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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	)	Subcase No(s): 25-13625, 25-13627, 25-
	)	13629, 25-13631, 25-13635 & 25-13653
	)	
	)	AFFIDAVIT OF
Case No. 39576	)	DEENA M. TEEL
	)	
	)	
	)	
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 subcases, 25-13625, 25-13627, 25-13629, 25-13631, 25-13635, and 25-13653, identified in this document are “dual” claims 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 these subcases 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 these subcase numbers. 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 sources associated with these subcases. I researched the

Points 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 sources described within the identified subcases. 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 these subcases.

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 claims made by the United States of America on behalf of the BLM and have reached the determinations described below:

a. 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 source asserted in the identified subcases is located on unreserved federal public domain as of April 17, 1926; and these lands currently remain 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 numbers 25-13625, 25-13627, 25-13629 and 25-13631 were associated with a homestead entry initiated under authority of the Enlarged

Homestead Law of 1909. This law allowed a homestead entry, not exceeding 320 acres, on lands that could not be irrigated. One-eighth of the area had to be planted and cultivated using dryland farming methods, and homesteaders had to reside on the land. The homestead entry associated with the federal public domain containing the water source asserted in subcase numbers 25-13625, 25-13627, 25-13629 and 25-13631 (hereinafter HE) was subsequently canceled. Following is a summary of the HE:

- i. HE initiated on 7/23/1918 for 320 acres of public land. The United States assigned a serial number (BL 028612) to this application. The HE was subsequently canceled on 7/2/1925. No reason for the cancellation is provided in the historical indexes or other official business records associated with this HE.

I have reviewed the Historical Indexes and determined that the federal public domain containing the water source asserted in subcase number 25-13635 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. Each stockraising homestead entry (hereinafter SRHE) associated with the public domain described in 25-13635 was subsequently canceled or relinquished. Following is a

summary of each SRHE:

- i. SRHE initiated on 9/2/1920 for 640 acres of public land. The United States assigned a serial number (BL 027470) to this application. The SRHE was subsequently canceled on 11/6/1925. No reason for the cancellation is provided in the historical indexes or other official business records associated with this SRHE.
- ii. SRHE initiated on 12/12/1925 for 480 acres of public land. The United States assigned a serial number (BL 040273) to this application. The SRHE was subsequently partially relinquished on an unknown date and then fully relinquished 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. SRHE initiated on 7/3/1931 for 480 acres of public land. The United States assigned a serial number (BL 045490) to this application. The SRHE was subsequently canceled on 3/30/1934. No reason for the cancellation is provided in the historical indexes or other official business records associated with this SRHE.
- iv. SRHE initiated on 4/18/1934 for 480 acres of public land. The United States assigned a serial number (BL 047044) to this application. The SRHE was subsequently canceled on 3/9/1937. No reason for the cancellation is provided in the historical indexes or other official business records associated with this SRHE.

I have reviewed the Historical Indexes and determined that the federal public domain containing the water source asserted in subcase number 25-13653 was associated with four homestead entries initiated under authority of the Stockraising Homestead Act of December 29, 1916. Each SRHE associated with the public domain described in 25-13653 was subsequently canceled or relinquished.

Following is a summary of each SRHE:

- i. SRHE initiated on 2/6/1923 for 320 acres of public land. The United States assigned a serial number (BL 036340) to this application. The SRHE was subsequently canceled on 12/8/1928. No reason for the cancellation is provided in the historical indexes or other official business records associated with this SRHE.
- ii. SRHE initiated on 11/14/1929 for 640 acres of public land. The United States assigned a serial number (BL 044796) to this application. The SRHE was subsequently relinquished on 6/8/1931. No reason for the relinquishment is provided in the historical indexes or other official business records associated with this SRHE.
- iii. SRHE initiated on 6/8/1931 for 640 acres of public land. The United States assigned a serial number (BL 045923) to this application. The SRHE was subsequently canceled on 6/17/1937. No reason for the cancellation is provided in the historical indexes or other official business records associated with this SRHE.

I have reviewed the historical indexes and determined that the federal public

domain containing the water source asserted in subcase number 25-13653 was associated with a homestead entry initiated under authority of the Enlarged Homestead Law of 1909. The HE associated with the federal public domain containing the water source asserted in this subcase was subsequently canceled. Following is a summary of the HE:

- i. HE initiated on 6/13/1916 for 320 acres of public land. The United States assigned a serial number (BL 024560) to this application. The HE was subsequently canceled on 4/6/1922. No reason for the cancellation is provided in the historical indexes or other official business records associated with this HE.
- c. The claimed water sources were confirmed by field investigation.
- d. Based upon the field verification and my review of the field investigation documents, the sources of water for these claims are springs located at the claimed Points of Diversion and Places of Use.
- e. Based upon the field verifications and my review of the field investigation documents, there is sufficient surface water at these sites for consumptive use by livestock.

Dated this 6th day of December, 2002

Deena M. Teel
Deena M. Teel

Subscribed and sworn to before me this 6 day of December, 2002.

Witnessed by my hand and official seal.



Karole Wilson
Notary Public for the State of Idaho
Residing at: Idaho Falls
My Commission Expires: 7/28/05

CERTIFICATE OF SERVICE

I certify that on 12-9, 2002, I served a true and correct copy of the foregoing **AFFIDAVIT OF DEENA M. TEEL; SUBCASE NUMBERS: 25-13625, 25-13627, 36-13629, 25-13631, 25-13635, and 25-13653** by placing the documents in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

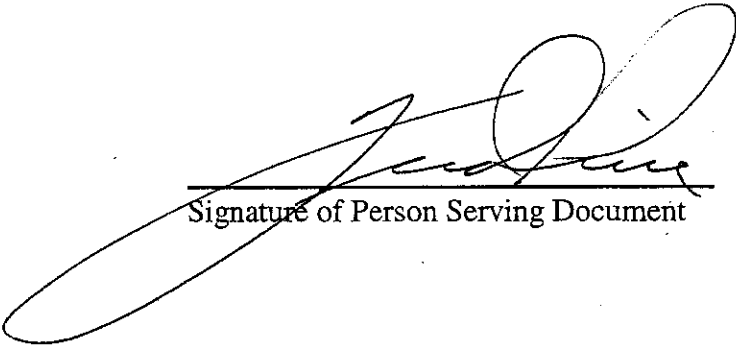
Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

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