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MAR 31 2011

DEPARTMENT OF
WATER RESOURCES

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

MAR 29 2011

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

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

WATER RIGHT NO.: 21-2017

I. FINDINGS OF FACT

A notice of claim was filed for this water right 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 by the State of Idaho, Department of Lands on May 25, 2006. An *Amended Director's Report* was filed on May 4, 2009. A second *Amended Director's Report* was filed on January 27, 2010. The second *Amended Director's Report* was placed on the Docket Sheet. No objections were filed to the second *Amended Director's Report*, and the time for filing such objections has now expired.

A *Special Master's Report and Recommendation* was issued on March 15, 2011. The Idaho Department of Water Resources notified the Court that there was an error in the *Special Master's Recommendation*. The total combined diversion rate in the quantity condition was listed as 77.5. However, the *Amended Director's Report* filed on January 27, 2010, listed the combined diversion rate as 77.15. This *Amended Special Master's Report and Recommendation* corrects that error. No other changes have been made.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: March 29, 2011.


BRIGETTE BIL YEY, 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

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

MAR 29 2011

By _____ Clerk
Deputy Clerk

In Re SRBA)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 21-02017

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

SOURCE: SHERIDAN CREEK TRIBUTARY: ISLAND PARK RESERVOIR

QUANTITY: 4.80 CFS

The rights listed below are limited to a total combined
diversion rate of 77.15 cfs. Combined Right Nos.: 21-59, 21-108,
21-116, 21-2017, 21-2054A and 21-2158.
The quantity of water under this right for domestic use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 11/06/1905

POINT OF DIVERSION: T13N R40E S13 NESENE (Injection) Within Clark County
NESENE
SWNESE
SWNESE
S24 SESENE
R41E S06 SWSES
S07 LOT 2 (NESWNW)
LOT 4 (SWSWSW)
S18 LOT 1 (SWNWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		05-01 TO 10-31	4.80 CFS
Domestic		01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Irrigation	Within Clark County
T13N R40E S12	NESW 19.0	SESW 5.7
	NESE 40.0	NWSE 40.0
	SWSE 33.0	SESE 40.0
S13	NENE 36.0	NWNE 5.1
	SWNE 0.2	SENE 36.0
	NESE 40.0	NWSE 4.4
	SWSE 4.7	SESE 40.0
S24 LOT 1	(NENE) 40.0	LOT 2 (NWNE) 12.0
	SWNE 13.0	SENE 40.0
	NESE 40.0	NWSE 8.4
	SWSE 0.8	SESE 38.2
R41E S07 LOT 2	(SWNW) 9.6	SENE 5.6
	NESW 33.0	LOT 3 (NWSW) 40.0
LOT 4	(SWSW) 40.0	SESW 38.0
S08	SWSW 24.8	SESW 22.8
	SWSE 15.1	SESE 0.4
S16	NWNW 11.0	SWNW 40.0
	SENE 9.5	NESW 34.0
	NWSW 40.0	SWSW 40.0
	SESW 40.0	NWSE 9.6
	SWSE 7.8	
S17	NENE 29.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENE 40.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S18	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	LOT 1 (NWNW) 40.0
LOT 2	(SWNW) 40.0	SENW 40.0
	NESW 40.0	LOT 3 (NWSW) 40.0
LOT 4	(SWSW) 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S19	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	LOT 1 (NWNW) 40.0
LOT 2	(SWNW) 40.0	SENW 40.0
	NESW 40.0	LOT 3 (NWSW) 40.0
LOT 4	(SWSW) 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S20	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S21	NWNE 5.0	SWNE 0.4
	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 38.6
	NESW 35.0	NWSW 40.0
	SWSW 39.0	SESW 33.0

3857.7 Acres Total

Domestic

Within Clark County

Same as Irrigation

This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 3857.7 acres in a single irrigation season. Combined Right Nos.: 21-59, 21-108, 21-116, 21-2017, 21-2054A and 21-2158.

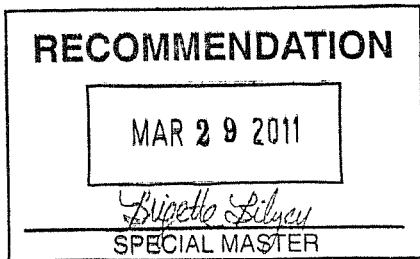
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic 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 Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s) : 21-02017

On March 29, 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 29, 2011.


JANET CONNELL
Deputy Clerk

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_____)

CERTIFICATE OF MAILING

Water Right(s) : 21-02017

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 29, 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


JANET CONNELL
Deputy Clerk

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