

FEB 25 2003

Department of Water Resources

Names of Parties Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
 Assistant Attorney General
 Environment and Natural Resources Division

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 Environment and Natural Resources Division
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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): 35-12979
	)	
	)	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 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 file 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 for the United States, I have reviewed the official business records of BLM that comprise the SRBA Water Right Claim files 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 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 above captioned SRBA claim is located on unreserved federal public domain as of April 17, 1926; and this land currently remains under Department of Interior administration.

b. The claimed water source was confirmed by field investigation.

c. Based upon the field verification and my review of the field investigation documents, the source of water for this claim is a spring residing at a location other than the recommended point of diversion and place of use. GPS data collected at the site indicates that the point of diversion should be amended to T.01N, R.29E, S.15 NWSWSE. Similarly, the place of use should be amended to T.01N, R.29E, S.15 SWSE. Attachment

1.

d. 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 19th day of February, 2003

Deena M. Teel
Deena M. Teel

Subscribed and sworn to before me this 19th day of February, 2003.

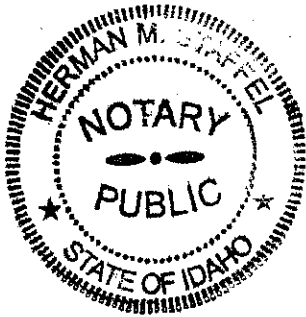
Witnessed by my hand and official seal.

Herman M. Staffel

Notary Public for the State of Idaho

Residing at: Idaho Falls, ID

My Commission Expires: 1/14/2009



CERTIFICATE OF SERVICE

I certify that on 2-21, 2003, I served a true and correct copy of the foregoing **AFFIDAVIT OF DEENA M. TEEL; SUBCASE NUMBER: 35-12979, together with ATTACHMENT 1** by placing the documents in the United States Mail in Boise, Idaho, postage paid, and addressed as follows: *and to all by facsimile.*

Original to:

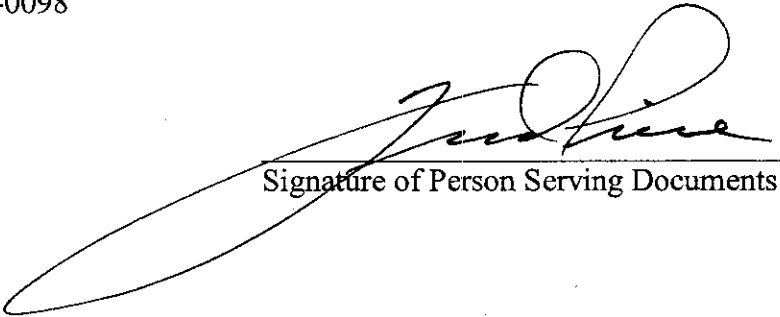
Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

