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WATER RESOURCES

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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 Number: 31-07113
Case No. 39576) **AFFIDAVIT OF FREDRIC W. PRICE**
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)

STATE OF IDAHO)
COUNTY OF ADA) ss:

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 United States, Department of Interior, Bureau of Land Management. The following statements are based upon my personal knowledge and review of the official business records of IDWR and BLM. 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 right 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 August of 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), prepare as-built drawings, 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 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. I am also responsible for making recommendations to the Department of Justice and provide technical support on matters involving the SRBA. 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 used these resources to determine the ownership history for thousands of legal land descriptions. I provide training to BLM employees in how to read and interpret 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 for thousands of water right descriptions for use within settlement documents (such as 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 water right field investigations, Master Title Plats, Historical Indexes, Control Document Indexes (hereinafter “CDI”), Tract Books, Serialized Case Recordation Files, Cadastral Survey Plats, Mining Claim Files, Grazing Allotment Files, Grazing Operator Files, Homestead Entry Files, 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, what is authorized and what is not, 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 of the above matters.

4. At the request of counsel for the United States, I have reviewed the official business records of BLM and IDWR to reach the determinations described herein: IDWR water right files, IDWR adjudication files, BLM land use authorization files and BLM Master Title Plats & Historical Indexes.

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5. On February 22, 1974, Jefferson Irrigation Company, Limited ("Jefferson") filed Application for Permit #31-07113 with IDWR, which IDWR approved on August 13, 1975. The application described one Point of Diversion ("POD") and was published in the Rigby Star. See attached **Exhibit 1**.

6. On January 21, 1980, Jefferson filed Amended Application for Permit #31-07113 with IDWR ("Amended Permit") to change the distribution of acres among the Places of Use ("POU") without affecting the total number of acres. The Amended Permit described the same POD, was approved by IDWR on February 29, 1980, and was published in the Rigby Star. See attached **Exhibit 2**. IDWR's scanned documents contain no evidence that the Permit was subsequently amended to include additional PODs.

7. On October 17, 1988, Jefferson filed a Notice of Claim in this subcase that listed 14 PODs. See attached **Exhibit 3**.

8. On May 10, 2001, IDWR recommended 31-07113 in the Final Irrigation & Other Director's Report for Basin 31. The Director's Report describes one POD consistent with the Amended Permit. See attached **Exhibit 4**. On February 22, 2002, the Court issued a partial decree consistent with the Director's Report.

9. On February 25, 2013, IDWR issued License 31-07113 to Jefferson. See attached **Exhibit 5**. License 31-07113 lists 15 PODs. The license includes the POD listed in the Amended Permit (S03, NWNW) and 14 additional PODs. It does not appear that these changes contained in the license were published or otherwise noticed to the public. Only 6 of the 15 PODs are the same as what is listed in the SRBA Notice of Claim: Lot 3 (NENENW), Lot 4 (NENWNW), SESENW, SWSWSW, NESESW, S03 and SENESE, S04, T07N, R34E.

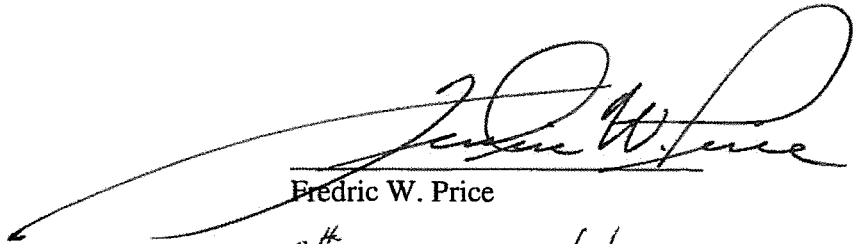
10. On March 8, 2013, IDWR filed a Notice of Completed Administrative Procedure

("NCAP") based on licensing of 31-07113. The NCAP is consistent with the License with regard to PODs, but includes 9 PODs that are described differently than those listed in the Notice of Claim filed in the SRBA.

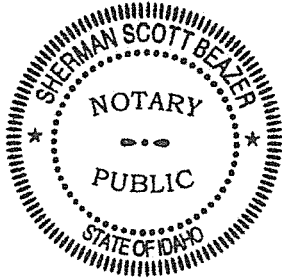
11. The BLM has been systematically reviewing SRBA Director's Reports and Docket Sheets since the commencement of the SRBA. Because of federal budget and staffing issues which has resulted in a diminishment of BLM water rights staff, BLM has been pressed to quickly complete these tasks and, because of an oversight, did not discover problems with the POD element in the NCAP until after the deadline for filing of objections had passed on April 29, 2013.

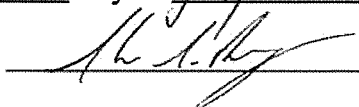
12. On June 25, 2013, this subcase came up for hearing at the SRBA monthly status conference on the Notice of Court's Intent to Issue Amended Partial Decree. At that hearing, counsel for the BLM informed the Court that BLM had recently discovered problems with the PODs that were added by the License and not included in the Amended Permit, Director's Report, or Partial Decree.

13. Jefferson holds a right-of-way for groundwater wells on federal land managed by the BLM. Review of the PODs listed in the NCAP indicates that the NCAP is inconsistent with BLM's right-of-way records. The location of the PODs, except for the one POD (S03, NWNW) described in the Amended Permit, Director's Report, and Partial Decree, vary from BLM's records. BLM does not have any record of one of the PODs (Well #8). In addition, one existing well is not listed on the water right nor is it listed in BLM's records (Well #7). See Objection attached to the United States Motion.


Fredric W. Price

Subscribed and sworn to before me this 9th day of July, 2013.
Witnessed by my hand and official seal.




Notary Public in and for the State of Idaho
Residing at: Boise
My Commission Expires: 12/10/2015

CERTIFICATE OF SERVICE

I certify that on July 9, 2013, I served a true and correct copy of the foregoing upon the following individuals 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
P.O. Box 2707
Twin Falls, ID 83303-2707

Copy to:

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

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

Jefferson Irrigation Company, Limited
c/o Patrick Hendren, Secretary
724 E. 1800 N.
Montevieu, ID 83435

Chief, Natural Resources Section
Office of the Attorney General
State of Idaho
P.O. Box 44449
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