

02/11/2005

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

RIGHT NUMBER: 27-29E

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

SOURCE: WOLVERINE CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 05/01/1885

Pursuant to a call in times of scarcity on Wolverine Creek this right shall have a priority date of April 1, 1980.

POINT OF DIVERSION:

T02S R38E S10 NESWSW Within BINGHAM County
T02S R38E S16 NENW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	2.000 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T02S R38E S09	SESW	0.1	T02S R38E S09	SWSE	5.7
T02S R38E S16	NENE	15.0	T02S R38E S16	NWNE	15.0
T02S R38E S16	SWNE	20.0	T02S R38E S16	SENE	18.0
T02S R38E S16	NENW	17.0	T02S R38E S16	NWNW	11.0
T02S R38E S16	SWNW	0.9	T02S R38E S16	SENW	33.0
T02S R38E S16	NESW	40.0	T02S R38E S16	NWSW	18.0
T02S R38E S16	SWSW	33.0	T02S R38E S16	SESW	37.0
T02S R38E S16	NESE	2.1	T02S R38E S16	NWSE	5.0
T02S R38E S16	SWSE	2.0			

272.8 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 272.8 acres in a single irrigation season. Combined Right Nos.: 27-29E and 27-52.

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

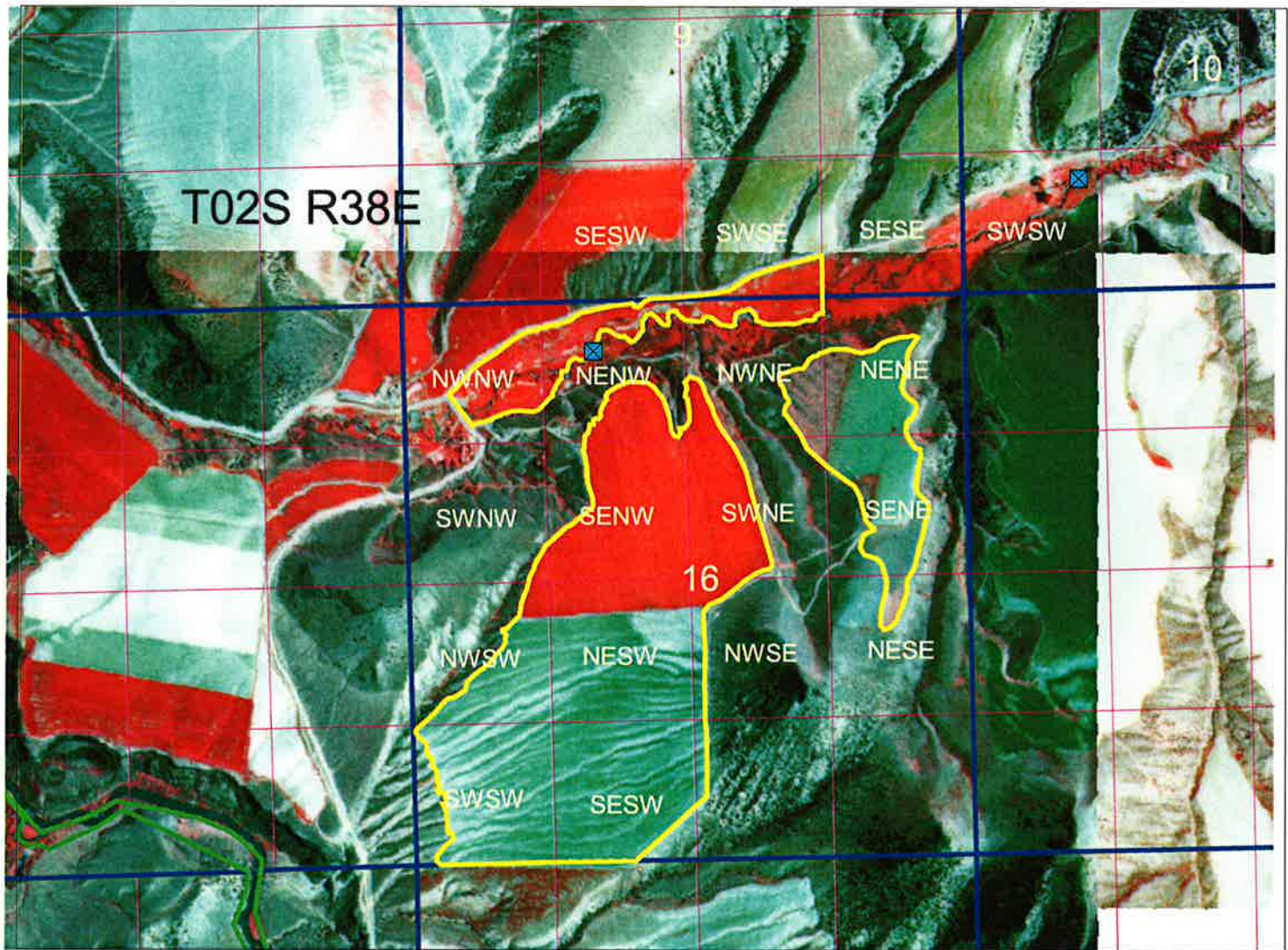
Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code. The accomplished change occurred in 1980.

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

Use of this right is combined with water from Eastern Idaho Water Co.

