

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. 45-13714 et al. | 45-13722 |
|            | ) | See Attachment A            |          |
|            | ) |                             |          |
| Case 39576 | ) | STANDARD FORM 5             |          |
|            | ) |                             |          |
|            | ) | STIPULATED ELEMENTS OF A    |          |
|            | ) | WATER RIGHT                 |          |

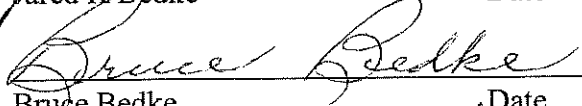
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This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

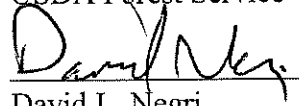
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions 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. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANTS:**

|                                                                                     |        |
|-------------------------------------------------------------------------------------|--------|
|  | 8/9/07 |
| Martha J Bedke                                                                      | Date   |
|  | 8/9/07 |
| Jared K. Bedke                                                                      | Date   |
|  | Date   |
| Bruce Bedke                                                                         | 8/9/07 |

**OBJECTOR:**

|                                                                                      |        |
|--------------------------------------------------------------------------------------|--------|
| USDA Forest Service                                                                  |        |
|  | 8/9/07 |
| David L. Negri                                                                       | Date   |
| Attorney for the United States                                                       |        |

**IDWR Concurrence:**

Douglas Jones 8/9/07  
Douglas Jones Date

Nicholas B Spencer 8-9-07  
Nicholas B Spencer Date  
Deputy Attorney General

## CERTIFICATE OF MAILING

I certify that on August 9, 2007, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

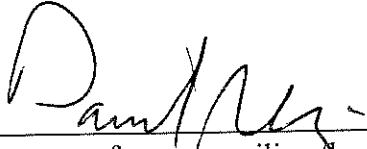
Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls, ID 83303-2707

2. Copies to:

Bruce Byron Bedke  
Jared K. Bedke  
Martha J. Bedke  
42 East Basin Road  
Oakley, Idaho 83346

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

US Department of Justice  
Environment and Natural Resources Section  
550 West Fort Street, MSC 033  
Boise, ID 83724

  
\_\_\_\_\_  
Signature of person mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 45-13722

Name and Address: MARTHA J BEDKE  
JARED K BEDKE  
BRUCE BEDKE  
42 E BASIN RD  
OAKLEY, ID 83346

|         |                                 |                            |
|---------|---------------------------------|----------------------------|
| Source: | BEAVERDAM CREEK                 | Tributary: GOOSE CREEK     |
|         | RIGHT HAND FORK BEAVERDAM CREEK | Tributary: BEAVERDAM CREEK |
|         | DRY GULCH SPRING                | Tributary: DRY GULCH CREEK |
|         | N W SPRING                      | Tributary: NE CREEK        |
|         | ORANGEBURG SPRING               | Tributary: NE CREEK        |

Quantity: .02 CFS

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: ~~04-01-1872~~  
01-01-1881

|                  |                     |                               |
|------------------|---------------------|-------------------------------|
| Diversion Point: | T16S R20E S01 LOT 3 | (SESESE) Within Cassia County |
|                  | S11 LOT 1           | (NWNENE) (InstreCassia        |
|                  | S13 LOT 2           | (SENWSW) (InstreCassia        |
|                  | LOT 2               | (SENWSW) (InstreCassia        |
|                  | S22                 | SWNWSE                        |
|                  | S24                 | NENENE (InstreCassia          |
|                  | S26                 | SWSENE                        |

DN  
NBS  
BB  
JB  
mgB  
JF

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

|               |                     |                      |       |        |
|---------------|---------------------|----------------------|-------|--------|
| Place of Use: | Stockwater          | Within Cassia County |       |        |
|               | T16S R20E S01 LOT 3 | (SESE)               |       |        |
|               | S11 LOT 1           | (NENE)               |       |        |
|               | S12 LOT 2           | (SWNW)               | LOT 3 | (NWSW) |
|               | LOT 4               | (SWSW)               |       |        |
|               | S13                 | NWNW                 | LOT 1 | (SWNW) |
|               |                     | SENE                 |       | NESW   |
|               | LOT 2               | (NWSW)               |       | SESW   |
|               |                     | SWSE                 |       |        |
|               | S24                 | NENE                 |       |        |

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.

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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-10327.

DN  
NBS  
B.B.  
JB  
MFB  
DJ