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FEB 14 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 13 2013	
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

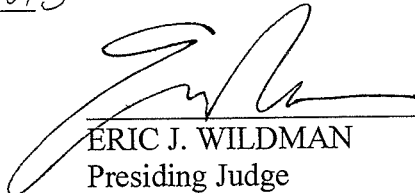
) Water Right No.: 01-07072
)
) NOTICE OF COURT'S INTENT TO
) ISSUE AMENDED PARTIAL DECREE,
) AND NOTICE OF HEARING THEREON
)
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The above-captioned water right was claimed based on a permit prior to the issuance of the license. On September 14, 2007, a *Partial Decree* was entered for the above-captioned water right. The Director of the Idaho Department of Water Resources ("Department") subsequently issued a license for the water right. On January 30, 2013, the Department filed a *Notice of Completed Administrative Proceeding* in the above-captioned subcase informing the Court of the issuance of the license, as well as an *Amended Director's Report* reflecting the elements of the above-captioned water right claim as licensed. The license supercedes the *Partial Decree*. Therefore, it is the intent of the Court to issue an *Amended Partial Decree* in the above-captioned matter consistent with the *Amended Director's Report* pursuant to Idaho Rule of Civil Procedure 60(a). A copy of the proposed *Amended Partial Decree* is attached as Exhibit A.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **Tuesday, May 21, 2013, at 1:30 p.m.** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimant is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone

participation will be available by calling 1-215-446-0193 and when prompted entering code 406128 followed by the # sign. **However, no cell phones or speaker phones will be permitted as they interfere with our sound system making the proceeding difficult to accurately record.**

Dated: February 13, 2013


ERIC J. WILDMAN
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

AMENDED

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 01-07072

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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.54 CFS
751.40 AFY

This right when combined with 45-2320, 45-2746, 45-13642, and
45-13644 shall not exceed a combined annual maximum diversion
volume of 7496 af at the field headgate.

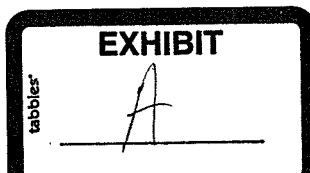
This right when combined with all other rights shall provide no
more than 0.02 cfs per acre more than 4.0 afa per acre at
the field headgate for irrigation.

PRIORITY DATE: 08/02/1978

POINT OF DIVERSION: T10S R21E S29 SESE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.54 CFS 751.40 AFY

PLACE OF USE:	Irrigation		Within Cassia County
	T11S R20E S13	SWNW 28.0	SENE 30.0
		NESW 32.0	NWSW 32.0
		SWSW 32.0	SESE 32.0
		NESE 32.0	NWSE 32.0
		SWSE 32.0	SESE 32.0
	S14	SENE 23.0	NESW 34.0
			Within Twin Falls County
		NWSW 33.0	SWSW 32.0
		SESW 32.0	NESE 32.0
		NWSE 34.0	SWSE 32.0
		SESE 32.0	
	S23	NENE 33.0	NWNE 34.0
		SWNE 33.0	SENE 32.0
		NENW 33.0	NWNW 33.0
		SWNW 33.0	SENE 33.0
		NESW 34.0	NWSW 33.0
		SWSW 32.0	SESE 33.0
		NESE 33.0	NWSE 34.0
		SWSE 33.0	SESE 32.0
	S24	NENE 32.0	NWNE 32.0
		SWNE 33.0	
			Within Cassia County
		SENE 32.0	NENW 32.0
		NWNW 31.0	SWNW 32.0
		SENE 33.0	NESW 34.0
		NWSW 33.0	SWSW 32.0
		SESW 33.0	NESE 33.0
		NWSE 34.0	SWSE 33.0
		SESE 32.0	
	1647.0 Acres Total		



SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

Rights 01-7072, 45-2320, 45-2746, 45-13642, 45-13643, 45-13644,
and 45-13645 when combined shall not exceed the irrigation of
1874 acres.

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.

DRAFT

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREE AND NOTICE OF HEARING THEREON was mailed on February 13, 2013, with sufficient first-class postage to the following:

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

DARRELL M FUNK
PATRICIA M FUNK
3173 N 4900 E
MURTAUGH, ID 83344
Phone: 208-432-5386

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".