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MAR 16 2011

DEPARTMENT OF
WATER RESOURCES

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

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

In Re SRBA

Case No. 39576

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

)
) FOR WATER RIGHTS: 21-10011 and 21-
) 10011A
)

I. FINDINGS OF FACT

A notice of claim was filed for water right 21-10011 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 21-10011 by Natural Guardian Limited Partnership on May 8, 2006. An *Amended Director's Report* was filed on June 25, 2007. Subsequently, a second *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 21-10011A. The *Objection* was resolved on February 10, 2011 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 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 Decree*.

DATED: March 15, 2011.


BRIGETTE 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 21-10011

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

SOURCE: WILLOW CREEK TRIBUTARY: SHERIDAN CREEK

QUANTITY: 9.00 CFS

PRIORITY DATE: 01/19/1906

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

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	9.00 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
	SWNW 6.2	
S16	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 37.0
	NENW 40.0	NWNW 29.0
	SWNW 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
	SWNW 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	

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 560 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

MAR 15 2011

Lucretia Librey
SPECIAL MASTER

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

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 21-10011A

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: 1.00 CFS

PRIORITY DATE: 01/19/1906

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	1.00 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
<i>Bugette Silvey</i> SPECIAL MASTER

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

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WATER RESOURCES

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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

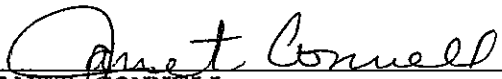
Water Right(s): 21-10011
21-10011A

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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WATER RESOURCES

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

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s) : 21-10011

21-10011A

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

NATURAL GUARDIAN LTD

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

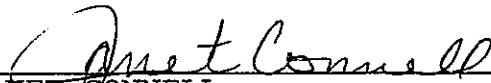
STATE OF IDAHO DEPT OF LANDS

Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

CERTIFICATE OF MAILING

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03/15/11

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



JANET CONNELL
Deputy Clerk