

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 45-13715
Date Received: 4/19/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MICHAEL A POULTON Phone: (208)862-3340
605 W 2200 S
OAKLEY ID 83346

SCOTT BEDKE Phone: (208) 862-3619
450 N CENTER AVE
OAKLEY ID 83346

KARL U BEDKE Phone: (208) 862-3641
1876 S 600 W
OAKLEY ID 83346

PATRICIA BEDKE Phone: (208)862-3641
1876 S 600 W
OAKLEY ID 83346

2. Date of Priority: 04/01/1872

3. Source: MAGPIE SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15S	21E	29	NW NE NW	CASSIA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	05/01	11/30	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15S	21E	21	NW	SW	STOCKWATER	
15S	21E	29	NE	NW	STOCKWATER	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A PORTION OF 45-10325. THIS RIGHT WAS ALSO REPORTED IN THE PRELIMINARY DIRECTORS REPORT AS 45-13697 BUT WAS SUBSEQUENTLY SPLIT BY OWNERSHIP. ALSO SEE 45-13716 BRUCE BEDKE. SEE 45-10325 FOR ORIGINAL REMARKS.

ALL ELEMENT OF THIS CLAIM, WHICH IS A PORTION OF THE ORIGINAL SPLIT BY OWNERSHIP, MAY NOT CONFORM TO THE ORIGINAL. SEE CLAIM RECORD 45-10325 FOR THE SIGNED NOTICE OF CLAIM AS FILED.

NOTICE OF CHANGE IN WATERRIGHT OWNERSHIP SUBMITTED
4-15-2004 LOCATED IN 47-13715.

15. Basis of Claim: Beneficial Use

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 45-13697
Date Received: 3/31/2004
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

GARY R POULTON Phone: (208)862-3340

605 W 2200 S
OAKLEY ID USA 83346

BRUCE BEDKE Phone: (208)862-3697

42 E BASIN RD
OAKLEY ID USA 83346

RAY C BEDKE Phone: (208)862-3252

PO BOX 283
OAKLEY ID USA 83346

WINSLOW B WHITELEY Phone: (208)862-3252

BASIN RD
42 E 1975 S
OAKLEY ID USA 83346

2. Date of Priority: 04/01/1879

*corrected to
1872 in database
D.H.*

3. Source: MAGPIE SPRING

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
15S	21E	29	NE	NE	NW	CASSIA	
15S	21E	21	NW	NW	SW	CASSIA	
15S	21E	29	NW	NE	NW	CASSIA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	05/01	11/30	0.04	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15S	21E	21	NW	SW	STOCKWATER	
15S	21E	29	NE	NW	STOCKWATER	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

CLAIM 45-13697 IS A PORTION OF 45-10325 SPLIT BY DRAINAGE BASIN AND BLM/USFS BOUNDARY. CLAIM 45-10325 WAS FOR .5 CFS. THE FOLLOWING CLAIMS A PORTIONS OF 45-10325: 45-13696 .04 CFS; 45-13697 .04 CFS; 45-13698 .42 CFS. 45-10325 WAS FILED IN 1989 FOR 2000 HEAD OF RANGE CATTLE.

15. Basis of Claim: Beneficial Use

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: [REDACTED]
Date Received: 5/ 2/1989
Receipt No: S006989
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WINSLOW B WHITELEY
Address: PO BOX 283
OAKLEY ID 83346 208-862-3252
OR
Name: RAY C BEDKE
Address: BOX 283
OAKLEY ID 83346
OR
Name: GARY_RUSSEL POULTON
Address: OAKLEY ID 83346
OR
Name: BRUCE BEDKE
Address: OAKLEY ID 83346

