

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: 4.000 CFS

PRIORITY DATE: 10/31/1965

POINT OF
DIVERSION:

T13N R41E S3 SESENE 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:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	05/01 10/31	4.000 CFS
PLACE OF USE:	<u>IRRIGATION in CLARK County and FREMONT County</u>		
	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
	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

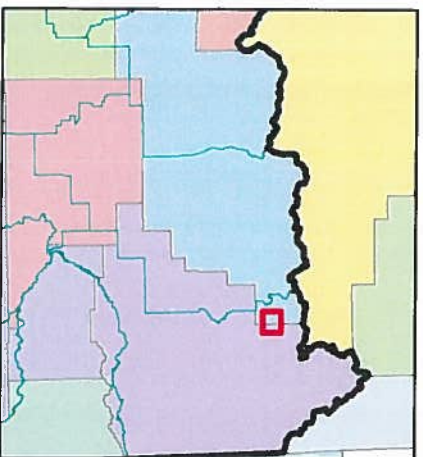
Idaho Department of Water Resources



Adjudication Recommendation
21-10011 and 21-12843
(IRRIGATION)

Legend

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

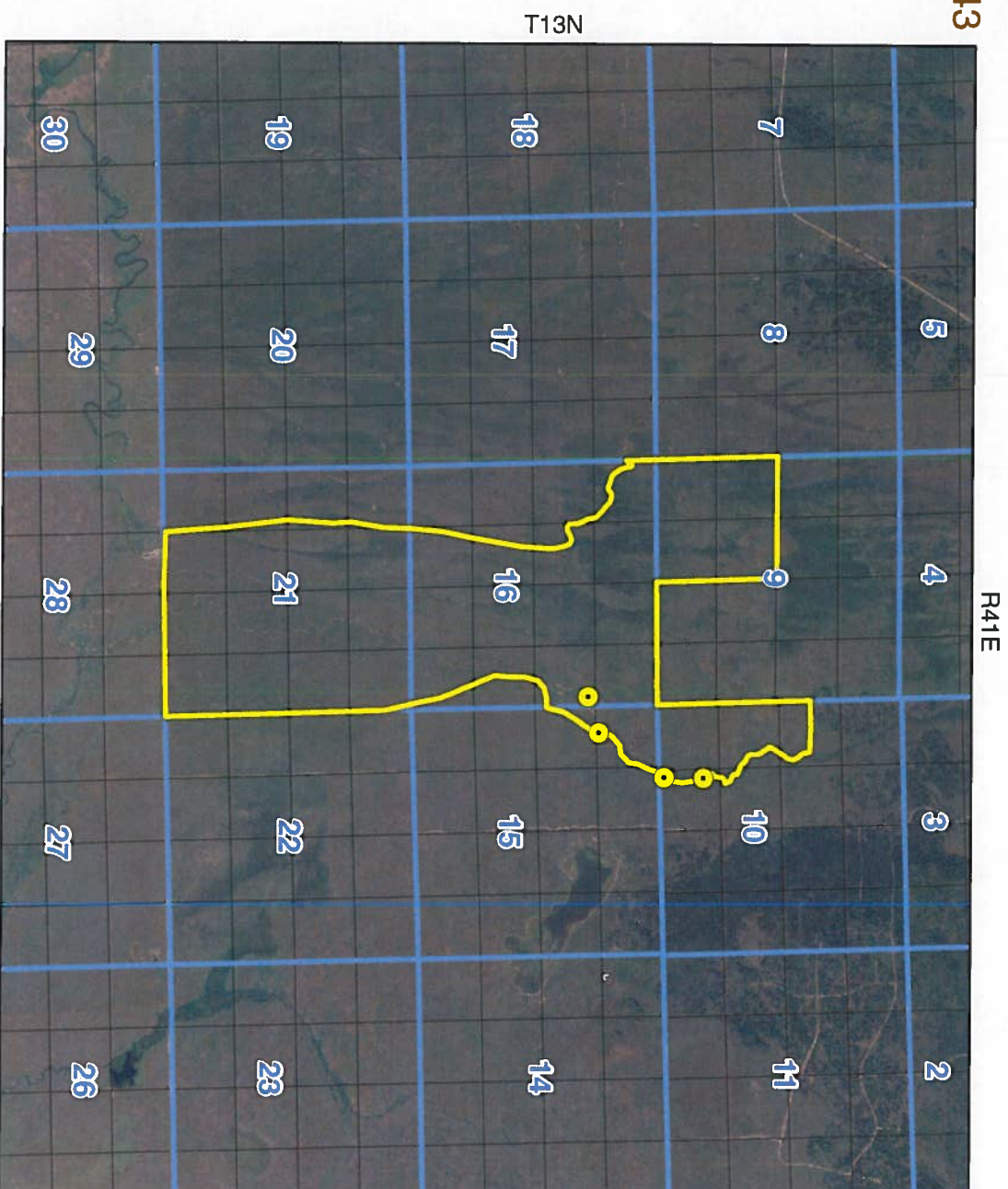


Clark, Fremont Counties
IDWR Basin 21

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



0 0.5 1 2 Miles



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)

Water Rights: 21-12843
(Split into 21-12843 and 21-12843C)

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

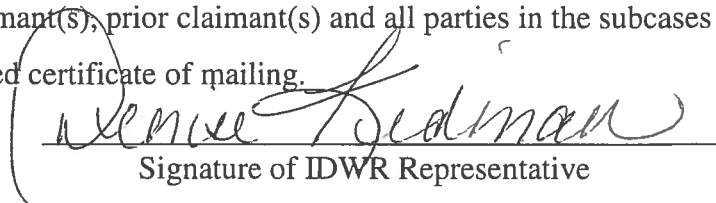
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party Natural Guardian – Natural Guardian and State of Idaho
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 10-1-10


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 4, 2010, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
NATURAL GUARDIAN LTD PARTNERSHIP
2880 N 55 W
IDAHO FALLS, ID 83402

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:	
NATURAL GUARDIAN LTD	STATE OF IDAHO
2880 N 55 W	DEPARTMENT OF LANDS
IDAHO FALLS, ID 83402	PO BOX 83720
	BOISE, ID 83720-0050

4. One copy to:

Each party in the subcase, or attorney of record
ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney 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 NWSSEW 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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	<u>3.830 CFS</u>
		~~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
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

SCANNED
DEC 20 2010

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

SCANNED

DEC 20 2010

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

SCANNED
DEC 20 2010

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

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**
ROBERT L. HARRIS

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

January 10, 2005

RECEIVED
JAN 11 2005
Department of Water Resources
Eastern Region

Ernie Carlsen
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Evidence of Priority for Water Right No. 21-12843

Dear Mr. Carlsen:

We have struggled with attempting to locate documentary or other evidence regarding the above referenced water right. As nearly as anyone can tell, the use of Myer's Creek commenced as early as the rest of the irrigation on the Sheridan Ranch. Unfortunately, we have been unable to find anyone whose memory goes back as far as we would like. We are enclosing with this letter an Affidavit of Charles H. (Bucky) Johnson and the easement worked out with the Forest Service a couple of years ago. Beyond this it appears it will be difficult for us to furnish anything additional.

