

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

RIGHT NUMBER: 21-59

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

SOURCE: SHERIDAN CREEK

TRIBUTARY: ISLAND PARK RESERVOIR

QUANTITY: 3.200 CFS

The rights listed below are limited to a total combined diversion rate of 77.15 cfs. Combined Right Nos.: 21-59, 21-108, 21-116, 21-2017, 21-2054A and 21-2158

PRIORITY DATE: 03/19/1902

POINT OF DIVERSION:

T13N R40E S13 NESENE Injection Within CLARK County
T13N R40E S13 NESENE Within CLARK County
T13N R40E S13 SWNESE Within CLARK County
T13N R40E S13 SWNESE Within CLARK County
T13N R40E S24 SESENE Within CLARK County
T13N R41E S6 SWSESW Within CLARK County
T13N R41E S7 NESWNW Lot 2 Within CLARK County
T13N R41E S7 SWSWSW Lot 4 Within CLARK County
T13N R41E S18 SWNWNW Lot 1 Within CLARK County

PURPOSE AND PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	05/01 10/31	3.200 CFS
PLACE OF USE:	<u>IRRIGATION in CLARK County</u>		

T13N R40E S12	NESW	19.00	T13N R40E S12	SESW	5.70
T13N R40E S12	NESE	40.00	T13N R40E S12	NWSE	40.00
T13N R40E S12	SWSE	33.00	T13N R40E S12	SESE	40.00
T13N R40E S13	NENE	36.00	T13N R40E S13	NWNE	5.10
T13N R40E S13	SWNE	0.20	T13N R40E S13	SENE	36.00
T13N R40E S13	NESE	40.00	T13N R40E S13	NWSE	4.40
T13N R40E S13	SWSE	4.70	T13N R40E S13	SESE	40.00
T13N R40E S24 Lot 1	NENE	40.00	T13N R40E S24 Lot 2	NWNE	12.00
T13N R40E S24	SWNE	13.00	T13N R40E S24	SENE	40.00
T13N R40E S24	NESE	40.00	T13N R40E S24	NWSE	8.40
T13N R40E S24	SWSE	0.80	T13N R40E S24	SESE	38.20
T13N R41E S07 Lot 2	SWNW	9.60	T13N R41E S07	SENW	5.60
T13N R41E S07	NESW	33.00	T13N R41E S07 Lot 3	NWSW	40.00
T13N R41E S07 Lot 4	SWSW	40.00	T13N R41E S07	SESW	38.00
T13N R41E S08	SWSW	24.80	T13N R41E S08	SESW	22.80
T13N R41E S08	SWSE	15.10	T13N R41E S08	SESE	0.40
T13N R41E S16	NWNW	11.00	T13N R41E S16	SWNW	40.00
T13N R41E S16	SENW	9.50	T13N R41E S16	NESW	34.00
T13N R41E S16	NWSW	40.00	T13N R41E S16	SWSW	40.00
T13N R41E S16	SESW	40.00	T13N R41E S16	NWSE	9.60

T13N R41E S16	SWSE	7.80	T13N R41E S17	NENE	29.00
T13N R41E S17	NWNE	40.00	T13N R41E S17	SWNE	40.00
T13N R41E S17	SENE	40.00	T13N R41E S17	NENW	40.00
T13N R41E S17	NWNW	40.00	T13N R41E S17	SWNW	40.00
T13N R41E S17	SENW	40.00	T13N R41E S17	NESW	40.00
T13N R41E S17	NWSW	40.00	T13N R41E S17	SWSW	40.00
T13N R41E S17	SESW	40.00	T13N R41E S17	NESE	40.00
T13N R41E S17	NWSE	40.00	T13N R41E S17	SWSE	40.00
T13N R41E S17	SESE	40.00	T13N R41E S18	NENE	40.00
T13N R41E S18	NWNE	40.00	T13N R41E S18	SWNE	40.00
T13N R41E S18	SENE	40.00	T13N R41E S18	NENW	40.00
T13N R41E S18 Lot 1	NWNW	40.00	T13N R41E S18 Lot 2	SWNW	40.00
T13N R41E S18	SENW	40.00	T13N R41E S18	NESW	40.00
T13N R41E S18 Lot 3	NWSW	40.00	T13N R41E S18 Lot 4	SWSW	40.00
T13N R41E S18	SESW	40.00	T13N R41E S18	NESE	40.00
T13N R41E S18	NWSE	40.00	T13N R41E S18	SWSE	40.00
T13N R41E S18	SESE	40.00	T13N R41E S19	NENE	40.00
T13N R41E S19	NWNE	40.00	T13N R41E S19	SWNE	40.00
T13N R41E S19	SENE	40.00	T13N R41E S19	NENW	40.00
T13N R41E S19 Lot 1	NWNW	40.00	T13N R41E S19 Lot 2	SWNW	40.00
T13N R41E S19	SENW	40.00	T13N R41E S19	NESW	40.00
T13N R41E S19 Lot 3	NWSW	40.00	T13N R41E S19 Lot 4	SWSW	40.00
T13N R41E S19	SESW	40.00	T13N R41E S19	NESE	40.00
T13N R41E S19	NWSE	40.00	T13N R41E S19	SWSE	40.00
T13N R41E S19	SESE	40.00	T13N R41E S20	NENE	40.00
T13N R41E S20	NWNE	40.00	T13N R41E S20	SWNE	40.00
T13N R41E S20	SENE	40.00	T13N R41E S20	NENW	40.00
T13N R41E S20	NWNW	40.00	T13N R41E S20	SWNW	40.00
T13N R41E S20	SENW	40.00	T13N R41E S20	NESW	40.00
T13N R41E S20	NWSW	40.00	T13N R41E S20	SWSW	40.00
T13N R41E S20	SESW	40.00	T13N R41E S20	NESE	40.00
T13N R41E S20	NWSE	40.00	T13N R41E S20	SWSE	40.00
T13N R41E S20	SESE	40.00	T13N R41E S21	NWNE	5.00
T13N R41E S21	SWNE	0.40	T13N R41E S21	NENW	40.00
T13N R41E S21	NWNW	40.00	T13N R41E S21	SWNW	40.00
T13N R41E S21	SENW	38.60	T13N R41E S21	NESW	35.00
T13N R41E S21	NWSW	40.00	T13N R41E S21	SWSW	39.00
T13N R41E S21	SESW	33.00			

3857.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 3857.7 acres in a single irrigation season. Combined Right Nos.: 21-59, 21-108, 21-116, 21-2017, 21-2054A and 21-2158.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
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T13N R40E S13 NESENE Within CLARK County

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T13N R40E S24 SESENE Within CLARK County

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PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

