

RECEIVED
FEB 03 2012
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB -2 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	)	Subcases:
	)	35-2066A (Funk)
	)	35-2066B (Knudsen Poor Farms, Inc.)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
_____	)	

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other Uses, Reporting Area 5, Part III (IDWR Basin 35)* on January 29, 1999. The Director recommended claim 35-2066 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, based on a license.

The Twin Falls and North Side Canal Companies filed *Objections* on June 2, 1999, objecting to source, quantity and other provisions. The subcase was consolidated with other Basin 35 subcases involving the Twin Falls and North Side Canal Company *Objections* under consolidated subcase 35-2315 on October 23, 2001 – the same date the Aberdeen-Springfield Canal Company was granted leave to file late *Objections*.

IDWR filed *Notices of Completed Administrative Proceedings* on September 19, 2000, splitting 35-2066 into 35-2066A (Funk) and 35-2066B (Knudsen Poor Farms, Inc., 2700 West, 2100 South, Aberdeen, Idaho, 83210).

The Twin Falls and North Side Canal Company *Objections* were dismissed on August 27, 2001, and on November 6, 2001, the Special Master entered a ***Report and Recommendation*** in 1,720 subcases, including subcase 35-2066. Former SRBA Presiding Judge Roger S. Burdick rejected the ***Report*** on January 23, 2002, because the administrative split was overlooked.

On June 20, 2003, the Special Master entered an *Amended Special Master Report and Recommendation* in subcase 35-2066 (split rights 35-2066A and 35-2066B) and Judge Burdick entered his *Final Order Disallowing Water Right Claim* disallowing 35-2066, but the split rights were stayed. Finally, on January 17, 2012, the Aberdeen-Springfield Canal Company filed its *Notice of Withdrawal of Objections*.

Conclusions of Law

Ms. Funk and Knudsen Poor Farms, Inc., are entitled to partial decrees as described in the NCAPs and the attached *Special Master Recommendations for Partial Decrees for Water Rights 35-2066A and 35-2066B*.

DATED February 2, 2012.



TERRENCE A. DOLAN
Special Master
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 35-02066A

NAME AND ADDRESS: H ALAN FUNK
2065 S 2800 W
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 8.02 CFS
1624.00 AFY

PRIORITY DATE: 01/14/1947

POINT OF DIVERSION: T06S R31E S28 SWSWE Within Bingham County
S33 NWSWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	8.02 CFS 1624.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T06S R31E S28	NENE 23.0 NWNE 39.0 NENW 39.0 SENE 39.0 SESW 32.0 SWSE 7.0 NWNW 26.0 SENE 10.0
	S33	NENE 23.0 NWNE 39.0 NENW 39.0 SENE 39.0 SESW 32.0 SWSE 7.0 NWNW 26.0 SENE 10.0
	401.0 Acres Total	

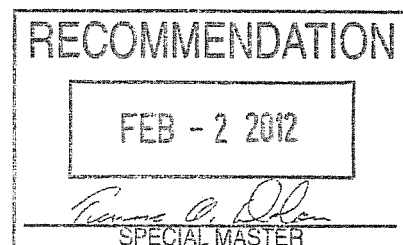
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

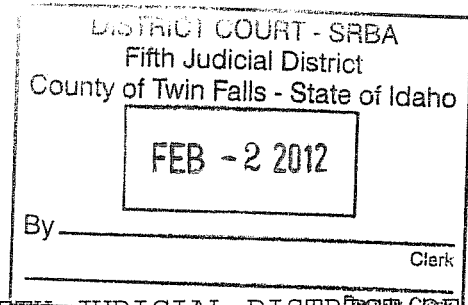
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment 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 Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54 (b) FOR
Case No. 39576)
) Water Right 35-02066B

PAGE 1
Jan-18-2012



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

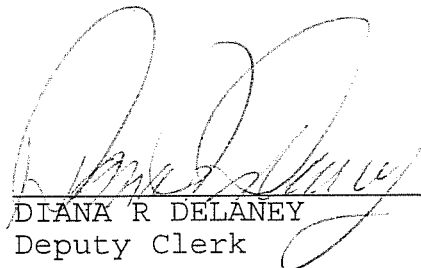
Water Right(s): 35-02066A
35-02066B

On February 02, 2012, 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 February 02, 2012.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
FEB -2 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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 35-02066A
35-02066B

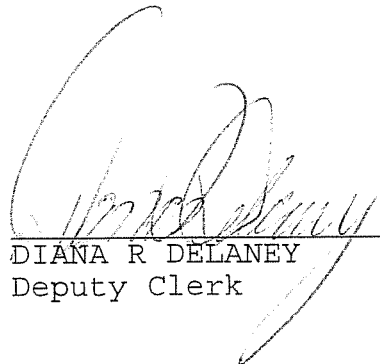
CERTIFICATE OF MAILING

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 February 02, 2012, with sufficient first-class postage prepaid to the following:

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

H ALAN FUNK
2065 S 2800 W
ABERDEEN, ID 83210

KNUDSEN POOR FARMS INC
2700 W 2100 S
ABERDEEN, ID 83210



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
02/02/12