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Adjudication Bureau

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) Subcase Numbers: 34-13676 et. al.
Case No. 39576) See Attachment 1
)
) **AFFIDAVIT OF FREDRIC W. PRICE**
) **IN SUPPORT OF THE UNITED**
) **STATES' MEMORANDUM**
)

State of Idaho)
) ss.
County of Ada)

I Fredric W. Price, being of lawful age, and having first been duly sworn, do depose and state:

1. My name is Fredric W. Price. I am an employee of the U.S., Department of Interior, Bureau of Land Management. The following statements are based upon my personal knowledge. My present position is that of Water Rights Specialist for the United States, Department of Interior, Bureau of Land Management (hereinafter "BLM"), Idaho State office. My current responsibilities include coordinating the BLM's efforts for the Snake River Basin Adjudication (hereinafter "SRBA") in Idaho. In that capacity, I provide guidance and technical support to the State Director, Field Office Managers, and technical specialists in BLM field offices, particularly those specialists working in water rights and related issues. I develop agency policy on water issues and in other programs affected by water rights, such as the range management and realty programs. I also review, interpret and analyze water rights claims for preparing opinions, recommendations, objections and other SRBA documents to the Department of Justice.

2. I have been employed by the BLM since 1982 in the following positions:

- a. Eleven and a half years in various positions within the Rangeland Firefighting Program at the BLM, Shoshone Field Office. I spent 12 months working on that office's water rights team to develop and create 5,500 BLM claims;
- b. Water Rights Specialist at the BLM, State Office in Boise, Idaho since 1993;

3. My experience with water rights is as follows:

- a. My eleven and a half years in BLM's fire program required that I have the ability to understand and interpret maps, legal land descriptions, and Range Improvement Project Files. I was routinely required to:
 - travel to remote fire locations with just a map;

- map the position and extent of fires for which I was responsible;
- locate, construct and maintain range improvements (including but not limited to: spring developments, pipelines and fences), and to supplement the range improvement project files.
- I taught several courses to new employees in interpreting maps and BLM Master Title Plats (hereinafter "MTP"), as well as, in the use of a compass.
- In my work with the BLM, I have been responsible for tasks requiring an ability to interpret: maps, legal land descriptions, and water claims, including the preparation, mapping and review of 5,500 SRBA water right claims for BLM.
- In my work with the BLM, I have reviewed hundreds of Range Improvement Project Files for the purpose of locating the project, to determine when it was constructed, whether it was completed, whether it is still functional, to identify candidates for filing SRBA water claims, and to capture certain types of projects into the Geographic Information Systems (i.e. computer mapping system).

b. As a Water Rights Specialist at the BLM State Office, it is my responsibility to provide guidance and direction to Idaho BLM offices in all matters relating to water rights, and make recommendations to the Department of Justice. My experience with water rights in my present position is as follows:

- I develop policy for BLM across several programs to deal with water issues, such as the range management and realty programs.
- I have compared tens of thousands of legal land descriptions represented in

Points of Diversion (hereinafter “POD”) and Places of Use (hereinafter “POU”) that were published in SRBA Director’s Reports against BLM’s Master Title Plats to determine land ownership. I have reviewed hundreds of deeds to determine who owned what land descriptions.

- I have determined what changes needed to be made to achieve settlement for over a thousand water right descriptions, and prepared the SRBA Standard Form 5 (hereinafter “SF-5”) to resolve objections involving the BLM.
- I provide advice, guidance and direction to BLM field office personnel as to investigating and preparing claims, how to properly describe elements of water rights, how to interpret water rights, and how they relate to other water rights.
- For thousands of water rights, I have properly determined the claim elements according to IDWR’s rules for the purpose of filing claims in the SRBA.
- For hundreds of subcases, I have made determinations whether multiple claims exist for the same source and what the nature of their relationship is to each other.
- I developed the investigative criteria to be used for BLM field offices to investigate water sources for claims preparation and for objection purposes. I have reviewed thousands of field investigations conducted by BLM. I have also performed investigations of water rights in the field.
- I routinely provide technical assistance, reports, recommendations and opinions to the Department of Justice concerning all the above matters.

4. Attachment 1 to this affidavit is a list of water right claim numbers that BLM is seeking permission to claim in the SRBA through Motions for Leave to File Late Notices of Claim (Standard Forms 4).

5. All of the water right claims referred to in Attachment 1 are de minimis stockwater claims being brought into the SRBA pursuant to SRBA Administrative Order Number 10 (hereinafter "AO 10"). Exhibit 1 (AO 10). Exhibit 1 is a true and correct copy of Administrative Order Number 10 that was mailed to the United States by the SRBA Court. It is my understanding that AO 10 provides for the deferrable class of water rights that are de minimis domestic and stockwater rights to come into the SRBA at any time with good cause, as opposed to the stricter standard for other types of late claims.

6. For all of the water right claims referred to in Attachment 1, BLM has thoroughly investigated each of the claimed water sources and verified all the elements of the water rights. To the best of our ability, we have correctly described the elements of the water rights. I am confident in the accuracy and the veracity of the claims as presented in the Standard Forms 4 (Late Claim) that are before the court.

