

RECEIVED

NOV 16 2005

Department of Water Resources

Name of Party Serving Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

KELLY A. JOHNSON
Acting Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

DAVID L. NEGRI
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
(208) 331-5943; facsimile (208) 387-0842
ISB# 6697

**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

Case No. 39576

) Subcases 45-12050, *et al.*

) See Attachment A

)

) **UNITED STATES' RENEWED
OPPOSITION TO MOTIONS TO FILE
LATE OBJECTIONS**

)

)

)

Set Aside Partial Decrees and Motions to File Late Objections on June 1, 2001.² For the convenience of the Court, the facts are again summarized below.

The United States, on behalf of the United States Department of Agriculture, Forest Service ("Forest Service"), filed the water right claims underlying these subcases ("United States' Claims" or "Claims"). The Claims were filed for stockwater use on National Forest System land, and were reported by the Idaho Department of Water Resources ("IDWR") in its "Director's Report For Domestic and Stockwater For Reporting Areas 7 and 10 (Basin 41, 43 and 45)" on March 2, 1998 ("Basin 45 D&S Director's Report" or "Director's Report").³ Objections to claims in the Director's Report were due in court on July 3, 1998.⁴ No timely objections were filed to the Claims.

Notice of such filing of the Director's Report and individual recommendations for all water right claimants in the reporting area was served on each claimant by IDWR on or before

² The June 1, 2001 Memorandum also included partial decrees and subcases not at issue here.

³ See *Affidavit of Service: Notice of Director's Report for Domestic and Stock Water for Reporting Areas 7 and 10 (IDWR Basins 41, 43, and 45)* ("Affidavit") attached as **Exhibit A**. All of the exhibits attached to this Brief were previously filed with the Special Master and are part of the court record in these subcases or are matters of record in the SRBA Court. The United States is attaching these documents for the convenience of the Court.

⁴ See *Notice of Director's Report Reporting Areas 7 and 10 for Small Domestic and Stock Water Rights* and cover letter ("Notice of Director's Report" or "Notice") attached as **Exhibit B**.

March 2, 1998.⁵ As a claimant of water rights in Basin 45, Bruce Bedke received such notice as well as recommendations for his water right claims.⁶

The Notice of Director's Report stated that IDWR provided individual reports "to all claimants of small domestic and stock water rights in your area." The Notice informed the Bedkes that the complete Director's Report contained recommendations for both the claimant and "all other recommended domestic and stock water right(s) in your area." The United States is identified as one of the "other" claimants in the Snake River Basin Adjudication ("SRBA"). Specifically, the instructions provide:

Note that you have 120 days in which to file any objection to our recommendation and to review the domestic and stockwater rights of other claimants, including those of the United States.

The Notice further informs claimants where they could review the Director's Report if they were unsure of what claims were being reported. Specifically, the Notice provides that:

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice.

The Notice also provided specific instructions for claimants seeking to object to any water right claim, including those filed by the United States. The instructions state:

What do I do if I disagree with a recommendation or a federal water right claim?

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court.

⁵ *Id.*

⁶ *See Ex. A.*

Your objection must be received by the SRBA Court on or before July 3, 1998.

Finally, the Notice informed the Bedkes of what they had to do to participate in any proceedings involving someone else's water right claim:

What do I do if want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

See Notice of Director's Report (Exhibit B)..

Subsequent to the deadline for objections provided in the Notice, several parties filed documents requesting that the Court allow late objections to the United States Claims. Scott Bedke filed late objections on July 13, 1998. On April 7, 1999, almost nine months later and more than nine months after the objection deadline, late objections were filed by Bruce Bedke, Jared Bedke, Gary Poulton and Michael Poulton. The late objections of Scott Bedke, Gary Poulton, and Michael Poulton were settled by the "Global Stockwater Settlement"⁷ filed in the SRBA on August 29, 2002. Thus, only the motions of the Bedkes remain outstanding in these subcases.

The Bedkes sent identical letters to the SRBA Court, dated April 7, 1999, requesting permission to file late objections:

After having been informed in 1987 that all water rights in the Snake River basin had to be filed upon for the new adjudication, I did so on May 24, 1989. I filed according to the directions set forth at the time. It has recently come to my attention that since my filing, the IDWR changed the format. Since my filings were filed under the original format, they were set aside and did not make the

⁷ *Stipulation and Joint Motion For Order Approving Stipulation*, subcase numbers 37-02809, *et al.*, between the United States and 45 private parties.

current directors report. I have been assured by the IDWR that my filings will be included in a subsequent directors report when the irrigation claims are decided for my basin (45). The Federal Government's claims to the same waters were, however, included on the current directors report. I feel that this doesn't place me on equal footing with the Federal Government, since their filings will have been partially decreed before mine have even been presented to the court. At this time I am requesting permission to file late objections to these disputed claims in order to show the court that these Federal claims are disputed and should not be decreed as a matter of course.⁸

With their letters, the Bedkes also filed a form "Domestic and Stockwater Right Objection." Under "Reasons Supporting Objection" they listed the following: priority date discrepancy; cannot claim stockwater under I.C. § 42-114; and licenses issued on prior appropriated waters.⁹

Six of Bruce Bedke's *de minimis* stockwater claims were reported in the Basin 45 D&S Director's Report.¹⁰ At least two of these claims, water right claim numbers 45-10505 and 45-10506, are located on BLM-managed federal lands.¹¹

⁸Bruce Bedke's letter is attached as **Exhibit C**, Jared Bedke's is **Exhibit D**.

⁹ Bruce Bedke's late objection is attached as **Exhibit E**, Jared Bedke's is **Exhibit F**.

¹⁰ Four of the water right claims were recommended. Two of these water right claims, 45-02810 and 45-10332, were reported as disallowed. See **Exhibit G**.

¹¹ One of the six claims, 45-02810, is also located on BLM-managed federal lands and was reported as disallowed. 45-02810 is a licensed water right held by the BLM. It appears that Bruce Bedke was erroneously added as a claimant to this water right. Nevertheless, the reporting of 45-02810, with both the BLM and Bruce Bedke listed as claimants, provides additional explicit notice to Bruce Bedke that federal claims to stockwater on the Goose Creek Allotment were included in the Director's Report.

Bedke motions to allow late objections to BLM claims on the Goose Creek Allotment are also pending before this Court. The United States filed its *Renewed Opposition to Motions to File Late Objections* in these subcases (45-12475 *et al.*) on November 4, 2005 ("BLM Brief"), making similar argument to those presented in this Brief. Page 12 of the BLM Brief, including n. (continued...)

III. ARGUMENT

A. The Bedkes Received Notice of the Basin 45 D&S Director's Report.

As the facts set forth above demonstrate, the Bedkes should have been aware of the United States' Claims in March, 1998, when the relevant Director's Report was issued. The Notice clearly identified the United States as a claimant and provided specific instructions for reviewing claims and filing objections. The Notice also set forth deadlines for filing objections and explicitly stated: "Note that you have 120 days in which to file any objection to our recommendation and to review the domestic and stockwater rights of other claimants, *including those of the United States.*" (emphasis added) It is undisputed that Bruce Bedke received this Notice. In addition, the representations of the Bedkes make clear that Bruce Bedke's son, Jared Bedke, was aware of the Notice.¹²

¹¹(...continued)

7, provide additional background on water right claim 45-02810.