Yours very truly,



Kent W. Foster

SCANNED

JUL 28 2006

Enclosures

G:\WPDATA\KWF\11692 Natural Guardian Ltd. Part\Ernie Carlsen ltr 011005 wpd.cdv

PROFILED

AFFIDAVIT OF CHARLES H. (BUCKY) JOHNSON

STATE OF MONTANA)
)ss
County of Beaverhead)

Charles H. (Bucky) Johnson being first duly sworn on his oath deposes and says:

1. Affiant was born on January 14, 1952, in Idaho Falls, Idaho, and was raised near the Sheridan Ranch where he spent much of his life working on and near it. From about 1978 through 1991, affiant managed the ranch for the Half Circle Cattle Company. During that time, affiant was responsible, among other things, for irrigation of all of the pasture or grasslands on the ranch and became very familiar with the location and operation of the ditches and diversions, including the Myers Creek ditch and diversion.
2. Affiant's earliest recollection of the specific ditch from Myers Creek would be from approximately the mid 1960's when affiant was a young teenager and spent a great deal of time on the ranch, especially during the summers. The ditch in question diverts water from Myers Creek approximately in the SWNE Section 3, T.13N., R. 41E. and runs in a generally westerly direction about $\frac{1}{2}$ to $\frac{3}{4}$ of a mile to a point where it discharges into a natural channel below the confluence of Schneider Creek, Spring Creek, Blind Creek and Myers Creek in approximately the NWSW of said section. The water then flows down the channel which becomes Willow Creek and is diverted with other water from Willow Creek for irrigation of lands in Sections 9 and 16 of the same Township and Range.
3. The ditch diverts approximately 200 miner's inches or 4.0 cfs of water during most of the irrigation season after the highwater recedes, most of which would otherwise be lost to seepage in the natural channel of Myers Creek downstream from the headgate for the ditch. From the time affiant first became aware of the existence of the ditch, it had the appearance of having been in place for a very long time, much the same as the other ditches and diversion facilities on the ranch. Although affiant cannot recall having ever received any specific information as to the priority of the water right from Myers Creek, the water was diverted through the ditch, into the channel described, and then re-diverted from Willow Creek and used during the time of affiant's experience as if it had the same priority as the other water rights from Willow Creek.

FILED

SCANNED

JUL 06 2006

Charles H. "Bucky" Johnson
Charles H. (Bucky) Johnson

SUBSCRIBED AND SWORN TO before me this 31 day of December, 2004.

Alice L Brown

(seal)

Notary Public for Montana

Residing at: LIMA, MONTANA

My commission expires: MARCH 11, 2006

G:\WPDATA\KWF\11692 Natural Guardian Ltd. Part\Charles Johnson Affidavit wpd.cdv

PROFILED

SCANNED

JUL 06 2006



United States
Department of
Agriculture

Forest
Service

Intermountain Region

324 25th Street
Ogden, UT 84401
801-625-5605

File Code: 2720-3

Date: NOV 25 2002

Roger and Sybil Ferguson
c/o Mr. Kent Foster
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
330 Shoup Avenue, Third Floor
P.O. Box 50130
Idaho Falls, ID 83405

RECEIVED DEC 02 2002

Dear Mr. Foster:

Enclosed is a recorded Agriculture Irrigation and Livestock Watering System easement for the Sheridan Golden Eagle Ranch water system on National Forest System lands in Township 13 North, Range 41 East, Section 3, Boise Meridian. The easement was recorded at the Fremont County Courthouse and the recording information is noted on the enclosed original easement.

As stated in the easement, the District Ranger, Island Park Ranger District, is the Forest Service representative for administering the Ditch Bill easement. Please have your client contact the District Ranger if they have questions.

Thank you for your help in the application process. Your assistance was instrumental in the issuance of the easement.

Sincerely,

JEANNE A. EVENDEN
Director, Lands

PROFILED



Authorization ID _____
Contact ID _____
Expiration Date: _____

FS-2700-9a (9/96)
OMB No. 0596-0082

U.S. DEPARTMENT OF AGRICULTURE
Forest Service
AGRICULTURE IRRIGATION AND LIVESTOCK WATERING SYSTEM EASEMENT
Act of October 21, 1976, Act of October 27, 1986
(Pub. L. 99-545), 36 CFR 251, Subpart B

THIS EASEMENT issued this 4th day of November, 2002, by the **UNITED STATES OF AMERICA**, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to **Sheridan Golden Eagle Ranch**, a sole proprietorship of Roger and Sybil Ferguson, Individuals of the State of Idaho, hereinafter called the Holder.

WHEREAS, the Holder has applied for an easement under Section 501 of the Federal Land Policy and Management Act of October 21, 1976, as amended by P. L. 99-545 (90 Stat. 2743; 43 U.S.C. 1761), for agricultural irrigation or livestock watering system facilities located on lands owned by the United States on the Targhee National Forest, in the County of Fremont, State of Idaho.

WITNESSETH

WHEREAS, upon acceptance of this easement the Holder relinquishes all right, title, and interest in and to any easement issued for the same lands by the United States by any previous grant or permit.

NOW THEREFORE, the United States does hereby grant, subject to valid existing rights, an easement for occupancy with water conveyance system facilities located on the following described lands:

Principal Meridian, Boise, TOWNSHIP 13 NORTH, RANGE 41 EAST
Section 3

Said water conveyance facility consisting of the Myers Ditch, is shown on the map contained in **Exhibit A**, attached hereto and incorporated herein, as provided by the Holder and hereby accepted by the Authorized Officer.

This easement is issued subject to the following terms, provisions, and conditions applicable to the Holder, its permittees, contractors, assignees, and successors in interest.

1. **AUTHORIZED USE.** This easement authorizes only the right-of-way and water conveyance system facilities as constructed and operated on October 21, 1976, as specified herein.
2. **EXTENSIONS or ENLARGEMENTS.** This easement does not authorize extensions or enlargements of the water conveyance system.

PROFILED

Page 1 of 5

Microfilm No. 478444
At 7 Day 21st 20 02
At 16:30 O'Clock P M
ABBIE MACE
FREMONT CO RECORDER
Fee \$ 24
Recorded at Request of U.S. Forest Service
2/5/04 Bob Kline 324 251 8446

3. FEES. This easement is issued free of charge.

4. TRANSFERABILITY. This easement is fully transferable provided the water conveyance system facilities are used for agricultural irrigation or livestock watering. Holder shall notify Grantor within sixty (60) days of any address change or change in ownership.

5. TENURE. This easement shall continue for as long as the above described lands and water conveyance system facilities are used, operated, and maintained in accordance with the terms and conditions herein described.

6. OPERATION and MAINTENANCE.

a. Holder agrees to operate and maintain the facilities and use the authorized easement in accordance with applicable Federal, State, and local laws, regulations, and standards.

b. Holder shall notify, consult with, and obtain concurrence of the Grantor for operation and maintenance of the authorized facilities.

c. Holder agrees to install and maintain an operable headgate at each diversion structure. Such headgate shall be capable of controlling the amount of water entering the system.

d. Holder will not use fire or herbicides on the authorized right-of-way except as permitted in writing by the Grantor.

e. Holder agrees to operate and maintain the facilities and use the authorized easement in accordance with the Operation and Maintenance Plans attached as **Exhibit B**.

f. Pursuant to the requirements of 36 CFR § 251.56(b)(1)(v), the terms and conditions for operation and maintenance set forth in this section, and any operations and maintenance plan incorporated in this Easement pursuant Paragraph (e) of this section, may be revised or modified by the Authorized Officer upon determination that: 1.) modification or revision of such terms and conditions is necessary to meet the requirements of 43 U.S.C. § 1765 or to comply with the requirements of any other applicable Federal law; or 2.) terms and conditions contained herein are no longer needed to protect National Forest System land or resources, or to meet the requirements of 43 U.S.C. § 1765 or any other applicable Federal law.

