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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. 78-10002                        |
|                | ) |                                             |
| Case No. 39576 | ) | <b>Standard Form 5</b>                      |
|                | ) |                                             |
|                | ) | <b>AMENDED CLAIM</b>                        |
|                | ) | <b>FOR DOMESTIC &amp; STOCKWATER RIGHTS</b> |
|                | ) |                                             |

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This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. 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, data, 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.

Pursuant to the terms of the *Stipulation and Joint Motion for Order Approving Stipulation* filed on August 29, 2002, such stipulation being incorporated into this *Standard Form 5*, the parties and IDWR agree and stipulate that the elements of the resulting water rights should be described per the attached. The parties and IDWR agree and stipulate that the original claim shall be "split" retaining the original claim and adding one new claim that limits the use of both claims to a total combined diversion rate of .04 cfs and a total quantity of 13,000 gallons per day. The additional claim number shall be 78-12186. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**OBJECTOR:**

United States on behalf of the  
USDA Forest Service

David Negri 1/7/03  
David L. Negri Date

**CLAIMANT:**

Todd Bowen

Travis L. Thompson 1/7/03  
Travis L. Thompson Date  
Norman M. Semanko

**RESPONDENTS:**

A.L. Cattle Inc.  
Bruce Bedke  
Jared Bedke  
Karl U. Bedke  
Scott Bedke  
Willis & Betty De Veny  
Flying Triangle Inc.  
Luther Gardner  
Jerry Hoagland  
Joyce Livestock  
Eugene Mathews  
Pickett Ranch & Sheep Co.  
Gary Poulton  
Michael Poulton  
Shoulder 3 Ranches Inc.  
Joe Tugaw  
Western Stockgrowers Association et al.

Travis L. Thompson 1/7/03  
Travis L. Thompson Date  
Norman M. Semanko

**IDWR CONCURRENCE:**

Roxanne Brown 1/8/03  
Roxanne Brown Date

### CERTIFICATE OF MAILING

I certify that on Jan. 8, 200~~7~~<sup>3</sup>, 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:

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

Copies to all parties to the subcase (insert names and addresses here):

Norman M. Semanko  
Travis L. Thompson  
Barker, Rosholt, & Simpson LLP  
P.O. Box 2139  
Boise, ID 83701-2139  
*Counsel for Todd Bowen and the Federal Stockwater Group*

  
\_\_\_\_\_  
Signature of person mailing documents

Right Number: 78-10002

Name and Address: ~~LESTER F. LOWE~~  
~~VICKY LOWE~~  
~~P.O. BOX 368~~  
~~RIGGINS, ID 83549~~

Todd Bowen  
P.O. Box 240  
Pollock, ID 83547

737  
RB  
DN

Source: SPRING Tributary: LITTLE SALMON RIVER

Quantity: .04 CFS

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

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO. 78-12186 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .04 CFS AND A TOTAL QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: ~~01-01-1907~~ 05-09-1906

Diversion Point: T23N R01E S32 NESENW Within Idaho County

| Purpose and<br>Period of Use: | Purpose of Use | Period of Use  | Quantity |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | .04 CFS  |

Place of Use: Stockwater Within Idaho County  
T23N R01E S32 SENW

Other Provisions Necessary for Definition / Administration of 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 TODD BOWEN FILED IN THE OFFICE OF THE IDAHO COUNTY RECORDER AND RECORDED ON OCTOBER 31, 2002 AS INSTRUMENT NO: 425169; THE PROVISIONS OF SUCH STIPULATION 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.

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

Explanatory Material: Basis of Claim - Beneficial Use

Right Number: 78-12186

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE  
USDA FOREST SERVICE  
550 W FORT ST MSC 033  
BOISE, ID 83724

Source: SPRING Tributary: LITTLE SALMON RIVER

Quantity: .04 CFS

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

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO. 78-10002 AND  
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .04 CFS AND A TOTAL  
QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: 05-10-1906

Diversion Point: T23N R01E S32 NESENW Within Idaho County

| Purpose and<br>Period of Use: | Purpose of Use | Period of Use  | Quantity |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | .04 CFS  |

Place of Use: Stockwater Within Idaho County  
T23N R01E S32 SENW

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Explanatory Material: Basis of Claim - Beneficial Use