Idaho Department of Water Resources

Claim No.: 27-29E and 27-52

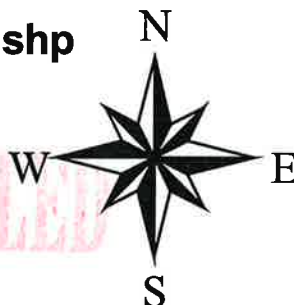


SCANNED

JAN 06 2006

0 1320 2640 3960 5280 Feet

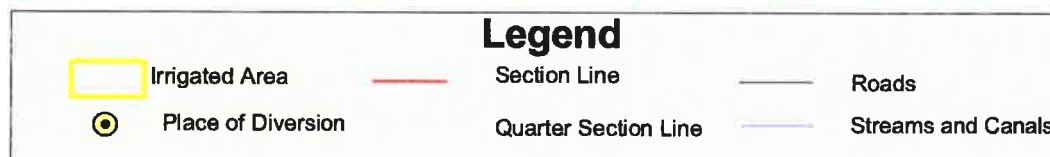
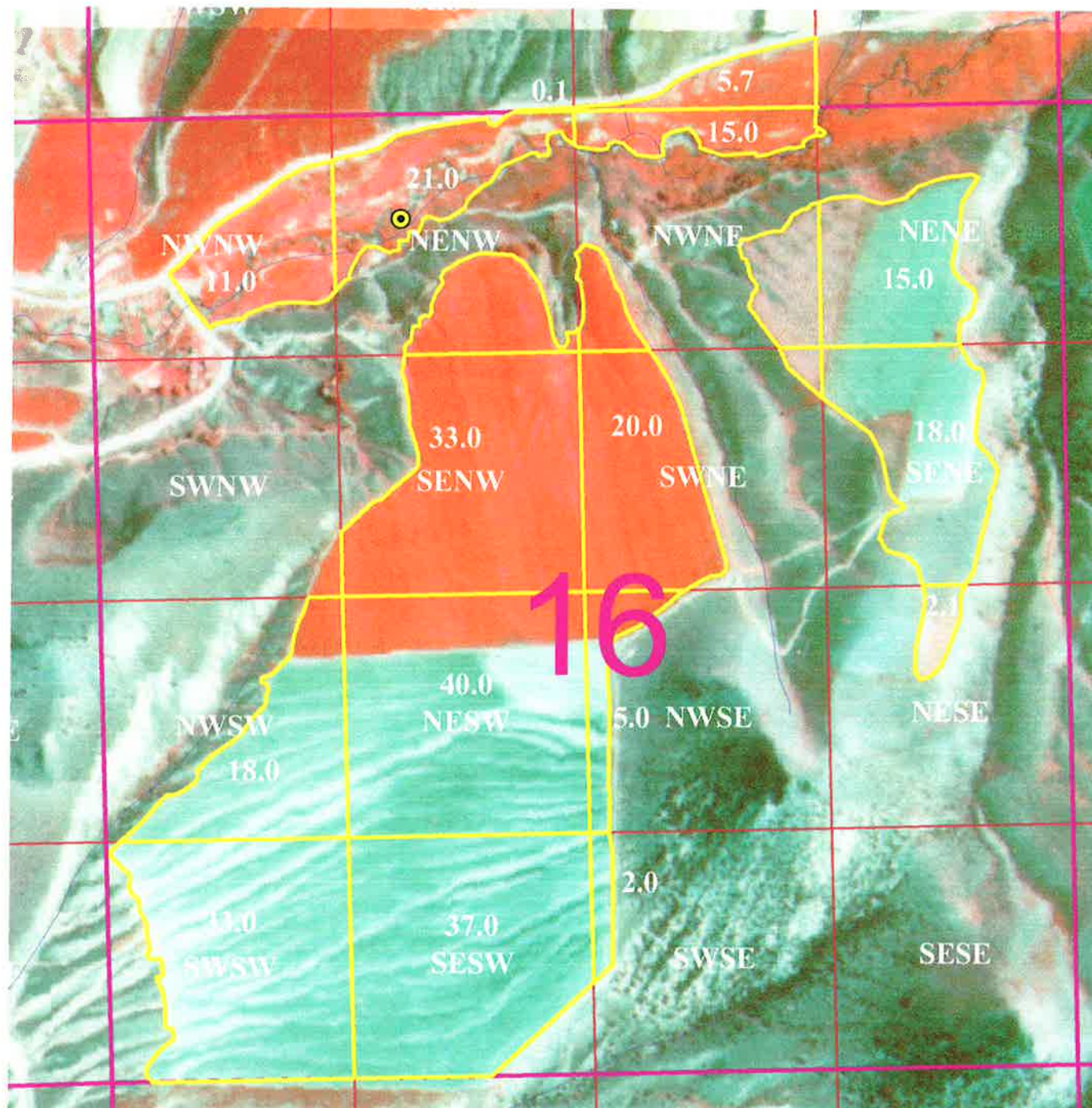
-  Point of diversion.shp
-  Place of use.shp
-  Township/Range
-  Sections
-  QQ



1987-88 NAPP Photography
Prepared by: Ernest Carlsen
Date Prepared: February 2005

