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Department of Water Resources
Adjudication Bureau

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

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)
)
)

A. Subcase 37-154B

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Harry S. Rinker

Address: P.O. Box 7250

Newport Beach, CA 92658

Daytime Phone: (714) 979-8300

Name & Address of Attorney, if any:

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

Name: Harry S. Rinker

Address: P.O. Box 7250

Newport Beach, CA 92658

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

1. ☒ **Name and Address**
Should be: As claimed
2. ☒ **Source**
Should be: As claimed
3. ☒ **Quantity**
Should be: As claimed
4. ☒ **Priority Date**
Should be: As claimed
5. ☒ **Point of Diversion**
Should be: As claimed
6. ☒ **Instream Flow Beginning and Ending Point**
Should be: As claimed
7. ☒ **Purpose(s) of Use**
Should be: Recreation and mitigation
8. ☒ **Period of Year**
Should be: As claimed
9. ☒ **Place of Use**
Should be: As claimed
10. ☐ **I object because:**
☐ This water right should not exist.

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

E. **REASONS SUPPORTING OBJECTIONS(S):** See attached supporting
statement.

SF-1 Objection Supporting Statement
Water Right No. 37-154B
Harry S. Rinker

IDWR recommended this water right for disallowal based on insufficient evidence of change of use. Information in IDWR files demonstrates that this right was moved to the Rinker 11 and Rinker 11A headgates and the use changed to recreation by accomplished transfer. The history and documentation is as follows:

In 1974 via Transfer No. 1735, 0.44 cfs of the base right 37-154 was split off and moved to a point of diversion in the NWNE Section 6, T3N, R18E for irrigation of 26.4 acres. Evidence of this fact exists in the IDWR file for 37-154.

In 1980 the claimant acquired permit 37-7822 for non-consumptive recreation and aesthetic uses, to be diverted from the Big Wood River at headgates known as the Rinker 11 and Rinker 11A. These headgates were installed approximately from 1983 to 1986, with delays due to problems with erosion due to flooding. The headgates and channels authorized under 37-7822 were completed by the end of the season in 1987, and water was first diverted to the channels in April 1988. Proof of Beneficial Use was filed on June 25, 1988 along with the beneficial use field exam. Evidence supporting the above facts is contained in IDWR's file for 37-7822.

Although no immediate requirement for mitigation of consumptive losses was placed on either the permit or the license for 37-7822, it was always the intent of the claimant to utilize 37-154 for recreational purposes and/or to provide mitigation water (since it is a consumptive right) in case the Department required it in the future (see condition #11 on the license for 37-7822). 37-154B was to be used for this purpose as indicated in the beneficial use field exam and on the SRBA claim submitted for 37-154B. This water right was moved to the Rinker 11 and Rinker 11A headgates by accomplished transfer prior to November 19, 1987. The evidence provided above documents that these headgates and channels were installed and operating well before this date and that 37-154B was being used at these locations.

F. VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Twin Falls)

Charles E. Brockway, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

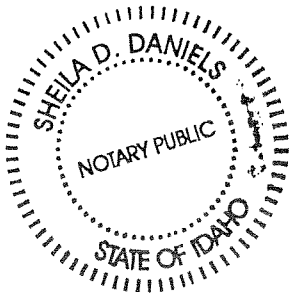
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Charles E. Brockway Power of Attorney
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

Nov. 14, 2007
Sheila D. Daniels
Notary Public for State of Idaho
Residing at: Kimberly Idaho
My Commission Expires: Aug. 6, 2013



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Nov. 14, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: Harry S. Rinker

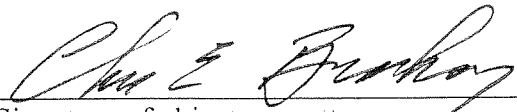
Address: P.O. Box 7250
Newport Beach, CA 92658

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Signature of objector or attorney
mailing on Objector's behalf

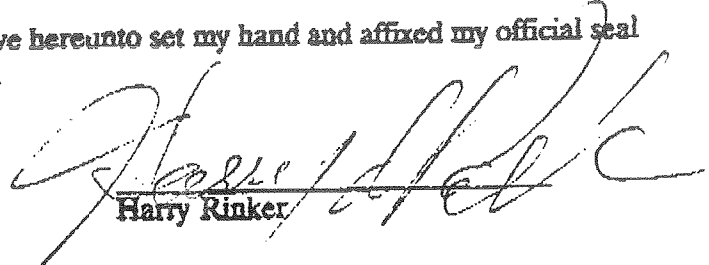
LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

I, Harry Rinker, dba Rinker Company, hereby nominate and appoint Charles E. Brockway, of Kimberly, Idaho, as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to any and all water rights I may own or seek to acquire in Blaine County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal, and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these presents.

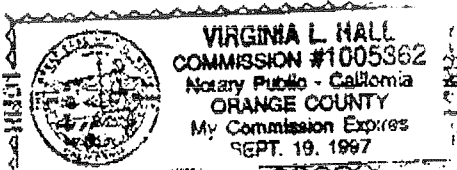
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 1st day of Sept, 1995.


Harry Rinker

CALIF
STATE OF ~~IDAHO~~)
ORANGE) ss.
County of ~~Blaine~~)

On the 1st day of Sept, 1995, before me, a Notary Public, in and for said County and State, personally appeared HARRY RINKER, known or identified to me to be the individual 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.



08319501.gds


NOTARY PUBLIC FOR ~~IDAHO~~ CALIF.
Residing at: LAGUNA NIGUEL
My commission expires: 9/19/97