

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A45-00487C**
Date Received: 5/18/1989
Receipt No: S007163
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: DARRELL FUNK 208-432-5386
Address: 3173 NORTH 4900 EAST
MURTAUGH ID 83344
AND/OR
Name: PATRICIA FUNK 208-432-5386
Address: 3173 NORTH 4900 EAST
MURTAUGH ID 83344

2. Date of Priority: MAR 1, 1879

3. Source: DRY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	19E	1	NE	NW	NE	2	CASSIA
		12	NE	SE	NW		CASSIA

5. Description of diverting works:
VIA UPPER JORDON DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.320		

7. Total Quantity Appropriated is:
3.320 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 2118.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
11S	19E	36	NW	SE		IRR	40.0	
			SW	SE		IRR	38.0	
			SE	SE		IRR	40.0	
				Section Acres			118.0	
	20E	31	NW	SW	3	IRR	73.0	
			SW	SW	4	IRR	73.0	
			SE	SW		IRR	40.0	
				Section Acres			186.0	
	12S	19E	1	NE	NE	1	IRR	40.0
				SE	NE		IRR	40.0
							Section Acres	
	20E	6	NE	NW	3	IRR	40.0	
NW			NW	4	IRR	70.0		
SW			NW	5	IRR	79.0		
			Section Acres			189.0		
19E	31	NW	NW	1	IRR	59.0		
		SW	NW	2	IRR	74.0		
					Section Acres			133.0
			Total Acres			706.0		

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

THIS IS A PORTION OF WR 45-00487A OF 4.88 CFS.
A PROPORTIONAL SHARE IS CLAIMED BRINGING THE TOTAL DRY CREEK
WATER CLAIMED TO 700".

****OTHER WATER RIGHTS*****
A45-00494 A45-00505 A45-00506 A45-00488A A45-00490
A45-00489 A45-02319 A45-02317 A45-02292 A45-02291
A45-02290 A45-04143 A45-04142

14. Remarks: Continued

OWNERSHIP CHANGE MADE 4-6-95 BY TLB. COINER BROTHERS-FORMER
OWNER, FUNK-NEW OWNER. WARRANTY DEED & QUITCLAIM DEED INCLUDED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/27/1942

STONER, ET. AL.
Decree Plaintiff

WILLHITE, ET. AL.
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

~~*****~~
Governor PHIL BATT

R. KEITH HIGGINSON
Director

APRIL 13, 1995

DARRELL & PATRICIA FUNK
3173 N 4900 E
MURTAUGH, ID 83344

RE: SRBA CLAIMS, SEE ATTACHED

DEAR CLAIMANTS:

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIMS, WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. THIS COPY IS FOR YOUR RECORDS. PLEASE REVIEW THE RECORDS FOR ACCURACY.

THE CLAIM NUMBER A45-02318 IS IN OUR RECORDS AS "NOT CLAIMED". I ENCLOSING A PROOF OF THE CLAIM. YOU HAVE ANY MORE QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

MICROFILMED

DEC 03 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

DATE OF CLOSING: _____

MAR 20 1995

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources
Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BMSouthern Region
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: _____

[] Name and Address of Former Owner/Claimant(s)(Seller): Goiner Brothers

1315 11th Ave E
[] New Owner/Claimant TWIN FALLS, ID 83301
(Purchaser): Darrell & Patricia Funk

[] New Mailing Address: 3173 N 4900E
MURTAUGH, ID 83344

[] New Telephone Number: (208) 432-5386

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: Deeds

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) Patricia Funk Date 3-20-95

[] Signature of Former Owner/Claimant(s): _____ Date _____
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 4-13-95 By: HLB

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

DEC 03 1996

25793

235429

Recorded at the request of
Benoit, Alexander, Sinclair,
Harwood & High
126 2nd Avenue North, P.O. Box 366
Twin Falls, Idaho 83303-0366

Mail original to Benoit, Alexander,
Sinclair, Harwood & High

36392

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PERSONAL REPRESENTATIVE DEED

Henry G. Coiner, Personal Representative of the Estate of Helen Mary Coiner, deceased, GRANTOR, conveys to Henry Coiner Trustee of The Helen Coiner Trust, GRANTEE, all right, title, and interest of Helen Mary Coiner, deceased, in and to the following described property situated in the County of Cassia, State of Idaho:

See Exhibit "A"

DATED this 1st day of February, 1995.

Henry G. Coiner
HENRY G. COINER
Personal Representative of the
Estate of Helen Mary Coiner,
deceased

STATE OF Arizona)
County of Maricopa) ss.

On this 1st day of February, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared HENRY G. COINER, known to me to be the Personal Representative of the Estate of HELEN MARY COINER, deceased, and acknowledged to me that he executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Jean Moberg for Jean Leiser
NOTARY PUBLIC
Residing at: Phoenix, AZ
My commission expires 7-27-95



EXHIBIT 'A'

TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: Lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$

TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: Lots 3 and 5

Section 6: All of Lot 4 which includes Suburban Tract No. 3 (also known as
Bower's Subdivision) as the same is platted in plat recorded May 22, 1913
in Book 1 of Plats at page 2-3, records of Cassia County, Idaho.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

FILM 263

1995 MAR -2 A 11: 19

235429

CASSIA COUNTY CLERK
DARRELL M. HOSKELLEY
RECEIVED
FEE 6 DEPUTY [Signature]

LAND TITLE & ESCROW

25793

235430

Recorded at the request of
Benoit, Alexander, Sinclair,
Harwood & High
126 2nd Avenue North, P.O. Box 366
Twin Falls, Idaho 83303-0366

Mail original to Benoit, Alexander,
Sinclair, Harwood & High

36392

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED

FOR VALUE RECEIVED, CHARLES H. COINER and VIOLA COINER, husband and wife, hereinafter called "Grantors," hereby grant, bargain, sell and convey unto Darrell M. Funk and Patricia Funk, husband and wife, whose mailing address is 3173 North 4900 East, Murtaugh, Idaho 83344, hereinafter called "Grantee," the following described premises, in Cassia County, Idaho, to wit:

See Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 1st day of ^{March} ~~February~~, 1995.

Charles H. Coiner
CHARLES H. COINER

Viola Coiner
VIOLA COINER

EXHIBIT 'A'

TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: Lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$

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CASSIA COUNTY, IDAHO

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LAND TITLE & ESCHOW

CLERK OF DISTRICT COURT
CASSIA COUNTY, IDAHO
DANIEL M. ROSWELL
RECORDER
FEE 200 DEPUTY AD

1995 MAR -2 A 11:20

RECORDED AT THE REQUEST OF
LAND TITLE & ESCHOW
FILM 263

235430

25793

235431

Recorded at the request of
Benoit, Alexander, Sinclair,
Harwood & High
126 2nd Avenue North, P.O. Box 366
Twin Falls, Idaho 83303-0366

Mail original to Benoit, Alexander,
Sinclair, Harwood & High

36392

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED

FOR VALUE RECEIVED, HENRY G. COINER, TRUSTEE OF THE HELEN COINER TRUST, and HENRY G. COINER, individually, hereinafter called "Grantor," hereby grants, bargains, sells and conveys unto Darrell M. Funk and Patricia Funk, whose mailing address is 3173 N. 4900 E., Murtaugh, ID, husband and wife, hereinafter called "Grantee," the following described premises, in Cassia County, Idaho, to wit:

See Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 1st day of February, 1995.

HELEN COINER TRUST

BY Henry G. Coiner
HENRY G. COINER, Trustee

Henry G. Coiner
HENRY G. COINER

STATE OF Arizona)
County of Maricopa) ss.

On this 1st day of February, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared HENRY G. COINER, known to me to be the person whose name is subscribed to the foregoing instrument as Trustee of the HELEN COINER TRUST, and acknowledged to me that he executed the same as Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Jean Leiser nee Jean Leiser
NOTARY PUBLIC
Residence: Mesa AZ
My Commission Expires: 7-27-95

STATE OF Arizona)
County of Maricopa) ss.

