

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-00142

Date Received: 5/ 5/1989

Receipt No: S007044

Received By: Change of Owner

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BEDKE FAMILY LIMITED PARTNERSHIP 208-862-3641
Address: RT 1 BOX 96
OAKLEY ID 83346

2. Date of Priority: FEB 21, 1925

3. Source: BEAVER DAM CREEK Trib. to: GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16S	21E	30	NE	SE	NW		CASSIA

5. Description of diverting works:
DAM AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/15	07/20	0.800		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 187.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/500 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	21E	30	NE	NE		IRR	30.0
			SW	NE		IRR	25.0
			SE	NE		IRR	20.0

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	75.0
					Total Acres	75.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

SEE DECREE FOR DELIVERY CONDITIONS.
PRIORITY DATE NOT GIVEN IN DECREE.

NOTICE OF OWNERSHIP CHANGE RECEIVED 12/01/1992; SHOULDER 3
RANCHES SOLD TO BEDKE FAMILY LIMITED PARTNERSHIP. COPY OF
WARRANTY DEED ON FILE. 12/14/1992 RVW.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 2/21/1925

OAKLEY CANAL CO.

Decree Plaintiff

WILLIAM F. WHITTLE ET. AL.

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

MICROFILMED

MAR 05 1993

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

MAR 05 1993

RECEIVED

DEC 01 1992

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

Department of Water Resources
Southern Region Office

[] Water Right Number(s): 45-00136, 45-00142, 45-00145, 45-00150

[] Name and Address of Former Claimant: SHOULDER 3 RANCHES, INC.

Box 210, Oakley, Idaho 83346

[] New Claimant(s): BEDKE FAMILY LIMITED PARTNERSHIP

Rt. 1, Box 96, Oakley, Idaho 83346

[] New Mailing Address: Rt. 1, Box 96, Oakley, Idaho 83346

New Telephone Number: (208) 862 - 3641

[] Does the change in ownership result in a splitting of the water right claimed? _____ yes X no

If yes, then describe the portion of the water right that is now claimed by the new owner:

Appurtenant to the real estate described on Attached Exhibit

[] Attach proof of ownership
Describe proof attached: Revised Warranty Deed

[] Signature of New Claimant(s): BEDKE FAMILY LIMITED PARTNERSHIP

BY Patricia M. Bedke

Date: Oct 15 1992

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any: _____

MICROFILMED

MAR 05 1993

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): SHOULDER 3 RANCHES, INC.

Date: October 1992

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

After form has been completed, please return to the nearest IDWR office below:

WESTERN REGIONAL OFFICE

2735 AIRPORT WAY

BOISE, IDAHO 83705

(208) 334-2190

EASTERN REGIONAL OFFICE

150 SHOUP SUITE #15

IDAHO FALLS, IDAHO 83402

(208) 525-7161

STATE OFFICE

1301 N. ORCHARD ST.

STATEHOUSE MAIL

BOISE, IDAHO 83720

(208) 327-7906

SOUTHERN REGIONAL OFFICE

222 SHOSHONE STREET EAST

TWIN FALLS, ID 83301

(208) 734-3578

NORTHERN REGIONAL OFFICE

1910 NORTHWEST BLVD. SUITE 210

COEUR D'ALENE, IDAHO 83814

(208) 765-4639

221805

WARRANTY DEED

THIS INDENTURE, made this 19^m day of October, 1992,
between SHOULDER 3 RANCHES, INC., an Idaho Corporation, of Box
21~~0~~, Oakley, Idaho 83346 ("Grantor"), and BEDKE FAMILY LIMITED
PARTNERSHIP, an Idaho Limited Partnership, whose address is
Route 1, Box 96, Oakley, Idaho 83346, ("Grantee").

W I T N E S S E T H:

That the Grantor for and in consideration of the sum of
Ten Dollars (\$10.00), lawful money of the United States of
America, and other good and valuable consideration, to the
Grantor in hand paid by the Grantee, the receipt whereof is
hereby acknowledged, has granted, bargained, and sold and by
these presents does grant, bargain and sell, convey and confirm
unto the Grantee, and to the successors and assigns of Grantee
forever, all of the following described real estate situated in
the County of Cassia, State of Idaho, to-wit:

That property more particularly described on
Exhibit A attached hereto and made a part
hereof by reference.

TOGETHER with all water and water rights appurtenant to
said property also described on Exhibit A but not limited
thereto.

SUBJECT TO: Accruing taxes, levies and
assessments, easements and rights of way of
record.

TOGETHER with all and singular the tenements,
hereditaments and appurtenances thereunto belonging or in
anywise appertaining, the reversion and reversions, remainder
and remainders, rents, issues and profits thereof, and all

MICROFILMED

MAR 05 1993

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

1 estate, right, title and interest in and to said property as
2 well in law as in equity of the Grantor.

3 TO HAVE AND TO HOLD, all and singular the above-
4 mentioned and described premises, together with appurtenances
5 unto the Grantee and to the successors and assigns of Grantee
6 forever.

7 The Grantor shall and will warrant and by these
8 presents will forever defend the said premises in the quiet and
9 peaceable possession of the Grantee, and the successors and
10 assigns of Grantee against all and every person and persons
11 whomsoever lawfully claiming the same, except as aforesaid.

12 IN WITNESS WHEREOF, the Grantor has executed this Deed
13 the day and year first above written.

SHOULDER 3 RANCHES, INC.

BY *Robert E. Whiteley*
President

16 ATTEST:

17 *W. Gary Whiteley*
18 Secretary

21 STATE OF IDAHO)
22 County of Carida) ss

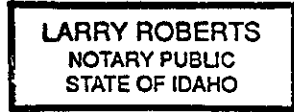
23 On this 19th day of October, in the year 1992,
24 before me, the undersigned, a Notary Public in and for said
25 State, personally appeared *Robert E. Whiteley*
26 *W. Gary Whiteley*, known or identified to me to be the
President and Secretary of SHOULDER 3 RANCHES, INC., the
corporation that executed the instrument or the person who
executed the instrument on behalf of said corporation, and

MICROFILMED

MAR 05 1993

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

acknowledged to me that such corporation executed the same.



Residing at Burley, Idaho
My Commission Expires 6-30-97

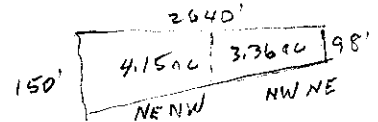
Larry Roberts
Notary Public for Idaho
Residing at *Burley*
My commission expires on *6-30-97*

EXHIBIT A

TOWNSHIP 16 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 14: SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 23: NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 27: E $\frac{1}{4}$ and E $\frac{1}{4}$ W $\frac{1}{4}$
Section 29: W $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{4}$ SW $\frac{1}{4}$
Section 30: E $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{4}$ SE $\frac{1}{4}$
Section 34: That portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$,
described as follows: 3.36 ac 4.15 ac

Commencing at the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of
said Section 34;
Thence North 87°17' West 2,640 feet;
Thence South 150 feet;
Thence South 88°24' East 2,638 feet;
Thence North 98 feet to the Point of Beginning.



