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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB - 2 2012	
By _____	Clerk
_____	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	)	Subcase 35-7061:
	)	35-13631 (Klassen)
	)	35-13632 (OK, Inc.)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT
	)	AND RECOMMENDATION

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other Uses, Reporting Area 5, Part III (IDWR Basin 35)* on January 29, 1999. The Director recommended claim 35-7061 to Eunice and Otto Klassen for 1.1 cfs from groundwater to irrigate 217 acres in Bingham County from April 15 to October 31 with a priority date of November 7, 1968, based on a license.

The Twin Falls and North Side Canal Companies filed *Objections* on June 2, 1999, objecting to source, quantity and other provisions. The subcase was consolidated with other Basin 35 subcases involving the Twin Falls and North Side Canal Company *Objections* under consolidated subcase 35-2315 on October 23, 2001 – the same date and the Aberdeen-Springfield Canal Company was granted leave to file late *Objections*.

IDWR filed *Notices of Completed Administrative Proceedings* on June 26, 2007, splitting 35-7061 into 35-13631 (Charles O. Klassen, 1948 South, 2900 West, Aberdeen, Idaho, 83210) and 35-13632 (OK, Inc., 1948 South, 2900 West, Aberdeen, Idaho, 83210).

The Twin Falls and North Side Canal Company *Objections* were dismissed on August 27, 2001, and on January 17, 2012, the Aberdeen-Springfield Canal Company filed its *Notice of Withdrawal of Objections*.

Conclusions of Law

1. Neither party is entitled to a partial decree for claim 35-7061 because of the split: and
2. Mr. Klassen and OK, Inc., are entitled to partial decrees as described in the *NCAPs* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 35-13631 and 35-13632*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 35-7061 be **disallowed**.

DATED February 2, 2012.



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-13631

NAME AND ADDRESS: CHARLES O KLASSEN
1948 S 2900 W
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 0.22 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .53 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 172 AF. COMBINED RIGHT
NOS.: 35-13629 AND 35-13633.

PRIORITY DATE: 11/07/1968

POINT OF DIVERSION: T06S R31E S07 LOT 1 (SENWNW) Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.22 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT
EXCEEDED. THE USE OF WATER BEFORE APRIL 15 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

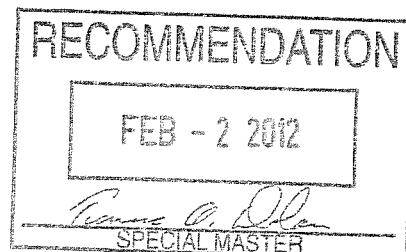
PLACE OF USE:	Irrigation	Within Bingham County
	T06S R31E S07	NENE 11.0 NWNE 31.0 SWNE 1.0
	43.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 43 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-13629 AND 35-13633.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10.90 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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).



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-13632

NAME AND ADDRESS: OK INC
1948 S 2900 W
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 0.88 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.14 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 696 AF. COMBINED RIGHT
NOS.: 35-13630 AND 35-13634.

PRIORITY DATE: 11/07/1968

POINT OF DIVERSION: T06S R31E S07 LOT 1 (SENNWN) Within Bingham County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	0.88 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT
EXCEEDED. THE USE OF WATER BEFORE APRIL 15 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Bingham County
	T06S R31E S07	SENE 15.0
	SWNE 40.0	
	NENW 25.0	LOT 1 (NWNW) 18.0
	LOT 2 (SWNW) 36.0	SENE 40.0
	174.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 174 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-13630 AND 35-13634
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 44.10 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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).

RECOMMENDATION

FEB - 2 2012

SPECIAL MASTER

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho FEB - 2 2012 By _____ 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)
))
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

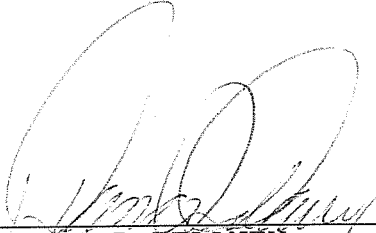
Water Right(s): 35-07061
35-13631 35-13632

On February 02, 2012, 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.

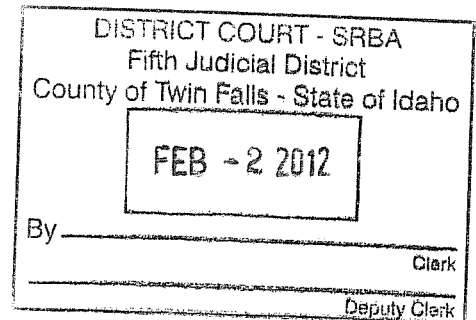
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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 February 02, 2012.



DIANA R DELANEY
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-07061
35-13631 35-13632

CERTIFICATE OF MAILING

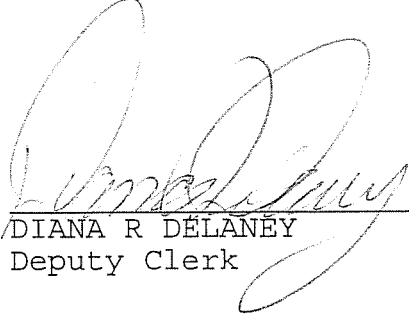
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 02, 2012, with sufficient first-class postage prepaid to the following:

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

CHARLES O KLASSEN
OK INC
1948 S 2900 W
ABERDEEN, ID 83210

EUNICE KLASSEN
OTTO R KLASSEN
281 W BOISE ST
ABERDEEN, ID 83210-1943
Phone: 208-397-4019

CERTIFICATE OF MAILING


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02/02/12
DIANA R DELANEY
Deputy Clerk