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Attorneys for Plaintiff Western Watersheds Project

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

WESTERN WATERSHEDS PROJECT,

Plaintiffs,

v.

U.S. FISH AND WILDLIFE SERVICE and  
U.S. FOREST SERVICE,

Defendants,

ROCKY & CAROL ROSS, DONALD &  
BILLIE PHILLIPS,

Defendant-Intervenors.

No. 4:13-cv-176-BLW

**SECOND DECLARATION OF JON  
MARVEL**

I, Jon Marvel, declare:

1. My name is Jonathan (Jon) Marvel. I am personally aware of the matters set forth below, and if called as a witness I would and could truthfully testify thereto.

2. My background and qualifications were stated in my prior declaration filed in this case.

3. I directed and supervised a WWP employee, Ken Cole, to create a map depicting

BLM's Hawley Mountain allotment in the context of the Public Land Survey System. He did so by overlaying a map of the allotment with PLSS Township, Range, and Section layers. He obtained the data for each of these layers from BLM's Geocommunicator website (<http://www.geocommunicator.gov/>). This map is attached to this declaration as Attachment A.

4. I directed and supervised another WWP employee, Jeremy Greenberg, to consult this map and then prepare charts of all of the water rights on the Little Lost River and its tributaries in the vicinity of the BLM Hawley Mountain allotment, utilizing the water rights database on the Idaho Department of Water Rights website (<http://www.idwr.idaho.gov/>). He did so by using the water rights and adjudication search tool on that website, which allows users to set search coordinates, such as Township and Range. *See* <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. He set the search coordinates for the Township and Range sections where Hawley Mountain allotment is located:

Township 9 North, Range 26 East;  
Township 10 North, Range 26 East;  
Township 11 North, Range 26 East;  
Township 9 North, Range 27 East;  
Township 10 North, Range 27 East; and  
Township 11 North, Range 27 East.

5. He then exported the results into Excel charts. The resulting charts are presented as Attachments B and C to this declaration. The only changes made were minor formatting adjustments to make it more readable, deleting several blank columns and rows, and use of the "SUM" feature in Excel to sum the water rights on each chart.

6. Attachment B presents all the water rights from his search of the Township and Range coordinates listed above.

7. Attachment C presents the water rights that are on public land inside the boundaries of Hawley Mountain allotment. He determined these were within Hawley Mountain allotment by

comparing maps, then matching sequence numbers of diversions on the allotment from IDWR website with corresponding rights off of the list in Attachment B.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 3rd day of February, 2014, at Hailey, Idaho.

/s/ Jon Marvel  
Jon Marvel

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of February, 2014, I caused the foregoing SECOND DECLARATION OF JON MARVEL to be electronically filed with the Clerk of the Court using the CM/ECF system, which sent a Notice of Electronic Filing to the opposing counsel of record listed below:

- Rickey Turner Rickey.Turner@usdoj.gov
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s/ Kristin F. Ruether

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