

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: ~~5022213~~
Date Received: 5/28/1999
Receipt No: 5022213
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JARED BEDKE 208-862-3697
Address: 42 E BASIN RD
OAKLEY ID 83346

2. Date of Priority: JAN 1, 1872

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
Beginning Point of Instream Flow							
15S	22E	8	SE	NE			CASSIA
Ending Point of Instream Flow							
15S	22E	5	NE	NW			CASSIA

5. Description of diverting works:
INSTREAM STOCKWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	22E	5	NE		NW		STOCK	
			NW		NW		STOCK	
			SE		NW		STOCK	
			NE		SW		STOCK	
			SE		SW		STOCK	
			SW		SE		STOCK	
		8	NW		NE		STOCK	
			SW		NE		STOCK	
			SE		NE		STOCK	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
45-10507, 45-10508

14. Remarks:
STOCKWATER FOR 500 HEAD RANGE CATTLE

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A45-17891

Date Received 5/28/99

Receipt Number 3022213

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.**

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) JARED K. BENKE Phone (208) 862-3697

Mailing Address 42 E BASIN RD OAKLEY ID Zip 83346

2. Date of Priority (Only one per claim) ~~1872~~ 1/1/1872 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other (X) (a) UNNAMED STREAM
Name or kind of source

which is tributary to (b) SINKS

4. Location of point of diversion is: ^{Beginning} Township 15 S Range 22 E

Section 8, ~~SW~~ 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____, BM.,

County of CASSIA

Additional points of diversion if any: ENDING T15S R22E SEC. 5 NENW

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. IN STREAM

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Stockwater purposes from 1/1 Month/Day to 12/31 Month/Day amount 13.02 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .02 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) CATTLE 500 HD.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
**HOW YOU WILL RECEIVE NOTICES IN THE
SNAKE RIVER BASIN ADJUDICATION**

CIVIL CASE NUMBER: 39578

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place of use is: Township: 15 S Range 22 E

Section _____, _____ 1/4 of _____ 1/4, Govt. Lot _____, B.M.,

for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any S8: SENE, SWNE, NWNE; S5: SWSE, SESW, NESW
SENE, NENE, NWNW

11. In which county (ies) are lands listed above as place of use located? CASSIA

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

() None or 45-10507, 45-10508

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Jared Beht Date 5/28/99
Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Twin Falls) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 28th day of May 19 99

Notary Public Douglas Beht

Residing at Beht, ID

My Commission Expires 8/8/2001

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Signature of Claimant (s)

Date

Date

For Organizations: I do solemnly swear or affirm that I am

of _____ that I have signed the foregoing

document in the space below as _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Date _____

Title and Organization _____

NOTARIZATION REQUIRED FOR EACH CLAIM

State of Idaho/or _____

County of _____

Subscribed and sworn (or affirmed) before me this _____

Notary Public _____

Residing at _____

My Commission Expires _____

04/20/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-12891

NAME AND ADDRESS: JARED K BEDKE
42 E BASIN RD
OAKLEY ID 83346

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 01/01/1872

POINT OF DIVERSION:
T15S R22E S5 NWNENW Lot 3 End of Stream Flow Within CASSIA County
T15S R22E S8 SESWNE Begin of Stream Flow Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T15S R22E S05 Lot 3 NENW	T15S R22E S05	SENW
T15S R22E S05 NESW	T15S R22E S05	SWSE
T15S R22E S08 NWNE	T15S R22E S08	SWNE

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: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-12891 V1

WATER RIGHT NUMBER: 45-12891 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JARED K BEDKE 42 E BASIN RD OAKLEY, ID 83346

Priority Date: 01/01/1872

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	SE1/4SW1/4NE1/4	Sec. 8,	Twp 15S,	Rge 22E, B.M.
CASSIA County	(Beginning of Reach)			
UNNAMED STREAM	L3 (NW1/4NE1/4NW1/4)	Sec. 5,	Twp 15S,	Rge 22E, B.M.
CASSIA County	(Ending of Reach)			

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	22E	5					X			X	X							X	
							L 3												
15S	22E	8		X	X														

Conditions of Approval:

1. C18 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.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-12891 V1

Comments:

1. vhancock 4/20/2004 PRIORITY DATE
Comment: RECOMMENDED AS CLAIMED.