Water Right Claim Number 27-00029E
Township , 2S38E

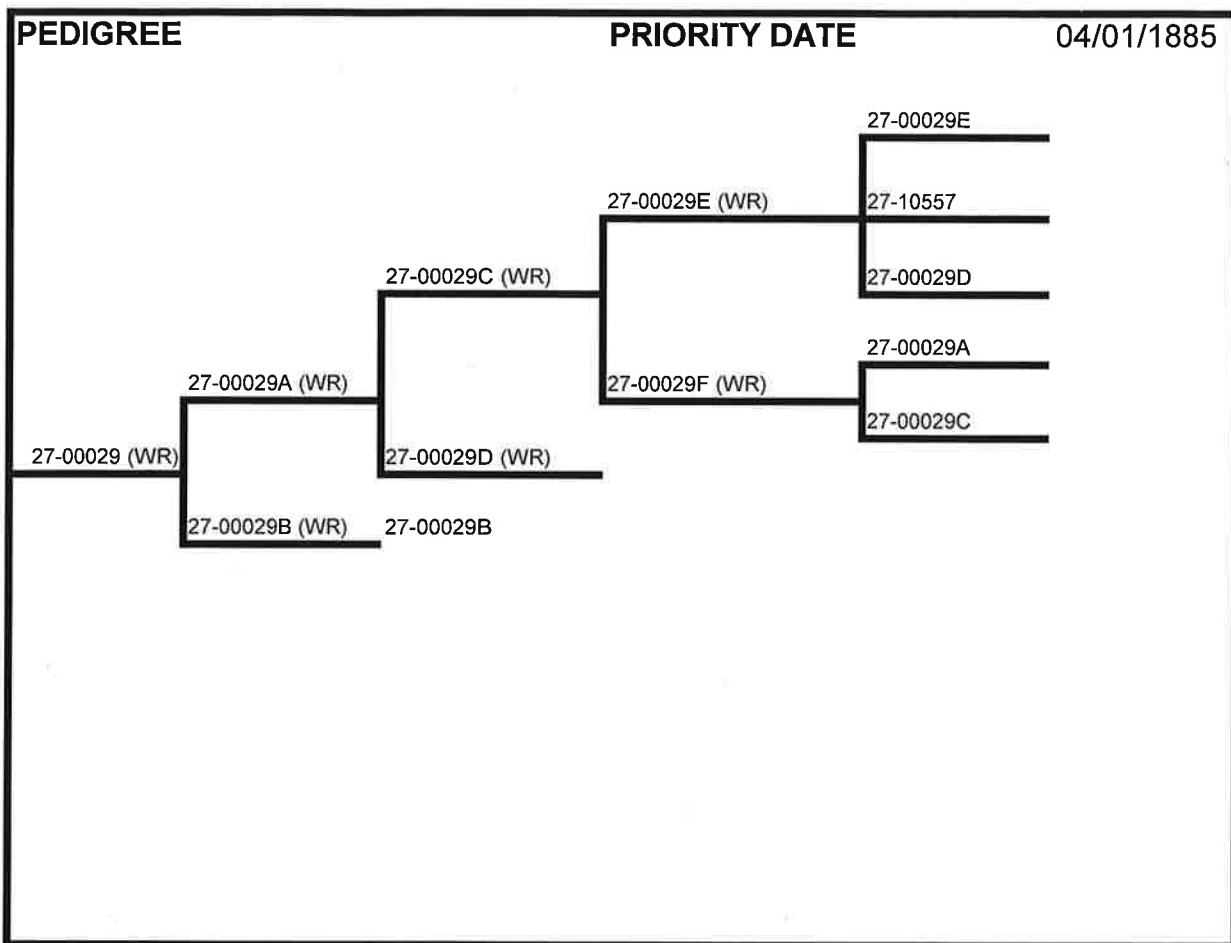
11/22/2000



500 0 500 1000 Feet



SPATIAL
DYNAMICS



Water right #	Water right #	to adjudication claim #
27-00029	27-00029A	
	27-00029B	27-00029B
27-00029A	27-00029C	
	27-00029D	
27-00029C	27-00029E	27-00029E
		27-10557
		27-00029D
	27-00029F	27-00029A
		27-00029C

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
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DeANNE CASPERSON**

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

February 24, 2004

Harold W. Jones
PO Box 50723
Idaho Falls, ID 83405

Dear Skip:

With respect to water rights numbers 27-16 and 27-29E, we have been able to obtain an Affidavit from Harrison Cox. He also brought us a copy of the water deed which was recorded in 1989 and which contains some confirming language in the first paragraph on page 2, saying that Coxes had used the water for many years prior to recording of the deed.

I am still working on trying to get some kind of information including an affidavit on the small water right for the spring near the house.

Yours very truly,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\11692 Natural Guardian Ltd. Part\Harold Jones ltr 022404.wpd:cdv

RECEIVED
APR 29 2004 CB
Department of Water Resources
Eastern Region

PROFILED

SCANNED
JAN 06 2006

**AFFIDAVIT OF
W. HARRISON COX**

STATE OF IDAHO)
)ss.
County of Bonneville)

W. Harrison Cox, of 670 Holley, Shelley, Idaho 83274, being first duly sworn, on his oath deposes and says:

1. Affiant is a resident of Bingham County, Idaho, and has personal knowledge of the facts set forth herein.

2. Affiant and members of affiant's family, doing business as Cox Enterprises, owned and operated farm land on and near Wolverine Creek in Sections 9 and 17 of Township 2 South, Range 38 E.B.M. for many years prior to 1993 when such lands were sold to Natural Guardian Limited Partnership.

3. From the time affiant and his family began operating such land, it was short of adequate water supplies in most years. In discussions with the then watermaster for the Blackfoot River and tributaries, Mr. Ed Hall, Mr. Hall became aware of the Cox's need and desire for additional water for such lands. Approximately 1980 or before, Mr. Hall advised the Coxes that one Vern Taylor had some good water rights that he was willing to sell and that could be used on the Cox lands. Affiant contacted Mr. Taylor and worked out an arrangement for a lease/purchase of water rights numbers 27-16 and 27-29E, and, with the knowledge and assistance of said watermaster, Ed Hall, began using the water on the lands near Wolverine Creek in said Sections 9 and 17 about 1980 or before.

4. Affiant and his family members, doing business as Cox Enterprises, paid lease payments to the Taylors for the referenced water rights, which were credited to the purchase price, for several years while using the water. In late 1988 or early 1989, the Coxes finished paying the balance and a Deed to such rights was delivered to them and recorded January 2, 1989. A copy of said Deed is attached hereto and by this reference made a part hereof.

5. From the time of the making of the lease/purchase agreement with Taylors in 1980 or before, the entire amount authorized for use under both water rights was used for irrigation of the farm lands in Sections 9 and 17 each year until the farm land was sold to Natural Guardian Limited Partnership in 1993.

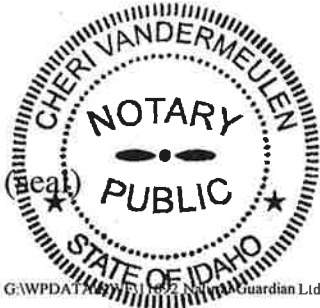
W. Harrison Cox

W. Harrison Cox

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 19th day of February, 2004, before me a notary public in and for said State, personally appeared W. Harrison Cox known or identified to me (or proved to me on the oath of W. Harrison Cox) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Cheri Vandermeulen
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: July 7, 2009

WARRANTY DEED

420649

Value Received COX ENTERPRISES, INC., an Idaho Corporation

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
HEARTHSTONE, an Idaho Limited Partnership
whose address is: PO BOX 50305 Idaho Falls ID 83405

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

Hereinafter called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit:

FEE 6.00 DEP KB

93 NOV 19 PM 2: 02

SEE ATTACHED EXHIBIT A

RECORDED AT THE REQUEST OF

FIRST AMERICAN TITLE COMPANY

SUBJECT TO all existing easements, claims of easements, rights of-way, patent reservations, protective covenants, zoning ordinances and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes, restrictive covenants of Wolverine Canyon Estates filed in Bingham County Idaho, and other matters pertaining thereto.

