

44-38861-1000
 TERRY FALES CO., IDAHO
 FILED

In Re SRBA	)	ORDER OF AMENDED PARTIAL DECREE,
	)	<i>NUNC PRO TUNC</i> , TO CORRECT
Case No. 39576	)	CLERICAL ERRORS; I.R.C.P. 60(a)
	)	
	)	For Water Right 47-17129

DATED November 16, 2004.

JOHN M. MELANSON
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)
)
Case No. 39576)
_____)

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

Water Right 47-17129

2004 NOV 16 PM 1:18
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: KARL U BEDKE
PATRICIA BEDKE
1876 S 600 W
OAKLEY, ID 83346

SCOTT BEDKE
450 N CENTER AVE
OAKLEY, ID 83346

MICHAEL A POULTON
605 W 2200 S
OAKLEY, ID 83346

SOURCE: HUMPHREY SPRING TRIBUTARY: SINKS
LITTLE WILLOW SPRING TRIBUTARY: SINKS
RIGHT HAND FORK SPRING TRIBUTARY: SINKS
SPRING TRIBUTARY: SINKS
SPRINGS TRIBUTARY: SINKS
THOROUGHBERED POND SPRING TRIBUTARY: SINKS
THOROUGHBERED SPRING #1 TRIBUTARY: SINKS
THOROUGHBERED SPRING #2 TRIBUTARY: SINKS
WHITEY DAVIS SPRING TRIBUTARY: SINKS
WPA SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 47-16433,
47-16441, 47-16442, 47-16459, 47-16460, 47-16461, 47-16463,
47-16464, 47-16465 AND 47-16466, AND IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .02 CFS AND A TOTAL COMBINED
QUANTITY OF 13,000 GALLONS PER DAY.

PRIORITY DATE: 02/04/1895

POINT OF DIVERSION:	T16S R19E S03	NWNESE	Within Cassia County
	S04	SENESE	
		SWNWSE	
		SWSESE	
	S05	SENESE	
	S08	NENWNE	
		NWNWSW	
	S09	NWNWNW	
	S10	SENESE	
		NWSWNW	
	S16	SWNWNW	
	S17	NESWNW	
		SWSWNW	
	S20	NESWNW	
	S23	NESESE	
	S26	NWNWSE	
	S28	NENENW	
		NENWNW	
	S29	SESESE	
		SWNESE	
		NESWSE	
	S33	NENWNE	
		NWNENW	

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

POINT OF DIVERSION (continued)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	05-01 TO 11-30	0.02 CFS

PLACE OF USE:	Stockwater		Within Cassia County
	T16S R19E S03	NESE	
	S04	NENE	NWSE
		SESE	
	S05	NESE	
	S08	NWNE	NWSW
	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

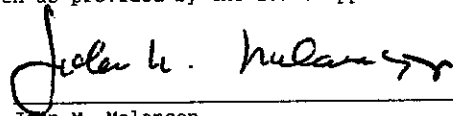
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND JOINT MOTION FOR ORDER APPROVING STIPULATION ENTERED INTO ON AUGUST 29, 2002 BETWEEN THE UNITED STATES OF AMERICA AND SCOTT BEDKE, KARL U. BEDKE, AND MICHAEL POULTON, FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 6, 2003 AS INSTRUMENT NO: 289179; AND THE STIPULATION BETWEEN THE UNITED STATES AND PATRICIA BEDKE, FILED IN THE OFFICE OF THE CASSIA COUNTY RECORDER AND RECORDED ON JUNE 8, 2004 AS INSTRUMENT NO: 296141, THE PROVISIONS OF SUCH STIPULATIONS TO APPLY FULLY TO 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.



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

2004 NOV 16 PM 02:00
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

Case No. 39576

)
)
)
)
CERTIFICATE OF MAILING

Water Right(s): 47-17129

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 47-17129 was mailed
on November 16, 2004, 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

KARL U BEDKE
PATRICIA BEDKE
1876 S 600 W
OAKLEY, ID 83346

SCOTT BEDKE
450 N CENTER AVE
OAKLEY, ID 83346

CERTIFICATE OF MAILING

PAGE 1
11/16/04

MICHAEL A POULTON
605 W 2200 S
OAKLEY, ID 83346

DIANA DELANEY
Chief Deputy Clerk