

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 21-2158

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) August 5, 1946

3. Source of water supply (a) Sheridan Creek
which is tributary to (b) Henry's Fork of the Snake River (Island Park Reservoir)

4.a. Location of existing points of diversion is:
Township 13N., Range 41E., Section 7, NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot ____, "Sheridan Reservoir Feeder"
Township 13N., Range 40E., Section 13, SW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot ____, "Sheridan Reservoir Outlet"
Township 13N., Range 40E., Section 13, NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot ____, Point of Injection into Sheridan Creek.

Points of Rediversion:

Township 13N., Range 41E., Section 7, SW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot ____, "Sheridan #1"
Township 13N., Range 41E., Section 18, SW $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot ____, "Sheridan #2"
Township 13N., Range 40E., Section 13, NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot ____, "Sheridan #3"
Township 13N., Range 40E., Section 13, SW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot ____, "Sheridan #4 East"
Township 13N., Range 40E., Section 13, SW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot ____, "Sheridan #4 West"
Township 13N., Range 40E., Section 24, SE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot ____, "Sheridan #5"
Township 13N., Range 40E., Section 13, SW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot ____, "Sheridan West" (ditch off of Sheridan Reservoir Outlet channel).

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. Sheridan Dam and Reservoir holds water under this water right. This is an off-stream reservoir. See attached description of dam from Report of Engineer. If diverted to the Sheridan Reservoir, water is then released through the Sheridan Outlet and is distributed to the place of use listed below. Once water is released from the Reservoir, water is

diverted by headgates into ditches for flood irrigation. If water is not diverted under this right to the Sheridan Reservoir, it is distributed through all points of diversion.

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

For Diversion to Storage purposes from 04/15 to 10/15 amount 30 cfs or _____

For Irrigation Storage purposes from 04/15 to 10/15 amount _____ or 4500 acre-feet

For Recreation Storage purposes from 01/01 to 12/31 amount _____ or 4500 acre-feet

For Irrigation from Storage purposes from 04/15 to 10/15 amount 30 cfs or _____

7. Total quantity claimed (a) 30 (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.) Recreation storage is for water in Sheridan Reservoir year round.

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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

WATER RIGHT NO. 21-2158 IS FOR THE IRRIGATION OF 2080 ACRES WITHIN THE 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.

21-59, 21-108, 21-116, 21-2017, and 21-2054A.

_____ or None ()

13. Remarks:

All water rights listed above are used on the Sheridan Ranch and are diverted through the listed points of diversion. Water from Willow Creek, Schneider Creek, Myers Creek, and Taylor Creek is also used on the property. This water right was originally licensed for storage. In order to be consistent with current IDWR policy, the beneficial use should be further defined as claimed (Diversion to Storage, Recreational Storage, Irrigation Storage, and Irrigation from Storage).

14. Basis of Claim (Check one) Beneficial Use _____ Posted Notice _____ Permit _____ Decree _____ License ☒
If applicable provide IDWR Water Right Number R-768/21-2158

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

Last Name Natural Guardian Ltd. Partnership Ident. Number _____

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

Robert L. Harris

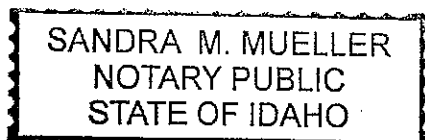
Title and Organization: Attorney, Natural Guardian Ltd. Partnership Date: March 27, 2009

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: March 27th, 2009

NATURAL GUARDIAN WATER RIGHTS PLACE OF USE DESCRIPTION: SHERIDAN CREEK WATER RIGHTS

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	40E	12									19			5.7	40	40	33	40	177.7
		13	36	5.1	0.2	36									40	4.4	4.7	40	166.4
		24	40	12	13	40									40	8.4	0.8	38	192.2
13N	41E	7							9.6	5.6	40	40	40	40					175.2
		8											25	23			15	0.4	63.4
		16						11	40	9.5	34	40	40	40		9.6	7.8		231.9
		17	29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	629
		18	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		19	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		21		5	0.4		40	40	40	39	35	40	40	33					312.4
															TOTAL				3868.2

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. R-768

This proof is for Completion of works In Water District No. _____

1. Name of applicant John Stringer, Kilgore, Idaho (Or Nyasa, Oregon)

2. Source of water supply: Sheridan and Dry Creeks

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Near Center NE $\frac{1}{4}$ of Section 13

T 13-N. R. 40 E. County of Clark

4. Describe works as they exist, giving dimensions and capacities of same: This is an off-stream reservoir filling from Dry Creek and Sheridan Creek, mainly Sheridan at preser Dam. H is 18' to 20' high, crest is 15' to 18' w. on top. Downstream slope is 1 : 1, upstream is approx. 2:1, freeboard is 2' to 4', Approx. 540' fr. S. abt to outlet; approx. 1712' fr. S. abt. to spillway; total crest length approx. 3000 feet. One outlet pipe 24" d. (est.) other probably a little smaller. There is but a small amount of rip-rap in two sections, cat walk to vertical gate is broken and missing in one section. Spillway is 30' wide x 5' h. concrete by 39' long. There are 4 spillway pillars 12" t. x 22" w. x 5' h. Bottom end of spillway is broken off due to eroding. Concrete walls protect against eroding at end of outlet pipes.

5. Water is used for irrigation and domestic purposes.

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE $\frac{1}{4}$ Section 16;

SE $\frac{1}{4}$ Section 17;

SE $\frac{1}{4}$ Section 18;

All of Sections 19 and 20;

Township 13 North, Range 41 East, E. M.

Sheridan Creek diversion is a low mud and rock diversion and the ditch is approximately six to eight feet wide by eighteen inches deep and was rather fast flowing.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River

Remarks: The south abutment is apparently porous and considerable water gets thru it and thru the region where the dam ties onto the abutment, (est. at not less than 12 to 15" of water). In fact there is evidence of seepage under the dam in other portions to the North, between the outlet and spillway. Outlet ditch is approx. 14' w. on bottom and 2 to 3 feet deep. Spillway is also an outlet ditch. It is fixed to hold flash boards clear to the top. Broad flat meadows lay between this and Island Park Reservoir where stream flows. Sheridan Cr. inlet ditch is approx. 8' w. on bottom x 18" to 2' deep with a fast flowing stream. Inlet from Dry Cr. is so arranged and has capacity to carry all that will normally flow down Dry Creek.

Diversion works on Dry Creek - The point of diversion is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 9. The head gate is 12' wide by 4' high by 14' long. The head gate into the ditch is 12' wide by 4' high by 10' long. The main ditch is 14 to 16 feet wide in the bottom and approximately 3 feet deep.

This examination was made on the 7th day of August, 1951

(Signed) E. V. Humphrey Examiner.

Rechecked for CW & BU 10/11/66

Don Walter R-768 P12