7. EMERGENCY REPAIRS.

a. Except for emergency repairs required to protect the environment, property of the United States, or public health and safety, the Holder may not use materials on National Forest System lands outside the easement prior to obtaining written authorization and paying for the materials to be used. Holder's use of material within the easement is limited to maintenance of the water conveyance system facility.

b. If the water conveyance system facilities authorized by this Easement are allowed to deteriorate to the point of threatening persons or property, and the Holder, after notification by the Grantor, refuses

to perform the repairs and maintenance required to remove the threat to persons or property, Grantor shall have the right to undertake such repair and maintenance and to assess the Holder for the costs of such repair and maintenance, regardless of whether Grantor had required the Holder to furnish a bond or other security.

8. **INDEMNIFICATION.** Holder shall indemnify the United States against liability for any and all injury, loss, or damage, including fire suppression costs, that the United States may suffer as a result of claims, demands, losses, or judgments caused by the Holder's use or occupancy under this easement.

9. **LIABILITY.** Holder is liable for and agrees to repair damage to National Forest System lands caused by Holder's negligence, intentional acts, or of failure to comply with the terms and conditions of this easement or of any law or regulation applicable to the National Forests.

10. **SITE RESTORATION.** Holder shall, upon termination of this easement, stabilize the site as required by the Grantor. If Holder does not stabilize the site, the Holder agrees to pay the costs of such stabilization if undertaken by the Grantor.

11. **SPECIAL PROVISIONS.** The foregoing notwithstanding, this easement is granted subject to the following reservations by Grantor, for itself, its permittees, contractors, and assigns.

A. **NONEXCLUSIVE USE.** The Grantor reserves the right to use or permit others to use the easement area, provided such use does not unreasonably interfere with the rights and privileges hereby authorized.

B. **TERMINATION.** This easement may be terminated with consent of Holder, or if Holder fails to exercise the rights and privileges authorized for any continuous period of five (5) years or more. This easement expires according to its terms if Holder uses the water conveyance system for any purpose other than agricultural irrigation or livestock watering. Grantor may take action to terminate this easement under 7 CFR 1.130 - 1.151, for noncompliance with applicable statutes and regulations, or the terms and conditions of this easement.

C. **FOREST SERVICE REPRESENTATIVE.** The District Ranger, Island Park Ranger District, is responsible for administering this easement. The holder should contact the District Ranger regarding any questions concerning the occupancy and use authorized and the provisions of this authorization.

D. **WATER RIGHTS/ADJUDICATION.** Should, subsequent to the issuance of this easement, an adjudication of the water right or water system authorized by this easement establish the fact that the Holders did not have a valid water right for the use of the water or a water system which meets the requirements of this act, then coincidental with the date of the decree, this easement shall expire on its own terms based upon the failure of the permit holder to meet the requirements of this Act. Upon expiration, all right, title, and interest in and to the subject area shall revert to the United States, or its successors or assigns.

PROFILED

477044

ACCEPTANCE: On this 8 day of October, 2002, I, the undersigned Holder have read, understand, and accept the terms and conditions of this easement.

Roger Ferguson
Roger Ferguson

ACKNOWLEDGEMENT

STATE OF IDAHO)
COUNTY OF Madison) ss.

The foregoing instrument was acknowledged before me this 8 day of Oct, 2002, by Roger Ferguson.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Diane Clements
Notary Public for the State of Idaho
Residing at Boise, Idaho
My commission expires 4/22/03

ACCEPTANCE: On this 8 day of October, 2002, I, the undersigned Holder have read, understand, and accept the terms and conditions of this easement.

Sybil Ferguson
Sybil Ferguson

ACKNOWLEDGEMENT

STATE OF IDAHO)
COUNTY OF Madison) ss.

The foregoing instrument was acknowledged before me this 8 day of October, 2002, by Sybil Ferguson.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Diane Clements
Notary Public for the State of Idaho
Residing at Boise, Idaho
My commission expires 4/22/03

PROFILED

477744

IN WITNESS WHEREOF, the Secretary of Agriculture by the Regional Forester, Forest Service, has executed this Easement pursuant to delegations of authority specified in 7 CFR 2.60 and 36 CFR 251.52 on the day and year written above.

UNITED STATES OF AMERICA

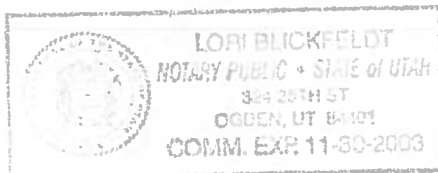


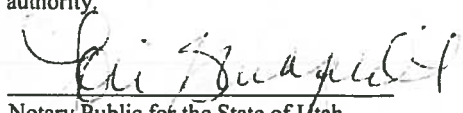
JACK G. TROYER
Regional Forester
Intermountain Region
Forest Service, Department of Agriculture

ACKNOWLEDGMENT

STATE OF Utah
COUNTY OF Weber)ss

On this 4th day of November, 2002, before me, Lori Blickfeldt, a Notary Public in and for Weber County, personally appeared before me **JEANNE A. EVENDEN**, Director of Lands, Intermountain Region, Forest Service, U.S. Department of Agriculture, the signer of the within instrument, who acknowledged to me that she executed the foregoing instrument acting for and on behalf of **JACK G. TROYER**, Regional Forester, by duly delegated authority.





Notary Public for the State of Utah
Residing in South Weber, UT
My commission expires November 30, 2003

