

2004 NOV -1 PM 4:55
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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right: 47-17133
	)	
_____	)	

On September 23, 2004, a *Special Master's Report and Recommendation* was filed for water right 47-17133. 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 Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 47-17133 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 1, 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 DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 47-17133

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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 83347

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.
THIS RIGHT SHALL BE USED IN CONJUNCTION WITH 47-16445 AND
47-16446 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:	T15S R19E S31	SWSE (Instream Ending Point)	Within Cassia County
	S32	SWSE (Instream Ending Point)	
		NWSWE (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	SESW
		SWSE	
	S33	SESW	SWSE
		SESE	
	T16S R19E S03	SWNW	
	S04	SENE	NENW
		NWNW	NESW
		NWSW	NESE
		NWSE	
	S05	NENE	NWNE
		SENE	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.
THE OPERATION, USE, AND ADMINISTRATION OF THIS WATER RIGHT IS
ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE STIPULATION AND

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DISTRICT COURT - SRBA
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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): 47-17133

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 47-17133 was mailed
on November 01, 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

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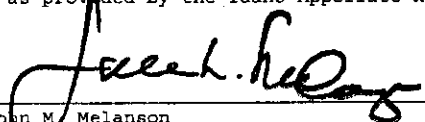
OTHER PROVISIONS (continued)

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