05/01 10/31

3.200 CFS

PLACE OF USE: IRRIGATION in CLARK County

T13N R40E S12	NESW	19.00	T13N R40E S12	SESW	5.70
T13N R40E S12	NESE	40.00	T13N R40E S12	NWSE	40.00
T13N R40E S12	SWSE	33.00	T13N R40E S12	SESE	40.00
T13N R40E S13	NENE	36.00	T13N R40E S13	NWNE	5.10
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T13N R40E S13	NESE	40.00	T13N R40E S13	NWSE	4.40
T13N R40E S13	SWSE	4.70	T13N R40E S13	SESE	40.00
T13N R40E S24 Lot 1	NENE	40.00	T13N R40E S24 Lot 2	NWNE	12.00
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T13N R40E S24	NESE	40.00	T13N R40E S24	NWSE	8.40
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T13N R41E S08	SWSW	24.80	T13N R41E S08	SESW	22.80
T13N R41E S08	SWSE	15.10	T13N R41E S08	SESE	0.40
T13N R41E S16	NWNW	11.00	T13N R41E S16	SWNW	40.00
T13N R41E S16	SENW	9.50	T13N R41E S16	NESW	34.00
T13N R41E S16	NWSW	40.00	T13N R41E S16	SWSW	40.00

T13N R41E S16	SESW	40.00	T13N R41E S16	NWSE	9.60
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T13N R41E S19	SESE	40.00	T13N R41E S20	NENE	40.00
T13N R41E S20	NWNE	40.00	T13N R41E S20	SWNE	40.00
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T13N R41E S20	NWNW	40.00	T13N R41E S20	SWNW	40.00
T13N R41E S20	SENW	40.00	T13N R41E S20	NESW	40.00
T13N R41E S20	NWSW	40.00	T13N R41E S20	SWSW	40.00
T13N R41E S20	SESW	40.00	T13N R41E S20	NESE	40.00
T13N R41E S20	NWSE	40.00	T13N R41E S20	SWSE	40.00
T13N R41E S20	SESE	40.00	T13N R41E S21	NWNE	5.00
T13N R41E S21	SWNE	0.40	T13N R41E S21	NENW	40.00
T13N R41E S21	NWNW	40.00	T13N R41E S21	SWNW	40.00
T13N R41E S21	SENW	38.60	T13N R41E S21	NESW	35.00
T13N R41E S21	NWSW	40.00	T13N R41E S21	SWSW	39.00
T13N R41E S21	SESW	33.00			

3857.7 ACRES TOTAL

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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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Kidman, Denise

From: Carlsen, Ernie
Sent: Wednesday, April 30, 2008 8:47 AM
To: Spencer, Nick; Ridgeway, Renea
Cc: Kidman, Denise
Subject: RE: Vandersloot and Natural Guardian

Attachments: 21-07133.pdf

Nick, Denise and I spent several hours over the last couple of days working on resolution of the state's objection to Natural Guardian's water rights from Sheridan and Willow Creeks. Rather than splitting all these rights I suggested to Rob Harris and David Barber that we modify the recommendations so only 21-2054A is appurtenant to the State's land. Rob agreed with the idea and David indicated he needed to speak with Allen Ruberry at IDL before agreeing. Hopefully he will have an update for today's status conference. Yesterday Rob Harris came to office and we reviewed available the maps, aerial photos. We concluded the location of a few PODs is in question there is some state land being irrigated for which there is no claim and we are not certain how some of the land is irrigated. Rob indicated to me he will ask the Special Master for additional time to conduct a field visit and collect the missing information.

Also I received an SF5 from David Barber this morning that he had prepared for 21-7133. I am sending it to you for your review.

Rob Harris has created shapefile.



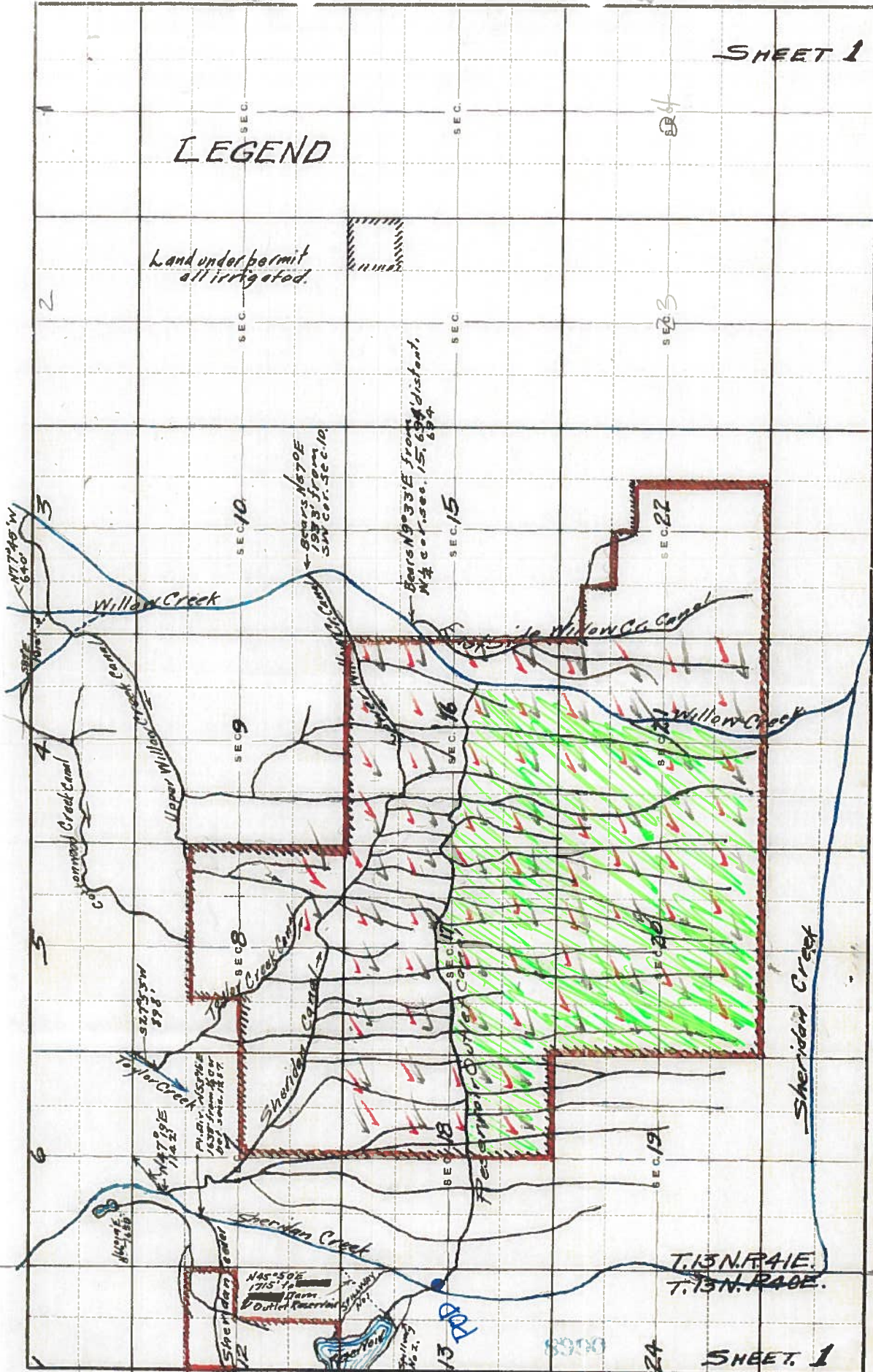
21-07133.pdf (21
KB)

Thanks
Ernie Carlsen
Water Resource Program Manager
(208) 525-7161

SHEET 1

LEGEND

Land under permit
all irrigated.