¹² The Affidavit provides that Bruce Bedke was served a copy of the Notice. **Ex. A** at p.19. The Affidavit does not state that Jared Bedke was served with a copy of the Notice. Because he was not a SRBA claimant at the time of the Basin 45 Director's Report, IDWR was under no obligation to provide him with notice of the Director's Report. *See* I.C. § 42-1411(6).

Jared Bedke is the son of Bruce Bedke. Jared Bedke was present at both the April 7, 1999, Initial Hearing regarding these subcases and at the June 7, 1999, hearing on the parties' Joint Motion Re: IDWR Reporting of Claims in Basin 45. At the June hearing, Jared Bedke stated that he "intends to be the successor in interest of Bruce Bedke." June 7, 1999, Transcript, attached as **Ex. H**, at pp. 80-82. The letters and objections filed by Bruce and Jared are virtually identical. In his letter, Jared Bedke refers to his father's water right claims as "my filings."

At the time of his late objection motion Jared Bedke had no claims filed in the SRBA. It is clear from the above that he considered that his father's claims were also his claims. He has been intimately involved in the prosecution of his father's claims and the transcripts related to these subcases demonstrate that he has taken the lead in arguing in support of such claims. Because he has clearly represented to the Court that he believes his father's claims to be his own, it is reasonable to assume that he was informed of the status of such claims and that he took

(continued...)

Notwithstanding the clear instructions in the Notice, the Bedkes apparently failed to conduct any investigation into whether the United States had filed claims on federal lands underlying the Goose Creek Allotment and whether those claims had been reported. They offer no reason for their failure to undertake the same investigation that all other claimants in the SRBA, including the United States, have had to undertake in making timely objections.

B. SRBA standard for late objections

In an appeal from an interlocutory order of the SRBA Court, the Idaho Supreme Court has held that the deadlines provided in the SRBA must be strictly construed. In upholding a denial of a request to file late responses, the Court stated:

A.O.1 § 4b provides an *absolute* rule for responses: “The objection or response must be *received* by the court by the deadline specified.” . . . By the plain language of the SRBA rules, the Irrigators’ response was untimely and the special master correctly denied the motion to file the response.

State v. United States, 134 Idaho 106, 996 P. 2d 806, 809 (2000) (emphasis in original). In the underlying decision, the SRBA Court held that objections and responses had to be filed within the applicable time limits or they could not be considered. *Order Accepting, In Part, and Denying, in Part, Special Master’s Report and Recommendation*, subcase no. 36-15452 (October 10, 1997), at 3.

The SRBA Court subsequently held that motions to file late objections are subject to the “good cause” standard of IRCP 55. *Order on Motion to Set Aside Partial Decrees and File Late Objections*, subcase nos. 65-07267, *et al.* (January 31, 2001) (“*A.L. Cattle Initial Order*”), at 7.

(...continued)

reasonable steps to prosecute such claims, including review of the Notice and the Director’s Report.

This standard takes into account 1) whether the default was willful; 2) whether setting aside the judgment would prejudice the opponent; and 3) whether a meritorious position has been presented. *Id.*

C. The Bedkes' default was willful.

The rationale presented by the Bedkes for their failure to timely file objections is stated in their letters of April 7, 1999, as follows:

Since my filings were filed under the original format, they were set aside and did not make the current directors report. I have been assured by the IDWR that my filings will be included in a subsequent directors report when the irrigation claims are decided for my basin (45). The Federal Government's claims to the same waters were, however, included on the current directors report. I feel that this doesn't place me on equal footing with the Federal Government, since their filings will have been partially decreed before mine have even been presented to the court.

The basis presented by the Bedkes to support their late objections – that the omission of their claims from the Basin 45 D&S Director's Report somehow absolved them from any obligation to review the Report – is factually inaccurate. Although some of their claims were not included in the Basin 45 D&S Director's Report and were only recently reported in the Basin 45 Irrigation and Other Director's Report, six of Bruce Bedke's *de minimis* stockwater claims in Basin 45 were included in the Basin 45 D&S Director's Report. At least two of these claims, 45-10505 and 45-10506, are located on BLM-managed federal land on the Goose Creek Allotment.¹³

Thus, the Bedkes' assertion that their water right claims "did not make" the Basin 45 D&S Director's Report is simply not true. Whether all of their stockwater claims were included in the Report or only a few, the inclusion of any of their claims clearly demonstrates that

¹³ See **Exhibit G**. See also n. 11, *infra*.

stockwater claims on the Goose Creek Allotment were included in the Report. Accordingly, any assumption that federal stockwater claims would not be included in the Report lacked any reasonable basis, and the Bedke motions must be denied.

In addition, the Bedkes have presented no evidence that they made *any* attempt to review the Director's Report to protect their own interests. Failure to review the Director's Report is a willful default. *See Order on Motion to File Late Objection*, subcase no. 23-0009B (January 18, 2005), at 3-4. In this recent opinion, the Special Master reasoned that good cause for a late objection exists where a party has a systematic process of reviewing claims and Director's Reports, but that where a movant fails to attempt to protect his water rights with a system of reviewing competing claims, the failure is willful. *Id.*

In *L.U. Ranching Co. v. United States*, 138 Idaho 606, 67 P.3d 85 (2003), the Idaho Supreme Court rejected the appellant's arguments that allegedly improper notice excused its failure to properly contest federal stockwater claims.¹⁴ The Court's analysis is as applicable to the Bedkes as it was to L.U. Ranching:

[T]here is no doubt that LU Ranching was aware of the commencement of the SRBA and aware that action concerning its claimed rights and the rights of others in the region would be adjudicated. It received notice of the Director's report, the nature of that report, its location, and the way to access the report, as well as the offer of technical assistance if necessary. . . . The method of notice given was reasonably calculated to give LU Ranching and all other claimants the information to pursue and protect their rights. In fact, LU Ranching found the information when it examined the Director's report.

67 P.3d at 89.

¹⁴ The Court also rejected a constitutional challenge to the notice provisions of the SRBA.

The Supreme Court affirmed the SRBA Court's holding that LU's failure to timely object was not how a reasonably prudent person under the circumstance should have acted, and rejected LU's claims of excusable neglect and mistake. 87 P.3d at 90.

Similarly, the SRBA Court has rejected claims that the SRBA bifurcation process somehow absolves a party from following SRBA deadlines. In the *A.L. Cattle* subcases, Presiding Judge Burdick ruled that simply alleging that the bifurcation process caused confusion is insufficient. *A.L. Cattle Initial Order* at 12. On reconsideration, the Court held that "at a minimum, A. L. Cattle or any other grazing allottee should have reviewed the small domestic and stockwater director's report for the existence of *de minimis* claims." *Order on Motion For Reconsideration*, In Re SRBA, Case No. 39576, subcase nos. 65-07267 *et al.* (July 27, 2001) ("*A.L. Cattle Reconsideration Order*") at 9 (emphasis added).¹⁵

If the Bedkes had even looked at their own claims in the Director's Report, it would have been obvious that federal claims for stockwater on the Goose Creek Allotment were included in the Director's Report. BLM claims for stockwater were reported on pages right next to Bruce Bedke's federal land claims.¹⁶ Furthermore, the two claims reported disallowed in Bruce Bedke's name, 45-02810 and 45-10332, list disallowed claims in the name of the United States *on the same page* as the Bedke claims. In fact, 45-02810 lists Bruce Bedke and the United States

¹⁵ Although these cases focused on motions to alter or amend partial decrees, the underlying principle that water right claimants *must do something* to protect their legal interests is applicable here.

