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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

Case No. 39576

Subcase No. 45-12050 et al  
see Attachment A

45-12058

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.

**CLAIMANT:**

United States of American on behalf  
of the USDA Forest Service

David Negri 7/27  
David L. Negri Date  
Attorney for the United States

**OBJECTORS:**

Karl Bedke, Patricia Bedke,  
Scott Bedke, Michael Poulton

Travis L. Thompson 7/26/10  
Travis L. Thompson Date  
Attorney for the Objectors

**IDWR CONCURRENCE:**

Steve Clelland 7/28/10  
Steve Clelland Date

**ATTORNEY FOR IDWR:**

Nicholas B Spencer 7-28-10  
Nicholas B Spencer Date  
Deputy Attorney General

## CERTIFICATE OF MAILING

I certify that on July 30, 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

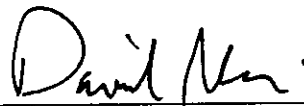
2. Copies to:

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



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Signature of person mailing documents

Attachment A

|          |          |
|----------|----------|
| 45-12050 | 45-12092 |
| 45-12053 | 45-12093 |
| 45-12055 | 45-12094 |
| 45-12056 | 45-12096 |
| 45-12058 | 45-12097 |
| 45-12060 | 45-12098 |
| 45-12061 | 45-12099 |
| 45-12073 | 45-12101 |
| 45-12074 | 45-12105 |
| 45-12075 | 45-12106 |
| 45-12076 | 45-12107 |
| 45-12079 | 45-12108 |
| 45-12080 | 45-12109 |
| 45-12081 | 45-12111 |
| 45-12082 | 45-12112 |
| 45-12083 | 45-12113 |
| 45-12084 | 45-12114 |
| 45-12085 | 45-12116 |
| 45-12086 | 45-12162 |
| 45-12087 | 45-12842 |
| 45-12088 | 45-12855 |
| 45-12089 | 45-12866 |
| 45-12090 | 45-12869 |
| 45-12091 | 45-12871 |

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

Right Number: 45-12058

Name and Address: UNITED STATES OF AMERICA ACTING THROUGH THE  
USDA FOREST SERVICE  
550 W FORT ST MSC 033  
BOISE, ID 83724

Source: TROUT SPRING NO. 2, WEST Tributary: SINKS

Quantity: .02 CFS

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-13731 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: ~~05-01-1879~~  
06-12-1905

Diversion Point: T16S R19E S24 NWSW Within Cassia County

| Purpose and<br>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 R19E S24 | NWSW                 |

Other Provisions Necessary for Definition / Administration of 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.

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

Explanatory Material: Basis of Claim - Beneficial Use

FOREST SERVICE RECORD ID = 0414 17040211 14 0033  
1849 Cattle

70  
NBS

Sw  
DN