

RECEIVED

JUN 19 2009

DEPARTMENT OF
WATER RESOURCES

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

JUN 18 2009

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

Subcase: 21-13102

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

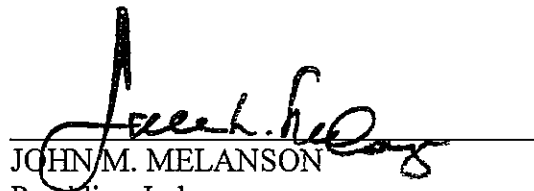
On March 31, 2009, Natural Guardian Limited Partnership, by and through counsel, Robert L. Harris, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on June 16, 2009. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated June 18, 2009.


JOHN M. MELANSON

Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on June 18,
2009, with sufficient first-class postage to the following:

NATURAL GUARDIAN LIMITED

Represented by:

ROBERT L HARRIS

1000 RIVERWALK DR, STE 200

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

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.

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

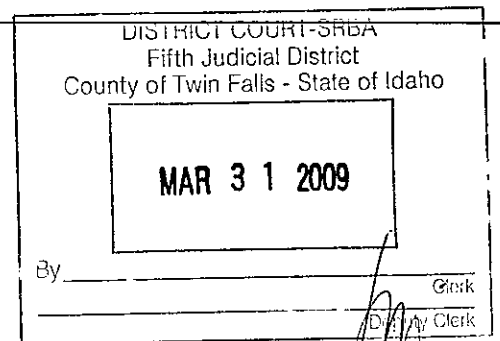
3. Source of water supply (a) Taylor Creek

which is tributary to (b) Sinks

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

Township 13N., Range 41E., Section 8, NW¼, SW¼, NW¼, Govt. Lot _____
Township 13N., Range 41E., Section 8, SE¼, SW¼, NW¼, Govt. Lot _____
Township 13N., Range 41E., Section 8, SE¼, SW¼, NW¼, 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. 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 table 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 Robert L. Fawcett

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

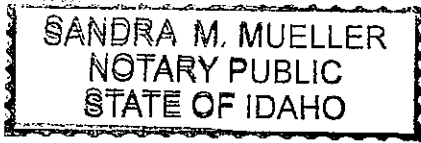
Last Name Natural Guardian Ltd. Partnership Ident. Number _____

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

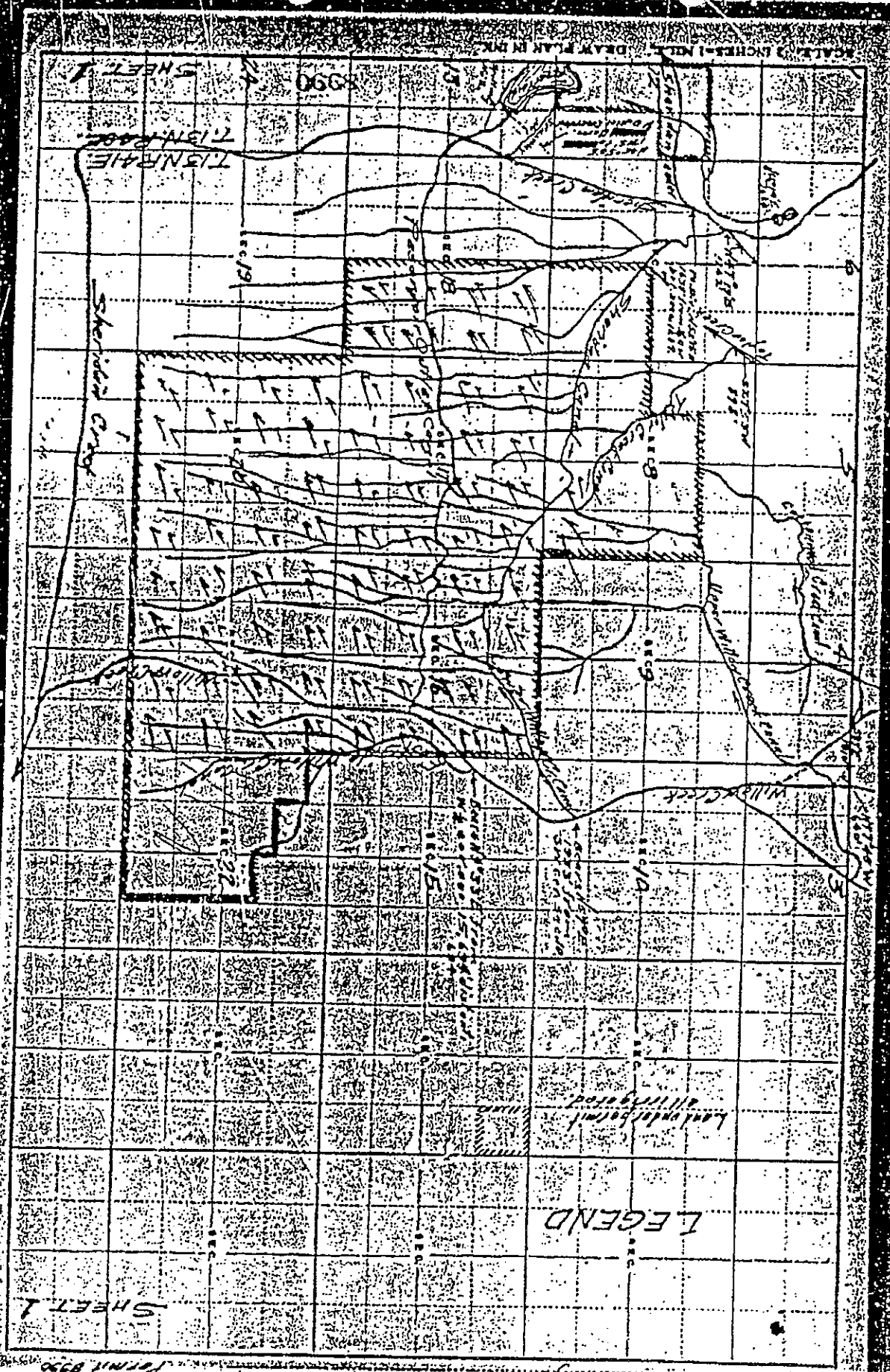
Address: PO Box 50130, Idaho Falls, ID 83405-0130

