

DEPARTMENT OF  
WATER RESOURCES

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

DEC 04 2013

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

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

**FOR WATER RIGHTS: 31-7419,  
31-7419A and 31-7419B**

## I. FINDINGS OF FACT

A notice of late claim was filed for water right 31-7419 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 for Late Claims* contained a recommendation for the elements of water right 31-7419.

The *Objection* to water right claim 31-7419 was resolved by stipulation of the parties with a *Standard Form 5* which resulted in splitting the former parent right 31-7419 into assigned split right numbers 31-7419A and 31-7419B. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

## II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 31-7419 **not** be **confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 31-7419A and 31-7419B be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decrees*. SO

DATED: December 4, 2013.

*Brigette Bilyeu*  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

SCANNED  
DEC 06 2013

RECEIVED

DEC 05 2013

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

DEC 04 2013

By \_\_\_\_\_ Clerk  
Deputy Clerk

In Re SRBA )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Case No. 39576 )  
Water Right 31-07419A

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

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS  
9.40 AFY

Right Nos. 31-7419A and 31-7419B are limited to a total combined  
diversion rate of 0.04 cfs and to a total combined annual  
diversion volume of 9.4 AF.

PRIORITY DATE: 04/11/1985

POINT OF DIVERSION: T12N R39E S10 NESE Within Clark County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY             |
|-------------------------------|----------------|----------------|----------------------|
|                               | Stockwater     | 04-01 TO 11-01 | 0.04 CFS<br>9.40 AFY |

PLACE OF USE: Stockwater Within Clark County  
T12N R39E S10 NESE

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).

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

SCANNED

DEC 06 2013

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

In Re SRBA

Case No. 39576

Water Right 31-07419B

**Clerk**

Deputy Clerk

NATURAL GUARDIAN LLC  
2880 N 55 W  
IDAHO FALLS, ID 83402

QUANTITY: 0.04 CFS  
9.40 AFY

POINT OF DIVERSION: T12N R39E S10 NESE Within Clark County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|----------------------------|----------------|----------------|----------|
|                            | Stockwater     | 04-01 TO 11-01 | 0.04 CFS |
|                            |                |                | 9.40 AFS |

PLACE OF USE: Stockwater Within Clark County  
T12N R39E S11 NWSW

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

Ownership and access to the place of use of this water right is governed by a settlement agreement executed by the Idaho Department of Lands and Natural Guardian LLC dated November 20, 2013.

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.

*Bigetto Lilacy*  
SPECIAL MASTER

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

DEC 06 2013

RECEIVED

DEC 05 2013

DEPARTMENT OF  
WATER RESOURCES

|                                                                                           |
|-------------------------------------------------------------------------------------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |
| DEC 04 2013                                                                               |
| By _____<br>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): 31-07419  
31-07419A 31-07419B

On December 04, 2013, 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 December 04, 2013.

  
JANET CONNELL  
Deputy Clerk

SCANNED

DEC 06 2013

RECEIVED

DEC 05 2013

DEPARTMENT OF  
WATER RESOURCES

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT - SRBA                 |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| DEC 04 2013                           |              |
| 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 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 31-07419  
31-07419A 31-07419B

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 December 04, 2013, with sufficient first-class postage prepaid to the following:

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

NATURAL GUARDIAN LLC  
Represented by:  
LUKE H MARCHANT  
HOLDEN KIDWELL HAHN & CRAPO  
1000 RIVERWALK DR STE 200  
PO BOX 50130  
IDAHO FALLS, ID 83405  
Phone: 208-523-0620

STATE OF IDAHO  
Represented by:  
STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
PO BOX 44449  
BOISE, ID 83711-4449  
Phone: 208-334-2400

CERTIFICATE OF MAILING

SCANNED

PAGE 1  
12/04/13  
DEC 06 2013

STATE OF IDAHO

Represented by:

STATE OF IDAHO

PO BOX 44449

BOISE, ID 83711-4449

Phone: 208-334-2400

  
JANET CONNELL  
Deputy Clerk