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UNITED STATES OF AMERICA

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ISB# 6697

**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	)	Subcases 47-16433, <i>et al.</i>
	)	See Attachment A
Case No. 39576	)	
	)	UNITED STATES' RESPONSE TO
	)	FACTUAL ASSERTIONS
	)	PRESENTED AT HEARING
	)	
	)	

As provided for by the Court in its written Order dated September 12, 2003, the United States of America, through and on behalf of the USDA Forest Service ("United States"), submits

its Response to certain factual assertions made at the hearing held on September 11, 2003 (“September 11 hearing”). At issue during the September 11 hearing was the “Motion to Alter or Amend Order Vacating Stays and Order Denying Motions to File Late Objections” filed on July 22, 2003 (“*Motion*”), by Bruce and Jared Bedke (“Movants”).¹

1. The United States never agreed that late objections could be filed to all of its stockwater claims in Basins 45 and 47.

At the September 11 hearing, Jared Bedke asserted that the United States, at a hearing held on April 7, 1999, assented to the filing of late objections to Forest Service stockwater claims in Basins 45 and 47. *See* Transcript of September 11 hearing, attached as Exhibit A, pp. 6-7 (“Sept. 11 Tr.”).

A review of the transcript of the April 1999 hearing reveals that this is not the case. Mr. Bramer, counsel for the United States, did agree that a late objection could be filed to one particular federal claim, 45-07446. *See* Transcript of April 7, 1999, hearing, portions attached as Exhibit B, pp. 50-53 (“April 1999 Tr.”). Mr. Bramer stated on the record: “I think our only one is 07466 involved here” and “[w]e only have one claim at issue.” April 1999 Tr., p. 51. Subsequent conversation with the court discussed one Standard Form 5 related to the sole federal claim at issue. April 1999 Tr., pp. 52-53. Other claims in Basin 45 were discussed, but 45-07446 was the only Forest Service claim at issue.

At a hearing held on July 1, 1999, Mr. Bramer again clarified that his “offer” to not contest a late objection was made only in regard to the one water right claim:

¹ The Movants later requested that the Court consider the *Motion* as a Motion to Reconsider.

In any event, let's go first to the allegations of my statement on April 7th, at which time the issue before the court was a water right. . . . It had nothing to do with the late objections. It had nothing to do with the misreporting by IDWR. It in no way was a generalized statement of approval for this process. That particular claim was at issue. And if the court reads this, they will see that statement is totally taken out of context.

See Transcript of July 1, 1999, hearing, portions attached as Exhibit C, p. 41.²

2. Movant's assertion that the SRBA bifurcation is responsible for their failure to file timely objections is not supported by the record.

Movants asserted at the September 11 hearing, consistent with their position throughout this litigation, that their failure to timely object was caused by the SRBA bifurcation process. Sept. 11 Tr., pp. 5-8; *see also, e.g., Motion* at p. 4.³ However, Movants cannot reasonably rely on the bifurcation of claims as a basis for their failure because IDWR did, in fact, report out numerous stockwater claims by Bruce Bedke in the Basin 47 Domestic & Stockwater Director's Report.⁴ The following stockwater claims, some or all of which are located on federal land, are included in such report:

47-14923A – stockwater claims for Cherry Creek, Piney Creek, and Goose Creek.

²Despite the discussion at the April and July, 1999, hearings, no objection was ever filed to 45-07446 and this water right has been partially decreed to the United States.

³As noted in prior briefings, the SRBA Presiding Judge has rejected reliance on the bifurcated reporting process as a basis for relief of this nature. *See, e.g., Order on Motion for Reconsideration; I.R.C.P. 59(e)*, subcase nos 65-07267 *et al.*, dated July 27, 2001, at pp. 5-13 (Section IV B, entitled: "The responsibility for any alleged confusion rests with [the Movants], not IDWR's reporting procedure").

⁴Jared Bedke is the son of Bruce Bedke, has stated in court that he "intends to be the successor in interest of Bruce Bedke," transcript of June 7, 1999, hearing at p. 80, and has been intimately involved in the prosecution of his father's water right claims, as demonstrated by his involvement and presentation of argument at all of the court hearings held in these subcases.

47-14923B – stockwater claims for Thoroughbred Creek, East Fork Thoroughbred Creek, West Fork Thoroughbred Creek, and Goose Creek.

47-14923C – stockwater claims for Humphrey Creek, Little Piney Creek, South Fork Little Piney Creek, and Goose Creek.

47-14923D – stockwater claim for Goose Creek.

47-14923E – stockwater claims for Humphrey Spring, Little Willow Spring, Right Hand Fork Spring, Thoroughbred Pond Springs, Thoroughbred Spring #1, Thoroughbred Spring #2, Whitey Davis Spring, WPA Spring, and two additional unnamed springs.

See IDWR Basin 47 Director's Report for Domestic and Stockwater, portions attached as Exhibit D ("Basin 47 D&S Director's Report"), pp. C-214 and C-215.

Many of the water sources underlying Mr. Bedke's claims are the same water sources claimed by the United States in the water right claims Movants now wish to contest. *See, e.g.*, 47-16433 (Thoroughbred Creek), 47-16438 and 47-16444 (Goose Creek), 47-16445 (Humphrey Creek), 47-16446 (Little Piney Creek), 47-16441 (Thoroughbred Pond Spring), 47-16460 (Humphrey Spring). These federal claims also were reported in the Basin 47 D&S Director's Report. *See* Exhibit D, pp. C-242, C-243, and C-244.

Accordingly, Mr. Bedke has numerous stockwater claims which were reported by IDWR in the Basin 47 D&S Director's Report, many of which are located on Forest Service land. The United States' claims at issue were reported in that same Director's Report. Any claims of "confusion" or "inequity" caused by the bifurcation process are untenable in light of the private and federal claims contained in the Basin 47 D&S Directors Report.

DATED this 23rd day of October, 2003.

UNITED STATES OF AMERICA

A handwritten signature in black ink, reading "David L. Negri", is written over a horizontal line.

David L. Negri
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Counsel for the United States of America

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of October, 2003, I served a true and correct copy of the foregoing UNITED STATES' RESPONSE TO FACTUAL ASSERTIONS PRESENTED AT HEARING by depositing a copy thereof in the U.S. mail, postage prepaid, or by other service where indicated, upon the following:

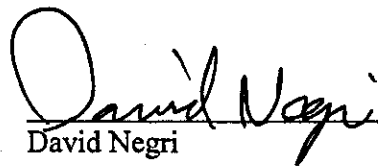
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

Bruce Bedke
42 E. Basin Rd.
Oakley, ID 83346

Jared Bedke
69 W. Basin Rd.
Oakley, ID 83346

Courtesy copy:
Travis L. Thompson
Barker, Rosholt, & Simpson LLP
233 – 2d Street North, Suite D
Twin Falls, ID 83301


David Negri

Attachment A

47-16433
47-16434
47-16435
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47-16438
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47-16470
47-16471
47-16474

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

)
) TRANSCRIPT OF TAPED
) PROCEEDINGS

Case No. 39576

)
) Subcase No. 47-16433, et al.

HEARING ON MOTION FOR RECONSIDERATION

TERRENCE A. DOLAN
Special Master, Presiding

DATE: THURSDAY, SEPTEMBER 11, 2003

TIME: 10:00 A.M.

PLACE: COURTROOM OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
BUILDING - 253 3RD AVENUE NORTH
TWIN FALLS, IDAHO

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1 10:00 A.M., THURSDAY, SEPTEMBER 11, 2003,
2 COURTROOM OF THE DISTRICT COURT, SNAKE
3 RIVER BASIN ADJUDICATION BUILDING,
4 253 3RD AVENUE NORTH, TWIN FALLS, IDAHO.
5
6 * * * * *
7
8 SPECIAL MASTER DOLAN: Good morning,
9 counsel, gentlemen. We're now on the record. It's
10 September 11th, 2003, just past 10:00 a.m., the date
11 and time set for a hearing on a motion to alter or
12 amend or a motion to reconsider filed in a bunch of
13 subcases, beginning with 47-16433.
14 Representing the United States this
15 morning, the Department of Agriculture Forest
16 Service, is David Negri in court this morning.
17 We've got Jared and Scott Bedke -- or Jared and
18 Bruce Bedke in court this morning. And
19 Messrs. Bedke, will you be representing yourselves
20 again today?
21 MR. JARED BEDKE: We'll be here, yes.
22 SPECIAL MASTER DOLAN: Okay. And
23 representing -- well, let's see, Travis Thompson,
24 technically, who were you going to be representing
25 today?

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1 MR. THOMPSON: Well, I don't even know if
2 we're in these subcases.
3 SPECIAL MASTER DOLAN: Or it would be
4 Scott Bedke?
5 MR. THOMPSON: Yeah, Michael Poulton and
6 Carl U. Bedke.
7 SPECIAL MASTER DOLAN: Okay. But at least
8 for now you probably will be monitoring rather than
9 participating?
10 MR. THOMPSON: Yeah.
11 SPECIAL MASTER DOLAN: Okay. And then
12 finally, representing IDWR, Nick Spencer on the
13 phone. Everybody else is in court.
14 Is there anything we need to do ahead of
15 time, or should we get right to the motion?
16 MR. NEGRI: I have nothing preliminarily,
17 judge.
18 MR. JARED BEDKE: Just how do you want to
19 proceed, I guess is what I -- the only question I
20 have?
21 SPECIAL MASTER DOLAN: Well, normally when
22 we have a motion like this, the person who brought
23 the motion argues it first, and then whoever opposes
24 the motion speaks, and then you'll have a chance to
25 respond to that.