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

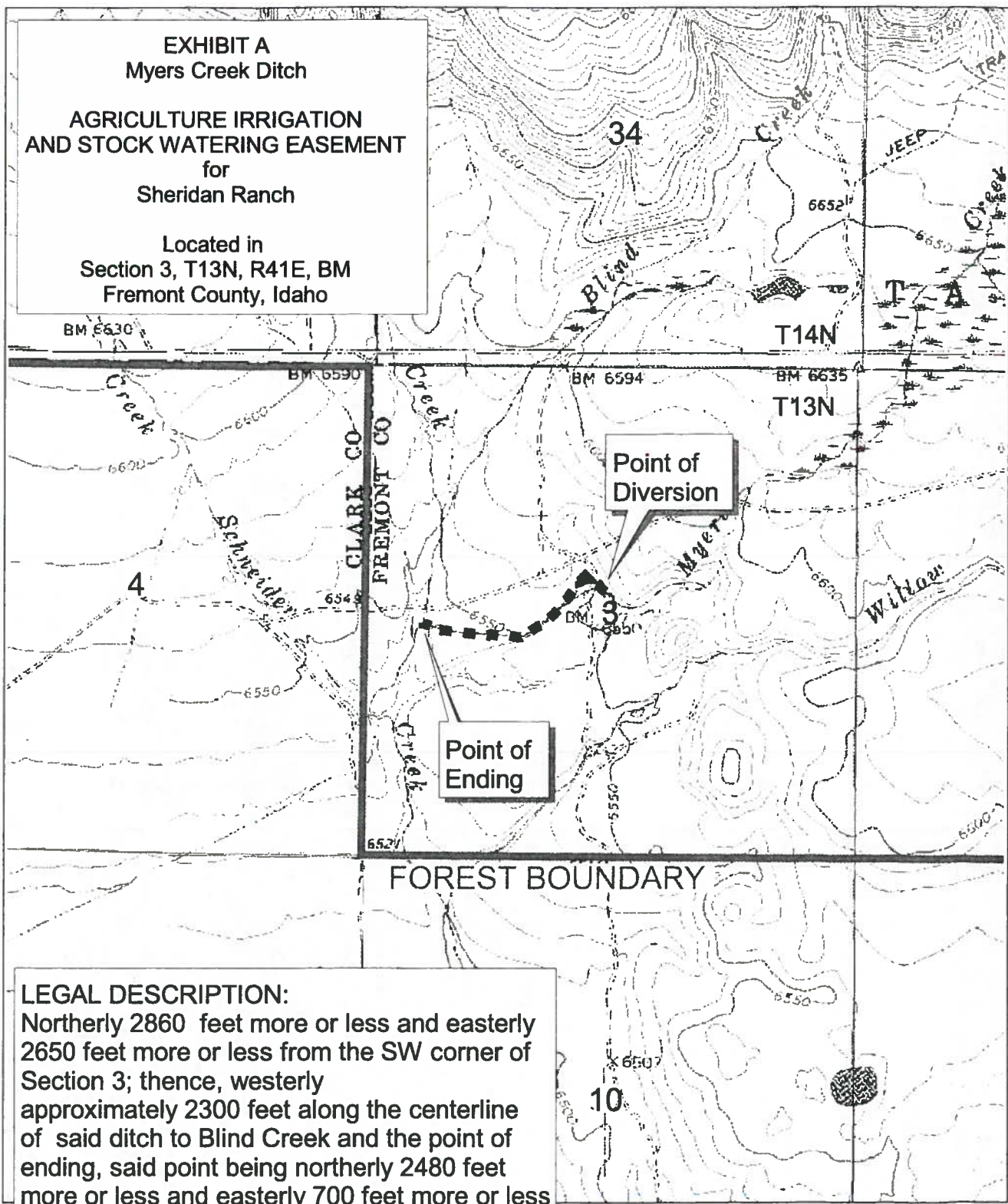
Public reporting burden for this collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

PROFILED

EXHIBIT A
Myers Creek Ditch

**AGRICULTURE IRRIGATION
AND STOCK WATERING EASEMENT
for
Sheridan Ranch**

Located in
Section 3, T13N, R41E, BM
Fremont County, Idaho



LEGAL DESCRIPTION:

Northerly 2860 feet more or less and easterly 2650 feet more or less from the SW corner of Section 3; thence, westerly approximately 2300 feet along the centerline of said ditch to Blind Creek and the point of ending, said point being northerly 2480 feet more or less and easterly 700 feet more or less from the SW corner of Section 3.

The ditch right-of-way is 40 feet wide, 20 feet each side of centerline, and contains approximately 2.11 acres.



0 800 1600 2400 Feet

SOURCE: USGS 7.5 Minute Quadrangle
Icehouse Creek
PROJECTION: UTM Zone 12
DATUM: NAD 27

B.Klarich
8-10-2001

PROFILED

477744

EXHIBIT B

OPERATION AND MAINTENANCE PLAN

Water Conveyance Facility: Myers Creek Ditch

Easement Holder : Roger and Sybil Ferguson, aka Sheridan Goldern Eagle Ranch

The easement incorporates this Operation and Maintenance Plan (O & M Plan) and any attachments thereto; and the Holder agrees to operate and maintain the facilities and use the granted land in accordance with the following stipulations:

1. Regulate channel flows so that a freeboard is maintained above the water line.
2. Use only maintenance routes agreed to and to repair all damage resulting from said use.
3. The Holder shall be responsible for prevention and control of soil erosion and gullying on land covered by the easement and the land adjacent thereto, resulting from operations and maintenance of granted use; maintain ditch or canal to prevent downcutting and bank failure; remove all obstructions from the ditch or canal or diversion structure; revegetate or otherwise stabilize all ground where the soil has been exposed; be responsible for control of and spread of noxious weeds, as identified by the US Forest Service and the local County weed list. Work in natural channels other than minor or emergency work immediately at the diversion structure requires State and possibly Corp of Engineers advance approval.
4. The Holder shall inspect the facility prior to use each year and make necessary repairs. Work that is considered other than routine maintenance and/or minor repairs shall be discussed in advance with the Forest officer. All repairs shall be acceptable to and completed by the date agreed to by the Holder and the Forest officer.
5. The Holder will contact the Forest officer for approval before proceeding with work that is other than routine operations. Some of these situations are:
 - a. Bringing in and using heavy equipment.
 - b. Using other than approved maintenance routes for access.
 - c. Motorized use in a closed area in an emergency situation.
 - d. Removal of significant amounts of vegetation and silt and deposition of the same, if on National Forest System lands.
 - e. Burning, application of seed mixtures, chemical application or other means of vegetation control measures.
 - f. Reconstruction or re-routing of a portion of the ditch (the latter would also entail a new easement or special use permit).
6. If the Holder has any encounters with grizzly bears or wolves or if a wolf den site is discovered within ½ mile of the easement, it will be reported immediately to the Forest Officer.
7. No human, pet, or stock food of any kind or garbage- including grease, paper, cans, glass, plastics, fruit peels, cores, chemicals or any other related item or its container or wrapper of any kind may be stored, left, buried, or burned.

PROFILED

4. 7744

8. This O & M Plan will be reviewed annually by the Holder and may be amended by mutual agreement when signed and dated by the Holder and the District Ranger.

Robert Ferguson
Holder

8/12/02
Date

Julie Ferguson
Holder

8/15/02
Date

Adrienne K. Keller
District Ranger

8-19-02
Date

PROFILED

June 25, 2004

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

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 21-12843

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the beginning of water rights review in Basin 21, the Henry's Fork drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of SEP 15 1898, from MYERS CREEK.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

SCANNED

JAN 07 2005

PROFILED

.....
**The Department will not recommend the Notice of Claim be decreed by the court if
evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**
.....

Please submit documentation supporting the priority date as soon as possible,
referencing all documents with the corresponding claim number.