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

13N 41E

15-12-59

Rob said PPU and 160 limit is
ok. 7-25-07

PPU - 21-108 and others
Ast Nick if PPU is ok given that not all
to 6 = 160 Streams can serve all
land. Not sure which
serve which.

SFS will be done after
agreement between State &
Nat. Guard. is done regarding
21-108A and 21-108

Also make shape all on
East side of ~~the~~ creek.

COPY

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

A. Subcase 21-59

Case No. 35976

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Natural Guardian Limited Partnership

Address: 2880 N. 55 W.

Idaho Falls, ID 83402

Daytime Phone: 208-522-0700

Name & Address of Attorney, if any:

Kent W. Foster

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130

Idaho Falls, ID 83405-0130

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Natural Guardian Limited Partnership

Address: 2880 N. 55 W.

Idaho Falls, ID 83402

SCANNED
MAY 06 2006

PROTECTED

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Points of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 180 Acres

10. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** The recommendation is for less than the amount decreed with no explanation.

PROFILED

Claim No. 2169

Document Checklist

☐ Copy License/Decree hexburg V Teton

could not find decree
☐ Copy Transfer —

☐ Copy Licensing Field Exam —

☐ Check if Ownership/Address Change is Required —

☐ Generate, mail and file "Evidence of Priority" letter —

☒ Generate Arcview Map

SCANNED

FEB 17 2006

PROFILED



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 14, 2004

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

RE: CHANGE IN OWNERSHIP FOR 21-31, 21-59, 21-108, 21-116,
21-2017, 21-2047, 21-2069, 21-2054A, 21-2158, 21-10011, 21-12843

Dear Claimant:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Kristen Forsgren
Office Specialist 1

Enclosure: Notice(s) of Claim

PROFILED

SCANNED
FEB 17 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

OK JC
1-14-04

RECEIVED

DEC 24 2003

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
21-12434	21-2069	—		21-31	—
21-12435	21-2054A	—		~~21-59~~	—
21-12436	21-2158	—		21-108	—
	21-10011	—		21-116	—
	21-12843	—		21-2017	—
				21-2047	—

The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. **\$75 -**
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

1. Name and Address of Former
Owner/Claimant(s)

Roger + Sybil Ferguson dba Sheridan/
Golden Eagle

2. New Owner/Claimant(s)

Natural Guardian Ltd Partnership
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2880 N 55 West

City, State and ZIP Code

Idaho Falls, IDAHO 83402

New Telephone Number

() 208-~~552-116~~ 528-6635

5. Date you acquired the property

Nov 6, 2003

FILED

SCANNED

FEB 17 2006

Rexburg Decree

Spencer Harwood 160 in 21-59 3-19-1902

Decreed Land
13 N 40 E

Sec 13 N $\frac{1}{2}$ NW

Sec 14 N $\frac{1}{2}$ NE

160 total acres

Claimant owns

160 acres and I am assuming an accomplished change. Clark county records are not on database. There are no competing claims. I am assuming they own the right and have done an accomplished change

Spencer Harwood + Company 1,278 in 21-108 8-12-1889

Decreed Land

13 N 40 E

Sec 18 Lot ~~1~~ + 2 of NW $\frac{1}{4}$

NE $\frac{1}{4}$

Lot 3 of SW $\frac{1}{4}$

OE → Sec 12 E $\frac{1}{2}$ of SE

13 NW NE, NE SE

PROFILED

SCANNED

FEB 17 2006



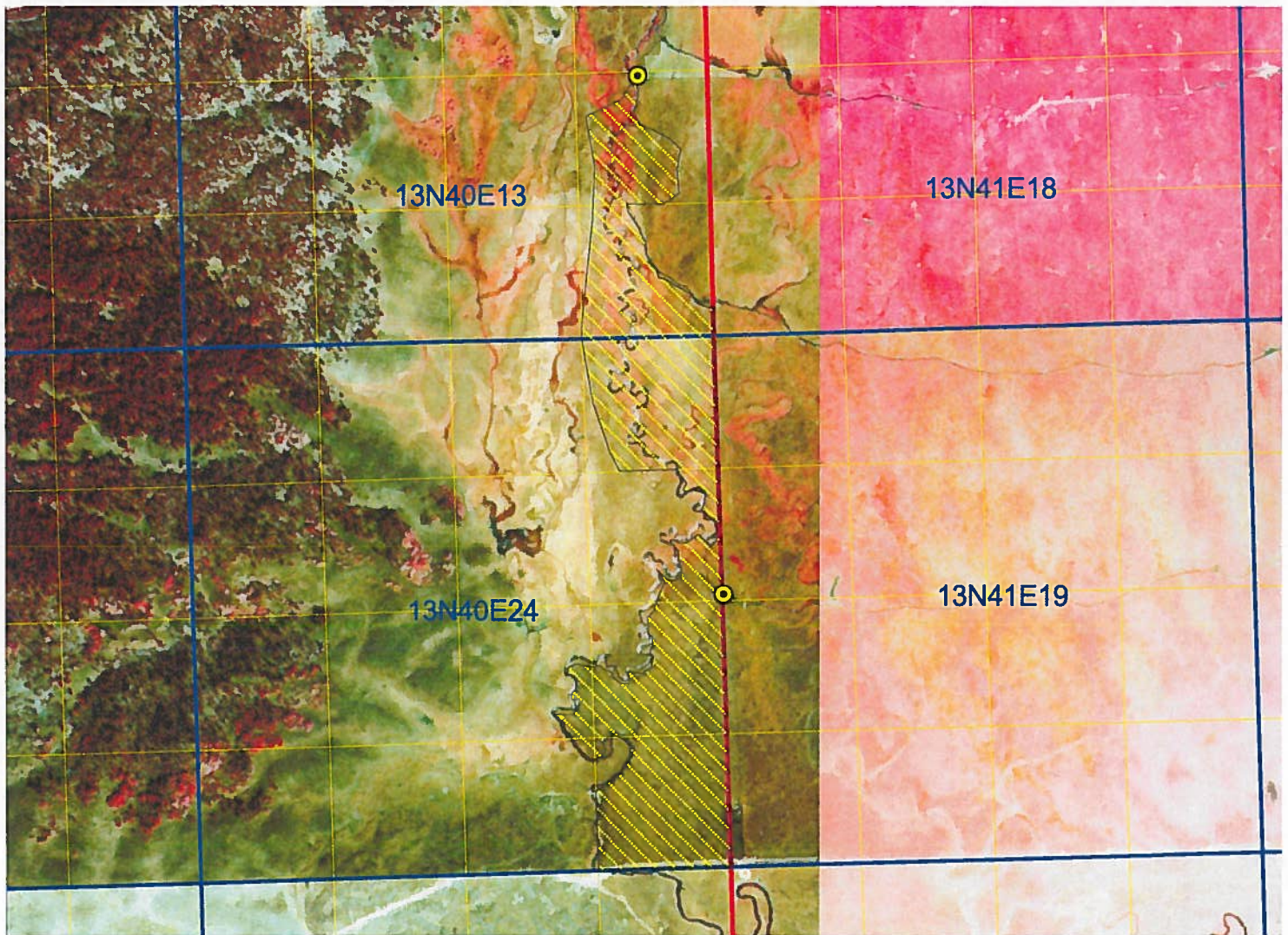
State of Idaho

Department of Water Resources

Eastern Region



Water Right(s): 21-59



1320 0 1320 2640 3960 Feet



- Point of Diversion
- ▨ 21-59 Place of Use
- ▭ Township/Range
- ▭ Sections
- ▭ QQ

PROFILED

SCANNED
FEB 17 2006



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: August 2005

RECEIVED

DEC 09 2009

DEPARTMENT OF
WATER RESOURCES

Robert L. Harris, Esq. (ISB # 7018)
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Dr., Ste. 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518

COPY

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JAN 15 2010

Department of Water Resources
Eastern Region

COPY

Hearing: 1-6-2010

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 Nos.: 21-59, 21-108,
21-116, 21-2017 AND 21-2054A.

