

RECEIVED

OCT 25 2007

DEPARTMENT OF
WATER RESOURCES

2007 OCT 24 AM 10:03

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

) Subcase 45-12560
) (USDI / BLM)
)

Case No. 39576

) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Domestic & Stock, Reporting Area 10 (IDWR Basin 45)* on March 2, 1998. The Director recommended claim 45-12560 to the United States of America, Department of Interior, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709-1657, for .02 cfs from Beaverdam Creek for year-'round instream stockwater use in Cassia County, with a priority date of January 1, 1873, based on beneficial use.

The State of Idaho filed *Objections* on July 2, 1998, alleging the water right should not exist. The same date, the United States filed an *Objection* to points of diversion and place of use. On July 21, 1998, Scott Bedke was granted leave to file a late *Objection*.

On August 29, 2002, the United States and certain private parties, including Scott Bedke, filed a *Stipulation and Joint Motion for Order Approving Stipulation* where the private parties agreed to withdraw their *Objections* in exchange for the United States receiving a priority date of June 28, 1934. On April 21, 2003, an *Order Dismissing State of Idaho Objections* was entered based on the parties' *Stipulation*.

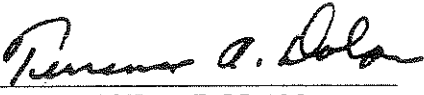
On August 3, 2005, SRBA Presiding Judge John M. Melanson entered an *Order on Permissive Review and Order of Recommitment* reversing the Special Master's January 5, 2005 *Order* and requiring further proceedings to determine the "good cause" for Bruce and Jared

Bedke's *Motions to File Late Objections*. On April 3, 2006, the Special Master entered an *Order Granting Bedke Motions to File Late Objections*. Finally, on August 9, 2007, the United States and the Bedkes, with IDWR's concurrence, filed an *Amended Claim Standard Form 5* agreeing to amended source, priority date, points of diversion and places of use.

Conclusions of Law

The United States is entitled to a partial decree adjudicating a water right for claim 45-12560 as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 45-12560*.

DATED October 24, 2007.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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 45-12560

2007 OCT 24 AM 10:03

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: BEAVERDAM CREEK TRIBUTARY: GOOSE CREEK
DRY GULCH CREEK TRIBUTARY: BEAVER DAM CREEK
N E CREEK TRIBUTARY: BEAVER DAM CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 06/28/1934

POINT OF DIVERSION: T16S R21E S18 NWNWNW (Instream Beginning Point) Within Cassia County
NESENW (Instream Ending Point)
S19 LOT 4 (NWNWNW) (Instream Beginning Point)
S30 SESENW (Instream Ending Point)
SESENW (Instream Ending Point)
LOT 4 (SWSWSW) (Instream Beginning Point)

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

PLACE OF USE:	Stockwater	Within Cassia County
	T16S R21E S18	NWNW
		NESENW
	S19 LOT 4	(NWNW)
	S30 LOT 1	(NWNW)
		LOT 2 (SNNW)
		SESENW
	LOT 4	(SWSWSW)
		SESENW

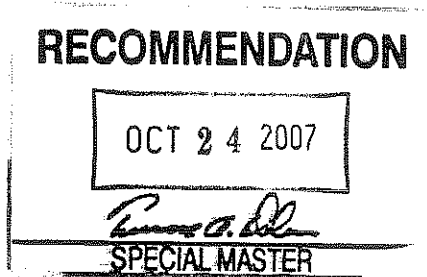
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

2007 OCT 24 AM 10:03

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 45-12560

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 24, 2007, with sufficient first-class postage prepaid to the following:

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

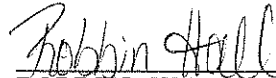
MICHAEL A. POULTON
SCOTT BEDKE
Represented by:
NORMAN M SEMANKO
IDAHO WATER USERS ASSOCIATION
1010 W JEFFERSON ST, STE 101
BOISE, ID 83702
Phone: 208-344-6690

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

PAGE 1
10/24/07

BRUCE BEDKE
42 EAST BASIN RD
OAKLEY, ID 83346
Phone: 208-862-3697



ROBBIN HALL
Deputy Clerk

2007 OCT 24 AM 10:03

DISTRICT COURT-SRBA
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

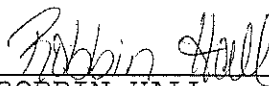
Water Right(s): 45-12560

On October 24, 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 24, 2007.



ROBBIN HALL
Deputy Clerk