

Bruce Byron Bedke
in care of: 42 East Basin Road
UNITED STATES POST OFFICE
Oakley, Idaho

RECEIVED
NOV 18 2003
Department of Water Resources

Jared K. Bedke
in care of: 69 West Basin Road
UNITED STATES POST OFFICE
Oakley, Idaho

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

In Re SRBA	)	Subcases 47-16433, <i>et al.</i>
	)	(see list of 26 subcases attached)
Case No. 39576	)	(USDA/FS)
	)	
	)	REPLY OF JARED K. BEDKE
	)	AND BRUCE BYRON BEDKE TO
	)	UNITED STATES' RESPONSE TO
	)	FACTUAL ASSERTIONS

As provided for by the Court in its written Order dated September 12, 2003, Jared K. Bedke and Bruce Byron Bedke (Movants) submit their Reply to the UNITED STATES' Response to factual assertions made at the hearing held on September 11, 2003 dated October 23, 2003 (Response).

1. The United States did indeed make an offer to allow late objections to their claims.

In the United States' response, they claim that a review of the transcript of the April 1999 hearing reveals that the United States never agreed that late objections could be filed to all of its stockwater claims. However, a review of the transcript of the April

1999 hearing reveals that Mr. Bramer, counsel for the United States, stated on the record:

“However, I think given the confusion that these folks have had with their water rights in the South Hills, Mr. Bedke, Mr. Whiteley, you’re going to hear over and over again there’s a great deal of confusion. I think in all fairness to them, even though we’ve jumped through all the technical hoops in this court and should have our water right decreed, that I’m more than willing, if they would like to file a late objection and make the objection to our claims, so we can sit down and work through this, that would give them a full and fair opportunity to make the objection.”

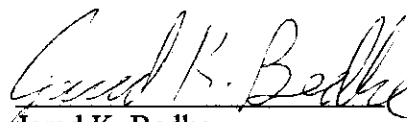
See Transcript of April 7, 1999, hearing pp. 50-51. As the record clearly shows, Mr. Bramer offered that the late objection was to be made “to our claims”. Subsequent to this hearing, motions to file late objections were filed with this court.

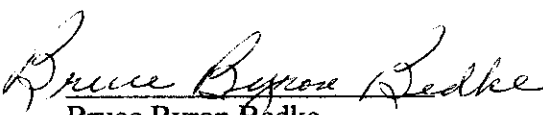
2. Bifurcated Reporting process.

In the United States’ Response it is asserted that the bifurcation process cannot be used as a basis for failure to file a timely objection. In support of its argument the United States cites in footnote 3 the Presiding Judge’s ruling on *Order on Motion for Reconsideration* dated July 27, 2001 (Order). The Presiding Judge makes it very clear that this ruling was fact specific. In the Order it states “Neither A.L. Cattle, nor any other allottee, has explained to the Court how they arrived at the belief that the claims could be filed in this matter or whether the IDWR was contacted regarding the filing of claims in this manner.” And again, “Simply put, A.L. Cattle has avoided supplying the Court with any details as to how it was confused.” see Order at p 9. Movants have explained how Bruce Bedke was instructed to file his adjudication claims and have provided the court with a copy of the Instructions for Filing a Notice of Claim to a Water Right Acquired Under State Law In the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System Revised May, 1988, see Transcript of June 7, 1999, hearing pp 81-87 and Transcript of September 11, 2003 hearing pp. 26-33. Movants have

also sought to explain in all previous hearings in great detail of how they were confused by the process. In fact, as stated above, Mr. Bramer even acknowledged there was a “great deal of confusion”.

Dated this 13th day of November, 2003.


Jared K. Bedke


Bruce Byron Bedke

CERTIFICATE OF SERVICE

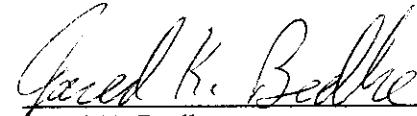
I hereby certify that on this 13th day of November, 2003 I served a true and correct copy of the foregoing MOTION TO ALTER OR AMEND ORDER VACATING STAYS and ORDER DENYING MOTIONS TO FILE LATE OBJECTIONS upon the following individuals by placing the document in the United States Mail, postage prepaid, addressed as follows:

GARY R. POULTON
MICHAEL A. POULTON
SCOTT C. BEDKE

Represented by:
TRAVIS L. THOMPSON
233 – 2ND ST N, STE D
TWIN FALLS, ID 83301
Phone: 208-733-0700

USDA FOREST SERVICE
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

IDWR Document Depository
PO BOX 83720
BOISE, ID 83720-0098


Jared K. Bedke

ATTACHMENT 1

Subcase Nos:

47-16433
47-16434
47-16435
47-16437
47-16438
47-16440
47-16441
47-16442
47-16443
47-16444
47-16445
47-16446
47-16447
47-16448
47-16449
47-16458
47-16459
47-16460
47-16461
47-16463
47-16464
47-16465
47-16466
47-16470
47-16471
47-16474