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OCT 25 2007

DEPARTMENT OF
WATER RESOURCES

2007 OCT 24 AM 10:42

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 45-13680, 45-13682, 45-13683 and
Case No. 39576) 45-13720
) (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 45-13680, 45-13682, 45-13683 and 45-13720 to Bruce Bedke, 42 E. Basin Road, Oakley, Idaho, 83346 for .02 cfs from unnamed springs, Wilson Spring and Coal Banks Spring 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, 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 amend claims 45-13680, 45-13682 and 45-13683 to the names of Bruce, Martha and Jared Bedke, to amend the priority date to January 1, 1881, and place of use and to add the remark, "Place of use does not include federal public land." The same date, the parties filed another *SF-5* in subcase 45-13720 agreeing to dismiss the claim with prejudice.

Conclusions of Law

1. The Bedkes are entitled to partial decrees adjudicating water rights for claims 45-13680, 45-13682 and 45-13683 as described in the *SF-5's* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 45-13680, 45-13682 and 45-13683*; and
2. The Bedkes are **not** entitled to a partial decree for claim 45-13720.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 45-13720 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 45-13680

2007 OCT 24 AM 10:42

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: SPRING TRIBUTARY: SINKS

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: 01/01/1881

POINT OF DIVERSION: T15S R22E S29 NENESE Within Cassia County

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
T15S R22E S29 NESE

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

James A. Melanson
SPECIAL MASTER

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

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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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 45-13683

2007 OCT 24 AM 10:42
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: SPRING TRIBUTARY: SINKS

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: T15S R22E S22 SENWNE Within Cassia County

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
T15S R22E S22 NWNE

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LAND.

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
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OCT 24 2007

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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

CERTIFICATE OF MAILING

Water Right(s): 45-13680
45-13682 45-13683 45-13720

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

In Re SRBA
Case No. 39576

Water Right(s): 45-13680
45-13682 45-13683 45-13720

ROBBIN HALL
Deputy Clerk