

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 )  
Case No. 39576 )  
A. Subcase 37-919  
(Insert water right number)  
**STANDARD FORM 1**  
**OBJECTION**

Please fill in the following information:

**B. NAME AND ADDRESS OF PERSON OBJECTING**

Name: Harry S. Rinker  
Address: PO Box 7250  
Newport Beach, CA 92658-7250  
Daytime Phone: (714) 879-8300

Name & Address of Attorney, if any:

Brian Ballard  
PO Box 1617  
Boise, Idaho 83701

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

Name: Harry S. Rinker  
Address: PO Box 7250  
Newport Beach, CA 92658-7250

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: Harry S. Rinker, PO Box 7250, Newport Beach, CA

92658-7250

2. ☐ **Source**

Should be: \_\_\_\_\_

3. ☐ **Quantity**

Should be: \_\_\_\_\_

4. ☐ **Priority Date**

Should be: \_\_\_\_\_

5. ☐ **Point of Diversion**

Should be: \_\_\_\_\_

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: \_\_\_\_\_

7. ☐ **Purpose(s) of Use**

Should be: \_\_\_\_\_

8. ☐ **Period of Year**

Should be: \_\_\_\_\_

9. ☒ **Place of Use**

Should be: Objecting to IDWR shapefile only

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): Water Right #37-522D and 523C

Are stacked water rights. However, WR#37-20751 was transferred onto this  
Property with the understood condition that 20751 would be completely  
independent of all Other water rights. However, the shapefile indicates  
that these rights are stacked. The special warranty deeds from John McCaw  
to Harry Rinker on this land, including all water rights are included with  
this objection.

F. VERIFICATION (must be completed)

State of Idaho )

County of ADA ) ss.

BRIAN L. BULLARD

Harry S. Rinker, 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.

(Signature of person filing objection)

[Signature]  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 13, 2007



Garrett P. Maughan  
Notary Public for Idaho  
Residing at: Meridian, Idaho  
My Commission Expires: June 18, 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 AND HAND DELIVERY

I certify that on Nov. 14, 2007, I caused to be hand delivered the original, and I mailed 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:

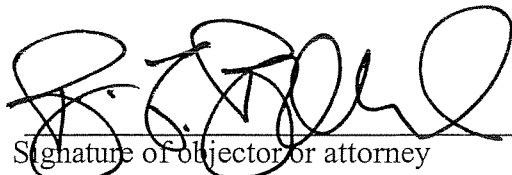
Name: Harry S. Rinker  
Address: P.O. Box 7250  
Newport Beach, CA 92658

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

This Warranty Deed is being re-recorded to correct the legal description. # 464459

# 50971

Recording Requested By and  
When Recorded Return to:

HAWLEY TROXELL ENNIS & HAWLEY LLP  
Attn: Brian L. Ballard  
P O. Box 1617  
Boise, Idaho 83701

Mail Tax Notices to:  
Harry S. Rinker, Trustee  
P.O. Box 7250  
Newport Beach, CA 92658

Instrument # 464782

HAILEY, BLAINE, IDAHO

2002-05-01

03:52:00

No. of Pages: 5

Recorded for : AMERITITLE

MARSHA RIEMANN

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: CORRECTION DEED

# 464459

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

### SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, JEM Investments, Inc., a Washington corporation, whose address is P.O. Box 21749, Seattle, Washington 98111-3749 ("Grantor"), does hereby grant, bargain, sell and convey unto Harry S. Rinker, Trustee Under Declaration of Trust Dated 5/10/66, as amended, whose address is P.O. Box 7250, Newport Beach, CA 92658 ("Grantee"), the real property legally described on Exhibit A, which exhibit is attached hereto and incorporated herein by this reference (the "Premises").

TO HAVE AND TO HOLD the Premises, with its appurtenances unto the Grantee, its successors and assigns, forever.

This conveyance includes the quitclaim of water rights appurtenant to the Premises, if any, provided that the same are so quitclaimed without any warranty or representation whatsoever.

This conveyance is made subject to the lien for real property taxes for the year 2002 and each year thereafter and the items listed on Exhibit B, which exhibit is attached hereto and incorporated herein by this reference.

Grantor does hereby covenant to and with the Grantee and its successors and assigns, that the Grantor is the owner in fee simple of said real property; that said real property is free from all encumbrances made by it except as may be otherwise expressly specified herein; and that the Grantor will warrant and defend said real property from all lawful claims of all persons claiming by, through or under the Grantor.