7. Since our initial filings in 1993, BLM has conducted thousands of field investigations for water right purposes across the State and continues to do so. The processing of such a large body of information into a potential claim in the SRBA takes quite a while to ensure that there is proper justification for the claim; that it is properly described according to IDWR's standards; and does not duplicate any other existing water filings by BLM. We are now ready to submit additional claims in Basin 34 as a result of our investigations.

8. Water Right Claim Number 34-13705:

a.) Water right claim number 34-13705 is de minimis stockwater claim to the natural flow present in a playa lake. This playa is located on federal public land within a BLM grazing allotment.

BLM prepared a claim to this water feature asserting two bases: under state law as a beneficial use (June 28, 1934); and under federal law pursuant to Executive Order dated April 17, 1926 and known as Public Water Reserve 107.

b.) A Waterhole is “a natural or artificial pool, pond, or small lake. Glossary of Geology, Fourth Edition, American Geological Institute, 1997, pg 708. Exhibit 2. Exhibit 2 is a true and correct copy of certain portions of a published book entitled “Glossary of Geology.”

c.) Waterholes can be filled from a number of different types of water sources. Potential sources of water that fill waterholes can be snow melt, precipitation runoff, named streams, streams with no names, ditches and/or canals.

d.) The standards for describing the Source element of a notice of claim to a water right can be found in IDWR’s Adjudication Rules. IDAPA 37, Title 3, Chapter 1, 060 Sufficiency of Claims (Rule 60, 07-01-1993), c., i., pg 14; Exhibit 3. Exhibit 3 is a true and correct copy of certain portions of IDWR’s Adjudication Rules that I obtained from the IDWR State Office many years ago. This rule states that “For surface water sources, the source of water shall be identified by the official name listed on the U.S. Geological Survey Quadrangle Map.”

e.) I reviewed the U.S.G.S. map whereupon the playa lake can be found and identified that the named stream that is the primary source of water for the playa described by water right claim number 34-13705 is the Big Lost River. The field investigation performed by BLM is consistent with this finding. The source of water for a waterhole is not the waterhole itself. The source of water for a waterhole is the “source” that fills the waterhole. If the source of water for this playa were snow melt or precipitation runoff, then the source, according to IDWR’s rules, would be “unnamed stream.” BLM followed

IDWR's rules and described the source for this playa lake as the Big Lost River, but that description does not change the fact that BLM's claim is to a waterhole and not a stream.

9. BLM Claims Filed in SRBA:

According to my records, BLM filed 28,773 claims in 1993. Of these 28,773 claims, approximately 9,482 were based on both state and federal law (PWR 107). Between 1993 and 1998, BLM reevaluated its claiming criteria and became more conservative and withdrew some claims. Most claims were withdrawn prior to publication of the Director's Reports for Domestic and Stockwater Claims. Today there are approximately 16,670 BLM claims in the SRBA. Of these 16,670 claims, approximately 6,500 are based on both state and federal law (PWR 107).

10. BLM Claims Filed in Basin 34:

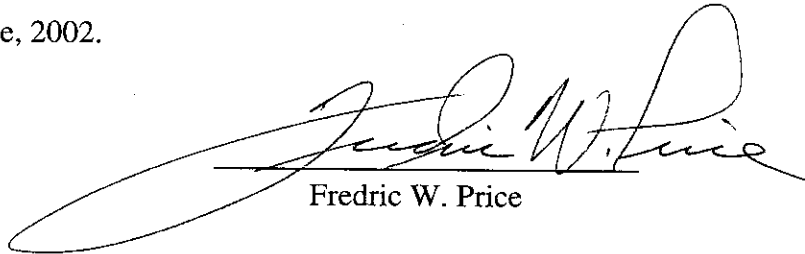
According to my records, BLM filed approximately 1,146 claims in 1993 within Basin 34. Approximately 845 claims in 1993 within Basin 34 based on both state and federal law (dual-based). BLM later withdrew approximately 229 "dual-based" claims leaving approximately 616 active dual-based claims. For BLM's dual-based claims in the Test Basins which includes Basin 34, the SRBA Court decreed the senior state basis with an 1884 priority and dismissed the federal basis. The only BLM claims that would have received a decree for a federal basis (PWR 107) in the Test Basins (Basins 34, 36 and 57) would be if BLM only claimed a federal basis on a water source without also claiming it under state law. This occurred in Basin 57, but I'm not aware of any such stand-alone federally based claims in Basin 34.

11. Stockwater Claims Filed in the SRBA:

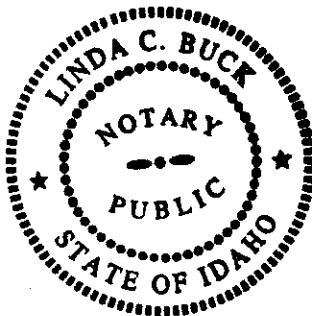
According to my records, there are approximately 53,900 claims filed in the SRBA that assert a

stockwatering purpose of use out of a total of approximately 175,000 water claims. BLM's 9,482 claims asserting a federal basis for stockwater account for 12% of the total number of stockwater claims filed in the SRBA and 5.4% of the total claims filed by all claimants in the SRBA. BLM's 16,670 total number of active claims under all bases accounts for 31% of the total stockwater claims filed in the SRBA and 9.5% of the total claims filed by all claimants in the SRBA.

