

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	)	Subcase <u>37-1150</u>
	)	(Insert water right number)
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☐ LATE NOTICE OF CLAIM
	)	☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).
The Claimant's

~~My~~ name is Harry S. and Diane J. Rinker Revocable Trust

The Claimant's

~~My~~ address is PO Box 7250, Newport Beach, CA 92658

My phone number is: Work (714) 979-8300 Home _____

I am an attorney representing the Claimant

My name is Robert E. Williams

My address is Fredericksen, Williams, Meservy & Lothspeich, LLP

PO Box 168, Jerome, IDaho 83338

My phone number is 208.324.2303

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

The original Notice of Claim erroneously claimed 209 acres as the place
of use. The actual place of use constitutes 240.4 acres.

☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

* Copy of Decree in Brown, et al v Reardon, et al Attached

* Copy of ArcViews file from 1987 aerial photograph attached.

I have attached:

☒ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Jerome

Robert E. Williams, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

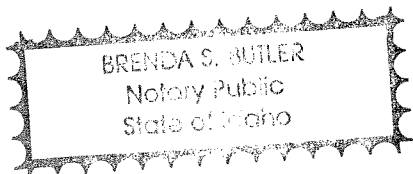
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

[Signature]

Attorney signing in representative capacity

Subscribed and sworn to before me on October 17, 2007.
(Insert Date)



Brenda S. Butler
Notary Public for Idaho
Residing at: Gooding
My Commission expires: 3/5/2010

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on October 17, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

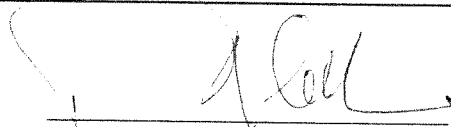
(Insert Names/address of parties)

Signature of person or attorney mailing the form

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 17th day of October, 2007, I caused to be served the foregoing document as follows:

Idaho Department of Water Resources PO Box 83720 Boise ID 83720-0098	☒ Via US Mail, Postage Paid ☐ Via Facsimile - ☐ Hand-Delivered - Court Folder ☐ Other _____
Marguerite E Tews PO Box 161 Shoshone ID 83352	☒ Via US Mail, Postage Paid ☐ Via Facsimile - ☐ Hand-Delivered - Court Folder ☐ Other _____
William G Tews 513 Golf Course Rd Jerome ID 83338	☒ Via US Mail, Postage Paid ☐ Via Facsimile - ☐ Hand-Delivered - Court Folder ☐ Other _____
Lawrence Z. Tews 680 N 350W Shoshone ID 83352	☒ Via US Mail, Postage Paid ☐ Via Facsimile - ☐ Hand-Delivered - Court Folder ☐ Other _____


ROBERT E. WILLIAMS

AMENDED**RECEIVED**

OCT 19 2007

DEPARTMENT OF
WATER RESOURCESIN 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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

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

Please type or print clearly

1. Name of Claimant (s) Harry S. and Diane J. Rinker Revocable Trust Phone (714) 979-8300
Mailing Address P.O. Box 7250, Newport Beach, CA Zip 926582. Date of Priority (Only one (1) per claim) 6/13/18993. Source of water supply (a) Rock Creek
which is tributary to (b) Big Wood River4. a. Location of existing point of diversion is: Township 1S Range 17E Section 1,
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of BlaineAdditional points of diversion if any: SESWNE, SENWSE, and SESWSE, Section 12, T. 1 S., R. 17 E.

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. _____Right is for entire flow from 7 pm Tuesday to 7 am Friday of each week. 35 cfs was maximum flow as listed
on gaging report.

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 4/15 to 10/31 amount 35 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 35 (cfs) and / or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: list number of households served; Stockwater: type and number of livestock, etc.) _____

10. 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 instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	17E	12	1.3	10.8	35.5	19.5	33.2	15.5		12.5					10.6	18.4	20.4	16.5	194.2
1S	17E	13	19.2	27.0															46.2

Total number of acres irrigated 240.4

11. In which county (ies) are lands listed above as place of use located? Blaine

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.
_____ Or None ☐

14. Remarks:
Amended claim being filed to reflect actual irrigated acreage within decreed place of use based on analysis of
1987 infrared aerial photo.

