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DEPARTMENT OF
WATER RESOURCES

COPY

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

A. Subcase 21-10011
(Insert water right number
From the Objection Form)

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By file a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

- ☐ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing _____ Natural Guardian Limited Partnership _____

My name is _____ Robert L. Harris _____

My address is _____ 1000 Riverwalk Dr., Ste. 200, PO Box 50130, Idaho Falls, ID 83405-0130 _____

My phone number is _____ 208-523-0620 _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

- ☐ I did not file a Notice of Claim to the use of water in the SRBA because:

- ☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

- ☐ I am providing a legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of you Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on May 16, 2007 at 10:30 a.m.
(Insert Date and Time)
at the SRBA Court courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

√ I must amend my Notice of Claim to the use of water in the SRBA because:

An error was made in describing the place of use. The claim was only for 320 acres,
when it should have listed a 560 acre place of use.

- ☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

See attached transfer of water rights document and the original license.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

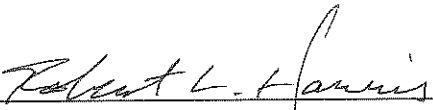
VERIFICATION

State of Idaho

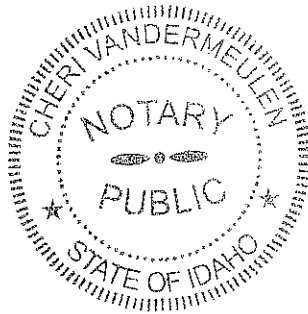
County of Bonneville

Robert L. Harris, being first duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.


Robert L. Harris, Attorney

Subscribed and sworn to before me this 27th day of April, 2007.




Notary Public for Idaho
Residing at: Idaho Falls
My Commission expires: July 7, 2009

CERTIFICATE OF MAILING

I certify that on this 27th day of April, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

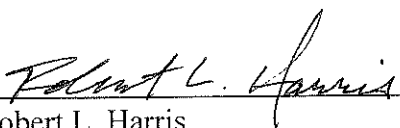
2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amend Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.



Robert L. Harris

G:\WPDATA\KWF\11692 Natural Guardian Ltd Part\08 Spencer, Kilgore, Sheridan\Motion to File Amended Notice.wpd

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 21-10011

Date Received _____

Receipt Number _____

AMENDED NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Natural Guardian Ltd. Partnership Phone (208) 528-6635

Mailing Address 2880 N. 55 W, Idaho Falls, ID Zip 83402

2. Date of Priority (Only (1) per claim) Jan. 1, 1906

3. Source of water supply (a) Willow Creek

which is tributary to (b) Sheridan Creek

4.a. Location of existing point of diversion is:

Township 13N Range 41E Section 3, 1/4 of NW 1/4 of SE 1/4, Govt. Lot ,

County of Clark

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Headgate to ditch to flood irrigation.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/15 amount 10 or _____

7. Total quantity claimed (a) 10 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				T.L.S
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	41E	8			40					40	40	40	40	40	40	40			320
		16					40	40	40										80
		17		40	40	40													120

Total number of acres irrigated 560

11. In which county(ies) are lands listed above as place of use located? Clark

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

15. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☐ License ☒
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. For Organizations: I do solemnly swear or affirm that I am the attorney of Natural Guardian Ltd. Partnership, that I have signed the foregoing document in the space below as attorney of Natural Guardian Ltd. Partnership and that the statements contained in the foregoing document are true and correct.

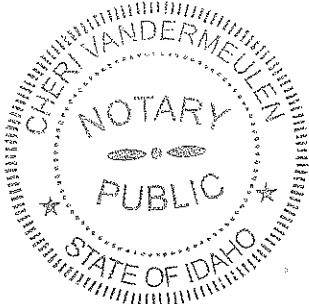
Signature of Authorized Agent Robert L. Harris

Title and Organization: Attorney, Natural Guardian Ltd. Partnership Date: April 27, 2007

Last Name Natural Guardian Ltd. Partnership Ident. Number 21-10011

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 27th day of April, 2007.



