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DEPARTMENT OF WATER RESOURCES  
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 47-4088  
Case No. 39576 ) (Klundt)  
 )  
 ) SPECIAL MASTER REPORT  
 )  
\_\_\_\_\_  
Findings of Fact

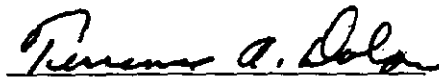
The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 12, IDWR Basin 47* on February 2, 2007. The Director recommended the claim to Delbert and Pati Klundt, 2672B East, 4000 North, Twin Falls, Idaho, 83301, for 1 cfs from groundwater for year-'round fish propagation in Twin Falls County with a priority date of June 9, 1947, based on beneficial use.

The Twin Falls Canal Company filed an *Objection* on September 17, 2007, objecting to source. On May 2, 2008, the Klundts and the Canal Company, with IDWR's concurrence, filed a *Standard Form 5* agreeing to add the remark: "The operation use and administration of this water right is also subject to the terms and conditions of the Agreement entered into between the water right owner and Twin Falls Canal Company on August 3<sup>rd</sup>, 1978."

**Conclusions of Law**

The Klundts 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 47-4088*.

DATED June 19, 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 47-04088

NAME AND ADDRESS: DELBERT E KLUNDT  
PATI D KLUNDT  
2672B E 4000 N  
TWIN FALLS, ID 83301

SOURCE: GROUND WATER

QUANTITY: 1.00 CFS

PRIORITY DATE: 06/09/1947

POINT OF DIVERSION: T10S R16E S12 NWNE Within Twin Falls County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE   | PERIOD OF USE  | QUANTITY |
|-------------------------------|------------------|----------------|----------|
|                               | Fish Propagation | 01-01 TO 12-31 | 1.00 CFS |

PLACE OF USE: Fish Propagation Within Twin Falls County  
T10S R16E S01 SWSE  
S12 NWNE

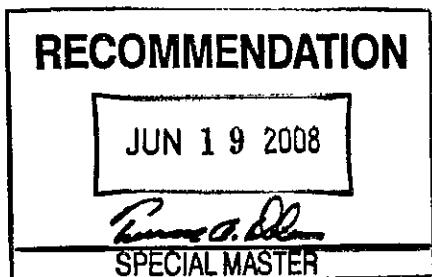
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 47-04088

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 June 19, 2008, with sufficient first-class postage prepaid to the following:

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

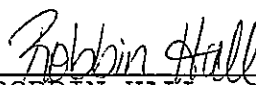
TWIN FALLS CANAL COMPANY  
Represented by:  
BARKER, ROSHOLT & SIMPSON LLP  
113 MAIN AVE W, STE 303  
PO BOX 485  
TWIN FALLS, ID 83303-0485  
Phone: 208-733-0700

IGWA INC  
Represented by:  
RANDALL C BUDGE  
201 E CENTER, STE A2  
PO BOX 1391  
POCATELLO, ID 83204-1391  
Phone: 208-232-6101

CERTIFICATE OF MAILING

PAGE 1  
06/19/08

DELBERT E KLUNDT  
PATI D KLUNDT  
2672B E 4000 N  
TWIN FALLS, ID 83301  
Phone: 208-733-4263

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
 )  
Case No. 39576 )  
 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

Water Right(s): 47-04088

On June 19, 2008, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED June 19, 2008.

  
\_\_\_\_\_  
ROBBIN HALL  
Deputy Clerk