Dated this 6th of June, 2002.


Fredric W. Price

Subscribed and sworn to before me this 6th day of June, 2002.
Witnessed by my hand and official seal.




Notary Public for State of Idaho
Residing at: Mountain Home, ID
My Commission Expires: 12/21/05

CERTIFICATE OF SERVICE

I certify that on _____, 2002, I served a true and correct copy of foregoing **AFFIDAVIT OF FREDRIC W. PRICE IN SUPPORT OF THE UNITED STATES' MEMORANDUM; Water Right Numbers: 34-13676 et. al., together with Attachment 1, Exhibits 1, 2, and 3** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Div
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 83720-0098

David J. Barber
Deputy Attorney General
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83720-0098

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

Signature of attorney serving document

ATTACHMENT 1

List of BLM Late Claims

	IDWR No.
1.	34-13676
2.	34-13677
3.	34-13678
4.	34-13679
5.	34-13681
6.	34-13682
7.	34-13683
8.	34-13684
9.	34-13685
10.	34-13686
11.	34-13687
12.	34-13689
13.	34-13690
14.	34-13691
15.	34-13692
16.	34-13693
17.	34-13694
18.	34-13695
19.	34-13696
20.	34-13697
21.	34-13698
22.	34-13699
23.	34-13700
24.	34-13701
25.	34-13702
26.	34-13703
27.	34-13704
28.	34-13705
29.	34-13706

Names of Parties Filing Document:

UNITED STATES OF AMERICA

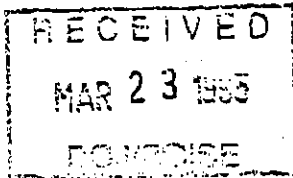
Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
Assistant Attorney General
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LARRY A. BROWN
Attorney, U.S. Dept. of Justice
General Litigation Section
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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 Numbers: 34-13676 et. al.
	)	See Attachment 1
Case No. 39576	)	
	)	EXHIBIT 1, AFFIDAVIT OF FREDRIC
	)	W. PRICE IN SUPPORT OF THE
	)	UNITED STATES' MEMORANDUM
_____	)	



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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

**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	)	SRBA ADMINISTRATIVE ORDER
	)	NO. 10
Case No. 39576	)	
	)	ORDER GOVERNING PROCEDURES
	)	IN THE SRBA FOR DOMESTIC AND
	)	STOCK WATER USES

This order supersedes the *Findings of Fact, Conclusions of Law, and Order Establishing Procedures for Adjudication of Domestic and Stock Water Uses (Deferral Order)* entered January 17, 1989.

"Domestic" is defined by I.C. § 42-111 (1990); I.C. § 42-1401A(5) (1990). "Stock water" is defined by I.C. § 42-1401A(12) (1990).

**PROCEDURES IN A REPORTING AREA WHERE
NO DIRECTOR'S REPORT HAS BEEN FILED**

Claimants who filed a Notice of Claim in the SRBA for domestic or stock water uses pursuant to I.C. § 42-1409 (1990) and later elected to defer or withdraw these claims, as provided by the *Deferral Order*, and now desire to reinstate their Notice of Claim may do so following the procedures outlined in I.C. § 42-1409(8) (1990). The State of Idaho shall only collect the filing fees provided in the statute and shall not charge a late filing fee. Where the Notice of Claim was timely filed and later deferred, it would be unfair to penalize the claimant by charging the late fee.

Both domestic and stock water uses for which no Notice of Claim was filed and those acquired after the commencement of the SRBA (November 19, 1987) may now be adjudicated

in the SRBA under I.C. § 42-1409(8) (1990). The State of Idaho shall only charge the filing fee provided by I.C. § 42-1414 and shall not impose a late filing fee for a water use on which judicial proceedings can be deferred.

PROCEDURES IN A REPORTING AREA WHERE A DIRECTOR'S REPORT HAS BEEN FILED

Claimants who filed a Notice of Claim in the SRBA for domestic or stock water uses and later elected to defer or withdraw these claims and now desire to reinstate their Notice of Claim may do so using the SRBA *Standard Form 4 Motion to File a Late Notice of Claim*. The State of Idaho shall collect the filing fees but shall not charge a late filing fee.

Additionally, the SRBA Court will not charge an appearance fee for claimants who reinstate their Notice of Claim.

Both domestic and stock water uses for which no Notice of Claim was filed and those acquired after the commencement of the SRBA (November 19, 1987) may now be adjudicated in the SRBA using SRBA *Standard Form 4 Motion to File a Late Notice of Claim*. The State of Idaho and the SRBA court shall charge the fees required by Standard Form 4. No late filing fee shall be charged.

PROCEDURE FOR WATER USERS WHO CONTINUE TO ELECT TO DEFER JUDICIAL PROCEEDINGS

Use of the deferral procedure does not constitute forfeiture or abandonment of a de minimis domestic or stock water claim.

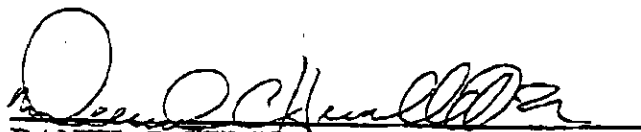
Claimants who filed a Notice of Claim in the SRBA for domestic and stock water uses and elected to defer judicial proceedings and notified IDWR accordingly will have their Notices of Claim included in a separate director's report.