¹⁶ See **Exhibit G**.

as co-owners.¹⁷ Accordingly, there is simply no reasonable basis to conclude that federal stockwater claims would not be in the Director's Report.

Finally, Bruce Bedke did file a timely objection to one of his claims reported in the Basin 45 D&S Director's Report (claim number 45-04050).¹⁸ It's apparent, then, that Mr. Bedke actually received the Notice of the Director's Report and was aware that he needed to file objections to protect his interests.

In light of these facts, it is clear that the Bedkes either 1) made no attempt to review the Director's Report for adverse claims, or 2) consciously decided not to object to federal claims. In either event, their failure to take action was willful, and their motions must be denied.

D. A meritorious defense has not been presented.

1. Introduction

Idaho law has long required a party seeking to set aside a default judgment to "plead facts, which if established, would constitute a defense to the action." *Thomas v. Stevens*, 300 P.2d 811, 813 (Idaho 1956). The Idaho Supreme Court required that:

The facts constituting the defense, whether disclosed by answer, affidavit or both, must also be detailed and must be sufficient, when established, to constitute a defense to the action on its merits. The conclusion of the party or his attorney that the defendant has a good defense is not sufficient.

Id. at 814; *see Fisher v. Bunker Hill Company*, 528 P.2d 903, 906 (Idaho 1974) ("In Idaho, a party in default must present detailed facts showing a meritorious defense in order to be entitled to have the default set aside."). In addition, the Idaho Supreme Court has required that the "party

¹⁷ *Id.*

¹⁸ *See Exhibit I.*

seeking to set aside a default judgment must show a meritorious defense going beyond the mere notice requirements which would be sufficient if plead before default.” *Reeves v. Wisenor*, 629 P.2d 667, 668 (Idaho 1981).

In 1993, the Idaho Supreme Court extended this requirement to parties seeking to set aside entry of default:

It is clear that Idaho case law requires a party seeking to set aside a default judgment to show a meritorious defense. . . . The reason for the requirement in default judgment cases is that, “[i]t (sic) would be an idle exercise for the court to set aside a default [judgment] (sic) if there is in fact no real justiciable controversy.” *Hearst Corp v. Keller*, . . . [592 P.2d 66, 68 (Idaho 1979)]. The reasoning in *Hearst* applies to cases where the moving party seeks to set aside the order of default as well; therefore, parties moving to set aside the entry of default must also allege facts which would constitute a defense to the action. This conclusion is supported by the application of this rule in other jurisdictions as well. . . .

McFarland v. Curtis, 854 P.2d 274, 277 (Idaho 1993).

As noted above, the SRBA has held that motions to file late objections are subject to the “good cause” standard of IRCP 55. *A.L. Cattle Initial Order* at 7. This standard includes a requirement that the movant present a meritorious defense. *Id.* In the SRBA, *pro se* litigants, such as the Bedkes, are held to the same standards and rules as those represented by attorneys. *Id.* Thus, in addition to demonstrating that their default was not willful, the Bedkes, even though they are *pro se* litigants, are also required to allege detailed facts, going beyond the mere notice requirements of normal pleading, that would constitute a meritorious defense. As shown below, the Bedkes have wholly failed to allege any detailed facts in support of a meritorious defense.

2. The Bedkes did not plead detailed facts that constitute a meritorious defense to the United States' stock water claims.

The allegations in the Bedkes' untimely objections and the statements made by the Bedkes in letters to the District Court state mere conclusions that completely fail to satisfy the meritorious defense requirement. On their objection forms, they listed the following reasons supporting their objections: priority date discrepancy; cannot claim stockwater under I.C. § 42-114; and licenses issued on prior appropriated waters.¹⁹ In their letters to the District Court, the Bedkes stated: "At this time I am requesting permission to file late objections to these disputed claims in order to show the court that these Federal claims are disputed and should not be decreed as a matter of course."²⁰

None of the Bedkes' late objections in these subcases are to federal stockwater claims based upon license. Likewise, *none* of the Bedkes' late objections are to federal stockwater claims based upon I.C. § 42-114. Thus, the Bedkes' allegations regarding I.C. § 42-114 and licenses cannot apply to any of the water right claims at issue here. In addition, the Bedkes' statement regarding priority date is a bare conclusion completely lacking in supporting facts. Similarly, the Bedkes' statement that the United State's claims are disputed and should not be decreed is also a bare conclusion that lacks any factual support.

The Idaho Supreme Court has stated that "[the conclusion of a party or his attorney that the defendant has a good defense is not sufficient." *Thomas*, 300 P.2d at 814. A meritorious defense has not been stated where "[t]he allegations were all conclusions and set forth no detailed

¹⁹ See Exs. E and F.

²⁰ See Exs. C and D.

facts.” *Hearst Corp.*, 592 P.2d at 68. Likewise, a meritorious defense has not been stated where a “motion is bereft of any facts or legal argument on the issue.” *Memorandum Decision and Order on Motion to Set Aside Partial Decrees*, subcase nos. 55-02373 *et al.* (LU Ranching decision) (May 1, 2001) at 31, *aff. L.U. Ranching Co. v. United States*, 138 Idaho 606, 67 P.3d 85 (2003). The Bedkes’ allegations are completely void of detailed facts. The Bedkes’ statements are, at best, bare conclusions that cannot “satisfy the requirement that the moving party present detailed facts showing a meritorious defense.” *Fisher*, 528 P.2d at 906.

3. Conclusion

In sum, the Bedkes’ allegations state bare conclusions that fail to satisfy the requirement to allege detailed facts that constitute a meritorious defense. Therefore, the Bedkes’ Motions to File Late Objections must be denied.

VI. CONCLUSION

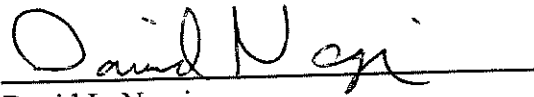
Because the Bedkes failure to file timely objections in these subcase was willful they have failed to establish good cause for their late filing of objections. In addition, the late objections cannot be allowed by the Court because the Bedkes have failed to allege detailed facts which constitute a meritorious defense.

Accordingly, the motions must be denied.²¹

²¹ In addition to the arguments presented in this Brief, the United States renews all arguments raised in prior briefing.

DATED this 15 day of November, 2005.

UNITED STATES OF AMERICA

A handwritten signature in black ink, appearing to read "David Negri", written over a horizontal line.