TOGETHER with all water rights appurtenant thereto listed and described as follows, and all irrigation equipment located thereon.

WATER RIGHTS

CERT. NO.	INCHES	NAMES	PRIORITY DATE
27-0050	60	PETER MORRIS	3/1/1882
27-0051	60	PETER MORRIS	4/1/1887
27-0053	10	DANIEL TAYLOR	4/1/1888
27-0004	28.5	FOX & WHITTIER	6/1/1885
27-0022 & 0035	46	EASTERN IDAHO	6/1/1887
27-0016	1.00	LEON MISSLEN	4/1/1873
27-0000	100	LEON MISSLEN	5/1/1885

COPY

And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: NOVEMBER 10, 1993

COX ENTERPRISES, INC., an Idaho Corporation

BY: W. Harrison Cox
W. HARRISON COX, PRESIDENT

Roger Cox
ROGER COX, SECRETARY

STATE OF IDAHO

COUNTY OF Bennett ss.

On this 17th day of NOVEMBER, 1993, before me a Notary Public in and for said State, personally appeared W. HARRISON and ROGER COX, known or identified to me to be the PRESIDENT AND SECRETARY, respectively of COX ENTERPRISES, INC. the corporation who executed the instrument on behalf of said corporation, and acknowledged to me that said corporation executed the

D. H. HARRISON
Notary Public for Idaho
Residing at: Idaho Falls
Commission expires: 9-18-97

EXHIBIT A

TRACT A:

Township 2 South, Range 38 E.B.M., Bingham County, Idaho

Section 9: S $\frac{1}{2}$ S $\frac{1}{2}$

Section 16: N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 17: Lots 1, 2, 3, 4, 5, E $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ N $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{2}$

EXCEPTING AND RESERVING to the United States all the coal and other minerals in said Lot 1;

Township 2 South, Range 39 E.B.M., Bingham County, Idaho

Section 6: Lots 3 and 4, EXCEPTING AND RESERVING to the United

States all phosphate in said lot 4; AND

EXCEPTING AND RESERVING to the United States all the coal and other minerals in said Lot 3;

ALSO EXCEPTING THEREFROM any portion lying within the boundaries of Wolverine Canyon Estates Subdivision

Township 1 South, Range 39 E.B.M., Bingham County, Idaho

Section 31: E $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{2}$, Lots 1, 2, 3 and 4,

EXCEPTING AND RESERVING to the United States all phosphate in said Lots 2, 3, 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and EXCEPTING AND RESERVING to the United States all the coal and other minerals in NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{2}$, NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ and Lot 1:

EXCEPTING THEREFROM any portion lying within the boundaries of Wolverine Canyon Estates Subdivision

ALSO EXCEPTING THEREFROM Beginning at the NW corner of Lot 5 Block 3 of Wolverine Canyon Estates as recorded in Bingham County, Idaho, that is S. 348.86 feet along the section line and E. 1114.34 feet from the W $\frac{1}{4}$ corner of said Section 31 and running thence N. 68°20'00" E. 450.00 feet along the N. line of said Lot 5 to the NE corner of said Lot 5; thence N. 68°20'00" E. 420.00 feet; thence N. 16°17'15" W. 450.00 feet; thence S. 68°20'00" W. 1087.71 feet to the E. line of West Taylor Mountain Road as platted; thence S. 43°55'45" E. 411.81 feet along said E. line to the P.C. of a curve; thence to the right along said curve 69.82 feet (Curve Data: Delta=12°00'47", Radius=333.00 feet) Chord bears S. 37°55'22" E. 69.69 feet along said E. line to the point of beginning.

ALSO EXCEPTING THEREFROM: Part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 1 South, Range 39 E.B.M., Bingham County, Idaho, described as:

Beginning at the SW corner of said Section 31 and running thence N. 0°00'00" W. 744.19 feet along the section line; thence N. 89°47'09" E. 783.85 feet to the SW corner of Lot 14 Block 1 of Wolverine Canyon Estates as recorded in Bingham County, Idaho; thence S. 26°00'00" W. 830.00 feet along the west line of said Block 1 to the SW corner of Lot 17 of said Block 1; thence S. 89°50'47" W. 420.00 feet along the N. line of Lot 18 to the point of beginning.

Subject to a 25 foot easement more particularly described as: Beginning at the SW corner of Lot 17 Block 1 of Wolverine Canyon Estates and running thence N. 26°00'00" E. 830.00 feet along the W. line of said Block 1; thence S. 89°47'09" W. 27.87 feet; thence S. 26°00'00" W. 829.97 feet; thence N. 89°50'47" E. 27.85 feet along the N. line of Lot 18 to the point of beginning.

420649

TRACT B:

Township 2 South, Range 38 E.B.M., Bingham County, Idaho

Section 16: S $\frac{1}{2}$ S $\frac{1}{2}$; N $\frac{1}{2}$ S $\frac{1}{2}$; S $\frac{1}{2}$ NE $\frac{1}{2}$; and SE $\frac{1}{4}$ NW $\frac{1}{4}$

TRACT C:

All of Blocks 1, 2, 3 and 4 in Wolverine Canyon Estates, Bingham County, Idaho, according to the recorded Plat thereof, recorded as Instrument No. 336817, and re-recorded as Instrument No. 338195,

EXCEPT Lots 13, 14 & 16 in Block 1 and Lot 9 in Block 2 of said Subdivision,

EXCEPTING AND RESERVING to the United States all phosphate as to that portion lying within Lot 4 of Section 6, Township 2 South, Range 39 E.B.M.; ALSO EXCEPTING AND RESERVING to the United States all the coal and other minerals lying within lot 3 of Section 6, Township 2 South, Range 39 E.B.M., and within W $\frac{1}{4}$ NE $\frac{1}{2}$ and N $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 31, Township 1 South, Range 39 E.B.M.

