

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILEDIN 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
	)	(Klundt)
Case No. 39576	)	
	)	AMENDED 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 3rd, 1978."

On July 1, 2008, counsel for the Twin Falls Canal Company contacted the SRBA Court to note that the *Special Master Recommendation for Partial Decree for Water Right 47-4088* attached to the June 19, 2008 *Special Master Report* failed to include the above remark. The attached *Amended Special Master Recommendation* includes the remark.

Conclusions of Law

The Klundts are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Amended Special Master Recommendation for Partial Decree for Water Right 47-4088*.

DATED July 8, 2008.

A handwritten signature in black ink, reading "Terrence A. Dolan". The signature is written in a cursive style with a horizontal line underneath.

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 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:

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 3RD, 1978.

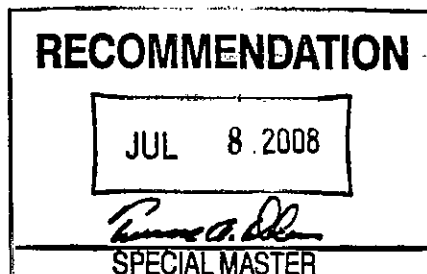
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

AMENDED

John M. Melanson
Presiding Judge of the
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)
_____)

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 July 08, 2008, with sufficient first-class postage prepaid to the following:

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

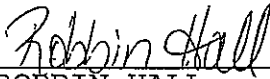
TWIN FALLS CANAL COMPANY
Represented by:
BARKER, ROSHOLT & SIMPSON LLP
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

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

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07/08/08

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



ROBBIN HALL
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
Case No. 39576

)
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)
)
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

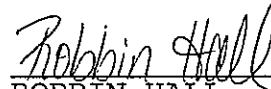
Water Right(s): 47-04088

On July 08, 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 July 08, 2008.



ROBBIN HALL
Deputy Clerk