Copies to:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

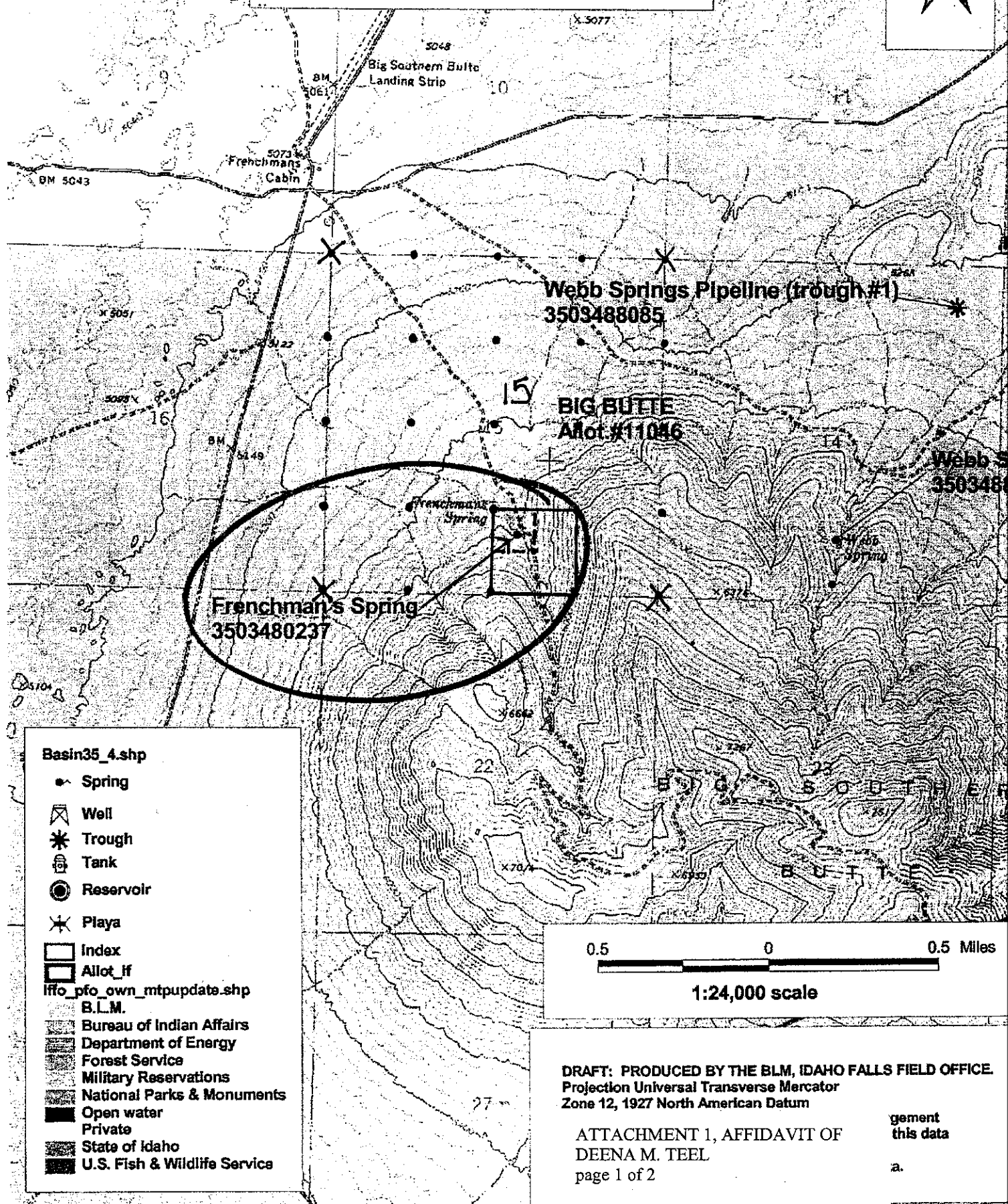
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

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



Signature of Person Serving Documents

BLM Water Right
Frenchman's Spring 35-12979 (3503480237)
T.1N, R.29E, S.15 NWSWSE
Big Southern Butte Quad



