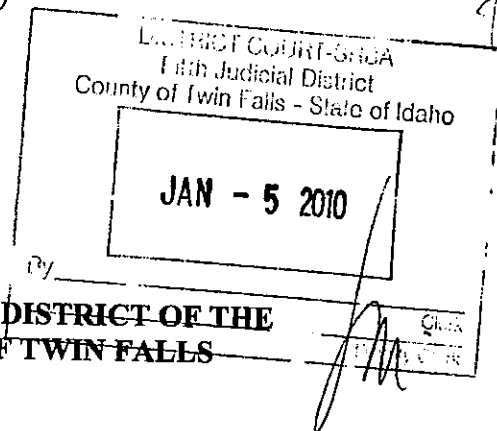




**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Subcase Nos. 47-2489

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 whether 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 Basin 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:

OBJECTORS:

Twin Falls Canal Company

Darrell Funk Dec. 3-09
Darrell Funk Date

David Funk Dec 30 09
David Funk Date

Paul Arrington, Attorney 12/29/09
Paul Arrington, Attorney Date

IDWR Concurrence:

for 
Donald V. Shaff
Adjudication Bureau Chief

Date _____


 FOR Garrick Baxter 12-30-09
 Deputy Attorney General Date

CERTIFICATE OF MAILING

I certify that on January 4, ²⁰¹⁰~~2009~~, 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

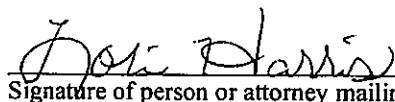
2. Copies to:

TWIN FALLS CANAL COMPANY
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485

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

DAVID L FUNK
3040 n 3800 E
HANSEN, ID 83334

DARRELL M FUNK
3173 N 4900 E
MURTAUGH, ID 83344



Signature of person or attorney mailing the form

05/04/2009

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

RIGHT NUMBER: 47-2489

NAME AND ADDRESS: DAVID L FUNK
3040 N 3800 E
HANGEN ID 83334

DARRELL M FUNK
3173 N 4900 E
MURTAUGH ID 83344

SOURCE: UNKNOWN STREAM

TRIBUTARY: ROCK CREEK

QUANTITY: 2.000 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands below.

PRIORITY DATE: 11/06/1915

POINT OF
DIVERSION:

T11S R18E S20 WNSW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3/15 11/15	2.000 CFS

PLACE OF USE: IRRIGATION in TWIN FALLS County

T11S R18E S23	SWSE	40.00	T11S R18E S23	NWSE	30.00
T11S R18E S23	NWSE	40.00	T11S R18E S23	SWSE	30.00
T11S R18E S23	SESE	25.00			

165 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 747 acres in a single irrigation season. Combined Right Nos.: 47-144a, 47-125b, 47-126b, 47-145, 47-146, 47-157, 47-167a, 47-168b, 47-2489, 47-7532, 47-7533, 47-14185, 47-14187, 47-14188, 47-124A

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 42-1612(6), Idaho Code.

The source of this water right includes waste water. The wasting of water may be discontinued at any time.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Source is also known as Antelope Springs.

Use of this right is combined with water from Twin Falls Canal Co.

SFS Amended Director's Report

PLA

12-14
12-20Sec
NBS