Cheri Vandermeulen
Notary Public for Idaho
Residing at: Idaho Falls, Idaho
My Commission Expires: July 7, 2009

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Robert L. Harris
Address: PO Box 50130, Idaho Falls, ID 83405-0130
Date: April 27, 2007

G:\WPDATA\KWF\11692 Natural Guardian Ltd. Partnership\Amended Claim wpd cdv

STATE OF IDAHO

OFFICE OF STATE ENGINEER
 CERTIFICATE NO. 119. AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted the Wood Live Stock Company, a corporation of Spencer, County of Fremont, State of Idaho, to transfer the use of (6) cfs. cubic feet per second of the waters of Willow Creek, in the County of Fremont, and State of Idaho, from the lands upon which it is now used, i.e., South half of Southwest quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$), Section 8, the Northeast quarter (NE $\frac{1}{4}$) and the North half of Southwest quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$), Section 17, the Northwest quarter (NW $\frac{1}{4}$) and the North half of the Southwest quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$), Section 18, all in Township 13 North, Range 41 East of Boise Meridian, to the following described tract, to-wit: Southwest quarter (SW $\frac{1}{4}$), the Southeast quarter of Northwest (SE $\frac{1}{4}$ NW $\frac{1}{4}$), the Southeast quarter of Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) and North half of Southwest quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$), Section 8, all in Township 13 North, Range 41 East of Boise Meridian, said water to be diverted at a point near the NE $\frac{1}{4}$ Sec. 3, and NE $\frac{1}{4}$ Sec. 4, Township 13, North, Range 41 East of Boise Meridian.

The water appurtenant to the above described lands was obtained by title of Water License, No. 1785, issued by the State Engineer of the State of Idaho, dated August 6, 1907, title to the use of which waters has heretofore been duly vested in the above named party by proper deeds and conveyances.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 27th day of August, A.D. 1913.

F.F. King,
 State Engineer.

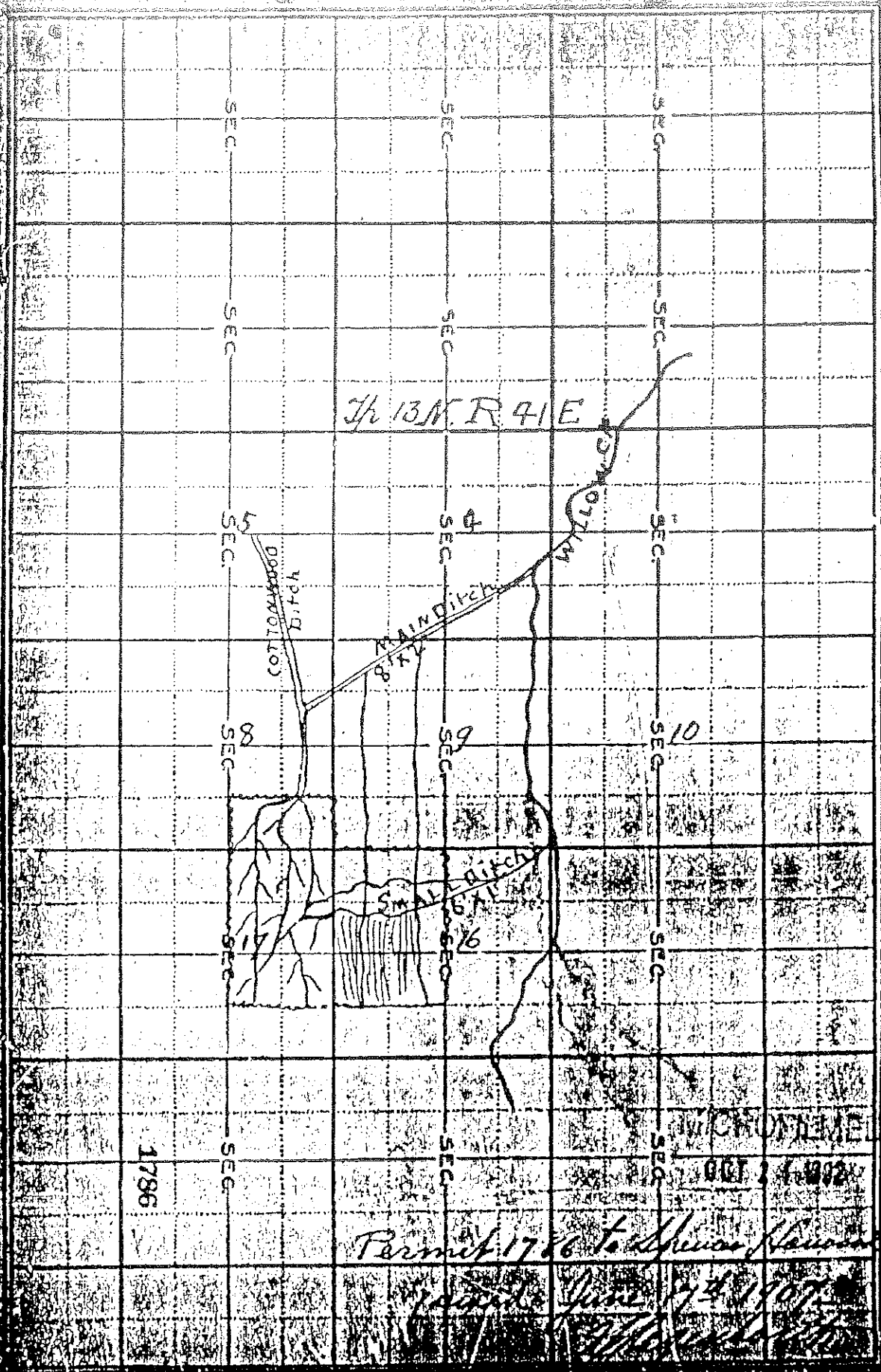
SW $\frac{1}{4}$ - 160
 SE NW - 40
 SW NE - 40
 N $\frac{1}{2}$ SE $\frac{1}{4}$ - 80
 13N - 41E
 R/D
 NE - 3
 NE 4