AND WATER LICENSES 45-00136, 45-00142, 45-00145 and 45-00154.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 239
1992 NOV 12 A 10:52
CASSIA COUNTY CLERK
FRANK B. REAGAN
RECORDER
FEE \$2.00 DEPUTY M.
LAND TITLE & ESCROW
221805
MICROFILMED
MAR 05 1993

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-00142
Date Received: 5/05/1989
Receipt No: S007044
Received By: Sec

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHOULDER "3" RANCHES, INC. 208-862-3377
Address: P.O. BOX 218
OAKLEY, ID 83346
2. Date of Priority: FEB 21, 1925
3. Source: BEAVER DAM CREEK Trib. to: GOOSE CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 16S | 21E | 30 | NE | SE | NW | | CASSIA |
5. Description of diverting works:
DAM AND DITCHES
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 05/15 | 07/20 | 0.800 | | |
7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 187.5 Acre Feet Per Annum.
9. Non-irrigation uses:
S/500 RANGE
10. Place of Use:
- | Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|---------------|-------|
| 16S | 21E | 30 | NE | NE | | IRR | 30.0 |
| | | | SW | NE | | IRR | 25.0 |
| | | | SE | NE | | IRR | 20.0 |
| | | | | | | Section Acres | 75.0 |
- A45-00142 Page 1 Date: 05/05/89

MICROFILMED
MAR 05 1993

10. Place of Use: Continued

Total Acres 75.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
SEE DECREE FOR DELIVERY CONDITIONS.
PRIORITY DATE NOT GIVEN IN DECREE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 2/21/1925

OAKLEY CANAL CO.

Decree Plaintiff

vs

WILLIAM F. WHITTLE ET. AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am PRESIDENT of SHOULDERS "3" RANCHES INC. Title PRESIDENT Organization, that I have signed the foregoing document in the space below as _____ Title _____ of SHOULDERS "3" RANCHES INC. Organization and that the statements contained in the foregoing document are true and correct.

X [Signature]
Signature of Authorized Agent

PRESIDENT SHOULDERS "3" RANCHES INC.
Title and Organization

5-5-89
Date

State of Idaho

County of Twin Falls) SS.

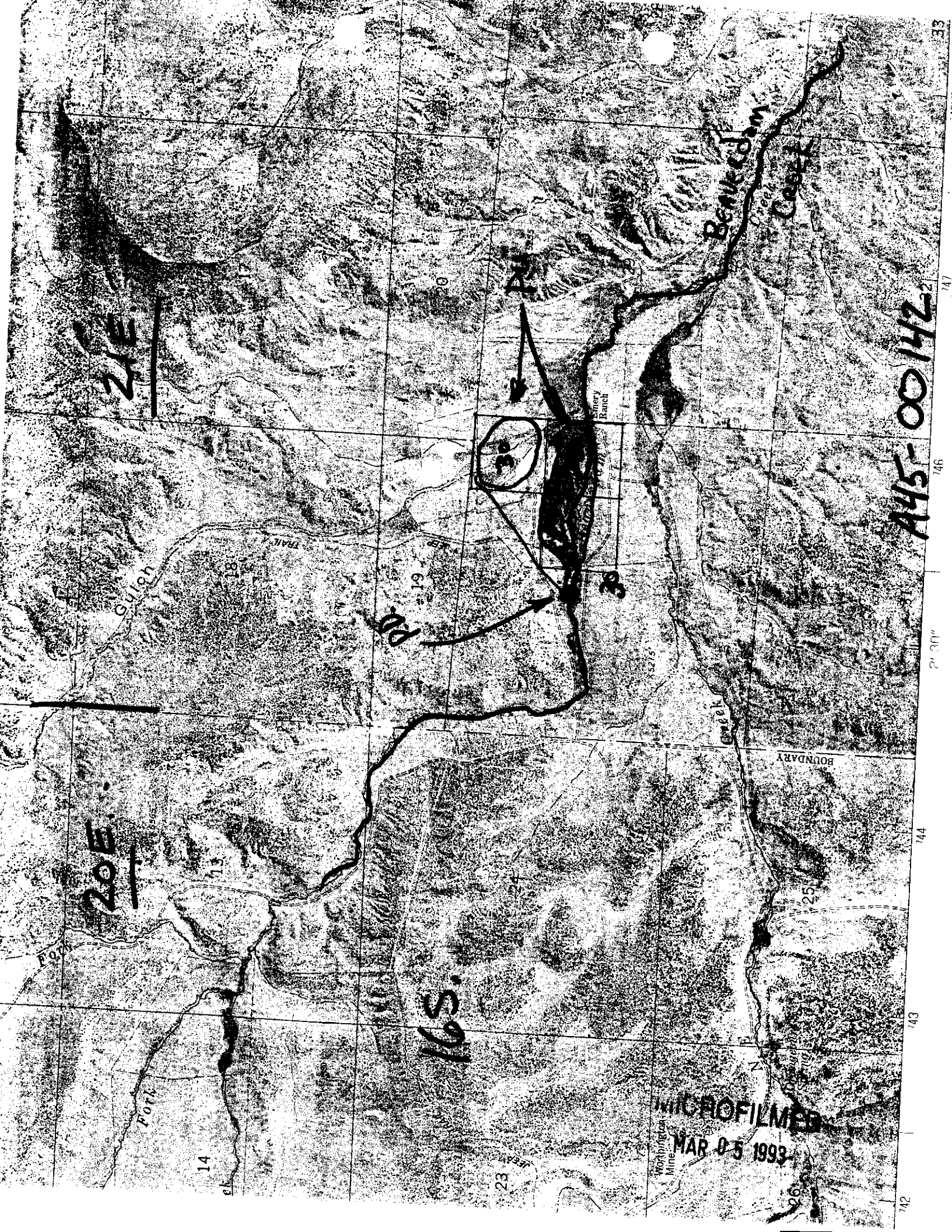
Subscribed and sworn (or affirmed) before me this 5th day of May 19 89

Seal

[Signature]
Notary Public

Residing at Twin Falls

My Commission Expires Dec 7 1994



21E

20E

16S

A45-00142

30

MICROFILMED
MAR 05 1993

Worthington
Mine

BOUNDARY

Beaverdam Creek

Sulch

Pork

Siney Ranch



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

14-Dec-1992

BEDKE FAMILY LIMITED PARTNERSHIP
RT 1 BOX 96
OAKLEY ID 83346

Re: Ownership changes for Adjudication Claims No. A45-00136A,
A45-00142 & A45-00154A

Dear Claimant:

Pursuant to the fact that you now own the property in which the above-referenced Adjudication Claims are appurtenant, the Department has changed the records of the current owners as you requested. Please find enclosed a copy of the computer record of the claims noting the changes in claimant.

No Adjudication Claim has been filed based on Decreed Right 45-00145, so no change of owner is possible for this right. You may still file an adjudication claim for this right, but a late filing fee will be required.

There are 3 Domestic/Stockwater claims filed by Shoulder 3 Ranches that lie within areas described in the Warranty Deed you included with your Change of Ownership Notice. Do you wish to have them changed also? (See the enclosed Claim Profile Reports)

Please review the records and if you have any corrections or questions, please feel free to call this office.