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1 Nick, are you able to hear Jared Bedke?
2 MR. SPENCER: Yes, I've heard him just
3 fine so far.
4 SPECIAL MASTER DOLAN: Well, maybe what we
5 can do is, he can choose between the podium or the
6 microphone where he's sitting. You probably have a
7 lot of documents you want to refer to so -- but just
8 make sure that the microphone is turned in your
9 direction. And Nick, if we start fading, let us
10 know right away.
11 MR. SPENCER: I'll do that.
12 SPECIAL MASTER DOLAN: Thank you.
13 MR. JARED BEDKE: Well, I would ask that
14 this court reconsider the order submitted on July
15 3rd, 2003, for the reasons stated in the motion of
16 ours, dated July 22nd, 2003, and for all the
17 previously testimonies that have gone on in these
18 and all related subcases, Basins 45 and 47, as well
19 as the testimony today, for to look at these cases
20 in a vacuum, I believe, would be an error.
21 Much has been made about notice being
22 given and being time barred due to rules and
23 procedures of the court, but as with any rule,
24 exceptions exist for the mere fact that each instant
25 case is unique, and as such, each needs to be looked

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1 at based on its own merits. And as Rules 55(c) and
2 60(b) clearly state, there are cases where remedy
3 needs to be granted. The response to the memorandum
4 in opposition to file late objections filed in these
5 subcases, dated July 9th, 1999, clearly lays out
6 several good cause arguments as required by Rule
7 60(b), and we would request that the court also
8 consider along with that this response -- well,
9 excuse me. We would also consider that the court
10 consider along with that response this coat --
11 court's own words on April 7th, 1999, at a hearing
12 in the Cassia County Courthouse, after we had just
13 become aware of the inequities that were caused by
14 the bifurcation process.
15 In that hearing this court said: We're
16 not here to screw you over. You're going to be
17 treated fairly. One way or another, you're going to
18 get a fair hearing.
19 And again later on, the court said: In
20 other words, we go back, we'll go back to first
21 base, and we start over again and treat everybody
22 the way they expect to be treated, fairly.
23 And still again, the court said: We're
24 trying to resolve these water right claims as fairly
25 as we can to everybody and give everybody a chance,

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1 to save money and time, end quote.
2 Even the United States could see the
3 confusion generated by the bifurcation process and
4 at the April 7th, 1999, hearing the attorney,
5 Mr. Bramer, said, quote: However, I think, given
6 the confusion that these folks have had with their
7 water rights in the South Hills, Mr. Bedke and
8 Mr. Whiteley, you're going to hear over and over
9 again there's a great deal of confusion, end quote.
10 He then went on to offer, quote: I think,
11 in all fairness to them, even though we've jumped
12 through all the technical hoops in this court and
13 should have our water right decreed, that I'm more
14 than willing, if they would like to file a late
15 objection and make the objection to our claims so we
16 can sit down and work through this, that would give
17 them a full and fair opportunity to make the
18 objection. I think there's some confusion here, and
19 rather than drawing a technical line of the law and
20 saying you should decree this right to us, I think
21 in all fairness to the claimants, we should give
22 them an opportunity to come in and make an objection
23 here, if that's what they'd like to do, end quote.
24 We accepted the United States' offer and
25 filed late objections to their claims that had been

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1 that the speed that we gained by resolving the
2 majority of the domestic and stockwater claims made
3 it worth going through that little bit of pain, end
4 quote.
5 And at the June 7th, 1999, hearing,
6 Mr. Tuthill again made mention of it, when he said,
7 quote: We anticipated as we bifurcated this
8 process, that there would be some problem areas that
9 could arise; and I can say that in the bifurcation
10 process, in most basins it's worked quite well. We
11 have found here in Basin 35 and perhaps Basin 47,
12 that there's a concern, end quote.
13 We once again ask that this court now
14 figure out a way to resolve this problem in our
15 instant case.
16 And now I would like to make the court
17 aware, if it's not already, that I, Jared Bedke have
18 never received notice of the director's reports for
19 either Basin 45 or 47. As soon as I became aware,
20 in the last part of March of 1999, shortly before
21 the April 7th hearing, that the United States'
22 claims had been reported out early, I set out to
23 determine what I needed to do to object to those
24 claims.
25 MR. NEGRI: Your Honor. Excuse me,

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1 reported in the South Hills, Basins 45 and 47. Now,
2 here we are, four years later, and the United States
3 has really never lived up to their end of the offer.
4 Rather, they have fought tooth and nail to keep
5 these late objections from being allowed, even
6 though the United States could see our good cause
7 back in April of 1999 at that hearing.
8 As testified to before, the IDWR knew that
9 there were going to be problems after the
10 bifurcation and relied on the court to fix the
11 problems that were sure to occur. Dave Tuthill
12 stated in a letter to the United States: Our
13 objective was to report the bulk of the low-profile
14 cases in the basins, for expediency purposes. The
15 objective was not to completely and thoroughly
16 address all domestic and stockwater questions. As
17 the IDWR's objective was specifically for expediency
18 purposes, it was bound to cause some conflicts in
19 instant cases such as ours.
20 Mr. Tuthill has also stated, quote: When
21 we bifurcated the adjudication and Judge Hurlbutt
22 agreed to doing that, we recognized that there were
23 going to be potentially some problems with doing
24 that and that when we got to those problems, we
25 would figure out a way to resolve them, recognizing

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1 Mr. Bedke. I have to object to Mr. Bedke
2 testifying. At this point I think he's presenting
3 evidence to the court that's, quite frankly, not
4 part of his motion. I think it's inappropriate to
5 be presenting testimony when we should be here
6 presenting legal argument.
7 SPECIAL MASTER DOLAN: Thank you. Well,
8 from what I understand, Mr. Bedke is simply
9 testifying -- not testifying -- he's stating the
10 facts as he understands them to have already been
11 presented to the court, and what he's saying, he
12 said so far, and my guess is what he's going to say,
13 the court has heard that before, so I'll take this
14 as simply argument rather than testimony and, of
15 course, Mr. Bedke hasn't been sworn in this morning
16 and won't be subject to cross-examination, so I'll
17 take it with a grain of salt. So --
18 MR. NEGRI: Your Honor, I would ask, at
19 minimum, that if we are referring to the record in
20 front of the court, that we cite the record so that
21 we know where this evidence is found in the record.
22 SPECIAL MASTER DOLAN: Mr. Bedke, will you
23 be able to do that while you're proceeding with your
24 argument?
25 MR. JARED BEDKE: Certainly. Just a

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1 second. Let me find that here. Might take me just
2 a second.
3 SPECIAL MASTER DOLAN: Sure. Mr. Negri,
4 your concern was that his statement, that he never
5 received a copy of the director's report, that was a
6 specific fact that you were concerned about?
7 MR. NEGRI: That's correct, Your Honor.
8 I'm not -- I'm not clear that that's evidence that's
9 been properly presented to the court.
10 SPECIAL MASTER DOLAN: Okay. Shall we go
11 off the record just for a few minutes while
12 Mr. Bedke --
13 MR. JARED BEDKE: I've found it here, if
14 you want.
15 SPECIAL MASTER DOLAN: Oh, go ahead.
16 MR. JARED BEDKE: In the United States'
17 memorandum in opposition to motions to file late
18 objections, page 5, footnote 12, they say Jared
19 Bedke is the son of Bruce Bedke. The affidavit does
20 not state that Jared Bedke was served a copy of the
21 notice. They are talking about the affidavit that
22 provided Bruce Bedke was served a copy of the
23 notice, affidavit at page 19, and that's where I'm
24 getting a lot of this form.
25 At the June hearing -- or you can go ahead

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1 and read that footnote, if you'd like. I can read
2 it here aloud if that's what you prefer right now as
3 well.
4 SPECIAL MASTER DOLAN: Please.
5 MR. NEGRI: Your Honor, I guess, if we
6 could, I'd just ask that, to the degree there are
7 affidavits and such in the record, those speak for
8 themselves; and I just would ask the court to look
9 to the original evidence rather than any
10 paraphrasing of the evidence today. I'm sure the
11 court will do that, in any event.
12 SPECIAL MASTER DOLAN: Well, Mr. Bedke,
13 you're going to read from the U.S. memorandum?
14 MR. JARED BEDKE: This is the U.S.
15 memorandum in opposition to motions to file late
16 objections, dated, looks like, June 24th, 1999 --
17 June 29th, excuse me, 1999.
18 MR. NEGRI: Just to be clear, I don't have
19 any problem with citing that. That refers to some
20 other affidavits. It's unclear what affidavit we're
21 referring to there. Again, I'd just ask that any
22 factual evidence be limited to whatever has been
23 properly presented to the court by way of affidavit
24 or otherwise at this point.
25 SPECIAL MASTER DOLAN: Sure. Mr. Bedke,

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1 would you want to go ahead and read that? You said
2 a footnote?
3 MR. JARED BEDKE: Well, up in the
4 document, up in the body of the document there, on
5 page five, it says: It is undisputed that movant
6 Bruce Bedke received his notice and that his son was
7 aware of the notice. Well, I dispute that, but it
8 -- and then down here -- and then it quotes the
9 footnote, and it says: The affidavit provides that
10 Bruce Bedke was served a copy of the notice,
11 affidavit at page 19. The affidavit does not state
12 that Jared Bedke was served with a copy of the
13 notice. Jared Bedke is the son of Bruce Bedke.
14 Jared Bedke was present at both the April 7th, 1999,
15 initial hearing and at the June 7th, 1999, hearing
16 on the parties' joint motion re: IDWR reporting of
17 claims in Basin 45. At the June hearing, Jared
18 Bedke stated that he intends to be the successor in
19 interest of Bruce Bedke, and then it quotes the page
20 of the transcript.
21 SPECIAL MASTER DOLAN: Okay. Go ahead.
22 And just for the record, are you -- do you intend to
23 submit a written copy of your comments, or -- it
24 looks like you've got a script written there.
25 MR. JARED BEDKE: I just kind of typed up