Last Name _____ Ident. No. _____

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 37-1150

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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

_____ Title
Of _____, that I have signed the foregoing
Organization

Document in the space below as _____ of _____
Title Organization

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho / or _____)
County of _____) ss.

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20_____.

Notary Public _____

Residing at _____

My Commission Expires _____

S E A L

Please Print Name

17. **Notice of Appearance:**

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

10/16/2007

WATER RIGHT NO. 37-1150

Owner Type	Name and Address
Current Owner	HARRY S & DIANE J RINKER REVOCABLE TRUST PO BOX 7250 NEWPORT BEACH, CA 92658 (714)979-8300
Current Owner	LAWRENCE Z TEWS 680 N 350 W SHOSHONE, ID 83352 (208)886-7585
Representative	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301
Original Owner	WILLIAM G TEWS 513 GOLF COURSE RD JEROME, ID 83338 (208)324-2805
Original Owner	MARGUERITE E TEWS PO BOX 161 SHOSHONE, ID 83352 (208)886-2822

Priority Date: 06/13/1899

Basis: Decreed

Status: Active

Source	Tributary
ROCK CREEK	BIG WOOD RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	35 CFS	
Total Diversion			35 CFS	

Location of Point(s) of Diversion:

ROCK CREEK	SWSWSW	Sec. 01	Township 01S	Range 17E	BLAINE County
ROCK CREEK	SESWNE	Sec. 12	Township 01S	Range 17E	BLAINE County
ROCK CREEK	SESWSE	Sec. 12	Township 01S	Range 17E	BLAINE County
ROCK CREEK	SESWSE	Sec. 12	Township 01S	Range 17E	BLAINE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	17E	1		SESW	4									
		12		NWNE	10		SWNE	30		SENE	10			
				NENW	40		NWNW	10		SENE	5			
				NESE	10		NWSE	10		SWSE	20		SESE	20
		13		NENE	20		NWNE	20						

Total Acres: 209

Conditions of Approval:

1.	RT. FOR ENTIRE FLOW FROM 7 PM TUES. TO 7 AM FRI. OF EACH WEEK. 35 CFS WAS THE MAXIMUM FLOW AS LISTED ON GAGING REPORT ACTUAL PRIORITY DATES WERE LISTED IN THE FROST DECREE AS 170"/7-30-1883, 50"/6-30-1884, 40"/6-1-1886.
----	---

Dates:

Licensed Date:

Claim Received Date:

Decreed Date: 03/11/1925

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S
Owner Name Connector:
Water District Number: 37
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

37-S

1. DECREE -- Elmer Brown, et al. -vs- Daniel Reardon, et al. 37-1150 thru 37-1152
+ 37-1212
2. STIPULATION -- Elmer Brown, et al. -vs- Daniel Reardon, et al.

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JUN 05 1996

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Vol 6 p1177
37-5

①

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE

ELMER BROWN, RODNEY R. BROWN,
CHRISTINA EASTWOOD, W. W.
WALLACE and ANDREW McMONIGLE,

Plaintiffs.

vs.

DANIEL HEARDON and S. H. CHAPMAN
Water Master

Defendants

D E C R E E

NUMBERED COPY

This cause came on regularly for trial this day, before the Hon. H. F. Ensign, Judge of the above entitled court, at Chambers, in Hailey, Idaho, upon the written agreement and stipulation of the parties to try and determine this cause at this time before said Judge, at his Chambers in Hailey, Idaho, Messrs. Sullivan, Sullivan & Van Winkle appearing as counsel for the plaintiffs and Messrs. McFadden & Perkins appearing as counsel for the defendants, and said written agreement and stipulation being duly filed herein, wherein and whereby, in addition to the above stated matters, the respective rights of the parties hereto are stipulated and agreed upon and from which it is made to appear to the satisfaction of the Judge aforesaid, among other things:

1. That the above named plaintiffs, together with the defendant Heardon are the owners of and in possession of, and entitled to the possession of, the following described premises, respectively, situated along Rock Creek, a dry stream, in Blaine County, Idaho, to-wit:

ELMER BROWN:

NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35,
and the E $\frac{1}{2}$ of the NW $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section
26, in Township 1 North of Range 17 E. S. M.