Sincerely,

Robert Worstell
Robert Worstell
Sr Adjudication Agent

Enclosures

C.C. Land Title + Escrow
PO Box 177, Burley ID 83311

File # 22849

MICROFILMED
MAR 05 1993

03/02/2004

NOTICE OF ERROR
REPLY

RECEIVED
APR 09 2004
TWIN FALLS, IDAHO
SANDY HOGAN

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: See cover letter

Water right number: 45-142

BEDKE FAMILY LIMITED PARTNERSHIP
1876 S 600 W
OAKLEY ID 83346
Telephone Number: (208)862-3641

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation, no changes need to be made.

DATE: 4/9/04

SIGNATURE:

Please print your name:

Paul Sedke LP
Sedke Family Ltr Ptop

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

VERIFIED BY X 3/2/04
03/02/2004

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

RIGHT NUMBER: 45-142

NAME AND ADDRESS: BEDKE FAMILY LIMITED PARTNERSHIP
1876 S 600 W
OAKLEY ID 83346

SOURCE: BEAVER DAM CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 0.800 CFS

USE OF THIS RIGHT WITH RIGHT NO. 45-13626 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.8 CFS.

PRIORITY DATE: 02/21/1925

POINT OF DIVERSION:

T16S R21E S30 NWSNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/15 07/20	0.800 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MAY 15 AND AFTER JULY 20 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within CASSIA County

T16S R21E S29	NESW	7.0	T16S R21E S30	NENE	30.0
T16S R21E S30	SWNE	23.0	T16S R21E S30	SENE	23.0

83 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 45-13626 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 83 ACRES IN A SINGLE IRRIGATION
SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 46 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

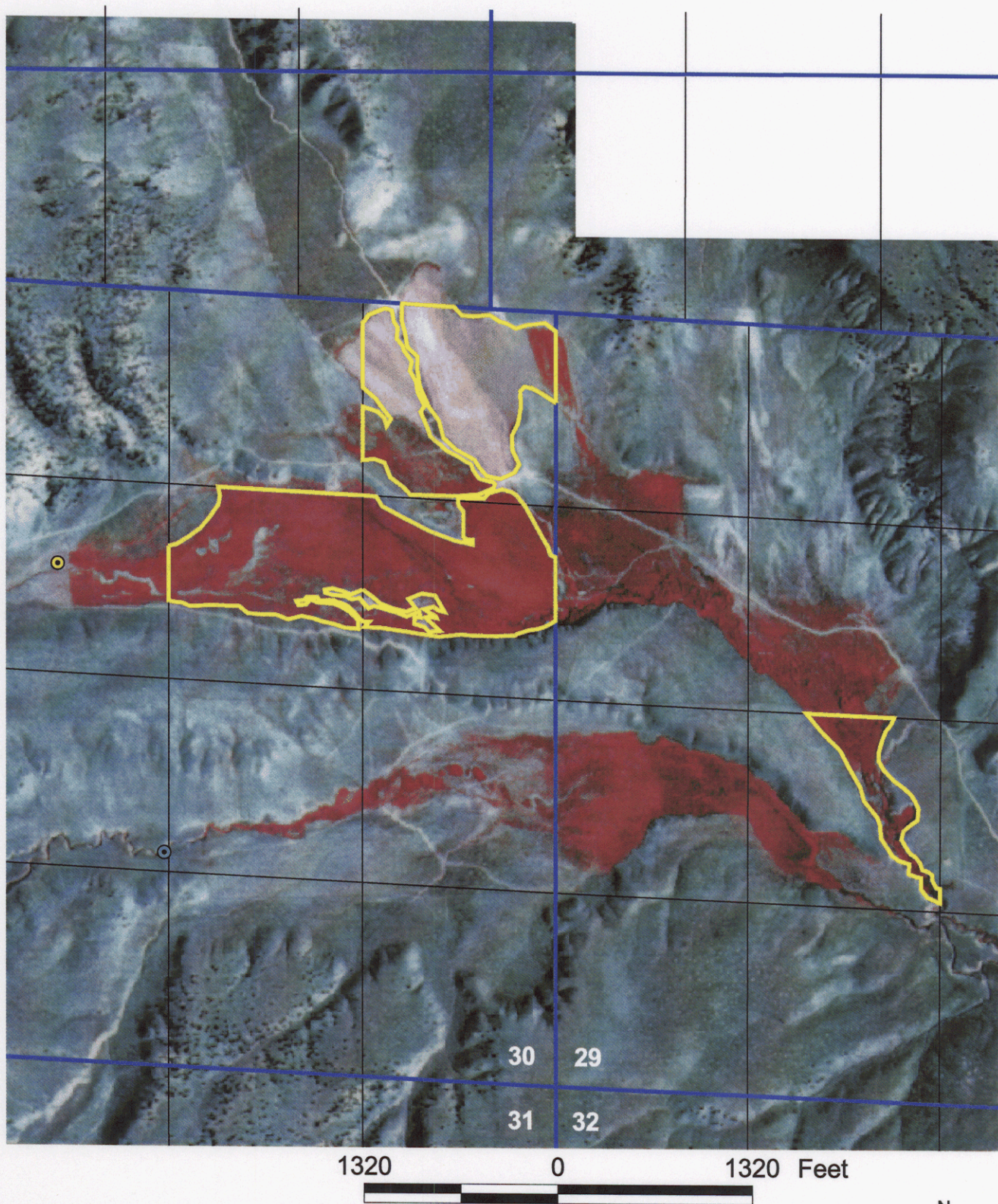
This right shall not be diverted as long as the natural flow of Beaverdam
Creek reaches Goose Creek.

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

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

45-142 & 45-13626



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

RECOMMENDED PLACE OF USE
DATA ENTRY ON MAR. 2, 2004
TWP 16S, RNG 21E, SEC. 29 & 30



Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-142 V1

WATER RIGHT NUMBER: 45-142 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SHOULDER 3 RANCHES INC PO BOX 218 OAKLEY, ID 83346 (208)862-3375
Current Owner	BEDKE FAMILY LIMITED PARTNERSHIP 1876 S 600 W OAKLEY, ID 83346 (208)862-3641

Priority Date: 02/21/1925

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BEAVER DAM CREEK	GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/15 to 07/20	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

BEAVER DAM CREEK	NW1/4SE1/4NW1/4	Sec. 30, Twp 16S, Rge 21E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	21E	29									7.0								7.0
16S	21E	30	30.0		23.0	23.0													76.0

Total Acres: 83

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-142 V1

1. General This right shall not be diverted as long as the natural flow of Beaverdam Creek reaches Goose Creek.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 45-13626 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.8 CFS.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 45-13626 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 83 ACRES IN A SINGLE IRRIGATION SEASON.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 46 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MAY 15 AND AFTER JULY 20 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. jroberts 10/24/2003 Basis of Recommendation

Comment: This right needs an enlargement claim for the extra acres not in the decree. Per the decree, it is only allowed to be diverted as long as the natural flow would not reach Goose Creek.

2. jroberts 3/2/2004 New Recommendation

Comment: Beneficial use claim 45-13626 was filed to pick up the additional acres.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 26, 2004

BEDKE FAMILY LIMITED PARTNERSHIP
1876 S 600 W
OAKLEY ID 83346

RE: *****Ownership Change needed on 45-153 (formerly Shoulder 3 Ranches)*****
Copies of recent amendments (45-136A & 45-154A) & New Claims (45-145 & 45-13626)

Dear Mr. Bedke,

Enclosed is your receipt and copies of the filings you made yesterday.

