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DEC 07 2007

DEPARTMENT OF
WATER RESOURCES

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

A. Subcase 02-07284
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau
of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Lance D. Funk

Address: 3853 Rast Road; American Falls, Idaho 83211

Name: Lisa I. Funk

Address: 3853 Rast Road; American Falls, Idaho 83211

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The legal description for the place of use element may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

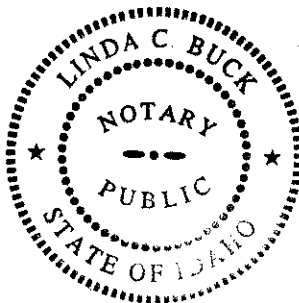
Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

December 4, 2007

Linda C. Buck

Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID

My Commission Expires: 12/21/2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 12/5, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Lance D. Funk
Address: 3853 Rast Road; American Falls, Idaho 83211

Name: Lisa I. Funk
Address: 3853 Rast Road; American Falls, Idaho 83211

Name:
Address: ;

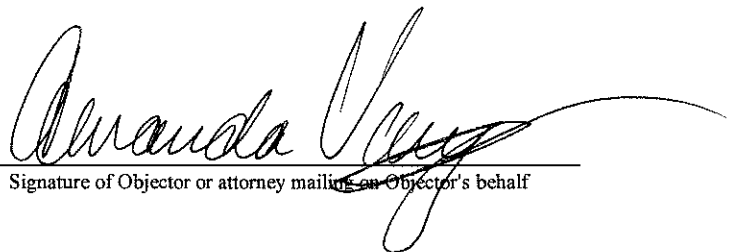
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney mailing on Objector's behalf

NCAP filed 05-02-07
-changes ownership

04/26/2007

IDaho DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-7284
NAME AND ADDRESS: LISA I FUNK
3853 EAST RD
AMERICAN FALLS ID 83211
LANCE D FUNK
3853 EAST RD
AMERICAN FALLS ID 83211

Mixed POUs:

-The places of use identified describe both private and public lands. Please clarify such that only private land is intended by inserting the following language under place of use:

"Place of use does not include federal public lands."

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 1.460 CFS
607.70 AFY

Rights 02-02159, 02-02354, 02-02396, 02-07184, 02-07229 and 02-07284 when combined shall not exceed a total diversion rate of 22.48 cfs.

PRIORITY DATE: 05/08/1979

POINT OF
DIVERSION:

T01S R06E S26 NESE Lot 1 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	3.420 CFS 2.70 AFY
STOCKWATER	01/01 12/31	0.040 CFS 603.00 AFY

PLACE OF USE: IRRIGATION in ELMORE County

Mixed

T05S R06E S23	SESE	5.00	T05S R06E S24	SWSE	40.00
T05S R06E S24	SESE	25.90	T05S R06E S26	NWNE	1.00
T05S R06E S26	SWNE	4.00	T05S R06E S26	SENE	6.00
T05S R06E S26	NWSE	10.00	T05S R06E S26	SESE	25.00

STOCKWATER same as IRRIGATION

101 ACRES TOTAL

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. Section 43-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 5.0 afy at the field headgate for irrigation of the land described above.

Original Director's Report

12/28/2006

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-7284

NAME AND ADDRESS: COWLEY REVOCABLE LIVING TRUST
625 S 5TH ST E2
PHOENIX ID 85004

SMT INVESTORS LP
625 S 5TH ST E2
PHOENIX ID 85004

COWLEY COS INC
625 S 5TH ST E2
PHOENIX ID 85004

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.460 CFS
607.70 AFY

Rights 02-02159, 02-02354, 02-02398, 02-07184, 02-07229 and 02-07284
when combined shall not exceed a total diversion rate of 22.28 cfs.

PRIORITY DATE: 05/08/1979

POINT OF
DIVERSION: T05S R06E S36 NESE Lot 1 Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.420 CFS 2.70 AFY
STOCKWATER	01/01 12/31	0.040 CFS 605.00 AFY

PLACE OF USE: IRRIGATION in ELMORE County

T05S R06E S23	SESE	5.00	T05S R06E S24	SWSE	40.00
T05S R06E S24	SESE	28.00	T05S R06E S26	NWNE	8.00
T05S R06E S26	SWNE	4.00	T05S R06E S26	SENE	6.00
T05S R06E S26	NWSE	10.00	T05S R06E S26	SESE	20.00

STOCKWATER same as IRRIGATION

121 ACRES TOTAL

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 5.0 afa at the field headgate for irrigation of the land described above.

02-07284; Lance & Lisa Funk



Mixed POUs:

-The places of use identified describe both private and public lands. Please clarify such that only private land is intended by inserting the following language under place of use:

"Place of use does not include federal public lands."

BOISE DISTRICT SEC 3

MT PLAT

[illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF:	10960650508EAT10000A.smg
COMPLETED TFP:	09/27/2008
BY:	LPM
LAST UPDATED:	09/27/2008
BY:	LPM
GAGE #1:	CNOIC #2
FOISTED TO PUBLIC RECORDS:	
BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BULK ACQUISITION ACQUIRED:	04/29/2005
NAME:	N/A
PROJECTED COORDINATE SYSTEM UTM ZONE 11N, NAD 1983	
NOTES:	
USE PLANS:	

John A. T. 5 5 5