**MOTION TO FILE LATE OBJECTION
AND AMENDED NOTICES OF CLAIM**

Natural Guardian Limited Partnership, by and through counsel of record Robert L. Harris of the law firm Holden, Kidwell, Hahn & Crapo, P.L.L.C., hereby files this Motion to File Late Objection and Amended Notices of Claim to the above numbered subcases. The motion is necessary as described below.

Despite extensive efforts to document accurately the elements of the above water rights, counsel for Natural Guardian misidentified a canal heading for what is commonly known as the "Quakie Knoll Canal" that eventually is used to irrigate the Sheridan Ranch under the above numbered water rights. The enclosed map attached at Exhibit A shows the currently claimed and recommended heading of the Quakie Knoll Canal. After notice of the Amended Water Right Recommendations were filed, counsel for Natural Guardian was contacted by the predecessors in interest to the Sheridan Ranch, the Hagenbarth family, informing them that the Quakie Knoll Canal

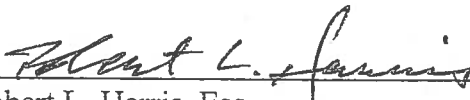
heading was actually located further north on Forest Service property. The Hagenbarths were positive that the canal heading was located north on Forest Service property, and after an opportunity to review the aerial photo, it is now clear that the canal heading is located further north than originally claimed. The map attached at Exhibit A shows the correct location of the Quakie Knoll Canal heading.

In light of the incorrect location of the Quakie Knoll Canal heading, it is now necessary to file a late objection, and request the Court to allow the filing of Amended Notices of Claim. Agents at the Eastern Region Office of the Idaho Department of Water Resources are aware of the error, and assisted Natural Guardian in preparing the enclosed Amended Notices of Claim. Additionally, counsel for Natural Guardian has contacted the Forest Service, through its water rights specialist, Steve Spencer, who sent a Forest Service representative to document the actual location of the canal heading. The Forest Service official confirmed its location on Forest Service property. Attached at Exhibit B is a copy of an email counsel for Natural Guardian received from Mr. Spencer wherein he does not object to the change in location of the canal heading description, with the qualification that Natural Guardian will obtain a special use permit consistent with Forest Service Policy.

We apologize for this error, and the further delay this may cause in the final processing of these water rights. Nevertheless, it is critical that the water rights are described accurately, and we believe with this correction, the water rights will be in a position to then be decreed.

For the reasons set forth above, Natural Guardian requests that the above motion to file late objection and motion to file amended notices of claims be granted. The original Amended Notices of Claim are attached hereto at Exhibit C, and we request they be filed with IDWR if the Court grants our motion as set forth above.

Dated this 7th day of December, 2009.


Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF MAILING

I certify that on this 7th day of December, 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

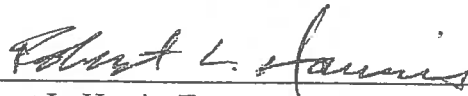
2. Copies to:

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

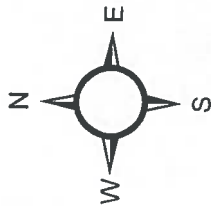
Steve Spencer
Water User Specialist
USDA Forest Service
1805 Highway 16, Rm. 5
Emmett, ID 83617



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Exhibit A

NATURAL GUARDIAN SHERIDAN WATER RIGHTS



Legend

-  gddb_qq_Clip3
-  Taylor_Claimed_POU
-  counties
-  Schneider_PODs
-  Schnieder_POU
-  Willow_PODs
-  Sheridan_Ranch_Boundary
-  BLM_Land
-  State_Land
-  State_WR_POU
-  Sheridan_PODs
-  Willow_POU
-  Sheridan_POU
-  Section_Lines
-  Quarter-quarters

Prepared by:
Robert L. Harris
2004 NAIP Aerial Photo



Exhibit B

Rob Harris

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Friday, November 06, 2009 9:00 AM
To: Rob Harris
Cc: David.Negri@usdoj.gov
Subject: RE: Discovery of Error on Natural Guardian Water Rights (21-59 et al).

Rob,
A Forest Service person checked it out yesterday. He verifies that it is there, on NFS land, like you discovered. He'll work with Natural Guardian on the special use permit for this and it sounds like at least two more. It would be OK to proceed with your settlement. Although the FS is not a party to the subcases I'd appreciate seeing the water right descriptions, just another set of eyes, and so that I can let my guy in Ashton know the water right numbers and details of the water right as he works on the special use permit.

If you have any questions about this, please let me know. Thank you.

Steve Spencer
Water Use Specialist (208) 365-7055
USDA Forest Service (208) 365-7037 FAX
1805 Highway 16, Room 5 e-mail: sspencer@fs.fed.us
Emmett, ID 83617

"Rob Harris" <rharris@holdenlegal.com>

To "Steven M Spencer" <sspencer@fs.fed.us>

cc

11/04/2009 03:50 PM

Subject RE: Discovery of Error on Natural Guardian Water Rights (21-59 et al).

Steve:

I actually viewed the diversion works at my site visit, and it is functioning, and was functioning in 1987. I had the ranch manager who managed the property then explain it to me. My problem is that I simply put the dot on the wrong spot. With the budget issues IDWR has, I'm not sure they would do a site visit. I'm wondering if one of your folks in that area may take a look. Let me know if that is a possibility. I've attached a photo we took when I did my field visit.

Regarding the POD, I think IDWR would move it provided that there is not an major issue with the Forest Service. The Hagenbarth family has provided a lot of information in this area, and they are reliable.

Robert L. Harris
Holden, Kidwell, Hahn & Crapo, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com
!DSPAM:1090,4af447f380381398295019!

