

Names of Parties Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
Environment and Natural Resources Division

R. LEE LEININGER
Trial Attorney, U.S. Dept. of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
Ph.: (303) 312-7322 FAX: (303) 312-7379

**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 Numbers: 47-16040, 47-16050,
) 47-16060, 47-16066, 47-16072, 47-16076,
) 47-16090, 47-16102, 47-16110, 47-16126,
) 47-16139, 47-16143, 47-16146, 47-16159,
) 47-16316, 47-16483, 47-16485, 47-16487,
) 47-16489, 47-16491, 47-16497, 47-16499,
) 47-16501, 47-16503, 47-16505, 47-16514,
) 47-16532, and 47-16626
)
) **AFFIDAVIT OF**
) **FREDRIC W. PRICE**

STATE OF IDAHO)

) SS:

COUNTY OF ADA)

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

1. 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. Since August of 1993 as a Water Rights Specialist in the BLM, State Office;

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, 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. 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 System (i.e. computer mapping system).

b. As a Water Rights Specialist in 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 reviewed 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 to determine land ownership by comparing those land descriptions to BLM's Master Title Plats and Historical Indexes. I have reviewed hundreds of deeds to determine who owned what land descriptions. I've determined the changes needed to over a thousand water right descriptions for use with the SRBA

Standard Form 5 (hereinafter "SF-5") to resolve objections involving the BLM. I have extensive knowledge of, and experience with, the official business records of BLM and the Idaho Department of Water Resources (hereinafter "IDWR"), including but not limited to: BLM water right claim files, BLM field investigations, Master Title Plats, Historical Indexes, Control Document Indexes (hereinafter "CDI"), Tract Books, IDWR Adjudication Files, and IDWR Water Right Files. I provide advice, guidance and direction to BLM field office personnel as to investigating and preparing claims, how to interpret water rights and how they relate to other water rights. 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 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, if it is still functional, who contributed to the construction and in what amounts, and to determine whether water is present and in what amounts. 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 BLM claim files and 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.

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4. At the request of counsel for the United States, I have reviewed the official business records of BLM and IDWR for the above captioned subcases for SRBA claims made by the United States of America on behalf of the BLM, and have reached the determinations described herein.

5. The Master Title Plat (hereinafter "MTP") is an official business record of BLM. The MTP is the United States' official Record of Title. It is a graphic display of township survey data, and is drafted from information abstracted, compiled, and composed from the latest approved U.S. Government Survey Plats, survey field notes, and protraction diagrams. It describes the locations of United States property, aliquot parcels, and government surveyed "lots."

The Historical Index (hereinafter "HI") is an official business record of the United States that maintains a time line of events occurring on United States' property.

6. Based upon a review of BLM's SRBA water right claim files and IDWR's abstract/recommendations, the above captioned subcases are BLM "dual" claims based upon state and federal law. The federal claim basis is claimed pursuant to an Executive Order, dated April 17, 1926, and known as Public Water Reserve 107 (hereinafter "PWR 107"). The state basis is based on beneficial use with a priority date of June 28, 1934. The 1934 date was reached through settlement with the State of Idaho.

7. I have reviewed the official business records of BLM and compared the above captioned subcases to BLM's MTPs and HIs. I was able to determine that the above captioned subcases are located on unreserved federal public domain as of April 17, 1926; and this land currently remains under Department of Interior administration.

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8. The water sources described by the above captioned subcases were confirmed by field investigation.

9. Based upon the field verification and my review of the field investigation and claim file documents for each of the above captioned subcases, there is sufficient surface water at these sites for consumptive use by livestock.

10. Based upon the field verification and my review of the field investigation and claim file documents, the source of water for each of the above captioned subcases is a spring or waterhole located at the Point of Diversion (hereinafter "POD") and Place of Use (hereinafter "POU") described in the August 7, 1998 Basin 47 Domestic & Stockwater Claims Director's Report recommendation/abstract.

11. I have reviewed the official business records of BLM for each of the above captioned subcases for a federal reserved water right pursuant to PWR 107. The elements of the claimed water rights have been verified through examination of claim files and physical field investigations and are correctly described in the August 7, 1998 Basin 47 Domestic & Stockwater Claims Director's Report recommendation/abstract. The quantity for a federal reservation based upon Public Water Reserve 107 should be 0.02 cfs, not to exceed 13,000 gpd.

a. BLM would prefer to receive partial decrees of the federal reserve basis for the above captioned subcases, **except 47-16159.**