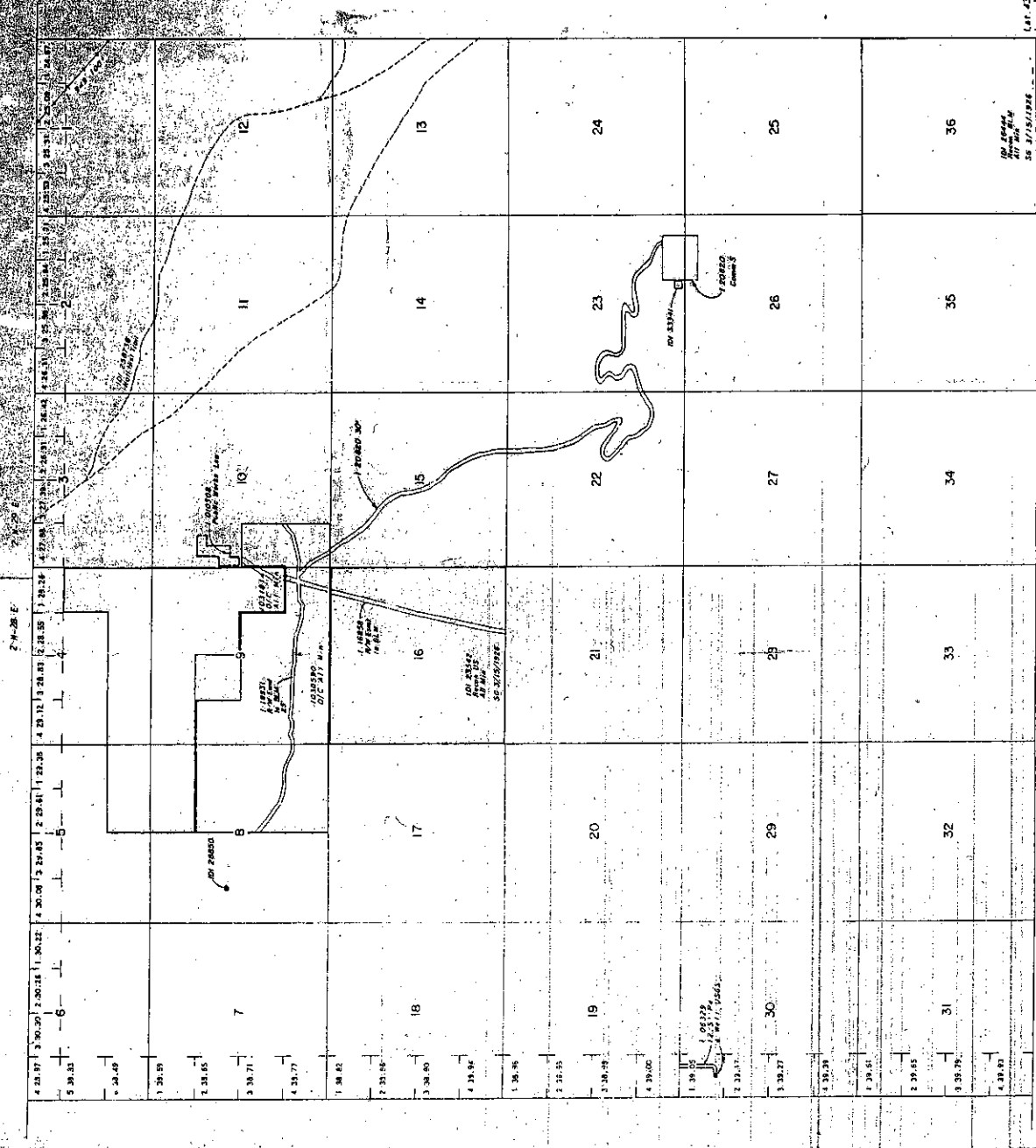
TOWNSHIP 1 NORTH RANGE 29 EAST OF THE BOISE MERIDIAN IDAHO

BUTTE COUNTY D23
16402 HILLS DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS	
TRACT NO.	ORIGINAL SURVEY
1	1000000
2	1000000
3	1000000
4	1000000
5	1000000
6	1000000
7	1000000
8	1000000
9	1000000
10	1000000
11	1000000
12	1000000
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33	1000000
34	1000000
35	1000000
36	1000000



15 - 26 15 - 30E

SCALE in Chains
0.5 1 2 3 4 5 6 7 8 9 10

WARNING STATEMENT
This plat is the property of the State of Idaho, and should be used
only for the purpose for which it was issued. It is not to be
used for any other purpose, and its use for any other purpose
is prohibited. The State of Idaho reserves the right to
cancel this plat at any time.

THE NOTATION SHOWN ON WITHDRAWALS REPRESENTS THE LAST
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE
THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-
DRAWAL.

CURRENT TO MAY 04 2001	COMMENT TO
USE PLATS	

Lat. 43°22'31" N
Long. 112°57' W

Base Mer

T. 1N
R. 29E