RODNEY R. BROWN

E $\frac{1}{2}$ of the SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ of the E $\frac{1}{2}$ of section 35, in
Township 1 North, of Range 17 E. S. M. and the NE $\frac{1}{4}$ of the
SW $\frac{1}{4}$ of Section 1 and Lot 1 and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of
Section 2 in Township 1 South of Range 17 E. S. M.

CHRISTINA EASTWOOD:

The E $\frac{1}{2}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the
SE $\frac{1}{4}$ of Section 26, in Township 1 North of Range 17 E. S. M.

W. W. WALLACE:

The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of
the SE $\frac{1}{4}$ of Section 23, and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the
SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, all in Township 1 North of
Range 17 E., S. M.

JUN 05 1906

ANDREW McMONIGLE;

The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, also the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, all in Township 1 North of Range 17 E. B. N.

DANIEL REARDON:

The SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, the N $\frac{1}{2}$ and the SE $\frac{1}{4}$ of Section 12, and the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 13, in Township 1 South, of Range 17 E., B. N.

2. That said respective parties, and their predecessors in interest have, since about June 13, 1899, been in the quiet, peaceable, continuous, open, exclusive and actual possession, as among themselves of all of the waters of Rock Creek, a dry stream in Blaine County, Idaho, and have, among themselves, during all of said time, rotated and used all of said waters of Rock Creek for useful and beneficial purposes in irrigation and domestic use upon their respective lands above described.

3. That in accordance with said stipulated rights of the respective parties, filed herein as aforesaid, it is hereby ORDERED, ADJUDGED, AND DECREED:

I.

That the entire flow of the waters of said Rock Creek shall be rotated between the respective parties as follows:

37 1150 The defendant Daniel Reardon shall have the exclusive right to the use of all the waters of Rock Creek aforesaid, for use on his lands hereinabove described, for irrigation and domestic use, from the hour of seven o'clock P. M. on Tuesday of each week until seven o'clock A. M. of Friday of each week.

37 1151 The plaintiffs, Elmer Brown, Rodney R. Brown, and Andrew McMonigle, shall have the exclusive right to the use of all of the waters of said Rock Creek for use on their respective lands hereinabove described, for irrigation and domestic use thereon, an undivided one-third thereof to each, from the hour of seven o'clock A. M. on Friday of each week until twelve o'clock noon on Sunday of each week, and that in addition thereto plaintiff, Rodney R. Brown shall at all times have the exclusive right to the use of all of the waters of Guy Creek, a small tributary to said Rock Creek.

37-1212

37 1152 The plaintiffs Christina Eastwood and W. W. Wallace shall have the exclusive right to the use of all of the waters of said Rock Creek for use on their respective lands hereinabove described, for irrigation and domestic use thereon, an undivided one-half thereof to each, from the hour of twelve o'clock noon on Sunday of each week until seven o'clock P. M. of Tuesday of each week.

II.

That each of the plaintiffs herein shall, prior to May 1st, 1925, properly construct and install a concrete headgate and measuring device at the points where they divert the waters of said stream from the

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bed of Rock Creek, for use on their respective lands above described, so that the respective share or proportion of the waters of said stream hereinabove decreed to each plaintiff can at all times be accurately measured and determined thereby.

III.

A strict compliance with the terms of this decree as to the periods of use of said waters by the respective plaintiffs being required, it is hereby expressly ordered, adjudged, and decreed that each of the above named plaintiffs and their successors in interest shall promptly close their respective headgates down at the end of their respective periods of use as hereinabove set forth, and keep them closed so as to entirely shut off the flow of said waters until the beginning of their next respective periods of use hereunder.

IV.

It is hereby further and expressly ordered and adjudged that each of the above named plaintiffs and defendants and their successors in interest, and each of their agents, deputies, attorneys, servants, lessees, employees, and all persons acting under the control, authority, direction, license, or consent of said parties, respectively, or either or any of them, are hereby enjoined and restrained from in any manner or way whatsoever, interfering with the rights of each other as hereinabove decreed, in and to the use of the waters of said Rock Creek and said Guy Creek hereinabove mentioned.

V.

That each party, plaintiffs and defendants, pay their own costs and disbursements herein.

