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DEPARTMENT OF
WATER RESOURCES

2007 OCT 24 AM 11:04

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 45-13676, 45-13685, 45-13724 and
Case No. 39576) 45-13750
) (Bedke)
)
) SPECIAL MASTER REPORT
) AND RECOMMENDATION

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 claims 45-13676, 45-13685, 45-13724 and 45-13750 to Bruce Bedke, 42 E. Basin Road, Oakley, Idaho, 83346 for .02 cfs from an unnamed stream, Coyote Creek, Beaverdam Creek, Cave Gulch Creek, Lone Cedar Creek and Owens Corral Creek for stockwater use year-'round or from 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 Interior, Bureau of Land Management filed *Objections* on January 6 and March 18, 2005, objecting to priority date, points of diversion, place of use 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 dismiss with prejudice claims 45-13676, 45-13724 and 45-13750 and to amend claim 45-13685 to the names of Bruce, Martha and Jared Bedke and with a priority date of January 1, 1881.

Conclusions of Law

1. The Bedkes are **not** entitled to partial decrees for claims 45-13676, 45-13724 and 45-13750; and
2. The Bedkes are entitled to a partial decree adjudicating a water right for claim 45-13685 as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 45-13685*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claims 45-13676, 45-13724 and 45-13750 be **dismissed with prejudice**.

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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 45-13685

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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NAME AND ADDRESS: BRUCE BEDKE
JARED K BEDKE
MARTHA J BEDKE
42 E BASIN RD
OAKLEY, ID 83346

SOURCE: COYOTE CREEK TRIBUTARY: GOOSE CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THE FOLLOWING RIGHTS SHALL NOT
EXCEED A COMBINED TOTAL OF 13,000 GALLONS PER DAY. COMBINED
RIGHT NOS: 45-13679, 45-13680, 45-13681, 45-13682, 45-13683,
45-13684, 45-13685, 45-13686, 45-13687.

PRIORITY DATE: 01/01/1981

POINT OF DIVERSION: T16S R22E S05 LOT 12 (SWSESE) (Instream Beginning Point) Within Cassia County
S06 LOT 8 (NWNWSW) (Instream Ending 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 R22E S05 LOT 9 (SWSW)	LOT 10 (SESW)
	LOT 11 (SWSE)	LOT 12 (SESE)
	S06 LOT 7 (NESW)	LOT 8 (NWSW)
	LOT 10 (SESW)	LOT 11 (SWSE)
	LOT 12 (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.

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.

RECOMMENDATION

OCT 24 2007

John M. Melanson
SPECIAL MASTER

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

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_____)

CERTIFICATE OF MAILING

Water Right(s): 45-13676
45-13685 45-13724 45-13750

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

UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

CERTIFICATE OF MAILING

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10/24/07

BRUCE BEDKE
JARED K BEDKE
MARTHA J BEDKE
42 E BASIN RD
OAKLEY, ID 83346



ROBBIN HALL
Deputy Clerk

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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

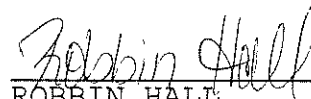
Water Right(s): 45-13676
45-13685 45-13724 45-13750

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