2. Date of Priority: APR 1, 1872

3. Source: RAY AND MIKE SPRING ✓ Trib. to: SINKS
FORK LONE CEDAR SPRING ✓ SINKS
BLACK ROCK LONE CEDAR SPRIN ✓ SINKS
LONE CEDAR SPRING ✓ SINKS
TWIN SPRINGS ✓ SINKS
ROCK SPRINGS, UPPER ✓ SINKS
ROCK SPRINGS, LOWER ✓ SINKS
SAGE HEN SPRING ✓ SINKS
MUD HOLE LONE CEDAR ✓ SINKS
UPPER LONE CEDAR SPRING ✓ SINKS
MAGPIE SPRING SINKS
LONE CEDAR CREEK ✓ SINKS
OWEN'S CORRAL CREEK ✓ GOOSE CREEK RESERVOIR
MILLS CANYON SPRING CAVE GULCH CREEK
SINKS

4. Point of Diversion:

Township Range Section 1/4 of 1/4 of 1/4 Lot County

4. Point of Diversion: Continued

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	21E	8	NW	NE	SW ✓		CASSIA
		9	SE	SW	NE ✓		CASSIA
		16	NW	SW	SW ✓		CASSIA
		17	SE	NE	SW ✓		CASSIA
		18	SW	NW	SW ✓		CASSIA
			SE	SW	SW ✓		CASSIA
		19	SE	NW	SW ✓		CASSIA
		21	NW	NW	SW ✓ map 11		CASSIA
		28	NE	SE	NE ✓ map 10		CASSIA
		29	NE	NE	NW ✓ map 9pi		CASSIA
			NW	NE	NW ✓		CASSIA
			SW	NW	SW ✓		CASSIA
		32	SE	NW	NW ✓		CASSIA
			NE	SW	NW ✓		CASSIA

Beginning Point of Instream Flow

15S	21E	18	SW	NW	SW ✓	CASSIA
15S	21E	20	SW	NW	SW ✓	CASSIA

Ending Point of Instream Flow

15S	21E	3	NE	SE	SW ✓	CASSIA
15S	21E	16	NE	SE	SE ✓	CASSIA

5. Description of diverting works:

PONDS, COLLECTOR BOXES, PIPELINES, TROUGHS, & INSTREAM USES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	05/01	11/30	0.500		

7. Total Quantity Appropriated is:

0.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/2000 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	21E	3	SE	SW ✓		STOCK	
		8	NE	SW ✓		STOCK	
		9	SW	NE ✓		STOCK	
			SW	NE ✓		STOCK	
			SE	NE ✓		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	21E	9	SE	SW ✓		STOCK	
			NW	SE ✓		STOCK	
		10	NW	NW ✓		STOCK	
		16	NE	NW ✓		STOCK	
			SW	NW ✓		STOCK	
			SW	SW ✓		STOCK	
			SE	SE ✓		STOCK	
		17	SE	NE ✓		STOCK	
			NE	SW ✓		STOCK	
			NE	SW ✓		STOCK	
			NW	SW ✓		STOCK	
			NE	SE ✓		STOCK	
			NW	SE ✓		STOCK	
		18	NE	SW ✓		STOCK	
			NW	SW ✓		STOCK	
			SW	SW ✓		STOCK	
			NE	SE ✓		STOCK	
			NW	SE ✓		STOCK	
		19	NW	SW ✓		STOCK	
		20	NE	NE ✓		STOCK	
			SE	NE ✓		STOCK	
			NE	SW ✓		STOCK	
			NW	SW ✓		STOCK	
			NW	SE ✓		STOCK	
		21	NW	NE ✓		STOCK	
			NE	NW ✓		STOCK	
			NW	NW ✓		STOCK	
			NW	SW ✓		STOCK	
		28	SE	NE ✓		STOCK	
		29	NE	NW ✓		STOCK	
			NW	SW ✓		STOCK	
		32	NW	NW ✓		STOCK	
			NW	SW ✓		STOCK	

11. Place of use in counties: CASSIA ?

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

USED UNDER GRAZING ALLOTMENT FROM U.S. FOREST SERVICE.
AKA GOOSE CREEK CATTLE AND HORSE ASSOCIATION.
FILE A: NORTH SPRING UNIT, USFS, TO CHALK SPRING.
SEE FILE FOR ABOVE DESCRIBED ATTACHMENT, THIS EXPLAINS SOURCES
MATCHED TO THEIR P/D'S.

