

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

FILED  
2007 NOV 6 PM 3 22  
TWIN FALLS CO. IDAHO

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 74-01066A

NAME AND ADDRESS: GUARDIAN LTD PARTNERSHIP NO 2  
PO BOX 1491  
IDAHO FALLS, ID 83403

SOURCE: HAYDEN CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.66 CFS

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO  
MORE THAN 3.5 AFA PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION  
OF THE LANDS ABOVE.

PRIORITY DATE: 10/06/1902

POINT OF DIVERSION: T17N R23E S22 NENESE Within Lemhi County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.66 CFS |

| PLACE OF USE:      | Irrigation  | Within Lemhi County |
|--------------------|-------------|---------------------|
| T17N R23E S01      | SENE 19.1   | NESE 30.1           |
|                    | SWSE 9.3    | SESE 38.0           |
| S12                | NENE 19.4   | NWNE 20.7           |
|                    | SENE 26.4   | NESE 16.2           |
| R24E S05           | NWSW 14.3   | SWSW 13.8           |
| S06 LOT 1          | (NENE) 0.1  | LOT 2 (NWNE) 10.4   |
|                    | SWNE 40.0   | SENE 16.3           |
| LOT 3              | (NENW) 17.5 | LOT 5 (SNNW) 12.8   |
|                    | SENE 40.0   | NESW 40.0           |
| LOT 6              | (NWSW) 22.2 | LOT 7 (SWSW) 18.4   |
|                    | SESE 33.4   | NESE 38.2           |
|                    | NWSE 40.0   | SWSE 27.7           |
|                    | SESE 39.4   |                     |
| S07                | NENE 32.4   | NWNE 18.2           |
|                    | SWNE 13.6   | SENE 4.9            |
|                    | NENW 39.8   | LOT 1 (NWNW) 32.7   |
| LOT 2              | (SNNW) 30.3 | SENE 26.7           |
|                    | NESW 6.0    | LOT 3 (NWSW) 24.8   |
| S08                | NWNW 2.2    |                     |
| T18N R24E S31      | SENE 0.4    | LOT 18 (SESW) 22.0  |
|                    | NESE 27.9   | NWSE 2.5            |
|                    | SWSE 33.8   | SESE 34.7           |
| S32 LOT 10         | (NENW) 4.0  | LOT 4 (NWNW) 0.1    |
|                    | SNNW 22.9   | SENE 20.4           |
|                    | NESW 0.3    | NWSW 26.2           |
|                    | SWSW 6.2    |                     |
| 1036.7 Acres Total |             |                     |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 22.2 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
RIGHTS 74-373, 74-374, 74-985, 74-1066A, 74-1066B, 74-1067,  
74-1068, 74-1072, 74-1073, 74-1074, 74-1800A AND 74-1800B WHEN  
COMBINED SHALL NOT EXCEED THE IRRIGATION OF 1036.7 ACRES.

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

THE RIGHT HOLDER SHALL MAINTAIN A MEASURING DEVICE AND

OTHER PROVISIONS (continued)

LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THE DEPARTMENT IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION(S).

USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY A WATERMASTER WITH RESPONSIBILITY FOR THE DISTRIBUTION OF WATER AMONG APPROPRIATORS WITHIN A WATER DISTRICT. AT THE TIME OF THIS APPROVAL, THIS WATER RIGHT IS WITHIN STATE WATER DISTRICT NO. 74.

PRIOR TO THE DIVERSION AND USE OF WATER UNDER THIS APPROVAL, THE RIGHT HOLDER SHALL COMPLY WITH ALL FISH SCREENING AND BYPASS REQUIREMENTS OF THE IDAHO DEPARTMENT OF FISH AND GAME.

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.

  
\_\_\_\_\_  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

DISTRICT COURT - ERSA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_  
2007 NOV 6 PM 3 22

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

**Water Rights: See Attached Exhibit A  
(Guardian Ltd. Partnership No. 2)**

## ORDER OF PARTIAL DECREES

On January 23, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 74, Reporting Area 23, for Irrigation and Other Water Rights*, which included recommendations for the above-captioned water rights.

On June 21, 2006, the Idaho Department of Water Resources filed *Notices of Completed Administrative Proceeding* and *Amended Director's Reports* notifying the Court of a transfer for the above-captioned water rights. No objections were filed to the *Amended Director's Reports* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that the above-captioned water rights be decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED Nov. 6, 2007

JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

EXHIBIT A-GUARDIAN LTD PARTNERSHIP NO 2

Subcase Nos:

74-00985  
74-01066A  
74-01066B  
74-01067  
74-01068  
74-01800A  
74-01800B

(Subcase list: GLP-NCAPS )  
10/31/07

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREES was mailed on November 06, 2007, with sufficient first-class postage to the following:

GUARDIAN LTD PARTNERSHIP NO 2

Represented by:  
SCOTT L CAMPBELL  
101 S CAPITOL BLVD 10TH FLOOR  
PO BOX 829  
BOISE, ID 83701-0829  
Phone: 208-345-2000

GUARDIAN LTD PARTNERSHIP NO 2

PO BOX 1491  
IDAHO FALLS, ID 83403  
Phone: 208-227-9008

DIRECTOR OF IDWR

PO BOX 83720  
BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first and last names being clearly legible.