Respectfully submitted,

Ernest Carlson

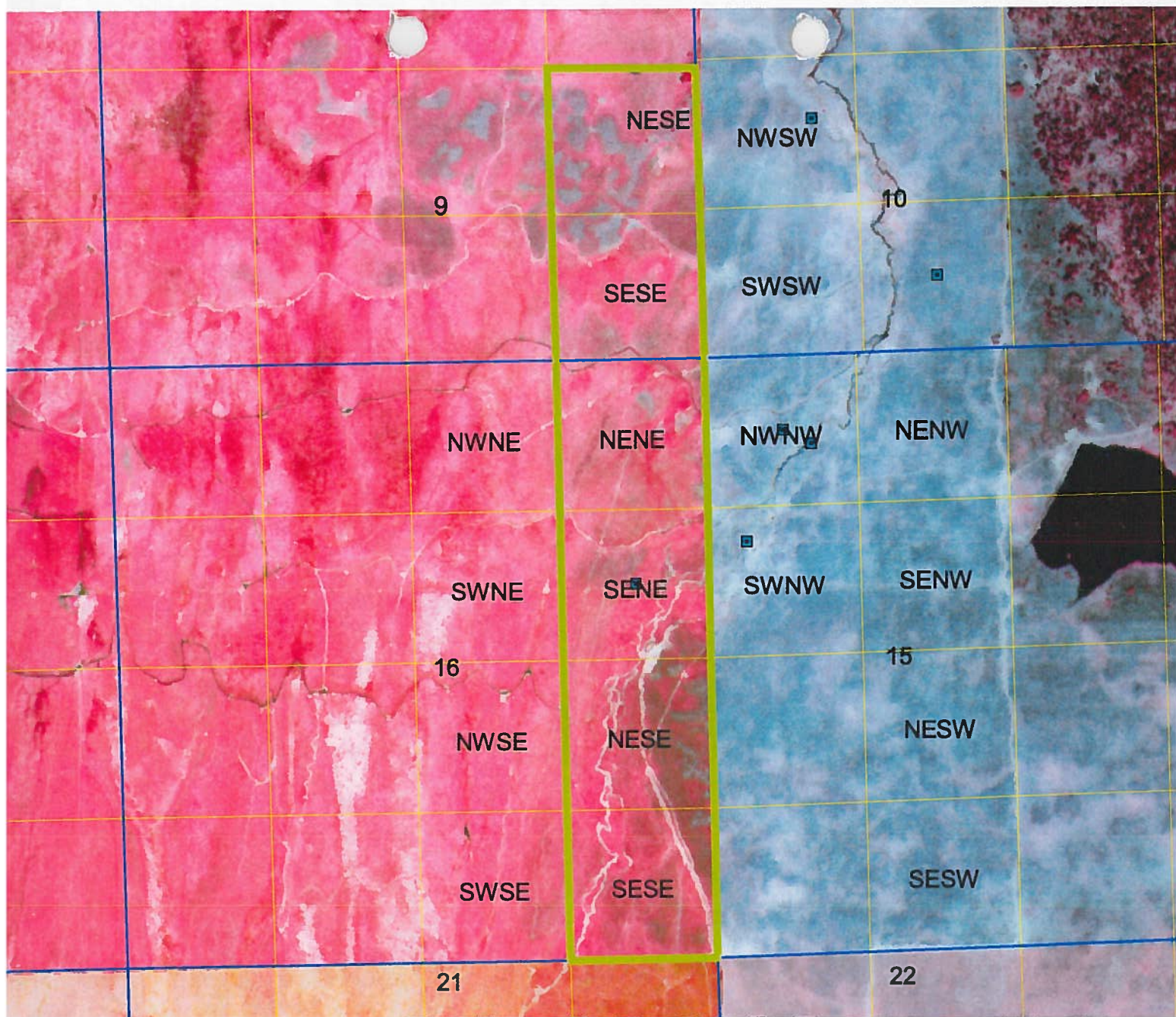
for Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

PROFILED

SCANNED
JAN 07 2005



21-12843
T13N R41E

SCANNED
JAN 07 2005

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

SCANNED

JAN 07 2005

PROFILED

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**.

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

Roger + Sybil Ferguson dba Sheridan/
Golden Eagle

4. 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

SCANNED

JAN 07 2005

PROFILE



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-717

EASTERN REGION

RECEIVED

NOV 02 2001

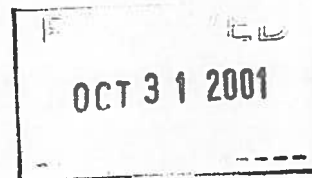
DIRK KEMPTHORN
GOVERNOR

Department of Water Resources
Eastern Region

KARL J. DREHER
DIRECTOR

October 29, 2001

KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405



RE: ADJUDICATION CLAIM FILING FOR GOLDEN EAGLE RANCH AND
CHECK NO. 019921 FOR \$100

Dear Mr. Foster:

On October 29, 2001, our office received the above referenced request. I am returning the check and claim for corrections to the point of diversion and place of use. Neither description matches the colored areas on the map you submitted. Please correct the claim or map and resubmit your request to our office. I will process it as soon as possible.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosure

SCANNED
JAN 07 2005

PROFILED

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

US BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

October 26, 2001

RECEIVED

OCT 29 2001

Department of Water Resources
Eastern Region

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RECEIVED

NOV 02 2001

Department of Water Resources
Eastern Region

Dear Ladies and Gentlemen:

Enclosed with this letter is a late Notice of Claim to a Water Right acquired under State Law on behalf of Sheridan/Golden Eagle Ranch for filing. We have also enclosed our check in the amount of one-hundred (\$100.00) dollars for the regular fee and the late fee. Since the notice covers the same acreage covered under other water rights claims of this claimant we assume that the acreage fee has already been paid. If anything else is required, please let us know.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\KWF0547 SHERIDANGOLDENIDWR.ltr wpd bfc

PROFILED

SCANNED
JAN 07 2005

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSRECEIVED
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 21-12843

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) October 31, 1965

3. Source of water supply (a) Myers Creek

which is tributary to (b) Blind Creek

which is tributary to (c) Schneider Creek

which is tributary to (d) Willow Creek

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

Township 13N., Range 41E., Section 3, SE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, Point of Diversion from Myers Creek
Township 13N., Range 41E., Section 3, NW $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot 6, Injection into Blind Creek ✓

Points of Rediversion:

Township 13N., Range 41E., Section 3, SW $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot 6, "Lower Schneider" ✓

Township 13N., Range 41E., Section 10, NW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, "Center Willow" ✓

Township 13N., Range 41E., Section 10, SW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, "Lower Willow" ✓

Township 13N., Range 41E., Section 15, SW $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot _____, "East Willow" ✓

Township 13N., Range 41E., Section 16, NE $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot _____, "South Willow" ✓

County of Clark

Additional points of diversion if any: _____

SCANNED

APR - 1 2009

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 included) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/15 amount 4.0 cfs or

7. Total quantity claimed (a) 4.0 (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:

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

10. In which county(ies) are lands listed above as place of use located? Fremont and Clark Counties

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.
21-30B and 21-10011 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 Sheridan Creek, Willow Creek, Schneider Creek, and Taylor Creek is also used on the property. The diversion system was installed because if water is left in the natural channel of Myers Creek, the water will sink before it reaches Blind Creek. Many years ago, a canal and point of diversion were constructed on an upland area to convey the Myers Creek water such that it would make it to Blind Creek. Once the water was in Blind Creek, it travels downstream to Blind Creek's confluence with Schneider Creek, which is just above the diversion heading for the Lower Schneider canal heading (which has been referred to as the "Upper Willow Canal", but is actually on Schneider Creek). The Myers Creek water is then rediverted through the Lower Schneider diversion on Schneider Creek, and the other Willow Creek diversion headings located further downstream.

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.