At some point in this SRBA proceeding, IDWR will be required to file a director's report including all deferred Notices of Claim for domestic and stock water uses. Procedures for

reinstatement of Notices of Claim, investigation and reporting, and objection and response periods will be determined at a later date.

IT IS SO ORDERED.

DATED March 22, 1995.



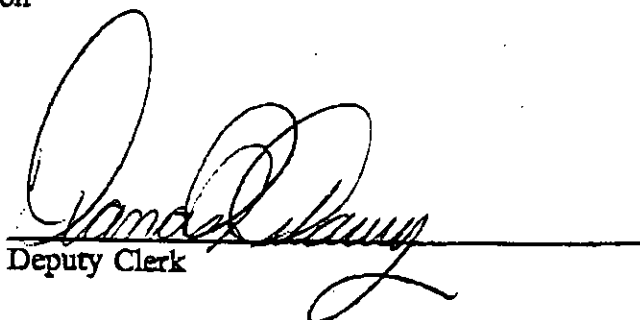
DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER AMENDING PROCEDURES IN THE SRBA FOR DOMESTIC AND STOCK WATER USES** was mailed on March 22, 1995, with sufficient first-class postage to the following:

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

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83724


Deputy Clerk

CERTIFICATE OF SERVICE

I certify that on June 6th, 2002, I served a true and correct copy of foregoing **EXHIBIT 1, AFFIDAVIT OF FREDRIC W. PRICE IN SUPPORT OF THE UNITED STATES' MEMORANDUM; Water Right Numbers: 34-13676 et. al.** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

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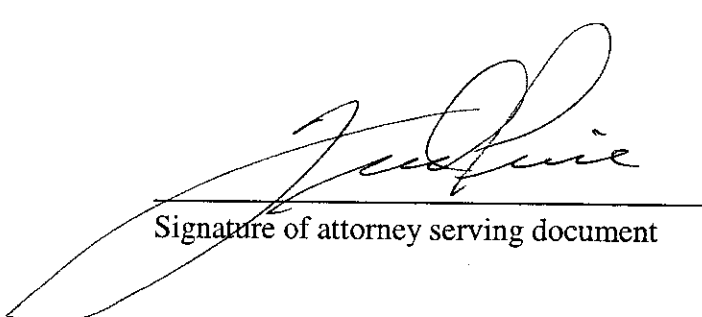
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Signature of attorney serving document

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29.	34-13706

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Attorneys' Names and Addresses:

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Assistant Attorney General
Environment and Natural Resources Division

LARRY A. BROWN
Attorney, U.S. Dept. of Justice
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In Re SRBA	)	Subcase Numbers: 34-13676 et. al.
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	)	EXHIBIT 2, AFFIDAVIT OF FREDRIC
	)	W. PRICE IN SUPPORT OF THE
	)	UNITED STATES' MEMORANDUM
_____	)	

Fourth Edition

GLOSSARY OF GEOLOGY

Julia A. Jackson, Editor

American Geological Institute
Alexandria, Virginia
1997

Artwork at alphabet section openings courtesy of the U.S. Geological Survey:

A. Asbestos, Gila County, Arizona; highly magnified, scanning electron microscope view of one of the three common types of commercially mined asbestos (U.S. Geological Survey, 1980). B. Boudinage, Rio Extorax, Queretaro, Mexico (K. Segerstrom, 1956). C. Columnar basalt, San Miguel Regla, Hidalgo, Mexico (C. Fries). D. Dike, Mount Clark, Lincoln County, Maine; pegmatite vein in diorite (T.N. Dale). E. Earthquake, Anchorage, Alaska, Cook Inlet region; collapse of 4th Avenue district near C Street, due to a landslide caused by the earthquake (1964). F. Fault, Minas Gerais, Brazil; steep reverse fault in dolomitic marble (R.M. Wallace, 1957). G. Gneiss, Gunnison area, Colorado; contorted gneiss, north rim of the Black Canyon near Colorado State Highway 92 (W.R. Hansen). H. Hogback, Niobrara Limestone, El Paso County, Colorado—west of Colorado Springs (N.H. Darton, 1926). I. Iceberg, Wohlstenholme Fjord, northeast of Thule Air Base, Nunatarssnaq region, Greenland (R.B. Colton, 1953). J. Joints, Las Animas canyon, San Juan County, Colorado; joints in granite cut by veins of quartz, feldspar, and biotite (C.W. Cross, 1900). K. Karst topography, along Li River, China (W.H. Monroe, 1983). L. Leaves, *Metasequoia occidentalis* (Newberry), Chaney, Stevens County, Washington; fossils from tuffaceous sandstones of the Jerome andesite, Northwest Uranium Mine (G.E. Becraft, 1957). M. Moraines, Eastern Chugach Mountains, Chitina district, Copper River region, Alaska; view of Ross Green Lake and moraines (E.E. Brabb, 1959). N. Nunatak encircled by moraine, Alaska Gulf region, Alaska (D.J. Miller, 1958). O. Oxbow lake, Yukon region, Alaska; oblique aerial view of an oxbow lake and meanders of Hodzana River (J. R. Williams, 1948). P. Pahoehoe, Hawaii Volcanoes National Park, Hawaii; near view of ropy crust of pahoehoe lava on crater floor, Kilauea Volcano (H.R. Joesting, 1950). Q. Quartzite, Riverside Mountains, Riverside County, California; isoclinally folded quartzite (W.B. Hamilton, 1967). R. Rockfall, El Rancho rockfall on Interstate 70, Jefferson County, Colorado (W.R. Hansen, 1973). S. Stalactites, Carlsbad Caverns National Park, Eddy County, New Mexico; pendulum stalactites in the "Rookery" (W.T. Lee, 1923). T. Till, Yosemite National Park, Mariposa County, California; glacial till, an unsorted mixture of boulders, sand, and clay exposed along Tioga Road at Siesta Lake (N.K. Huber). U. Unconformity, San Lorenzo Arroyo, Arizona (R.H. Chapman). V. V-shaped valley, Grand Canyon of the Yellowstone, Yellowstone National Park, Wyoming (W.T. Lee, 1921). W. Wind erosion, Ilano de Caldera, Atacama Province, Chile; granite outcrop that has been etched and pitted by the abrasive action of windblown sand (K. Segerstrom). X. Xenolith, Moerakai, New Zealand; schist xenoliths (white) in layered gabbro (W.B. Hamilton, 1965). Y. Yosemite Valley from vicinity of Artist Point, Yosemite National Park, California (F.E. Matthes, 1923). Z. Zircon, Eureka County, Nevada; scanning electron microscope micrograph shows detrital zircon crystal in a matrix of porous authigenic clay minerals from Carlin Gold Mine (A.K. Armstrong, 1984).