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1 some thoughts as I went along here.
2 SPECIAL MASTER DOLAN: Do you intend to
3 submit those, and --
4 MR. JARED BEDKE: I hadn't but I can, if
5 you would like.
6 SPECIAL MASTER DOLAN: I'll leave that to
7 you, but I was thinking that might be -- sometimes
8 it's useful for me to reread those.
9 MR. JARED BEDKE: It's -- it's in a
10 format of my own choosing, so it might be a bit hard
11 to follow.
12 SPECIAL MASTER DOLAN: Okay.
13 MR. JARED BEDKE: But anyway. Okay.
14 Picking up where I left off, the claims had been
15 reported out early. I set out to determine what I
16 needed to do to object to those claims, which the
17 court advised us of at the April 7th hearing. I
18 then set out about finding the claim numbers of the
19 United States, and as soon as I was able to
20 determine those claim numbers --
21 MR. NEGRI: Excuse me, sir. Your Honor,
22 again, I have to object. If this is in the record,
23 then I don't have a problem with it. If Mr. Bedke
24 is trying to present evidence, then I don't think
25 this is the forum to do that. He's essentially

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1 testifying today. If he's presented this testimony
2 in the form of affidavit or something previously, if
3 we could just reference that, I'm fine with it.
4 If we're presenting new testimony today, I
5 think -- I think that's inappropriate under the
6 guise of a motion to reconsider, and I'd further ask
7 an opportunity then to -- to meet Mr. Bedke's
8 testimony and depose him before this hearing. So if
9 -- again, if it's already in the record, that's -- I
10 don't have a problem with that. But I'd just ask
11 that, to the degree Mr. Bedke is making factual
12 assertions about what he did or didn't do or what he
13 knew or didn't know, that should be -- that should
14 have been presented to the court as evidence
15 already, if it's going to be relied upon today.
16 SPECIAL MASTER DOLAN: Mr. Bedke, are
17 you --
18 MR. JARED BEDKE: I believe all this is
19 contained in the June 7th, 1999, transcript. I'm
20 simply just paraphrasing what I've stated there in
21 -- in our -- in our hearing on those subcases.
22 SPECIAL MASTER DOLAN: June 7?
23 MR. JARED BEDKE: 1999, yes.
24 SPECIAL MASTER DOLAN: And that's a
25 transcript. Who prepared that? Do you happen to

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1 know that?
2 MR. JARED BEDKE: It was found in
3 Exhibit 1 of one of the United States' motions. It
4 looks like it was prepared by Duane J. Schneberger.
5 MR. NEGRI: Yeah, I do have a copy of that
6 here, Your Honor. So if we -- if we -- if we could
7 reference the pages of the transcript we're
8 referring to, I would -- I would much appreciate
9 that so that I can follow what's going on and
10 essentially meet Mr. Bedke's evidence, if that's the
11 case. And again, if it's in this transcript, then
12 that's perfectly okay, and I don't have a problem
13 with that. I'd just like to be put on notice where
14 it is.
15 SPECIAL MASTER DOLAN: Mr. Bedke, can you
16 do that, do you think?
17 MR. JARED BEDKE: Well, I begin my
18 testimony on page 80 of the transcript. I can't
19 quote you line and verse of everything that I've
20 said so far. But that's -- this was the first of
21 that transcript that we -- this was one of the first
22 hearings that we had on the matter. This is when we
23 were originally arguing our motions to file late
24 objections, perhaps in Basin 45. I'm not a hundred
25 percent sure it was in 47. But the same thing

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1 applies. I wasn't even -- I was not received notice
2 of either one. Okay.
3 So I filed motions to file late objections
4 in the corresponding late objections after I knew
5 how to file. So Rule 50(b) states that this rule
6 does not limit the power of a court to entertain an
7 independent action to relieve a party from judgment,
8 order or proceeding, or to set aside as provided by
9 law within one year after a judgment was entered. A
10 judgment obtains against a party who was not
11 personally served with a summons, et cetera. I
12 would ask again, that the court take these facts
13 into consideration when -- when providing us remedy.
14 As to the uniqueness of our instant case,
15 I'm aware of none, outside of our allotments that is
16 in any way similar to our own instant case. In
17 fact, in the June 7th, 1999, hearing, this court and
18 the United States had the following discussion. The
19 court, quote: 'When the decision was made to report
20 out the de minimis stock grazing water rights early
21 and then report out the -- and I like to call them
22 de maximus because I don't know if anybody can
23 define de minimis for me, to differentiate between
24 those two.
25 MR. NEGRI: I'm sorry, Mr. Bedke. Do you

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1 have a -- and again, I'm not trying to be difficult.
2 I just want to follow what's going on. Do you have
3 a transcript page on that?
4 MR. JARED BEDKE: Yes, I do. Well, that
5 was page 55 of the June 7th hearing.
6 MR. NEGRI: And actually, I don't have the
7 whole transcript here. It appears I have -- appears
8 I have pieces of it, but again, I'd just ask the
9 court to refer to the original transcript when
10 making the court's decision and not accept any
11 evidence today that's not contained in that
12 transcript.
13 SPECIAL MASTER DOLAN: Well, maybe one way
14 to cure your concern is, we could, say, allow an
15 open period for you to file written comments after
16 the hearing today, if that will give you additional
17 time to look through transcripts you may not have in
18 your possession. Do you think that's -- or do you
19 want to submit the matter for hearing -- or for a
20 decision today?
21 MR. NEGRI: Well, that would help, but it
22 -- again, it would have -- and if I'm missing that,
23 you know, please tell me. It would have helped if
24 it appeared in the Motion to Alter or Amend, because
25 then we would have -- we would have reviewed it

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1 before today and responded to it to the degree we
2 can.
3 I think a lot of what we're talking about
4 today has been hashed and rehashed many times. It's
5 not in the Motion to Alter or Amend. I don't have
6 those full transcripts in front of me today. These,
7 are not attached to the motion filed by Jared Bedke.
8 To respond, I suppose we'll have to get a transcript
9 of this record, of this hearing, and then we can go
10 through the record and try to -- try to point the
11 court to anything, anything beyond that. My
12 preference would be to limit today's hearing to
13 what's contained in the Motion to Alter or Amend;
14 but barring that, yes, a chance to respond would be,
15 would be helpful.
16 SPECIAL MASTER DOLAN: Well, let's finish
17 up the arguments, and then maybe we can decide what
18 your preference is and maybe what Mr. Bedke wants to
19 do, if he wants to submit any additional
20 documentation to supplement his oral arguments
21 today. So Mr. --
22 MR. JARED BEDKE: I would like a chance
23 to respond to their response.
24 SPECIAL MASTER DOLAN: Sure. Well, go
25 ahead. Assuming they respond.

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1 MR. JARED BEDKE: Correct.
2 SPECIAL MASTER DOLAN: Okay.
3 MR. JARED BEDKE: Okay. So then again,
4 on page 55 of this June 7th hearing, when the
5 decision was -- the court said when the decision was
6 made to report out de minimis stock grazing water
7 rights early and then report out the -- and then we
8 go through that -- did it occur to you, or any of
9 the parties you had discussions with, that these
10 types of problems might occur?
11 Mr. Bramer responded: Your Honor, I don't
12 believe -- we've been in this litigation now for six
13 years. We've not run into this situation before,
14 other than one other -- two smaller claims. This
15 was a unique case -- end quote, I should say. This
16 was a unique case in 1999, and it's still a unique
17 case today.
18 We would now like to reiterate or request
19 that this court reconsider its order of July 3rd,
20 2003, and grant us the remedy in this instant case
21 that we seek.
22 And if you have any questions, I'll
23 entertain them now.
24 SPECIAL MASTER DOLAN: Good. No. That's
25 fine.

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1 MR. JARED BEDKE: Okay.
2 SPECIAL MASTER DOLAN: Now, would the
3 United States like to respond to the arguments? And
4 you can do it from the table, if you prefer.
5 MR. NEGRI: That would be great, Your
6 Honor, and I don't -- I just have a few, a few small
7 points. There's obviously been a lot of briefing
8 and a lot of argument in this case already.
9 First, just a, just a small procedural
10 matter. I would note in -- in the Bedkes' Motion to
11 Alter or Amend, on page two, they refer to the court
12 neglecting to include Petitioners's Response to
13 Memorandum in Opposition to Motions to File Late
14 Objections. They then attach it as Exhibit A.
15 I would note that Exhibit A actually was
16 not a filing of Bruce and Jared Bedke. It was
17 actually a filing of Scott Bedke, Michael Poulton,
18 and Gary Poulton. They are actually the settling
19 parties. So I think -- I think the court, for good
20 reason, did not mention that filing in its initial
21 order, because it, quite simply, wasn't a filing of
22 Bruce and Jared Bedke, so just to clear that up.
23 That's Exhibit A to the Motion to Alter or Amend.
24 A couple other points. The court relied
25 on the L.U. Ranching decision in the court's

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1 original order. Obviously, the United States is in
2 agreement with the court's order. I would just note
3 that we point out in our memorandum in opposition to
4 this latest motion that L.U. Ranching and this
5 situation are factually indistinguishable. And by
6 L.U. Ranching, I'm referring to the Idaho Supreme
7 Court's 2003 decision found at 67 P.2d 85. I think
8 it was entirely appropriate for the special master
9 to rely on that decision. And the facts are
10 virtually indistinguishable. The Supreme Court
11 relied on the following factors, and this is found
12 at page 89 of L.U. Ranching, that L.U. Ranching was
13 aware of the commencement of the SRBA, that L.U.
14 Ranching was aware that its rights and the rights of
15 others would be adjudicating, that they received
16 notice of the director's report, the nature of the
17 report, its location, and the way to access that
18 report. I think Bruce and Jared Bedke are in
19 exactly the same factual situation. And we -- we
20 pointed that out in our June 29, 1999 brief at page
21 -- pages two to five.
22 As to the bifurcation issue, again I'd
23 just reiterate what we have in our memorandum in
24 opposition, that the presiding judge in his A.L.
25 Cattle decision, in a similar situation, basically

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1 rejected so-called confusion caused by bifurcation
2 to gain any relief. I cite that decision in my
3 memorandum in opposition. And this would have been
4 Judge Burdick's Order on Motion for Reconsideration,
5 Subcase Numbers 65-07267, et al., and he has -- he
6 has actually a -- Judge Burdick has a section of his
7 opinion talking to exactly this issue, the
8 bifurcation and any confusion caused by it, and he,
9 quite frankly, rejects the implication that the
10 bifurcation process could have caused any reasonable
11 confusion.

