

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

OBJECTOR:

State of Idaho
Department of Lands

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

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

IDWR Concurrence:

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

Date

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

Date

CERTIFICATE OF MAILING

I certify that on February 9, 2011, 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: 21-12843

NAME AND ADDRESS: NATURAL GUARDIAN LTD PARTNERSHIP
2880 N 55 W
IDAHO FALLS ID 83402

SOURCE: MYERS CREEK

TRIBUTARY: WILLOW CREEK

QUANTITY: 3.830 CFS ~~4.000 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
T13N R41E S10 SWSESW Rediversion Within FREMONT County
T13N R41E S15 SWNWNW Rediversion Within FREMONT County
T13N R41E S16 NESENE Rediversion Within CLARK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

05/01 10/31

3.830 CFS

~~4.000 CFS~~

PLACE OF USE:

IRRIGATION in CLARK County and FREMONT County

T13N R41E S09	NESW	39.00	T13N R41E S09	NWSW	40.00
T13N R41E S09	SWSW	40.00	T13N R41E S09	SESW	39.00
T13N R41E S10 Lot 2 SWNW		18.00	T13N R41E S10	NESW	2.10
T13N R41E S10 Lot 3 NWSW		37.00	T13N R41E S10 Lot 4 SWSW		40.00
T13N R41E S10	SESW	6.50	T13N R41E S15	NENW	0.50
T13N R41E S15	NWNW	31.00	T13N R41E S15	SWNW	6.10
T13N R41E S16	NENE	40.00	T13N R41E S16	NWNE	40.00
T13N R41E S16	SWNE	40.00	T13N R41E S16	SENE	37.00
T13N R41E S16	NENW	40.00	T13N R41E S16	NWNW	29.00
T13N R41E S16	SWNW	0.40	T13N R41E S16	SENW	30.00
T13N R41E S16	NESW	28.00	T13N R41E S16	SESW	36.00
T13N R41E S16	NESE	20.00	T13N R41E S16	NWSE	40.00
T13N R41E S16	SWSE	40.00	T13N R41E S16	SESE	31.00
T13N R41E S21	NENE	39.00	T13N R41E S21	NWNE	40.00
T13N R41E S21	SWNE	40.00	T13N R41E S21	SENE	40.00
T13N R41E S21	NENW	40.00	T13N R41E S21	NWNW	1.20
T13N R41E S21	SWNW	4.60	T13N R41E S21	SENW	40.00
T13N R41E S21	NESW	40.00	T13N R41E S21	NWSW	4.30
T13N R41E S21	SWSW	1.40	T13N R41E S21	SESW	39.00

21-12843
OK
DS
NBS

T13N R41E S21	NESE	40.00	T13N R41E S21	NWSE	40.00
T13N R41E S21	SWSE	40.00	T13N R41E S21	SESE	40.00
1240.1 ACRES TOTAL					

The rights listed below are limited to the irrigation of a combined total of 1240.1 acres in a single irrigation season. Combined Right Nos.: 21-30B, 21-10011, and 21-12843

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use