On this 1st day of February, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared HENRY G. COINER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Jean Leiser nee Jean Leiser
NOTARY PUBLIC
Residence: Mesa AZ
My Commission Expires: 7-27-95

(C-86\WRRDEED2.HCT\JSI\DF)

WARRANTY DEED\2

EXHIBIT 'A'

TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: Lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$

TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: Lots 3 and 5

Section 6: All of Lot 4 which includes Suburban Tract No. 3 (also known as
Bower's Subdivision) as the same is platted in plat recorded May 22, 1913
in Book 1 of Plats at page 2-3, records of Cassia County, Idaho.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILE 263
1995 MAR -2 A 11:21
CASSIA COUNTY, IDAHO
DANIEL M. RUSSELL
REGISTER
FEE 90 DEPUTY 167
LAND TITLE & ESCROW

235431

235433

Recorded at the request of
Benoit, Alexander, Sinclair,
Harwood & High
126 2nd Avenue North, P.O. Box 366
Twin Falls, Idaho 83303-0366

Mail original to Benoit, Alexander,
Sinclair, Harwood & High

36-392

SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUITCLAIM DEED

FOR VALUE RECEIVED HENRY G. COINER, TRUSTEE OF THE HELEN COINER TRUST, and HENRY G. COINER, individually, hereby convey, release, remise and forever quit claim unto Darrell M. Funk and Patricia Funk, husband and wife whose address is: 3173 N. 4900 E., Murtaugh, Idaho 83344 the water rights described on Exhibit "B" attached hereto, together with all other water rights appurtenant to that certain real property, legally described on Exhibit "A." attached hereto, situated in the County of Cassia, Idaho.

DATED this 1st day of February, 1995.

HELEN COINER TRUST

BY Henry G. Coiner
HENRY G. COINER, Trustee

Henry G. Coiner
HENRY G. COINER

STATE OF Arizona)
County of Maricopa) ss.

On this 1st day of February, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared HENRY G. COINER, known to me to be the person whose name is subscribed to the foregoing instrument as Trustee of the HELEN COINER TRUST, and acknowledged to me that he executed the same as Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Jean Leiser
NOTARY PUBLIC
Residence: Mesa, AZ
My Commission Expires: 7-27-95

STATE OF Arizona)
County of Maricopa) ss.

On this 1st day of February, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared HENRY G. COINER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Jean Leiser
NOTARY PUBLIC
Residence: Mesa, AZ
My Commission Expires: 7-27-95

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EXHIBIT "B"

A45-00487C
A45-00488A
A45-00489
A45-00490
A45-00494
A45-00505
A45-00506
A45-00533
A45-02003
A45-02026
A45-02079
A45-02290
A45-02291
A45-02292
A45-02317
A45-02318
A45-02319
A45-04142
A45-04143
A45-10100

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

FILE # 263

1995 MAR -2 A 11:23

235433

COPIA CONTAINING
MICHELLE M. NOSSELLET
ORDER
FEE \$2.00 DEPUTY 

LAND TITLE & ESCROW

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



NOTARY PUBLIC
Residence: Twin Falls
My Commission Expires: 11-28-96

STATE OF IDAHO

County of Twin Falls

)
) ss.
)

On this 15th day of March, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared VIOLA COINER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



NOTARY PUBLIC
Residence: Twin Falls
My Commission Expires: 11-28-96

EXHIBIT 'A'

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CASSIA COUNTY, IDAHO

Section 1: Lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$

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CASSIA COUNTY, IDAHO

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EXHIBIT "B"

A45-00487C
A45-00488A
A45-00489
A45-00490 -
A45-00494
A45-00505
A45-00506
A45-00533
A45-02003
A45-02026
A45-02079
A45-02290
A45-02291
A45-02292
A45-02317
A45-02318
A45-02319
A45-04142
A45-04143
A45-10100

no claim

RECORDED AT THE REQUEST OF
LAND TITLE & ESCHOW
FILM 263
1995 MAR - 2 A 11: 22
235432
JAMES C. JENKINS, JR.
CARRIE L. HOSKINLEY
REORDER
FEE 12.00 DEPUTY [Signature]
LAND TITLE & ESCHOW

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-00487C
Date Received: 5/18/1989
Receipt No: S007163
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: COINER BROTHERS 208-733-8220
Address: 1315 11TH AVE. E.
TWIN FALLS, ID 83301

2. Date of Priority: MAR 01, 1879

3. Source: DRY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	19E	1	NE	NW	NE	2	CASSIA
		12	NE	SE	NW		CASSIA

5. Description of diverting works:
VIA UPPER JORDON DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.320		

7. Total Quantity Appropriated is:
3.320 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 2118.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11S	19E	36	NW	SE		IRR	40.0
			SW	SE		IRR	38.0
			SE	SE		IRR	40.0

Section Acres 118.0

A45-00487C

Page 1

Date: 05/18/89

MICROFILMED
MAR 07 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	20E	31	NW	SW	3	IRR	73.0
			SW	SW	4	IRR	73.0
			SE	SW		IRR	40.0
Section Acres							186.0
12S	19E	1	NE	NE	1	IRR	40.0
			SE	NE		IRR	40.0
Section Acres							80.0
	20E	6	NE	NW	3	IRR	40.0
			NW	NW	4	IRR	70.0
			SW	NW	5	IRR	79.0
Section Acres							189.0
		31	NW	NW	1	IRR	59.0
			SW	NW	2	IRR	74.0
Section Acres							133.0
Total Acres							706.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

THIS IS A PORTION OF WR 45-00487A OF 4.88 CFS.
A PROPORTIONAL SHARE IS CLAIMED BRINGING THE TOTAL DRY CREEK
WATER CLAIMED TO 700".

****OTHER WATER RIGHTS*****
A45-00494 A45-00505 A45-00506 A45-00488A A45-00490
A45-00489 A45-02319 A45-02317 A45-02292 A45-02291
A45-02290 A45-04143 A45-04142

15. Basis of Claim: DECREED

Case Number:
Court :

Decree date: 5/27/1942

STONER, ET. AL.

Decree Plaintiff

vs

WILLHITE, ET. AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Partner of
Title
Coiner Bros., that I have signed the foregoing
Organization
document in the space below as Partner of
Title
Coiner and that the statements contained in the
Organization
foregoing document are true and correct.