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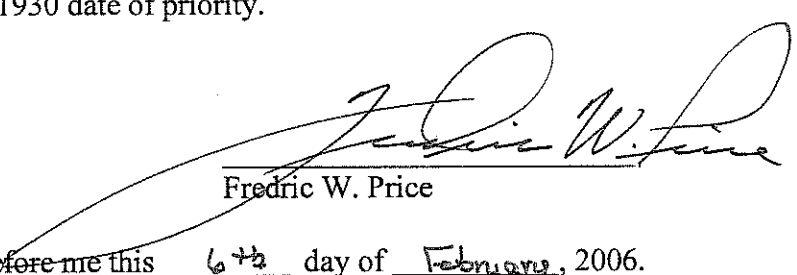
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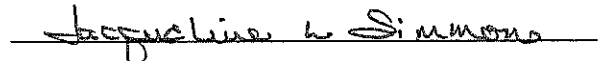
b. **Subcase 47-16159:** This claim describes land that was subject to the PWR 107 reservation on 04-17-1926. Subsequently, the United States issued Homestead Entry (HE) Patent number 1041748 to the Raymond A. Dahlquist on 11-07-1930. The United States reacquired this land pursuant to Warranty Deed (I-04894) from Dan J. Cavanagh on 02-15-1957. See Attachment 1.

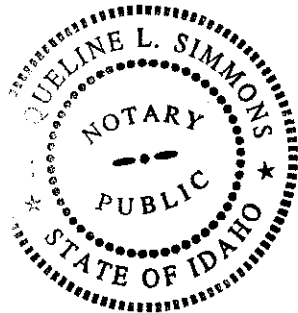
Attachment 1 to this affidavit are true and correct copies of official business records of the United States: Patent 1041748, Warranty Deed from Dan J. Cavanagh, and Master Title Plat for T15S R17E.

BLM would prefer to receive a partial decree of the state based portion of this claim with a 11-07-1930 date of priority.


Fredric W. Price

Subscribed and sworn to before me this 6th day of February, 2006.
Witnessed by my hand and official seal.


Notary Public in and for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 9-7-2011



CERTIFICATE OF SERVICE

I certify that on Feb. 6, 2006, I served a true and correct copy of the foregoing **AFFIDAVIT OF FREDRIC W. PRICE; SUBCASE NUMBERS: 47-16040, 47-16050, 47-16060, 47-16066, 47-16072, 47-16076, 47-16090, 47-16102, 47-16110, 47-16126, 47-16139, 47-16143, 47-16146, 47-16159, 47-16316, 47-16483, 47-16485, 47-16487, 47-16489, 47-16491, 47-16497, 47-16499, 47-16501, 47-16503, 47-16505, 47-16514, 47-16532, and 47-16626, together with ATTACHMENT 1** by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

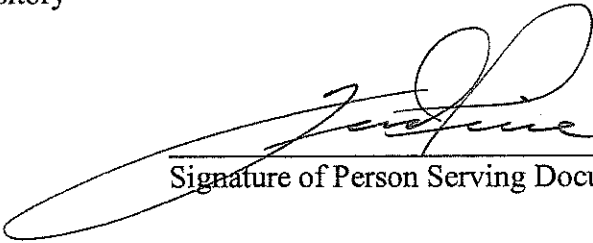
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Blackfoot 038207

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Blackfoot, Idaho,** has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Raymond A. Dahlquist** has been established and duly consummated, in conformity to law, for the **Lot one, the southeast quarter of the northeast quarter, and the east half of the southeast quarter of Section six, the south half of the southwest quarter of Section five, and the north half of the northwest quarter of Section eight in Township fifteen south of Range seventeen east of the Boise Meridian, Idaho, containing three hundred twenty acres and fifty-two hundredths of an acre,**

according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accreted water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Herbert Hoover,**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **SEVENTH** day of **NOVEMBER** in the year of our Lord one thousand nine hundred and **THIRTY** and of the Independence of the United States the one hundred and **FIFTY-FIFTH**

By the President:

By

Herbert Hoover
Viola B. Pugh, Secretary.
John O'Connell
Acting
Recorder of the General Land Office

(SEAL)

RECORD OF PATENTS: Patent Number **1041748**

1176574
WARRANTY DEED
1176574

THIS INDENTURE, Made this 15th day of February, 1957, between DAN J. CAVANAGH, an unmarried man, of Twin Falls, County of Twin Falls, State of Idaho, the party of the first part, and the UNITED STATES OF AMERICA, the party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the exchange of certain lands, as authorized by Section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by Section 3 of the Act of June 26, 1936 (49 Stat. 1976), has granted, bargained and sold, and by these presents does grant, bargain, sell and convey and confirm unto the said party of the second part, and to its assigns forever, all of the following described real estate, situated in Twin Falls County, State of Idaho, to-wit:

East Half of the West Half, East Half of the Southeast Quarter, Southeast Quarter of the Northeast Quarter, Northwest Quarter of the Northeast Quarter of Section Thirty-Three, the West Half of the West Half, Northeast Quarter of the Northwest Quarter, Northwest Quarter of the Northeast Quarter of Section Thirty-Four; Lot One, Southeast Quarter of the Northeast Quarter, East Half of the Southeast Quarter of Section Six; reserving all gas, oil and other mineral rights; All in Township Fifteen South, Range Seventeen East, Boise Meridian.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceful possession of the said party of the second part, its

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

San Francisco

On this 15 day of February, 1957, before me, the undersigned, a Notary Public in and for said County and State, personally appeared DAN J. CAVANAGH, an unmarried man, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal, the day and year in this certificate first above
written.

