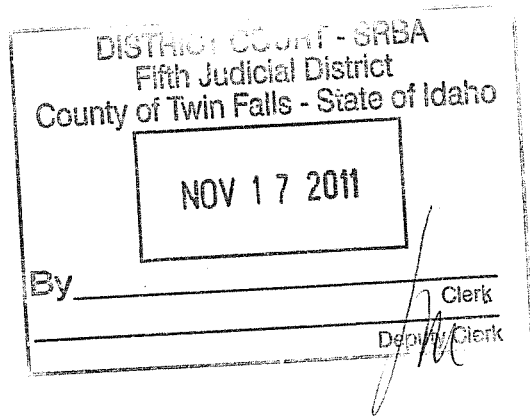


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NOV 28 2011
DEPARTMENT OF
WATER RESOURCES



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) Subcase Nos. 21-07362
)
Case No. 39576) ORDER SETTING ASIDE PARTIAL
) DECREE
)
) ORDER OF AMENDED PARTIAL
) DECREE
)

A *Partial Decree* was issued for the above-captioned water right on February 2, 2007. On June 16, 2008, a *Motion to Amend Notice of Claim* was filed by Gene R. Kantack. On September 2, 2008, an *Order of Reference* was issued appointing the Special Master to preside over the *Motion* and issue a recommendation. On March 6, 2009, the Special Master issued a *Special Master's Report and Recommendation* recommending that the *Motion* be denied.

On August 29, 2009, a *Motion to Alter or Amend Special Master's Report and Recommendation* was filed by Gene R. Kantack. On June 27, 2011, a *Notice of Completed Administrative Proceeding* ("NCAP") was filed by the Idaho Department of Water Resources reflecting a change in ownership of the above-captioned claim. On November 1, 2011, the Special Master entered an *Order on Motion to Alter or Amend Special Master's Report and Recommendation*, recommending that the *Motion to Alter or Amend* be granted in part only to reflect the change in ownership established in the NCAP. No other changes to the *Partial Decree* were recommended. The recommendation was based upon the fact that the movant agreed that no changes should be made to the *Partial Decree* other than a change in the ownership and filed a *Late Claim* under a different water right number to resolve the issue raised pertaining to this water right. No challenges were filed to the *Order on Motion to Alter or*

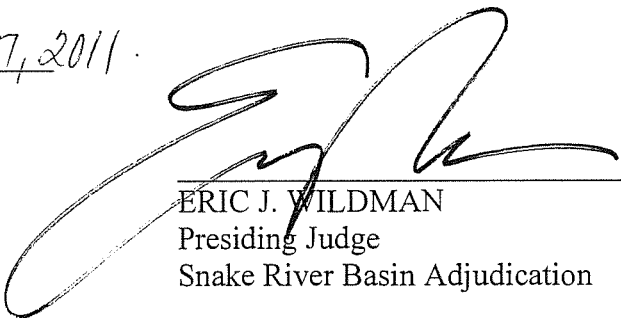
Amend Special Master's Report and Recommendation and the time for filing challenges has expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the *Partial Decree* entered for the above-captioned water right is **hereby set aside** to reflect the change in ownership established in the NCAP.

IT IS FURTHER ORDERED that the above-captioned water right be **decreed** with the elements set forth in the attached *Amended Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated November 17, 2011.



ERIC J. WILDMAN
Presiding Judge
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 21-07362

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 17 2011

By

Clerk

Deputy Clerk

NAME AND ADDRESS: DGM PROPERTIES LLC
FUNK-DRUSSEL LLC
G&S DEVELOPMENT LLC
WENGREEN DEVELOPMENT LLC
5990 GLEN EAGLES DR
IDAHO FALLS, ID 83401

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
2.80 AFY

PRIORITY DATE: 07/15/1985

POINT OF DIVERSION: T15N R43E S06 NWNW Within Fremont County
NWNW

Two points of diversion are located within NWNW, S06, T15N,
R43E.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Commercial	05-25 TO 09-30	0.04 CFS 2.80 AFY

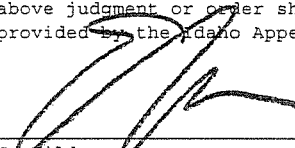
PLACE OF USE: Commercial Within Fremont County
T15N R43E S06 NWNW

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.


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING
ASIDE PARTIAL DECREE / ORDER OF AMENDED PARTIAL DECREE was mailed
on November 17, 2011, with sufficient first-class postage to
the following:

GENE R KANTACK

Represented by:

ROBERT L HARRIS

1000 RIVERWALK DR, STE 200

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

DGM PROPERTIES LLC

FUNK-DRUSSEL LLC

G&S DEVELOPMENT LLC

WENGREEN DEVELOPMENT LLC

5990 GLEN EAGLES DR

IDAHO FALLS, ID 83401

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.