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MAR 16 2011

DEPARTMENT OF
WATER RESOURCES

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

MAR 15 2011

By _____ Clerk

Deputy Clerk

DISTRICT OF THE

**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

**SPECIAL MASTER'S REPORT AND
RECOMMENDATION; FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

FOR WATER RIGHTS: 21-30Band 21-30C

I. FINDINGS OF FACT

A notice of claim was filed for water right 21-30bB pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed to 21-30B by the State of Idaho Department of Lands on May 25, 2006. An *Amended Director's Report* was filed on May 20, 2009. The Natural Guardian Limited Partnership filed an *Objection* to the *Amended Director's Report*. A *Notice of Completed Administrative Proceeding* was filed on October 8, 2010 which split the right to include 21-30C. The *Objection* was resolved on February 10, 2011 with the filing of a *Standard Form 5* for each right. All parties to the subcase and IDWR are signatories to the *Standard Forms 5*.

II. CONCLUSIONS OF LAW

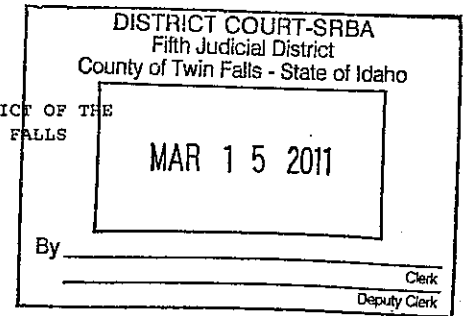
Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*.

DATED: March 15, 2011.


BRIGITTE BILYEU
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 21-00030B



NAME AND ADDRESS: NATURAL GUARDIAN LTD
PARTNERSHIP
2880 N 55 W
IDAHO FALLS, ID 83402

SOURCE: WILLOW CREEK TRIBUTARY: SHERIDAN CREEK

QUANTITY: 3.88 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 09/15/1898

POINT OF DIVERSION: T13N R41E S10 NWSESW Within Fremont County
S15 SWSESW
S16 SNNWNW
NESENE Within Clark County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		05-01 TO 10-31	3.88 CFS
Stockwater		05-01 TO 10-31	0.09 CFS

PLACE OF USE:	Irrigation	Within Clark & Fremont County
T13N R41E S09	SWSW 15.0	SESW 19.0
S10 LOT 4	(SWSW) 19.0	SESW 5.0
S15	NENW 0.5	NWNW 31.0
	SNNW 6.2	
S16	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 37.0
	NENW 40.0	NWNW 29.0
	SNNW 0.4	SENE 30.0
	NESW 28.0	SESW 36.0
	NESE 20.0	NWSE 40.0
	SWSE 40.0	SESE 31.0
S21	NENE 39.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 1.2
	SNNW 4.6	SENE 40.0
	NESW 40.0	NWSW 4.3
	SWSW 1.1	SESW 39.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
1036.3 Acres Total		
Stockwater		Within Clark & Fremont County
Same as Irrigation		

The rights listed below are limited to the irrigation of a
combined total of 1240.1 acres in a single irrigation season.
Combined Right Nos.: 21-30B, 21-10011 and 21-12843.
This right is limited to the irrigation of 640 acres within the
place of use described above in a single irrigation season.

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

The quantity of water decreed for this water right for

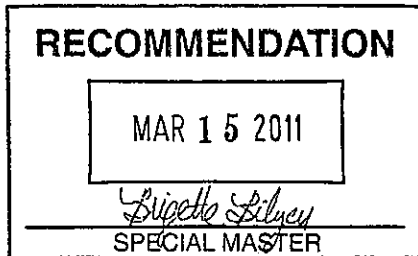
OTHER PROVISIONS (continued)

stockwater use is not a determination of historical beneficial use.

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

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
DEPARTMENT OF
WATER RESOURCES

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 21-00030C

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

MAR 15 2011

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: NATURAL GUARDIAN LTD
PARTNERSHIP
2880 N 55 W
IDAHO FALLS, ID 83402

STATE OF IDAHO DEPT OF LANDS
300 N 6TH ST STE 103
PO BOX 83720
BOISE, ID 83720-0050

SOURCE: WILLOW CREEK TRIBUTARY: SHERIDAN CREEK

QUANTITY: 0.39 CFS

PRIORITY DATE: 09/15/1898

POINT OF DIVERSION: T13N R41E S10 NWSESW Within Fremont County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	0.39 CFS

PLACE OF USE:	Irrigation	Within Clark County
	T13N R41E S09 SWSE 29.0	SESE 29.0
	58.0 Acres Total	

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

The ownership of this water right is governed by a settlement agreement executed by the Idaho Department of Lands and Natural Guardian Limited Partnership dated September 24, 2010. Access to the place of this water right is governed by a settlement agreement executed by the Idaho Department of Lands and Natural Guardian Limited Partnership dated September 24, 2010.

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.

RECOMMENDATION

MAR 15 2011

Bridgette Silvey
SPECIAL MASTER

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

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 15 2011	
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)

Case No. 39576)
)
)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 21-00030B
21-00030C

On March 15, 2011, Special Master BRIGETTE BILYEU 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 March 15, 2011.


JANET CONNELL
Deputy Clerk

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAR 15 2011
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)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 21-00030B

21-00030C

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 March 15, 2011, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO DEPT OF LANDS

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

NATURAL GUARDIAN LTD

Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

CERTIFICATE OF MAILING

PAGE 1
03/15/11

STATE OF IDAHO DEPT OF LANDS

Represented by:

STATE OF IDAHO

JRW BUILDING, SECOND FLOOR

700 W STATE ST, PO BOX 44449

BOISE, ID 83711-4449

Phone: 208-334-2400

STATE OF IDAHO DEPT OF LANDS

300 N 6TH ST STE 103

PO BOX 83720

BOISE, ID 83720-0050


JANET CONNELL
Deputy Clerk