We still need to do an Ownership Change on 45-153, originally filed by Shoulder 3 Ranches. Please complete the enclosed Ownership Change form and return it with a copy of the Warranty Deed and a map.

I have also tentatively prepared an Amended Version of 45-153, which would correct the Place of Use. It was originally claimed in the NWNW for 5 acres, which is BLM ground, and 25 acres in the SWNW, for a total of 30 acres. You also own the NWSW but no acres were claimed there. According to the map I am sending along, I think the Place of Use acres are more correctly described as 10 acres in the NWSW and 20 in the SWNW, still for a total of 30 acres.

There are no fees required for either the Ownership Change or the Amendment because the acres did not increase!

Please return the needed documents as soon as possible or stop by the office again, preferably calling ahead to make sure I am available. (I plan to be in Oakley at the Oakley Canal Company offices on Friday March 5 at 7:00 pm and again on Monday March 8 at 3:00 pm to attend water district meetings. Let me know if you would like to meet me there so I can bring my Notary Stamp.) Give me a call if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

10/24/2003

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

RIGHT NUMBER: 45-142

NAME AND ADDRESS: BEDKE FAMILY LIMITED PARTNERSHIP
1876 S 600 W
OAKLEY ID 83346

SOURCE: BEAVER DAM CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 0.800 CFS

PRIORITY DATE: 02/21/1925

POINT OF DIVERSION:

T16S R21E S30 NWSENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

05/15 07/20

0.800 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T16S R21E S30

SWNE

23.0

T16S R21E S30

SENE

23.0

46 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right shall not be diverted as long as the natural flow of Beaverdam Creek reaches Goose Creek.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

*re-done
B.U. claim filed!*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-142 V1

WATER RIGHT NUMBER: 45-142 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SHOULDER 3 RANCHES INC PO BOX 218 OAKLEY, ID 83346 (208)862-3375
Current Owner	BEDKE FAMILY LIMITED PARTNERSHIP 1876 S 600 W OAKLEY, ID 83346 (208)862-3641

Priority Date: 02/21/1925

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BEAVER DAM CREEK	GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/15 to 07/20	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

BEAVER DAM CREEK	NW1/4SE1/4NW1/4	Sec. 30, Twp 16S, Rge 21E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	21E	30			23.0	23.0													46.0

Total Acres: 46

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. General This right shall not be diverted as long as the natural flow of Beaverdam Creek reaches Goose Creek.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-142 V1

Comments:

1. jroberts 10/24/2003 Basis of Recommendation

Comment: This right needs an enlargement claim for the extra acres not in the decree. Per the decree, it is only allowed to be diverted as long as the natural flow would not reach Goose Creek.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number: 45C

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

RECE

SEP 24 2003

9-11-03

Department of Water
Southern Reg.

Jeanie -

Here are the change of adress on
water rights. I will get back to you
on the 45-145 that some how is not claimed.
Also on water rights with Bruce Sedke +
Don Campbell-

Thanks

Dud Sedke



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

SEP 24 2003

Department of Water Resources
Southern Region

CHANGE IN ADDRESS

☐ Water Right Number(s): 45-145 45-154

45-136

45-142

☐ Old Mailing Address: _____

☐ New Mailing Address: Bedke Family Ltd Pts

18765 600 W

Oakley Id 83346

☐ New Telephone Number: (208) 862-3641

☐ Signature of Claimant(s): Karl J Bedke D.P.

Date: 9-11-03

FOR IDWR USE ONLY	
Initial Review and Data Entry	
Date: <u>9/24/03</u>	By: <u>[Signature]</u>
Further Action Needed:	
Further Action Taken	
Date:	By:
Final Review and Data Entry	
Date: <u>9/24/03</u>	By: <u>[Signature]</u>



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 26, 2003

BEDKE FAMILY LIMITED PARTNERSHIP
1876 S 600 W
OAKLEY ID 83346

RE: Adjudication Claim 45-142, **45-145 (Not Claimed!)**

Dear Claimants,

I am in the process of reviewing your adjudication claims, filed in 1989 by Shoulder 3 Ranches and which you purchased in 1992, in order to make my recommendations to the court for eventual decree. This is the next phase in the adjudication process.

You have a claim against 45-142 for the waters of Beaver Dam Creek. This decree was only for the S $\frac{1}{2}$ of the NE $\frac{1}{4}$, but you also claimed usage in the NENE $\frac{1}{4}$. This usage must be claimed separately as an Enlargement Claim, per Idaho Code 42-1426, (copy enclosed) and will need to be advertised. If you wish to continue to irrigate these acres, please call for an appointment to file this claim by September 12, 2003. Keep in mind there will be a \$50.00 filing fee.

Your ownership change documents referred to 45-145 but a claim has never been filed against this old decree. If you are using these waters, you will need to file a claim, again a \$50.00 filing fee will be required and please plan to do so by Sept. 12.

Our records show your address to be **RT 1 BOX 96** but I see the records of the assessor's office list your address as **1876 S 600 W**. Please complete, sign, and return the enclosed change of address so we can update our official records.

Please feel free to call if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

T16S
R21E
Sec. 30

45-142

(19)

(30)

NENE (30)

(29)

29 A.

23 Ac.

23 Ac.

SWNE

SENE

T=75 Ac.
46 Ac. decrees
29 Ac. B.U./Enl.

45-142 Whittle decree to Emery (now claimed by Bedke Family Ltd Partnership))

Priority date: 2/21/1925 (Whittle Decree did not specify priority date so everyone got date decree was signed); Beaver Dam Creek; 5/15 – 7/20; 0.8 cfs; SWNE & SENE Sec. 30, T16S, R21E

*Claimed for more acres than decreed, will need enlargement claim...

45-143 Whittle decree to Hanzel & Wilson (now claimed by Carlson Canyon Ranch)

2/21/1925 priority date, Beaver Dam Creek **& Springs** – Beaver Dam Creek **subordinate to 45-143**; claimed 4/15-6/15 (not specified in decree); 0.77 cfs for irrigation and 0.03 cfs year round for stockwater (no diversion rate mentioned in decree); 115 ac in Sections 10, 11, 14, & 15, T16S, R20E

Recommendation proposal:

Make right 45-143 for Beaver Dam Creek one day junior in priority date (2/22/1925) to 45-142, use claimed Season of 4/15/-6/15 (or should I use decreed season for 45-142 of 5/15-7/20?) 0.8 cfs for irrigation; add language such as this:

Right No. 45-143 is subordinate to Right 45-142 and shall not be diverted as long as the flow of Beaver Dam Creek reaches the premises of Right 45-142.

and create a new 10,000 series B.U. claim for the “Springs” with a priority date of one day senior to the decree (2/20/1925) for 0.77 cfs irrigation 3/15-11/15 and 0.03 cfs year round stockwater).

EUGENE EMERY, SR.

45 0142 That the defendant, Eugene Emery, Sr., in addition to the rights awarded him in other parts of this decree, shall be entitled to take and divert 40 inches, or .8 cubic foot per second of the waters of Beaver Dam Creek, a tributary of Goose Creek, between May 15th and July 20th of each year, or the equivalent thereof taken in periods by accumulating such water for a certain period and thereafter taking a larger and equivalent amount for a shorter period, but no water shall be taken before May 15th of any year, or after July 20th of any year, provided, however, that said Eugene Emery, Sr., shall be entitled to the entire flow of Beaver Dam Creek, if such flow fails to reach Goose Creek if allowed to run naturally down the channel, and the said water shall be used upon the following described premises situated in Cassia County, State of Idaho, to-wit:

South half of the Northeast quarter ($S\frac{1}{2} NE\frac{1}{4}$) of Section 30, Township 16 South, Range 21 East Boise Meridian.