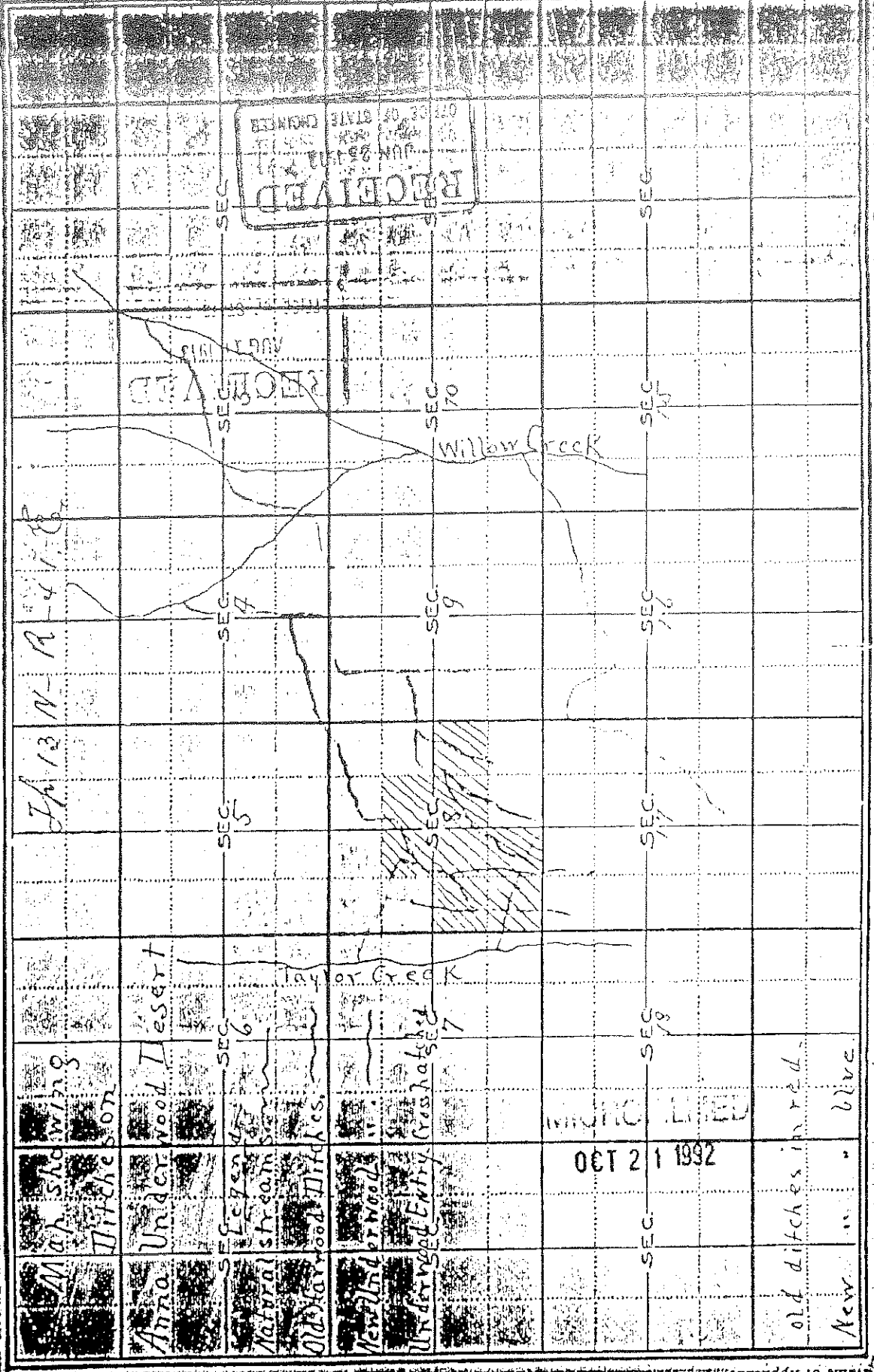
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(SEAL)