07513
WATER DEED

1-2-1989

THIS INDENTURE, made this 2nd day of January, 1989, between OWEN VERN TAYLOR and VERA TAYLOR, husband and wife, of 16 North 800 West, City of Blackfoot, Bingham County, State of Idaho, and GAIL R. TAYLOR and LADEAN TAYLOR, husband and wife, of 781 West 100 North, City of Blackfoot, Bingham County, State of Idaho, the parties of the First Part, and COX ENTERPRISES, INC., an Idaho corporation of 1404 East Wolverine Road, City of Firth, Bingham County, State of Idaho, the party of the Second Part, WITNESSETH:

That the said parties of the First Part, for and in consideration of the sum of TEN AND NO/100 (\$10.00) and other good and valuable consideration, lawful money of the United States of America, to the said parties of the First Part in hand paid by the party of the Second Part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presence does grant, bargain, sell and convey and confirm unto the said party of the Second Part, and to the party of the Second Parts heirs and assigns, forever, the following described water rights in and to the Blackfoot River and its tributaries as appropriated in Bingham County, State of Idaho, and more particularly described as follows, to-wit:

128 inches of Leon Misslen Water with priority
date of April 1, 1973.

27-0016

100 inches of Leon Misslen Water with priority
date of May 1, 1985.

27-0029 1885

TOGETHER with all and singular the tenements, hereditaments

and appurtenances thereunto belonging or in anywise appertaining including all rights of appropriation and use of said water with said dates of priority at such block on said Blackfoot River or its tributaries as Second Party may determine including, but not limited to, Wolverine Creek located in Bingham County, State of Idaho, it being acknowledged that Second Party has been using said water for many years last past pursuant to contract between the parties.

TO HAVE AND TO HOLD, all and singular the above mentioned and described water, water rights and appurtenances unto the said party of the Second Party, and to party of Second Parts heirs and assigns forever. The said parties of the First Part, and the said parties of the First Parts heirs shall and will warrant and by these presence forever defend the said water rights, rights of appropriation with the priority date in quiet and peaceable possession of the said party of the Second Part, and the party of the Second Parts heirs and assigns, against the said party of the First Part, and the party of the First Parts heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

In construing this Water Deed and where the contents so requires, the singular includes the plural.

IN WITNESS WHEREOF the said parties of the First Part have hereunto set their hands and seals the day and year first herein above written.

Owen Vern Taylor
OWEN VERN TAYLOR

Vera Taylor
VERA TAYLOR

Gail R. Taylor
GAIL R. TAYLOR

Ladean Taylor
LADEAN TAYLOR

STATE OF IDAHO

County of Bingham

On this 9th day of January, in the year Nineteen Eighty-Nine, before me, a Notary Public in and for the State of Idaho, personally appeared OWEN VERN TAYLOR and VERA TAYLOR, husband and wife, known to me or proved to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Sharon R. Buddles
NOTARY PUBLIC FOR IDAHO
Residing at: Blackfoot, ID
My Commission Expires: 8-12-94



STATE OF UTAH

County of Washington

)
)ss.
)

On this 12 day of January, in the year Nineteen Eighty-Nine, before me, a Notary Public in and for the State of Utah, personally appeared GAIL R. TAYLOR and LADEAN TAYLOR, husband and wife, known to me or proved to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: 410 East Tabernacle
My Commission Expires: 10-10-89

(SEAL)

077500

EXHIBIT 100-11-1000

1200 PT

1989 JAN 18 AM 9:56

Cox & Ohman

AT THE REQUEST OF

PO BOX 57600 I.F. 83403

Contacts Data Entry Form

528-6635

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Natural Guardian LTD Partnership					
Name connector: and _____, or _____, and/or _____	P.O. Box 50305					
Current Owner	Idaho Falls, ID 83405					

Representing Attorney: David Coons Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: 4-16-04 Time: _____

Directions to Property (if different from above) and/or update owner information:

Reviewer: CPB

Date: 5/12/04

Contacts Data Entry Form

Claim Number: A27-00029E

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis _____

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Three.

Reviewer: CB

Date: 5/12/04

Priority Date Data Entry Form

Priority Date

Claim No. 27-29E

1. Should this water use have been included in a later court decree of the water rights from this source? Yes ☐ No ☒
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes ☐ No ☐
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes ☐ No ☐
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes ☐ No ☐
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes ☒ No ☐
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes ☒ No ☐
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes ☒ No ☐
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes ☐ No ☐
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes ☐ No ☐
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes ☐ No ☐
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes ☐ No ☐
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit. Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes ☐ No ☐
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes ☐ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes ☐ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes ☐ No ☐
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes ☒ No ☐
If Yes, go to 16
If No, Enter the appropriate basis of claim. *decree*
16. Is a Priority Date remark and/or condition required? Yes ☐ No ☒
If Yes, Enter the appropriate basis of claim. Priority Date review is complete
If No, Priority Date review is complete.

Priority Date

Bird, Cindy

From: Bird, Cindy
Sent: Wednesday, May 12, 2004 12:44 PM
To: McHugh, Candice
Cc: Music, Vicky
Subject: Natural Guardian

REF: 27-4L, 27-29E, 27-16, 27-50 and 27-52.

Cox Enterprise (previous owners) filed transfer 2445 in May 1980 moving the POD, source and POU from the Blackfoot River to Wolverine Creek and the transfer was approved in October of 1980.

SRBA claims 27-29E and 27-16 were both decreed to the Blackfoot River but they claimed Wolverine Creek in the SRBA. I don't have a copy of any transfer that was filed to change the POD and source on these claims. Vicky you might verify that in the water right file. They sent in an affidavit from W. Harrison Cox that states "they leased/purchased this water from Mr. Taylor and with Ed Hall's (water master at the time) assistance and knowledge they moved these two rights to Wolverine Creek about 1980 or before."

