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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

Case No. 39576

) Subcase No(s): 43-10957, 43-10997,
) 43-11005, 43-11052, 43-11054,
) 43-11056, 43-11058, 43-11069,
) 43-11071, 43-11158, 43-11160,
) 43-11166, 43-11172, 43-11268, and
) 43-11272

) **AFFIDAVIT OF**
) **STEVEN R. DAVIS**

STATE OF IDAHO)

COUNTY OF CASSIA)

ss:

I Steven R. Davis, being first duly sworn, do depose and state:

1. My name is Steven R. Davis. I am currently employed by the United States,
Department of the Interior, Bureau of Land Management (BLM), as a Hydrologist for the Burley

Field Office located in Burley, Idaho. My education includes a B. S. degree in zoology (emphasis in fisheries and wildlife) from Brigham Young University. I have been employed by BLM in Idaho as a Hydrologist since September of 1997 and as a Natural Resource Specialist since March of 1991 prior to that. Since 1991, I have been the Water Rights Coordinator for the Burley Field Office.

2. As part of my assigned duties and responsibilities, I am responsible for coordinating the activities concerning water right claims made by the United States of America on behalf of BLM for the Burley Field Office. My duties include reviewing the Snake River Basin Adjudication (hereinafter "SRBA") water right claims to insure that they are accurate. I have performed many field investigations for the purpose of filing water right claims, objections, and responses. I have extensive knowledge of, and experience with, the official business records of BLM associated with its water right claim filings in the SRBA, including but not limited to: BLM water right claim files; BLM water right field investigations; Master Title Plats (MTP); and Historical Indexes (HI). I have reviewed thousands of legal land descriptions in water rights to determine whether a particular description described federal public land, state land, or private land.

3. At the request of counsel for the United States, I have reviewed the official business records of BLM that apply to the above captioned SRBA subcases 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. 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 water sources asserted in

these subcases were located on unreserved federal public domains as of April 17, 1926, and that these lands are currently under Department of Interior administration and unreserved.

- b. The claimed water sources were confirmed by field investigation.
- c. Based upon field verification and my review of the field investigation documents, the source of water for each of these claims is a spring located at the claimed Point of Diversion and Place of Use.
- d. 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 14th day of March, 2003

Steven R. Davis

Steven R. Davis

Subscribed and sworn to before me this 14th day of March, 2003

Witnessed by my hand and official seal.

Dorothy Sommer

Notary Public for the State of Idaho

Residing at: Burley, Idaho

My Commission Expires: 3-4-04

CERTIFICATE OF SERVICE

I certify that on March 14 2003, I served a true and correct copy of the foregoing AFFIDAVIT OF STEVEN R. DAVIS; SUBCASE NO(S): 43-10957, 43-10997, 43-11005, 43-11052, 43-11054, 43-11056, 43-11058, 43-11069, 43-11071, 43-11158, 43-11160, 43-11166, 43-11172, 43-11268, and 43-11272, 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

Hand Delivered

Copies to:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Division
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Boise, ID 83724

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Eric V. Mayes
Signature of Person Serving Document