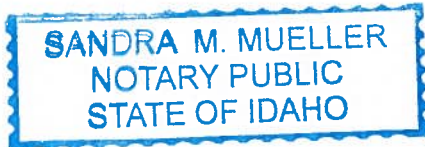
Signature of Authorized Agent Robert L. Harris

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 2nd 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.

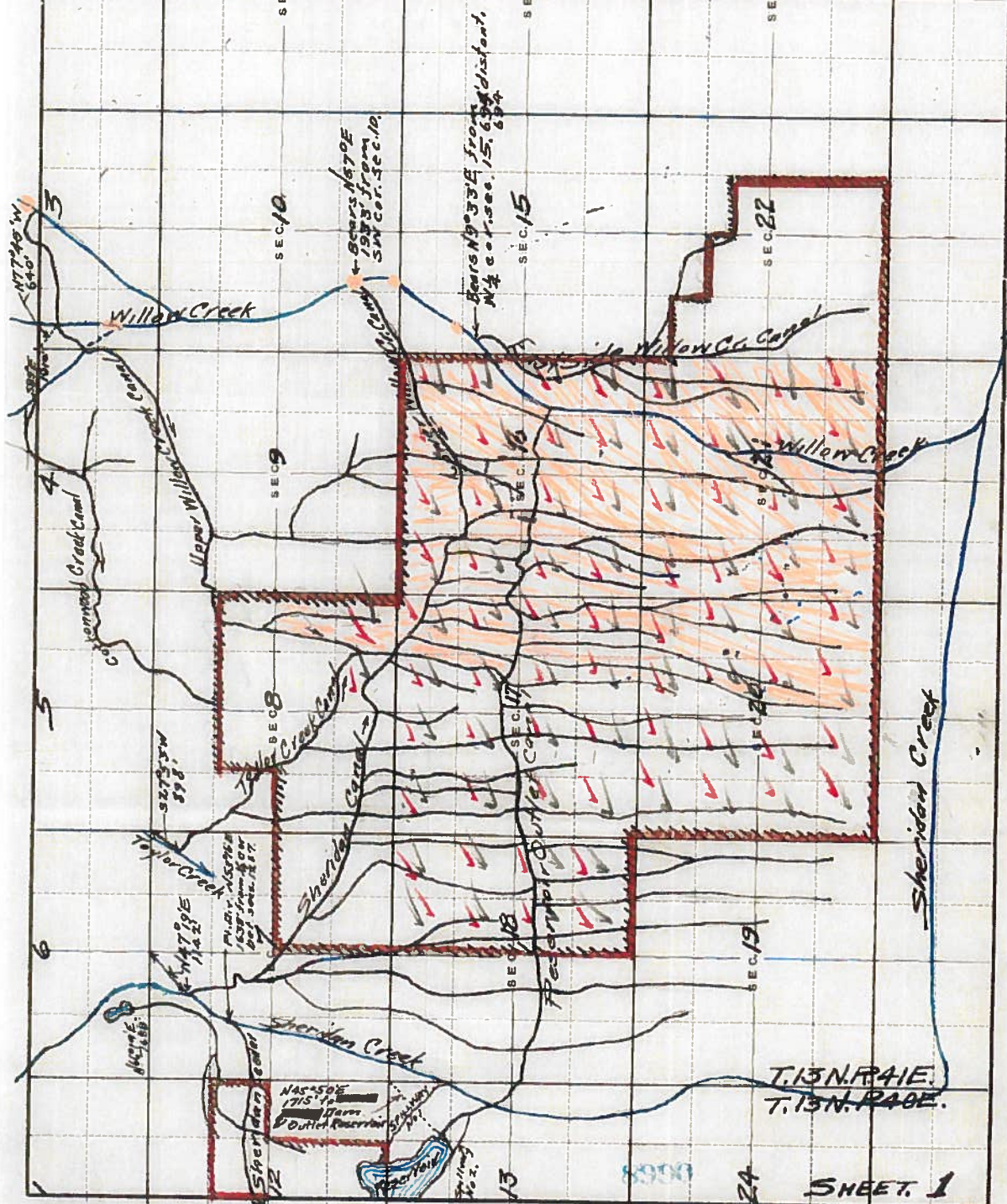
Signature Robert L. Harris
Address: PO Box 50130, Idaho Falls, ID 83405-0130
Date: March 2nd, 2009

G:\WPDATA\RLH\11692 Natural Guardian\08 Spencer, Kilgore, Sheridan\2009 Amended Claims\21-12843.Myers.wpd.cdv

Last Name Natural Guardian Ltd. Partnership Ident. Number _____

LEGEND

Land under permit
all irrigated.