Composed in Palatino using Ventura Publisher 3.0

Printed offset on Domtar Windsor, an acid-free paper, by Braun-Brumfield, Inc.

Bound in Industrial Coatings Group, Inc. Arrestox

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Library of Congress Cataloging-in-Publication Data

Glossary of geology. -- 4th ed. / Julia A. Jackson, editor.
p. cm.

Rev. ed. of: Glossary of geology / Robert L. Bates and Julia A. Jackson. 3rd ed. c1987.

Includes bibliographical references.

ISBN 0-922152-34-9 (acid-free paper)

1. Geology--Dictionaries. I. Jackson, Julia A., 1939-

II. Bates, Robert Latimer, 1912- Glossary of geology.

QE5.B38 1997

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CIP

- washover** (wash'-o-ver) (a) Material deposited by the action of overwash; specif. a small fan built on the landward side of a bar or barrier, separating a lagoon from the open sea, produced by storm waves breaking over low parts of the bar or barrier and depositing sediment in the lagoon. Cf. *blowover*. Syn: *wave delta*; *storm delta*. (b) The process by which a washover is formed.
- washover fan** A fan-like deposit consisting of sand washed over a barrier island during a storm. Cf: *hurricane delta*. Syn: *washover apron*.
- wash plain** (a) *outwash plain*. (b) An *alluvial plain* composed of coarse alluvium.
- wash slope** The lower, gentle slope of a hillside, lying at the foot of an escarpment or steep rock face and usually covered by an accumulation of talus; it is less steep than the *gravity slope* above and often consists of alluvial fans or pediments. Term introduced by Meyerhoff (1940). Cf: *waning slope*. See also: *foot slope*. Syn: *haldenhang*; *basal slope*.
- wastage** [geomorph] (wast'-age) A general term for the denudation of the Earth's surface. See also: *mass wasting*.
- wastage** [glaciol] *ablation* [glaciol].
- waste** (a) Loose material resulting from weathering by mechanical and chemical means, and moved down sloping surfaces or carried short distances by streams to the sea; esp. *rock waste*. (b) Any solid or liquid material generated by human activity that has no economic value, usually the result of the manufacture, mining, or processing of a material to produce an economic product.
- waste bank** A bank or other accumulation composed of waste material; e.g. a bank where excess earth excavated during the digging of a ditch is dumped parallel to it.
- waste-disposal well** (waste'-dis-pos'-al) A less-preferred syn. of *waste-injection well*.
- waste-injection well** (waste'-in-jec'-tion) A well used for the injection of waste water or other fluids into the subsurface. Because the wastes rarely degrade to an innocuous condition but are simply stored, they are not truly disposed of; hence, this term is preferred to *waste-disposal well*.
- waste mantle** Disintegrated and decomposed rock material that overlies bedrock.
- waste plain** (a) *alluvial plain* (b) *bajada*.
- waste rock** In mining, rock that must be broken and disposed of in order to gain access to and excavate the ore; valueless rock that must be removed or set aside in mining. Syn: *mullock*.
- waste stream** The loose rock debris in transit to the sea or to rock-rimmed desert basins, consisting wholly of debris or of debris and water in varying proportions (Grabau, 1924, p. 541).
- wastewater** (a) *return flow*. (b) Seepage of water from a ditch or reservoir. (c) Water that carries wastes from homes, businesses, and industries; a mixture of water and dissolved or suspended solids.
- wasting** (wast'-ing) The gradual destruction or wearing away of a landform or surface by natural processes, including removal by wind, gravity, and rill wash, but excluding stream erosion; e.g. of a glacier by melting, or of rocks by weathering. See also: *mass wasting*; *backwasting*. Cf: *wearing*.
- water** [gem] (wa'-ter) An obsolete term referring to the color and clarity of a precious stone or pearl, and esp. of a diamond. Cf: *river* [gem].
- water** [geog] (a) A British term for lake, pond, pool, or other body of standing fresh water. (b) A Scottish term for a stream and for a stream bank or the land abutting a stream.
- water agate** *enhydros*.
- water balance** *hydrologic budget*.
- water-bearing formation** *aquifer*.
- water bed** A term used in the upper Mississippi Valley for a bed of coarse gravel or pebbles occurring in the lower part of the upper till.
- water biscuit** *algal biscuit*.
- water bloom** An aquatic growth of algae in such concentration as to cause discoloration of the water. See also: *red tide*. Syn: *plankton bloom*; *bloom* [oceanog].
- waterbreak** The arrival of energy which travels in the water directly from the source.
- water-break** (a) A place in a stream where the surface of the water is broken by bottom irregularities. (b) *breakwater*.
- water budget** *hydrologic budget*.
- water capacity** The maximum amount of water that a rock or soil can hold.
- water color** The apparent color of the surface waters of the ocean. Detrital, organic, or dissolved material in the water may affect its color.
- water column** *depth*.
- water content** [sed] Amount of water contained in a porous sediment or sedimentary rock, generally expressed as the ratio of the weight of the water in the sediment to that of the sediment when dried, multiplied by 100. See also: *moisture content* [soil].