14. Remarks: Continued

ALL SPRINGS AND STREAMS ARE WITHIN ONE GRAZING UNIT AND CAN BE
ACCESSED BY CATTLE WITHOUT CROSSING FENCES.
NOTE ON P/D: LONE CEDAR CREEK, BEG. SW,NW,SW, S. 18, T15S. R21E.
END. NE,SE,SW, S. 3, T15S. R21E. FOR INSTREAM USE.
OWEN'S CORRAL CREEK, BEG. SW,NW,SW, S. 20, T15S. R21E.
END. NE,SE,SE, S. 16, T15S. R21E. FOR INSTREAM USE.

THE FOLLOWING WATER RIGHTS ARE OTHER CLAIMS SUBMITTED BY
WILD ROSE GRAZING ASSOCIATION:

FILE A	A45-10325	FILE G	A47-14924
FILE B	A45-10327	FILE H	A45-10332
FILE C	A45-10329	FILE I	A45-10333
FILE D	A45-10330	FILE J	A45-10334
FILE E	A45-10331	FILE K	A45-10335
FILE F	A47-14923	FILE L	A45-10336

THIS CLAIM IS THE REFERENCE RIGHT TO ALL THE ABOVE.
CORRECTED NAME FIELD. SF 9/29/93.

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 Organizations:

I do solemnly swear or affirm that I am Co-owner of
N/A Title

N/A Organization, that I have signed the foregoing
document in the space below as _____ of

_____ Title
_____ Organization and that the statements contained in the

foregoing document are true and correct. X

Ray C. Berke
Signature of Authorized Agent

Title and Organization

March 12, 1998
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of March 19 98

Seal

Jeanie Robertson
Notary Public

Residing at Twin Falls, Id.
My Commission Expires 9-23-2000

07/28/2004

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

RIGHT NUMBER: 45-13715
NAME AND ADDRESS: MICHAEL A POULTON
605 W 2200 S
OAKLEY ID 83346

SCOTT BEDKE
450 N CENTER AVE
OAKLEY ID 83346

KARL U BEDKE
1876 S 600 W
OAKLEY ID 83346

PATRICIA BEDKE
1876 S 600 W
OAKLEY ID 83346

SOURCE: MAGPIE SPRING TRIBUTARY: SINKS
QUANTITY: 0.020 CFS
4.000 AFY

USE OF THIS RIGHT WITH RIGHT NO. 45-7595 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .02 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 4.0 AF.

THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING
ALLOTMENT SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY
USED BY THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

PRIORITY DATE: 04/02/1986

THE PRIORITY DATE OF THIS RIGHT IS ADVANCED TO PREVENT INJURY TO OTHER
RIGHT(S) IN THE SAME SYSTEM PURSUANT TO THE TERMS AND CONDITIONS OF
THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION
ENTERED INTO AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA
AND WESTERN STOCKGROWERS ASSOCIATION, ET AL, AND RECORDED IN
CASSIA COUNTY JUNE 3, 2003 AS INSTRUMENT NUMBER 289179.

POINT OF DIVERSION:

T15S R21E S29 NWNENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 11/30	0.020 CFS 4.00 AFY

PLACE OF USE: STOCKWATER Within CASSIA County

T15S R21E S21	NWSW	T15S R21E S29	NENW
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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.

07/28/2004

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

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-10325.

06/24/2004

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

RIGHT NUMBER: 45-13715
NAME AND ADDRESS: MICHAEL A POULTON
605 W 2200 S
OAKLEY ID 83346
SCOTT BEDKE
450 N CENTER AVE
OAKLEY ID 83346
KARL U BEDKE
1876 S 600 W
OAKLEY ID 83346
PATRICIA BEDKE
1876 S 600 W
OAKLEY ID 83346

SOURCE: MAGPIE SPRING TRIBUTARY: SINKS
QUANTITY: 0.020 CFS
4.000 AFY

USE OF THIS RIGHT WITH RIGHT NO. 45-7595 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .02 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 4.0 AF.

