

APR 08 2004

Department of Water Resources

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

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, et al.
	)	(see list of 26 subcases attached)
Case No. 39576	)	(USDA/FS)
	)	
	)	ASSEVERATIONS IN SUPPORT OF
	)	MOTION TO ALTER OR AMEND
	)	SPECIAL MASTERS REPORT
	)	
_____	)	

COMES NOW Bruce Byron Bedke and Jared K. Bedke, pro se litigants, and
hereby make the following ASSEVERATIONS IN SUPPORT OF MOTION TO ALTER
OR AMEND SPECIAL MASTERS REPORT in the above named subcases.

ASSEVERATION

I, Bruce Byron Bedke, do state and assevere the following:

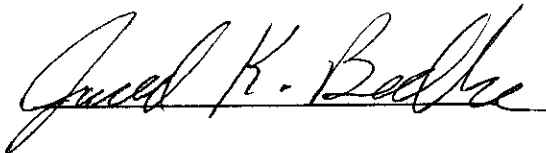
1. On May 24, 1989, I filed claims on all of my water rights in Basin 45,
and Basin 47.
2. I filed in Twin Falls, Idaho.

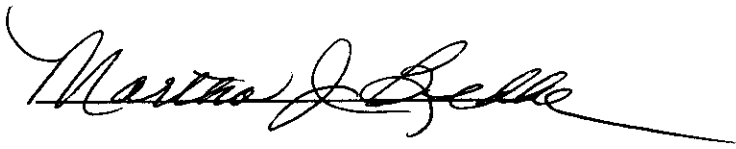
ASSEVERATIONS IN SUPPORT OF MOTION TO ALTER OR AMEND SPECIAL
MASTERS REPORT

3. I filed at the IDWR offices.
4. I filed with the aid of an employee of the IDWR.
5. I was instructed by the IDWR employee on how to file.
6. I was given a pamphlet entitled "Instructions for Form No. 42-1409(2)a Revised May, 1988" which further instructed me how to file. (see relevant pages attached)
7. In 1998, I relied upon the advice of the IDWR when they told me that conflicting claims would be submitted to the court together to let the court determine the ownership of the water right and that objections would not be necessary.
8. I understood the term conflicting claim to mean a claim based upon the same use, at the same location, of the same water.
9. I sought to file objections when I realized the United States' claims in Basin 45 and Basin 47, had been reported and were not considered by the IDWR as competing claims to my claims.
10. At the 3:45 P.M. hearing on July 1, 1999, I was first informed that the strict definition of "conflicting claim" the IDWR used was: two claims that were "completely identical as to priority date, as to source, as to place of use, point of diversion"
11. At the 3:45 P.M. hearing on July 1, 1999, I was first informed that the IDWR's position was that "If there is any discrepancy between one claim and another, [IDWR] would assume that these claims are indeed different claims, two different water rights."


Bruce Byron Bedke

13:1 "By the mouth of two or three witnesses every word shall be established" 2 Cor

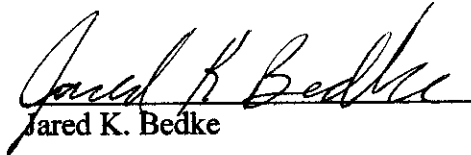




ASSEVERATION

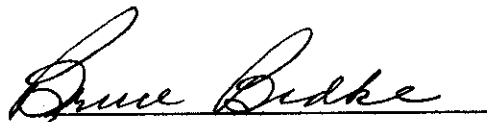
I, Jared K. Bedke, to state and assevere the following:

1. I began my trade in Ranching in 1996.
2. I knew that my Father, Bruce Byron Bedke, had filed water claims in the adjudication.
3. I was unaware of the Bifurcated Reporting Process
4. I never received notice of the issuance of the Directors Report for Basin 45, and Basin 47.
5. I understood the term conflicting claim to mean a claim based upon the same use, at the same location, of the same water.
6. I sought to file objections when I realized the United States' claims in Basin 45 and Basin 47 had been reported and were not considered by the IDWR as competing claims to my father's claims.
7. At the 3:45 P.M. hearing on July 1, 1999, I was first informed that the strict definition of "conflicting claim" the IDWR used was: two claims that were "completely identical as to priority date, as to source, as to place of use, point of diversion".
8. At the 3:45 P.M. hearing on July 1, 1999, I was first informed that the IDWR's position was that "If there is any discrepancy between one claim and another, [IDWR] would assume that these claims are indeed different claims, two different water rights."