Dated at Chambers, Hailey, Idaho, March 11, 1925.

s/ H. F. ENSIGN
District Judge

State of Idaho)
County of Blaine) ss

I, George F. McCoy, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Blaine, do hereby certify that the foregoing is a full, true and correct copy of the original stipulation and decree in the above entitled action now on file in my office.

Given under my hand and the seal of said Court in my office, at Hailey, this 15th day of March, A. D. 1963

Attest: George F. McCoy
Clerk

RECORDED
INDEXED

JUN 05 1966

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE.

FILED

MAR 11 1925

ELMER BROWN, RODNEY R. BROWN,
CHRISTINA EASTWOOD, W. W.
WALLACE, and ANDREW McMONIGLE,

Plaintiffs,

vs.

DANIEL REARDON, and S. H. CHAPMAN,
Water Master,

Defendants,

Clerk District Court,
BLAINE COUNTY, IDAHO

STIPULATION

It is hereby stipulated between the respective parties
to the above entitled cause, as follows:

1. That the Hon. H. F. Ensign, Judge of the above
entitled Court, try and finally determine the above cause at
Chambers, at Hailey, Idaho, as soon after the filing of this
stipulation as is convenient and counsel can be heard, and
it is hereby agreed between the respective parties, in writing,
that the above cause be tried and determined before said Judge
at his said Chambers.

2. That the respective parties to the above cause
hereby, in writing, consent that findings of fact and conclu-
sions of law be and they are hereby waived in the above cause.

3. That judgment by consent as per the draft of decree
hereto attached and made a part hereof, may be entered in the
above cause in settlement of all conflicting claims of the
parties hereto as to the matters in issue in said cause.

Dated March 8th, 1925.

Sullivan Sullivan & Sullivan
Attorneys for Plaintiffs.
Residence: Hailey, Idaho.

M. J. Adley & B. J. B. B. B.
Attorneys for Defendants.
Residence: Hailey, Idaho.

JUN 05 1926

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE.

ELMER BROWN, RODNEY R. BROWN,
CHRISTINA EASTWOOD, W. W.
WALLACE and ANDREW MEMONIGLE,

Plaintiffs,

vs.

DANIEL REARDON and S. H.
CHAPMAN, Water Master,

Defendants,

D E C R E E

This cause came on regularly for trial this day, before the Hon. H. F. Ensign, Judge of the above entitled court, at Chambers, in Hailey, Idaho, upon the written agreement and stipulation of the parties to try and determine this cause at this time before said Judge, at his Chambers in Hailey, Idaho, Messrs. Sullivan, Sullivan & Van Winkle appearing as counsel for the plaintiffs, and Messrs. McFadden & Perkins appearing as counsel for the defendants, and said written agreement and stipulation being duly filed herein, wherein and whereby, in addition to the above stated matters, the respective rights of the parties hereto are stipulated and agreed upon and from which it is made to appear to the satisfaction of the Judge aforesaid, among other things:

1. That the above named plaintiffs, together with the defendant Reardon are the owners of and in possession of, and entitled to the possession of, the following described premises, respectively, situated along Rock Creek, a dry stream, in Blaine County, Idaho, to-wit:-

ELMER BROWN:

NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 36, and the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 36, in Township 1 North of Range 17 E. B. M.

RODNEY R. BROWN:

E $\frac{1}{2}$ of the SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 35, in Township 1 North of Range 17 E. B. M. and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 1 and Lot 1 and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 2 in Township 1 South of Range 17 E. B. M.

CHRISTINA EASTWOOD:

The E $\frac{1}{2}$ of the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26, in Township 1 North of Range 17 E. B. M.

W. W. Wallace:

The N $\frac{1}{2}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23, and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, all in Township 1 North of Range 17 E. B. M.

ANDREW MEMONIGLE:

ANDREW McMONIGLE

The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14, also the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, all in Township 1 North of Range 17 E. B. M.

DANIEL REARDON;

The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, the N $\frac{1}{2}$ and the SE $\frac{1}{4}$ of Section 12, and the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 13, in Township 1 South of Range 17 E. B. M.