12 I'd just like to cite two things from that
13 decision, and again this is Judge Burdick's July 27,
14 2001 decision. On page nine -- this is the A.L.
15 Cattle decision, where A.L. Cattle was making
16 virtually the same arguments that Bruce and Jared
17 Bedke do today. On page nine, the presiding judge
18 says: At a minimum, A.L. Cattle or any other
19 grazing allottee should have reviewed the small
20 domestic and stockwater director's report for the
21 existence of de minimus claims. There is simply no
22 reasonable basis for the belief that all the claims
23 would be reported in the same director's report.

24 And then on page 12, and again these are
25 just snippets of what Judge Burdick had to say, it's

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1 court, what the special master recognized changed
2 between now and then, is the L.U. Ranching decision
3 by the Idaho Supreme Court, which I think the
4 special master quite rightfully relied upon, and
5 also the presiding judge's decisions in this case,
6 the A.L. Cattle reconsideration decision and some
7 other decisions.

8 So the law has progressed since 1999.
9 There's been analysis at the District Court level
10 and at the Idaho Supreme Court level of a lot of the
11 allegations being made now. That's something we
12 didn't have in 1999. That's something we do have
13 now. And I think those opinions, particularly the
14 Idaho Supreme Court L.U. Ranching decision and the
15 presiding judge's decision in A.L. Cattle, point to
16 a clear conclusion today.

17 One last comment on the June 1999
18 transcript and some of the comments of Mr. Bramer,
19 who is counsel for the U.S. I think a lot of that
20 is -- has been taken out of context. I think our
21 position has been clear throughout that we've been
22 opposing these late objections. It's been a number
23 of years. Case law in the SRBA and I think from the
24 Idaho Supreme Court indicate that these late
25 objections should not be allowed. We have moved on

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1 helpful to read the whole section, but basically in
2 a nutshell, Judge Burdick is responding to the claim
3 that somehow the bifurcation process caused
4 confusion, because the Bedkes chose to bundle their
5 claims together as opposed to submitting a separate
6 claim for each source. Judge Burdick says on page
7 12 that any deviation from standard procedures and
8 erroneous assumptions resulting therefrom came as a
9 result of manner in which some grazing allottees
10 have filed their claims, not as a result of any
11 infirmity in the SRBA notice procedure, IDWR's
12 reporting procedure, or some bad faith conduct on
13 behalf of the United States.

14 So again, I'd just reiterate that I think
15 Judge Burdick's comments in that case apply equally
16 well to this situation.

17 A couple quick things on Mr. Bedke's
18 argument, and then I'll be done. Again, it relies
19 heavily on the so-called inequities of bifurcation,
20 and I think -- I think that argument has been
21 defeated by Judge Burdick in his A.L. Cattle
22 opinion.

23 Mr. Bedke also cites transcripts from
24 1999, some of the things the court said and others
25 have said. I think what has changed and what the

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1 in the SRBA also in the sense of settling most of
2 the claims at issue in these subcases, and I think
3 that's important to remember, too.

4 I have nothing further on this at this
5 time, Your Honor.

6 SPECIAL MASTER DOLAN: Good. Thank you.

7 Mr. Bedke, would you want to respond?

8 MR. JARED BEDKE: Yes. In our motion to
9 alter or amend, we talk quite a little bit about
10 L.U. He says that we're factually
11 indistinguishable. I disagree with that.

12 L.U. received notice. No notice was given
13 to me, as I've stated before at different hearings
14 and the such.

15 When he references the July 27th, 2002
16 decision at page nine, also in the A.L. Cattle, I
17 believe it is -- well, I'll continue with the L.U.
18 Ranching right now. L.U. was also seeking to
19 overturn partial decrees. We're not. We're merely
20 asking that our late objections be allowed before
21 these can go to partial decree. This is a
22 procedural step that hasn't been reached yet, and
23 we're seeking to fend that off. As I understand,
24 the standard for overturning partial decrees is and
25 should be a little bit higher than it is for a mere

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1 late objection. But that's why we came in as early
2 as we did in the process that we did back in '99
3 when we were discussing all of these claims as kind
4 of a block.
5 To us, the allotments had a specific
6 boundary. To the IDWR, they drew the line between
7 45 and 47, without considering our allotment
8 boundaries. We think it would have been better had
9 it been drawn at Deadline Ridge. They thought it
10 was better on what we call the Trout Creek Rim.
11 That's where the two basins separate. We've
12 discussed this before.
13 Again, we go into that. And one of the
14 things that the L.U. Ranching order did say was that
15 they claimed they had an undue hardship because it
16 required that parties sift through the director's
17 report so they notify themselves as to the claims
18 potentially or actually adverse to their own as too
19 onerous. That was the L.U. Ranching decision, I
20 looked it up on the internet so I don't have the
21 exact quote, but it was at page five. We -- we are
22 not saying that it was too onerous because as soon
23 as we found out, as we stated before, we went to the
24 IDWR, we had a printout made, and we objected to
25 those claims.

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1 Now, he talks about the A.L. Cattle
2 decision, when Judge Burdick says that these
3 permittees or allottees, or however he phrased it,
4 chose to lump theirs in one large sum, we did not
5 choose to do this. I'll have to defer to my dad,
6 but as I understand, they went into the IDWR in
7 1989, and the IDWR handed them a document that says
8 this is how you file. That was the procedure for
9 filing at the time.
10 MR. NEGRI: Your Honor, I'm sorry. I have
11 to object again. If these are facts in front of the
12 court, I'd like a cite to where they can be found in
13 the record. If they're not there, I object to any,
14 any new testimony today.
15 MR. JARED BEDKE: Again, it would be in
16 the June 7th transcript, I believe, where we
17 discussed this at great length. Excuse me. Yes.
18 The June 9th transcript, page 80, I believe.
19 Actually, at page 81, I state: Right here
20 I have the instructions for filing a notice of claim
21 to a water right acquired under state law in the
22 general adjudication of rights to the use of the
23 water from the Snake River Basin water system.
24 These are revised as of May 1988. And then I go on
25 to explain how we were told to file at the time.

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1 We did not choose to file in large blocks.
2 The procedures at the time, following exactly what
3 the IDWR told us to do, told us this is how you
4 file. Later on, after the bifurcation process, they
5 changed that method.
6 MR. NEGRI: Your Honor, again, I'm sorry.
7 I have to object. Again, if we're referring to
8 things in the transcript, then, please, we need to
9 stick to the record that's in front of the court.
10 Mr. Bedke is continuously presenting new
11 evidence to the court today. The United States
12 hasn't had a chance to respond to that, and I'd
13 object. If it's in the record, let's cite the
14 record and let's quote the record.
15 MR. JARED BEDKE: I disagree. I can
16 read the record, if you'd like. It is -- exists on
17 page 81, 82, 83, 84 of the Monday, June 7th, 1999,
18 transcript and continues all the way through our --
19 probably until Mr. Poulton started up, and that
20 would be at page 87 of that transcript.
21 SPECIAL MASTER DOLAN: On pages 81 through
22 84, who was actually testifying?
23 MR. JARED BEDKE: I was, Your Honor.
24 SPECIAL MASTER DOLAN: Okay. Well, what
25 I'll do, I'll go ahead and read the transcript, I

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1 think the court has those transcripts in our record,
2 and I'll certainly read those. And I guess then
3 I'll decide whether this is new evidence or whether
4 that we're arguing evidence already in the record.
5 MR. JARED BEDKE: As I said, this was
6 all addressed, Basins 45 and 47, when we came to
7 make our initial motions to file late objections to
8 the, you know, to the whole thing. There's no
9 difference to us. All these were argued at once as
10 basically a block, and all these arguments weren't
11 to be made multiple times. We figured, you know,
12 because that's what we all decided at the court at
13 the time was, there's no sense coming through and
14 filing this and that and the other when all this
15 testimony had already gone on.
16 SPECIAL MASTER DOLAN: Well, one thing I
17 recall from that testimony, there was never any
18 evidence, no witness statements, from IDWR, that
19 they told you to file a certain way. It was simply
20 your statements. And I think maybe that's what the
21 United States was concerned about, that we don't
22 have your testimony saying, for instance, a certain
23 person at IDWR told you that and then we have that
24 person's testimony saying, yes, I did tell you that.
25 That's what I think the United States's concern was

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1 originally.
2 MR. JARED BEDKE: What I'm saying is,
3 there's no other way -- there was no other way to
4 file in 1999. You went down there, and they said,
5 this is how you file.
6 SPECIAL MASTER DOLAN: Okay. Well, I'll
7 go ahead and consider that transcript after I --
8 after you finish with your arguments.
9 MR. JARED BEDKE: Okay. That will be
10 fine.
11 MR. NEGRI: And you know, I know this is
12 sticky, and I'm not trying to be procedural, but
13 again that's -- this is evidence that there's no
14 other way to file in 1999. That's just patently
15 untrue.
16 MR. JARED BEDKE: 1989.
17 MR. NEGRI: Well, in 1989, whatever. You
18 didn't -- you didn't need to bundle sources. The
19 proper way to file in the SRBA is to file a separate
20 water claim for each source and, in fact, Judge
21 Burdick goes through that in his A.L. Cattle
22 decision and says that, to the degree folks tried to
23 do something different, they did at their own peril
24 and they created the problem. IDWR didn't create
25 it.

