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Department of Water Resources

2003 JUN 20 AM 10:28

FILED
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

) Subcase 35-02066
) (split rights 35-02066A & 35-02066B)
) (Funk)
)
) AMENDED SPECIAL MASTER
) REPORT
) AND RECOMMENDATION

Findings of Fact

On November 20, 2001, the Special Master entered a *Special Master Report* for 1,720 claims in Basin 35, including 35-02066. Claim 35-02066 was recommended to H. Alan Funk, 2065 South, 2800 West, Aberdeen, Idaho, 83210, for 10.2 cfs from groundwater to irrigate 510 acres in Bingham County from April 1 to October 31 with a priority date of January 14, 1947.

On January 23, 2002, the Presiding Judge entered an *Order Rejecting Special Master Report* because the Special Master overlooked a split of 35-02066. That split was reported by IDWR when it filed its *Notice of Completed Administrative Proceeding* on September 19, 2001, in subcases 35-02066, 35-02066A, 35-02066B and 35-07221. The *NCAP* reported a split of 35-02066 into 35-02066A (H. Alan Funk) and 35-02066B (Knudsen Poor Farms, Inc., 2700 West, 2100 South, Aberdeen, Idaho, 83210).

Subcases 35-02066A and 35-02066B are now among the 112 claims stayed by the Special Master's *Order Granting Motion to Stay Proceedings* entered in Consolidated Subcase 35-02315, dated January 3, 2003. The subcases were stayed "until IDWR files its director's report for Basin 01 and resolution of the Aberdeen-Springfield Canal Company claims for surface water rights in Basin 01, or until further order of the Court." IDWR expects to file its director's report for Basin 01 by the end of 2004.

Conclusions of Law

Claim 35-02066 should **not** be decreed as a water right because the claim has been split into 35-02066A and 35-02066B.

Amended Recommendation

THEREFORE, IT IS RECOMMENDED that claim 35-02066 be **disallowed**.

DATED June 20, 2003.



TERRENCE A. DOLAN

Special Master

Snake River Basin Adjudication

2003 JUN 20 AM 10:28

CLERK
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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 35-02066

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 June 20, 2003, with sufficient first-class postage prepaid to the following:

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

H ALAN FUNK
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200



ROBBIN HALL
Deputy Clerk

CERTIFICATE OF MAILING

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DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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): 35-02066

On June 20, 2003, 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 June 20, 2003.


ROBBIN HALL
Deputy Clerk