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



SHEET 1

LEGEND

TISHIAPALE
TISHIAPALE

Sheridan Creek

Form 0990

NAME OF APPLICANT
F. H. Hagenbach

Landmark
alluvial

Washburn Creek

Washburn Creek

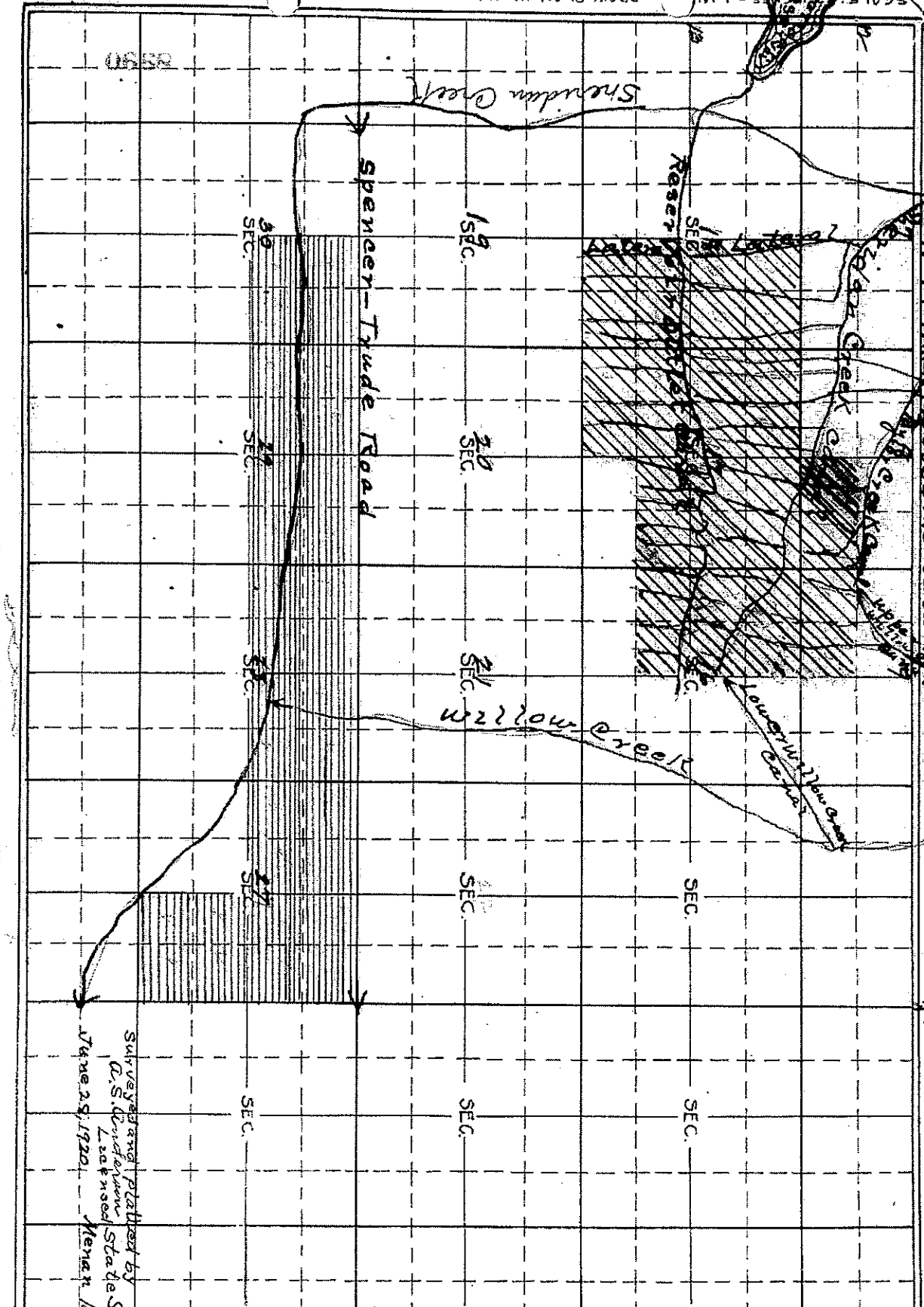
Washburn Creek

Washburn Creek

Washburn Creek

Name of Applicant: F. J. Agnew Term: 108990 Wood L. C. No. 108990

Desires to transfer water right from lands cross-hatched in blue to lands cross-hatched in black as shown on this plat.
 Lateral shown by blue lines.



Scale 1 inch = 1 mile
 Draw Plan in Ink

Idaho Department of Water Resources Receipt

Receipt ID: C088862

Payment Amount	\$352.00	Date Received	6/19/09 11:14	Region	STATE
Payment Type	Check	Check Number	42358		
Payer	HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.				

Comments Subcase: 21-13102 for Robert L. Harris

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$352.00	ADJUDICATION FILING FEE	0337		41503	1155

SR7

Signature Line (Department Representative)