

FAX

September 7, 2004

TO: Clerk of the SRBA Court

**CC: David Barber, AG's Office
Nick Spencer, IDWR-SO
R. Lee Leininger, DOJ-ENRD**

FROM: Fred Price, BLM-ISO

RE: 74-11236, Errata to the Affidavit of Alan Bittner

Please accept this facsimile for filing purposes. Hard copy original to follow by FedEx.

Names of Parties Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
 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
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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: 74-11236

Case No. 39576

) **ERRATA TO THE AFFIDAVIT
 OF ALAN R. BITTNER**

STATE OF IDAHO)

) ss:

COUNTY OF LEMHI)

I Alan R. Bittner, being first duly sworn, do depose and state:

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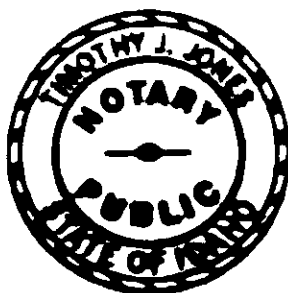
On August 29, 2003, I signed and filed the Affidavit of Alan R. Bittner, Subcase Numbers: 74-11236 et al (hereinafter "original affidavit"). Paragraph 8.a. of the original affidavit described a necessary change to the source element (tributary) for subcase 74-11236. During preparation of the Standard Form 5, it was discovered that the "unnamed stream" suggested for tributary in BLM's objection and my original affidavit is not an appropriate response for tributary. The tributary under the source element would be more accurately described as "Trail Creek." The SF-5 correctly describes the elements of the claim. Based upon my review and independent verification, I offer the changes below in underline and strikeout format as an errata to my original affidavit:

"8.a. Subcase 74-11236: Upon closer inspection of the BLM Claim File and its respective map it was discovered that the tributary would be more accurately described as ~~an unnamed stream~~ "Trail Creek" rather than the "Bull Creek" that was recommended in the Director's Report."

Dated this 31st day of August, 2004

Alan R. Bittner
Alan R. Bittner

On this 31st day of August 2004, before me Timothy J. Jones, a notary public, personally appeared Alan R. Bittner, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same.



Timothy J. Jones

Notary Public for the State of Idaho

Residing at: Salmon

My Commission Expires: 2/16/08

CERTIFICATE OF SERVICE

I certify that on 9-7, 2004, I served a true and correct copy of the foregoing **ERRATA TO THE AFFIDAVIT OF ALAN R. BITTNER; SUBCASE NUMBER: 74-11236** upon the following individuals by placing the documents in the United States Mail in Salmon, Idaho, postage paid, and addressed as follows:

Original to:

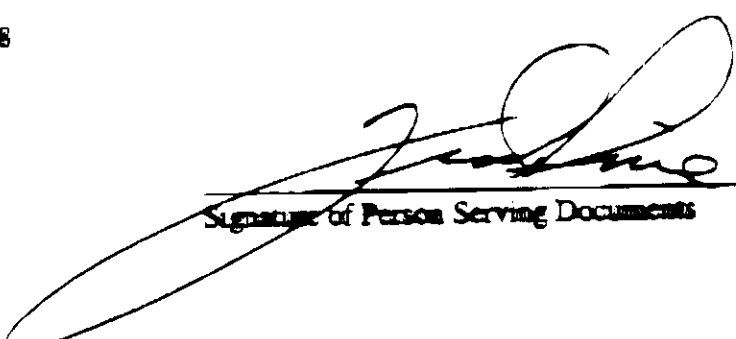
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Copies to:

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Signature of Person Serving Documents