Henry Coiner
Coiner Bros
Signature of Authorized Agent

Title and Organization

May 18, 1989
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 18th day

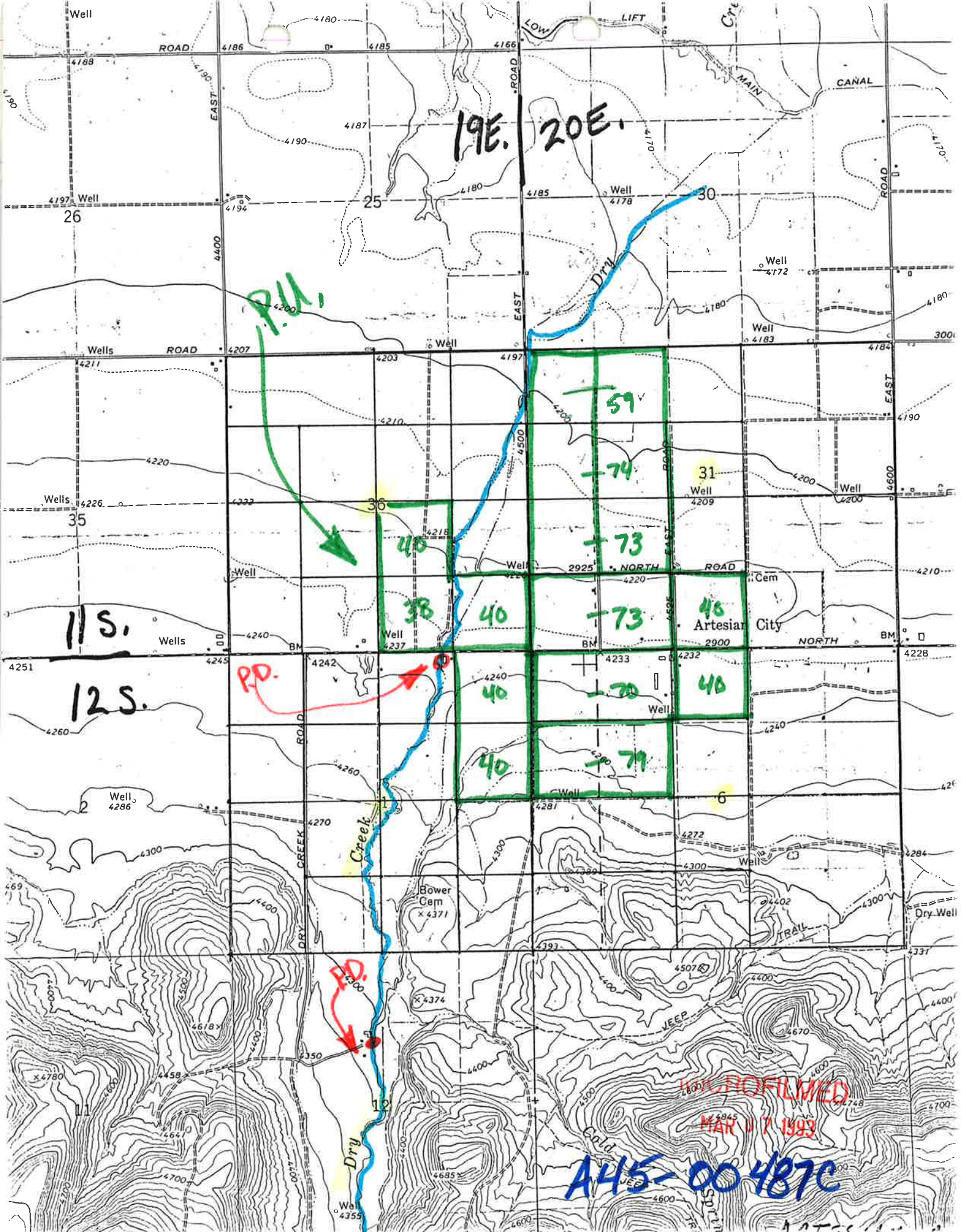
of May 19 89

Seal

Steve Collins
Notary Public

Residing at Twin Falls

My Commission Expires Dec 7, 1994



Building Diversion of irrigation water from Key Creek

5/1
2/15/6

1984
allotted
1327 inches of water diverted

Coiner Bros	-	646 inches	
Mason	-	175	1137.50
Wagner	-	175	1137.50
Quessell	-	175	1137.50
		40	260.00
Savage		40	260.00
Sturgill		76	494.00
Baley			

54 hrs for 2 Excavators, 1 man @ \$50 per hr - \$2700.00

54 hrs, 1 man 4 1/2 yd loader, 50 parts \$2700.00

22 1/2 hrs, excavator, cleaning of channels
ft to Bailey by Coiner 1800.00

24 hrs, dozing rocks for diversion
dam to Bailey by Corner 1080.00

14 ft pipe & gate 8280.00

335.00
8,615.00

MICROFILMED

MAR U 7 1993

MEMORANDUM

TO: Darrell Funk SRBA Claim Files and Illegal Diversion File

FROM: Corey Skinner *CS*

DATE: August 1, 1997

A45-00487 C

SUBJECT: Relevant Information

On May 21, of this year, I met with Darrell Funk to discuss his water rights on his farm located along Dry Creek south of Murtaugh. Mr. Funk explained to me that he has tied the mainlines together into one common system over his entire farm. Mr. Funk irrigates his farm with water from Dry Creek and several wells located on the farm. I went over the current recording of Mr. Funk's water rights, and corresponding SRBA claims, and explained to Mr. Funk that they did not reflect reality. I also explained to Mr. Funk that since the changes to the irrigation system occurred after 1987, changes would have to be recorded through the water right transfer process. The transfer process would also allow Mr. Funk to record an unrecorded point of diversion from Dry Creek that he had installed in the last couple of years.

I agreed to thoroughly review Mr. Funk's water rights and prepare the necessary transfer application(s) to record the changes that Mr. Funk has made to the irrigation system. I then proceeded to review the water rights and SRBA claims that were appurtenant to Mr. Funk's property and prepared the transfer applications. I also prepared a list of issues that needed clarified and additional documentation and information that needed to be provided by Mr. Funk before the applications could be processed.

Sometime in June, Mr. Funk requested that I come out and look at some problems that some of the Dry Creek water users were having. I mentioned that it would be a good time to go over the transfer applications for Mr. Funk's property.

On June 30th, Terry Blau and I visited Mr. Funk at his farm south of Murtaugh. Terry came along to look over some stream channel alteration work on Dry Creek that Mr. Funk was working on. After looking at the stream channel work, Terry left and Mr. Funk and I proceeded to discuss the transfer applications that I prepared. I went over the transfer applications, and a 06/29/97 memo I prepared discussing the groundwater rights and groundwater SRBA claims with Mr. Funk. I also outlined some additional information that needed to be provided and a couple of issues that needed clarified. I mentioned to Mr. Funk that he may want to go over the transfers and my analysis with his attorney, and I would be willing to discuss any matters with them if needed. I encouraged Mr. Funk to get the transfer applications filed as soon as possible, so that they could be processed in a timely manner. As of this date, I have yet to hear from Mr. Funk or his attorney.

11/19/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-487C
NAME AND ADDRESS: DARRELL M FUNK
3173 N 4900 E
MURTAUGH ID 83344

PATRICIA M FUNK
3173 E 4900 N
MURTAUGH ID 83344

SOURCE: DRY CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 3.200 CFS
PRIORITY DATE: 03/01/1879
POINT OF DIVERSION:

T12S R19E S12 NWNWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3.200 CFS

PLACE OF USE: IRRIGATION Within TWIN FALLS County

T11S R19E S36	NWSE	21.0	T11S R19E S36	SWSE	37.0
T11S R19E S36	SESE	38.0	T11S R20E S31 Lot 1	NWNW	77.0
T11S R20E S31 Lot 2	SWNW	78.0	T11S R20E S31 Lot 3	NWSW	78.0
T11S R20E S31 Lot 4	SWSW	75.0	T11S R20E S31	SESW	26.0
T12S R19E S01 Lot 1	NENE	39.0	T12S R19E S01	SENE	36.0
T12S R20E S06 Lot 3	NENW	38.0	T12S R20E S06 Lot 4	NWNW	64.0
T12S R20E S06 Lot 5	SWNW	76.0			

683 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 45-488A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 662 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 742 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 939 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-505, 45-506, 45-533, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-4142

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 662 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

06/17/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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.

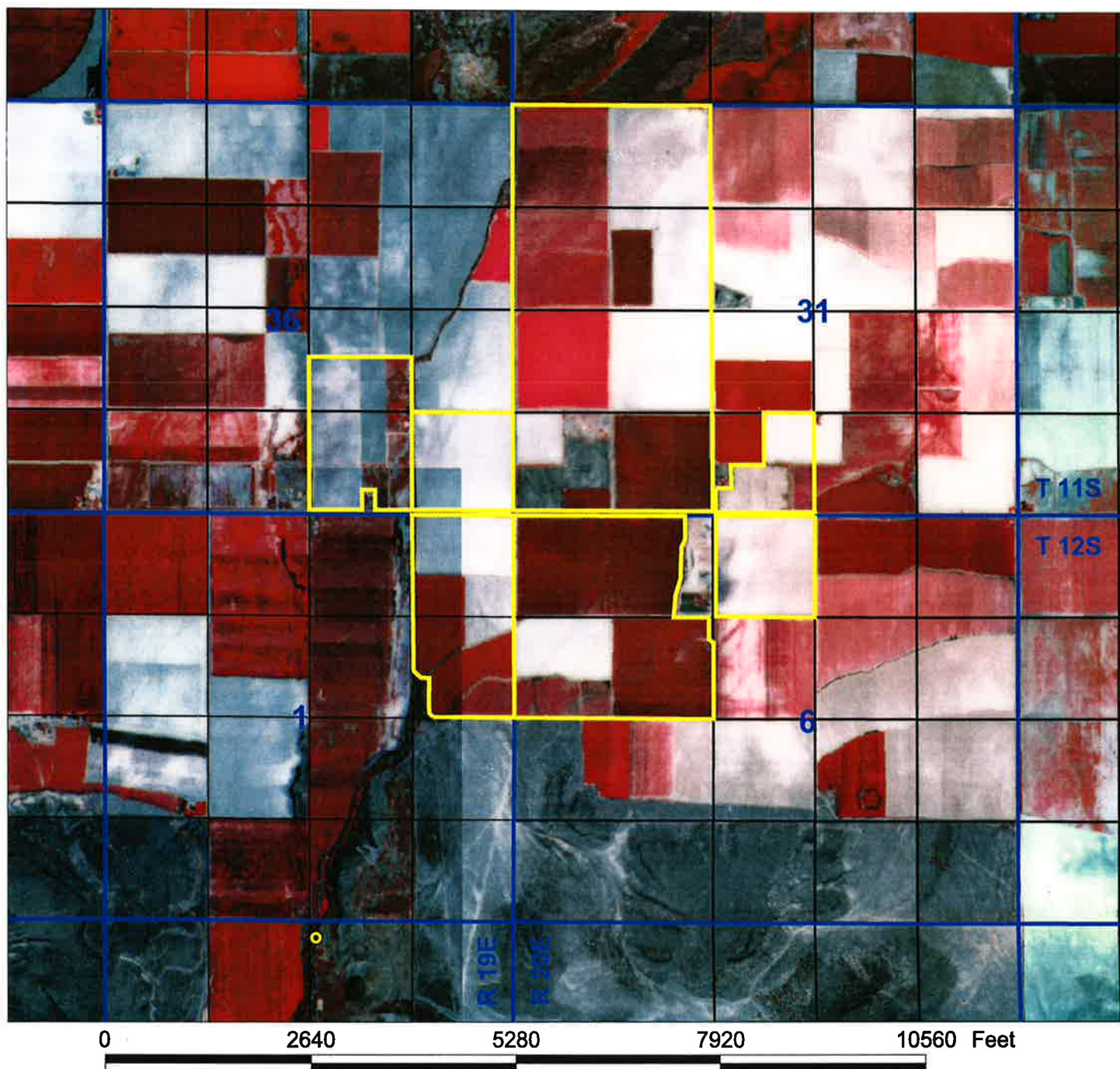
EXPLANATORY MATERIAL: Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-487.