45 0143

JAMES S. HANZEL and PARLEY WILSON

That the defendants, James S. Hanzel and Parley Wilson, shall not be entitled to take and divert any of the waters of Beaver Dam Creek, a tributary of Goose Creek, as long as the flow of the said Beaver Dam Creek reaches the premises of Eugene Emery, Sr., described in the preceding paragraph, but when the natural flow of said Beaver Dam Creek will not reach said premises, then the said James S. Hanzel and Parley Wilson shall be entitled to take and divert all of the natural flow of said Beaver Dam Creek, and they shall at all times be entitled to all water from springs developed by them upon the premises now owned by them and upon which the water herein referred to shall be used, which said premises are situated in Cassia County, Idaho, and described as follows, to-wit:

H.E.S.

#209

Beginning at a corner No. 1 from which United States location monument 209 bears north 57 degrees 5' East 6.96 chains distant, thence South 75 degrees 53' West 80.66 chains to corner No. 2; thence North 5 degrees 2' West 20.20 chains to corner No. 3; thence North 75 degrees 58' East 79.53 chains to corner No. 4; thence South 8 degrees 5' east 20 chains to corner No. 1, the place of beginning, containing 159.88 acres.

Water Right Report 45-142

WATER RIGHT NUMBER: 45-142

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EUGENE EMERY SR
	, ZZ

Priority Date: 02/21/1925

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BEAVER DAM CREEK	GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/15 to 7/20	0.800 CFS	
	Total Diversion:	0.800 CFS	

Location of Point(s) of Diversion
BEAVER DAM CREEK

Place of Use
IRRIGATION

[illegible]

Conditions of Approval:

Remarks:

1. General SEE DECREE FOR DELIVERY CONDITIONS.
PRIORITY DATE NOT GIVEN IN DECREE.

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-142

Dates and Other Information:

Licensed Date:
Decreed Date: 2/21/1925
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 45C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 26, 2003

BEDKE FAMILY LIMITED PARTNERSHIP
1876 S 600 W
OAKLEY ID 83346

RE: Adjudication Claim 45-142, **45-145 (Not Claimed!)**

Dear Claimants,

I am in the process of reviewing your adjudication claims, filed in 1989 by Shoulder 3 Ranches and which you purchased in 1992, in order to make my recommendations to the court for eventual decree. This is the next phase in the adjudication process.

You have a claim against 45-142 for the waters of Beaver Dam Creek. This decree was only for the S $\frac{1}{2}$ of the NE $\frac{1}{4}$, but you also claimed usage in the NENE $\frac{1}{4}$. This usage must be claimed separately as an Enlargement Claim, per Idaho Code 42-1426, (copy enclosed) and will need to be advertised. If you wish to continue to irrigate these acres, please call for an appointment to file this claim by September 12, 2003. Keep in mind there will be a \$50.00 filing fee.

Your ownership change documents referred to 45-145 but a claim has never been filed against this old decree. If you are using these waters, you will need to file a claim, again a \$50.00 filing fee will be required and please plan to do so by Sept. 12.

Our records show your address to be **RT 1 BOX 96** but I see the records of the assessor's office list your address as **1876 S 600 W**. Please complete, sign, and return the enclosed change of address so we can update our official records.

Please feel free to call if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

Log for claim A45-00142

Spatial Dynamics MWY

2/28/00

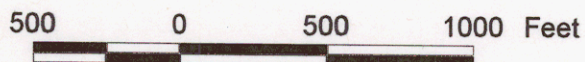
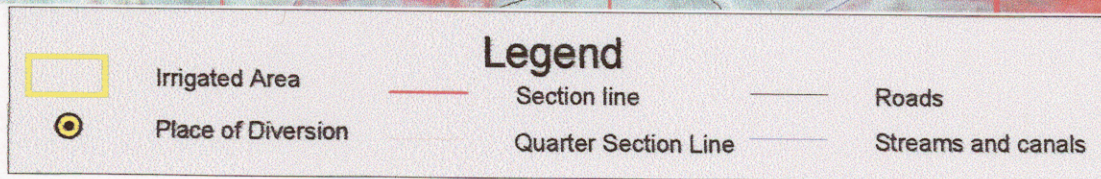
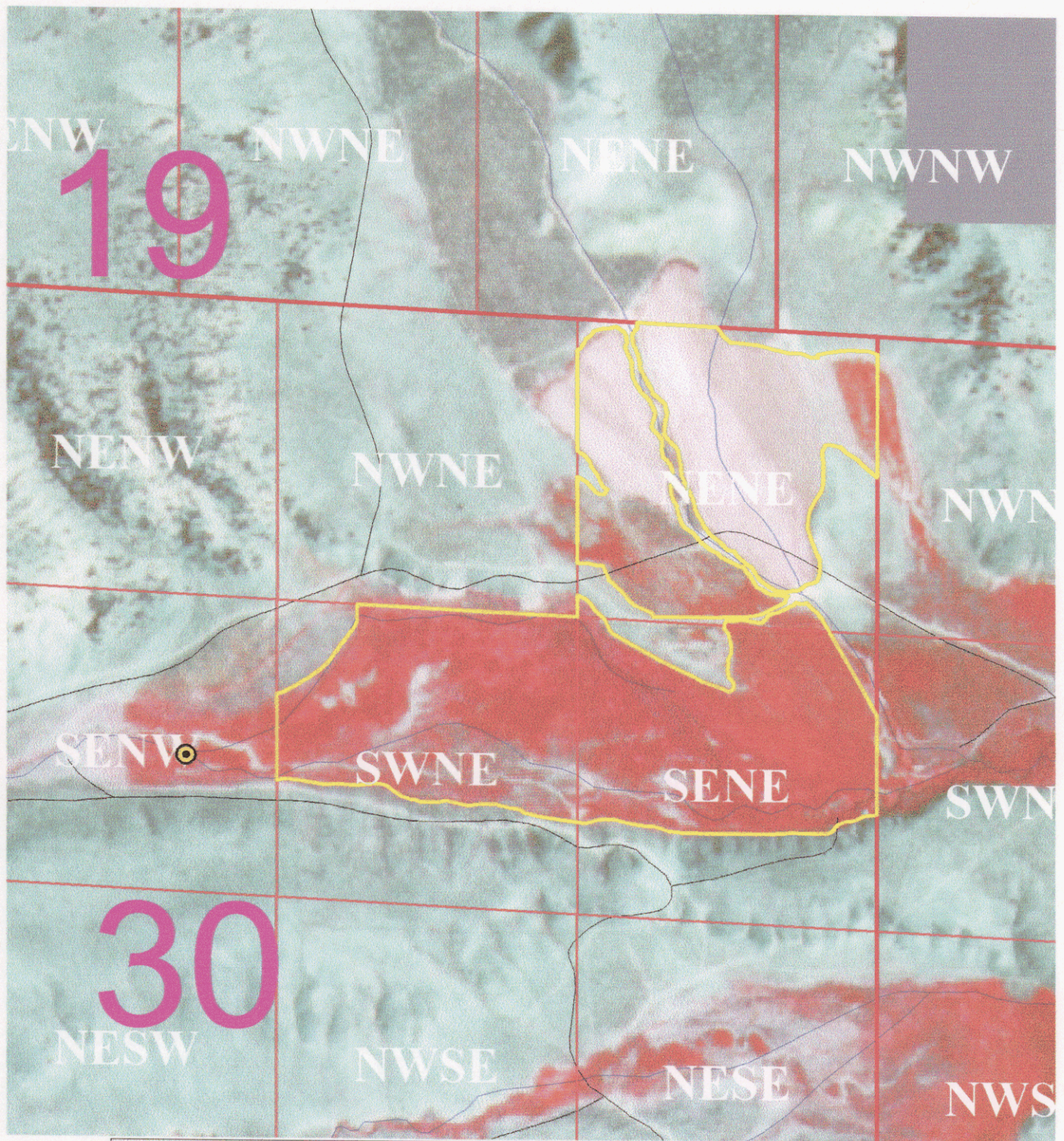
T	R	SEC	QQ	Acres Claimed	Acres Found	COMMENT
16	21	30	NENE	30	29 30	--> sent.
16	21	30	SWNE	25	22 23	
16	21	30	SENE	20	22 24	(Lancee)
Totals:				75	73 77	