2. That said respective parties, and their predecessors in interest have, since about June 13, 1899, been in the quiet, peaceable, continuous, open, exclusive and actual possession, as among themselves of all of the waters of Rock Creek, a dry stream in Blaine County, Idaho, and have, among themselves, during all of said time, rotated and used all of said waters of Rock Creek for useful and beneficial purposes in irrigation and domestic use upon their respective lands above described.

3. That in accordance with said stipulated rights of the respective parties, filed herein as aforesaid, it is hereby ORDERED, ADJUDGED, AND DECREED:-

I

That the entire flow of the waters of said Rock Creek shall be rotated between the respective parties as follows:

The defendant Daniel Reardon shall have the exclusive right to the use of all the waters of Rock Creek aforesaid, for use on his lands hereinabove described, for irrigation and domestic use, from the hour of seven o'clock P. M. on Tuesday of each week until seven o'clock A. M. of Friday of each week.

The plaintiffs Elmer Brown, Rodney R. Brown, and Andrew McMonigle, shall have the exclusive right to the use of all of the waters of said Rock Creek for use on their respective lands hereinabove described, for irrigation and domestic use thereon, an undivided one-third thereof to each, from the hour of seven o'clock A. M. on Friday of each week until twelve o'clock noon of Sunday of each week, and that in addition thereto the plaintiff, Rodney R. Brown, shall at all times have the exclusive right to the use of all of the waters of Guy Creek, a small tributary to said Rock Creek.

The plaintiffs Christina Eastwood and W. W. Wallace shall have the exclusive right to the use of all of the waters of said Rock Creek for use on their respective lands hereinabove described, for irrigation and domestic use thereon, an undivided one-half thereof to each, from the hour of twelve o'clock noon on Sunday of each week until seven o'clock P. M. of Tuesday of each week.

II

That each of the plaintiffs herein shall, prior to May 1st, 1925, properly construct and install a concrete headgate and measuring device at the points where they divert the waters of said stream from the bed of Rock Creek, for use on their respective lands above described, so that the respective share or proportion of the waters of said stream hereinabove decreed to each plaintiff can at all times be accurately measured and determined thereby.

JUN 05 1936

III

A strict compliance with the terms of this decree as to the periods of use of said waters by the respective plaintiffs being required, it is hereby expressly ordered, adjudged, and decreed that each of the above named plaintiffs and their successors in interest shall promptly close their respective head-gates down at the end of their respective periods of use as hereinabove set forth, and keep them closed so as to entirely shut off the flow of said waters until the beginning of their next respective periods of use hereunder.

IV

It is hereby further and expressly ordered and adjudged that each of the above named plaintiffs and defendants, and their successors in interest, and each of their agents, deputies, attorneys, servants, lessees, employees, and all persons acting under the control, authority, direction, license, or consent of said parties, respectively, or either or any of them, are hereby enjoined and restrained from in any manner or way whatsoever, interfering with the rights of each other as hereinabove decreed, in and to the use of the waters of said Rock Creek and said Guy Creek hereinabove mentioned.

V

That each party, plaintiffs and defendants, pay their own costs and disbursements herein.

Dated at Chambers, Hailey, Idaho, March 11, 1928.

H. F. Ewing
District Judge.

STATE OF IDAHO
County of Blaine,

George J. McCay, Clerk of the District Court
do hereby certify that the foregoing is a true and correct copy of the
original of the above captioned Stipulation & Decree
as the same appears from the records of said Court.
Given under my hand and seal of office at
Hailey, Idaho, this 15th day of March, A.D. 1928.
Attest: George J. McCay, Clerk.

