

**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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV - 1 2010

By _____

Clerk

Dep. Clerk

Subcase No. 45-10332
(FORMERLY DISALLOWED;
NOW SPLIT INTO 45-10332 &
45-14316)

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. 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; and 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.

To resolve the objection, formerly disallowed water right 45-10332 has been split. A portion of parent right 45-10332 has been renumbered to water right 45-14316. The recommendations of water rights 45-10332 and 45-14316 now fully describe the water use originally claimed under right 45-10332. The parties and IDWR agree and stipulate that water rights 45-10332 and 45-14316 should be decreed as shown on the attached pages. The parties and IDWR have further have indicated their concurrence to this split by signing below and initialing the attached pages.

CLAIMANTS AND OBJECTORS:

Karl Bedke, Patricia Bedke,
Scott Bedke, Michael Poulton

[Signature]

10/22/10

Travis L. Thompson

Date

Attorney for the Claimants

**UNITED STATES OF AMERICA
CONCURRENCE:**

[Signature]

10/25/10

David L. Negri

Date

Attorney for the United States

IDWR CONCURRENCE:

[Signature]

10/28/10

Steve Clelland

Date

Senior Water Resource Agent

ATTORNEY FOR IDWR:

[Signature]

10-28-10

Nicholas B Spencer

Date

Deputy Attorney General

10/20/2010

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

RIGHT NUMBER: 45-10332

NAME AND ADDRESS: SCOTT BEDKE
450 N CENTER AVE
OAKLEY ID 83346

PATRICIA BEDKE
1876 S 600 W
OAKLEY ID 83346

KARL U BEDKE
1876 S 600 W
OAKLEY ID 83346

MICHAEL A POULTON
605 W 2200 S
OAKLEY ID 83346

757
DN
SCL
NBS

SOURCE: OWENS CORRAL SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS
5.400 AFY

This right shall be used in conjunction with 45-7446 and 45-14316 and is limited to a total combined diversion rate of 0.02 cfs and a total combined annual diversion volume of 5.4 AF and a total combined quantity of 13,000 gallons per day.

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: 08/01/1971

POINT OF DIVERSION: T15S R21E S19 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 10/31	0.020 CFS

PLACE OF USE: STOCKWATER in CASSIA County

T15S R21E S19 SWSE

737

DN

5CC
NBS

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right also split into 45-14316.

10/20/2010

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

RIGHT NUMBER: 45-14316

NAME AND ADDRESS: PATRICIA 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

KARL U BEDKE
1876 S 600 W
OAKLEY ID 83346

SOURCE: SPRING

TRIBUTARY: OWENS CORRAL CREEK

QUANTITY: 0.020 CFS
5.400 AFY

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 45-7446 and 45-10332 and is limited to a total combined diversion rate of 0.02 cfs and a total combined annual diversion volume of 5.4 AF and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 06/06/1980

POINT OF DIVERSION: T15S R21E S19 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 10/31	0.020 CFS 5.40 AFY

PLACE OF USE: STOCKWATER in CASSIA County

T15S R21E S32	NENE	T15S R21E S32	NESE
T16S R21E S04	NENW	T16S R21E S05	NESW

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
This right is a split from right 45-10332.

777

ON

SCC

NBS

CERTIFICATE OF MAILING

I certify that on October 29, 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

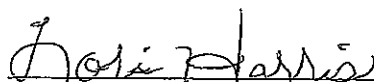
2. Copies to:

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

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

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



Signature of person mailing documents