Does it make sense to you that they would file a transfer in 1980 for 27-4L changing the POD, POU and source but didn't file on 27-29E or 27-16? According to the affidavit they finishing paying for the rights in 1988 or early 1989.

The problem is the priority date: 27-16 is senior to all of the decreed rights on Wolverine Creek and 27-29E is senior to about 1/2 of the decreed rights. Could the priority date be move to a junior date? Or just add a remark/condition stating that it would be junior to all other rights on Wolverine Creek?

Cindy

Notes

5/12/04. Natural Guardian purchased Nov. 1993.
priority date matches decree.

The 27-29 is not over claimed from
what we have identified.

Transferred to Wolverine Ck? No transfer
filed on this right. In 1980 they filed a transfer
(2445) to move 27-42 to Wolverine Ck. but
didn't file a transfer on 27-16 or 27-29E?

The problem is that the priority date is
senior to other right holders on Wolverine
Creek.

Notes

Claims A27-52 + A27-29E

1/ Exam done on 4-16-04

2/ Two points of diversion on Wolverine Creek.

a/ GPS data - 2662801

1341240

No GPS Tag

Headgate in Sec 10 T2S R38E

b/ GPS data - 2661411

GPSTag #A0009096

1340742

File 27-44

Pump site in Sec 16 T2S R38E

3/ Photos in File A27-00052

When the natural flow of Volcanic Creek is not sufficient to satisfy ~~water~~ ^{water} rights with vested priorities the right with the priority of this right will be ~~adversely~~ ^{adversely} reduced so

The priority date of this right will be reduced to 4-02-1888 when the natural flow of Volcanic Creek is not sufficient to satisfy water right on Volcanic Creek with ~~vested~~ ^{vested} priorities that are demonstrably based on priority.

For want of a call in times of necessity delivery of this right is not only when other persons ~~are~~ ^{are} water rights are not adversely affected.

Easton Lake.

Pursuant to a call in times of necessity on Volcanic Creek this right shall have a priority date of April 1, 1980.

Modify 03 and to say change of April 1, 1980.

SCANNED

JUL 13 2001

Log for claim 27-00029E

Spatial Dynamics LTD

11/22/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02s38e	9	SESW	1	0.1	
02s38e	9	SWSE	8	5.7	
02s38e	16	NENE	15	15	
02s38e	16	NWNE	14	15	
02s38e	16	SWNE	19	20	
02s38e	16	SENE	21	18	
02s38e	16	NENW	15	21	
02s38e	16	NWNW	7	11	
02s38e	16	SENW	32	33	
02s38e	16	NESW	40	40	
02s38e	16	NWSW	16	18	
02s38e	16	SWSW	33	33	
02s38e	16	SESW	37	37	
02s38e	16	NESE	2	2.1	
02s38e	16	NWSE	6	5	
02s38e	16	SWSE	3	2	
Totals:			269	275.9	



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 30, 1998

NATURAL GUARDIAN LTD PARTNERSHIP
PO BOX 50305
IDAHO FALLS ID 83405

RE: CHANGE IN OWNERSHIP FOR A27-00004L, A27-00016,
A27-00029E, A27-00050, A27-00052, A27-00053A, A27-10059,
A27-10061

Dear Sir/Madam:

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,

Jennifer Hoagland
Technical Records Specialist

Enclosure: Notice(s) of Claim

RECEIVED

APR 10 1998

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

OK
SUF
4-13-98

Department of Water Resources Eastern Region Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) A27-10059, A27-10061, A27-00029E,
A27-00050, A27-00052, A27-00053A
2. The following REQUIRED information must be submitted with this form.
A27-00004L, A27-00016
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Cox Enterprises.
448 W. Locust Shelley ID
4. New Owner/Claimant(s) Natural Guardian Ltd. Partnership.
Name connector (Check one): [] AND, [] OR, [] AND/OR
New Mailing Address P.O. Box 50305
City, State and ZIP Code Idaho Falls ID 83405
New Telephone Number (208) 528-6635
5. Date you acquired the property Nov. 1993.
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
_____ cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Cindy Armour, Sec. Date 4-10-98
Tesamen Enterprises, Inc., Gen Ptr. Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

05/19/89
16:45:06

COX ENTERPRISES, INC.

ADJUDICATION FEE

0410162 9337 6490

\$792.60

\$792.60

CHECK 2781

WR/NO: A27-00016 A27-00050 A27-00004L A27-00029E A27-00052
A27-00053A

Idaho Department of Water Resources

Region: EASTERN

Signature:


Aug 23, 1989.*Number changed from A27-00029B.*

MICROFILMED

APR 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Cox Enterprises, Inc.
P.O. Box 51600
Idaho Falls, ID 83405

OK

RE: Renumbered Notices of Claim A27-00029E & A27-00053A

Gentlemen:

The number assigned to two of the Notices of Claim you filed on May 19, 1989 had already been used. Consequently, to resolve the problem of having duplicate water right numbers, we have renumbered your Notices of Claim from A27-00029B to A27-00029E and A27-00053 to A27-00053A.

The enclosed Notices reflect the new water right numbers. The Notices stamped "copy" are for your records. The other Notices must be returned to this office bearing a notarized signature. After we have received the Notices, receipt no. E007737 will be modified to show the number changes.

returned Since finalizing this process is dependent on Notices of Claim A27-00029E and A27-00053A being returned, your prompt attention to this matter would be appreciated. Naturally feel free to call this office should you have questions concerning this action.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:lk
Enclosure

MICROFILMED
APR 12 1994

POU COMPARISON REPORT
T2S, R38E, SEC. 9

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	27-4L	NATURAL GUARDIAN LTD PARTNERSHIP	WOLVERINE CREEK	02S38E9											10						10
Claim	27-35D	EASTERN IDAHO WATER CO.	BLACKFOOT RIVER, MINER CREEK, WOLVERINE CREEK	02S38E9														11	26		37
Claim	27-22D	EASTERN IDAHO WATER CO.	BLACKFOOT RIVER, MINER CREEK, WOLVERINE CREEK	02S38E9														11	26		37
Claim	27-52	NATURAL GUARDIAN LTD PARTNERSHIP	WOLVERINE CREEK	02S38E9													1		8		9
Claim	27-29E	NATURAL GUARDIAN LTD PARTNERSHIP	WOLVERINE CREEK	02S38E9													1		8		9

