

RECEIVED

OCT 02 2012

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
OCT - 1 2012	
By _____	Clerk
_____	Deputy Clerk

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

ORDER OF PARTIAL DECREES

Subcases: 45-00136B & 45-10784
(Bedke)

On August 2, 2012, a *Special Master's Report and Recommendation* was filed for the above-captioned water rights. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water rights are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED October 1, 2012.


ERIC J. WILDMAN
Presiding Judge
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 45-00136B

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho OCT - 1 2012 By _____ Clerk Deputy Clerk
--

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

SOURCE: GOOSE CREEK TRIBUTARY: SNAKE RIVER
POLE CREEK TRIBUTARY: GOOSE CREEK

QUANTITY: 2.50 CFS

THE DIVERSION RATE OF THIS RIGHT MAY BE DOUBLED FOR PERIODS NOT TO EXCEED TEN DAYS AT ANY ONE TIME, PROVIDED THAT NO WATER SHALL BE DIVERTED PURSUANT TO THIS RIGHT FOR A PERIOD OF AN EQUAL LENGTH IMMEDIATELY THEREAFTER AND BEFORE JULY 20. OF THE TOTAL VOLUME DIVERTED PURSUANT TO THIS RIGHT, AT LEAST ONE-THIRD MUST BE DIVERTED BY MAY 15, AN ADDITIONAL ONE-THIRD MUST BE DIVERTED BY JUNE 15, AND THE BALANCE MUST BE DIVERTED BY JULY 20.

THE INCIDENTAL IRRIGATION CAUSED BY THE NATURAL OVERFLOW FROM GOOSE CREEK AND ITS TRIBUTARIES WHICH THE PLACE OF USE MAY RECEIVE SHALL NOT BE USED IN CALCULATING THE DIVERSION RATE OR DIVERSION VOLUME BEING DIVERTED PURSUANT TO THIS RIGHT. NO WATER SHALL BE DIVERTED FOR IRRIGATION PURSUANT TO THIS RIGHT WHEN THE COMBINED FLOW OF GOOSE CREEK AND TRAPPER CREEK, A TRIBUTARY OF GOOSE CREEK, IS LESS THAN 25 CFS AND THERE IS AT THE SAME TIME 15,000 AF OR LESS OF WATER IN THE GOOSE CREEK RESERVOIR. WHENEVER THERE IS MORE THAN 15,000 AF OF WATER IN THE GOOSE CREEK RESERVOIR BETWEEN APRIL 15 AND JULY 20 WATER MAY BE DIVERTED PURSUANT TO THIS RIGHT WITHOUT REGARD TO THE FLOW OF GOOSE AND TRAPPER CREEKS. IN THE EVENT THE CULTIVATED ACREAGE SERVED BY WATER FROM THE GOOSE CREEK RESERVOIR IS INCREASED TO MORE THAN 22,500 ACRES, THEN THE 15,000 AF OF WATER REQUIRED TO BE IN THE GOOSE CREEK RESERVOIR IN ORDER TO LIMIT AND CONTROL THE DIVERSION RATE OF THIS RIGHT AS PROVIDED IN THIS REMARK SHALL BE REDUCED FROM 15,000 AF IN THE SAME PROPORTION THAT THE CULTIVATED ACREAGE IS INCREASED ABOVE 22,500 ACRES, UNLESS THE OAKLEY CANAL COMPANY OR ITS SUCCESSORS DEVELOP WATER FROM SOURCES OTHER THAN GOOSE CREEK OR ITS TRIBUTARIES TO SUPPLY THAT INCREASED AREAGE AND USES THAT DEVELOPED WATER FOR IRRIGATION OF THOSE ACRES.

WATER MAY BE DIVERTED PURSUANT TO THIS RIGHT WHENEVER THE FLOW OF GOOSE CREEK AT THE GOOSE CREEK POINT OF DIVERSION FOR THIS RIGHT IS INSUFFICIENT TO REACH THE GOOSE CREEK RESERVOIR IN A BENEFICIAL QUANTITY.

PRIORITY DATE: 04/01/1888

POINT OF DIVERSION: T16S R21E S33 LOT 1 (SWSESE) Within Cassia County
S34 NWNWSW

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 07-20	2.50 CFS
Stockwater	01-01 TO 12-31	0.14 CFS
Domestic	01-01 TO 12-31	0.04 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,

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

PURPOSE AND PERIOD OF USE (continued)

PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER JULY 20 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation		Within Cassia County
	T16S R21E S33	SENE 19.0	NESE 33.0
	LOT 1	(SESE) 24.0	
	S34	NWNE 28.0	SWNE 9.0
		NENW 13.0	SWNW 22.0
		SENE 26.0	NWSW 15.0
	LOT 4	(SWSW) 1.0	
	190.0 Acres Total		
	Stockwater		Within Cassia County
	T16S R21E S34	NWNE	
	Domestic		Within Cassia County
	T16S R21E S34	NWNE	

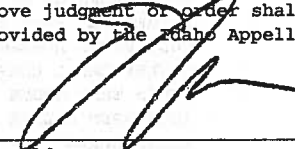
RIGHT NOS. 45-136B AND 45-10784 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 190 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

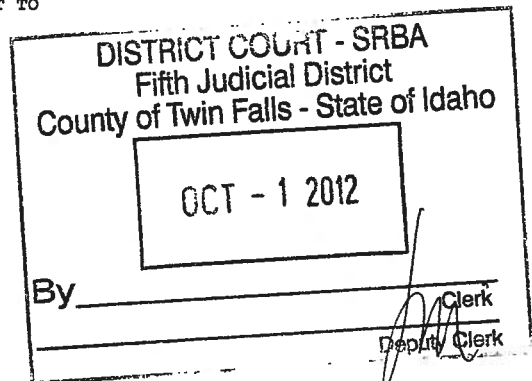
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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.


Eric J. Wildman
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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-10784



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

SOURCE: BEAVERDAM CREEK TRIBUTARY: GOOSE CREEK

QUANTITY: 1.20 CFS

PRIORITY DATE: 02/22/1925

POINT OF DIVERSION: T16S R21E S33 NWSENE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.20 CFS

PLACE OF USE:	Irrigation	Within Cassia County
T16S R21E S33	SENE 19.0	NESE 33.0
LOT 1	(SESE) 24.0	
S34	NWNE 28.0	SWNE 9.0
	NENW 13.0	SWNW 22.0
	SENE 26.0	NWSW 15.0
LOT 4	(SWSW) 1.0	
190.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 45-136B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 190 ACRES IN A SINGLE
IRRIGATION SEASON.

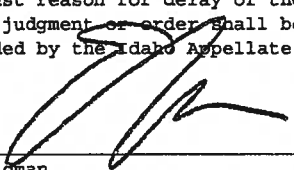
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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.

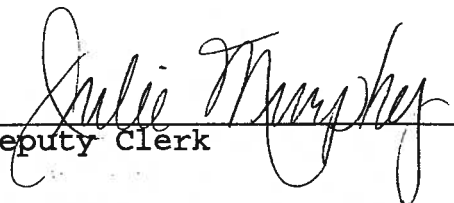

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on October 01, 2012, with sufficient first-class postage to the following:

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

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

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.