

**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. 45-13745
	)	(NOW SPLIT INTO 45-13745
	)	AND 45-14319)
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.

To resolve the objection water right 45-13745 has been split. A portion of parent right 45-13745 has been renumbered to water right 45-14319. The recommendations of water rights 45-13745 and 45-14319 now fully describe the water use originally claimed under right 45-13745. The parties and IDWR agree and stipulate that water rights 45-13745 and 45-14319 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:

Karl Bedke, Patricia Bedke,
Scott Bedke, Michael Poulton

 10/22/10

Travis L. Thompson Date
Attorney for the Claimants

OBJECTOR:

United States on behalf of the
USDA Forest Service

 10/25/10

David L. Negri Date
Attorney for the United States

IDWR CONCURRENCE:

 10/28/10

Steve Clelland Date
Senior Water Resource Agent

ATTORNEY FOR IDWR:

 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: 45-13745

NAME AND ADDRESS: 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 MARION RD
OAKLEY ID 83346

PATRICIA BEDKE
1876 S 600 W
OAKLEY ID 83346

77
DN
SCL
NBS

SOURCE: HOLE IN THE WALL SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS
0.700 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 45-7444 and 45-14319 and is limited to a total combined diversion rate of 0.02 cfs and a total combined annual diversion volume of 0.7 AF and a total combined quantity of 13,000 gallons per day.

PRIORITY DATE: 08/01/1971

POINT OF DIVERSION: T15S R20E S26 SESENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 11/30	0.020 CFS 0.70 AFY

PLACE OF USE: T15S R20E S26 SENE STOCKWATER in CASSIA County

OTHER PROVISIONS NECESSARY FOR DEFINITION OR 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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-10334.

This right also split into right 45-14319.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

737

DN

SCL

NBS

10/20/2010

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

RIGHT NUMBER: 45-14319

NAME AND ADDRESS: 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 MARION RD
OAKLEY ID 83346

PATRICIA BEDKE
1876 S 600 W
OAKLEY ID 83346

77
DN

SCL

NBS

SOURCE: HOLE IN THE WALL SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS
0.700 AFY

This right shall be used in conjunction with 45-7444 and 45-13745 and is limited to a total combined diversion rate of 0.02 cfs and a total combined annual diversion volume of 0.7 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: 06/06/1980

POINT OF DIVERSION: T15S R20E S26 SESENE Within CASSIA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	05/01 11/30	0.020 CFS 0.70 AFY

PLACE OF USE: STOCKWATER in CASSIA County

T15S R20E S35	SENE	T16S R20E S02 Lot 1	SENE
T16S R20E S12 Lot 1	NWNW		

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 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

This right is also a split from right 45-13745.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-10334.

77
AW
SC
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

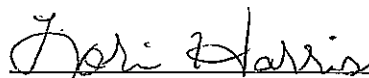
2. Copies to:

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

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

of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

This right is also a split from right 45-13745.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-10334.

777

AW

SC

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

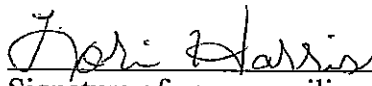
2. Copies to:

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

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