David L. Negri
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
(208) 331-5943
Counsel for the United States of America

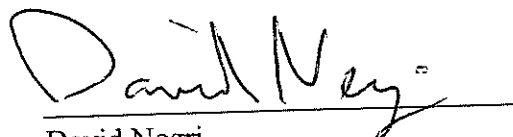
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15 day of November, 2005, I served a true and correct copy of the foregoing UNITED STATES' RENEWED OPPOSITION TO MOTIONS TO FILE LATE OBJECTIONS by depositing a copy thereof in the U.S. mail, postage prepaid, or by other service where indicated, upon the following:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Bruce Byron Bedke
Jared K. Bedke
42 East Basin Road
United States Post Office
Oakley, Idaho 83346


David Negri

Attachment A

45-12050
45-12053
45-12055
45-12056
45-12058
45-12060
45-12061
45-12073
45-12074
45-12075
45-12076
45-12079
45-12080
45-12081
45-12082
45-12083
45-12084
45-12085
45-12086
45-12087
45-12088
45-12089
45-12090
45-12091
45-12092
45-12093
45-12094
45-12096
45-12097
45-12098
45-12099
45-12101
45-12105
45-12106
45-12107
45-12108
45-12109
45-12111
45-12112
45-12113
45-12114
45-12116
45-12162
45-12842
45-12855
45-12866
45-12869
45-12871

EXHIBIT A

MAR 25 1968

Department of Water Resources

SEP 23 11 11:32
FBI - SROA
FBI - SROA
FILED

CLIVE J. STRONG
Chief, Natural Resources Division

JOHN M. MARSHALL
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box-83720
Boise, Idaho 83720-0098
Telephone: (208)327-5404
Fax: (208)327-5400

RECEIVED
JUL 23 1999
DOJ/BOISE

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

Case No. 39576

AFFIDAVIT OF SERVICE:
NOTICE OF DIRECTOR'S REPORT
FOR DOMESTIC AND STOCKWATER
FOR REPORTING AREAS 7 and 10
(IDWR BASINS 41, 43 and 45)

STATE OF IDAHO)

) SS.

County of Ada

I, David R. Tuthill, Jr., being first duly sworn on oath, depose and state as follows:

1. I am the Adjudication Bureau Chief for the Idaho Department of Water Resources (IDWR). I am authorized by the Director to make this affidavit pursuant to Idaho Code § 42-1701(3). I make this affidavit pursuant to the requirements of Idaho Code § 42-1411(7). The following actions were taken under my direction by IDWR.

MEMORANDUM IN OPPOSITION TO MOTION
TO FILE LATE OBJECTIONS

AFFIDAVIT OF SERVICE: NOTICE OF FILING DIRECTOR'S REPORT FOR DOMESTIC AND STOCKWATER FOR REPORTING AREAS 7 and 10, Page 1

2. A Notice of Director's Report for Reporting Areas 7 and 10 for Domestic and Stockwater was prepared by IDWR pursuant to Idaho Code § 42-1411(6) and orders of this Court, a copy of which is attached as Exhibit 1. In this affidavit I will refer to this document as the "Notice."

3. The original Director's Report for Domestic and Stockwater for Reporting Areas 7 and 10, including claims for domestic and stockwater under federal law, was filed by IDWR with the SRBA District Court on March 2, 1998.

4. The Notice and IDWR's individual recommendation for each claimant's domestic and stockwater water right(s), were served on each of the persons on the Affidavit of Mailing, attached as Exhibit 2 and incorporated by this reference, by deposit with the United Parcel Service before 5:00 p.m. on March 2, 1998. Except for the United States, the Affidavit of Mailing lists the name and last known address of all domestic and stockwater claimants or their attorneys, if any, whose rights are recommended in the Director's Report for Domestic and Stockwater for Reporting Areas 7 and 10 as of the mailing date.

5. The Notice and a complete copy of the Director's Report for Domestic and Stockwater for Reporting Areas 7 and 10 were mailed by deposit with the United Parcel Service to IDWR's Northern, Southern, and Eastern Regional Offices on March 2, 1998.

6. The Notice and a complete copy of the Director's Report for Domestic and Stockwater for Reporting Areas 7 and 10 were hand-delivered by IDWR personnel to IDWR's Western Regional Office on March 2, 1998.

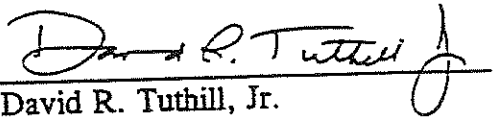
7. The Notice and a complete copy of the Director's Report for Domestic and Stockwater for Reporting Areas 7 and 10 were mailed by deposit with the United Parcel Service to the Cassia, Power, Oneida, and Twin Falls County Courthouses on March 2, 1998.

8. The Notice and a complete copy of the Director's Report for Domestic and Stockwater for Reporting Areas 7 and 10 were hand-delivered by IDWR personnel on March 2, 1998 to:

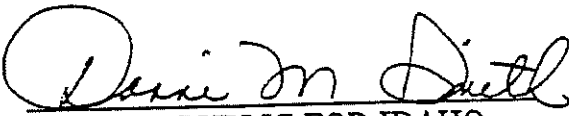
U.S. Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC Box 033
Boise, ID 83706

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

DATED this 20th day of March, 1998.


David R. Tuthill, Jr.
Chief, Adjudication Bureau
Idaho Department of Water Resources

SUBSCRIBED AND SWORN before me this 20th day of March, 1998.


NOTARY PUBLIC FOR IDAHO
Residing at: Boise ID
My commission expires: 12/5/2000

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of March, 1998, I served a true and correct copy of this affidavit of service on the following person by mailing in the U.S. Mail, with correct postage affixed thereto.

U.S. Department of Justice
Environment and Natural Resources Division
550 West Fort Street
Box 033
Boise, ID 83706

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Sandy Egbert
Sandy Egbert

NOTICE OF DIRECTOR'S REPORT
AFFIDAVIT OF SERVICE, EXHIBIT 2
DATE MAILED: 03/02/1998

DATE: 02/25/98
PAGE: 12

AJ585NP

CLAIM NO.	NAME AND ADDRESS	CLAIM NO.	NAME AND ADDRESS
45-11973	GLEN BECK RT 4 BOX 4245 BURLEY ID 83318	45-10597	JAMES WELDON BECK RT 4 BOX 4050 BURLEY ID 83318
45-11973	JOSEPH C BECK RT 4 BOX 4245 BURLEY ID 83318	45-11008	LEONARD BECK RT 4 BOX 4051 BURLEY ID 83318
45-10074	PAIGE BECK 1711 YALE AVE BURLEY ID 83318	45-10799	PEGGY BECK RT 4 BOX 4247 BURLEY ID 83318
45-10798	PEGGY BECK RT 4 BOX 4247 BURLEY ID 83318	45-10854	ROBERT H BECK RT 2 BOX 2170 BURLEY ID 83318
45-10074	SCOTT W BECK 1711 YALE AVE BURLEY ID 83318	45-11842	SYLVIA BECK RT 4 BOX 4049 BURLEY ID 83318
45-11843	SYLVIA BECK RT 4 BOX 4049 BURLEY ID 83318	45-11841	WAYNE L BECK RT 2 BOX 2138 BURLEY ID 83318
45-10087	GEORGE A BECKER 2906 N 4525 E MURTAUGH ID 83344	45-02810	BRUCE BECKE 42 E 1975 SOUTH (BASIN RD) OAKLEY ID 83346
45-10332	BRUCE BECKE OAKLEY ID 83346	45-04050	BRUCE BECKE OAKLEY ID 83346
45-10488	BRUCE BECKE OAKLEY ID 83346	45-10505	BRUCE BECKE 42 E 1975 SOUTH (BASIN RD) OAKLEY ID 83346
45-10506	BRUCE BECKE 42 E 1975 SOUTH (BASIN RD) OAKLEY ID 83346	45-10412	RAY C BECKE PO BOX 283 OAKLEY ID 83346
45-10407	RAY C BECKE PO BOX 283 OAKLEY ID 83346	45-10332	RAY C BECKE OAKLEY ID 83346
45-10662	RUBY C BECKE 241 PALMER RD BURLEY ID 83318	45-10339	SCOTT BECKE 275 N MARION RD OAKLEY ID 83346
45-10684	CHESTER H BEHR BOX 153 DECLO ID 83323	45-10750	ROBERT BEHR 1321 SYLVAN CIRCLE BURLEY ID 83318