needs C.D. / enlargement claim.

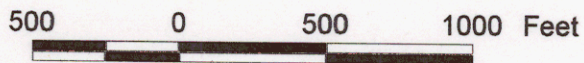
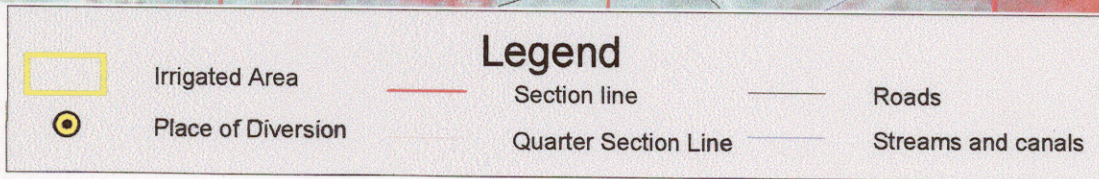
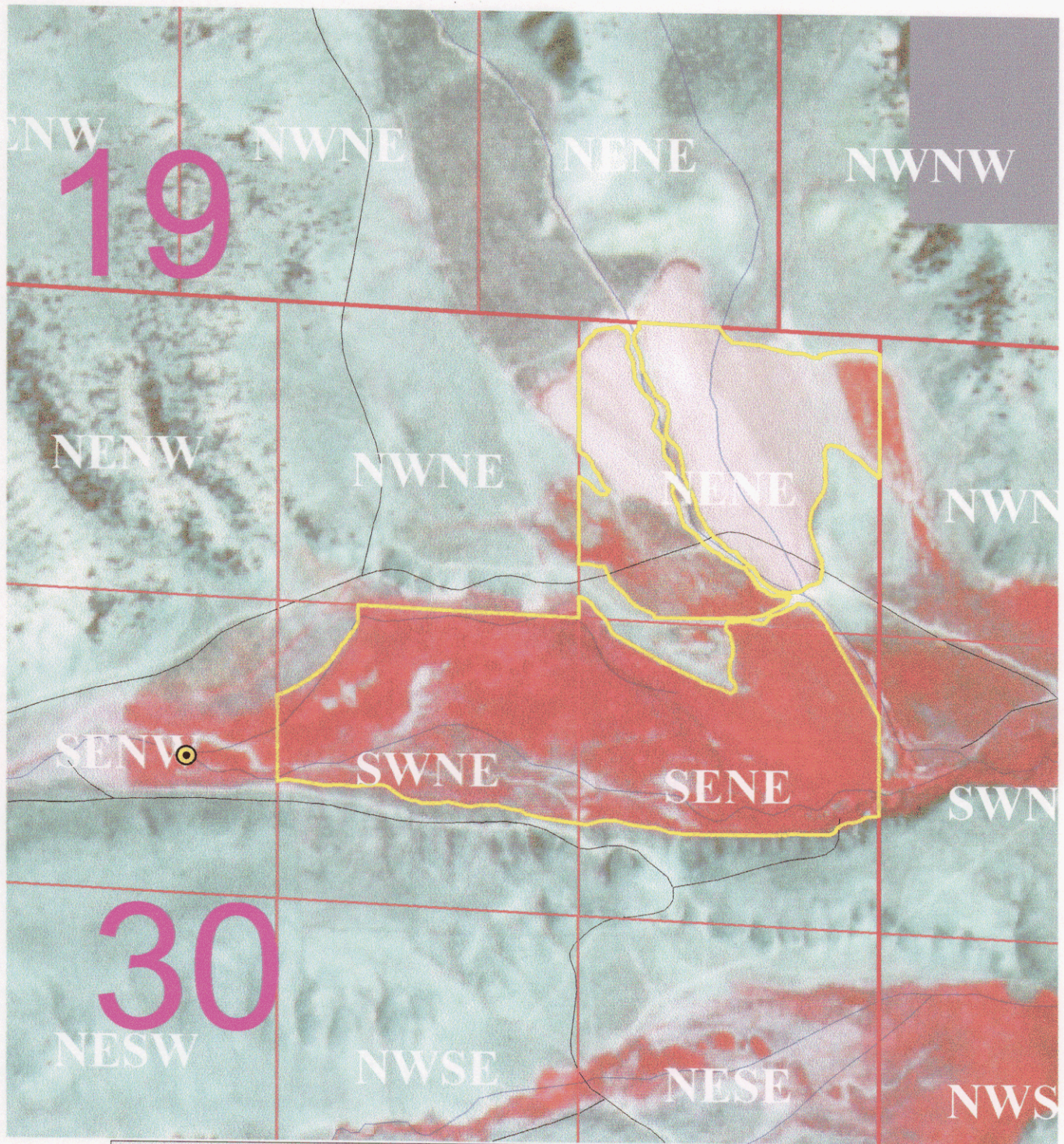
- acres not located to NE NE

