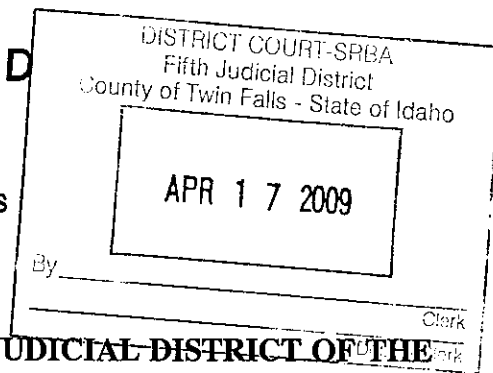


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APR 20 2009

DEPARTMENT OF
WATER RESOURCES



**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 No. 27-12145

Case No. 39576

**AMENDED
STANDARD FORM 5**

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

OBJECTOR:

Shoshone-Bannock Tribes

Keith Bitton 4-1-09
Keith Bitton Date

Jeanette Wolfley
Jeanette Wolfley Date
Attorney for Objector

AMENDED STANDARD FORM 5 – Water Right No. 27-12145

IDWR Concurrence:


Denise Kidman
Water Resource Agent

Date


Garrick L. Baxter
Deputy Attorney General
Attorney for IDWR

4/15/09

Date

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 April 16, 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

Dasarac Kramer
Signature of person or attorney mailing the form