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DEPARTMENT OF
WATER RESOURCES

2005 FEB 10 AM 9:21
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA) **Subcase No: 45-425A, 45-443B,**
) **45-2448A, 45-4217, 45-10594**
Case No. 39576)
) **NOTICE OF COMPLETED**
) **ADMINISTRATIVE PROCEEDING**
_____)

IDWR has completed the following Administrative proceeding: **I.C. § 42-222 TRANSFER**

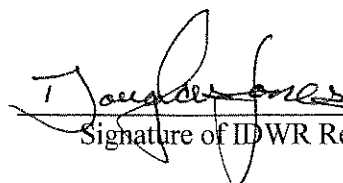
An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☐ Change in Ownership	☐ Split of Water Right
☐ Point of Diversion	☒ Place of Use
☐ Period of Use	☐ Nature of Use

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 2-10-05



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/10, 2005, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
Frank Bedke
Phyllis Bedke
PO Box 83
Oakley ID 83346
3. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
4. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 W Fort St MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

01/27/2005

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

RIGHT NUMBER: 45-425A

NAME AND ADDRESS: FRANK A BEDKE
PO BOX 83
OAKLEY ID 83346

PHYLLIS BEDKE
PO BOX 83
OAKLEY ID 83346

SOURCE: BIG COTTONWOOD CREEK

TRIBUTARY: DRY CREEK

QUANTITY: 1.580 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/12/1892

POINT OF
DIVERSION: T13S R21E S8 SENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.580 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R22E S31	NESW	40.0	T12S R22E S31	SESW	40.0
T12S R22E S31	NESE	30.0	T12S R22E S31	NWSE	40.0
T12S R22E S31	SWSE	40.0	T12S R22E S31	SESE	30.0
T13S R22E S06 Lot 3	NENW	41.0	T13S R22E S06 Lot 4	NWNW	39.0
T13S R22E S06 Lot 5	SWNW	32.0	T13S R22E S06	SENW	38.0

370 ACRES TOTAL

Rights 45-425A, 45-443B, and 45-10594 when combined shall not exceed the irrigation of 320 acres.

Rights 45-425A, 45-443B, 45-2448A, 45-4217, and 45-10594 when combined shall not exceed the irrigation of 370 acres within the place of use described above in a single irrigation season.

Rights 45-425A and 45-443B when combined shall not exceed the irrigation of 160 acres within the place of use described above in a single irrigation season.

01/27/2005

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

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

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45K.

The right holder shall accomplish the change authorized by transfer 71229 by January 21, 2006.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of this right is combined with water from Oakley Canal Co.

01/27/2005

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

RIGHT NUMBER: 45-443B

NAME AND ADDRESS: PHYLLIS BEDKE
PO BOX 83
OAKLEY ID 83346

FRANK A BEDKE
PO BOX 83
OAKLEY ID 83346

SOURCE: BIG COTTONWOOD CREEK

TRIBUTARY: DRY CREEK

QUANTITY: 0.583 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 08/31/1882

POINT OF
DIVERSION: T13S R21E S8 SENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.583 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R22E S31	NESW	40.0	T12S R22E S31	SESW	40.0
T12S R22E S31	NESE	30.0	T12S R22E S31	NWSE	40.0
T12S R22E S31	SWSE	40.0	T12S R22E S31	SESE	30.0
T13S R22E S06 Lot 3	NENW	41.0	T13S R22E S06 Lot 4	NWNW	39.0
T13S R22E S06 Lot 5	SWNW	32.0	T13S R22E S06	SENW	38.0

370 ACRES TOTAL

Rights 45-425A, 45-443B, and 45-10594 when combined shall not exceed the irrigation of 320 acres.

Rights 45-425A, 45-443B, 45-2448A, 45-4217, and 45-10594 when combined shall not exceed the irrigation of 370 acres within the place of use described above in a single irrigation season.

Rights 45-425A and 45-443B when combined shall not exceed the irrigation of 160 acres within the place of use described above in a single irrigation season.

01/27/2005

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

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

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45K.

The right holder shall accomplish the change authorized by transfer 71229 by January 21, 2006.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of this right is combined with water from Oakley Canal Co.

01/27/2005

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

RIGHT NUMBER: 45-2448A
NAME AND ADDRESS: PHYLLIS BEDKE
PO BOX 83
OAKLEY ID 83346

FRANK A BEDKE
PO BOX 83
OAKLEY ID 83346

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

QUANTITY: 1.230 CFS
238.20 AFY

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 06/01/1953

POINT OF
DIVERSION: T13S R22E S6 SESENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.230 CFS 238.20 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R22E S06 Lot 3 NENW	41.0	T13S R22E S06 Lot 4 NWNW	39.0
T13S R22E S06 Lot 5 SWNW	32.0	T13S R22E S06 SENW	38.0

150 ACRES TOTAL

Rights 45-425A, 45-443B, 45-2448A, 45-4217, and 45-10594 when combined shall not exceed the irrigation of 370 acres.

01/27/2005

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

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

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

The right holder shall accomplish the change authorized by transfer 71225 by January 21, 2006.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

USE OF THIS RIGHT IS COMBINED WITH WATER FROM OAKLEY CANAL CO.

01/26/2005

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

RIGHT NUMBER: 45-4217
NAME AND ADDRESS: FRANK A BEDKE
PO BOX 83
OAKLEY ID 83346

PHYLLIS BEDKE
PO BOX 83
OAKLEY ID 83346

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

QUANTITY: 3.000 CFS
880.00 AFY

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 06/01/1955

POINT OF
DIVERSION: T12S R22E S31 SESESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3.000 CFS 880.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R22E S31	NESW	40.0	T12S R22E S31	SESW	40.0
T12S R22E S31	NESE	30.0	T12S R22E S31	NWSE	40.0
T12S R22E S31	SWSE	40.0	T12S R22E S31	SESE	30.0

220 ACRES TOTAL

Rights 45-425A, 45-443B, 45-2448A, 45-4217, and 45-10594 when combined shall not exceed the irrigation of 370 acres.

01/26/2005

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

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

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

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

USE OF THIS RIGHT IS COMBINED WITH WATER FROM OAKLEY CANAL CO.

01/27/2005

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

RIGHT NUMBER: 45-10594

NAME AND ADDRESS: FRANK A BEDKE
PO BOX 83
OAKLEY ID 83346

PHYLLIS BEDKE
PO BOX 83
OAKLEY ID 83346

SOURCE: BIG COTTONWOOD CREEK

TRIBUTARY: DRY CREEK

QUANTITY: 0.800 CFS

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/12/1892

POINT OF
DIVERSION: T13S R21E S8 SENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.800 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R22E S31	NESW	40.0	T12S R22E S31	SESW	40.0
T12S R22E S31	NESE	30.0	T12S R22E S31	NWSE	40.0
T12S R22E S31	SWSE	40.0	T12S R22E S31	SESE	30.0
T13S R22E S06 Lot 3	NENW	41.0	T13S R22E S06 Lot 4	NWNW	39.0
T13S R22E S06 Lot 5	SWNW	32.0	T13S R22E S06	SENW	38.0

370 ACRES TOTAL

Rights 45-425A, 45-443B, 45-2448A, 45-4217, and 45-10594 when combined shall not exceed the irrigation of 370 acres within the place of use described above in a single irrigation season.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 320 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-425A, 45-443B, 45-10594.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

01/27/2005

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

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

The right holder shall accomplish the change authorized by transfer 71229 by January 21, 2006.

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.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 45K.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS BASED UPON FORMER RIGHT 45-434.

Use of this right is combined with water from Oakley Canal Co.