Idaho Department of Water Resources

RIGHTS: 45-487C, 45-488A

RECOMMENDED PLACE OF USE
TWP 11S, RNG 19E, 20E
TWP 12S, RNG 19E, 20E
PREPARED JUNE 16, 2003



- ⊙ RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER SECTION LINES



GIS PLACE OF USE PRESENTATION
1987 NAPP AERIAL PHOTOGRAPHY

PREPARED BY VIKIE HANCOCK

MEMO TO FILE

From: Vikie Hancock

6/16/03

RE: Recommendation of Claim No: 45-487C and 45-488A

These claims are based upon a portion of 45-487 (priority 1879) and 45-488 (priority 1880) that were decreed to the same place of use in the 1942 Stoner v Wilhite decree on Dry Creek.

The two rights were decreed in the name of Stoner. At some point, the property was sold to different parties and the rights divided in the Dry Creek water master report. The rights were never formally split by IDWR, with the exception of 45-488 which was split into A and B portions in 1975 when Joe Tugaw included his portion of the right in a transfer of place of use. This split by IDWR did not address the fact that by this time several other people owned portions of decree 45-488. It also did not split 45-487 when it split 45-488.

The 1942 Stoner v Wilhite decree only re-adjudicated the most senior 985 inches of water decreed in the 1926 Bonard v Moorman decree and did not supersede any other overlapping water rights decreed within the previous 1926 decree. 48-487 & 45-488 did not identify a specific number of acres but only the forty-acre tracts that were then owned by the decree holder as the place of use. In one instance, the decree overlaps a 78 acre tract that was found in the previous decree to have been developed by a different party in 1910 (45-505), and in another place overlaps land that was documented to be recently cleared but not yet irrigated in a 1923 IDWR field exam (lic 45-2026 superseded). Despite these discrepancies, I used a 1964 aerial photo of the initial decreed place of use to determine what land was most probably developed from surface water ditches out of Dry Creek circa 1879.

Using the 1964 photo I found a total of 911 irrigated acres within the place of use decreed for 45-487 and 45-488. Of that, 662 acres are irrigated by Darrell Funk. Thirty of those acres are not owned by Funk, but are included in the recommended place of use. These lands are located in the SENESE and E½SWSE Section 36, T11S, R19E and in the S½SESW Section 31, T11S. R20E, and are described in more detail within file 45-487C.

Because actual delivery of both rights 45-487 and 45-488 had been split by the water master, I used that intent to arrive at my calculation of diversion rate for the various portions of the rights, even though the actual proportions delivered were ambiguous on the water master report. See table in file 45-487C for further information.

The recommended place of use of 45-487C and 45-488A also overlaps 45-489, 45-490, 45-494 and 45-533 for a combined total of 662 acres. With the

45

addition of 80 acres decreed under 45-506, a total of 742 acres are decreed for surface water. Dry Creek decrees also overlap licenses for ground water.

ACRES CALCULATED USING 1962 PHOTO									
CLAIMNO	CURR OWNER	PART	ACRES		45-487 DIV RATE	Stuegill	Funk	TUGAW	
45-487, 488	funk	A	63.6		13"				
45-487, 488	funk	A	260.5		54				
45-487, 488	funk	A	62.4 ✓		13				
45-487, 488	funk	A	37.8		8				
45-487, 488	funk	A	35.9		7				
45-487, 488	funk	A	13.4 ✓		3				
45-487, 488	funk	A	75.9		16				
45-487, 488	funk	A	30.1 ✓		6				
45-487, 488	funk	A	49.2 ✓		10		129"		
45-487, 488	tugaw	A	45.0		9				
45-487, 488	tugaw	A	36.9		8			17"	
Total part A				710.7	146 IN				
45-487, 488									
45-487, 488	funk 107001/2001/2002 part 1/2	B	* 21.2 ✓		15"		15" *		
45-487, 488	funk ROSEBOROUGH INC	B	** 21.6 ✓		16"		16" *		
45-487, 488	sturgill also 2075	B	39.0		28"	28"			
45-487, 488	tugaw	B	54.5		40"				
45-487, 488	tugaw	B	64.7		47"			87"	
Total part B				201.0	146 IN				
Total			911.7		292 IN	28"	160"	104"	inches

$$146/711 = .205 \text{ per ac}$$

$$146/201 = .726 \text{ per ac}$$

SRBA CLAIM # →

5.84 cfs

.56

(NO CLAIM)

3.20

(487C)

2.08

(487B)

CFS

1879 water

* LAND INCLUDED IN FUNK CLAIM BUT NOT OWNED BY FUNK

** 10 AC OWNED BY ROSEBOROUGH INCLUDED FOR CALCULATION, BUT NOT INCLUDED IN POL AS IT IS INCLUDED IN GW CLAIM 45-2288 FOR IRR.