PRIORITY DATE: 04/02/1986

POINT OF DIVERSION:

T15S R21E S29 NWNENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 11/30	0.020 CFS 4.00 AFY

PLACE OF USE:

STOCKWATER Within CASSIA County
T15S R21E S21 NWSW T15S R21E S29 NENW

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.

EXPLANATORY MATERIAL:

License *chg back to Bu*
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-10325.

04/19/2004

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

RIGHT NUMBER: 45-13715
NAME AND ADDRESS: MICHAEL A POULTON
605 W 2200 S
OAKLEY ID 83346

SCOTT BEDKE
450 N CENTER AVE
OAKLEY ID 83346

KARL U BEDKE
1876 S 600 W
OAKLEY ID 83346

PATRICIA BEDKE
1876 S 600 W
OAKLEY ID 83346

SOURCE: MAGPIE SPRING TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

USE OF THIS RIGHT WITH RIGHT NO. 45-7595 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .02 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 4.0 AF.

The quantity of water under right nos. 45-13713, 45-13714, 45-13715,
45-13716, 45-13717, 45-13718 shall not exceed a combined total of 13,000
gallons per day.

PRIORITY DATE: 04/02/1986

POINT OF DIVERSION:

T15S R21E S29 NWNENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 11/30	0.020 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T15S R21E S21	NWSW	T15S R21E S29	NENW
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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.

EXPLANATORY MATERIAL: License

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-10325.

Water Right 45-13715

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 45-13715
Date Received: 4/19/2004
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

MICHAEL A POULTON Phone: (208)862-3340

605 W 2200 S
OAKLEY ID USA 83346

SCOTT BEDKE Phone: (208) 862-3619

450 N CENTER AVE
OAKLEY ID USA 83346

KARL U BEDKE Phone: (208) 862-3641

1876 S 600 W
OAKLEY ID USA 83346

PATRICIA BEDKE Phone: (208)862-3641

1876 S 600 W
OAKLEY ID USA 83346

2. Date of Priority: 04/01/1872

3. Source: MAGPIE SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15S	21E	29	NW NE NW	CASSIA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	05/01	11/30	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15S	21E	21	NW	SW	STOCKWATER	
15S	21E	29	NE	NW	STOCKWATER	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

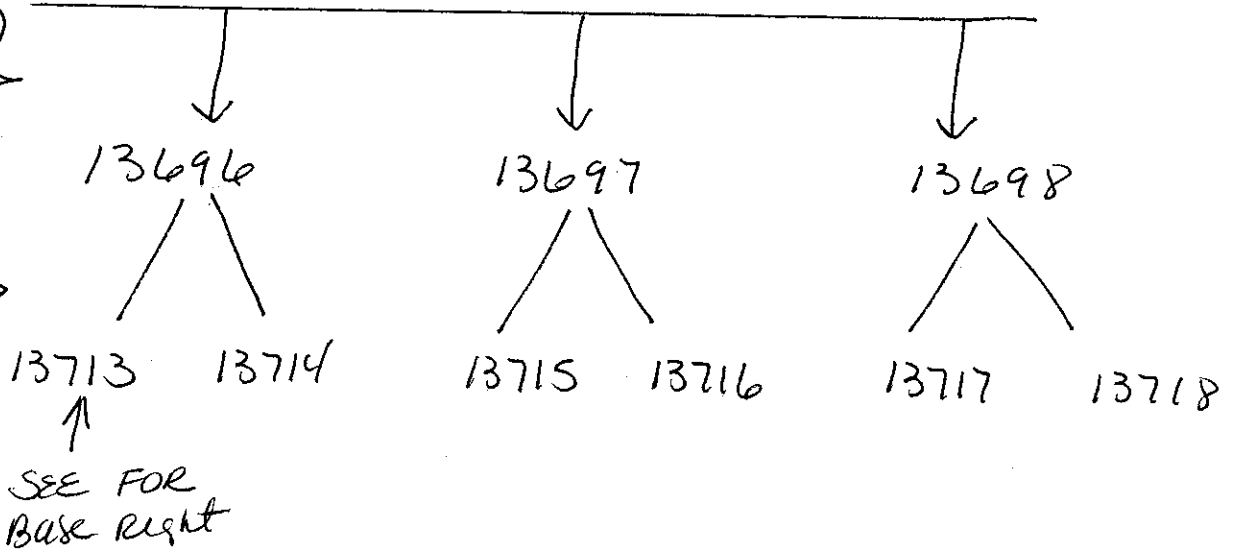
THIS RIGHT IS A PORTION OF 45-10325. THIS RIGHT WAS ALSO REPORTED IN THE PRELIMINARY DIRECTORS REPORT AS 45-13697 BUT WAS SUBSEQUENTLY SPLIT BY OWNERSHIP. ALSO SEE 45-13716 BRUCE BEDKE. SEE 45-10325 FOR ORIGINAL REMARKS. - VH