EXHIBIT B

**NOTICE OF DIRECTOR'S REPORT
REPORTING AREAS 7 and 10
FOR SMALL DOMESTIC AND STOCK WATER RIGHTS**

INTRODUCTION

This is the Idaho Department of Water Resources' (IDWR) Director's Report for your small domestic and/or stock water right claimed in the Snake River Basin Adjudication (SRBA). The quantity allowed for each small domestic or stock water right is up to 13,000 gallons per day. An additional Director's Report for irrigation and all other state law based claims in your reporting area will be filed with the court at a later date.

IDWR is providing individual reports like this one to all claimants of small domestic and stock water rights in your area. A complete copy of the Director's Report, listing all of these small domestic and stock water rights claimed under both state and federal law, is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

The following instructions and definitions are designed to help you understand this report.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The description of your right which is enclosed is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The complete Director's Report contains recommendations to the SRBA Court on your water right and all other small domestic and stock water rights in your area. The Court will decide how it will decree all water rights. The Director's recommendations in the full report are listed in two sections of the report:

- 1) **List of Recommended Water Rights** -- Water right recommendations are listed alphabetically by source and then chronologically by priority date within each source.
- 2) **List of Claims Recommended to Be Disallowed** -- Water rights recommended to be disallowed are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

Also included in the complete Director's Report are descriptions of the United States' claims for domestic and stockwater under federal law. The Director does not investigate these claims and makes no recommendation whether they should be granted or not. Sometimes the United States claims one right under both federal and state law. These are called "dual based" claims.

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation or a federal water right claim?

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court.

Your objection must be received by the SRBA Court on or before **July 3, 1998.**

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court.

Your response must be received by the SRBA Court on or before **September 1, 1998.**

What do I do if I want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

What happens if there are no objections to a water right?

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on **September 1, 1998, at 10:00 A.M.** at the SRBA Courthouse. Partial decrees will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water (following page.)

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR office in Idaho Falls. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

**Snake River Basin Adjudication
District Court**
253 Third Avenue North.
P.O Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

Idaho Department of Water Resources
1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

**Idaho Department of Water Resources
Western Region**
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

**Idaho Department of Water Resources
Northern Region**
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 765-1450

**Idaho Department of Water Resources
Southern Region**
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

**Idaho Department of Water Resources
Eastern Region**
900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

Cassia County Courthouse
1459 Overland Ave.
Burley, ID 83318

Power County Courthouse
543 Bannock St.
American Falls, ID 83211

Oneida County Courthouse
10 Court St.
Malad, ID 83252

Twin Falls County Courthouse
425 Shoshone St. N.
Twin Falls, ID 83301

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 31, 32, or 33.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "groundwater," "unnamed spring," "Common Creek."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY). Each of these small domestic and/or stock water claims is not to exceed 13,000 gallons per day.

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

Legal locations for instream flow claims are marked with a beginning point and an ending point.

PURPOSE OF USE: This report only deals with claims for small domestic and/or stock water uses, such as yours.

"Domestic right" means a right to the use of water for homes, organization camps, public campgrounds, livestock, and for any other purpose in connection with these uses, including irrigation of up to one-half acre of land.

"Stock water right" means a right to the use of water solely for livestock or wildlife.

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated in a box such as this:

```
*****
*                                     *
*                                     *
*                                     *
*****
```

IDWR does not investigate or make recommendations regarding federal law based claims.

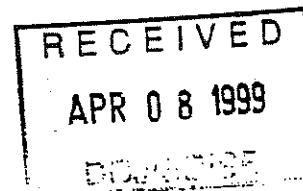
EXHIBIT C

APR - 7 1999

DISTRICT COURT-S
TWIN FALLS CO., ID
FILED

To the Honorable Judge Barry Wood:

After having been informed in 1987 that all water rights in the Snake River Basin had to be filed upon for the new adjudication, I did so on May 24, 1989. I filed according to the directions set forth at that time. It has recently come to my attention that since my filing, the IDWR changed the format. Since my filings were filed under the original format, they were set aside and did not make the current directors report. I have been assured by the IDWR that my filings will be included in a subsequent directors report when the irrigation claims are decided for my basin (45). The Federal Government's claims to the same waters were, however, included on the current directors report. I feel that this doesn't place me on equal footing with the Federal Government, since their filings will have been partially decreed before mine have even been presented to the court. At this time I am requesting permission to file late objections to these disputed claims in order to show the court that these Federal claims are disputed and should not be decreed as a matter of course.



Bruce Bedke

A handwritten signature in cursive script that reads "Bruce Bedke".

42E Basin Rd.
Oakley, ID 83346

EXHIBIT D

APR - 7 1999

DISTRICT COURT-S
TWIN FALLS CO., ID
FILED

To the Honorable Judge Barry Wood:

After having been informed in 1987 that all water rights in the Snake River Basin had to be filed upon for the new adjudication, I did so on May 24, 1989. I filed according to the directions set forth at that time. It has recently come to my attention that since my filing, the IDWR changed the format. Since my filings were filed under the original format, they were set aside and did not make the current directors report. I have been assured by the IDWR that my filings will be included in a subsequent directors report when the irrigation claims are decided for my basin (45). The Federal Government's claims to the same waters were, however, included on the current directors report. I feel that this doesn't place me on equal footing with the Federal Government, since their filings will have been partially decreed before mine have even been presented to the court. At this time I am requesting permission to file late objections to these disputed claims in order to show the court that these Federal claims are disputed and should not be decreed as a matter of course.

JARED BEDKE



42E Basin Rd.
Oakley, ID 83346

RECEIVED

APR 08 1999

DOUBOISE

EXHIBIT E

RECEIVED
APR 08 1999
DOJ/BOISE

APR - 7 1999
DISTRICT COURT-SRE
TWIN FALLS CO., IDAH
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

Case No. 39576

☒ Subcase SEE ATTACHMENT
(insert water right number)

DOMESTIC AND
STOCK WATER RIGHT
OBJECTION

Please fill in the following information:

☒ NAME AND ADDRESS OF PERSON OBJECTING

Name: BRUCE BENKE
Address: 42E BASIN RD
OAKLEY, ID 83346
Daytime Phone: (208) 862-3697

Name & Address of Attorney, if any:

☒

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: USA (BLM + USFS)
Address: _____

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☐ Quantity
Should be: _____
4. ☒ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☒ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☐ Place of Use
Should be: _____

11. I object because:

☒ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Priority Date Discrepancy;

Cannot Claim Seniority under IDADO Statute (42-114);
LICENSE'S ISSUED ON PRIOR APPROPRIATED WATERS

E

VERIFICATION (Must be Completed)

