

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. 45-13713 et al
see Attachment A**

45-13721

Case No. 39576

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 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:

**Karl Bedke, Patricia Bedke,
Scott Bedke, Michael Poulton**

 7/1/10
Travis L. Thompson Date
Attorney for the Claimants

OBJECTOR:

United States on behalf of the
USDA Forest Service

USDA Forest Service
David L. Negri 7/8/10
 Date
 Attorney for the United States

IDWR CONCURRENCE:

~~Douglas Jones~~ 7/6/10
Douglas Jones Date

ATTORNEY FOR IDWR:

Nicholas B Spencer 7-6-10
Nicholas B Spencer Date
Deputy Attorney General

Attachment A

45-13713
45-13717
45-13721
45-13725
45-13727
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45-13731
45-13733
45-13739
45-13747

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

Right Number: 45-13721

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

Handwritten:
NBS
DN

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: N E 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.

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-12093 AND 45-12102 AND IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL COMBINED QUANTITY OF 13,000 GALLONS PER DAY.

Priority Date: ~~06-11-1905~~
12-10-1892

Diversion Point:

T16S R20E S01 LOT 3	(SESESE)	Within Cassia County
S11 LOT 1	(NWNENE)	Begin of Stream Flow Within Cassia County
S13 LOT 2	(SENWSW)	Begin of Stream Flow Within Cassia County
LOT 2	(SENWSW)	End of Stream Flow Within Cassia County
S22	SWNWSE	Within Cassia County
S24	NENENE	End of Stream Flow Within Cassia County
S26	SWSENE	Within Cassia County

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)
	SEnw		NESW
LOT 2	(NWSW)		SESW
	SWSE		
S24	NENE		

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Other Provisions Necessary for Definition / Administration of this Water Right:

NBS
ON

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.

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

Explanatory Material: Basis of Claim - Beneficial Use

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

CERTIFICATE OF MAILING

I certify that on July 9, 2010, 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
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

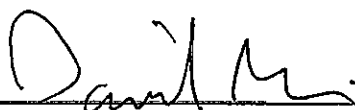
2. Copies to:

Karl Bedke
Patricia Bedke
Scott Bedke
Michael Poulton
C/O Travis Thompson
Barker, Rosholt & Simpson
P.O. Box 485
Twin Falls, ID 83303-0485

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P O Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724



Signature of person mailing documents