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

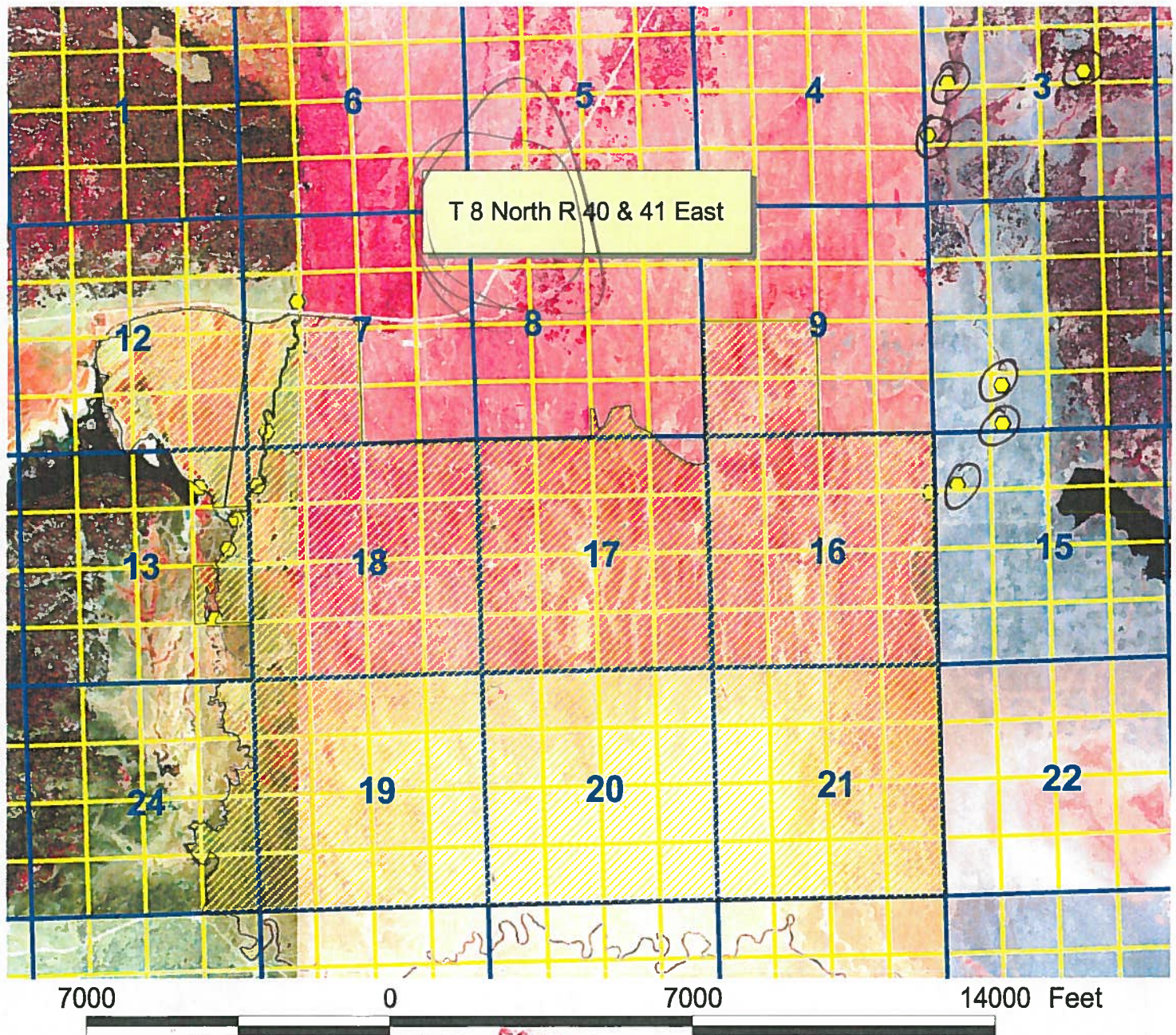
SHEET. 1



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 21-30, 21-108, 21-116,
21-2017, 21-2054A, 21-2158, 21-12843



SCANNED

JUL 28 2006

- Natural_guardian.shp
- Sections
- Quarter Quarter
- Points Of Diversion

PROFILED

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: Nov. 2005



11/01/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF 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: 4.000 CFS

The rights listed below are limited to a total combined diversion rate of 91.86 cfs. Combined Right Nos.: 21-30, 21-108, 21-116, 21-2017, 21-2054A, 21-2158, 21-12843

PRIORITY DATE: 10/31/1965

T13N R41E S10 SESE NW - POP

POINT OF DIVERSION:

T13N R41E S3 SESWNE Within FREMONT County
T13N R41E S3 SWNWSW Lot 6 Rediversion Within FREMONT County
T13N R41E S3 SWNWSW Lot 6 Injection Within FREMONT County
T13N R41E S10 NWSESW Rediversion Within FREMONT County
T13N R41E S10 SWSESW Rediversion Within FREMONT County
T13N R41E S15 SWNNWN Rediversion Within FREMONT County

wrong

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05/01 10/31	4.000 CFS

PLACE OF USE:

IRRIGATION Within CLARK County

T13N R40E S12	SWNE	15.0	T13N R40E S12	SENE	14.0
T13N R40E S12	NESW	21.0	T13N R40E S12	SESW	11.0
T13N R40E S12	NESE	39.0	T13N R40E S12	NWSE	40.0
T13N R40E S12	SWSE	36.0	T13N R40E S12	SESE	39.0
T13N R40E S13	NENE	34.0	T13N R40E S13	NWNE	5.3
T13N R40E S13	SENE	12.0	T13N R40E S13	NESE	35.0
T13N R40E S24 Lot 1	NENE	22.0	T13N R40E S24	SENE	9.4
T13N R40E S24	NESE	31.0	T13N R40E S24	NWSE	3.4
T13N R40E S24	SWSE	0.5	T13N R40E S24	SESE	35.0
T13N R41E S07 Lot 2	SWNW	7.5	T13N R41E S07	SENW	8.2
T13N R41E S07	NESW	40.0	T13N R41E S07 Lot 3	NWSW	38.0
T13N R41E S07 Lot 4	SWSW	39.0	T13N R41E S07	SESW	40.0
T13N R41E S07	SWSE	0.1	T13N R41E S08	SWSE	14.0
T13N R41E S08	SESE	0.3	T13N R41E S09	NESW	39.0
T13N R41E S09	NWSW	40.0	T13N R41E S09	SWSW	40.0
T13N R41E S09	SESW	39.0	T13N R41E S15	SWNW	0.3
T13N R41E S15	NWSW	0.5	T13N R41E S15	SWSW	0.7
T13N R41E S16	NENE	40.0	T13N R41E S16	NWNE	40.0
T13N R41E S16	SWNE	40.0	T13N R41E S16	SENE	40.0
T13N R41E S16	NENW	40.0	T13N R41E S16	NWNW	40.0
T13N R41E S16	SWNW	40.0	T13N R41E S16	SENW	40.0

Remove State land 21-1084

$\frac{4.0}{4592.9} = 0.0008$

$4592.9 - 29 = 4563.9$

$4563.9 \times 0.0008 = 3.65 \text{ cfs}$

PROFILED

T13N R41E S16	NESW	40.0	T13N R41E S16	NWSW	40.0
T13N R41E S16	SWSW	40.0	T13N R41E S16	SESW	40.0
T13N R41E S16	NESE	40.0	T13N R41E S16	NWSE	40.0
T13N R41E S16	SWSE	40.0	T13N R41E S16	SESE	40.0
T13N R41E S17	NENE	28.0	T13N R41E S17	NWNE	40.0
T13N R41E S17	SWNE	40.0	T13N R41E S17	SENE	40.0
T13N R41E S17	NENW	40.0	T13N R41E S17	NWNW	40.0
T13N R41E S17	SWNW	40.0	T13N R41E S17	SENE	40.0
T13N R41E S17	NESW	40.0	T13N R41E S17	SENE	40.0
T13N R41E S17	SWSW	41.0	T13N R41E S17	NWSW	41.0
T13N R41E S17	NESE	40.0	T13N R41E S17	SESW	41.0
T13N R41E S17	SWSE	40.0	T13N R41E S17	NWSE	40.0
T13N R41E S18	NENE	40.0	T13N R41E S17	SESE	40.0
T13N R41E S18	SWNE	41.0	T13N R41E S18	NWNE	41.0
T13N R41E S18	NENW	41.0	T13N R41E S18	SENE	41.0
T13N R41E S18 Lot 2	SWNW	40.0	T13N R41E S18 Lot 1	NWNW	39.0
T13N R41E S18	NESW	41.0	T13N R41E S18	SENE	41.0
T13N R41E S18 Lot 4	SWSW	40.0	T13N R41E S18 Lot 3	NWSW	40.0
T13N R41E S18	NESE	41.0	T13N R41E S18	SESW	41.0
T13N R41E S18	SWSE	41.0	T13N R41E S18	NWSE	41.0
T13N R41E S19	NENE	40.0	T13N R41E S18	SESE	41.0
T13N R41E S19	SWNE	40.0	T13N R41E S19	NWNE	40.0
T13N R41E S19	NENW	40.0	T13N R41E S19	SENE	40.0
T13N R41E S19 Lot 2	SWNW	40.0	T13N R41E S19 Lot 1	NWNW	40.0
T13N R41E S19	NESW	40.0	T13N R41E S19	SENE	40.0
T13N R41E S19 Lot 4	SWSW	40.0	T13N R41E S19 Lot 3	NWSW	40.0
T13N R41E S19	NESE	40.0	T13N R41E S19	SESW	40.0
T13N R41E S19	SWSE	40.0	T13N R41E S19	NWSE	40.0
T13N R41E S20	NENE	40.0	T13N R41E S19	SESE	40.0
T13N R41E S20	SWNE	40.0	T13N R41E S20	NWNE	40.0
T13N R41E S20	NENW	40.0	T13N R41E S20	SENE	40.0
T13N R41E S20	SWNW	40.0	T13N R41E S20	NWNW	40.0
T13N R41E S20	NESW	40.0	T13N R41E S20	SENE	40.0
T13N R41E S20	SWSW	40.0	T13N R41E S20	NWNW	40.0
T13N R41E S20	NESE	40.0	T13N R41E S20	SENE	40.0
T13N R41E S20	SWSE	40.0	T13N R41E S20	NWNW	40.0
T13N R41E S21	NENE	40.0	T13N R41E S20	SENE	40.0
T13N R41E S21	SWNE	40.0	T13N R41E S21	NWNW	40.0
T13N R41E S21	NENW	40.0	T13N R41E S21	SENE	40.0
T13N R41E S21	SWNW	40.0	T13N R41E S21	NWNW	40.0
T13N R41E S21	NESW	40.0	T13N R41E S21	SENE	40.0
T13N R41E S21	SWSW	40.0	T13N R41E S21	NWNW	40.0
T13N R41E S21	NESE	40.0	T13N R41E S21	SENE	40.0
T13N R41E S21	SWSE	40.0	T13N R41E S21	NWNW	40.0
T13N R41E S22	NWNW	0.7	T13N R41E S21	SENE	40.0
T13N R41E S22	NWSW	0.3	T13N R41E S22	NWNW	0.5
T13N R41E S28	NENW	0.2	T13N R41E S28	NWNE	0.1
T13N R41E S29	NENE	0.3	T13N R41E S28	NWNW	0.3
T13N R41E S29	NENW	0.1	T13N R41E S29	NWNE	0.2

