

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 45-13732

2007 OCT 18 PM 1:16

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BRUCE BEDKE
JARED K BEDKE
MARTHA J BEDKE
42 E BASIN RD
OAKLEY, ID 83346

SOURCE: ELK BASIN CREEK TRIBUTARY: TROUT CREEK
SPRING TRIBUTARY: SINKS
SPRING TRIBUTARY: TROUT CREEK
SPRING TRIBUTARY: WILLOW CREEK
TROUT CREEK TRIBUTARY: GOOSE CREEK
WILLOW CREEK TRIBUTARY: TROUT CREEK
ELK BASIN SPRING TRIBUTARY: ELK BASIN CREEK

QUANTITY: 0.02 CFS

THIS RIGHT AND OTHER RIGHTS COMMON TO THE SAME GRAZING ALLOTMENT
SHALL BE LIMITED TO THE QUANTITY OF WATER BENEFICIALLY USED BY
THE NUMBER OF STOCK WITHIN THE ALLOTMENT.

PRIORITY DATE: 01/01/1881

POINT OF DIVERSION: T16S R19E S01 SENWSW Within Cassia County
NESESW
S12 NWNWNE (Instream Beginning Point)
NWSWSE
SENWSW
SWSESW
S13 NWSESW (Instream Ending Point)
NENWSE (Instream Ending Point)
S14 NESWSE
NESWSE (Instream Beginning Point)
S24 NESWNW
NWNESW
NWSESW
S25 SENWNE
NWNENW
SESWNW
SESWSW
R20E S07 NESENE (Instream Beginning Point)
SENWSE
S18 SENWNW
S19 NWNENW
S31 SWNENW (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-30	0.02 CFS

PLACE OF USE:	Stockwater	Within Cassia County	
	T16S R19E S01	NWSW	SESW
	S12	NWNE	SWNE
		SENW	NWSW
		SESW	NWSE
		SWSE	
	S13	NWNE	SWNE
		SENE	SWSW
		SESW	NWSE

PLACE OF USE (continued)

	SWSE	SESE
S14	SWSE	SESE
S24	NENE	SENE
	SWNW	NESW
	SESW	NESE
	SESE	
S25	NENE	NWNE
	NENW	SWNW
	SWSW	
R20E S07	NENE	SWNE
	SENE	SENE
	NESW	SWSW
	NWSE	
S18	NWNW	SENE
S19	NENW	
S30	SWNW	NWSW
	SWSW	
S31	NENW	NWNW

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.

OCT 18 2007

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

RECEIVED

OCT 18 2007

DEPARTMENT OF
WATER RESOURCES

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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.

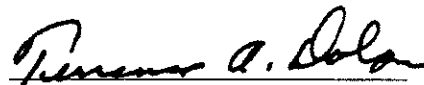
The United States of America, Department of Agriculture, Forest Service filed *Objections* on October 18, 2004, objecting to all elements and alleging the water rights should not exist. Bruce and Jared Bedke filed *Objections* on January 7, 2005, objecting to quantity and period of year.

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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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

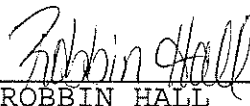
CERTIFICATE OF MAILING

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
45-13718
45-13722
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In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

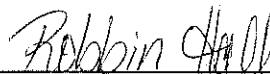
Water Right(s): 45-13714
(SEE ATTACHED EXHIBIT A)

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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