

2006 JUN 16 PM 1 44

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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 82-10099
	)	

I. FINDINGS OF FACT

A *Partial Decree* was issued for water right 82-10099 on July 21, 2000. On November 30, 2005, the Court received correspondence from Preston L. Funkhouser stating that the *Partial Decree* was in error regarding the place of use.

On April 4, 2006, the parties to the subcase filed a *Standard Form 5 – Amended Claim for Domestic and Stockwater*, which corrected the error in the previously decreed place of use and point of diversion. The Idaho Department of Water Resources concurred with the *Standard Form 5*. The filing of the *Standard Form 5* appeared on the court's docket sheet. No objections were filed thereto, and the time for objecting has expired.

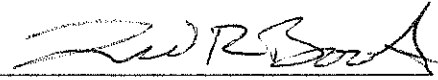
On April 12, 2006, a *Notice of Completed Administrative Proceeding* was filed regarding a substitution of party. Based upon the file and record herein, this Special Master finds that the error in the *Partial Decree* is a result of a clerical error.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to Idaho Rule of Civil Procedure 60(a), IT IS RECOMMENDED that an amended partial decree be issued for water

right 82-10099 with the elements as set forth in the attached *Recommendation for Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated June 16, 2006.

A handwritten signature in black ink, appearing to read 'Theodore R Booth', written over a horizontal line.

THEODORE R BOOTH

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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 82-10099

NAME AND ADDRESS: CHARLENE M FUNKHOUSER
PRESTON L FUNKHOUSER
HC 66 BOX 287
KOOSKIA, ID 83539

SOURCE: SPRINGS TRIBUTARY: SINKS
UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/01/1963

POINT OF DIVERSION: T31N R05E S19 NWSESE Within Idaho County
NWSESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Stockwater Within Idaho County
T31N R05E S19 SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2006 JUN 16 PM 1 44

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

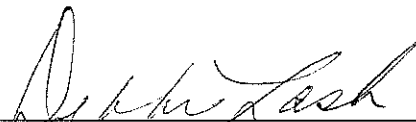
Water Right(s): 82-10099

On June 16, 2006, Special Master THEODORE R. BOOTH
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), 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 June 16, 2006.



DEBBIE LASH
Deputy Clerk