

DISTRICT COURT SRBA
TWIN FALLS CO. IDAHO
FILED
2009 JUL 14 AM 8 45

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 47-10693

NAME AND ADDRESS: BRENT A FUNK
CHALET FUNK
2786 B ROCK CREEK RD
HANSEN, ID 83334

SOURCE: ROCK CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.24 CFS
596.00 AFY

The total instantaneous diversion of water from all points of diversion under rights 47-10693, 47-122, 47-124B, 47-138, 47-158, & 47-162A shall not exceed 5.01 cfs, nor total combined annual diversion volume of 928.0 af. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above. Right Nos. 47-10693, 47-00122 and 47-00158 are limited to a total combined annual diversion volume of 856.0 AF. The rights listed below are limited to a total combined annual diversion volume of 928.0 af. Combined Right Nos.: 47-10693, 47-122, 47-124B, 47-138, 47-158, & 47-162A

PRIORITY DATE: 05/15/1879

POINT OF DIVERSION: T11S R18E S36 SENENW Within Twin Falls County
NENESW
NESESW

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 2.24 CFS
596.00 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 October 31 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 R18E S25 NWSE 40.0 SWSE 40.0
S36 NWNE 40.0 SWNE 35.0
NENW 10.0 SWNW 23.0
SENEW 25.0 NESW 25.0
NWSW 34.5 NWSE 20.0
292.5 Acres Total

This right is limited to the irrigation of 149 acres within the place of use described above in a single irrigation season. Right Nos. 47-10693, 47-00122 and 47-00158 are limited to the irrigation of a combined total of 214.0 acres in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 232.0 acres in a single irrigation season.

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

PLACE OF USE (continued)

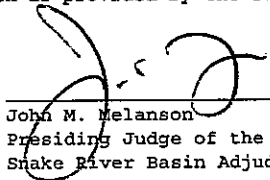
Combined Right Nos.: 47-10693, 47-122, 47-124B, 47-138, 47-158,
47-2551, & 47-162A.

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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JUL 15 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
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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 Nos.: See Attached Exhibit A
) (Funk)
)
) ORDER OF PARTIAL DECREES
)
)

On February 2, 2007, the Idaho Department of Water Resources filed its *Director's Report for Basin 47, Part 1, Reporting Area 12, for Irrigation and Other Water Rights*, which included recommendations for the above named water rights. No objections were filed and the time period for filing objections has expired.

On May 21, 2009, the Idaho Department of Water Resources filed an *Amended Notice of Completed Administrative Proceeding and Amended Director's Reports* notifying the Court of a substitution of party in each of the above named water rights. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that the above-captioned water rights be decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED

July 14, 2009

JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

47-00122
47-00124B
47-00138
47-00158
47-00162A
47-02551
47-10693

(Subcase list: LUCYGRAY)
5/21/09

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on July 14, 2009, with sufficient first-class postage to the following:

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

BRENT A FUNK
CHALET FUNK
2786 B ROCK CREEK RD
HANSEN, ID 83334

ORDER

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Deputy Clerk

Julie Murphy