15. Basis of Claim: Beneficial Use

45-10325

Split By
Source or
Land mgt

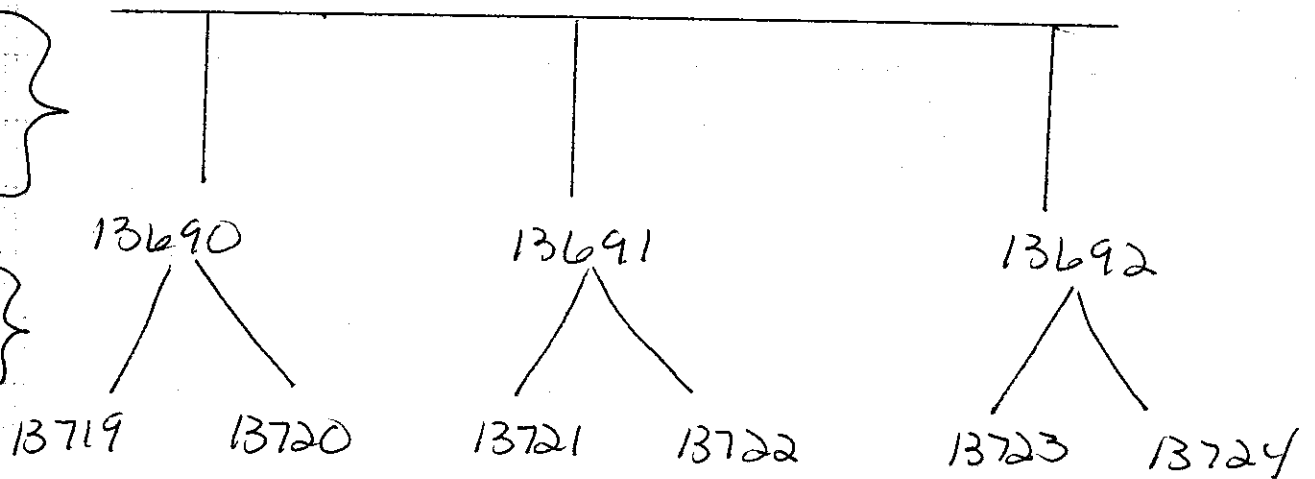
Split by
ownership



45-10327

Split by
Source or
Land mgt

Split By
Ownership



[Signature]

03/31/2004

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

RIGHT NUMBER: 45-13697
NAME AND ADDRESS: GARY R FOULTON
605 W 2200 S
OAKLEY ID 83346

RAY C BEDKE
PO BOX 283
OAKLEY ID 83346

BRUCE BEDKE
42 E BASIN RD
OAKLEY ID 83346

WINSLOW B WHITELEY
BASIN RD
42 E 1975 S
OAKLEY ID 83346

SOURCE: MAGPIE SPRING TRIBUTARY: SINKS

QUANTITY: 0.020 CFS
USE OF THIS RIGHT WITH RIGHT NO. 45-7595 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .02 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 4.0 AF.

PRIORITY DATE: 04/02/1986

POINT OF DIVERSION:
T15S R21E S29 NWNENW Within CASSIA County

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	05/01 11/30	0.020 CFS

PLACE OF USE:	<u>STOCKWATER Within CASSIA County</u>		
	T15S R21E S21	NWSW	T15S R21E S29 NENW

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.