nt. 45 MB is available only when water to not reach this property,

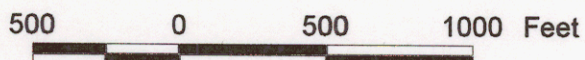
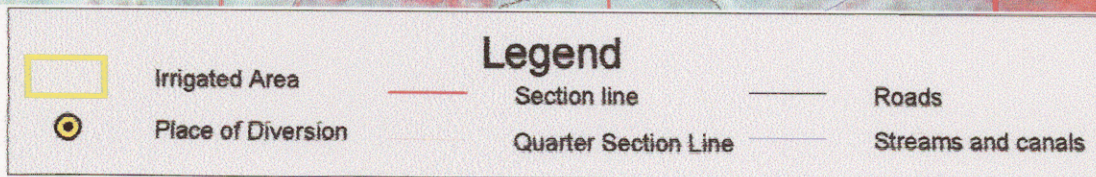
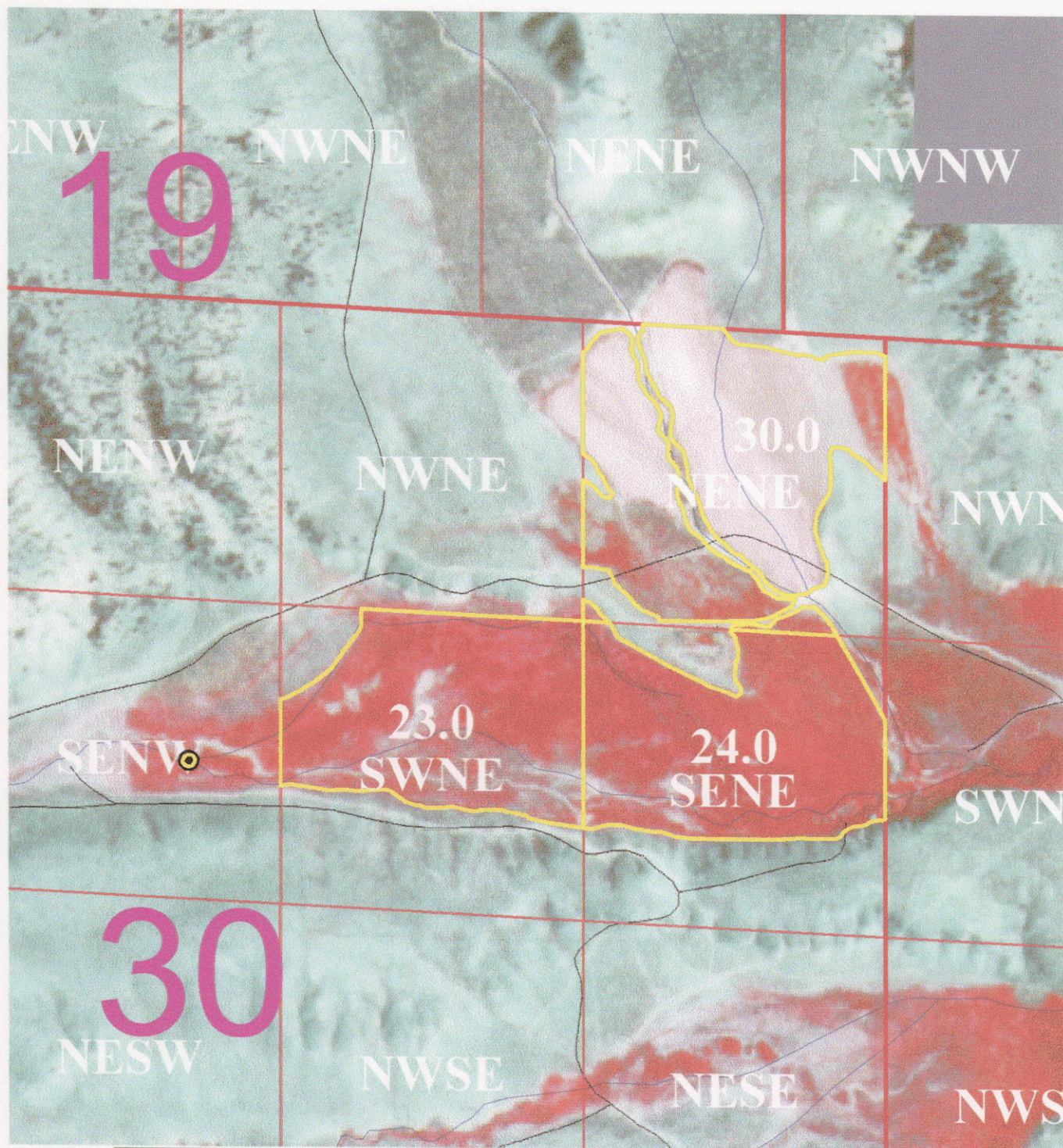
Township , 16S21E



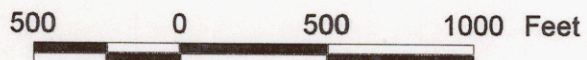
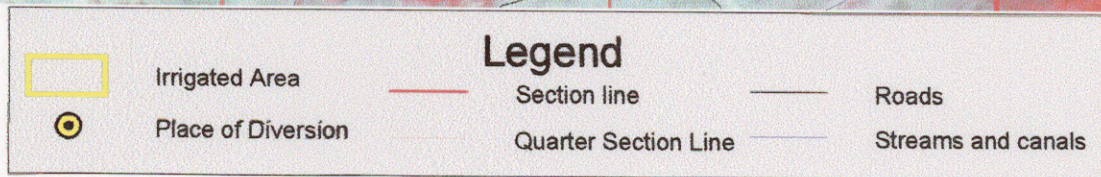
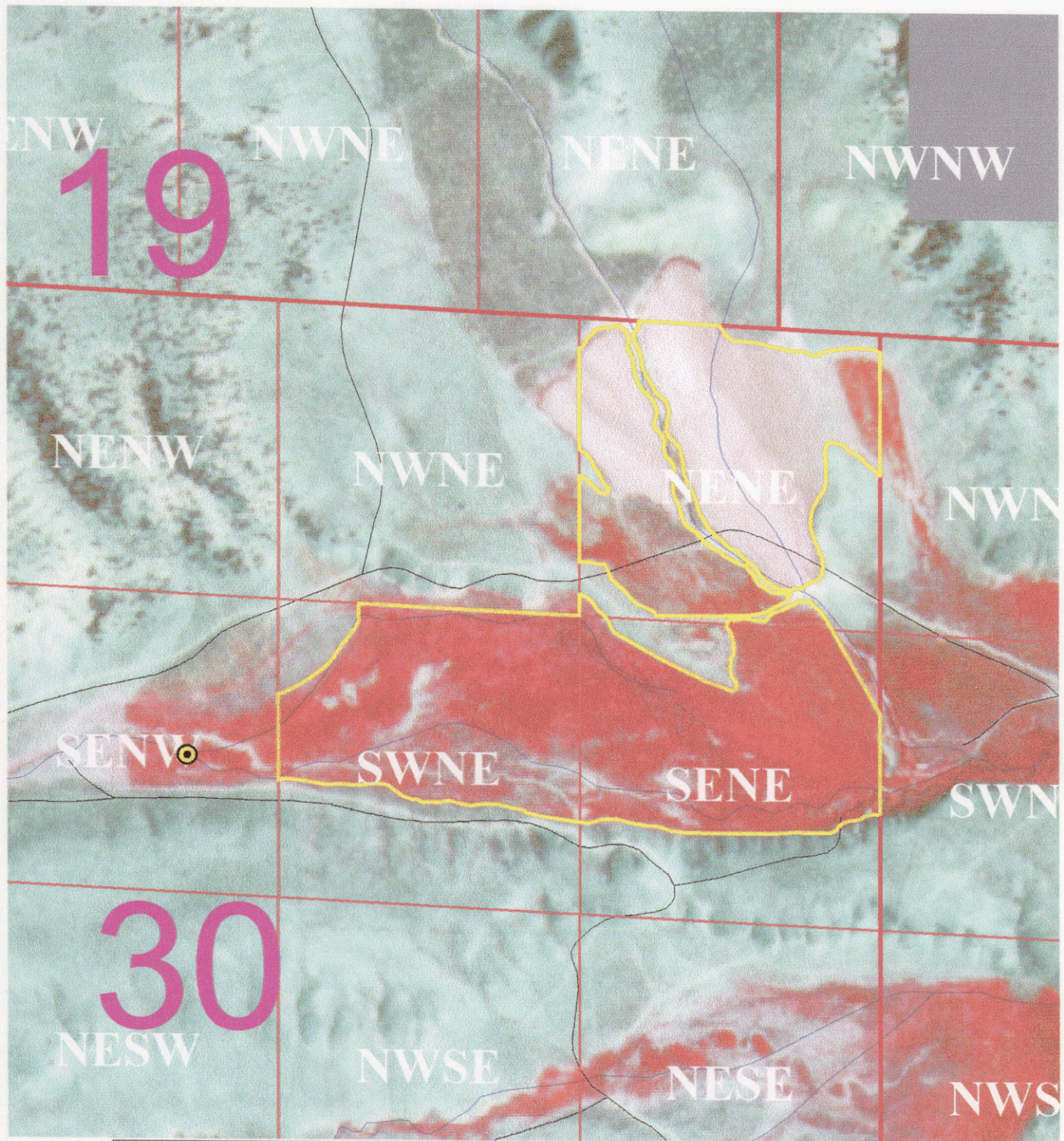
Township , 16S21E



