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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. 47-17129
	)	
Case No. 39576	)	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 the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River 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.

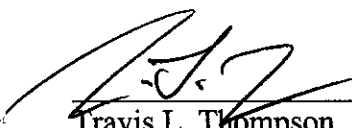
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

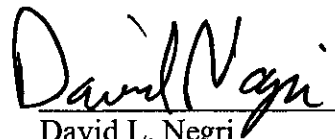
Patricia Bedke
Karl U Bedke
Scott Bedke
Michael A. Poulton

OBJECTOR:

United States on behalf of the
USDA Forest Service

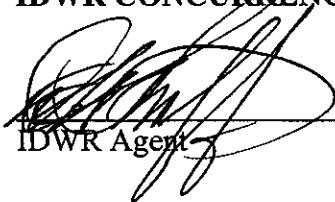

Travis L. Thompson

9/2/04
Date


David L. Negri

9/1/04
Date

IDWR CONCURRENCE:


IDWR Agent

9-01-04
Date

ATTORNEY FOR IDWR:

Date

CERTIFICATE OF MAILING

I certify that on September 2nd 2004, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

Original to:

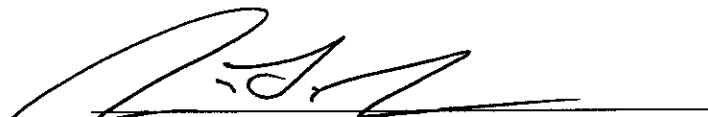
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Copy to:

Travis L. Thompson
Barker Rosholt & Simpson LLP
113 Main Ave. West, Suite 303
Twin Falls, ID 83301

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724



Travis L. Thompson

Right Number: 47-17129

Name and Address: PATRICIA BEDKE
KARL U BEDKE
1876 S 600 W
OAKLEY, ID 83346

SCOTT BEDKE
450 N CENTER AVE
OAKLEY, ID 83346

MICHAEL A POULTON
605 W 2200 S
OAKLEY, ID 83346

Source:	HUMPHREY SPRING	Tributary: SINKS
	LITTLE WILLOW SPRING	Tributary: SINKS
	RIGHT HAND FORK SPRING	Tributary: SINKS
	SPRING	Tributary: SINKS
	SPRINGS	Tributary: SINKS
	THOROUGHbred POND SPRING	Tributary: SINKS
	THOROUGHbred SPRING #1	Tributary: SINKS
	THOROUGHbred SPRING # 2	Tributary: SINKS
	WHITEY DAVIS SPRING	Tributary: SINKS
	WPA SPRING	Tributary: SINKS

Quantity: .02 CFS

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 47-16433, 47-16441, 47-16442, 47-16459, 47-16460, 47-16461, 47-16463, 47-16464, 47-16465 and 47-16466, AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL COMBINED QUANTITY OF 13,000 GALLONS PER DAY.

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Priority Date: ~~04-01-1872~~ 02-04-1895

Diversion Point:	T16S R19E S03	NWNESE	Within Cassia County
	S04	SENESE	
		SWNWSE	
		SWSESE	
	S05	SENESE	
	S08	NENWNE	
		NWNWSW	
	S09	NWNWNW	
	S10	SENENW	
		NWSWNW	
	S16	SWNWNW	
	S17	NESWNW	
		SWSWNW	
	S20	NESWNW	
	S23	NESESW	
	S26	NWNWSE	
	S28	NENENW	
		NENWNW	

S29 SESENW
SWNESE
NESWSE

S33 NENWNE
NWNENW

Purpose and
Period of Use: Purpose of Use Stockwater Period of Use 05-01 TO 11-30 Quantity .02 CFS

Place of Use: Stockwater Within Cassia County

T16S R19E S03	NESE	
S04	NENE	NWSE
	SESE	
S05	NESE	
S08	NWNE	NWSW
S09	NWNW	
S10	NENW	SWNW
S16	NWNW	
S17	SWNW	
S20	SWNW	
S23	SESW	
S26	NWSE	
S28	NENW	NWNW
S29	SESW	NESE
	SWSE	
S33	NWNE	NENW

ON
727

Other Provisions Necessary for Definition / Administration of this Water Right:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

~~The operation, use, and administration of this water right is also subject to the terms and conditions of the Stipulation and Joint Motion for Order Approving Stipulation entered into on August 29, 2002 between the United States of America and Western Stockgrowers Association, et al.; the provisions of such Stipulation to apply fully to this water right.~~

THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND SCOTT BEDKE, KARL U. BEDKE, AND MICHAEL POULTON, FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 6, 2003 AS INSTRUMENT NO: 289179; AND THE STIPULATION BETWEEN THE UNITED STATES AND PATRICIA BEDKE, ENTERED INTO ON JUNE 10, 2004, FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 8, 2004 AS INSTRUMENT NO: 296141, THE PROVISIONS OF SUCH STIPULATIONS TO APPLY FULLY TO 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.

Explanatory Material: Basis of Claim - Beneficial Use

STOCKWATER USE FOR UP TO 2000 CATTLE DISPERSED THROUGH
GRAZING UNIT.

DN
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