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DEPARTMENT OF
WATER RESOURCES

2008 OCT 23 AM 11:56

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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 02-2398
Case No. 39576) (Funk)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

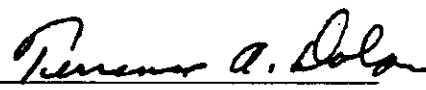
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area Basin 02* on December 29, 2006. The Director recommended the claim to Cowley Revocable Living Trust, SMT Investors LP and Cowley Cos, Inc., for 3.74 cfs from the Snake River to irrigate 187 acres in Elmore County from March 15 to November 15 with a priority date of October 1, 1966, based on a license.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on December 5, 2007, objecting to place of use. On August 27, 2008, new claimants Lance and Lisa Funk, 3853 Rast Road, American Falls, Idaho, 83211, and the United States, with IDWR's concurrence, filed a *Standard Form 5* agreeing to add the remark: "Place of use does not include federal public lands."

Conclusions of Law

The Funks are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 02-2398*.

DATED October 23, 2008.


TERRENCE A. DOLAN
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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 02-02398

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

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.74 CFS
935.00 AFY

PRIORITY DATE: 10/01/1966

POINT OF DIVERSION: T05S R06E S36 LOT 1 (NESE) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.74 CFS 935.00 AFY

PLACE OF USE:	Irrigation		Within Elmore County
	T05S R06E S26	NENE 20.0 SWNE 36.0 NESE 40.0 SWSE 5.0	NWNE 2.0 SENE 34.0 NWSE 30.0 SESE 20.0
	187.0 Acres Total		

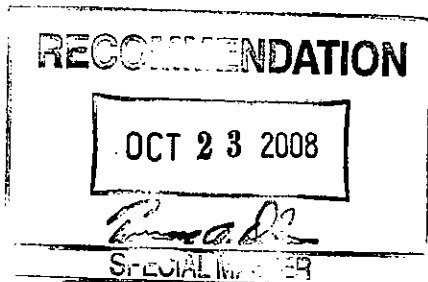
Place of use does not include federal public lands.

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. 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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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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 02-02398

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 23, 2008, with sufficient first-class postage prepaid to the following:

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

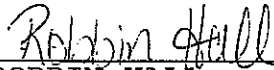
UNITED STATES OF AMERICA

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

CERTIFICATE OF MAILING


ROBBIN HALL
Deputy Clerk

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10/23/08

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FALL DISTRICT COURT OF TWIN

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Water Right(s) : 02-02398

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