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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

In Re SRBA

Case No. 39576

A. Subcase 21-13102

(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 I, 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:

It was discovered during the course of investigating objections to Water Right Nos. 21-30B, 21-59, 21-108, 21-108A, 21-116, 21-2017, 21-2054A, 21-2158, 21-10011, and 21-12843, which are appurtenant to the Sheridan Ranch in Clark and Fremont Counties, that water has been diverted from a small stream known as "Taylor Creek," but that no claim had been filed for a water right from this source.

- ☐ 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 your Notice of Claim.)

The water was clearly used based on maps from Permit No. 8990, which was renumbered 21-2054. The maps show the "Taylor Creek Canal," and water has historically been diverted and used from Taylor Creek. The claim is based on beneficial use. The maps are attached to the 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 \$ 352.00.

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 July 21, 2009 @ 1:30 p.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:

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

I have attached:

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

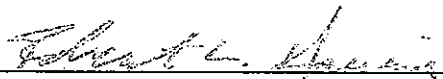
VERIFICATION

State of Idaho

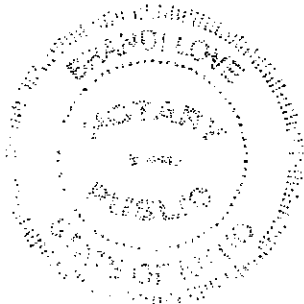
County of Bonneville

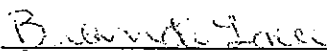
Robert L. Harris, being first duly sworn, upon oath, deposes and says:

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 2nd day of March, 2009.




Notary Public for Idaho
Residing at: Idaho Falls, Idaho
My Commission expires: 4.10.2011 2009

CERTIFICATE OF MAILING

I certify that on this 22 day of March, 2009, 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

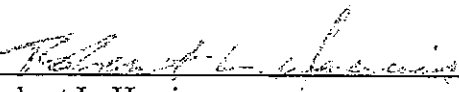
2. Copies to:

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 21-13102

Date Received _____

Receipt Number _____

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) September 24, 1912

3. Source of water supply (a) Taylor Creek

which is tributary to (b) Sinks

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

Township 13N., Range 41E., Section 8, NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot _____

Township 13N., Range 41E., Section 8, SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot _____

Township 13N., Range 41E., Section 8, SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, 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 _____, $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$ 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. Headgates into ditches for 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 7 cfs or _____

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

8. Non-Irrigation uses; describe fully (eg. Domestic: give number of households served; stockwater: type and number of livestock, etc.) None

9. 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.

SEE ATTACHED SPREADSHEET FOR PLACE OF USE

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

11. 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.

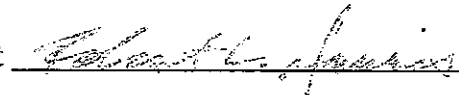
12. Describe any other water rights used at the same place and for the same purposes as described above.
None or None ()

13. Remarks:

Water from Willow Creek, Schneider Creek, Myers Creek, and Sheridan Creek is also used on the property. The points of diversion claimed under this water right are located on property owned by the State of Idaho. The evidence of priority for this water right is found in the water rights file for Permit No. 8990, which was eventually claimed as Water Right No. 21-2054. Enclosed are maps submitted in connection with Permit No. 8990, both of which clearly show the "Taylor Creek Canal," even though there is no license or decree for this right. The priority date for this water right is the same as Permit No. 8990.

14. 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 _____

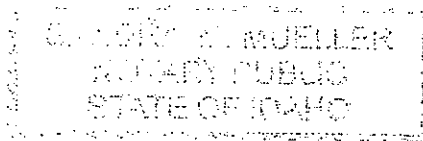
15. For Organizations: I do solemnly swear or affirm that I am the attorney of Natural Guardian Ltd. Partnership, that I have signed the foregoing document in the space below as attorney of Natural Guardian Ltd. Partnership and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent 

Title and Organization: Attorney, Natural Guardian Ltd. Partnership Date: August 25, 2007

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 27th day of March, 2009.



Sandra M. Mueller
Notary Public for Idaho
Residing at: Idaho Falls, Idaho
My Commission Expires: July 7, 2009
June 7, 2010

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
March

NATURAL GUARDIAN WATER RIGHTS PLACE OF USE DESCRIPTION: TAYLOR CREEK WATER RIGHT

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	41E	8			25					21	30	14	19	40	37	26	36	248	
		17	4															4	
													TOTAL				252		