EXHIBIT "A"

PARCEL I:

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 29: A parcel of land located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said section, more particularly described as follows:

COMMENCING at a brass cap marking the southeast corner of said Section 29; thence

North 89° 35' 30" West 176.31 feet along the south boundary of said Section 29 to a 5/8 inch rebar on the westerly boundary of the old Union Pacific Railroad right-of-way and also the northeast corner of Chapman's East Cloverly Ranch, which point is the REAL POINT OF BEGINNING; thence

Continuing North 89° 35' 30" West 1107.71 feet along said south boundary Section 29 to its intersection with the east boundary of Idaho State Highway No. 75 monumented with a 5/8 inch rebar; thence

North 1° 07' 35" East 50.00 feet, more or less, to a 5/8 inch rebar by JUB Engineers on said east boundary Idaho State Highway No. 75; thence South 89° 38' 57" East 595.39 feet to the centerline of the old Weber ditch; thence

The following thirteen (13) courses and distances along said canal centerline:

N. 27° 03' 58" W., 130.60 feet; thence

N. 11° 05' 50" W., 209.10 feet; thence

N. 28° 12' 52" W., 200.91 feet; thence

N. 39° 15' 55" W., 97.28 feet; thence

N. 33° 06' 31" W., 60.88 feet; thence

N. 25° 43' 24" W., 166.20 feet witnessed by a 5/8 inch JUB Engineers rebar 10.0 feet West; thence

N. 23° 16' 42" W., 182.54 feet to a 5/8 inch rebar; thence

N. 13° 41' 08" W., 80.64 feet to a 5/8 inch rebar; thence

N. 21° 30' 29" W., 28.21 feet to a 5/8 inch rebar; thence

N. 9° 10' 46" W., 77.71 feet to a 5/8 inch rebar; thence

N. 28° 36' 40" W., 24.46 feet to a 5/8 inch rebar; thence

N. 56° 35' 54" W., 39.02 feet to a 5/8 inch rebar; thence

N. 75° 51' 56" W., 54.02 feet to a spike on said easterly boundary Idaho State Highway No. 75; thence

North 1° 07' 35" E., 97.46 feet along said east boundary Idaho State Highway No. 75 to the southwest corner of Llama Ranch Subdivision; thence

CONTINUED

S. 89° 39' 53" E., 632.96 feet along the south boundary of said Llama Ranch Subdivision to the southeast corner of said subdivision on said westerly boundary old Union Pacific Railroad right-of-way; thence  
S. 18° 40' 47" E., 1401.03 feet along said old Union Pacific Railroad westerly right-of-way to the point of beginning.

FORMERLY SHOWN OF RECORD AS:

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 29: A parcel of land described as follows:

BEGINNING at the intersection of the North line of said SE1/4SE1/4 and the West boundary of Union Pacific R.R.; thence  
Westerly along the North line of said SE1/4SE1/4 to the intersection with East boundary of U.S. Highway 93; thence  
Along Highway 93 East boundary to intersection with the Webber Ditch; thence  
Along Webber Ditch to the intersection with South line of said SE1/4SE1/4; thence  
Easterly along said South line of SE1/4SE1/4 to intersection with West boundary of said Railroad; thence  
Northerly along West boundary to POINT OF BEGINNING.  
(TL 2424)

AND

COMMENCING at the point where the Easterly boundary of U.S. Highway No. 93 intersects the South boundary of Section 29, being the POINT OF BEGINNING; thence  
North 50 feet along the East boundary of said U. S. Highway No. 93; thence  
East and parallel to the South boundary of said Section 29 to the West boundary of Tax Lot 2424; thence  
Southeasterly along the West boundary of said Tax Lot 2424 to the South boundary of said Section 29; thence  
East along the South boundary of said Section 29 to the POINT OF BEGINNING; all being situated in the SE1/4SE1/4 of Section 29; and being a strip of land 50 feet wide and extending along the South portion of Tax Lot 2462; all of the tax lot numbers above referred to being all as on file in the office of the County Recorder and County Assessor, Blaine County, Idaho.  
(TL 2766)

## EXHIBIT B

### DEED EXCEPTIONS

1. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
2. Rights reserved in federal patents; state deeds or railroad deeds; building or use restrictions; easements and rights of way not inconsistent with the present use of the property; mineral, gas or oil reservations; and building, zoning, environmental or historical preservation regulations and ordinances.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
4. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
5. General taxes for the year 2002, a lien not yet due and payable.
6. Right of Way Deed from A T. Osborn and Jessie Osborn, his wife, to the State of Idaho, in Book 137 of Deeds, page 495, as Instrument No. 70297.
7. Easement for Stock Driveway granted to the State of Idaho, recorded in Book 143 of Deeds, page 328, as Instrument No. 80731.
8. Power Line Easement in favor of Idaho Power Company, recorded in Book 158 of Deeds, page 110, as Instrument No. 91465.
9. Matters as shown on that certain Survey recorded February 1, 2002, as Instrument No 460963.

This Warranty Deed is being re-recorded to correct the legal description. # 464460

# 50971

Recording Requested By and  
When Recorded Return to:

HAWLEY IROXELL ENNIS & HAWLEY LLP  
Attn: Brian L. Ballard  
P.O. Box 1617  
Boise, Idaho 83701

Mail Tax Notices to:  
Harry S. Rinker, Trustee  
P O. Box 7250  
Newport Beach, CA 92658

**Instrument # 464783**

HAILEY, BLAINE, IDAHO  
2002-05-01 03:52:00 No. of Pages: 5  
Recorded for: AMERITITLE  
MARSHA RIEMANN Fee: 15.00  
Ex-Officio Recorder Deputy  
Index to: CORRECTION DEED

# 464460

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

**SPECIAL WARRANTY DEED**

FOR VALUE RECEIVED, Silver Creek Communications, Inc., a Washington corporation, whose address is P.O. Box 21749, Seattle, Washington 98111-3749 ("Grantor"), does hereby grant, bargain, sell and convey unto Harry S. Rinker, Trustee Under Declaration of Trust Dated 5/10/66, as amended, whose address is P O. Box 7250, Newport Beach, CA 92658 ("Grantee"), the real property legally described on Exhibit A, which exhibit is attached hereto and incorporated herein by this reference (the "Premises").

