

JAN - 6 2003

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In Re SRBA

Case No. 39576

**AFFIDAVIT OF FLOYD P. DEWITT
IN SUPPORT OF BASIN 37 BLM PWR
107 WATER RIGHT CLAIMS**

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STATE OF IDAHO)
) ss:
COUNTY OF ADA)

I Floyd P. DeWitt, being first duly sworn, do depose and state:

1. My name is Floyd P. DeWitt. I am currently employed by the United States, Department of the Interior, Bureau of Land Management (BLM), as a Soil Scientist/ Water Rights Specialist for the Shoshone Field Office, Upper Snake River District (USRD), 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). In the 14½ years that I have been engaged in water rights, I have:

- a. Investigated, or caused to be investigated, thousands of water right claims.
- b. Directed, or performed, the collection, compilation and analysis of factual information and evidence for thousands of water right claims.
- c. Directed, or performed, the review and analysis of countless numbers of official business records of BLM, Idaho Department of Water Resources (IDWR), several Idaho counties, and various other state and federal agencies, which are associated with water rights.

2. As part of my assigned duties and responsibilities, I am responsible for coordinating all activities of BLM within the SRBA for the Shoshone Field Office. I am also responsible for all 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 below. The 11 subcases shown in Group 1 below are BLM water right claims for naturally-occurring ephemeral lakes called "playa lakes". The 299 subcases shown in Group 2 below are BLM water right claims for naturally-occurring free-flowing springs.

GROUP 1

NATURAL PLAYA LAKES

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

GROUP 2

FREE FLOWING SPRINGS

37-14346	37-14687	37-15026
37-14353	37-14692	37-15032
37-14355	37-14709	37-15301
37-14520	37-14713	37-15333
37-14560	37-14718	37-15430
37-14573	37-14721	37-15443
37-14592	37-14876	37-15463
37-14594	37-14886	37-15474
37-14606	37-14900	37-15701
37-14618	37-14943	37-15714
37-14641	37-14962	37-15728
37-14643	37-15020	37-15753
37-14658	37-15023	37-15914

37-15916	37-16345	37-16571
37-16097	37-16347	37-16577
37-16099	37-16349	37-16579
37-16118	37-16431	37-16593
37-16132	37-16434	37-16599
37-16140	37-16436	37-16603
37-16159	37-16438	37-16605
37-16162	37-16440	37-16607
37-16167	37-16442	37-16611
37-16250	37-16508	37-16615
37-16286	37-16557	37-16621
37-16300	37-16559	37-16623
37-16306	37-16565	37-16627
37-16315		37-16629
37-16323	37-16569	37-16631
37-16633	37-16673	37-16753
37-16635	37-16675	37-16755
37-16637	37-16677	37-16757
37-16639	37-16679	37-16759
37-16641	37-16681	37-16763
37-16645	37-16685	37-16765
37-16651	37-16697	37-16769
37-16653	37-16701	37-16781
37-16655	37-16703	37-16791
37-16657	37-16705	37-16799
37-16659	37-16721	37-16805
37-16665	37-16735	37-16807
37-16667	37-16737	37-16809
37-16669	37-16739	37-16811
37-16671	37-16741	37-16813

37-16825	37-17002	37-18216
37-16827	37-17302	37-18226
37-16829	37-17473	37-18228
37-16833	37-17494	37-18349
37-16835	37-17501	37-18435
37-16837	37-17522	37-18498
37-16839	37-17525	37-18519
37-16843	37-17618	37-18648
37-16845	37-17640	37-18650
37-16847	37-17688	37-18845
37-16849	37-17717	37-18897
37-16859	37-17774	37-18902
37-16992	37-17776	37-18905
37-16996	37-17858	37-18907
37-16998	37-17939	37-19242
37-17000	37-18200	37-19246
37-19252	37-19621	37-20043
37-19256	37-20030	37-20044
37-19313	37-20031	37-20045
37-19314	37-20032	37-20046
37-19407	37-20033	37-20047
37-19409	37-20034	37-20048
37-19580	37-20035	37-20049
37-19582	37-20036	37-20050
37-19584	37-20037	37-20051
37-19590	37-20038	37-20052
37-19595	37-20039	37-20053
37-19605	37-20040	37-20055
37-19612	37-20041	37-20058
37-19617	37-20042	37-20059

37-20061	37-20098	37-20134
37-20063	37-20100	37-20138
37-20064	37-20101	37-20173
37-20066	37-20104	37-20174
37-20072	37-20105	37-20176
37-20073	37-20110	37-20177
37-20074	37-20111	37-20178
37-20076	37-20112	37-20179
37-20078	37-20113	37-20182
37-20079	37-20115	37-20183
37-20081	37-20116	37-20186
37-20085	37-20119	37-20188
37-20086	37-20120	37-20189
37-20087	37-20122	37-20191
37-20088	37-20123	37-20192
37-20090	37-20131	37-20193
37-20097	37-20133	37-20195
37-20196	37-20218	37-20234
37-20197	37-20220	37-20235
37-20198	37-20221	37-20236
37-20199	37-20222	37-20237
37-20203	37-20223	37-20241
37-20204	37-20224	37-20242
37-20205	37-20227	37-20243
37-20206	37-20228	37-20247
37-20207	37-20230	
37-20208	37-20231	
37-20209	37-20233	

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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 listed BLM SRBA claims are located on unreserved federal public domain and this is under Department of Interior, BLM, administration.

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

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

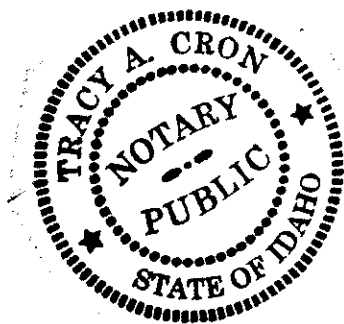
7. Based upon the field verification and my review of the field investigation documents, there is sufficient water at this site for consumptive use by livestock.

Dated this 2nd day of January, 2003

Floyd P. DeWitt
Floyd P. DeWitt

State of Idaho)
) ss:
County of Ada)

On this 2nd day of January 2003, before me Tracy A. Cron, a notary public, personally appeared Floyd P. DeWitt, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same.



Tracy A. Cron
Notary Public for the State of Idaho

Residing at: Meridian, ID

My Commission Expires: 8/22/03

CERTIFICATE OF SERVICE

I certify that on January 2, 2003, I served a true and correct copy of the foregoing **AFFIDAVIT OF FLOYD P. DEWITT IN SUPPORT OF BASIN 37 BLM PWR 107 WATER RIGHT CLAIMS** by placing the documents in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

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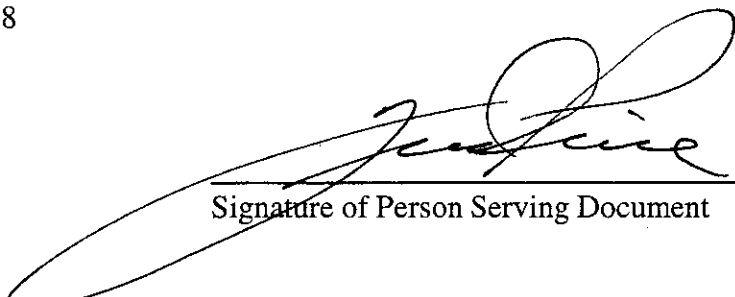
Clerk of the Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

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