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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 35-13264:
	)	35-13633 (Klassen)
	)	35-13634 (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 35-13264 to Wallace and Charles Klassen for .84 cfs from groundwater to irrigate 217 acres in Bingham County from April 1 to October 31 with a priority date of May 15, 1984, based on beneficial use.

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 35-13264 into 35-13633 (Charles O. Klassen, 1948 South, 2900 West, Aberdeen, Idaho, 83210) and 35-13634 (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 35-13264 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 35-13633 and 35-13634*.

Recommendation

THEREFORE, IT IS RECOMMENDED that claim 35-13264 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 35-13633

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

SOURCE: GROUNDWATER

QUANTITY: 0.17 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.53 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 172 AF. COMBINED RIGHT
NOS.: 35-13629 AND 35-13631.

PRIORITY DATE: 05/15/1984

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

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

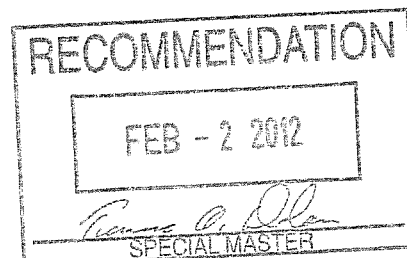
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.17 CFS

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

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 35-13631.

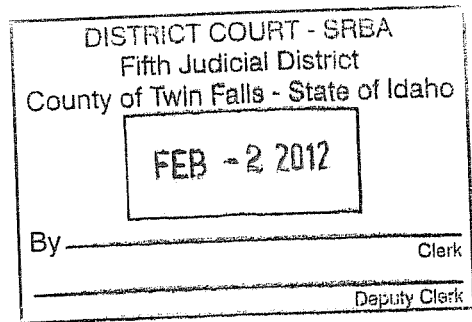
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 35-13629
AND 35-13631 PURSUANT TO SECTION 42-1426, IDAHO CODE.
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 Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-13634

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Jan-17-2012



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

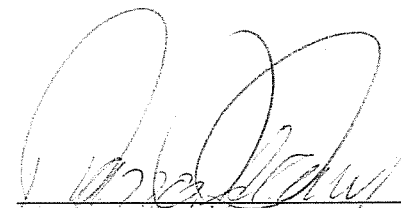
Water Right(s): 35-13264
35-13633 35-13634

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.

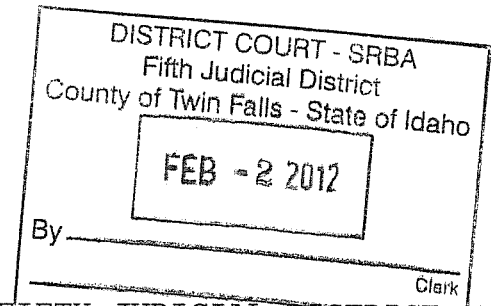
Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

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): 35-13264
35-13633 35-13634

CERTIFICATE OF MAILING

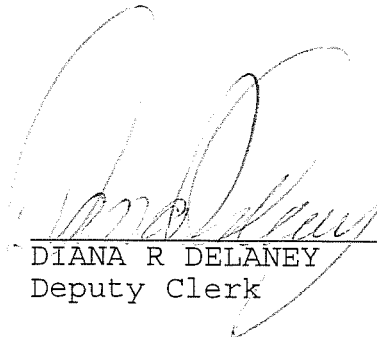
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 02, 2012, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

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

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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