Jared K. Bedke

13:1 "By the mouth of two or three witnesses every word shall be established" 2 Cor



ASSEVERATIONS IN SUPPORT OF MOTION TO ALTER OR AMEND SPECIAL
MASTERS REPORT

Martha J. Bedke

Dated this 5th day of April, 2004.

Jared K. Bedke
Jared K. Bedke, Pro Se

Bruce Byron Bedke
Bruce Byron Bedke, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of April, 2004 I served a true and correct copy of the foregoing ASSEVERATIONS IN SUPPORT OF MOTION TO ALTER OR AMEND SPECIAL MASTERS REPORT 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

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098


Jared K. Bedke

ASSEVERATIONS IN SUPPORT OF MOTION TO ALTER OR AMEND SPECIAL
MASTERS REPORT

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

**INSTRUCTIONS FOR FILING
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.**

PLEASE TYPE OR PRINT CLEARLY

WATER RIGHT

A water right allows the private use of Idaho's public water. When properly recorded, a water right gives you the right to divert a specific amount of water from its source for a beneficial purpose. (Some examples are: irrigation, domestic, stockwater, industrial, or power production). There are many other beneficial uses of water also recognized by Idaho law.

CLAIMANT

A claimant is any person or organization that has diverted water for beneficial use from a location within the adjudication boundaries of the Snake River Basin. This includes streams, springs, lakes, ground water, developed water, waste water, or any other source of water within the boundaries of the Snake River Basin in Idaho.

PERMIT REQUIREMENTS

The permit system for establishing a water right became mandatory for uses developed from ground water after March 25, 1983 (except for single family domestic or stockwater uses that do not exceed 13,000 gallons per day) and for uses developed from surface water after May 20, 1971 (except for watering stock directly from streams). If your water use began after

TABLE 1, RECOMMENDED DIVERSION RATES FOR STOCKWATER

In cubic feet per second (cfs)

No. of head	Dairy cows	Other cattle, horses & mules	Hogs	Sheep & goats
0 - 25	0.02	0.02	0.02	0.02
26 - 50	0.04	0.02	0.02	0.02
51 - 100	0.07	0.03	0.02	0.02
101 - 200	0.13	0.05	0.02	0.02
201 - 300	0.20	0.07	0.02	0.02
301 - 400	0.26	0.09	0.03	0.02
401 - 500	0.33	0.12	0.04	0.02
501 - 600	0.39	0.14	0.05	0.03
601 - 700	0.46	0.16	0.05	0.03
701 - 800	0.52	0.19	0.06	0.03
801 - 900	0.58	0.20	0.07	0.04
901 - 1000	0.65	0.23	0.08	0.04

For chickens, round to the next highest 100 and multiply this number by 0.0000018.

For turkeys, round to the next highest 100 and multiply this number by 0.0000033.

If you have more than 1000 head of stock (other than poultry), round the number of head to the next highest 100, and multiply this number by one of the following factors:

For dairy cows, multiply by 0.00065

For other cattle, horses, or mules, multiply by 0.00022

For hogs, multiply by 0.000074

For sheep or goats, multiply by 0.000037

Round the amount you calculate to the nearest 0.01 cfs and enter this amount in the appropriate space on your claim. You may claim 0.01 cfs even if your calculated amount is less than 0.01 cfs.

TOTAL QUANTITY CLAIMED

Item 7: Enter the total amount of water diverted for all the uses shown in Item 6. The total quantity claimed should not exceed the diversion capacity of the system, nor the total of all the uses.