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1 So to the degree again we're getting into
2 assertions that this was proper filing procedure in
3 1989, it wasn't and there's nothing in the record to
4 support that and I -- and I object to any
5 presentation of supposed evidence today that that
6 was the case.
7 SPECIAL MASTER DOLAN: Sure. Well, I'll
8 certainly take the Bedkes' arguments for what I
9 recall them to be, and that was simply arguments of
10 what was or wasn't a proper procedure then. But I
11 think I've mentioned this before, that we don't have
12 any evidence of what the procedures were from IDWR,
13 and that was, I know, a point of contention.
14 So in effect, I think what Mr. Bedke is
15 doing is rearguing the same point. He can certainly
16 testify what his understanding of the procedures
17 were, and I think maybe that was -- that's the
18 substance of what he said in that transcript.
19 MR. JARED BEDKE: If you'll refer to page
20 81, line 1, I say, right here, I have the
21 instructions for filing a notice of claim to a water
22 right acquired of the state law in general
23 adjudication. This is the document I had at the
24 time.
25 SPECIAL MASTER DOLAN: Sure.

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1 MR. JARED BEDKE: This is the document
2 we received from the IDWR on how to file.
3 SPECIAL MASTER DOLAN: Well, I think from,
4 from the court's standpoint, I'll -- do you have a
5 copy of that you could leave with us?
6 MR. JARED BEDKE: I do not, but you can
7 make a copy here if you'd like.
8 SPECIAL MASTER DOLAN: Sure. I'll
9 photocopy it. But that's just simply a matter of
10 record I can take a look at and what it was or
11 wasn't.
12 MR. NEGRI: Right. Yeah. No, I agreed
13 that may actually be in the record somehow now,
14 anyways, and we certainly have no objection to the
15 court looking at, looking at things of that nature,
16 because I agree, it's -- it's a matter of record.
17 SPECIAL MASTER DOLAN: Okay. Before you
18 leave, would you allow us to make a copy of that,
19 please?
20 MR. JARED BEDKE: Any time, yes, sir.
21 SPECIAL MASTER DOLAN: Okay. Thank you.
22 Go ahead.
23 MR. JARED BEDKE: Also, he says that we
24 need to look at things in its context and such.
25 Again -- and this is from the April 7th, 1999,

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1 hearing where Mr. Bramer makes offer at page 50, to
2 -- to allow us to make objections to our claims, as
3 he put it, plural, because that's what we were there
4 for at the time. We took him up on that offer.
5 After the hearing, we went in and we filed late
6 objections to the claims, and this -- this is part
7 of them. Again, I'll just have to refer to the
8 record. He says claims, plural, that's what we have
9 to rely on.
10 And with that, I don't see anything else
11 that I need to respond to, other than what is
12 already in our motion and such.
13 The only thing I would also like to add, I
14 guess, would be the response to the memorandum.
15 When we showed up here at the June 7th hearing, we
16 had received, a couple days before -- you can read
17 this from the transcript of the June 7th hearing --
18 Mr. Semanko says, requests that we have time to
19 respond to this because they'd received it at such
20 short notice; and the court extended him a grace
21 period of time to do so. That's where this thing
22 came from. If you'll notice in it, it says that not
23 only theirs, but ours, should be decreed as it goes
24 through the -- through the -- motions to file late
25 objections filed by Michael Poulton, Gary Poulton,

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1 Scott Bedke, Bruce Bedke and Jared Bedke should be
2 granted. We were parties at the time. We were all
3 together at the time. We were in a group. I asked
4 Mr. Semanko if I had to sign this. He says, no, as
5 long as it's on the record it should be okay.
6 Okay. So that was the only thing I had to
7 add to that, and if there's any other questions,
8 I'll entertain them now, I suppose.
9 SPECIAL MASTER DOLAN: Let's see. Did the
10 United States have anything further?
11 MR. NEGRI: Your Honor, I don't. I guess
12 I -- I guess I would ask for a chance to respond, if
13 necessary, to some of the things we've heard today
14 and to do our own check of how the transcripts read
15 and things of that nature. But I have -- beyond
16 that, beyond that, I have nothing else to tell the
17 court today.
18 SPECIAL MASTER DOLAN: Okay. Well, let's
19 do this so we can set a deadline for the U.S. to
20 file a response, and if the U.S. chooses to respond,
21 then maybe an additional week after that?
22 MR. JARED BEDKE: Depending on when it
23 is.
24 SPECIAL MASTER DOLAN: Let's see. What
25 sort of deadline should we think about here?

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1 Mr. Negri, first for the U.S. response?
2 MR. NEGRI: I think the -- the clearest
3 way, I think, to respond to this is to get a
4 transcript of today's hearing, check the trans --
5 check the references to prior transcripts. And I am
6 concerned that there's been assertions made today
7 that are -- that are not reflected in the record, so
8 I'm trying to remember how long it usually takes us.
9 I think we can get a transcript from the court in a
10 couple weeks. Does that sound right, Robbin, or
11 Judge?
12 MS. HALL: It depends on how busy Virginia
13 Bailey is.
14 MR. NEGRI: Could we -- maybe 40 days,
15 Judge?
16 SPECIAL MASTER DOLAN: I would guess it's
17 going to take between three weeks and four weeks to
18 get a transcript. I think that's what I've heard
19 her say at one time. Hopefully we won't talk a
20 whole lot more and run up the bill here.
21 MR. NEGRI: Right, right.
22 SPECIAL MASTER DOLAN: But if --
23 MR. NEGRI: Now we'll get a transcript
24 about us talking about a transcript.
25 THE CLERK: That would be about October

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1 9th, four weeks.
2 MR. NEGRI: Could we say 45 days, then, to
3 give a little time to review that?
4 SPECIAL MASTER DOLAN: But you're thinking
5 mid October? Well, no. Toward the end of October,
6 probably. We're thinking October 24th.
7 MR. NEGRI: That -- that -- that should
8 work, Judge. Although, actually, I've got to be out
9 of state the 22nd through the 24th. So probably the
10 22nd would work as good as the 24th, either way.
11 And I guess I'd just, perhaps if we have trouble
12 getting that transcript, I'd just ask the court to
13 consider an extension, if we haven't been able to
14 get it. But assuming, assuming we can get it in a
15 couple weeks, which generally the court has been
16 very good at turning those things over.
17 SPECIAL MASTER DOLAN: Well, let's just
18 set the deadline for Friday, October 24. That's for
19 the U.S. to file anything in writing. And if they
20 -- if they choose to file something, and they may
21 not --
22 MR. JARED BEDKE: Again, I guess I'm
23 kind of confused. Is this offer -- is this always a
24 procedural matter, that -- that they can submit
25 written requests after a hearing like this? Because

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1 I guess they had the same amount of time to prepare
2 as I did, maybe even more.
3 I understand that we're talking about
4 things that are in the record here. But again, I --
5 well, I guess I don't know. Dad might have
6 something to say here.
7 MR. BRUCE BEDKE: Yes. This is Bruce
8 Bedke, for the record. I'm opposed to that. I
9 think that they had plenty of time to prepare here.
10 They're throwing stuff at us that they think is
11 inappropriate. I -- I would like to object to any
12 lengthy procedure that they may have to cull through
13 the records.
14 SPECIAL MASTER DOLAN: Well, during
15 hearings sometimes matters come up that aren't
16 expected, especially where people are referring to
17 transcripts that not everybody may have a copy to,
18 and especially since we're talking about transcripts
19 that could go back three and four years. And for
20 that reason, it's not unusual. In fact, if
21 anything, it's probably more common for a court to
22 provide additional time for people to provide
23 closing arguments in writing or additional arguments
24 in writing so that everybody has a chance to kind of
25 make a complete argument and then the court has a

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1 complete record to make a decision.
2 MR. BRUCE BEDKE: Again, this is Bruce
3 Bedke. I didn't want to particularly butt in here,
4 to Jared's presentation here, but how can this be
5 any different than Mr. Negri accusing me of
6 presenting new evidence, in other words? Everything
7 that we've stated here in this court hearing came
8 from these transcripts. Everybody should have the
9 right to those transcripts, if they so choose.
10 SPECIAL MASTER DOLAN: Sure. And I think
11 that's probably what Mr. Negri was talking about.
12 He simply wants to look through the transcripts and
13 to make sure, if there was additional testimony
14 beyond the transcripts presented today, then that's
15 what he wants to argue about. But he may choose not
16 to file. Once he looks at it, if he's satisfied
17 that everything is in the transcript, there may not
18 be anything further to submit.
19 MR. NEGRI: And Judge, if it helps at all,
20 I'll limit anything just to, pretty much to what
21 Mr. Bedke, Mr. Jared Bedke raised -- raised today
22 and -- and -- and I don't expect it to be much of a
23 filing. I'm not going to rehash the legal arguments
24 we've been talking about or anything of that nature.
25 SPECIAL MASTER DOLAN: Sure. And that,

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1 frankly, would be a waste of your time and my time,
2 too.
3 MR. NEGRI: Right.
4 SPECIAL MASTER DOLAN: Okay.
5 MR. JARED BEDKE: Okay. So
6 procedurally, how do we continue from here then?
7 SPECIAL MASTER DOLAN: Let's see. The
8 deadline for the Forest Service to file written
9 response is Friday, October 24. And the deadline
10 then for you would be what? What do you think would
11 be reasonable?
12 MR. JARED BEDKE: Shall we say around
13 November 10th? I don't have a calendar in front of
14 me. I don't know what date that is. But that's
15 right around the time that we are very busy up on
16 the mountain gathering cattle and such.
17 SPECIAL MASTER DOLAN: Let's see.
18 November 10th.
19 MR. NEGRI: That's a Monday.
20 SPECIAL MASTER DOLAN: That's a Monday.
21 We could either do it on the Monday or could do it
22 Friday, November 7th. But if you guys need
23 additional time because of your work load out there,
24 I could certainly accommodate that.
25 MR. JARED BEDKE: Because that's the