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 21-59
Date Received: 6/23/1988
Receipt No: E000490
Received By:

**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

2880 N 55 W
IDAHO FALLS ID USA 83402

2. Date of Priority: 03/19/1902

3. Source: SHERIDAN CREEK , SHERIDAN CREEK , SHERIDAN CREEK , SHERIDAN CREEK ,
SHERIDAN CREEK , SHERIDAN CREEK , SHERIDAN CREEK , SHERIDAN CREEK , SHERIDAN CREEK ,
SHERIDAN CREEK Trib. to: ISLAND PARK RESERVOIR , ISLAND PARK RESERVOIR , ISLAND
PARK RESERVOIR , ISLAND PARK RESERVOIR , ISLAND PARK RESERVOIR , ISLAND PARK
RESERVOIR , ISLAND PARK RESERVOIR , ISLAND PARK RESERVOIR , ISLAND PARK RESERVOIR ,
ISLAND PARK RESERVOIR

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4 Lot	County	Type
13N	41E	6	SW	SE	SW	CLARK	
13N	40E	13	SW	NE	SE	CLARK	
13N	40E	13	SW	NE	NE	CLARK	
13N	41E	7	NE	SW	NW	CLARK	
13N	41E	7	SW	SW	SW	CLARK	
13N	41E	18	SW	NW	NW	CLARK	
13N	40E	13	NE	SE	NE	CLARK	
13N	40E	13	SW	NE	SE	CLARK	
13N	40E	13	SW	NE	NE	CLARK	
13N	40E	24	SE	SE	NE	CLARK	

5. Description of diverting works:

Headgates into ditches for flood irrigation.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	3.2	
STOCKWATER	4/15	10/15	0.09	

7. Total Quantity Appropriated is:
3.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13N	40E	12	NE	SW		IRRIGATION	19
			SE	SW		IRRIGATION	5.7
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	33
			SE	SE		IRRIGATION	40
						Section Acres	177.7
13N	40E	13	NE	NE		IRRIGATION	36
			NW	NE		IRRIGATION	5.1
			SW	NE		IRRIGATION	0.2
			SE	NE		IRRIGATION	36
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	4.4
			SW	SE		IRRIGATION	4.7
			SE	SE		IRRIGATION	40
						Section Acres	166.4
13N	40E	24	NE	NE	1	IRRIGATION	40
			NW	NE	2	IRRIGATION	12
			SW	NE		IRRIGATION	13
			SE	NE		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	8.4
			SW	SE		IRRIGATION	0.8
			SE	SE		IRRIGATION	38
						Section Acres	192.2
13N	41E	7	SW	NW	2	IRRIGATION	9.6
			NE	SW		IRRIGATION	40
			NW	SW	3	IRRIGATION	40
			SW	SW	4	IRRIGATION	40
			SE	SW		IRRIGATION	40
			SE	NW		IRRIGATION	5.6
						Section Acres	175.2
13N	41E	8	SW	SW		IRRIGATION	25
			SE	SW		IRRIGATION	23
			SW	SE		IRRIGATION	15

			SE	SE		IRRIGATION	0.4
						Section Acres	63.4
13N	41E	16	NW	NW		IRRIGATION	11
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	9.5
			NE	SW		IRRIGATION	34
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NW	SE		IRRIGATION	9.6
			SW	SE		IRRIGATION	7.8
						Section Acres	231.9
13N	41E	17	NE	NE		IRRIGATION	29
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
			SW	NW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
						Section Acres	629
13N	41E	18	NW	NW	1	IRRIGATION	40
			SW	NW	2	IRRIGATION	40
			NW	SW	3	IRRIGATION	40
			SW	SW	4	IRRIGATION	40
			NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	640
13N	41E	19	NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW	1	IRRIGATION	40
			SW	NW	2	IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW	3	IRRIGATION	40
			SW	SW	4	IRRIGATION	40

			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
			NE	NE	IRRIGATION	40
					Section Acres	640
13N	41E	20	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	640
13N	41E	21	NW	NE	IRRIGATION	5
			SW	NE	IRRIGATION	0.4
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	39
			NE	SW	IRRIGATION	35
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	33
					Section Acres	312.4
					Total Acres	3868.2

11. Place of use in counties: CLARK

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Attorney of _____

Natural Guardian Ltd. P.C. Title _____ that I have signed the foregoing

document in the space below as Attorney of _____

Natural Guardian Ltd. P.C. Title _____ and that the statements contained in the

foregoing document are true and correct. Robert L. Jannis
Signature of Authorized Agent

Attorney Natural Guardian Ltd. P.C.
Title and Organization

Dec. 7, 2009
Date

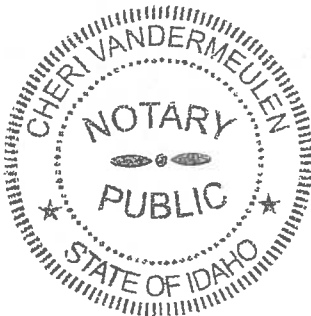
State of Idaho)
County of Donnerville) SS.

Subscribed and sworn (or affirmed) before me this 7th Day
of December 2009 Cheri Vandermeulen

Notary Public

Residing at Idaho Falls, ID

My commission Expires July 7, 2015



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

RIGHT NUMBER: 21-59

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

SOURCE: SHERIDAN CREEK

TRIBUTARY: ISLAND PARK RESERVOIR

QUANTITY: 3.200 CFS

The rights listed below are limited to a total combined diversion rate of 77.15 cfs. Combined Right Nos.: 21-59, 21-108, 21-116, 21-2017, 21-2054A and 21-2158

PRIORITY DATE: 03/19/1902

POINT OF
DIVERSION:

T13N R40E S13 SWNE Within CLARK County
T13N R40E S13 SWNE Within CLARK County
T13N R40E S13 NESE Within CLARK County
T13N R40E S13 SWNE Within CLARK County
T13N R40E S13 SWNE Within CLARK County
T13N R40E S24 SESE Within CLARK County
T13N R41E S7 NWNENW Within CLARK County
T13N R41E S7 NESWNW Lot 2 Within CLARK County
T13N R41E S7 SWSWSW Lot 4 Within CLARK County
T13N R41E S18 SWNWNW Lot 1 Within CLARK County

*T13N R41E Sec 6
SWSESW*

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05/01 10/31	3.200 CFS

PLACE OF USE: IRRIGATION in CLARK County

T13N R40E S12	NESW	19.00	T13N R40E S12	SESW	5.70
T13N R40E S12	NESE	40.00	T13N R40E S12	NWSE	40.00
T13N R40E S12	SWSE	33.00	T13N R40E S12	SESE	40.00
T13N R40E S13	NENE	36.00	T13N R40E S13	NWNE	5.10
T13N R40E S13	SWNE	0.20	T13N R40E S13	SENE	36.00
T13N R40E S13	NESE	40.00	T13N R40E S13	NWSE	4.40
T13N R40E S13	SWSE	4.70	T13N R40E S13	SESE	40.00
T13N R40E S24 Lot 1	NENE	40.00	T13N R40E S24 Lot 2	NWNE	12.00
T13N R40E S24	SWNE	13.00	T13N R40E S24	SENE	40.00
T13N R40E S24	NESE	40.00	T13N R40E S24	NWSE	8.40
T13N R40E S24	SWSE	0.80	T13N R40E S24	SESE	38.20
T13N R41E S07 Lot 2	SWNW	9.60	T13N R41E S07	SENW	5.60
T13N R41E S07	NESW	33.00	T13N R41E S07 Lot 3	NWSW	40.00
T13N R41E S07 Lot 4	SWSW	40.00	T13N R41E S07	SESW	38.00
T13N R41E S08	SWSW	24.80	T13N R41E S08	SESW	22.80
T13N R41E S08	SWSE	15.10	T13N R41E S08	SESE	0.40
T13N R41E S16	NWNW	11.00	T13N R41E S16	SWNW	40.00
T13N R41E S16	SENW	9.50	T13N R41E S16	NESW	34.00
T13N R41E S16	NWSW	40.00	T13N R41E S16	SWSW	40.00