2. vhancock 4/20/2004 POU
Comment: CLAIMANT STATED PLACE OF USE AS CLAIMANTS PRIVATE LAND. VERIFIED BY CASSIA COUNTY
TAXLOT GIS SHAPE. CLAIMED TRACTS OF BLM LAND THRU WHICH STREAM FLOWS WERE DELETED FROM
RECOMMENDATION.

Robertson, Jean

From: Robertson, Jean
Sent: Friday, August 16, 2002 9:17 AM
To: Baxter, Garrick
Subject: 45-12891

Hi Garrick,

I'll pose this question to you since you're our Basin 45 attorney. I got a call from Don Pickett, an attorney/claimant in Burley regarding this right. It was filed by Bedke but on Pickett's property, I think. He says they are in litigation in civil court over this claim regarding trespass issues. Anyway, he wants to know if there is any procedure to notify us that this right shouldn't be decreed until this is settled. (I don't see where we have either a recommendation or a decree yet, just the claim, which I haven't been able to locate yet!) Maybe just a letter or what? So, you can tell me and I can call him back or you can talk to him at 862-3482. Thanks, Jeanie

45-12891

PER Cassia County
TAX lot Layer in
SDE Land ~~and~~
through which
stream reach passes
is owned by
Bruce Bedke

Det 4/20/04



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 5, 2004

DON PICKETT
1659 S 600 W
OAKLEY ID 83346

RE: True and Certified Copies of 45-10508 & 45-12891

Dear Mr. Pickett,

Per your request, I am enclosing your *True and Certified Copies* of 45-10508 and 45-12891. There is a charge of \$1.00 per document for the certification and .05 cents per copied page for a total of \$2.45.

Feel free to give me a call at the office if you have any questions or if I can be of further assistance.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

Don F. Pickett

ATTORNEY AT LAW
1659 SOUTH 600 WEST
OAKLEY, IDAHO 83346

E-MAIL: donfp@pmt.org

TELEPHONE
(208) 862-3327

FAX NO.
(208) 862-3651

August 16, 2002

RECEIVED

AUG 19 2002

Department of Water Resources
Southern Region

Allen D. Merritt, P.E.
Regional Manager, Southern Region
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: WATER RIGHT NUMBER: 45-12891 JARED BEDKE, CLAIMANT

Dear Mr. Merritt:

This letter concerns the above-referenced late claim, filed by Jared Bedke on May 28, 1999. This office is writing this letter as corporation counsel for Pickett Ranch & Sheep Co., owner of real property through which Mr. Bedke has claimed an easement in a Complaint filed against it on August 1, 2002, in the Fifth District Court in Burley, Idaho. It is my understanding that this late claim has not as yet been reported with your recommendation to the adjudication court and that there is no procedure for filing an objection in that court at this time.

We do not necessarily object at this time to Mr. Bedke's claim for the City of Oakley's water, but we do very much object to any claim by Bedke that he has any right, title or interest in the use of our real property for the diversion of this water to his claimed place of use.

We ask that you place your recommendation to the adjudication court on hold pending a judicial determination of the right-of-way issue in Burley, or otherwise take our position into consideration in making your recommendation. We will also appreciate any notification you may be willing and able to provide to us regarding your eventual recommendation to the adjudication court and the period of time within which to file objections.

Very truly yours,



Don F. Pickett

DFP/

pc: Jared Bedke

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-12891

WATER RIGHT NUMBER: 45-12891

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JARED K BEDKE 42 E BASIN RD OAKLEY, ID 83346

Priority Date: 01/01/1872

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	SE1/4NE1/4	Sec. 8, Twp 15S, Rge 22E, B.M.
CASSIA County	(Beginning of Reach)	
UNNAMED STREAM	NE1/4NW1/4	Sec. 5, Twp 15S, Rge 22E, B.M.
CASSIA County	(Ending of Reach)	

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	22E	5					X	X		X	X			X				X	
15S	22E	8		X	X	X													

Conditions of Approval:Remarks:

1. Explanatory STOCKWATER FOR 500 HEAD RANGE CATTLE

Comments: