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OCT 25 2007

DEPARTMENT OF
WATER RESOURCES

2007 OCT 24 AM 10:52

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 47-17130, 47-17132, 47-17134
Case No. 39576) 47-17136 and 47-17138
) (Bedke)
)
_____) SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Domestic and Stockwater, Reporting Area 12 (IDWR Basin 47)* on August 14, 1998. The Director recommended claims 47-14923A-E to Bruce and Ray Bedke, Gary R. Poulton and Winslow Whiteley for .02 cfs from various springs and creeks for stockwater use from April 1 or May 1 to November 30 in Cassia County with a priority date of April 1, 1872, based on beneficial use. On June 3, 2004, IDWR filed a *Notice of Completed Administrative Proceeding* splitting portions of 47-14923A-E into the above claims recommended to Bruce Bedke, 42 E. Basin Road, Oakley, Idaho, 83346.

The United States of America, Department of Agriculture, Forest Service filed *Objections* on June 25, 2004, objecting to all elements and alleging the water rights should not exist. On February 8, 2006, IDWR filed another *NCAP* for a substitution of party in the above claims to Bruce, Martha and Jared Bedke.

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 claims to 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 24, 2007.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath it.

TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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PLACE OF USE (continued)

S09	NWNW	
S10	NENW	SWNW
S16	NWNW	
S17	SWNW	
S20	SWNW	
S23	SESW	
S26	NWSE	
S28	NENW	NWNW
S29	SENW	NESE
	SWSE-	
S33	NWNE	NENW

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

Thomas A. Melanson

SPECIAL MASTER

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

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Water Right 47-17132

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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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

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RECOMMENDATION

OCT 24 2007

Thomas A. Dill

SPECIAL MASTER

John M. Melanson
Presiding Judge of the
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 47-17134

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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: LITTLE PINEY CREEK TRIBUTARY: GOOSE CREEK
LITTLE PINEY CREEK, SOUTH FORK TRIBUTARY: LITTLE PINEY CREEK
HUMPHREY CREEK TRIBUTARY: LITTLE PINEY CREEK, SOUTH FORK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1881

POINT OF DIVERSION:	T15S R19E S31	SWSE (Instream Ending Point)	Within Cassia County
	S32	SWSE (Instream Ending Point)	
		NWSWSE (Instream Beginning Point)	
	T16S R19E S03	NENWNW (Instream Beginning Point)	
		SESWNW (Instream Beginning Point)	
	S05	NENE (Instream Ending Point)	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	04-01 TO 11-30	0.02 CFS

PLACE OF USE:	Stockwater	Within Cassia County
	T15S R19E S31	SESE
	S32	SWSW
		SWSE
	S33	SESW
		SWSE
		SESE
	T16S R19E S03	SWNW
	S04	SENE
		NENW
		NESW
		NWSW
		NESE
		NWSE
	S05	NENE
		SENE
		NESE

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

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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
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RECOMMENDATION

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SPECIAL MASTER

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RECOMMENDATION

OCT 24 2007


SPECIAL MASTER

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

In Re SRBA

Case No. 39576

Water Right 47-17138

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RULE 54(b) CERTIFICATE

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RECOMMENDATION

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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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 47-17130

47-17132 47-17134 47-17136
47-17138

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:

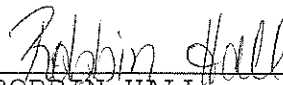
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
Represented by:
DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING

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10/24/07

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



ROBBIN HALL
Deputy Clerk

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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

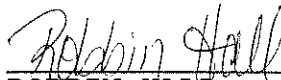
Water Right(s): 47-17130
47-17132 47-17134 47-17136
47-17138

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