T13N R41E S16	SESW	40.00	T13N R41E S16	NWSE	9.60
T13N R41E S16	SWSE	7.80	T13N R41E S17	NENE	29.00
T13N R41E S17	NWNE	40.00	T13N R41E S17	SWNE	40.00
T13N R41E S17	SENE	40.00	T13N R41E S17	NENW	40.00
T13N R41E S17	NWNW	40.00	T13N R41E S17	SWNW	40.00
T13N R41E S17	SENW	40.00	T13N R41E S17	NESW	40.00
T13N R41E S17	NWSW	40.00	T13N R41E S17	SWSW	40.00
T13N R41E S17	SESW	40.00	T13N R41E S17	NESE	40.00
T13N R41E S17	NWSE	40.00	T13N R41E S17	SWSE	40.00
T13N R41E S17	SESE	40.00	T13N R41E S18	NENE	40.00
T13N R41E S18	NWNE	40.00	T13N R41E S18	SWNE	40.00
T13N R41E S18	SENE	40.00	T13N R41E S18	NENW	40.00
T13N R41E S18 Lot 1	NWNW	40.00	T13N R41E S18 Lot 2	SWNW	40.00
T13N R41E S18	SENW	40.00	T13N R41E S18	NESW	40.00
T13N R41E S18 Lot 3	NWSW	40.00	T13N R41E S18 Lot 4	SWSW	40.00
T13N R41E S18	SESW	40.00	T13N R41E S18	NESE	40.00
T13N R41E S18	NWSE	40.00	T13N R41E S18	SWSE	40.00
T13N R41E S18	SESE	40.00	T13N R41E S19	NENE	40.00
T13N R41E S19	NWNE	40.00	T13N R41E S19	SWNE	40.00
T13N R41E S19	SENE	40.00	T13N R41E S19	NENW	40.00
T13N R41E S19 Lot 1	NWNW	40.00	T13N R41E S19 Lot 2	SWNW	40.00
T13N R41E S19	SENW	40.00	T13N R41E S19	NESW	40.00
T13N R41E S19 Lot 3	NWSW	40.00	T13N R41E S19 Lot 4	SWSW	40.00
T13N R41E S19	SESW	40.00	T13N R41E S19	NESE	40.00
T13N R41E S19	NWSE	40.00	T13N R41E S19	SWSE	40.00
T13N R41E S19	SESE	40.00	T13N R41E S20	NENE	40.00
T13N R41E S20	NWNE	40.00	T13N R41E S20	SWNE	40.00
T13N R41E S20	SENE	40.00	T13N R41E S20	NENW	40.00
T13N R41E S20	NWNW	40.00	T13N R41E S20	SWNW	40.00
T13N R41E S20	SENW	40.00	T13N R41E S20	NESW	40.00
T13N R41E S20	NWSW	40.00	T13N R41E S20	SWSW	40.00
T13N R41E S20	SESW	40.00	T13N R41E S20	NESE	40.00
T13N R41E S20	NWSE	40.00	T13N R41E S20	SWSE	40.00
T13N R41E S20	SESE	40.00	T13N R41E S21	NWNE	5.00
T13N R41E S21	SWNE	0.40	T13N R41E S21	NENW	40.00
T13N R41E S21	NWNW	40.00	T13N R41E S21	SWNW	40.00
T13N R41E S21	SENW	38.60	T13N R41E S21	NESW	35.00
T13N R41E S21	NWSW	40.00	T13N R41E S21	SWSW	39.00
T13N R41E S21	SESW	33.00			

3857.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 3857.7 acres in a single irrigation season. Combined Right Nos.: 21-59, 21-108, 21-116, 21-2017, 21-2054A and 21-2158.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

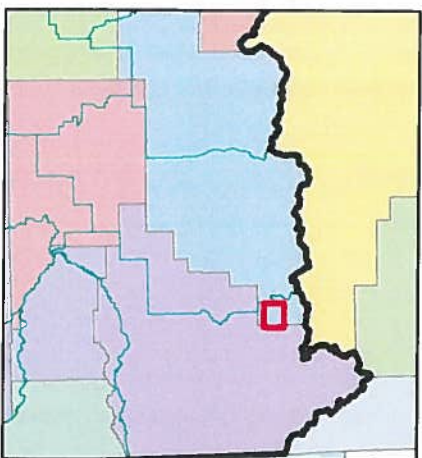
Adjudication Recommendation

21-59, 21-108, 21-116,
21-2017, 21-2054A
and 21-2158
(IRRIGATION)

(IRRIGATION)

Legend

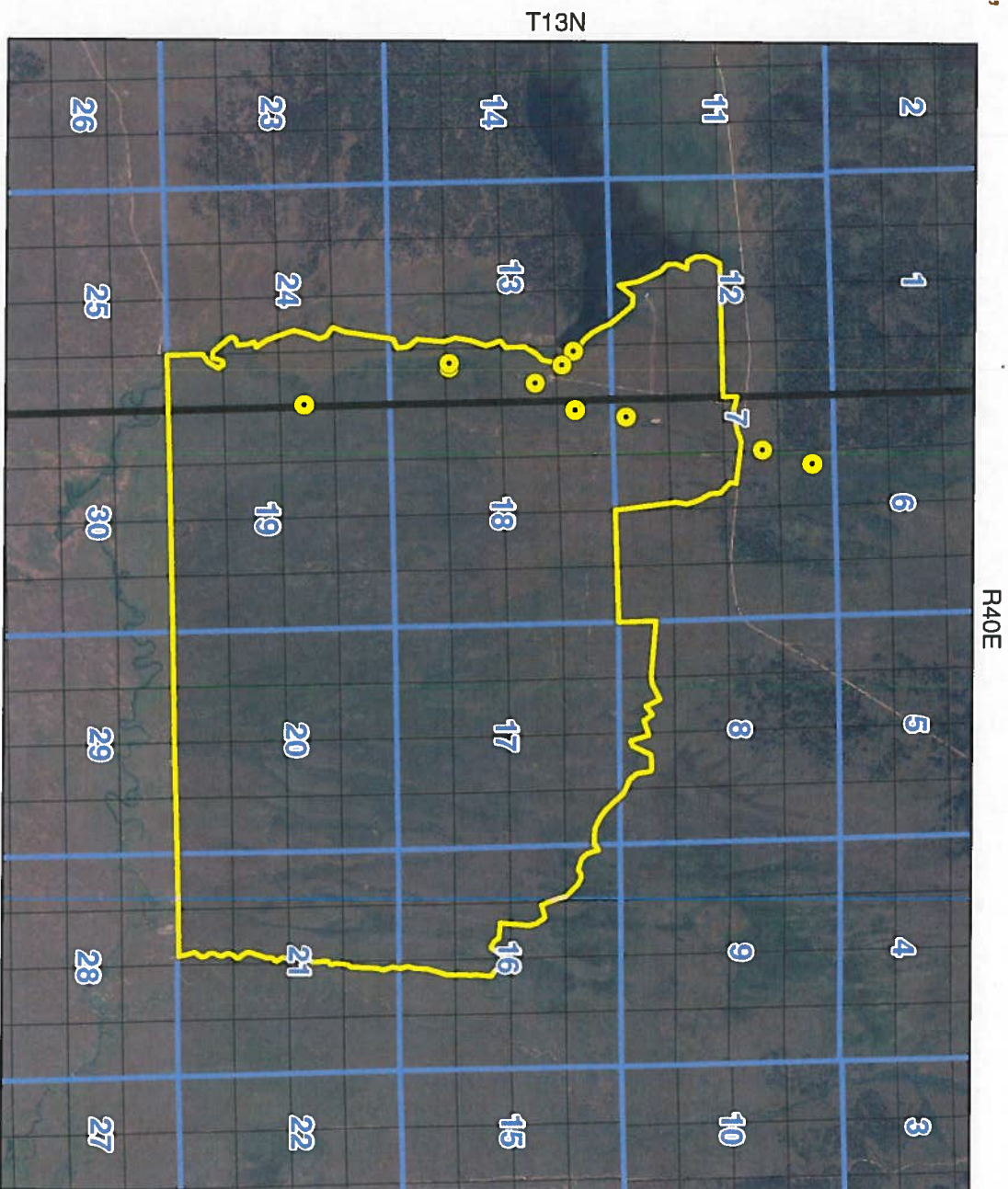
- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Clark County
IDWR Basin 21