POU COMPARISON REPORT
T2S, R38E, SEC. 16

Type	WR #	Owner	Source	TRs	NENE	NWNE	SWNE	SENE	NENW	MWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	27-53A	NATURAL GUARDIAN LTD PARTNERSHIP,	SPRING	02S38E16							1				2						3
Claim	27-4L	NATURAL GUARDIAN LTD PARTNERSHIP,	WOLVERINE CREEK	02S38E16						7.5											7.5
Claim	27-35D	EASTERN IDAHO WATER CO,	BLACKFOOT RIVER, MINER CREEK, WOLVERINE CREEK	02S38E16						9											9
Claim	27-22D	EASTERN IDAHO WATER CO,	BLACKFOOT RIVER, MINER CREEK, WOLVERINE CREEK	02S38E16						9											9
Claim	27-52	NATURAL GUARDIAN LTD PARTNERSHIP,	WOLVERINE CREEK	02S38E16	15.5	14.6	19.5	21	15	7		32.5	40	16.3	33.7	37.5	2.5	8	3		264.1
Claim	27-29E	NATURAL GUARDIAN LTD PARTNERSHIP,	WOLVERINE CREEK	02S38E16	15.5	14.6	19.5	21	15	7		32.5	40	16.3	33.7	37.5	2.5	8	3		264.1

No R&D

Basin No.	Sequence Number	Split Suffix	Name	yyyy-mm-dd Priority Date	Useage	Other Water Rights Used	S=Stevens	Stevens Decree #	Total CFS
27	29	C	Llyon, Everett	1885-05-01	irrigation		s	29	0.40
27	29	B	Lyon, Steve	1885-05-01	irrigation		s	29	1.60
27	29	E	Natural Guardian (Cox Enterprises)	1885-05-01	irrigation		s	29	~~1.40~~ 2.0.
27	29	D	Taney, Patrick	1885-05-01	irrigation		s	29	0.42
27	29	A	Younie Ditch Co.	1885-05-01	irrigation	27-17	s	29	0.60
							5	29	~~4.42~~ 5.02
									6.00
									~~1.58~~ 98
									300

AJ0749NP
No. A27-00029E

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 04/13/98
PAGE: 1

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NATURAL GUARDIAN LTD PARTNERSHIP PO BOX 50305 IDAHO FALLS ID 83405 (208) 528-6635	05/01/1885	IRRIGATION	04-01 11-01	2.00 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	2.00 CFS 682.70 AFA

Water Source: WOLVERINE CREEK

Tributary to: BLACKFOOT RIVER

Stage: DECREED

Point(s) of Diversion:

T02S R38E S10
S16

NESWSW
NENW

BINGHAM County
BINGHAM County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
02S	38E	9	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
02S	38E	16	:	15	14	19	21	:	15	07	:	40	16	33	37	:	02	06	03
																		TOTAL ACRES	273.1

POU County: BINGHAM

Other Rights: A27-00051

Remarks: GEN P.D IN SEC. 16 IS A PUMP, 100 HP. MOTOR WITH PIPELINE AND
SPRINKLER SYSTEM.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

JUL 13 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: A27-00029E

Date Received: 5/19/1989

Receipt No: E002737

Received By: Ene

RECEIVED

AUG 23 1989

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: COX ENTERPRISES, INC.
Address: P.O. BOX 51600
IDAHO FALLS, ID

208-522-8606

83405

2. Date of Priority: MAY 01, 1885

3. Source: WOLVERINE CREEK

Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	38E	10	NE	SW	SW		BINGHAM
		16		NE	NW		BINGHAM

5. Description of diverting works:

P.D. IN SEC. 10 IS A HEADING WITH METAL SCREW GATE AND OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

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

A.F.A.

8. Total consumptive use is 682.7 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02S	38E	9	SE	SW		IRR	1.0
			SW	SE		IRR	8.0
Section Acres							9.0

A27-00029E

Page 1

Date: 08/17/89

MICROFILMED
APR 12 1994

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02S	38E	16	NE		NE		IRR	15.5
			NW		NE		IRR	14.6
			SW		NE		IRR	19.5
			SE		NE		IRR	21.0
			NE		NW		IRR	15.0
			NW		NW		IRR	7.0
			SE		NW		IRR	32.5
			NE		SW		IRR	40.0
			NW		SW		IRR	16.3
			SW		SW		IRR	33.7
			SE		SW		IRR	37.5
			NE		SE		IRR	2.5
			NW		SE		IRR	6.0
			SW		SE		IRR	3.0

Section Acres 264.1

Total Acres 273.1

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
A27-00051

14. Remarks:
P.D IN SEC. 16 IS A PUMP, 100 HP. MOTOR WITH PIPELINE AND
SPRINKLER SYSTEM.

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

FRED S. STEVENS ET AL
Decree Plaintiff

vs

EASTERN IDAHO WATER CO. ET AL
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 the Secretary of
Cox Enterprises, Inc. Title
Organization, that I have signed the foregoing
document in the space below as Secretary of
Cox Enterprises, Inc. Title
Organization and that the statements contained in the
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Sec. 3 Cox Enterprises, Inc.
Title and Organization

8/21/89
Date

State of Idaho)
County of Bonnerille) SS.

Subscribed and sworn (or affirmed) before me this 21 day
of August 19 89

Wendy R. Hemman
Notary Public

Seal

Residing at Black Falls, Idaho
My Commission Expires 8/14/95

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

Remembered A27-00029E
Ident. Number: A27-00029B

Date Received: 5/19/1989

Receipt No: E00 7737

Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: COX ENTERPRISES, INC.
Address: P.O. BOX 51600
IDAHO FALLS, ID

208-522-8606

83405

2. Date of Priority: MAY 01, 1885

3. Source: WOLVERINE CREEK

Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	38E	10	NE	SW	SW		BINGHAM
		16		NE	NW		BINGHAM

5. Description of diverting works:

P.D. IN SEC. 10 IS A HEADING WITH METAL SCREW GATE AND OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

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

A.F.A.

