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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	)	Subcase 35-2470:
	)	35-13507 (Funk)
	)	35-13508 (Brown)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

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 35-2470 to Betty and Raymond Funk, 1658 N. Watson Place, Eagle, Idaho, 83616, for .88 cfs from groundwater to irrigate 195 acres in Bingham County from April 1 to October 31 with a priority date of July 23, 1956, 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 May 10, 2004, splitting 35-2470 into 35-13507 (Funk) and 35-13508 (Neil and Elizabeth Brown, 2933 West, 1800 South, Aberdeen, Idaho, 83210).

The Twin Falls and North Side Canal Company *Objections* were dismissed on August 27, 2001, and on January 17, 2012, the Aberdeen-Springfield Canal Company filed its *Notice of Withdrawal of Objections*.

Conclusions of Law

1. Neither party is entitled to a partial decree for claim 35-2470 because of the split: and
2. The Funks and the Browns are entitled to partial decrees as described in the *NCAPs* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 35-13507 and 35-13508*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 35-2470 be **disallowed**.

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 35-13507

NAME AND ADDRESS: BETTY L FUNK
RAYMOND F FUNK
1658 N WATSON PL
EAGLE, ID 83616

SOURCE: GROUNDWATER

QUANTITY: 0.86 CFS
204.00 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 35-13511 AND 35-13513 IS
LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 764 AF.

PRIORITY DATE: 07/23/1956

POINT OF DIVERSION: T06S R31E S18 NWSEW Within Bingham County
NWSEW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.86 CFS 204.00 AFY

PLACE OF USE: Irrigation Within Bingham County

T06S R31E S18 LOT 2	(SWNW)37.0	SENW 13.0
	NESW 30.0	LOT 3 (NWSW)37.0
LOT 4	(SWSW)36.0	SESW 38.0
191.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NOS. 35-13511 AND 35-13513 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 191 ACRES
IN A SINGLE IRRIGATION SEASON.

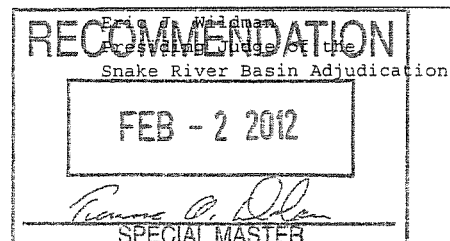
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 51 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. 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.



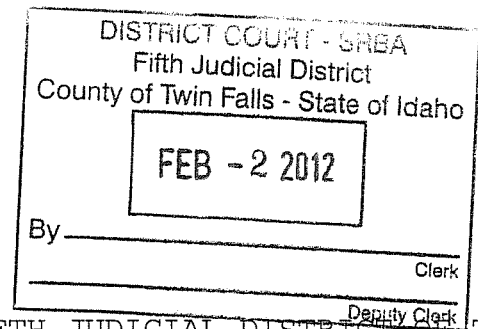
In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-13508

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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 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

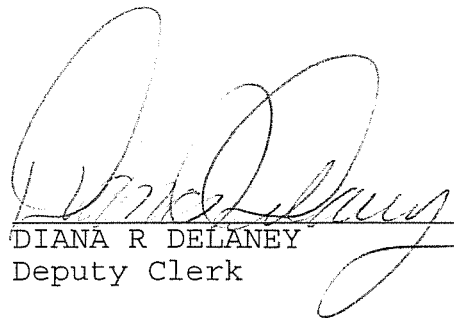
Water Right(s): 35-02470
35-13507 35-13508

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 (A01), 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): 35-02470
35-13507 35-13508

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:

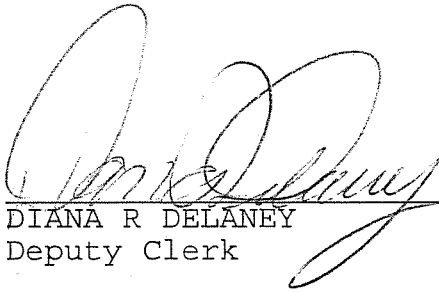
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BETTY L FUNK
RAYMOND & BETTY L FUNK
RAYMOND F FUNK
1658 N WATSON PL
EAGLE, ID 83616

BETTY L FUNK
RAYMOND FUNK
2066 S 2950 W
ABERDEEN, ID 83210
Phone: 208-397-4506

CERTIFICATE OF MAILING

ELIZABETH L BROWN
NEIL E BROWN
2933 W 1800 S
ABERDEEN, ID 83210



DIANA R DELANEY
Deputy Clerk