

2007 OCT 18 PM 1:16

Water Right 45-13748

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

QUANTITY: 0.02 CFS

PRIORITY DATE: 01/01/1881

POINT OF DIVERSION: T16S R20E S21 SENESW Within Cassia County

PLACE OF USE: Stockwater Within Cassia County
T16S R20E S21 NESW

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.

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. I.C. SECTION 42-1412(6).

RULE 54 (b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

OCT 18 2007

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DEPARTMENT OF
WATER RESOURCES

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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) Subcases 45-13714, *et al.* (see list of 12
Case No. 39576) subcases attached)
) (Bedke)
)
) SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. The Director recommended the above claims to Bruce Bedke, 42 E. Basin Road, Oakley, Idaho, 83346 for .02 cfs from various springs and creeks for stockwater use year-round or from April 1 or May 1 to November 30 in Cassia County with a priority date of April 1, 1872, based on beneficial use.

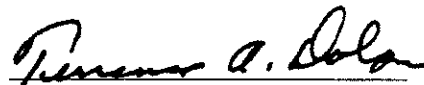
The United States of America, Department of Agriculture, Forest Service filed *Objections* on October 18, 2004, objecting to all elements and alleging the water rights should not exist. Bruce and Jared Bedke filed *Objections* on January 7, 2005, objecting to quantity and period of year.

On August 9, 2007, Bruce, Martha and Jared Bedke and the United States, with IDWR's concurrence, filed *Standard Forms 5* agreeing to amend the claim to the names of Bruce, Martha and Jared Bedke and with a priority date of January 1, 1881.

Conclusions of Law

The Bedkes are entitled to partial decrees adjudicating water rights for the above claims as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights*.

DATED October 18, 2007.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

ATTACHMENT

Subcase Nos:

45-13714
45-13716
45-13718
45-13722
45-13726
45-13728
45-13730
45-13732
45-13734
45-13740
45-13746
45-13748

(Subcase list: BEDKE FS)
10/18/07

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 45-13714

(SEE ATTACHED EXHIBIT A)

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 18, 2007, with sufficient first-class postage prepaid to the following:

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

USDA FOREST SERVICE
Represented by:
DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

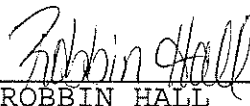
CERTIFICATE OF MAILING

PAGE 1
10/18/07

BRUCE BEDKE
JARED BEDKE
C/O 42 EAST BASIN RD
OAKLEY, ID 83346
Phone: 208-862-9288

BRUCE BEDKE
JARED K BEDKE
MARTHA J BEDKE
42 E BASIN RD
OAKLEY, ID 83346
Phone: 208-862-3697

USDA FOREST SERVICE
550 WEST FORT STREET
MSC 033
BOISE, ID 83724
Phone: 208-331-5943



ROBBIN HALL
Deputy Clerk

Exhibit A

Subcase Nos:

45-13714
45-13716
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TWIN FALLS CO., IDAHO

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 45-13714
(SEE ATTACHED EXHIBIT A)

On October 18, 2007, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED October 18, 2007.



ROBBIN HALL
Deputy Clerk

Exhibit A

Subcase Nos:

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