EXPLANATORY MATERIAL: License

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-10325.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-13697 V1

WATER RIGHT NUMBER: 45-13697 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARY R POULTON 605 W 2200 S OAKLEY, ID 83346 (208)862-3340
Current Owner	RAY C BEDKE PO BOX 283 OAKLEY, ID 83346 (208)862-3252
Current Owner	BRUCE BEDKE 42 E BASIN RD OAKLEY, ID 83346
Current Owner	WINSLOW B WHITELEY BASIN RD 42 E 1975 S OAKLEY, ID 83346 (208)862-3252

Priority Date: 04/02/1986

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
MAGPIE SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	05/01 to 11/30	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

MAGPIE SPRING	NW1/4NE1/4NW1/4	Sec. 29, Twp 15S, Rge 21E, B.M.
CASSIA County		

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	21E	21											X						
15S	21E	29					X												

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-13697 V1

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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 45-7595 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4.0 AF.
2. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-10325.

Comments:

1. vhancock 3/31/2004 SPLIT RIGHT

Comment: CLAIM 45-13697 IS A PORTION OF 45-10325 SPLIT BY DRAINAGE BASIN AND BLM/USFS BOUNDARY. CLAIM 45-10325 WAS FOR .5 CFS. THE FOLLOWING CLAIMS A PORTIONS OF 45-10325: 45-13696 .04 CFS; 45-13697 .04 CFS; 45-13698 .42 CFS. 45-10325 WAS FILED IN 1989 FOR 2000 HEAD OF RANGE CATTLE.

2. vhancock 3/31/2004 PRIORITY DATE

Comment: THIS CLAIM IS SUBJECT TO THE STIPULATION BETWEEN BLM, USFS AND GRAZING PERMITTEES ON PUBLIC LAND SIGNED 8/28/2002. USE IS ON USFS MANAGED LANDS. PRIORITY DATE IS ACCORDING TO STIPULATION - ONE DAY JUNIOR TO USFS FOR DEVELOPED PIPELINE.

3. vhancock 3/31/2004 BASIS OF CLAIM

Comment: THE MAGPIE SPRINGS PIPELINE WAS CLAIMED BY THE PERMITTEES BASED UPON BENEFICIAL USE. THE BASIS HAS BEEN CHANGED ON THE RECOMMENDATION TO LICENSE TO REFLECT THAT THE PIPELINE WAS DEVELOPED UNDER LICENSE 45-7595 IN NAME OF USFS.

4. vhancock 3/31/2004 DIV RATE

Comment: DIVERSION RATE BASED UPON LICENSE. COMBINED, THIS RIGHT AND 45-7595 ARE LIMITED TO THE LICENSED AMOUNT OF .02 CFS AND 4 AF.

5.

may be p/d

Station	Flow	Direction	Flow
15S	21E	18	SW
15S	21E	20	SW

15S	21E	3
15S	21E	16

PONDS, COLLECTOR BOXES, PIPELINES, TROUGHS, & INSTREAM USES.

Purpose
STOCKWATER

From To
05/01 11/30

C.F.S (or)
0.500

A.F.A.

A. F. A.

Acre Feet Per Annum.

num. 10325

13696 13697 13698

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	21E	3	SE		SW		STOCK	
		8	NE		SW		STOCK	
		9	SW		NE		STOCK	
			SW		NE		STOCK	
			SE		NE		STOCK	

Date: 03/12/98

FILED
FBI
MAR 12 1998
FBI - MEMPHIS

MD
BPM

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

CUSTOMER:

WILD ROSE GRAZING ASSOCIATION

DATE: March 13, 1998 7:31 am

SCOTT, RAY, BRUCE, AND JASON BEDKE, AND GARY POULTON

SUBJECT: AMENDMENT TO: A45-10325, A45-10327, A45-10329, A45-10330, A45-10331, A45-10332, A45-10333, A45-10334, A45-10335, & A45-10336. AMENDMENT TO: A47-14924, & A47-14923.

phone () walk-in(X)

The grazing association amended the priority date on the above claims to 4-1-1872.