4592.9 ACRES TOTAL

PROFILED

The rights listed below are limited to the irrigation of a combined total of 4592.9 acres in a single irrigation season. Combined Right Nos.: 21-30, 21-108, 21-116, 21-2017, 21-2054A, 21-2158, 21-12843

This right is limited to the irrigation of 960 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 - Beneficial Use

PROFILED

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 21-12843
Date Received: 11/2/2001
Receipt No:
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: 09/15/1898

3. Source: MYERS CREEK , MYERS CREEK , MYERS CREEK , MYERS CREEK , MYERS CREEK
Trib. to: WILLOW CREEK , WILLOW CREEK , WILLOW CREEK , WILLOW CREEK , WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
13N	41E	3	SE	SW	NE	FREMONT	
13N	41E	3	SW	NW	SW	FREMONT	
13N	41E	10	NW	SE	SW	FREMONT	
13N	41E	10	SW	SE	SW	FREMONT	
13N	41E	15	SW	NW	NW	FREMONT	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	4	

7. Total Quantity Appropriated is:
4 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	41E	9	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	320
13N	41E	16	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
					Total Acres	960

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:

WATER IS DISCHARGED, BACK INTO CHANNEL OF BLIND CREEK OR MYERS CREEK IN SE SW NE OF SAID SECTION 3 AND REDIVERTED FROM THE CHANNELS OF SCHNEIDER CREEK AND WILLOW CREEK AS FOLLOWS:

SW NW SW SEC 3 T 13N R 41E
 NW SE SW SEC 10 T 13N R 41E
 SW SE SW SEC 10 T 13N R 41E
 SW NW NW SEC 15 T 13N R 41E

HEADGATES AND DITCHES

15. Basis of Claim: Beneficial Use

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 21-12843
Date Received: 11/2/2001
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

SHERIDAN/GOLDEN EAGLE RANCH Phone: (208)356-3716
PO BOX 519
REXBURG ID USA 83440

2. Date of Priority: 09/15/1898

3. Source: MYERS CREEK

Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
13N	41E	3	SE	SW	NE	FREMONT	
13N	41E	3	SW	NW	SW	FREMONT	
13N	41E	10	NW	SE	SW	FREMONT	
13N	41E	10	SW	SE	SW	FREMONT	
13N	41E	15	SW	NW	NW	FREMONT	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	4	

7. Total Quantity Appropriated is:
4 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	41E	9	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	320	
13N	41E	16	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			
			Total Acres	960			

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:

WATER IS DISCHARGED, BACK INTO CHANNEL OF BLIND CREEK OR MYERS CREEK IN SE SW NE OF SAID SECTION 3 AND REDIVERTED FROM THE CHANNELS OF SCHNEIDER CREEK AND WILLOW CREEK AS FOLLOWS:

SW NW SW SEC 3 T 13N R 41E
 NW SE SW SEC 10 T 13N R 41E
 SW SE SW SEC 10 T 13N R 41E
 SW NW NW SEC 15 T 13N R 41E

HEADGATES AND DITCHES

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 21-12843Date Received 11-2-01Receipt Number EO 27239NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW1. Name of Claimant(s) Sheridan/Golden Eagle Ranch Phone (208) 356-3716Mailing Address P.O. Box 519 Rexburg, Idaho Zip 834402. Date of Priority (Only (1) per claim) 09/15/18983. Source of water supply (a) Myers Creekwhich is tributary to (b) Willow Creek

RECEIVED

NOV 02 2001

Department of Water Resources
Eastern Region4.a. Location of existing point of diversion is: Township 13N Range 41E Section 3,
of SE 1/4 of SW 1/4, of NE 1/4, Govt. Lot E. B.M., County of FremontWater is discharged, back into channel of Blind Creek or Myers Creek in SE SW NE of said Section 3 and rediverted from the
channels of Schneider Creek and Willow Creek as follows:

SW NW SW, Sec. 3, T. 13N., R. 41E.

NW SE SW, Sec. 10, T. 13 N., R. 41E.

SW SE SW, Sec. 10, T. 13 N., R. 41E.

SW NW NW, Sec. 15, T. 13 N., R. 41E.

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 and ditches

6. Water is claimed for the following purposes:

(Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4-15 to 10-15 amount 4.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.0 (cfs) and/or (b) _____ (acre feet)

PROFILED

JAN 11 2005

10. 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.

[illegible]

Total number of acres irrigated 960

11. In which county(ies) are lands listed above as place of use located? Clark
12. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
21-30, 21-2054A, 21-2158 or None ()

14. Remarks:

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

SEE ATTACHED MAP

[illegible]

SCANNED

JAN 11 2005

Last Name Sheridan-Golden Eagle Ident. Number _____

15. 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 _____

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 1

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am OWNER of _____ Title

SHERIDAN/GOLDEN EAGLE RANCH, that I have signed the foregoing document in the space below as

Organization

OWNER

of

SHERIDAN/GOLDEN EAGLE RANCH

and that the statements contained in the

(Title)

(Organization)

foregoing document are true and correct.

Signature of Authorized Agent Ryan Ferguson

Title and Organization

Owner, Sheridan/GER

Date

10/17/01

State of Idaho)

) SS.

County of

MADISON

Subscribed and sworn (or affirmed) before me this 17 day of October, 2001.

Notary Public Deane Clements

Residing at Rexburg

My Commission Expires

4/22/03

17. Notice of Appearance:

Notice is hereby given that I, KENT W. FOSTER 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 Kent W. Foster

Address PO Box 50130 10900 FALLS, ID 83405

Date 10/25/01

PROFILED

SCANNED

JAN 11 2005

Last Name Sheridan-Golden Eagle

Ident. Number _____