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1 time we're really busy, we're weaning and
2 vaccinating cattle and things of that nature.
3 SPECIAL MASTER DOLAN: Do you want to go
4 to November, Friday, November 14?
5 MR. JARED BEDKE: Let's go with that
6 then.
7 SPECIAL MASTER DOLAN: That will
8 essentially give you three weeks. That's a Friday.
9 And we'll call your document reply? What
10 should we call it?
11 MR. NEGRI: If mine is a res -- I guess it
12 depends how you want to label mine. Closing
13 argument or response to -- response and reply sounds
14 good to me, Judge.
15 SPECIAL MASTER DOLAN: Good. We'll call
16 the United States' filing, if they choose to file
17 it, a response. And yours will be called a reply.
18 We're going to make a law student out of you yet --
19 MR. JARED BEDKE: I hope not.
20 SPECIAL MASTER DOLAN: -- whether you like
21 it or not.
22 MR. JARED BEDKE: And then from there
23 you will make your ruling?
24 SPECIAL MASTER DOLAN: Yes, I will
25 consider it submitted, once I get your reply,

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1 assuming --
2 MR. JARED BEDKE: And then that ruling
3 will be the recommendation? Is that the way I
4 understand it?
5 SPECIAL MASTER DOLAN: No, no. What it
6 will be is, it will be a ruling on your motion --
7 well, you styled it a motion to alter or amend, but
8 actually it's a motion for reconsideration, and
9 so --
10 MR. JARED BEDKE: Reconsider, correct.
11 SPECIAL MASTER DOLAN: I'll either be
12 granting or denying the motion for reconsideration.
13 MR. JARED BEDKE: And then it will --
14 SPECIAL MASTER DOLAN: Because I haven't
15 done a report and recommendation on the claims yet.
16 MR. JARED BEDKE: Right. But then the
17 next will be the report and recommendation? Is that
18 the next procedural step or --
19 SPECIAL MASTER DOLAN: Well, if your -- if
20 your motion to file late objection is denied, then
21 the next step would be to go to my report and
22 recommendation of what the U.S.'s water right should
23 be.
24 MR. JARED BEDKE: And that's when I would
25 file the Motion to Alter or Amend?

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1 SPECIAL MASTER DOLAN: Yes.
2 MR. JARED BEDKE: Okay. Because I have
3 to pursue this, I guess, is what it boils down to.
4 SPECIAL MASTER DOLAN: Mr. Thompson, do
5 you have anything to offer?
6 MR. THOMPSON: No, Judge. I don't have
7 anything.
8 SPECIAL MASTER DOLAN: Mr. Spencer?
9 MR. SPENCER: Nope. I have nothing to
10 offer, Your Honor.
11 SPECIAL MASTER DOLAN: Well, I'm glad to
12 see you stayed with us. Hope you didn't have any
13 trouble staying awake.
14 MR. SPENCER: No, I didn't. But actually,
15 for a change, the microphones were working very
16 well, and I could hear everyone's arguments just
17 fine, and I much appreciate that.
18 SPECIAL MASTER DOLAN: Were you able to
19 hear Mr. Thompson on the back microphone?
20 MR. SPENCER: Yes, I was. Not clearly,
21 but I got the substance of what he said.
22 SPECIAL MASTER DOLAN: Okay. Good. Well,
23 counsel, or gentlemen, is there anything further we
24 need to look at?
25 MR. NEGRI: Nothing for the United States,

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1 REPORTER'S CERTIFICATE
2 STATE OF IDAHO)
3)
4 COUNTY OF TWIN FALLS)
5 I, Virginia M. Bailey, one of the duly
6 appointed, qualified and acting official
7 reporters of the Fifth Judicial District, of the
8 State of Idaho, DO HEREBY CERTIFY:
9 That the following proceedings were transcribed
10 from tapes, to the best of my ability, said
11 transcript consisting of pages one through
12 forty-three, inclusive.
13 IN WITNESS WHEREOF, I have hereunto set my
14 hand this _____ day of _____, 2003.
15
16 _____
17 Official Reporter
18 Fifth Judicial District
19
20
21
22
23
24
25

Page 43

1 Your Honor.
2 SPECIAL MASTER DOLAN: Mr. Bedke?
3 MR. JARED BEDKE: Not that I can think of
4 at this time.
5 SPECIAL MASTER DOLAN: Okay.
6 Mr. Thompson, can you think of anything?
7 MR. THOMPSON: Nothing, Your Honor.
8 SPECIAL MASTER DOLAN: In that case, we'll
9 go off the record. Thank you for joining me today.
10 (PROCEEDINGS ADJOURNED.)
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1 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
2 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

3 *****

4 In Re SRBA) REPORTER'S TRANSCRIPT
5 Case No. 39576) Basin 45 Subcases
6 _____)

7
8 *****

RECEIVED
MAY 11 1999
DOJ/BOISE

9
10 D-a-t-e: Wednesday, April 7, 1999

11
12 T-i-m-e: 9:00 A.M.

13
14 P-l-a-c-e: Cassia County Courthouse, Burley, Idaho

15
16 B-e-f-o-r-e: TERRENCE A. DOLAN, Special Master

17
18 H-e-a-r-i-n-g: Initial Hearings

19
20 *****

1 be two different names, but the same place.
 2 MS. BROWN: Okay. And what you're telling
 3 me is that some of these co-owners or cooperatives
 4 (inaudible) Owens Corral Creek.
 5 VOICE: Owens Corral Spring would be
 6 the head where we trap the collection boxes and the
 7 (inaudible) and also surface water that doesn't get
 8 into the head (inaudible). But these descriptions
 9 would show that we're tracking it down through its
 10 course as well as the, where the (inaudible) and the
 11 collection box. You aren't going to get all the water
 12 in the pipeline, so --
 13 THE COURT: Miss Brown, do you know the
 14 status of 02789?
 15 VOICE: It should be (inaudible) right
 16 now. Because Scott Bedke has filed an objection to
 17 it.
 18 MS. BROWN: I'll have to look at that.
 19 THE COURT: And who is the claimant of
 20 that --
 21 VOICE: The United States acting
 22 through --
 23 THE COURT: 02789?
 24 VOICE: Yes.
 25 VOICE: There's no private objection to

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1 that claim.
 2 THE COURT: No private objection, but has
 3 it been decreed, partially decreed?
 4 (Inaudible).
 5 VOICE: There is too a private
 6 objection (inaudible).
 7 THE COURT: We're just looking at our
 8 calendar here. 02789, that was set for hearing at
 9 2 o'clock in another batch.
 10 VOICE: Oh, okay.
 11 THE COURT: 02789 (inaudible). But you
 12 think these three water rights, 10332, 02789 and 07446,
 13 they're all to the same water right?
 14 VOICE: Correct.
 15 MS. BROWN: Your Honor, I believe that the
 16 Forest Service filed individual claims to individual
 17 water rights (inaudible). And this here, what the
 18 Bedkes intended to do was to file for all of those
 19 (inaudible) under one claim.
 20 VOICE: It goes back to what I tried to
 21 bring up earlier and yesterday, is that -- and one of
 22 the same points that Mr. Whiteley brought up this
 23 morning, is that we filed under the old method, you
 24 know, led through the process by IDWR. And then that
 25 method was changed.

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Page 47 - Page 50

1 And so when the Forest Service filed, they filed
 2 on each one separately, a separate claim, rather than
 3 have -- and I don't know if that's called de minimis or
 4 non de minimis. But whatever they did, we did the
 5 other one. And so therefore they were all set -- you
 6 know, they were all set aside. And I think these all
 7 add to the confusion that we're experiencing right
 8 now.
 9 MS. BROWN: This particular water right is
 10 marked set aside. And this particular water right was
 11 recommended as (inaudible) in the Forest Service under
 12 their pipeline.
 13 VOICE: Correct.
 14 MS. BROWN: (Inaudible).
 15 VOICE: All of ours were set aside.
 16 All the private ones were, but the Forest Service's
 17 were put on the director's reports. And so that's
 18 where our objection kinda comes in. Because ours are
 19 still out there in the ozone somewhere to be included
 20 on a subsequent director's report, we were told, when
 21 they were going to handle the irrigation cases.
 22 MS. BROWN: In this particular case,
 23 Your Honor, 45-10332 was recommended in this director's
 24 report. It did not (inaudible) to be reported later.
 25 THE COURT: How was it recommended?

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1 MS. BROWN: It was recommended as 45-7446
 2 (inaudible).
 3 THE COURT: But 10332 was recommended for
 4 disallowal because it was recommended under 7446.
 5 MS. BROWN: Yes.
 6 THE COURT: Okay.
 7 MS. BROWN: And (inaudible) four claims on
 8 this claim (inaudible) pipelines and Forest Service as
 9 (inaudible).
 10 THE COURT: Mr. Bramer, do you want to add
 11 something?
 12 MR. BRAMER: Your Honor, we filed a claim.
 13 We filed an objection. We worked with the department.
 14 We filed an SF5. Normally that would resolve this
 15 matter.
 16 However, I think given the confusion that these
 17 folks have had with their water rights in the
 18 South Hills, Mr. Bedke, Mr. Whiteley, you're going to
 19 hear over and over again there's a great deal of
 20 confusion. I think in all fairness to them, even
 21 though we've jumped through all the technical hoops in
 22 this court and should have our water right decreed,
 23 that I'm more than willing, if they would like to file
 24 a late objection and make the objection to our claims
 25 so we can sit down and work through this, that would

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1 give them a full and fair opportunity to make the
2 objection. I think there's some confusion here. And
3 rather than drawing a technical line of the law and
4 saying you should decree this right to us, I think in
5 all fairness to the claimants we should give them an
6 opportunity to come in and make an objection here if
7 that's what they like to do.

8 THE COURT: I think it's a very generous
9 offer of yours. But do you want all three of these
10 handled together?

11 MR. BRAMER: We only --

12 THE COURT: Or is there a fourth one?

13 MR. BRAMER: I think our only one is 07446
14 involved here. I think there's a pipeline with a bunch
15 of other points.

