

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2009 JUN 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 47-02551

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

SOURCE: GROUND WATER

QUANTITY: 3.94 CFS
788.00 AFY

Right No. 47-02551 when combined with Rock Creek Right Nos.
47-10693, 47-00122, 47-00124B, 47-00138 and 47-00158 shall not
exceed a 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 below.

PRIORITY DATE: 05/02/1955

POINT OF DIVERSION: T11S R18E S36 SESWNW Within Twin Falls County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.94 CFS 788.00 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
	S36	NWNE 40.0
		NENW 10.0
		SENE 25.0
		NWSW 34.5
		SWSE 40.0
		SWNE 35.0
		SWNW 23.0
		NESW 25.0
		NWSE 20.0
	292.5 Acres Total	

The rights listed below are limited to the irrigation of a
combined total of 232 acres in a single irrigation season.
Combined Right Nos.: 47-2551, 47-10693, 47-122, 47-158, 47-124B,
47-138, 47-162A

Right No. 47-02551 is limited to the irrigation of 197.0 acres
in the place of use described above in a single irrigation
season.

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

The right holder shall use the full allotment of appurtenant
surface water rights in conjunction with groundwater diverted
under this right and shall only divert groundwater under this
right when water from the appurtenant surface water rights
cannot be delivered to the right holder.
This right to divert groundwater shall not be used if the

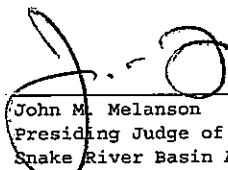
OTHER PROVISIONS (continued)

surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.

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

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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