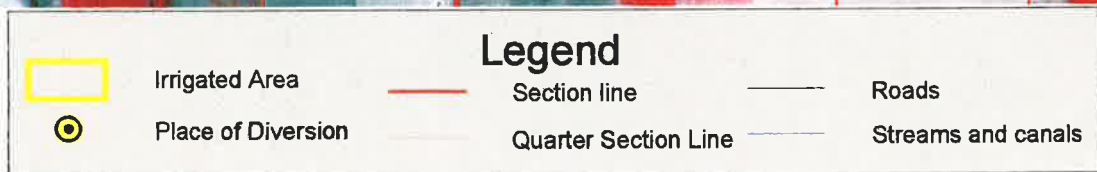
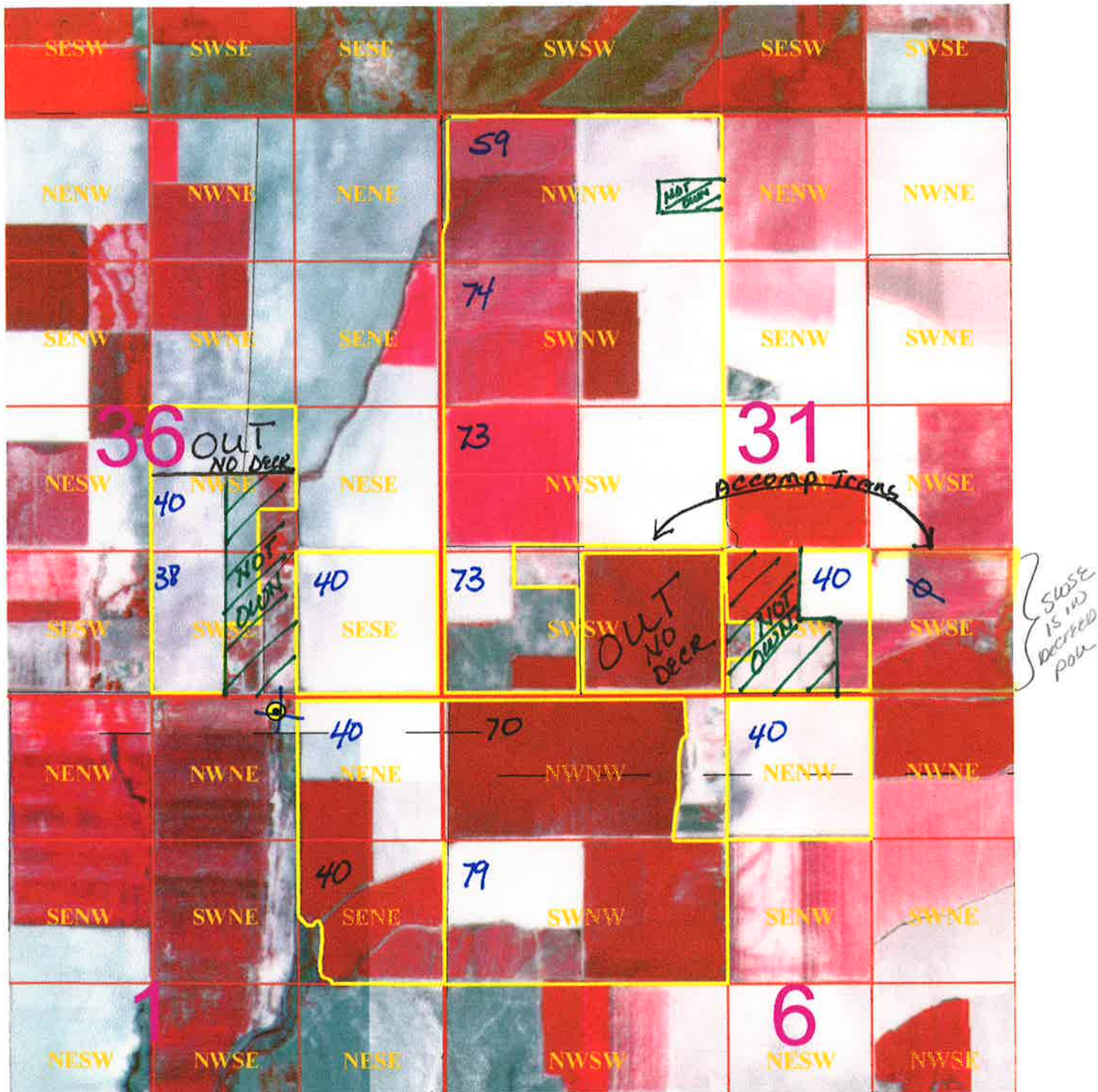
USED THIS METHOD

04
4/14/03

Water Right Claim Number A45-0487C

02/21/2000

Townships , 11S19E, 11S20E, 12S19E, 12S20E



600 0 600 1200 Feet

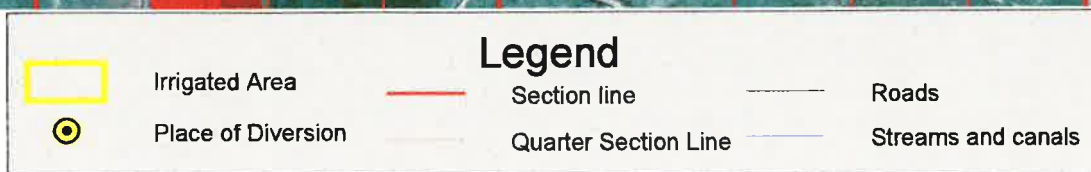
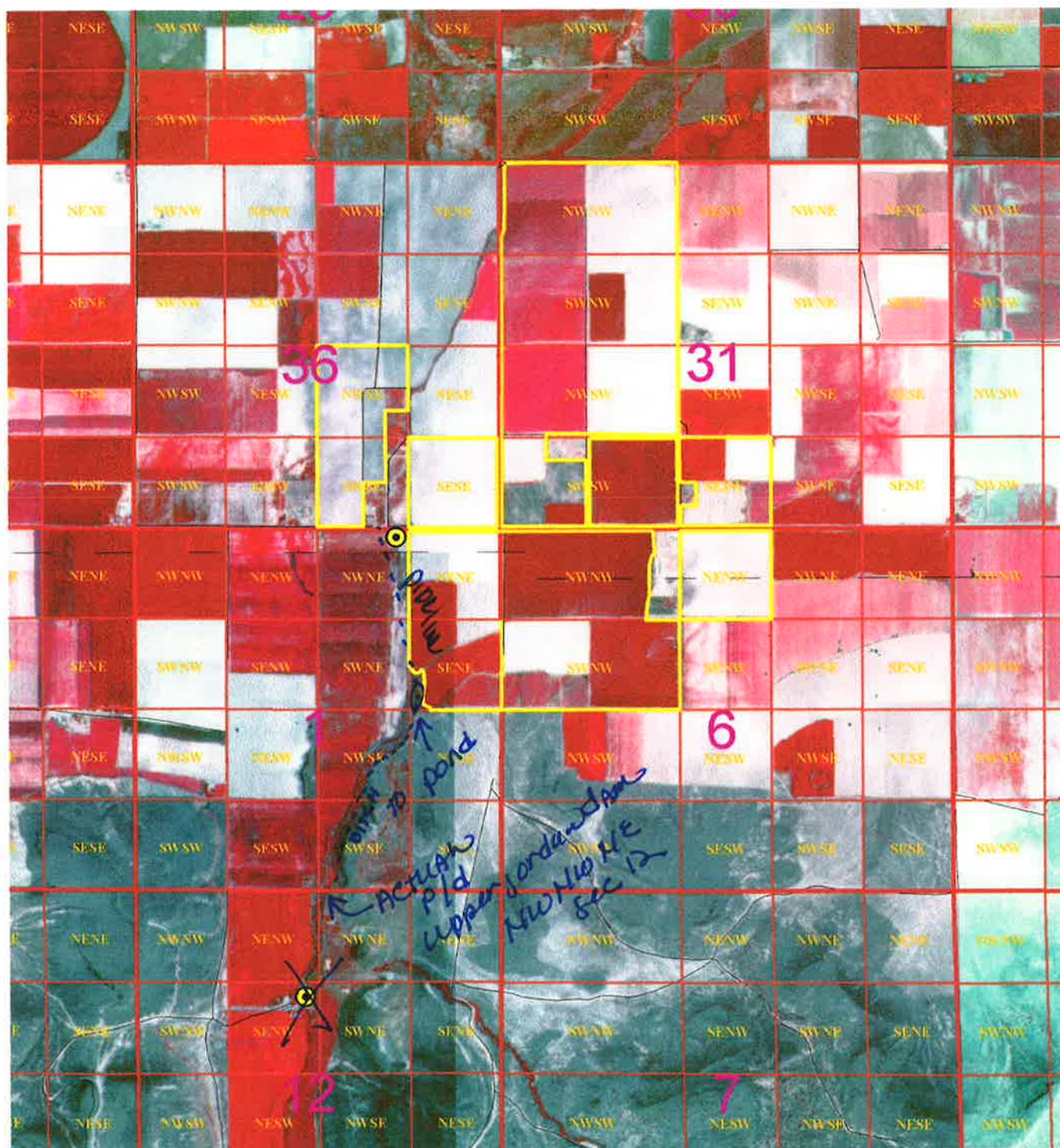
ACRES CLAIMED SRBA 487C & 488A
706 AC

PER 1964 Photo

662

629 AC Found IRR within POLL for decree & owned by Claimants

Townships , 11S19E, 11S20E, 12S19E, 12S20E



1000 0 1000 2000 Feet



DRY CREEK
Darrell Funk
As Decreed

Decreed poll { 487C & 488A (NO ACRES)
489 & 490 (NO SPECIFIC POLL)*
"Lands of Shareholders"
494
505
506
533 (COLD SPR CR)

DRY CREEK (ALL)