State of _____)
)ss.
County of _____)

_____, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Daniel Becke
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

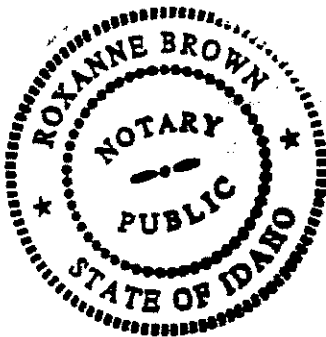
April 7, 1999

Roxanne Brown

Notary Public for *State of Idaho*

Residing at: *Boise, ID*

My Commission Expires: *5/16/2007*



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on _____, 199__, I mailed the original and copies of this objection, including all attachments, to the following persons:

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 the claimant of the water right at the following address:

Name: _____

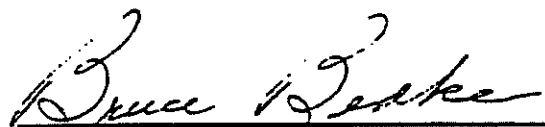
Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

Hand Delivered

Exhibit A

Subcase Nos:

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

EXHIBIT F

APR - 7 1999

DISTRICT COURT-
TWIN FALLS CO., ID
FILED

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

RECEIVED

APR 8 1999

CLERK'S OFFICE

In Re SRBA

Case No. 39576

Subcase SEE ATTACHMENT
(Insert water right number)

DOMESTIC AND
STOCK WATER RIGHT
OBJECTION

Please fill in the following information:

B NAME AND ADDRESS OF PERSON OBJECTING

Name:

JARED BENKE

Address:

42 E BASIN RD

DAKLEY ID 83346

Daytime Phone: (208) 862-3697

Name & Address of Attorney, if any:

C

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

USA (BLM & USFS)

Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☐ Quantity
Should be: _____
4. ☒ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☒ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☐ Place of Use
Should be: _____

11. I object because:

☒ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): PRIORITY DATE DISCREPANCY;
BENEFICIAL USE (STOCKWATER) CANNOT BE CLAIMED UNDER
INADU STATUTE (42-114); LICENSES ISSUED ON PRIOR APPROPRIATED
WATERS.

VERIFICATION (Must be Completed)

State of _____)
County of _____) ss.

JARED BENKE, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Jared Benke
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

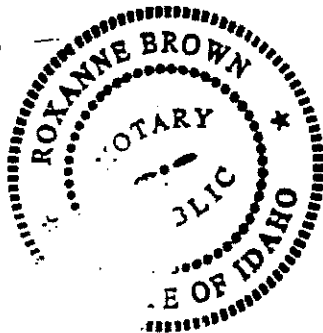
April 7, 1999

Roxanne Brown

Notary Public for

Residing at:

My Commission Expires:



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on _____, 199__, I mailed the original and copies of the objection, including all attachments, to the following persons:

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 the claimant of the water right at the following address:

Name: _____

Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

.. Hand Delivered

-Exhibit A

Subcase Nos:

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

EXHIBIT G

RIGHTS FROM: SOURCE: BIRCH CREEK TRIBUTARY: GOOSE CREEK

RIGHT NUMBER: 45-12558
NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657
SOURCE: BIRCH CREEK TRIBUTARY: GOOSE CREEK
QUANTITY: 0.02 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
PRIORITY DATE: 01/01/1873
POINT OF DIVERSION: T16S R22E S32 SWSSE (INSTREAM BEGINNING POINT) Within CASSIA County
R21E S23 NWSSEW (INSTREAM ENDING POINT)
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 05-01 10-31 0.02 CFS
PLACE OF USE: STOCKWATER Within CASSIA County
T16S R21E S23 SESW
S25 NESW NWSW SESW SWSE
SESE
R22E S30 Lot 4 (SWSW) SWNE NENW NWNW
S31 NWNE NWSE
NESE NWSW SESW SWSE
S32 NESW
SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
BLM RECORD ID = 4502808070
CATTLES/750

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: FEB-27-1998
PAGE: A-23

RIGHTS FROM: SOURCE: BIRCH CREEK TRIBUTARY: GOOSE CREEK RESERVOIR

RIGHT NUMBER: 45-10506
NAME & ADDRESS: BRUCE BEDKE
42 E 1975 SOUTH (BASIN RD)
OAKLEY ID 83346
SOURCE: BIRCH CREEK TRIBUTARY: GOOSE CREEK RESERVOIR
QUANTITY: 0.02 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
PRIORITY DATE: 04/01/1872
POINT OF DIVERSION: T14S R22E S29 NESENE (INSTREAM BEGINNING POINT) Within CASSIA County
S30 NWNENE (INSTREAM ENDING POINT)
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER Irrigation Season 0.02 CFS
PLACE OF USE: STOCKWATER Within CASSIA County
T14S R22E S29 SWNE SENE NWNW SWNW
SENE NESW NESE SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER, 1000 RANGE CATTLE.
HYLINE DIVERSION

RIGHTS FROM: SOURCE: GOOSE CREEK TRIBUTARY: GOOSE CREEK RESERVOIR

RIGHT NUMBER: 45-10505
NAME & ADDRESS: BRUCE BEDKE
42 E 1975 SOUTH (BASIN RD)
OAKLEY ID 83346
SOURCE: GOOSE CREEK TRIBUTARY: GOOSE CREEK RESERVOIR
QUANTITY: 0.02 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
PRIORITY DATE: 04/01/1872
POINT OF DIVERSION: T15S R21E S12 SWSESE (INSTREAM BEGINNING POINT) Within CASSIA County
NESWNE (INSTREAM ENDING POINT)
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER Irrigation Season 0.02 CFS
PLACE OF USE: STOCKWATER Within CASSIA County
T15S R21E S12 SWNE NWSE SWSE SESE
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
LAND IS USED UNDER GRAZING ALLOTMENT FROM BLM.
STOCKWATER, 1000 RANGE CATTLE.

AJ5856NP

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

DATE: FEB-27-1998
PAGE: A-134

RIGHTS FROM: SOURCE: GOOSE CREEK TRIBUTARY: SINKS
RIGHT NUMBER: 45-12779

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: GOOSE CREEK TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1873

POINT OF DIVERSION: T15S R21E S12 SWSESE (INSTREAM BEGINNING POINT) Within CASSIA County
NESWNE (INSTREAM ENDING POINT)

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 01-01 12-31 0.02 CFS

PLACE OF USE: STOCKWATER Within CASSIA County
T15S R21E S12 SWNE NESE NWSE SWSE
SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
BLM RECORD ID = 4502480148
NEW CLAIM

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: FEB-27-1998
PAGE: A-2088

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: SINKS

RIGHT NUMBER: 45-04050
NAME & ADDRESS: BRUCE BEDKE
OAKLEY ID 83346
SOURCE: SPRING TRIBUTARY: SINKS
QUANTITY: 0.02 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
PRIORITY DATE: 02/04/1895
POINT OF DIVERSION: T16S R21E S35 WNW Within CASSIA County
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 01-01 12-31 0.02 CFS
DOMESTIC 1 HOME 01-01 12-31 0.02 CFS
PLACE OF USE: STOCKWATER Within CASSIA County
T16S R21E S34 NWNE
DOMESTIC Within CASSIA County
T16S R21E S34 NWNE
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 16S 21E340600
STOCKWATER, 250 RANGE