16 THE COURT: But I heard --

17 MR. BRAMER: We only have one claim at
18 issue.

19 THE COURT: But I heard that 2789 and 10332
20 are to parts of that.

21 MS. BROWN: Your Honor, it's very difficult
22 for the department to tell because the way that these
23 claims were made, the claims were in specific
24 (inaudible). I understand that (inaudible) Bedkes are
25 (inaudible). That is not what they thought they were

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1 asking (inaudible) at the time they made the claim.

2 I'd like some time with them to figure out
3 exactly what it is they intended to claim and make sure
4 that we have that on paper correctly. So far, I'm not
5 impressed that the department had all of the
6 information it needed to be making its recommendation.

7 THE COURT: Well, how about this? As the
8 independent expert to the court, again, could you
9 submit a supplemental report to the court on all water
10 rights related and objections and claims related to
11 7446?

12 MS. BROWN: This year, Your Honor? Yes, I
13 can do that. It will take some time.

14 THE COURT: Like, say, Sunday morning?

15 MS. BROWN: Sure.

16 MR. BRAMER: Your Honor, we would, on behalf
17 of the Forest Service, we would ask that the court hold
18 the SF5 and not decree that right until we make sure
19 everybody has had a full and fair opportunity to file
20 any objection they want to.

21 THE COURT: And I think you're being more
22 than fair in offering that. We'll take the 7446
23 Standard Form 5 -- this sounds more like the military
24 every day, all of these initials and numbers. But
25 this, the SF5 that settles 7446, the Forest Service

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1 says they're done with the case; and normally we would
2 take this and I'd recommend that the court decree the
3 water right.

4 But Mr. Bramer has offered to hold up on that.
5 We'll take it and put it in the file, but treat three
6 of these water rights -- 10332, 2789 and 7446, handle
7 it as a package until we can figure out what we're
8 talking about here. So you folks are going to get a
9 chance to air your complaints or your claims or your
10 objections, whatever they happen to be. And then we'll
11 get that --

12 VOICE: 2789 is not a Forest Service
13 right. That's BLM land.

14 THE COURT: Yes. But it's somehow tied
15 into this. That's why I guess I wanted --

16 MS. BROWN: (Inaudible).

17 VOICE: The Forest Service line or the
18 BLM line is just right there along the corrals. It's
19 really quite close. Let's put it that way. So the
20 upper end is in the Forest Service reach. The lower
21 end is in the BLM reach. We filed on the entire
22 reach. The Forest Service filed on the upper reach.
23 The BLM filed on the lower reach.

24 So in this case 02789 is a BLM filing to the
25 lower reach. 07446 would be the forest filing to the

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1 upper reach. Yet they're all in conflict with ours of
2 the entire reach, if that makes sense.

3 MR. BRAMER: I can only represent the
4 Forest Service here. We're comfortable waiting and
5 letting him to look at that and figure out the best way
6 to go. I don't know what you want to do on --

7 VOICE: There are already objections
8 filed to 2789; is that correct?

9 VOICE: (Inaudible).

10 VOICE: Yeah, there are late
11 objections. And they are filed by Mr. Scott Bedke, I
12 believe. And we were going to discuss that one this
13 morning. So there's no reason to hold that one up as
14 far as the BLM is concerned. Because it's a different
15 water right. And there have been no SF5 filed on that
16 one.

17 THE COURT: But I think the report that,
18 the supplemental report I was asking of IDWR is going
19 to inevitably involve that. Because it relates to
20 objections that have already been filed.

21 VOICE: Yes. But Scott Bedke and his
22 (inaudible) objectors -- and I was intending to try and
23 resolve those with Mr. Bedke today one at a time.

24 THE COURT: Oh, if you can, oh, that would
25 be great.

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1 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
2 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

3 *****

4 In Re SRBA) REPORTER'S TRANSCRIPT
5 Case No. 39576) Subcase No. 47-16433,
6) et al

7
8 *****

11 D-a-t-e: Thursday, July 1, 1999

13 T-i-m-e: 3:45 P.M.

15 P-l-a-c-e: SRBA Courthouse, Twin Falls, Idaho

17 B-e-f-o-r-e: TERRENCE DOLAN, Special Master

19 H-e-a-r-i-n-g: Motions to File Late Objections

20
21
22 *****

23
24
25

Page 1

1 COURTROOM OF THE DISTRICT COURT, SNAKE RIVER
2 BASIN ADJUDICATION COURTHOUSE, 253 Third
3 Avenue North, Twin Falls, Idaho, Thursday,
4 July 1, 1999, 3:45 P.M.

5 *****

6 THE COURT: Good afternoon, counsel. We're
7 now back on the record. This is the date and time set
8 for motions to file late objections filed by
9 Scott Bedke, Michael and Gary Poulton, and Jared and
10 Bruce Bedke.

11 Representing the late objectors is Norm Semanko
12 who is in court. The claimant, the United States
13 Forest Service, represented by Randy Bramer.
14 Representing IDWR is Nick Spencer.

15 And do we have Mr. Ampe representing the State of
16 Idaho? I think we show the State of Idaho being a
17 claimant on one of these or some kind of a party. Did
18 Mr. Ampe get away?

19 MR. SPENCER: I've not seen him this
20 afternoon, Your Honor.

21 THE COURT: I guess we can let him know
22 later on what we did with his water right.

23 Well, Mr. Semanko, do you have any preference on
24 how we proceed?

25 MR. SEMANKO: I would -- let me let you know

Page 2

1 who I'm representing today. That may help. But I'd
2 like to go first.

3 I've entered notices of appearance -- and notices
4 of appearance are great things. I try to file them so
5 people can keep track of who I'm representing. But I
6 did just file these, so let me let everybody know.

7 I filed a notice of appearance today for
8 Gary Poulton in all the Basin 47 subcases. I've not
9 filed a notice of appearance in the Basin 45 subcases
10 for him as of yet.

11 I've filed for Michael Poulton in the Basin 47
12 subcases that he's filed motions to file late
13 objections in. He, Michael Poulton, is not a party to
14 the private claim that we talked about this morning --
15 or earlier today. Gary Poulton is, but Mike Poulton is
16 not.

17 I've filed a notice of appearance for
18 Carl Bedke. As I informed the court of earlier, he is
19 not someone who has filed a motion to file a late
20 objection here. He's only a claimant on the five water
21 rights that have been the one split water right that we
22 talked about earlier today.

23 So I'll be representing the motions on the
24 motions to file late objections filed by Gary Poulton
25 and Mike Poulton. I've entered a notice of appearance

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1 for Scott Bedke in the Basin 45 subcases, and argued
2 for him, and filed a brief for him in that. He has
3 indicated to me that he would like to make arguments on
4 the Basin 47 motion to file late objections, so he's
5 here. And then Jared Bedke and Bruce Bedke intend to
6 argue their motions.

7 So there's five motions. I'm arguing two.
8 They're arguing the other three individually, if that's
9 right. I think that's right.

10 THE COURT: Well, I understood there would
11 be three separate motions by Scott Bedke. The next one
12 by Michael and Gary Poulton, and then a third by Jared
13 and Bruce Bedke?

14 MR. SEMANKO: I'm looking at the State's --
15 or I'm sorry, the United States' memorandum in
16 opposition. It has attached all of these as exhibits.
17 And I see a motion to file late objections in
18 15 subcases filed by Scott Bedke. So that's the first
19 one.

20 And then you've got one asking to file objections
21 to 26 by Gary Poulton; a separate one to file 26 filed
22 by Michael Poulton, which looks identical; another one
23 by Bruce Bedke for 26; and another one by Jared Bedke
24 for 26; and then Scott's amended motion is in here
25 somewhere to add the other 11 so that he's objecting to

1 In any event, let's go first to the allegation of
2 my statement on April 7th, at which time the issue
3 before the court was a water right. And if the court
4 will take the time once the hearing is over to read
5 pages 46 through 52, this particular quote that was
6 attributed to me as being the basis for I'm for
7 allowing all these late objections to come in without
8 cause was directly related to one claim where IDWR
9 confirmed that the water right should have been decreed
10 in the name of Mr. Bedke, Ray Bedke on behalf of
11 Scott Bedke, and was inaccurately put in the name of
12 the United States. That was where that statement was
13 made.

14 It had nothing to do with the late objections.
15 It had nothing to do with the misreporting by IDWR. It
16 in no way was a generalized statement of approval for
17 this process. That particular claim was at issue. And
18 if the court reads this, they will see that statement
19 is totally taken out of context.

20 Your Honor, we've been in this adjudication six
21 years. April 7th to the present date the parties that
22 are in front of this court today, by our preliminary
23 review of this court's records, have filed more late
24 objections than all other parties put together in the
25 adjudication to consumptive-use claims.

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1 They're coming to this court and they're asking
2 you to say it's impossible to understand; we were
3 confused. The question, Your Honor, is where has
4 everybody else been for all these years. Everybody
5 else read the director's report when they got the
6 notice.
7 There's no dispute here that they didn't get the
8 notice. There's no dispute the notice wasn't clear.
9 The fact is if they would have read the notice, took
10 the necessary steps, gone down and looked at the
11 director's report, or called the department and asked
12 them about claims that they were concerned with, and
13 certainly I think we know they were concerned with the
14 United States' stock water claims, they would have in
15 fact found out these claims were being reported out.
16 And they would have filed objections in a timely
17 fashion just like every other claimant since the
18 adjudication started. No different. No one here has
19 explained why didn't you do the normal activities when
20 you received the director's report that everybody else
21 did.

22 What would a reasonably prudent person have done
23 under Mr. Semanko's situation? Well, first, he would
24 have gotten the notice of a director's report. They
25 would have read it. It would have said if you're

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1 concerned about someone else's water right, here's what
2 you do. If you want to file an objection, here's what
3 you do. If you have any questions, here's who you
4 call; here's where you can look at the director's
5 report.

6 I suggest to this court a reasonably prudent
7 person would have done those things. No one saying
8 they did. No one saying why they didn't.

9 What else would a reasonably prudent person have
10 done? Okay. First, we have the allegation IDWR told
11 us that we didn't have to file objections.

