

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



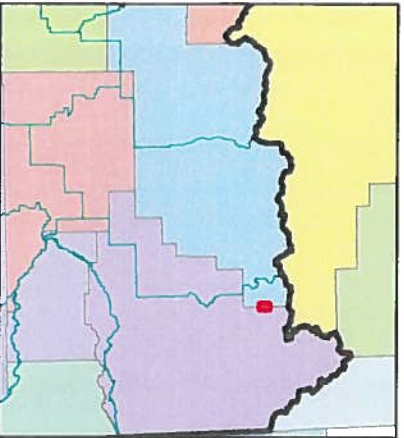
Idaho Department of Water Resources

Adjudication Recommendation

21-12843C
(IRRIGATION)

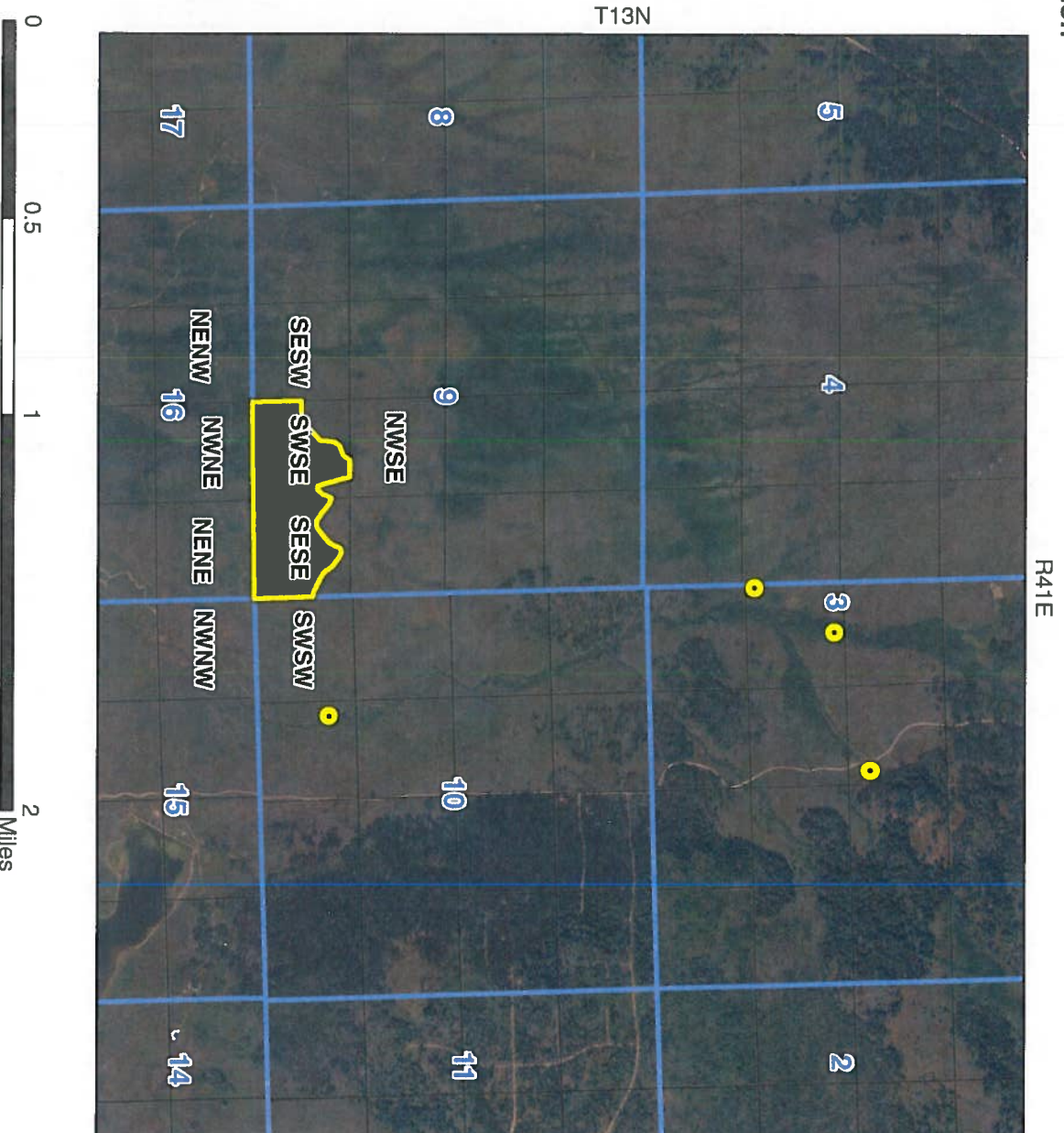
Legend

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



Clark County
IDWR Basin 21

Prepared by Denise Kidman
On March 30, 2010
2004 Aerial Photography



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

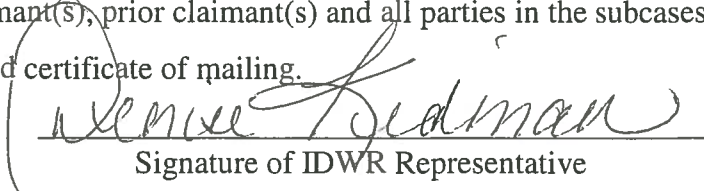
IDWR has completed the following Administrative proceeding:

- ☐ 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

SCANNED

DEC 20 2010

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 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	<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

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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

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 21-12843C
Date Received: 1/25/2010
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STATE OF IDAHO Phone: (208)334-2400

DEPT OF LAND
300 N 6TH ST STE 103
PO BOX 83720
BOISE ID USA 83720-0050

NATURAL GUARDIAN LTD PARTNERSHIP Phone: (208) 528-6635

2880 N 55 W
IDAHO FALLS ID USA 83402

2. Date of Priority: 10/31/1965

3. Source: MYERS CREEK , MYERS CREEK , MYERS CREEK , MYERS CREEK Trib. to: 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	SE	NW		FREMONT	
13N	41E	10	NW	SE	SW		FREMONT	R
13N	41E	3	NW	NW	SW	6	FREMONT	I
13N	41E	3	SW	NW	SW	6	FREMONT	R

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	05/01	10/31	0.17	

7. Total Quantity Appropriated is:
0.17 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	SW	SE	IRRIGATION	29
			SE	SE	IRRIGATION	29
					Section Acres	58
					Total Acres	58

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:

Claim was created to reflect an agreement between Natural Guardian and State of Idaho. Natural Guardian has been historically irrigating State land and wants to continue. Natural Guardian claimed the 58 acres on 21-12843 but it was not recommended because it was state land.

21-12843 C was created with State of Idaho and Natural Guardian as owners based on an objection resolution agreement.

In an oversight, the suffix "C" was used instead of "A". There is no special reason for the suffix.

15. Basis of Claim: Beneficial Use

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 _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____