AJ5856NP

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

DATE: FEB-27-1998
PAGE: A-2089

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: SINKS

RIGHT NUMBER: 45-10488
NAME & ADDRESS: BRUCE BEDKE
OAKLEY ID 83346
SOURCE: SPRING TRIBUTARY: SINKS
QUANTITY: 0.02 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
PRIORITY DATE: 02/04/1895
POINT OF DIVERSION: T16S R21E S34 NESWNE Within CASSIA County
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 01-01 12-31 0.02 CFS
DOMESTIC 01-01 12-31 0.02 CFS
PLACE OF USE: STOCKWATER -- Within CASSIA County
T16S R21E S34 SWNE
DOMESTIC Within CASSIA County
T16S R21E S34 SWNE
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 16S21E34D600
STOCKWATER, 250 RANGE

J.R. NUMBER	NAME & ADDRESS	CLAIM DISPOSITION	REASON
45-02802	AMERICA ACTING THROUGH, UNITED STATES OF DISALLOWED USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE ID 83709-1657	CLAIM INCOMPLETE.	
45-02810	AMERICA ACTING THROUGH, UNITED STATES OF DISALLOWED USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE ID 83709 BEDKE, BRUCE 42 E 1975 SOUTH (BASIN RD) OAKLEY ID 83346 STATE OF IDAHO DEPT. OF LANDS 1215 W STATE ST BOISE ID 83720-7000	CLAIM INCOMPLETE.	
45-02812	AMERICA ACTING THROUGH, UNITED STATES OF DISALLOWED USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE ID 83709-1657	NO BENEFICIAL USE FOUND.	
45-02819	AMERICA ACTING THROUGH, UNITED STATES OF DISALLOWED USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE ID 83709-1657	NO BENEFICIAL USE FOUND.	
45-04112	AMERICA ACTING THROUGH, UNITED STATES OF DISALLOWED USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE ID 83724	CLAIM INCOMPLETE.	

AJ5857NP

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS/RIGHTS NOT RECOMMENDEDDATE: FEB-27-1998
PAGE: 8-5

W.R. NUMBER	NAME & ADDRESS	CLAIM DISPOSITION	REASON
45-07614	AMERICA ACTING THROUGH, UNITED STATES OF USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE ID 83709-1657	DISALLOWED	CLAIM INCOMPLETE.
45-10133	PALMER, BERNIECE E 13385 MARJAY DR LAKESIDE CA 92040	DISALLOWED	NO BENEFICIAL USE FOUND.
45-10213	ALASTRA, JAMES ALASTRA, LUIS KELLY, YNES PO BOX 211 JEROME ID 83338	DISALLOWED	CLAIM INCOMPLETE.
45-10220	GEBAUER, SHARON GEBAUER, HARLAN GEBAUER, GALEN RT 1 BOX 1380 HEYBURN ID 83336	DISALLOWED	NO BENEFICIAL USE FOUND.
45-10238	FUNK, DAVID FUNK, DARRELL RT 1 MURTAUGH ID 83344	DISALLOWED	NO LAWFUL APPROPRIATION SHOWN.
45-10332	BEDKE, RAY C BEDKE, BRUCE POULTON, GARY RUSSEL OAKLEY ID 83346 WHITELEY, WINSLOW B PO BOX 283 OAKLEY ID 83346	DISALLOWED	RECOMMENDED AS RIGHT NO. 45-07446.
45-11505	HOPKINS, MABEL N RT 4 BOX 4221 BURLEY ID 83318	DISALLOWED	NO BENEFICIAL USE FOUND.

IDAHO DEPARTMENT OF WATER RESOURCES
NAME INDEXDATE: FEB-27-1998
PAGE: D-19

NAME	RIGHT NUMBER	PRIORITY DATE	SOURCE OF WATER	TRIBUTARY TO	PAGE NUMBER
CK, PAIGE	45-10074	03/04/1956	GROUNDWATER		A-921
BECK, PEGGY	45-10798	04/15/1959	GROUNDWATER		A-978
BECK, PEGGY	45-10799	02/15/1920	GROUNDWATER		A-368
BECK, ROBERT M	45-10854	08/13/1978	GROUNDWATER		A-1537
BECK, SCOTT W	45-10074	03/04/1956	GROUNDWATER		A-921
BECK, SYLVIA	45-11842	12/31/1915	GROUNDWATER		A-305
BECK, SYLVIA	45-11843	12/31/1940	GROUNDWATER		A-667
BECK, WAYNE L	45-11841	12/31/1915	GROUNDWATER		A-304
BECKER, GEORGE A	45-10087	01/31/1930	GROUNDWATER		A-496
BEDKE, BRUCE	45-02810		DISALLOWED		B-1
BEDKE, BRUCE	45-04050	02/04/1895	SPRING	SINKS	A-2088
BEDKE, BRUCE	45-10332		DISALLOWED		B-5
BEDKE, BRUCE	45-10488	02/04/1895	SPRING	SINKS	A-2089
BEDKE, BRUCE	45-10505	04/01/1872	GOOSE CREEK	GOOSE CREEK RESERVOIR	A-133
BEDKE, BRUCE	45-10506	04/01/1872	BIRCH CREEK	GOOSE CREEK RESERVOIR	A-23
BEDKE, RAY C	45-10332		DISALLOWED		B-5
BEDKE, RAY C	45-10407	01/07/1946	LAND CREEK	SINKS	A-1858
			LAND RANCH SPRING	LAND CREEK	A-1862
BEDKE, RAY C	45-10412	08/31/1982	GROUNDWATER		A-1702
BEDKE, RUBY C	45-10662	01/01/1961	GROUNDWATER		A-1029
BEDKE, SCOTT	45-10339	04/01/1879	SPRINGS	SINKS	A-2148
BEHR, CHESTER H	45-10684	12/31/1909	GROUNDWATER		A-199
BEHR, ROBERT	45-10758	12/31/1976	GROUNDWATER		A-1478
BEHR, RUTH	45-10758	12/31/1976	GROUNDWATER		A-1478
BELL, DAVID	45-10286	09/15/1930	GROUNDWATER		A-508
BELL, DE ANN	45-10897	05/15/1976	GROUNDWATER		A-1456
BELL, HARVEY	45-11881	10/12/1985	GROUNDWATER		A-1772
BELL, JOAN	45-11881	10/12/1985	GROUNDWATER		A-1772
BELL, MAIDA	45-10922	10/01/1950	GROUNDWATER		A-818
BELL, SHARI	45-10286	09/15/1930	GROUNDWATER		A-508
ELL, SHARON M	45-10285	04/01/1980	GROUNDWATER		A-1602
JELL, THOMAS L	45-10897	05/15/1976	GROUNDWATER		A-1456
BELL, THOMAS LEE	45-10285	04/01/1980	GROUNDWATER		A-1602
BELLISTON, JEANNE	45-11103	02/25/1980	GROUNDWATER		A-1598
BELLISTON, RICHARD E	45-11571	12/31/1956	GROUNDWATER		A-935
BELLISTON, SHEILA M	45-11571	12/31/1956	GROUNDWATER		A-935
BELNAP, MILTON F	45-12580	04/15/1977	GROUNDWATER		A-1492
BELNAP, PATRICIA S	45-12580	04/15/1977	GROUNDWATER		A-1492
BELT, JOHN L	45-11801	04/22/1984	GROUNDWATER		A-1744
BENCH, BOBBIE	45-11523	12/15/1970	GROUNDWATER		A-1257
BENCH, CAROL	45-10914	06/20/1920	GROUNDWATER		A-390

EXHIBIT H

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

3
4 In Re SRBA) REPORTER'S TRANSCRIPT
5 Case No. 39576) Subcase No. 45-02769,
6) et al

RECEIVED
JUN 11 1999
BOYD

7
8
9
10
11 D-a-t-e: Monday, June 7, 1999

12
13 T-i-m-e: 2:00 P.M.

