



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

March 20, 2009

Jeanette Wolfley
Special Counsel
Shoshone-Bannock Tribes
202 N. Arthur
Pocatello, ID 83202

RE: SRBA Subcase No. 27-12145 (Bitton)

Dear Jeanette:

I am enclosing an Amended Standard Form 5 ("Amended SF5") for the above-referenced water right. Please review the document, and if it is acceptable, please sign on the indicated signature line and initial the revised recommendation. After signature, please circulate the Amended SF5 to Mr. Bitton for signature and return the original document to me. I will obtain the signatures for IDWR and file the Amended SF5 with the SRBA Court.

If you should have any questions or comments, please feel free to contact me at 287-4815.

Sincerely,

A handwritten signature in black ink that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

In Re SRBA	)	Subcase No. 27-12145
	)	
Case No. 39576	)	AMENDED
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

IDWR Concurrence:

Denise Kidman Date
Water Resource Agent

Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-12145

NAME AND ADDRESS: KEITH BITTON
397 FISH HATCHERY RD
GRACE ID 83241

SOURCE: Source: Tributary:
SLUG CREEK BLACKFOOT RIVER

QUANTITY: 0.020 CFS 7.880 AFY ~~0.000 AFY~~

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 08/20/1937

POINT OF DIVERSION: T08S R44E S31 NESENW End of Stream Flow Within CARIBOU County
T08S R44E S31 NESESE Begin of Stream Flow Within CARIBOU County
T08S R44E S31 SESESE Begin of Stream Flow Within CARIBOU County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	STOCKWATER	<u>05/01 11/30</u> ~~01/01 12/31~~	0.020 CFS <u>7.88 AFY</u>

PLACE OF USE: STOCKWATER within CARIBOU County
T08S R44E S31 SWNE
T08S R44E S31 SENW
T08S R44E S31 NESW
T08S R44E S31 NESE
T08S R44E S31 NWSE
T08S R44E S31 SESE

ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 600 cow-calf pairs.

CERTIFICATE OF MAILING

I certify that on _____, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N. ARTHUR
POCATELLO, ID 83202

KEITH BITTON
397 FISH HATCHERY RD.
GRACE, ID 83241

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form