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AUG 29 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 27 2008	
By _____	Clerk _____
Deputy Clerk _____	

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

Subcase No. 02-02398

Case No. 39576

Standard Form 5

STIPULATED ELEMENTS
OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

Lance D. Funk

Lisa I. Funk

Lance D. Funk

8/8/08

Date

Lisa I. Funk

8/8/08

Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Daniel Nagi

8/21/08

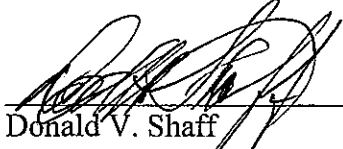
Jacob T. Haseman FWR

Date

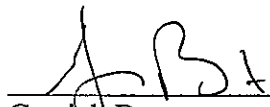
Attorney, U.S. Department of Justice

Environment and Natural Resources Div.

IDWR Concurrence:


Donald V. Shaff
Adjudication Bureau Chief

8/26/08
Date


Garrisk Baxter
Deputy Attorney General

7/11/08
Date

12/21/2007

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

RIGHT NUMBER: 2-2398

NAME AND ADDRESS: LISA I FUNK
3853 RAST RD
AMERICAN FALLS ID 83211

LANCE D FUNK
3853 RAST RD
AMERICAN FALLS ID 83211

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.740 CFS
935.00 AFY

PRIORITY DATE: 10/01/1966

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	3.740 CFS 935.00 AFY

PLACE OF USE: IRRIGATION in ELMORE County

T05S R06E S26	NENE	20.00	T05S R06E S26	NWNE	2.00
T05S R06E S26	SWNE	36.00	T05S R06E S26	SENE	34.00
T05S R06E S26	NESE	40.00	T05S R06E S26	NWSE	30.00
T05S R06E S26	SWSE	5.00	T05S R06E S26	SESE	20.00

187 ACRES TOTAL

Place of use does not include federal public lands.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on August 20, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

LANCE D FUNK
LISA I FUNK
3853 RAST RD
AMERICAN FALLS, ID 83211



Signature of person or attorney mailing the form