Claimed Acres = 786
within PPU of 939
Per 1962 Aerial Photo
Actual acres developed
within cleared POU = 742
ALL COMBINED RIGHTS

25

30

75.0

40.0

77.0

36

31

74.0

18.0

40.0

33.0

36.0

34.0

26.0

35.0

39.0

64.0

38.0

37.0

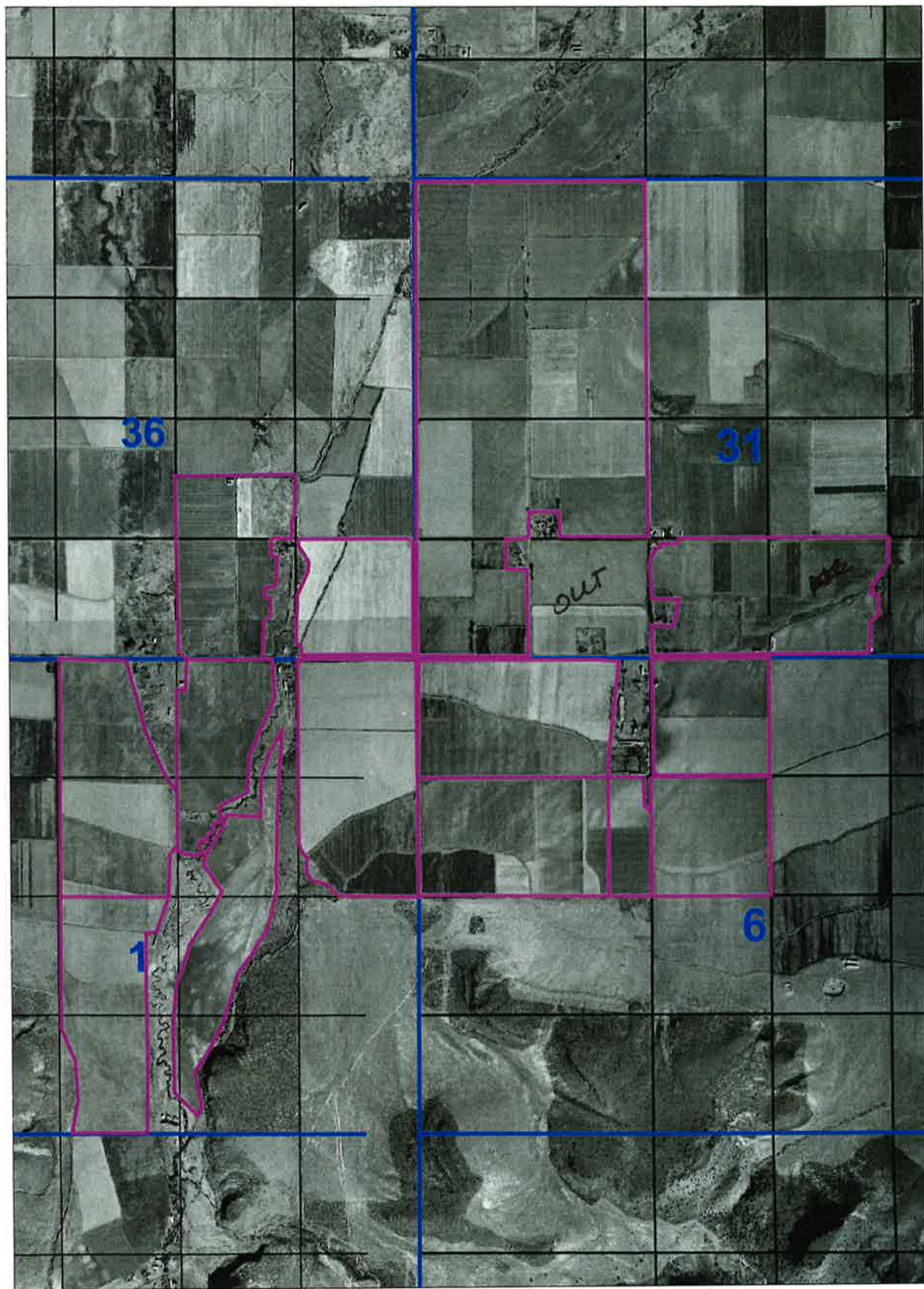
76.0

1

6

1962 AERIAL PHOTO
POU all S.Water Decrees
Darrell Funk

45-487, 45-488
DECEED PLACE OF USE

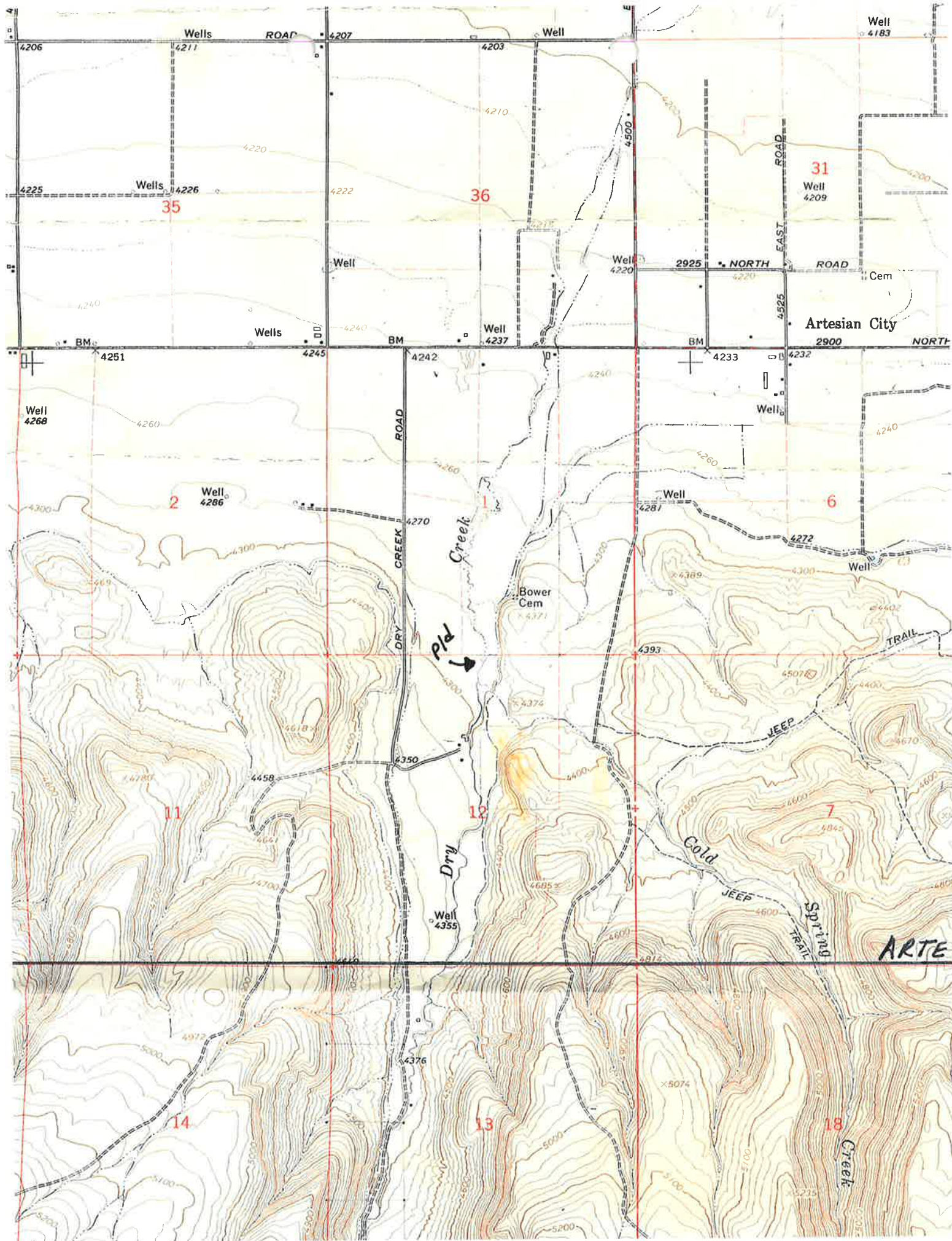