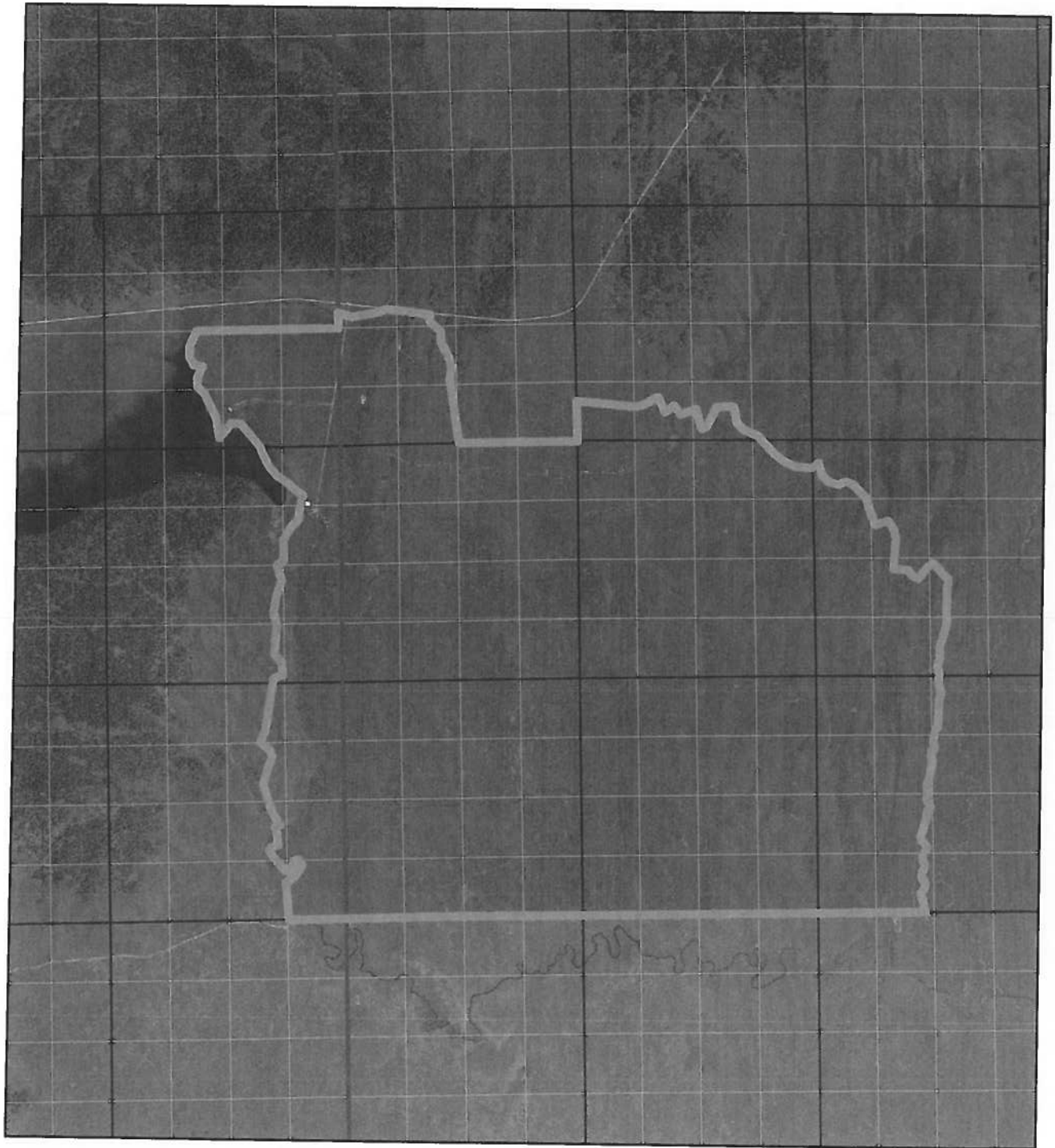
0 0.5 1 2 Miles



Prepared by Denise Kidman
On April 29, 2009
2004 Aerial Photography

Natural Guardian Water Rights

21-59, 21-108, 21-116, 21-2017, 21-2054A, 21-2158



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

RECEIVED

APR 01 2009

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

CIVIL CASE NUMBER: 39576

Ident. Number 21-59

Date Received

Receipt Number

RECEIVED

APR 06 2009

Department of Water Resources
Eastern Region**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) March 19, 1902

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, NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot ____, "Quakie Knoll Canal"
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 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: _____

SCANNED

b. If instream flow, beginning point of claimed instream flow is:

APR - 1 2009

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 3.2 cfs or _____

7. Total quantity claimed (a) 3.2 (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
WATER RIGHT NO. 21-59 IS FOR THE IRRIGATION OF 160 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.
21-108, 21-116, 21-2017, 21-2054A, and 21-2158.
____ 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. There has been an accomplished transfer of this water right from its original decree as to the points of diversion and place of use.

14. Basis of Claim (Check one) Beneficial Use ____ Posted Notice ____ Permit ____ Decree ☒ License ____
If applicable provide IDWR Water Right Number 21-59
Court _____ Case Number _____ Decree Date Dec. 16, 1910
Plaintiff vs Defendant Rexburg Irrigation Co. v. Teton Irrigation Canal Co.