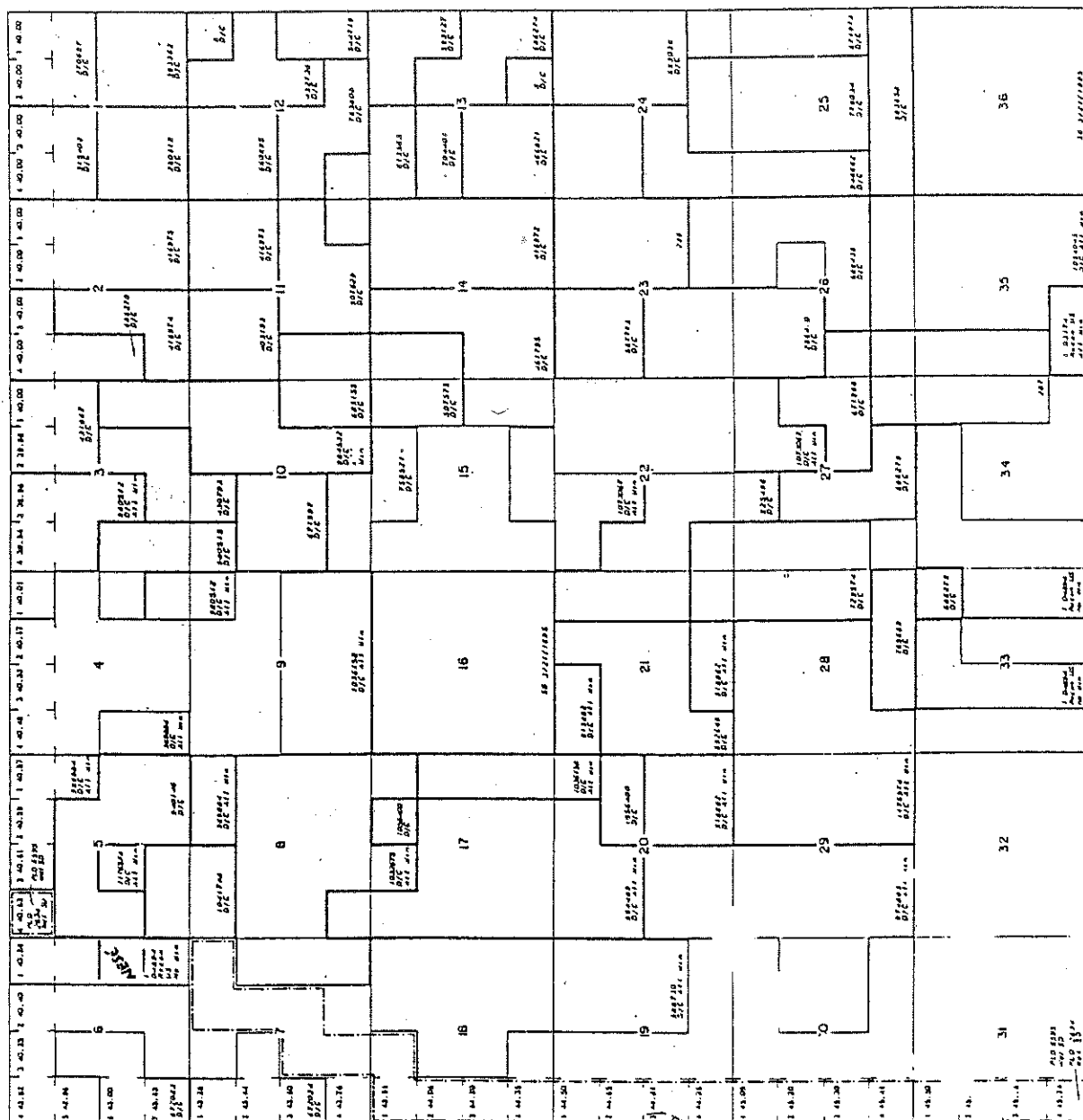
Notary Public for the State of Idaho,
Residence: Twin Falls, Idaho.



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLESMT PLAT[illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
UNIDENTIFIED LANDS

DATE	11/11/71	TIME	10:00
NAME	JAMES EARL RAY		
ADDRESS	1000 1/2 N. 1st St. St. Louis, Mo. 63102		
TELEPHONE	361-1234		
REMARKS	See serial 44-38861-1000		



SCALE in Chinese

SCALE in CHAINS

Contributing Member:

MEASUREMENTS

This plate is the German's standard of 1 mile, and would be used only in a straight line, and the horizontal distance. There was no way of measuring the distance between the two points, as the distance was not the same. The distance was measured by the German's standard of 1 mile, and would be used only in a straight line, and the horizontal distance.