- water content** [snow] This term is not recommended because it has been used for both *water equivalent* and *liquid-water content*, two different concepts.
- watercourse** (wa'-ter-course) (a) A natural, well-defined channel produced wholly or in part by a definite flow of water, continuous or intermittent. Also, a ditch, canal, aqueduct, or other artificial channel for the conveyance of water, as for the draining of a swamp. (b) Legally, a natural stream arising in a given drainage basin but not wholly dependent for its flow on surface drainage in its immediate area, flowing in a channel with a well-defined bed between visible banks or through a definite depression in the land, having a definite and permanent or periodic supply of water, and usually, but not necessarily, having a perceptible current in a particular direction and discharging at a fixed point into another body of water. (c) A legal right permitting the use of the flow of a stream, esp. of one flowing through one's land, or the receipt of water discharged upon land belonging to another.
- water creep** The movement of water under or around a structure, such as a dam, built on a semipermeable foundation. See also: *seepage*.
- water crop** *water yield*.
- water cupola** A vaulted uprising of the surface of the ocean above a submarine volcanic explosion; the initial effect of a submarine explosion on the water surface. It immediately precedes the eruption of volcanic gases and ejectamenta. Syn: *water fountain*.
- water cushion** Water pumped into the drill pipe during a *drillstem test* to retard fill-up and prevent collapse of the pipe under sudden pressure changes.
- water cycle** *hydrologic cycle*.
- water-depth deepening** In sequence stratigraphy, an increase in water depth relative to a depositional surface. The deepening may be caused by tectonic subsidence, eustasy, or compaction of strata below the depositional surface. This term is used when the process of sea-level rise is unknown, in doubt, or thought to be autocyclic.
- water-depth shallowing** In sequence stratigraphy, a decrease in water depth relative to a depositional surface. The shallowing may be caused by tectonic uplift, eustasy, or sedimentation onto the depositional surface.
- water drive** Energy within an oil or gas pool, resulting from hydrostatic or hydrodynamic pressure transmitted from the surrounding aquifer. Cf: *dissolved-gas drive*; *gas-cap drive*.
- water equivalent** The amount (or depth) of water that would result from the complete melting of a sample of deposited snow. Not to be confused with *liquid-water content*. See also: *water content* [snow].
- water escape structure** *fluid escape structure*.
- water eye** A small, shallow depression formed as a result of chemical weathering in crystalline rock (Russell, 1968, p.94).
- water-faceted stone** (wa'-ter-fac'-et-ed) *aquafact*.
- waterfall** (wa'-ter-fall) (a) A perpendicular or steep descent of the water of a stream, as where it crosses an outcrop of resistant rock overhanging softer rock that has been eroded, or flows over the edge of a plateau or cliffed coast. See also: *cascade* [streams]; *cataract*. Syn: *fall*. (b) An obsolete term for a riffle or rapids in a swift stream. (c) A falling away of the ground such that water may be drained off.
- waterfall lake** *plunge pool*.
- waterfinder** (wa'-ter-find-er) (a) One who seeks sources of water supply, esp. a *dowsner*. (b) Any instrument purported to indicate the presence of water (e.g. *divining rod*).
- water-fit** A Scottish term for the mouth of a river. Syn: *water-foot*.
- waterflood** (wa'-ter-flood) Informal term for a *water flooding* operation.
- water flooding** A *secondary recovery* operation in which water is injected into a petroleum reservoir to force additional oil out of the reservoir rock and into producing wells. Syn: *waterflood*.
- water fountain** *water cupola*.
- water gap** A deep pass in a mountain ridge, through which a stream flows; esp. a narrow gorge or ravine cut through resistant rocks by an antecedent stream. Example: Delaware Water Gap, Penna. Cf: *wind gap*.
- water gate** A Scottish term for a natural watercourse.
- watergun** A seismic source which propels a slug of water into the water mass, producing an implosive effect.
- water hammer** An abnormally high pressure rise in a pipe when sudden changes in flow occur.
- waterhead** (wa'-ter-head) The *headwater* of a stream.
- water hemisphere** That half of the Earth containing the bulk (about six-sevenths) of the ocean surface; it is mostly south of the equator, with New Zealand at its approx. center. Cf: *land hemisphere*.
- water-holding capacity** (wa'-ter-hold'-ing) The smallest value to which the water content of a soil can be reduced by gravity drainage (ASCE, 1958, term 414).
- waterhole** (wa'-ter-hole) (a) A natural hole, hollow, or small depression that contains water; esp. in an arid or semiarid region. (b) A spring in the desert. (c) A natural or artificial pool, pond, or small lake.
- water-laid** Deposited in or by water; sedimentary.
- water level** [grd wat] *water table*.