12 Well, Your Honor, where is the evidence in the
13 record? And even if objections were supported, but
14 there's no evidence of that, they're not naming names
15 or anything. And I'm not saying it wasn't said. But
16 I'm saying even if they were told that, Scott Bedke
17 filed objections in Basin 45 in July. And he did that
18 because he was concerned about the process. And he
19 filed late objections.

20 More importantly, Your Honor, let's say they
21 relied on that representation. Come April 7th all the
22 folks here were in your courtroom. All the folks here
23 were aware at that point that the government claims had
24 been reported out in Basin 45. All the folks here were
25 told by this court that you could file late objections

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1 if you disagreed with them. April 7th, 1999.

2 What happened next? Scott Bedke filed objections
3 on April 28th to some of these claims. Okay. The rest
4 of the parties in June, June 4th to be precise, come in
5 and file objections. There's no explanation for this
6 delay. They simply didn't do it. They sat in this
7 courtroom during the hearing we had in June and wrote
8 these objections up.

9 And, Your Honor, the bottom line here is there's
10 no good cause shown for that delay. I am sympathetic
11 to the process. I am sympathetic to people not
12 understanding. But this is not a matter of one or two
13 people coming in and saying I missed a couple claims or
14 I didn't understand. There's no allegation we didn't
15 get the director's report. There's no allegation we
16 didn't read it. All right.

17 Rules say you apply liberally. I think that's
18 Mr. Semanko's point earlier. Could this court have
19 been any more liberal than they were on April 7th in
20 allowing these people to file their objections in
21 Basin 45? Has anybody given this court any reason to
22 believe that these claimants did not, shouldn't have
23 reasonably known the same thing was going to happen in
24 Basin 47 and they should have at least checked? Isn't
25 that about as liberal as you get — nine months after

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

**DIRECTOR'S REPORT
FOR DOMESTIC AND STOCKWATER
REPORTING AREA 12**

Volume Six
(IDWR Basin 47)

Pages B1 - B4, C1 - C255, D1 - D203

SNAKE RIVER BASIN ADJUDICATION

CIVIL CASE NO. 39576

IDAHO DEPARTMENT OF WATER RESOURCES
KARL J. DREHER, DIRECTOR

871493

EXHIBIT D - pg 1 of 6
US RESP. TO FACTUAL
ASSERTIONS 47-16433 ET AL.

IDAHO DEPARTMENT OF WATER RESOURCES
NUMBER INDEX

DATE: AUG-7-1998

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RIGHT NUMBER	NAME	PRIORITY DATE	SOURCE OF WATER	TRIBUTARY TO	PAGE NUMBER
	HIHATH, JERRY L				
47-14904	SPARKS, CARLA SPARKS, RAYMOND S	07/03/1978	GROUNDWATER		A-3922
47-14905	GRIFF, EUGENE GRIFF, RICHARD GRIFF, RONALD	01/01/1971	GROUNDWATER		A-3167
47-14906	GRIFF, EUGENE GRIFF, RICHARD GRIFF, RONALD	01/01/1971	GROUNDWATER		A-3168
47-14907	GRIFF, JACKIE GRIFF, RICHARD	01/01/1949	GROUNDWATER		A-2155
47-14908	GRIFF, JANIE GRIFF, RONALD	01/01/1949	GROUNDWATER		A-2156
47-14910	HERITAGE ALLIANCE CHURCH	06/07/1935	GROUNDWATER		A-1477
47-14912	POE, LESLIE D	11/30/1978	GROUNDWATER		A-3974
47-14913	ELENOR BABCOCK TRUST ELIZABETH BERRY TRUST	10/01/1925	GROUNDWATER		A-1084
47-14914	STOKER, JEFF STOKER, ROSEMARY	07/07/1976	GROUNDWATER		A-3658
47-14915	PARSONS, ROGER W PARSONS, TERRI L	01/01/1930	GROUNDWATER		A-1267
47-14916	STOVER, CLARA STOVER, ED	02/12/1965	GROUNDWATER		A-2874
47-14917	BEEM, DANIEL T	01/01/1963	GROUNDWATER		A-2765
47-14918	GOFF, FORREST	07/01/1945	GROUNDWATER		A-1943
47-14920	BURGESS, DEANNA F BURGESS, WALTER E	07/14/1948	GROUNDWATER		A-2107
47-14921	BRAGG, PAUL	04/25/1966	GROUNDWATER		A-2947
47-14922	NEILL, MONA RAE NEILL, RICK DEAN	03/01/1976	GROUNDWATER		A-3623
47-14923A	BEDKE, BRUCE BEDKE, RAY C POULTON, GARY RUSSEL WHITELEY, WINSLOW B	04/01/1872	CHERRY CREEK PINEY CREEK	PINEY CREEK GOOSE CREEK	A-117 A-4806
47-14923B	BEDKE, BRUCE BEDKE, RAY C	04/01/1872	THOROUGHbred CREEK THOROUGHbred CREEK, EAST FORK THOROUGHbred CREEK	GOOSE CREEK	A-5581 A-5584

RIGHT NUMBER	NAME	PRIORITY DATE	SOURCE OF WATER	TRIBUTARY TO	PAGE NUMBER
	POULTON, GARY RUSSEL WHITELEY, WINSLOW B		THOROUGHbred CREEK, WEST FORK THOROUGHbred CREEK		A-5587
47-14923C	BEDKE, BRUCE BEDKE, RAY C POULTON, GARY RUSSEL WHITELEY, WINSLOW B	04/01/1872	HUMPHREY CREEK LITTLE PINEY CREEK LITTLE PINEY CREEK, SOUTH FORK	LITTLE PINEY CREEK, SOUTH FORK GOOSE CREEK LITTLE PINEY CREEK	A-4663 A-4719 A-4722
47-14923D	BEDKE, BRUCE BEDKE, RAY C POULTON, GARY RUSSEL WHITELEY, WINSLOW B	04/01/1872	GOOSE CREEK	GOOSE CREEK RESERVOIR	A-255
47-14923E	BEDKE, BRUCE BEDKE, RAY C POULTON, GARY RUSSEL WHITELEY, WINSLOW B	04/01/1872	HUMPHREY SPRING LITTLE WILLOW SPRING RIGHT HAND FORK SPRING SPRING SPRINGS THOROUGHbred POND SPRINGS THOROUGHbred SPRING #1 THOROUGHbred SPRING #2 WHITEY DAVIS SPRING WPA SPRING	SINKS SINKS SINKS SINKS SINKS SINKS SINKS SINKS SINKS SINKS	A-4667 A-4727 A-4892 A-5181 A-5530 A-5591 A-5594 A-5596 A-5818 A-5839
47-14925	BURKS, CECILIA BURKS JR, DOUGLAS	02/26/1968	GROUNDWATER		A-3020
47-14926	SMITH, DOLL C SMITH, MATT H	12/31/1966	GROUNDWATER		A-2971
47-14927	WOOD, IRVING G	06/06/1952	GROUNDWATER		A-2321
47-14928	SNYDER, ERMA SNYDER, K W	11/30/1976	GROUNDWATER		A-3701
47-14930	ASLETT, DALE ASLETT, HAZEL	10/20/1956	GROUNDWATER		A-2497
47-14931	MAY, GLENDA	04/23/1962	GROUNDWATER		A-2724
47-14932	LONG, GRACE LONG, JACK	06/20/1974	GROUNDWATER		A-3454
47-14933	MYERS, BARBARA MYERS, ROBERT	06/20/1974	GROUNDWATER		A-3455
47-14934	IDAHO STATE HISTORICAL SOCIETY	06/01/1984	GROUNDWATER		A-4428
47-14935	MARTIN, ANNA M MARTIN, MARK W	03/01/1928	GROUNDWATER		A-1174
47-14936	BICKELHAUPT, HARVEY	12/31/1932	GROUNDWATER		A-1400
47-14938	HEDBERG, JANA	03/01/1981	GROUNDWATER		A-4251

IDAHO DEPARTMENT OF WATER RESOURCES
NUMBER INDEX

DATE: AUG-7-1998

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RIGHT NUMBER	NAME	PRIORITY DATE	SOURCE OF WATER	TRIBUTARY TO	PAGE NUMBER
47-16414	HAFLIGER, ANTIONETTE HAFLIGER, HENRY	11/01/1988	GROUNDWATER		A-4584
47-16415	CHILDS, JAMES R CHILDS, SHAWNA	10/30/1985	GROUNDWATER		A-4480
47-16416	RUGG, JOHN JAY	05/15/1920	GROUNDWATER		A-906
47-16417	FAR AWAY FARMS, DBA ORMONDE, ANTONIO ORMONDE, LENA SOUSA, MANUEL A	12/31/1950	GROUNDWATER		A-2277
47-16418	FEATHERSTON, LARRY	06/15/1993	GROUNDWATER		A-4591
47-16419	CRAWFORD, CHARLES D CRAWFORD, SHIRLEY	02/07/1994	GROUNDWATER		A-4595
47-16420	DOBLE JR, HENRY P	12/14/1972	GROUNDWATER		A-3297
47-16421	DOBLE JR, HENRY P	01/01/1980	GROUNDWATER		A-4125
47-16422	LINCOLN, PATRICIA A LINCOLN, WILLIAM D	04/05/1977	GROUNDWATER		A-3756
47-16423	CHANDLER, THOMAS L	07/01/1992	GROUNDWATER		A-4590
47-16424	LEE, AVA LEE, KEITH	03/13/1997	GROUNDWATER		A-4601
47-16425	LEHMANN, STANLEY	09/22/1966	GROUNDWATER		A-2958
47-16426	WEBB, PAMALA	12/20/1994	GROUNDWATER		A-4597
47-16427	DEJESUS, HELEN DEJESUS, JOHN	01/01/1976	GROUNDWATER		A-3614
47-16428	AMERICA ACTING THROUGH, UNITED STATES OF	05/01/1875	SPRING	SINKS	A-5388
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