14
15 P-l-a-c-e: SRBA Courthouse, Twin Falls, Idaho

16
17 B-e-f-o-r-e: TERRENCE DOLAN, Special Master

18
19 H-e-a-r-i-n-g: Joint Motion for Meeting with IDWR;
20 Motions to File Late Objection

21
22 *****
23
24
25

1 interesting point when you say the between a right
2 and a claim. And that always has kind of rankled me,
3 too. Because if somebody files a claim to a water
4 right, some people call it a water right even though
5 it's only a claim until it's adjudicated by the court.
6 So that's an important distinction. You're right.
7 Technically all of these are claims until the court
8 decrees them. Good point.

9 BRUCE BEDKE: That's been my understanding.
10 Maybe while I'm here I'll go ahead with my, whatever I
11 have here.

12 I'm always at the discretion of a definition.
13 When they talk about de minimis and non-de minimis,
14 you've referred to it as max de minimis, these are
15 claims that kind of go over the top of my head.

16 We're claiming waters on streams from an upper
17 reach to a lower reach. And sometimes it was my
18 intent -- and, of course, I didn't bring my tabulations
19 with me; but I think that if it got into one of these
20 other nomenclatures, whatever I intended to do was to
21 file on these reaches of these streams.

22 The IDWR, when they tabulated it, called it
23 either de minimis or non-de minimis, whichever was to
24 my disadvantage, it seemed like. And so I want to make
25 that distinction as well. I didn't, I don't know the

Page 79

1 the time, which we have been in 1989. Right here I
2 have the instructions for filing a notice of a claim to
3 a water right acquired under state law in the general
4 adjudication of rights to the use of water from the
5 Snake River Basin Water System. These are revised in
6 May of 1988.

7 If you go inside, you'll see a little table here
8 that tells you how to file. And this is how we went
9 over to the IDWR and we filed on these. What it says
10 is for 901 to a thousand head of cattle, horses or
11 mules, you would file on .23 cfs.

12 We are running 2,000 head out there in common.
13 So we filed on .5 cfs. That is why it did not make the
14 de minimis claim. This was the old format as I just
15 said.

16 We filed under the original format, and they
17 didn't -- they weren't considered with the de minimis
18 when the bifurcation went through. That is why the
19 discrepancy as to are they all de minimis, or are some
20 of them, you know, in a large reach. And like dad
21 says, when we went down there we were told to file on
22 the entire drainage system. We were told to file on
23 the head waters of the creek, all tributaries of the
24 creek, and the bottom of the creek itself in one
25 filing. Because otherwise you were going to look at a

Page 81

1 difference between the two as such other than that the
2 water that I filed on was water that I have been
3 using.

4 -I would -- let's see. Some of these claims, I
5 guess, that fall into these overlapping categories seem
6 to fall right on section lines or quarter section
7 lines. When I filed on this water, the IDWR advised me
8 to file on every 20 -- on the subdivision of every
9 20 acres. Now, later on I understand their advice
10 changed to 40 acres. So there can be some
11 discrepancies there as to the subdivisions, or the
12 legal subdivisions of these little springs or water
13 seeps that come up.

14 So I'm going to defer, then, to Jared if he's got
15 anything.

16 Thank you.

17 THE COURT: Well, thank you, Mr. Bedke.

18 JARED BEDKE: Jared Bedke. We were informed
19 in 1987 that all water rights in the Snake River Basin
20 had to be filed on for the new adjudication due to the
21 court case to determine that. And we did so on
22 May 24th, 1989. I'll state right now that I intend to
23 be the successor in interest of Bruce Bedke, so that is
24 why I'm taking this position at this time.

25 We filed according to the directions set forth at

Page 80

1 tremendous number of filings. We followed the
2 instructions at the time, as I said.

3 THE COURT: Mr. Bedke, did the instructions
4 make any distinction between de minimis and
5 non-de minimis?

6 JARED BEDKE: No, Your Honor. They just say
7 for this many head of stock, you'll file on this much
8 water.

9 THE COURT: Do you remember when you first
10 heard that phrase, de minimis?

11 JARED BEDKE: Yeah. De minimis came -- I
12 heard about it the first time in March of this year.
13 And that was in a discussion with Scott Bedke. He said
14 the IDWR had made that distinction to him, I guess.

15 THE COURT: Go ahead.

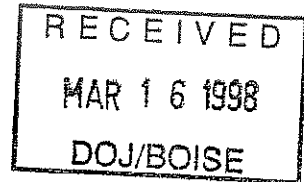
16 JARED BEDKE: We went to the IDWR and they
17 assured us that our filings, since they were made in
18 this previous format, would be issued and submitted,
19 you know, recommended with the -- in a subsequent
20 director's report when the irrigation claims for
21 basin 45 are issued. I understand that will be
22 sometime in December of 2000, around that area.

23 The federal government's claims, however, to the
24 same waters were filed under the new format that was
25 changed in '94, I believe, 1994. They switched to a

Page 82

EXHIBIT I

COPY



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)

Case No. 39576)

A Subcase # 45-04050
(Insert water right number)

DOMESTIC AND
STOCK WATER RIGHT
OBJECTION

Please fill in the following information:

B NAME AND ADDRESS OF PERSON OBJECTING

Name: BRUCE BEDKE
Address: 42E BASIN ROAD
OAKLEY, IDAHO
Daytime Phone: 862-3697

Name & Address of Attorney, if any:

C CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: BRUCE BEDKE
Address: OAKLEY IDAHO

D I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address
Should be: _____
2. ☒ Source
Should be: OK.
3. ☐ Quantity
Should be: _____
4. ☒ Priority Date
Should be: 1872 - 1-1 - 1872
5. ☐ Point(s) of Diversion
Should be: 165 R21E Sec. 34 NENE NE
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☐ Place of Use
Should be: OK.
~~165 R2~~

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E REASONS SUPPORTING OBJECTION(S): PRIORITY DATE
WAS IN ERROR FOR ~~\$~~ LIVESTOCK USE.
POINT OF DIVERSION WAS IN ERROR.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.

County of Twin Falls

Bruce Bashe, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Bruce Bashe
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 12, 1998

Janice Robertson
Notary Public for State of Idaho
Residing at: Twin Falls, Id.
My Commission Expires: 9-23-2000

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on March 13, 1998, I mailed the original and copies of this objection, including all attachments, to the following persons:

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 the claimant of the water right at the following address:

Name:

Address:

Bruce Bedke
42 E Basin Road
Oakley Idaho

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Bruce Bedke
Signature of Objector or attorney
mailing on Objector's behalf