8. Total consumptive use is 682.7 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	38E	9	SE	SW		IRR	1.0
			SW	SE		IRR	8.0
Section Acres							9.0

A27-00029B

Page 1

Date: 05/19/89

MICROFILMED

NOV 12 1992

A2700029E

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02S	38E	16	NE		NE		IRR	15.5
			NW		NE		IRR	14.6
			SW		NE		IRR	19.5
			SE		NE		IRR	21.0
			NE		NW		IRR	15.0
			NW		NW		IRR	7.0
			SE		NW		IRR	32.5
			NE		SW		IRR	40.0
			NW		SW		IRR	16.3
			SW		SW		IRR	33.7
			SE		SW		IRR	37.5
			NE		SE		IRR	2.5
			NW		SE		IRR	6.0
			SW		SE		IRR	3.0

Section Acres 264.1

Total Acres 273.1

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
A27-00051

14. Remarks:
P.D IN SEC. 16 IS A PUMP, 100 HP. MOTOR WITH PIPELINE AND
SPRINKLER SYSTEM.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 8/01/1891

FRED S. STEVENS ET AL
Decree Plaintiff

vs

EASTERN IDAHO WATER CO. ET AL
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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Vice Pres of _____ Title

Cox Enterprises Inc. Organization, that I have signed the foregoing document in the space below as Vice Pres. Title

Cox Enterprises Inc. Organization and that the statements contained in the foregoing document are true and correct.

W. Harrison Cox
Signature of Authorized Agent

U.P. Cox Enterprises Inc.
Title and Organization

5-19-89
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of May 19 89.

Ernest Carlson
Notary Public

Seal

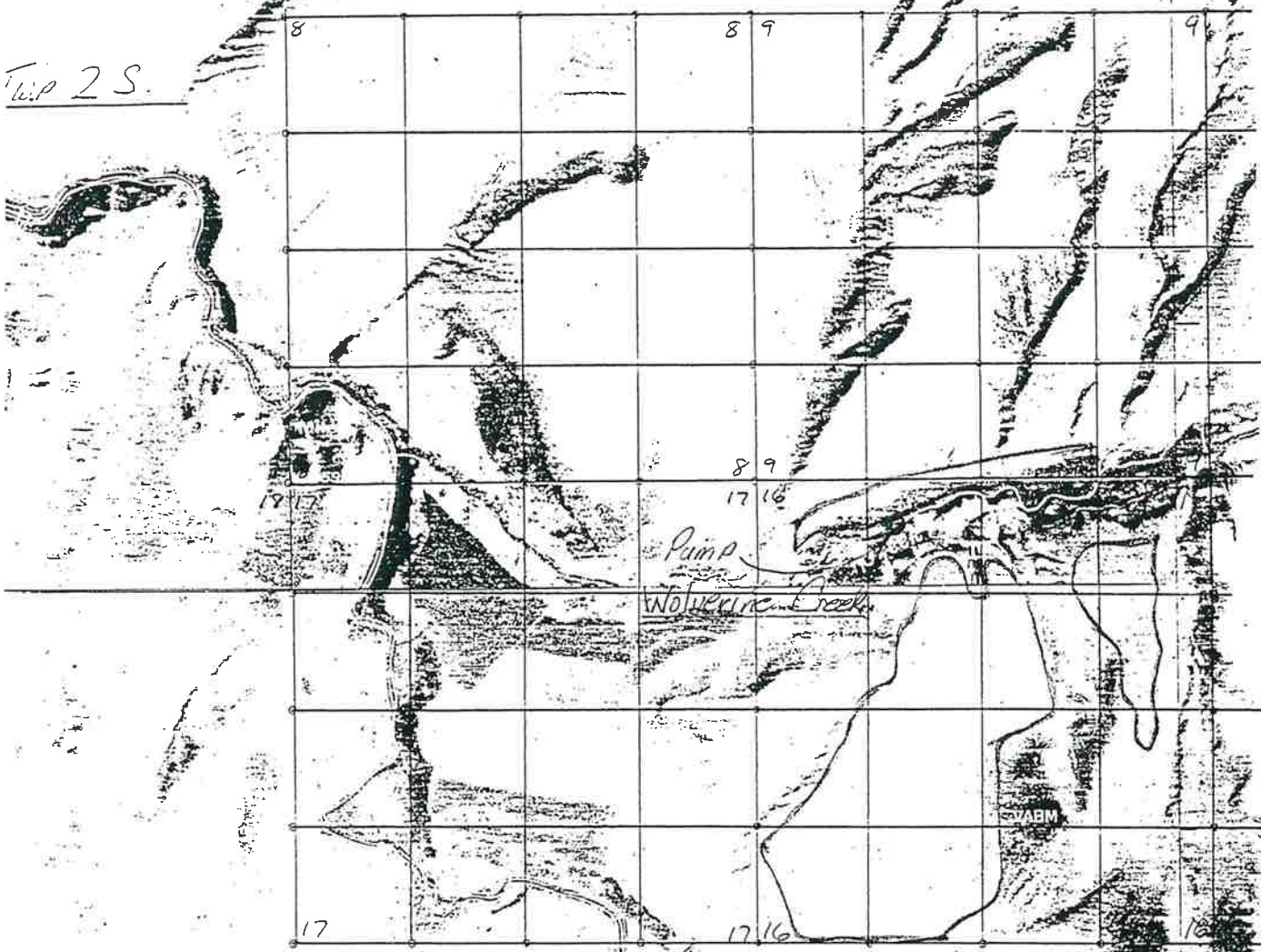
Residing at Alcho Falls, ID.

My Commission Expires 14 June 1994.

T

RGE 38E.

TRIP 2 S.



Heading
↗

47 89000m. N

43°15'

A27-00029B

A27-00052

WOLVERINE
NOV 12 1992

570 000
FEET