

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

FEB 10 2011

By

**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

Subcase No. 21-12843

(Parent right to 21-12843C)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

Natural Guardian, LTD Partnership

Robert L. Harris 12/15/10
Robert Harris, Attorney

OBJECTOR:

State of Idaho
Department of Lands

David Stanish 2/7/11
David Stanish Date
Deputy Attorney General

IDWR Concurrence:

Denise Kidman 10-4-10
Denise Kidman Date
Agent, IDWR

Nick Spencer 2-8-11
Nicholas Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on February 9, ²⁰¹¹~~2010~~, 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:

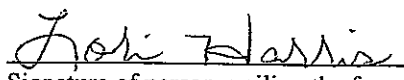
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

NATURAL GUARDIAN LTD
Represented by:
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405

STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Signature of person mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-12843C

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LAND
300 N 6TH ST STE 103
PO BOX 83720
BOISE ID 83720-0050

NATURAL GUARDIAN LTD PARTNERSHIP
2880 N 55 W
IDAHO FALLS ID 83402

SOURCE: MYERS CREEK

TRIBUTARY: WILLOW CREEK

QUANTITY: 0.170 CFS

PRIORITY DATE: 10/31/1965

POINT OF
DIVERSION:

T13N R41E S3 SESENW Within FREMONT County
T13N R41E S3 NWNWSW Lot 6 Injection Within FREMONT County
T13N R41E S3 SWNWSW Lot 6 Rediversion Within FREMONT County
T13N R41E S10 NWSESW Rediversion Within FREMONT County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	05/01 10/31	0.170 CFS
PLACE OF USE:	<u>IRRIGATION in CLARK County</u>		
	T13N R41E S09 SWSE 29.00	T13N R41E S09 SESE 29.00	
	58 ACRES TOTAL		

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

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. Section 42-1412(6), Idaho Code.

Access to the place of this water right is governed by a settlement agreement executed by the Idaho Department of Lands and Natural Guardian Limited Partnership dated September 24, 2010.

The ownership of this water right is governed by a settlement agreement executed by the Idaho Department of Lands and Natural Guardian Limited Partnership dated September 24, 2010.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use