We discussed the issues concerning claiming stockwater uses as falling into three general categories. 1. In-stream use; 2. A developed spring at the source; and 3. A developed spring/stream with a significant delivery system, primarily a pipeline stocktank system. I indicated that many of their claims may have to be revisited, maybe even additional claims filed.

We reviewed the rights sent to the court and they took objection forms home to complete and send out.

We also discussed the federal filings for stockwater and I showed them the USFS maps that were provided for department review. They indicated that they may wish to object to many of those rights. I suggested that they contact the court to determine the procedure required to file multiple objections. I generated a selection file BEDKE-BLM-CHECK for claims in TNS 15S & 16S; RNG 21E; and parts of 14S. I then deleted F records and decreed rights that appeared to be irrigation rights. I used that selection file to generate a number list for his review. Jeanie Robertson assisted me in this process.



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

7/2/98

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CARL & BARBARA AUSTIN
PO BOX 116
OAKLEY ID 83346

RE: Protest of claim A45-10336

Dear Mr. & Mrs. Austin:

I am writing to acknowledge receiving your letter of protest. This right has not yet been recommended to the court for eventual decree, and therefore, is not open for objection. I will include your information with the claim file for consideration at the time the claim is reviewed in preparation for recommendation to the court.

In addition, I have an appointment with one of the Bedkes soon and will make the concern known at that time. This claim could be amended by the claimants in the near future, though I cannot require them to do so. If the claim is not amended and the land is recommended in their claim you may then file an objection. IDWR anticipates filing a report that would include this claim late in the year 2000.

Thank you for your interest in the matter and please contact us if you have other questions.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor
Southern Adjudication Unit

RECEIVED

WATER RIGHT LICENSE

JUL 09 1992

WATER RIGHT NO. 45-07595

Department of Water Resources

Southern Region Office

Priority: April 1, 1986

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

4.0 AF

This is to certify, that US DEPT OF AGRICULTURE
FOREST SERVICE
FEDERAL BLDG
324 25TH ST
ODGEN UT 844010000

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated April 1, 1986; and
has submitted Proof of Beneficial Use on October 19, 1987. An examination indicates
that the works have a diversion capacity of .020 cfs of water from:

SPRING
MAGPIE SPRING

tributary to SINKS
tributary to SINKS

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	4.0 AF
WILDLIFE	01/01 to 12/31	0.02 CFS	4.0 AF
	Totals	0.02 CFS	4.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNEW, Sec. 29, Township 15S, Range 21E
CASSIA County

PLACE OF USE: STOCKWATER
TWN RGE SEC

15S 21E 21 SENW
29 NEW

PLACE OF USE: WILDLIFE, same as STOCKWATER use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.

45-7595

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 45-07595

REMARKS:

- Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 45C.
 6. This right, when considered with all other rights common to the same grazing allotment, shall be limited to the quantity of water beneficially used by the number of stock within the allotment.
 7. Two points of diversion located within the NWNE1/4, S29, T15S, R21E.
 8. Stockwater use is for 300 range cattle.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 25th day of June, 1992.

Acting for R. Keith Higginson, Director

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 45-07595

2000 MAY 23 11 9: 57

FILED
TWIN FALLS, IDAHO

RECEIVED

MAY 24 2000

Department of Water Resources

NAME AND ADDRESS: USDA FOREST SERVICE
550 W FORT ST, MSC 033
BOISE, ID 83724

SOURCE: MAGPIE SPRING
SPRING

TRIBUTARY: SINKS
SINKS

QUANTITY: 0.02 CFS
4.00 AFY

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

PRIORITY DATE: 01/01/1986

POINT OF DIVERSION: T15S R21E S29 NWNEW Within Cassia County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Stockwater

PERIOD OF USE
01-01 TO 12-31

QUANTITY
0.02 CFS

Wildlife

01-01 TO 12-31

4.00 AFY

0.02 CFS

2.00 AFY

PLACE OF USE: Stockwater Within Cassia County
T15S R21E S21 SENW
S29 NENEW

Wildlife Within Cassia County
Same as Stockwater

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Barry Wood

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication