

RECEIVED

JUN 16 2005

Department of Water Resources

Bruce Byron Bedke
in care of: 42 East Basin Road
UNITED STATES POST OFFICE
Oakley, Idaho
(208) 862-3697

Jared K. Bedke
in care of: 42 East Basin Road
UNITED STATES POST OFFICE
Oakley, Idaho
(208) 862-9288

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

In Re SRBA	)	Subcases 45-12477, <i>et al.</i>
	)	(see list of 30 subcases attached)
Case No. 39576	)	(USDI/BLM)
	)	
	)	
	)	MOTION TO PARTICIPATE
	)	
	)	BRIEF IN SUPPORT
_____	)	

COMES NOW, Bruce Byron Bedke and Jared K. Bedke, pro se litigants, and,
pursuant to A.O.1 (10)(k), make the following MOTION TO PARTICIPATE in the
above named subcases.

BACKGROUND

On April 7, 1999 Bruce and Jared Bedke filed motions to file late objections to
several claims located in Reporting Basin 45. At subsequent hearings, the court
requested that the Bedkes submit a Revised Objection List of the subcases that they were
MOTION TO PARTICIPATE, BRIEF IN SUPPORT

June 15, 2005

objecting to in hopes of removing some of the original subcase numbers from the Bedkes' lists. On June 18, 1999 Jared Bedke submitted a revised objection list of 156 subcases, and on July 6, 1999 Bruce Bedke submitted an identical revised objection list. (Exhibit 1) After the submissions of these revised objection lists, the court assembled a list of the subcases that Bruce and Jared Bedke had objected to. This list contained all of the subcases that had been objected to by the Bedkes and identified the current status of those subcases. The Court attached this list as Exhibit C to the SPECIAL MASTER'S NOTICE OF INTENT TO STAY CERTAIN SUBCASES IN BASINS 45 AND 47 (August 11, 1999). (see Exhibit 2)

Subsequently, the Special Master entered an Order staying these subcases on July 2, 2001.

1. Subcases are Still Under Stay

On January 5, 2005, the Special Master entered an ORDER VACATING STAY, ORDER DENYING MOTIONS TO FILE LATE OBJECTIONS AND RECOMMENDATION OF PERMISSIVE REVIEW pertaining to 64 of the 156 subcases contained in the Bedkes' Revised Objection Lists. (see subcase list attached as Exhibit 3). The subcases at issue here were not included in the ORDER VACATING STAY.

On April 7, 2005, a status conference was held in the subcases at issue and subsequent to the status conference a MOTION FOR I.C. 42-114A HEARING was made and a hearing was scheduled for a hearing on the matter on July 7, 2005.

As the subcases at issue here were never subject to the Special Master's ORDER VACATING STAY, these subcases are currently under stay, and as such no action should be taken on them until the stay is vacated.

MOTION TO PARTICIPATE, BRIEF IN SUPPORT

June 15, 2005

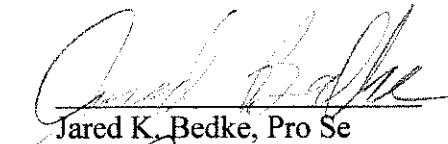
2. Motions to File Objections Pending

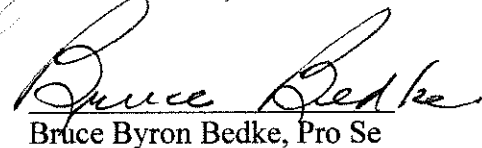
The subcases at issue are contained in the Bedkes' Revised Objection Lists accepted by the court and as such have outstanding Motions to File Late Objections pending upon them. No action should be taken upon these subcases except settlement negotiations pursuant to the Special Master's July 2, 2001 Order until the stay is lifted and the outstanding Motions to File Objections are resolved.

CONCLUSION

For the reasons stated above the Court should grant the foregoing MOTION TO PARTICIPATE.

Dated this 15th day of June, 2005.


Jared K. Bedke, Pro Se


Bruce Byron Bedke, Pro Se

ATTACHMENT 1

Subcase Nos:

45-12477
45-12479
45-12481
45-12483
45-12497
45-12541
45-12543
45-12545
45-12658
45-12693
45-12695
45-12699
45-12701
45-12703
45-12705
45-12707
45-12709
45-12711
45-12713
45-12715
45-12726
45-12728
45-12730
45-12784
45-12785
45-12789
45-12791
45-12798
45-12817
45-12818

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of June, 2005 I served a true and correct copy of the foregoing MOTION TO PARTICIPATE, BRIEF IN SUPPORT upon the following individuals by hand delivery, or placing the document in the United States Mail, postage prepaid, addressed as follows:

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT AND NATURAL RESOURCES DIVISION
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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


Jared K. Bedke

Revised Objection List

Subcase Nos:

45-02769	45-12111	45-12695	45-12828
45-02778	45-12112	45-12699	45-12842
45-02787	45-12113	45-12701	45-12855
45-02789	45-12114	45-12703	45-12866
45-02807	45-12116	45-12705	45-12869
45-02808	45-12162	45-12707	45-12871
45-02817	45-12475	45-12709	
45-02822	45-12477	45-12711	
45-02823	45-12479	45-12713	
45-07343	45-12481	45-12715	
45-07486	45-12483	45-12726	
45-07488	45-12493	45-12728	
45-07505	45-12495	45-12730	
45-12050	45-12497	45-12779	
45-12053	45-12499	45-12780	
45-12055	45-12515	45-12781	
45-12056	45-12517	45-12782	
45-12058	45-12522	45-12783	
45-12060	45-12523	45-12784	
45-12061	45-12524	45-12785	
45-12073	45-12525	45-12786	
45-12074	45-12526	45-12787	
45-12075	45-12527	45-12788	
45-12076	45-12541	45-12789	
45-12079	45-12543	45-12790	
45-12080	45-12545	45-12791	
45-12081	45-12549	45-12794	
45-12082	45-12550	45-12795	
45-12083	45-12551	45-12796	
45-12084	45-12557	45-12797	
45-12085	45-12558	45-12798	
45-12086	45-12559	45-12801	
45-12087	45-12560	45-12802	
45-12088	45-12561	45-12803	
45-12089	45-12613	45-12804	
45-12090	45-12615	45-12807	
45-12091	45-12632	45-12808	
45-12092	45-12636	45-12809	
45-12093	45-12654	45-12810	
45-12094	45-12656	45-12811	
45-12096	45-12658	45-12813	
45-12097	45-12672	45-12814	
45-12098	45-12677	45-12817	
45-12099	45-12678	45-12818	
45-12101	45-12682	45-12819	
45-12105	45-12683	45-12820	
45-12106	45-12686	45-12821	
45-12107	45-12689	45-12822	
45-12108	45-12690	45-12823	
45-12109	45-12693	45-12827	

Exhibit C - Objectors Bruce and Jared Bedke

45 02769 BLM	45 12098 USFS	~~45 12533 BLM~~	45 12686 BLM	45 12803 BLM
45 02778 BLM	45 12099 USFS	~~45 12534 BLM~~	45 12689 BLM	45 12804 BLM
~~45 02787 BLM~~	45 12101 USFS	~~45 12535 BLM~~	45 12690 BLM	~~45 12806 BLM~~
45 02789 BLM	45 12105 USFS	~~45 12537 BLM~~	45 12693 BLM	45 12807 BLM
~~45 02807 BLM~~	45 12106 USFS	~~45 12540 BLM~~	45 12695 BLM	45 12808 BLM
45 02808 BLM	45 12107 USFS	45 12541 BLM	45 12699 BLM	45 12809 BLM
45 02817 BLM	45 12108 USFS	45 12543 BLM	45 12701 BLM	45 12810 BLM
~~45 02822 BLM~~	45 12109 USFS	45 12545 BLM	45 12703 BLM	45 12811 BLM
45 02823 BLM	45 12111 USFS	45 12549 BLM	45 12705 BLM	~~45 12812 BLM~~
45 07343 BLM	45 12112 USFS	45 12550 BLM	45 12707 BLM	45 12813 BLM
45 07486 BLM	45 12113 USFS	45 12551 BLM	45 12709 BLM	45 12814 BLM
45 07488 BLM	45 12114 USFS	~~45 12556 BLM~~	45 12711 BLM	~~45 12815 BLM~~
45 07505 BLM	45 12116 USFS	45 12557 BLM	45 12713 BLM	~~45 12816 BLM~~
45 12050 USFS	45 12162 USFS	45 12558 BLM	45 12715 BLM	45 12817 BLM
45 12053 USFS	~~45 12468 BLM~~	45 12559 BLM	~~45 12717 BLM~~	45 12818 BLM
45 12055 USFS	~~45 12469 BLM~~	45 12560 BLM	~~45 12720 BLM~~	45 12819 BLM
45 12056 USFS	~~45 12471 BLM~~	45 12561 BLM	45 12726 BLM	45 12820 BLM
45 12058 USFS	~~45 12473 BLM~~	45 12613 BLM	45 12728 BLM	45 12821 BLM
45 12060 USFS	45 12475 BLM	45 12615 BLM	45 12730 BLM	45 12822 BLM
45 12061 USFS	45 12477 BLM	~~45 12624 BLM~~	45 12779 BLM	45 12823 BLM
45 12073 USFS	45 12479 BLM	~~45 12628 BLM~~	45 12780 BLM	~~45 12825 BLM~~
45 12074 USFS	45 12481 BLM	45 12632 BLM	45 12781 BLM	45 12827 BLM
45 12075 USFS	45 12483 BLM	~~45 12634 BLM~~	45 12782 BLM	45 12828 BLM
45 12076 USFS	~~45 12491 BLM~~	45 12636 BLM	45 12783 BLM	45 12842 USFS
45 12079 USFS	45 12493 BLM	~~45 12650 BLM~~	45 12784 BLM	45 12855 USFS
45 12080 USFS	45 12495 BLM	45 12654 BLM	45 12785 BLM	45 12866 USFS
45 12081 USFS	45 12497 BLM	45 12656 BLM	45 12786 BLM	45 12869 USFS
45 12082 USFS	45 12499 BLM	45 12658 BLM	45 12787 BLM	45 12871 USFS
45 12083 USFS	~~45 12507 BLM~~	~~45 12669 BLM~~	45 12788 BLM	
45 12084 USFS	45 12515 BLM	~~45 12670 BLM~~	45 12789 BLM	
45 12085 USFS	45 12517 BLM	45 12672 BLM	45 12790 BLM	
45 12086 USFS	~~45 12521 BLM~~	~~45 12673 BLM~~	45 12791 BLM	
45 12087 USFS	45 12522 BLM	~~45 12674 BLM~~	~~45 12792 BLM~~	
45 12088 USFS	45 12523 BLM	~~45 12675 BLM~~	~~45 12793 BLM~~	
45 12089 USFS	45 12524 BLM	~~45 12676 BLM~~	45 12794 BLM	
45 12090 USFS	45 12525 BLM	45 12677 BLM	45 12795 BLM	
45 12091 USFS	45 12526 BLM	45 12678 BLM	45 12796 BLM	
45 12092 USFS	45 12527 BLM	~~45 12679 BLM~~	45 12797 BLM	
45 12093 USFS	~~45 12529 BLM~~	~~45 12681 BLM~~	45 12798 BLM	
45 12094 USFS	~~45 12530 BLM~~	45 12682 BLM	~~45 12800 BLM~~	
45 12096 USFS	~~45 12531 BLM~~	45 12683 BLM	45 12801 BLM	
45 12097 USFS	~~45 12532 BLM~~	~~45 12685 BLM~~	45 12802 BLM	

~~Strikout~~- original objections withdrawn.

~~Redline~~- subcases where claims partially decreed.

153- remaining number of subcases with late objections pending.

EXHIBIT A

Subcase Nos:

45-12475	45-12804
45-12493	45-12807
45-12495	45-12808
45-12499	45-12809
45-12515	45-12810
45-12517	45-12811
45-12522	45-12813
45-12523	45-12814
45-12524	45-12819
45-12525	45-12820
45-12526	45-12821
45-12527	45-12822
45-12549	45-12823
45-12550	45-12827
45-12551	
45-12557	
45-12558	
45-12559	
45-12560	
45-12561	
45-12613	
45-12615	
45-12632	
45-12636	
45-12654	
45-12656	
45-12672	
45-12677	
45-12678	
45-12682	
45-12683	
45-12686	
45-12689	
45-12690	
45-12779	
45-12780	
45-12781	
45-12782	
45-12783	
45-12786	
45-12787	
45-12788	
45-12790	
45-12794	
45-12795	
45-12796	
45-12797	
45-12801	
45-12802	
45-12803	

(Subcase list: LTEOBJBEKE)
4/07/05

EXHIBIT 3