 2/26/1934. No reason for the relinquishment is provided in the historical indexes or other official business records associated with this SRHE.
- iv. Philip S. Keifer initiated a SRHE on 2/16/1934 for 160 acres of

public land. The United States assigned a serial number (BL 047048) to this application. The SRHE was subsequently canceled by relinquishment on 7/28/1941. No reason for the cancellation is provided in the historical indexes or other official business records associated with this SRHE.

- c. The claimed water source was confirmed by field investigation.
- d. Based upon the field verification and my review of the field investigation documents, the source of water for this claim is a spring located at the claimed Point of Diversion and Place of Use.
- e. Based upon the field verification and my review of the field investigation documents, there is sufficient surface water at this site for consumptive use by livestock.

Dated this 25th day of October, 2002

Deena M. Teel

Deena M. Teel

Subscribed and sworn to before me this 25 day of October, 2002.

Witnessed by my hand and official seal.

Dorinda S. Rafter

Notary Public for the State of Idaho

Residing at: Idaho Falls

My Commission Expires: 11-25-2002

CERTIFICATE OF SERVICE

I certify that on Friday, November 1, 2002, I served a true and correct copy of the foregoing **AFFIDAVIT OF DEENA M. TEEL; SUBCASE NUMBER: 25-13637** by placing the documents in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Clerk of the Court
Snake River Basin Adjudication
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 053
Boise, ID 83724

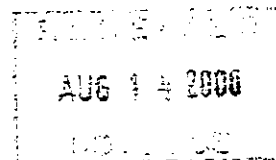
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83720-0098

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



Signature of Person Serving Document

DEC-05-22 14:37 FROM: CACI INC

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

Case No. 39576

) Subcase Nos.: 25-13625, 25-13627,
) 25-13629, 25-13631, 25-13633, 25-13635,
) 25-13653, 25-13676, 25-13678, and
) 25-13942

)
) AFFIDAVIT OF
) DEENA M. TEEL
)

STATE OF IDAHO)

) SS:

COUNTY OF BONNEVILLE)

(Deena M. Teel, being first duly sworn, do depose and state:

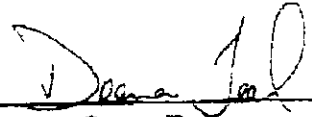
1. My name is Deena M. Teel. I am currently employed by the United States, Department of the Interior, Bureau of Land Management (BLM), as an Ecologist for the Idaho Falls Field Office, Upper Snake River District located in Idaho Falls, Idaho. I have extensive knowledge of, and experience with, the official business records of BLM associated with its water right claim filings in the Snake River Basin Adjudication (SRBA). In the 7 years that I have been dealing with water rights, I have: investigated thousands of claims; collected, compiled and analyzed factual information and evidence for thousands of water right claims; and reviewed and analyzed countless numbers of official business records associated with water rights and maintained by BLM, the Idaho Department of Water Resources (IDWR), several Idaho Counties, and various federal agencies.

2. As part of my assigned duties and responsibilities, I am responsible for coordinating the activities of BLM within the SRBA for the entire Upper Snake River District (USRD), and individually responsible for handling the water right claims made by the United States of America on behalf of BLM for the Idaho Falls and Pocatello Field Offices within the USRD.

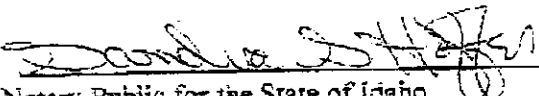
3. At the request of counsel for BLM, I have reviewed the official business records of BLM that comprise the SRBA Water Right Claim files for the above captioned SRBA claims made by the United States of America on behalf of the BLM and have reached the determinations described below.

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; the presence of surface water in quantities sufficient for consumptive use by livestock; and that the available surface water sinks prior to leaving the reservation and does not form a surface connection to any perennial stream.


Deena Teel

Subscribed and sworn to before me this 28 day of June, 2000.
Witnessed by my hand and official seal.


Notary Public for the State of Idaho
Residing at: Idaho Falls, Idaho
My Commission Expires: 11-25-2002