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AUG 02 2010

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

45-12089

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

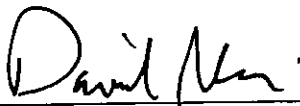
2. Copies to:

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



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: 45-12089

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

787
5/1
NBS
ON

Source: BEAVERDAM CREEK, LEFT HAND FK Tributary: BEAVERDAM CREEK

Quantity: .02 CFS

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 45-13727 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~~
6-12-1905

Diversion Point:	T16S R20E S05	SENW	(Instream Beginning Point)
	S16	NENE	(Instream Ending Point)
			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 S05	SENW	NESW
		SESW	
	S08	SWNE	SENE
		NENW	SENW
		NESE	
	S09	NWSW	SWSW
	SESW	SWSE	
	S16	NENE	NWNE

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.

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

FOREST SERVICE RECORD ID = 0414 17040211 15 0040
1849 Cattle

JD

SC

NBS

DN