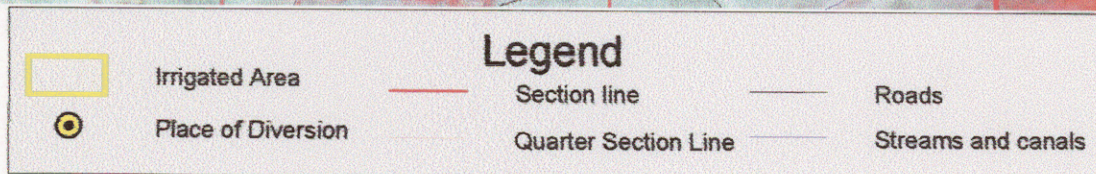
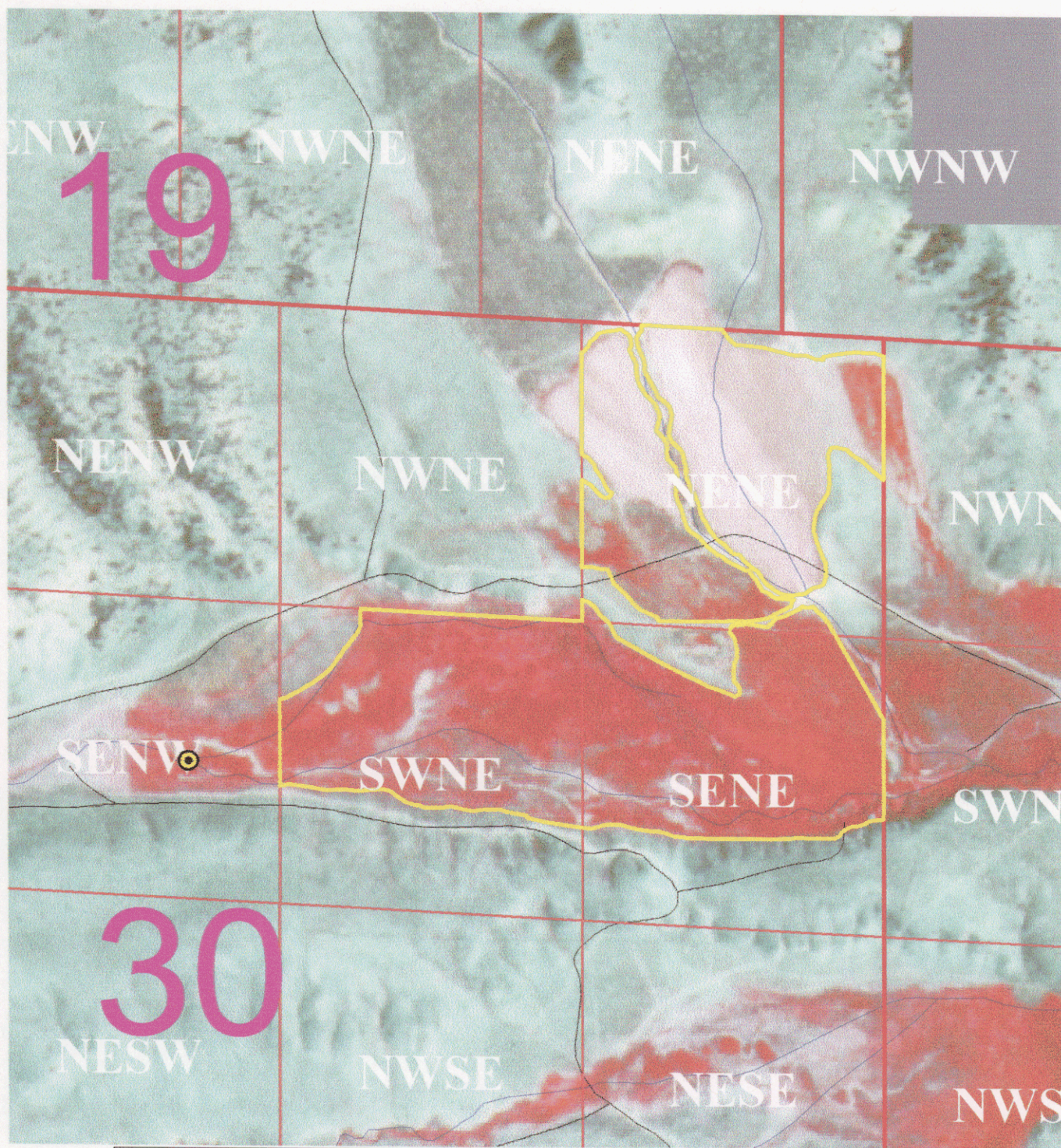
Township , 16S21E



Township , 16S21E



Township , 16S21E



AJ5809NP
No. A45-00142

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/21/00
PAGE: 6

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BEDKE FAMILY LIMITED PARTNERSHIP	02/21/1925	IRRIGATION	05-15 07-20	0.800 CFS	

TOTAL DIVERSION: 0.800 CFS
CONSUMPTIVE USE: 187.50 AFA

Water Source: BEAVER DAM CREEK

Tributary to: GOOSE CREEK

Stage: DECREED

Point(s) of Diversion: T16S R21E S30 NESENM

CASSIA County

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE		
T	R	S	Ac	Lt	Ac	Lt	Ac	SUM
16S	21E	30	30	25	20	:	:	75.0
TOTAL ACRES								75.0

POU County: CASSIA

Non-Irrigation Uses: S/500 RANGE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A45-12560

Remarks: GEN SEE DECREE FOR DELIVERY CONDITIONS.
PRIORITY DATE NOT GIVEN IN DECREE.

NOTICE OF OWNERSHIP CHANGE RECEIVED 12/01/1992. SHOULD 3
RANCHES SOLD TO BEDKE FAMILY LIMITED PARTNERSHIP. COPY OF
WARRANTY DEED ON FILE. 12/14/1992 RW.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 45C Field Inspection Flag: D
Presumption Flag:

Audit: 05/05/89 CLELLAND 12/14/92 WORSTELL 03/30/95 POST-STD