1962

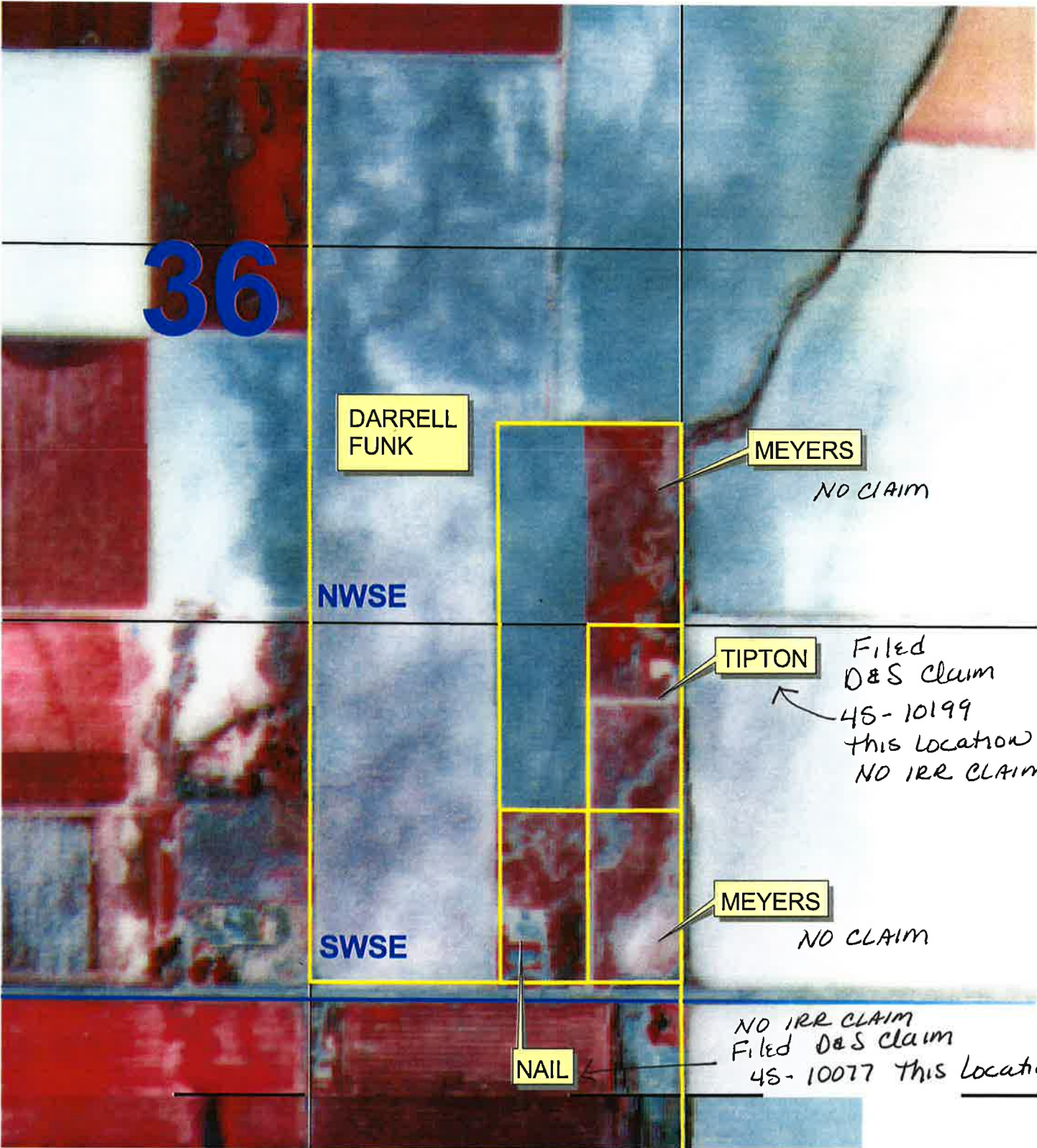
AERIAL PHOTO

45-478 & 45-488

V HANCOCK
IDWR

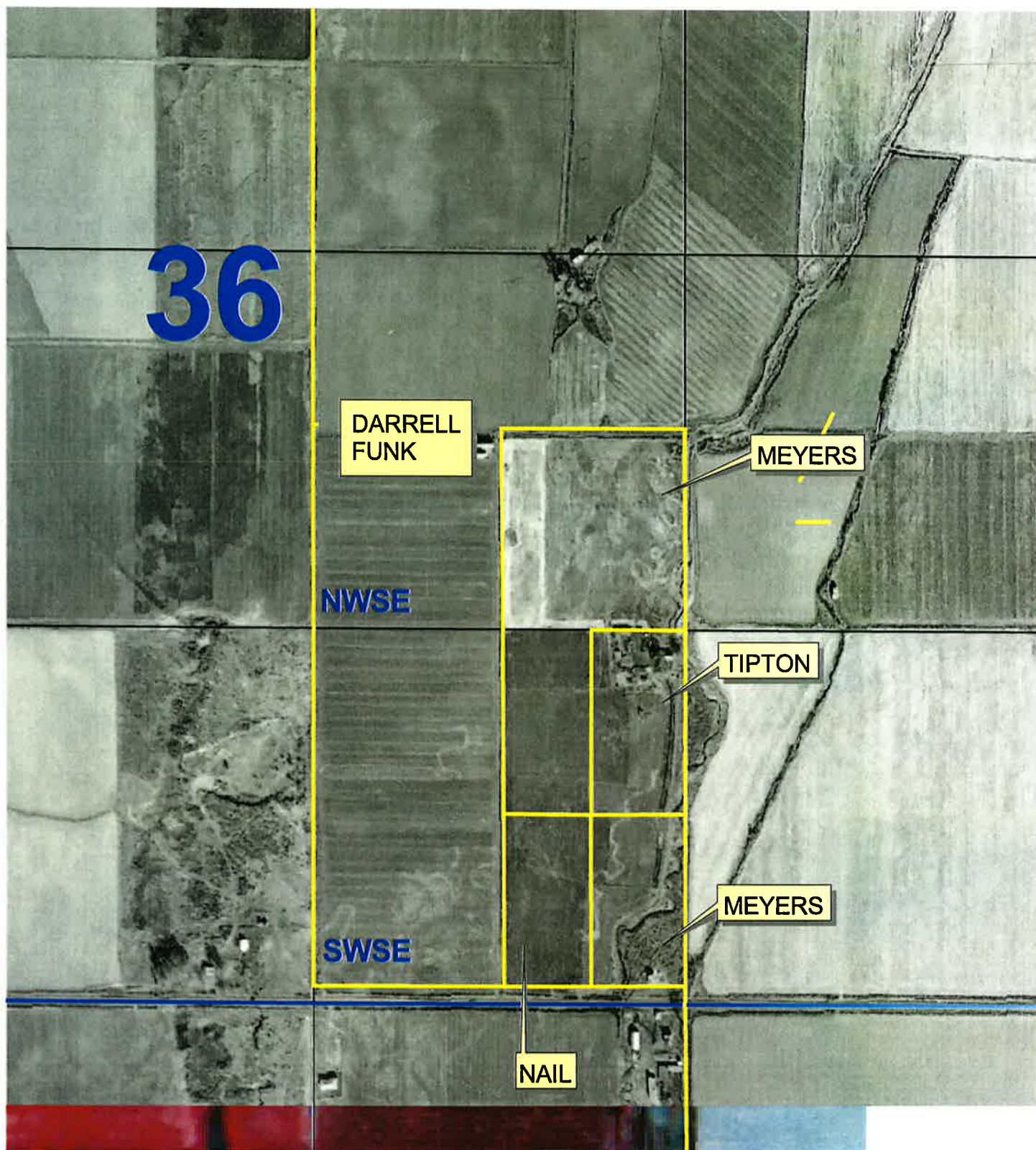


OWNERSHIP
SECTION 36
T11S, R19E



OWNERSHIP
SECTION 36
T11S, R19E

1964 AERIAL PHOTO



V. HANCOCK
IDWR

OWNERSHIP
SECTION 31
T11S, R20E

1987 AERIAL PHOTO



V. HANCOCK
IDWR

OWNERSHIP
SECTION 31
T11S, R20E

1964 AERIAL PHOTO



V. HANCOCK
IDWR

TITLE
OF
CASE

Ethel Stoner, et al

vs.