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 H. Lammie

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

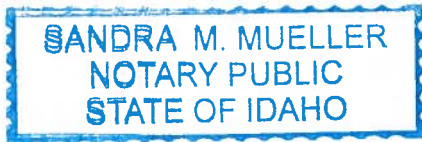
Last Name Natural Guardian Ltd. Partnership Ident. Number _____

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

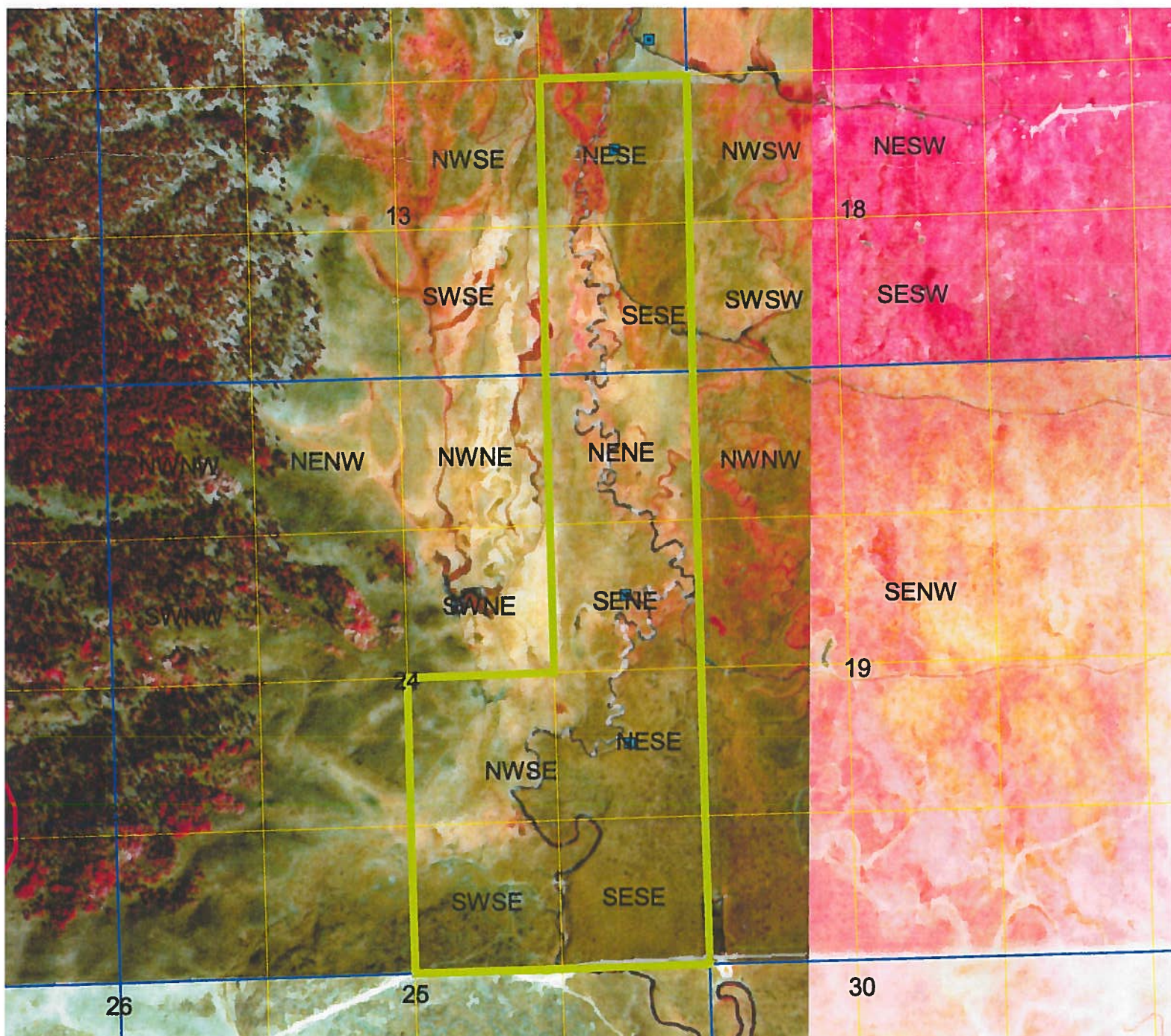
17. Notice of Appearance:

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: March 27th, 2009

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

[illegible]



21-00059
T13N R40E

SCANNED
FEB 17 2006

PROFILED

08/18/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-59

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

SOURCE: SHERIDAN CREEK

TRIBUTARY: HENRYS FORK

QUANTITY: 3.200 CFS

PRIORITY DATE: 03/19/1902

POINT OF DIVERSION:

NESENE - Sheridan #3
T13N R40E S13 NESE Within CLARK County *should be Sheridan #3 (C)*
T13N R40E S24 SENE Within CLARK County *- Sheridan #5 OK (C)*

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 10/31	0.090 CFS
IRRIGATION	05/01 10/31	3.200 CFS

PLACE OF USE: IRRIGATION Within CLARK County

T13N R40E S13	NESE	17.0	T13N R40E S13	SESE	25.0
T13N R40E S24 Lot 1	NENE	36.0	T13N R40E S24	SENE	10.0
T13N R40E S24	NESE	30.0	T13N R40E S24	NWSE	4.0
T13N R40E S24	SWSE	1.0	T13N R40E S24	SESE	37.0

STOCKWATER same as IRRIGATION

160 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Rexburg Decree

21-59 160in

160 acres only

3.2cfs

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 21-59
Date Received: 6/23/1988
Receipt No: E000490
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NATURAL GUARDIAN LTD PARTNERSHIP Phone: (208)528-6635
2880 N 55 W
IDAHO FALLS ID USA 83402

2. Date of Priority: 03/19/1902

3. Source: , Trib. to: ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13N	40E	13	NE SE	CLARK	
13N	40E	24	SE NE	CLARK	

5. Description of diverting works:

HEADGATE TO DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	3.2	
STOCKWATER	4/15	10/15	0.09	

7. Total Quantity Appropriated is:
3.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
13N	40E	13	SE SE	IRRIGATION	30

			NE	SE	IRRIGATION	30
					Section Acres	60
13N	40E	24	NE	NE	IRRIGATION	30
			SE	NE	IRRIGATION	10
			NE	SE	IRRIGATION	35
			NW	SE	IRRIGATION	5
			SW	SE	IRRIGATION	2
			SE	SE	IRRIGATION	38
					Section Acres	120
					Total Acres	180

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

SCANNED

AUG 6 2001

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: A21-00059
Date Received: 6/21/1988
Receipt No: E000490
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHERIDAN GOLDEN EAGLE
Address: P.O. BOX 247
HAMER, ID

208-662-5511

83425

2. Date of Priority: MAR 19, 1902

3. Source: UNNAMED STREAM
SHERIDAN CREEK

Trib. to: SHERIDAN CREEK
HENRYS FORK SNAKE RI

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	40E	13	NE	SE			CLARK
		24	SE	NE			CLARK

5. Description of diverting works:
HEADGATE TO DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.200		
STOCKWATER	04/15	10/15	0.090		

7. Total Quantity Appropriated is:
3.200 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

300.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 400 CATTLE.

A21-00059

Page

1

Date: 06/22/88

MICROFILMED
OCT 20 1992

A2100059



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	40E	13	NE		SE		IRR	30.0
			SE		SE		IRR	30.0
							Section Acres	60.0
		24	NE		NE		IRR	30.0
			SE		NE		IRR	10.0
			NE		SE		IRR	35.0
			NW		SE		IRR	5.0
			SW		SE		IRR	2.0
			SE		SE		IRR	38.0
							Section Acres	120.0
							Total Acres	180.0

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A21-00116

14. Remarks:

15. Basis of Claim: DECREED
Water Right Number:
Case Number:
Court : SIXTH
Decree date:

REXBURG IRRIGATION CO.
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Manager of
Shendin/Golden Eagle, that I have signed the foregoing
document in the space below as Manager of
Shendin/Golden Eagle and that the statements contained in the
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Manager
Shendin/Golden Eagle
Title and Organization
6-22-88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of June 19 88

Deana Dron
Notary Public

Seal

Residing at Rigby
My Commission Expires 4/22/1994