TO HAVE AND TO HOLD the Premises, with its appurtenances unto the Grantee, its successors and assigns, forever.

This conveyance is made subject to the lien for real property taxes for the year 2002 and each year thereafter and the items listed on Exhibit B, which exhibit is attached hereto and incorporated herein by this reference.

This conveyance includes the quitclaim of water rights appurtenant to the Premises, if any, provided that the same are so quitclaimed without any warranty or representation whatsoever

Grantor does hereby covenant to and with the Grantee and its successors and assigns, that the Grantor is the owner in fee simple of said real property; that said real property is free from all encumbrances made by it except as may be otherwise expressly specified herein; and that the Grantor will warrant and defend said real property from all lawful claims of all persons claiming by, through or under the Grantor.



EXHIBIT "A"

PARCEL II:

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 29: A parcel of land located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said section, more particularly described as follows:

COMMENCING at a brass cap marking the southeast corner of said Section 29; thence  
North 89° 35' 30" W., 1284.02 feet along the south boundary of said Section 29 to its intersection with the east boundary of Idaho State Highway No. 75 monumented with a 5/8 inch rebar; thence  
North 1° 07' 35" E., 50.00 feet, more or less, to a 5/8 inch rebar by JUB Engineers on said east boundary Highway No. 75, which point is the REAL POINT OF BEGINNING; thence  
Continuing North 1° 07' 35" E., 774.66 feet along said Idaho State Highway No. 75 to a 5/8 inch rebar at the southwest corner of Tax Lot 6901; thence  
South 89° 03' 33" E., 218.56 feet along the south boundary of said Tax Lot 6901 to the centerline of the old Weber ditch, monumented by a 5/8 inch rebar 11.0 feet West; thence  
The following six (6) courses and distances along the centerline of said canal;  
S. 25° 43' 24" E., 166.20 feet; thence  
S. 33° 06' 31" E., 60.88 feet; thence  
S. 39° 15' 55" E., 97.28 feet; thence  
S. 28° 12' 52" E., 200.91 feet; thence  
S. 11° 05' 50" E., 209.10 feet; thence  
S. 27° 03' 58" E., 130.60 feet; thence  
North 89° 38' 57" W., 595.39 feet to the REAL POINT OF BEGINNING.  
(TL 6865)

FORMERLY SHOWN OF RECORD AS:

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 29: A parcel of land described as follows:

COMMENCING at a brass cap marking the Southeast corner of said Section 29; thence  
N. 89° 35' 58" W., 1,284.03 feet along the South boundary of said Section 29 to an iron pin on the East boundary of Idaho State Highway 75; thence  
N. 01° 07' 47" E., 50.00 feet to a 5/8" rebar by JUB Engineering which point is the REAL POINT OF BEGINNING; thence  
Continuing N. 01° 07' 40" E., 775.00 feet to an iron pin by JUB Engineering marking the Southwest corner of Tax Lot 2425; thence  
S. 88° 52' 40" E., 229.00 feet along the South boundary of said Tax Lot 2425 to the centerline of the Weber Ditch, which point is witnessed by an iron pin by JUB Engineering 11.00 feet N. 88° 52' 40" W.; thence  
The following eight courses and distances along the centerline of said Weber Ditch; thence

S. 22° 50' 00" E., 163.50 feet; thence  
S. 39° 12' 00" E., 41.50 feet; thence  
S. 35° 02' 00" E., 283.00 feet; thence  
S. 02° 30' 00" E., 42.00 feet; thence  
S. 12° 20' 00" E., 161.00 feet; thence  
S. 04° 40' 00" E., 46.00 feet; thence  
S. 25° 03' 20" E., 126.75 feet, which point is witnessed by a 5/8" rebar 10.00 feet N. 89° 35'  
38" W.; thence  
N. 89° 35' 58" W. on a line 50 feet North of and parallel to the South boundary of said  
Section 29, 590.00 feet to the POINT OF BEGINNING.  
(Former TL 2767)

## EXHIBIT B

### DEED EXCEPTIONS

1. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
2. Rights reserved in federal patents; state deeds or railroad deeds; building or use restrictions; easements and rights of way not inconsistent with the present use of the property; mineral, gas or oil reservations; and building, zoning, environmental or historical preservation regulations and ordinances.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
4. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
5. General taxes for the year 2002, a lien not yet due and payable.
6. Power Line Easement in favor of Idaho Power Company, recorded May 19, 1976, as Instrument No. 166052.
7. Matters as shown on that certain Survey recorded December 18, 1990, as Instrument No. 326336.
8. Matters as shown on that certain Survey recorded February 1, 2002, as Instrument No. 460963.