

COPY

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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 )  
\_\_\_\_\_ )  
Subcase No: 45-2249, 45-2443, 45-4102  
**NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding: **I.C. § 42-222 TRANSFER**

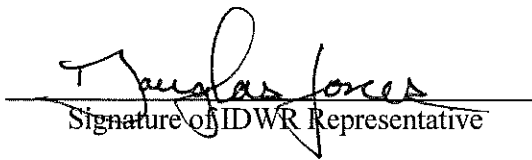
An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

|                                                        |                                               |
|--------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Change in Ownership           | <input type="checkbox"/> Split of Water Right |
| <input checked="" type="checkbox"/> Point of Diversion | <input type="checkbox"/> Place of Use         |
| <input type="checkbox"/> Period of Use                 | <input type="checkbox"/> Nature of Use        |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

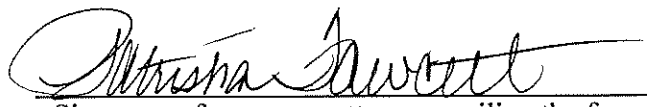
Dated: 1-5-05

  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 1/7, 200~~4~~<sup>5</sup>, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls ID 83303-2707
2. One Copy to:  
Claimant or attorney of record:  
Darrell Funk  
3173 N 4900 E  
Murtaugh ID 83344
3. One Copy to:  
Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449
4. One Copy to:  
United States Dept of Justice  
Environment & Natural Resource Div  
550 W Fort St MSC 033  
Boise ID 83724

  
Signature of person or attorney mailing the form

12/23/2004

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-2249  
NAME AND ADDRESS: PATRICIA M FUNK  
3173 N 4900 E  
MURTAUGH ID 83344  
  
DARRELL M FUNK  
3173 N 4900 E  
MURTAUGH ID 83344

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 4.400 CFS  
960.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.82 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1772 AF. COMBINED RIGHT NOS.: 45-2249, 45-2443, 45-4102.

PRIORITY DATE: 03/08/1948

POINT OF DIVERSION: T11S R20E S21 NWNWNE Within TWIN FALLS County  
T11S R20E S21 SESWNE Within TWIN FALLS County  
T11S R20E S22 NWSWNE Within TWIN FALLS County  
T11S R20E S22 NWSWNE Within TWIN FALLS County  
T11S R20E S22 SENE Within TWIN FALLS County  
T11S R20E S22 SWSWNE Within TWIN FALLS County  
T11S R20E S22 SWSWSW Within TWIN FALLS County  
T11S R20E S22 NWSESW Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/01 10/31          | 4.400 CFS<br>960.00 AFY |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 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 TWIN FALLS County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T11S R20E S22 | SWNE | 39.0 | T11S R20E S22 | SENE | 38.0 |
| T11S R20E S22 | SWNW | 22.0 | T11S R20E S22 | SENE | 37.0 |
| T11S R20E S22 | NESW | 40.0 | T11S R20E S22 | NWSW | 39.0 |
| T11S R20E S22 | SWSW | 38.0 | T11S R20E S22 | SESW | 33.0 |
| T11S R20E S22 | NESE | 39.0 | T11S R20E S22 | NWSE | 40.0 |
| T11S R20E S22 | SWSE | 39.0 | T11S R20E S22 | SESE | 39.0 |

443 ACRES TOTAL

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 443 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 45-2249, 45-2326, 45-2443, 45-4102.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by transfer 71305 within two years of the date of this approval.

Failure of the right holder to comply with the conditions of transfer 71305 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

12/27/2004

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-2443  
NAME AND ADDRESS: DARRELL M FUNK  
3173 N 4900 E  
MURTAUGH ID 83344

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 2.580 CFS  
740.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 7.82 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 1772 AF. COMBINED RIGHT NOS.: 45-2249,  
45-2443, 45-4102.

PRIORITY DATE: 04/24/1953

POINT OF  
DIVERSION: T11S R20E S21 NWNWNE Within TWIN FALLS County  
T11S R20E S21 SESWNE Within TWIN FALLS County  
T11S R20E S22 NWSWNE Within TWIN FALLS County  
T11S R20E S22 NWSWNE Within TWIN FALLS County  
T11S R20E S22 SENE Within TWIN FALLS County  
T11S R20E S22 SWSWNE Within TWIN FALLS County  
T11S R20E S22 SWSWSW Within TWIN FALLS County  
T11S R20E S22 NWSESW Within TWIN FALLS County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY                |
|----------------|---------------|-------------------------|
| IRRIGATION     | 04/01 10/31   | 2.580 CFS<br>740.00 AFY |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS  
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER  
15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED.  
THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 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 TWIN FALLS County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T11S R20E S22 | SWNE | 39.0 | T11S R20E S22 | SENE | 38.0 |
| T11S R20E S22 | SWNW | 22.0 | T11S R20E S22 | SENE | 37.0 |
| T11S R20E S22 | NESW | 40.0 | T11S R20E S22 | NWSW | 39.0 |
| T11S R20E S22 | SWSW | 38.0 | T11S R20E S22 | SESW | 33.0 |
| T11S R20E S22 | NESE | 39.0 | T11S R20E S22 | NWSE | 40.0 |
| T11S R20E S22 | SWSE | 39.0 | T11S R20E S22 | SESE | 39.0 |

443 ACRES TOTAL

12/27/2004

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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USE OF THIS RIGHT WITH RIGHT NO. 45-2326\_ IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 206 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 443 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 45-2249, 45-2326, 45-2443, 45-4102.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 185 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by transfer 71305 within two years of the date of this approval.

Failure of the right holder to comply with the conditions of transfer 71305 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

12/27/2004

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-4102

NAME AND ADDRESS: DARRELL M FUNK  
3173 N 4900 E  
MURTAUGH ID 83344

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.840 CFS  
138.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED  
DIVERSION RATE OF 7.82 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 1772 AF. COMBINED RIGHT NOS.: 45-2249,  
45-2443, 45-4102.

PRIORITY DATE: 03/15/1962

POINT OF  
DIVERSION:

T11S R20E S21 NWNWNE Within TWIN FALLS County  
T11S R20E S21 SESWNE Within TWIN FALLS County  
T11S R20E S22 NWSWNE Within TWIN FALLS County  
T11S R20E S22 NWSWNE Within TWIN FALLS County  
T11S R20E S22 SENE Within TWIN FALLS County  
T11S R20E S22 SWSWNE Within TWIN FALLS County  
T11S R20E S22 SWSWSW Within TWIN FALLS County  
T11S R20E S22 NWSESW Within TWIN FALLS County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/01 10/31          | 0.840 CFS<br>138.00 AFY |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS  
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER  
15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED.  
THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 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 TWIN FALLS County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T11S R20E S22 | SWNE | 39.0 | T11S R20E S22 | SENE | 38.0 |
| T11S R20E S22 | SWNW | 22.0 | T11S R20E S22 | SENE | 37.0 |
| T11S R20E S22 | NESW | 40.0 | T11S R20E S22 | NWSW | 39.0 |
| T11S R20E S22 | SWSW | 38.0 | T11S R20E S22 | SESW | 33.0 |
| T11S R20E S22 | NESE | 39.0 | T11S R20E S22 | NWSE | 40.0 |
| T11S R20E S22 | SWSE | 39.0 | T11S R20E S22 | SESE | 39.0 |

443 ACRES TOTAL

12/27/2004

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 443 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 45-2249, 45-2326, 45-2443, 45-4102.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 34.5 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by transfer 71305 within two years of the date of this approval.

Failure of the right holder to comply with the conditions of transfer 71305 is cause for the Director to rescind approval of the transfer.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.