Alice L. Willhite, et al

SOURCE Dry Creek

PAGE 1

WATER DIST. 45-N

COUNTY Cassia & Twin Falls

JUDICIAL DIST. 11

JUDGE T. Bailey Lee

DATE OF DECREE May 27, 1942

RECORDED IN BOOK NO. 6 AT PAGE NO. 113 FILE NO. 31

RN.	DN.	DECREED OWNER	NAME	PRESENT OWNER	AMT. INCHES SEC. FT.	PRIORITY	DIVERSION				REMARKS, LAND TO BE IRRIGATED, ETC.	G.T.
							SUBDIV.	SEC.	TWR.	RG.		
45	481	Alice L. & J. H. Willhite	Jess Willhite		90	12-31-77	NWNE	12	12S	19E	Upper Jordan Dam. Lot 1, 2, 30; T. 11S, R. 20E. Portion S. of Milner Lowlift Canal of Lot 4-19; T. 11S, R. 20E.	
45	483	Illa A. & W. R. Oliver	Theodore Mason & others		90	12-31-77	"	"	"	"	Lots 3 & 4, NE1/4SW4, SE1/4SW4-30; T. 11S, R. 20E.	
45	485	Archie & Anna Quesnell	Gilbert E. Quesnell	Richard D. Quesnell	90	12-31-77	"	"	"	"	Theodore Mason - NE1/4SW4-30; T. 11S, R. 20E. SW1/4SE4-19; NW1/4NE4, SW1/4NE4, NE1/4SW4, SE1/4NW4, NW1/4SW4-30; T. 11S, R. 20E. SWSE-19; NW1/4NE4, SW1/4NE4, SE1/4NW4-30; T. 11S, R. 20E.	
45	487	Ethel & Julia Stoner	Charles & Henry Coiner		292	3-1-79	SWSW	13	12S	19E	NW1/4SE4-30; T. 11S, R. 20E. E1/4W1/2, W1/2E1/2, Lot 1, SE1/4NE4-1; T. 12S, R. 19E. Lots 3 & 4 except part of official plat of Artesian City, SW1/4NW4-6; T. 12S, R. 20E. Lots 1, 2, 3 & W1/2-4; SE1/4SW4, SW1/4SE4-31; T. 11S, R. 20E. SE1/4SE4, SW1/4SE4, SW1/4NW4SE4-36; T. 11S, R. 19E. excepting part of official plat of artesian city. NW1/4NW4, SW1/4NW4-6; T. 12S, R. 20E. E1/4NE4, W1/2E1/2-1; T. 12S, R. 19E. Lots 1, 2, 3 & W1/2 of 4-31; T. 11S, R. 20E. W1/2SW1/4SE4, SW1/4NW4SE4, SE1/4SE4-36; T. 11S, R. 20E. SW1/4SE4, NE1/4SE4SW4-31; T. 11S, R. 20E.	
		Everett Fuller	George Fuller	E. L. Barton	146						N1/4SW4-1; T. 12S, R. 19E. E1/4NW4-1; T. 12S, R. 19E. E1/4SW1/4SE4, SE1/4NW4SE4-36; T. 11S, R. 19E.	
		L. Mathews	M. R. Marshall	Theodore Sturgill							NW1/4SE4SW4-31; T. 11S, R. 20E. SW1/4SE4SW4-31; T. 11S, R. 20E.	
45	489	Dry Creek Water Co.	Funk		153	3-1-79	NWNE	12	12S	19E	SE1/4NW4-6; T. 12S, R. 20E. Lands of stockholders in 36; T. 11S, R. 19E. 31; T. 11S, R. 20E. 1; T. 12S, R. 19E. 6; T. 12S, R. 20E.	
45	482	Alice L. & J. H. Willhite			63 1/2	3-1-80	"	"	"	"	See above	

part dry
little
catch water
only

of 1500
1200
1000
800
600
400
200
0

45 0486

63 1/3 inches of water per second of time
with date of priority March 1, 1880,

to be diverted at the Upper Jordan Dam in the Northwest Quarter
of the Northeast Quarter of Section Twelve (12), Township Twelve
(12) South, Range Nineteen (19) East B.M., Cassia County, Idaho.

IV

That there is hereby awarded to Ethel Stoner and Julia
Stoner, and their successors in interest, for use upon the
following described lands situated in Cassia County, Idaho, to-
wit:

The East half of the West Half ($E\frac{1}{2}W\frac{1}{2}$), and the
West Half of the East Half ($W\frac{1}{2}E\frac{1}{2}$), and Lot One
(1) and the Southeast Quarter of the Northeast
Quarter ($SE\frac{1}{4}NE\frac{1}{4}$), all in Section One (1), Town-
ship Twelve (12) South, Range Nineteen (19) East
of the Boise Meridian, and Lots Three (3) and
Four (4), with the exception of Lot 1 of Sub-tract
3, as shown on the official plat of Artesian City
and Suburban tracts of record in the Recorder's

Office, Twin Falls County, State of Idaho, and
the South Half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$)
of Section Six (6), Township Twelve (12) South,
Range Twenty (20) East of the Boise Meridian;

and for use upon the following described lands situated in Twin
Falls County, Idaho, to-wit:

Lots One (1), Two (2) and Three (3), and the West
Half of Lot Four (4), and the Southeast Quarter of
the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) and the Southwest
Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$) of
Section Thirty-one (31), Township Eleven (11)
South, Range Twenty (20) East of the Boise Meridian,
and the Southeast Quarter of the Southeast Quarter
($SE\frac{1}{4}SE\frac{1}{4}$) and the Southwest Quarter of the Southeast
Quarter ($SW\frac{1}{4}SE\frac{1}{4}$), and the South Half of the Northwest
Quarter of the Southeast Quarter ($S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$) of Section
Thirty-six (36), Township Eleven (11) South, Range
Nineteen (19) East of the Boise Meridian, with the
exception of the following described suburban
tracts, to-wit:

Lots 7, 8 and 11 of Sub-tract #1, Lot 31 and the
West Half of Lot 35, and the West Half of Lot 39
of Sub-tract #1, Lots 42, 44, 45, 46 and 47, of
Sub-tract #1, Lots 1, 2, 3, 4 and 7 of Sub-tract
#2, and Lots 12, 14 and 16 of Sub-tract #4, as shown
on the official plat of Artesian City and Suburban
Tracts of record in the Recorder's Office of Twin
Falls County, State of Idaho,

a water right from Dry Creek, situated in Cassia and Twin Falls
Counties, Idaho, and its tributaries, of

45 0487 292 inches of water per second of time with
date of priority March 1, 1879, and

45 0488 53 inches of water per second of time with
date of priority March 1, 1884,

all of which water shall be applied directly or commingled with
hot water of the Artesian Water Company, as plaintiffs and their
successors shall elect, said water to be diverted at the present
point of diversion from Dry Creek in the Southwest Quarter of the
Southwest Quarter of Section Thirteen (13), Township Twelve (12)
South, Range Nineteen (19) East B.M., Cassia County, Idaho, and
Upper Jordan Dam in the Northwest Quarter of the Northeast Quarter
of Section Twelve (12), Township Twelve (12) South, Range Nineteen
(19) East B.M., Cassia County, Idaho.

V

That there is hereby awarded to plaintiff, Dry Creek
Water Company, a corporation, for use by its stockholders upon
lands situated in Twin Falls County, State of Idaho, and Cassia

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE August 2, 1999 12:22pm **CUSTOMER** JOE TUGAW A45-00487B

SUBJECT: AMENDED CLAIM
phone call (.) walk-in (X)

Mr. Tugaw was in this morning to file ten stockwater claims for springs on private, state and federal lands. After the claims were filed, he had some questions on his irrigation rights and wanted to make sure he had claimed everything he should. He found that he had not claimed all of his water under right #45-00487, originally for 5.84 cfs, and split by a transfer into part A (4.88 cfs) and part B (.96 cfs). He had claimed the .96 cfs for WR 45-00487B in claim A45-00487B. He felt he was also entitled to part of WR 45-00487A. He amended claim A45-00487B to add an additional 1.96 cfs (98 inches) from part A of that water right for a total of 2.92 cfs. It appears part A is now overclaimed; 3.32 cfs by Funk in claim A45-00487C and the 1.96 cfs by Tugaw in claim A45-00487B, for a total of 5.28 cfs.