MICROFILMED

OCT 21 1992





RECEIVED
JUN 25 1992
OFFICE OF STATE ENGINEER

RECEIVED
AUG 1 1992

MICRO FILMED

OCT 21 1992

Willow Creek

Taylor Creek

Desert

Wood

Natural stream

Old wood ditch

New wood

Underwood Entry

old ditches in red

New

SEC 14

SEC 9

SEC 7

SEC 8

SEC 17

SEC 16

SEC 15

SEC 14

SEC 13

SEC 12

SEC 11

SEC 10

SEC 9

SEC 8

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SEC -262

SEC -263

SEC -264

SEC -265

Fremont County
Willow Creek
10 sec.ft.
Irrigation
Priority 1-19-06

STATE OF IDAHO

Water License No. 1786

WHEREAS, On the 19th day of January, A.D.1906, SPEKCEK HARTWOOD of Spencer, County of Fremont and State of Idaho, duly made application (No. E476) to me for a permit to use 10 cubic feet per second of the waters of Willow Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 20th day of January, A.D.1906, Permit No. 1786 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 20th day of July, A.D.1907, and for the application to beneficial use of said water on or before the 20th day of July, A.D.1907, and,

WHEREAS, On the 20th day of July, A.D.1907, the holder of said permit duly made proof of the completion of adequate works for the diversion of 10 cubic feet per second of said waters as evidenced by my Certificate No.1786, dated August 6, 1907, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 10 cubic feet per second of water, with date of priority of January 19, 1906, and,

WHEREAS, On the 20th day of July, A.D.1907, proof was duly made of the application to beneficial use of 10 cubic feet per second of said water;

NOW, THEREFORE, by virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to SPEKCEK HARTWOOD of Spencer, Idaho, the holder and owner of said Permit No. 1786, a perpetual right, dating from January 19, 1906, to the use of 10 cubic feet per second of the waters of Willow Creek in the County of Fremont and State of Idaho, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point in the Northeast quarter of the Southeast quarter Section 4 and Southwest quarter of Southwest quarter Section 10, Township 13 North, Range 41 East of Boise Meridian, and conducted to and upon (South half of Southeast quarter Section 8; Northeast quarter, North half of Northeast quarter Section 17, Northwest quarter, North half of Southwest quarter Section 16, Township 13 North, Range 41 East of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

[SEAL]

Recorded August 6, 1907.

WITNESS, My hand and the seal of my office at Boise,
Idaho, this 6th day of August, A.D. Nineteen Hundred and
Seven.

Jas. Stephenson, Jr.

State Engineer.