

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: 75-13749, Supplemental 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
 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

) Subcase Number: 75-13749

)

Case No. 39576

) **SUPPLEMENTAL 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. Bitner, Subcase Numbers: 75-11708 et al (hereinafter "original affidavit"). Paragraph 9.n. of the original affidavit described a necessary change to an element for subcase 75-13749. During preparation of the Standard Form 5, it was discovered that there was a typographical error contained in "range" within the Place of Use element. Based upon my review and independent verification, I offer the underlined portion below as a supplement to my original affidavit:

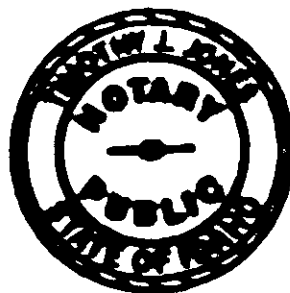
9. For the following subcases, based upon my review and independent verification, certain elements of the claim are not described correctly in EDWR's abstract/recommendation of the claim. The BLM has objected to the incorrect abstracting/reporting of these elements. Those elements should be altered as described below

n. Subcase 75-13749: Upon closer inspection of the BLM Claim File, GPS data recorded at the site and the respective map it was discovered that the POB location would be more accurately described as NW 1/4 NE 1/4 SW 1/4 instead of NE 1/4 NE 1/4 SW 1/4. The POU element contains a typographical error in range and should be described as the location of the POB. The POU should be described in R.23E, instead of R.22E.

Dated this 31st day of August, 2004

Alan R. Bitner
Alan R. Bitner

On this 31st day of August 2004, before me Timothy J. Jones a notary public, personally appeared Alan R. Bitner, 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: Salt Lake

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 **SUPPLEMENTAL AFFIDAVIT OF ALAN R. BRYNER; SUBCASE NUMBER: 75-13749** upon the following individuals by placing the documents in the United States Mail in Salmon, Idaho, postage paid, and addressed as follows.

Original to:

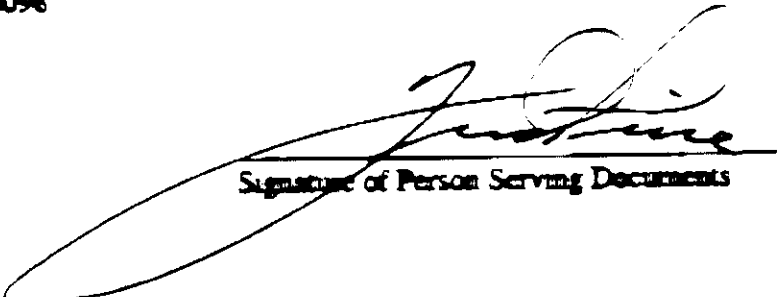
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Copies to:

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Signature of Person Serving Documents