JUN 05 1928

INTER-DEPARTMENT MEMO — 1

FROM Roberta

DATE 4-20-79

TO Jim

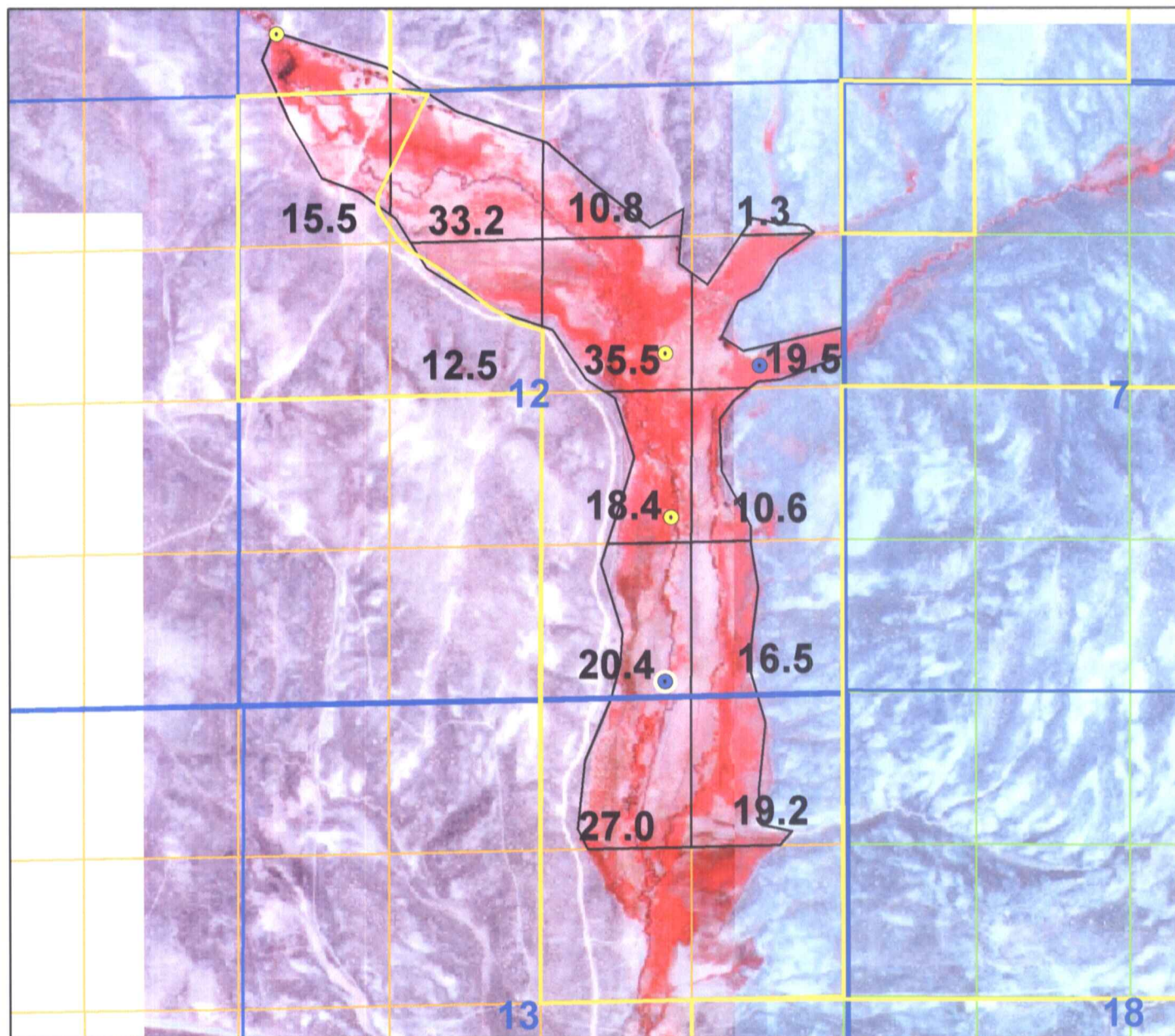
SUBJECT Right No. 37-1212 added to Brown vs. Reardon Decree

Attached is a copy of decree with additional right shown for Rodney R. Brown since only his land is receiving water from two sources.

NOTE: If the combined lands were receiving water from the two sources (same system) only one right number would be required with two points of diversion shown for right.

SIGNATURE

JUN 05 1996



0 1,000 2,000 4,000 Feet

**RINKER, ROCK CREEK
37-1150 AMENDED CLAIM - SOUTH AREA
FSA 1987 INFARED AERIAL PHOTO**

BROCKWAY ENGINEERING, PLLC.
ALR - OCT. 17, 2007

Legend

POD ACR

P.O.D.

37-1150, 37-4192

37-1150

37-4192

PROPERTY_DESCRIPTION

SECTIONS

1987_Irrigation_

t01s18e

t01s17e