CERTIFICATE OF SERVICE

I certify that on June 6th, 2002, I served a true and correct copy of foregoing **EXHIBIT 2, AFFIDAVIT OF FREDRIC W. PRICE IN SUPPORT OF THE UNITED STATES' MEMORANDUM; Water Right Numbers: 34-13676 et. al.** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

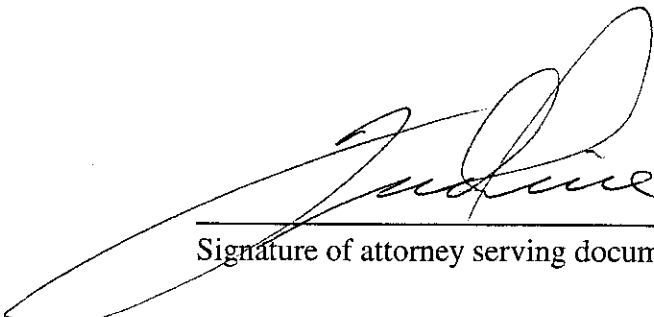
2. Copy to:

U.S. Department of Justice
General Litigation Section
Environment and Natural Resources Div
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 83720-0098

David J. Barber
Deputy Attorney General
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83720-0098

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



Signature of attorney serving document

ATTACHMENT 1

List of BLM Late Claims

	IDWR No.
1.	34-13676
2.	34-13677
3.	34-13678
4.	34-13679
5.	34-13681
6.	34-13682
7.	34-13683
8.	34-13684
9.	34-13685
10.	34-13686
11.	34-13687
12.	34-13689
13.	34-13690
14.	34-13691
15.	34-13692
16.	34-13693
17.	34-13694
18.	34-13695
19.	34-13696
20.	34-13697
21.	34-13698
22.	34-13699
23.	34-13700
24.	34-13701
25.	34-13702
26.	34-13703
27.	34-13704
28.	34-13705
29.	34-13706

Names of Parties Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
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Environment and Natural Resources Division

LARRY A. BROWN
Attorney, U.S. Dept. of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
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 Numbers: 34-13676 et. al.
	)	See Attachment 1
Case No. 39576	)	
	)	EXHIBIT 3, AFFIDAVIT OF FREDRIC
	)	W. PRICE IN SUPPORT OF THE
	)	UNITED STATES' MEMORANDUM
_____	)	

IDAHO WATER LAW HANDBOOK

ADJUDICATIONS

RULES

IDAHO

DEPARTMENT OF WATER RESOURCES

IDAPA 37
TITLE 03
CHAPTER 01

FOREWORD

The rules herein provide the procedures for filing notices of claims to water rights based upon state law and for the calculation and collection of fees for those claims in general stream adjudications.

Rules for programs administered by the Idaho Department of Water Resources (Department) and the Idaho Water Resource Board (Board) are available upon request and include the following:

- Adjudications
- Beneficial Use Examination
- Comprehensive State Water Plan
- Construction and use of Injection Wells
- Drilling for Geothermal Resources
- Funding Programs
- Mine Tailing Impoundment Structures
- Procedure
- Safety of Dams
- Stream Channel Alteration
- Water Appropriation
- Water Supply Bank
- Well Construction Standards
- Well Driller's Licenses

These rules and the statutes upon which they are based are subject to change periodically. In addition, the Board and the Department periodically review the rules to make sure the rules are current, are not overly restrictive and meet the needs of the law and the parties subject to the rules. Individuals whose activities are subject to the above described rules should periodically check with the Department for revisions which may affect them.

This is an unofficial publication of the rules contained herein. The official publication of these rules is contained in the Idaho Administrative Code or the Idaho Administrative Bulletin published by the Administrative Rules Coordinator.

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fee as recalculated is less than the total fee paid at the time the claim was filed. (7-1-93)

02. Determining Eligibility. The amendment fee shall not be included for purposes of determining eligibility for an extended payment plan, and the amendment fee may not be included in an extended payment plan. (7-1-93)

046. -- 049. (RESERVED).

050. LATE FEES (Rule 50). (7-1-93)

01. Late Fee Payable. A late fee shall be payable when a claim is filed after the date set forth in the first commencement notice mailed to the claimant or the claimant's predecessor in interest pursuant to Sections 42-1408A(2) and (3), Idaho Code. (7-1-93)

02. Determining Eligibility. The late fee shall not be included for purposes of determining eligibility for an extended payment plan, and the late fee may not be included in an extended payment plan. (7-1-93)

03. Waiver. The late fee may be waived by the director for good cause shown. (7-1-93)

051. -- 054. (RESERVED).

