

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

November 10, 2004

Diana Delaney
Case Administrator
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Partial Decree for water right 47-17129

Dear Diana:

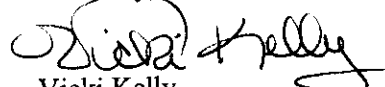
A Standard Form 5 (SF5) was filed on September 2, 2004, resolving subcase 47-17129. The quantity element of the recommendation of the water right included a combined use remark listing other associated basin 47 rights. Included in this group of associated rights was water right 47-16466.

On September 23, 2004, a Special Master Report and Recommendation (SMRR) was issued on right 47-17129. The combined use remark included the associated basin 47 rights but listed right 47-16466 as 46-16466. The Partial Decree (PD) of right 47-17129 was issued on November 1, 2004, and it too listed right 47-16466 as right 46-16466.

It appears that the inclusion of right 46-16466 instead of right 47-16466 in the quantity remark on the SMRR and PD of right 47-17129 is most likely a simple error. Would it be possible for the court to correct this as a clerical mistake under I.R.C.P. 60(a)?

A copy of the SF5, SMRR and PD for right 47-17129 is included for the court's convenience. Should you require further assistance in this matter, please don't hesitate to call me at 208-287-4816.

Sincerely,


Vicki Kelly,
Paralegal

Enc.

cc: Travis L. Thompson w/o enc.

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

Case No. 39576

Subcase No. 47-17129

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

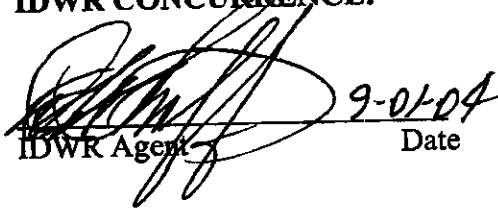

Travis L. Thompson

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:

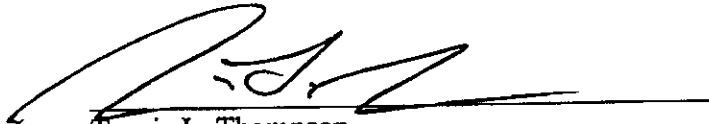
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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
LITTLE WILLOW SPRING
RIGHT HAND FORK SPRING
SPRING
SPRINGS
THOROUGHbred POND SPRING
THOROUGHbred SPRING #1
THOROUGHbred SPRING # 2
WHITEY DAVIS SPRING
WPA SPRING

Tributary: SINKS
Tributary: SINKS
Tributary: SINKS
Tributary: SINKS
Tributary: SINKS
Tributary: SINKS
Tributary: SINKS
Tributary: SINKS
Tributary: SINKS

DN
df
m

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
S04

S05
S08

S09
S10

S16
S17

S20
S23
S26
S28

NWNESE
SENESE
SWNESE
SWSESE
SENESE
NENWNE
NWNWSW
NWNWNW
SENESE
NWSWNW
SWNWNW
NESWNW
SWSWNW
NESWNW
NESESE
NWNWSE
NENENW
NENWNW

Within Cassia County

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 NWNW NWSW
S09 NWNW SWNW
S10 NENW
S16 NWNW
S17 SWNW
S20 SWNW
S23 SESW
S26 NWSE
S28 NENW NWNW
S29 SENW NESE
SWSE
S33 NWNW NENW

DN
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 Steekgrowers 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
727