055. REFUNDS (Rule 55). Fees shall not be refunded or returned except where the fee was miscalculated at the time the claim was filed or as expressly provided in these rules. (7-1-93)

056. -- 059. (RESERVED).

★ 060. SUFFICIENCY OF CLAIMS (Rule 60). (7-1-93)

01. Single Claim. A single claim may describe only one (1) water right. A claim that describes more than one (1) water right will be rejected and returned along with any fees paid, and must be refiled as multiple claims. (7-1-93)

02. Claim Forms. (7-1-93)

a. Claims meeting the definition of Rule 030.01., other than claims to domestic and/or stock watering use that

include storage or instream stock watering use, may be filed on the short claim form. (7-1-93)

b. Claims not meeting the definition of Rule 030.01., and claims to domestic and/or stock watering use that include storage or instream stock watering use, shall be filed on the long claim form. (7-1-93)

03. Short Claim Form - Minimum Requirements. Claims filed on the short claim form shall contain the following information: (7-1-93)

a. Name, address and phone number of claimant. The name, address, and phone number of the claimant and all co-claimants claiming the water right jointly with the claimant shall be listed at item one (1) of the form. (7-1-93)

b. Date of priority. The date of priority shall be listed at item two (2) of the form, and shall include month, day and year. Only one (1) priority may be claimed. If more than one (1) priority date is claimed, the claim will be rejected and returned along with any fees paid, and must be refiled as multiple claims. (7-1-93)

c. Source of water supply. The source of water supply shall be stated at item three (3) of the form. (7-1-93)

i. For surface water sources, the source of water shall be identified by the official name listed on the U.S. Geological Survey Quadrangle map. If no official name has been given, the name in local common usage should be listed. If there is no official or common name, the source should be described as "unnamed stream" or "spring". The first named downstream water source to which the source is tributary shall also be listed. For ground water sources, the source shall be listed as "groundwater." (7-1-93)

ii. Only one (1) source shall be listed unless the claim is for a single water delivery system that has more than one (1) source, or the claim is for a single licensed or decreed right that covers more than one (1) water delivery system. If more than one (1) source is listed and the claim is not for a single water delivery system that has more than one (1) source, and the claim is not for a single licensed or decreed water right that covers more than one (1) water delivery system, the claim

will be rejected and returned along with any fees paid, and must be refiled as multiple claims. (7-1-93)

d. Location of point of diversion. The location of the point of diversion shall be listed at item four (4) of the form. (7-1-93)

i. The location of the point of diversion shall be described to nearest forty (40) acre tract (quarter-quarter Section) or government lot number, and shall include township number (including north or south designations), range number (including east or west designations), Section number, and county. The location of the point of diversion should be described to the nearest ten (10) acre tract (quarter-quarter-quarter Section) if that description is reasonably available. (7-1-93)

ii. If the point of diversion is located in a platted subdivision, a plat of which has been recorded in the county recorder's office for the county in which the subdivision is located, the claimant shall also list the subdivision name, block number and lot number in the remarks section of the form. (7-1-93)

iii. Only one (1) point of diversion shall be listed unless the claim is for a single water delivery system that has more than one (1) point of diversion, or the claim is for a single licensed or decreed water right that covers more than one (1) water delivery system. If more than one (1) point of diversion is listed and the claim is not for a single water delivery system that has more than one (1) point of diversion, and the claim is not for a single licensed or decreed right that covers more than one (1) water delivery system, the claim will be rejected and returned along with any fees paid, and must be refiled as multiple claims. (7-1-93)

e. Description of diversion works. The diversion works shall be described at item five (5) of the form. (7-1-93)

i. The description shall include all major components of the water delivery system. The description shall also include the depth of wells, the horsepower capacity of pumps, and those dimensions of major components which affect the diversion capacity of the water delivery system. (7-1-93)

ii. The description shall include the dates and a description of any changes in use or enlargements in use, and as

CERTIFICATE OF SERVICE

I certify that on June 6th, 2002, I served a true and correct copy of foregoing **EXHIBIT 3, AFFIDAVIT OF FREDRIC W. PRICE IN SUPPORT OF THE UNITED STATES' MEMORANDUM; Water Right Numbers: 34-13676 et. al.** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

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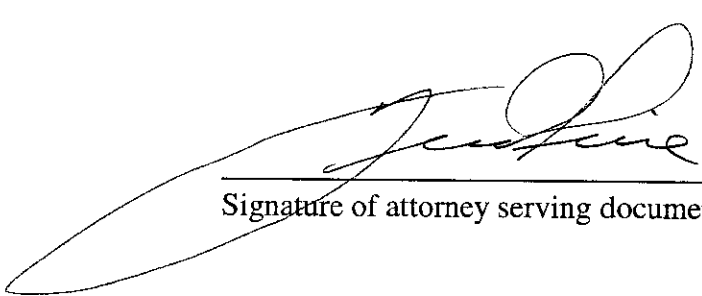
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Chief, Natural Resources Division
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