

RECEIVED

JAN 21 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 20 2010

By _____ Clerk

Deputy Clerk

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: 37-22464

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On October 19, 2009, Rock Creek, LLC, by and through counsel, Robert E. Williams, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on January 19, 2010. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated January 20, 2010.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on January 20, 2010, with sufficient first-class postage to the following:

ROCK CREEK LLC

Represented by:

ROBERT E WILLIAMS

FREDERICKSEN WILLIAMS ET AL

PO BOX 168

JEROME, ID 83338

Phone: 208-324-2303

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

37-22404 39576
1-21-2010 SBT
0389899 \$1005

NOTICE OF CLAIM RECEIVED
TO A
WATER RIGHT

JAN 21 2010

DEPARTMENT OF
ACQUIRED UNDER STATE LAW WATER RESOURCES

2009 OCT 16 AM 10 51
FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

Please type or print clearly

1. Name of Claimant (s) Rock Creek LLC Phone (714) 979-8300
Mailing Address P.O. Box 7250, Newport Beach, CA Zip 92658

2. Date of Priority (Only one (1) per claim) 12/14/1909

3. Source of water supply (a) Rock Creek
which is tributary to (b) Big Wood River (dry stream)

4. a. Location of existing point of diversion is: Township 1N Range 17E Section 11,
1/4 of SE 1/4 of SW 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion (if any): NENW S14, NESW S14, NWSE S14, NENE S23, NESE S23, SENE S26,

SWNE S26 T1N,R17E

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. Headgates to ditches and gravity irrigation.

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 8.06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 8.06 (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	
1N	17E	14		7.4	2.2		5.2			16.5	16.1			0.9		0.8	14.9		64.0
1N	17E	23	11.6	4.6		15.8									25.7	0.3			58.0
1N	17E	26	16.3			10.2					0.3			12.7		31.4	21.3		92.2
1N	17E	35		8.7	0.4		18.7			10.8									38.6

Total number of acres irrigated 252.8

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.

37-1151D, 37-1152 Or None ☐

14. Remarks:

Claim asserts additional diversion rate above those decreed in S.C. Frost vs. Alturas Water Company.

Priority date claimed is one day after Frost decree. Diversion rate based on excess flow analysis report by

Brockway Engineering dated February 25, 2008.

Last Name _____ Ident. No. _____

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

If applicable provide IDWR Water Right Number _____

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 _____ Manager _____

Of _____ Rock Creek LLC _____, that I have signed the foregoing
Organization Title

Document in the space below as _____ Manager _____ of _____ Rock Creek LLC
Title Organization

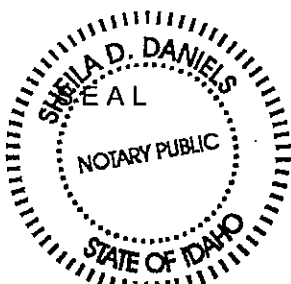
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Harry Rinker, by Charles B. Bullock, Agent
Title and Organization Power of Attorney for Harry S. Rinker Date 10/9/09 FW

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

Subscribed and sworn (or affirmed) before me this 9th day of October, 2009.

Notary Public Sheila D. Daniels
Residing at Kimberly, Idaho
My Commission Expires Aug. 16, 2013



Please Print Name

17. Notice of Appearance:

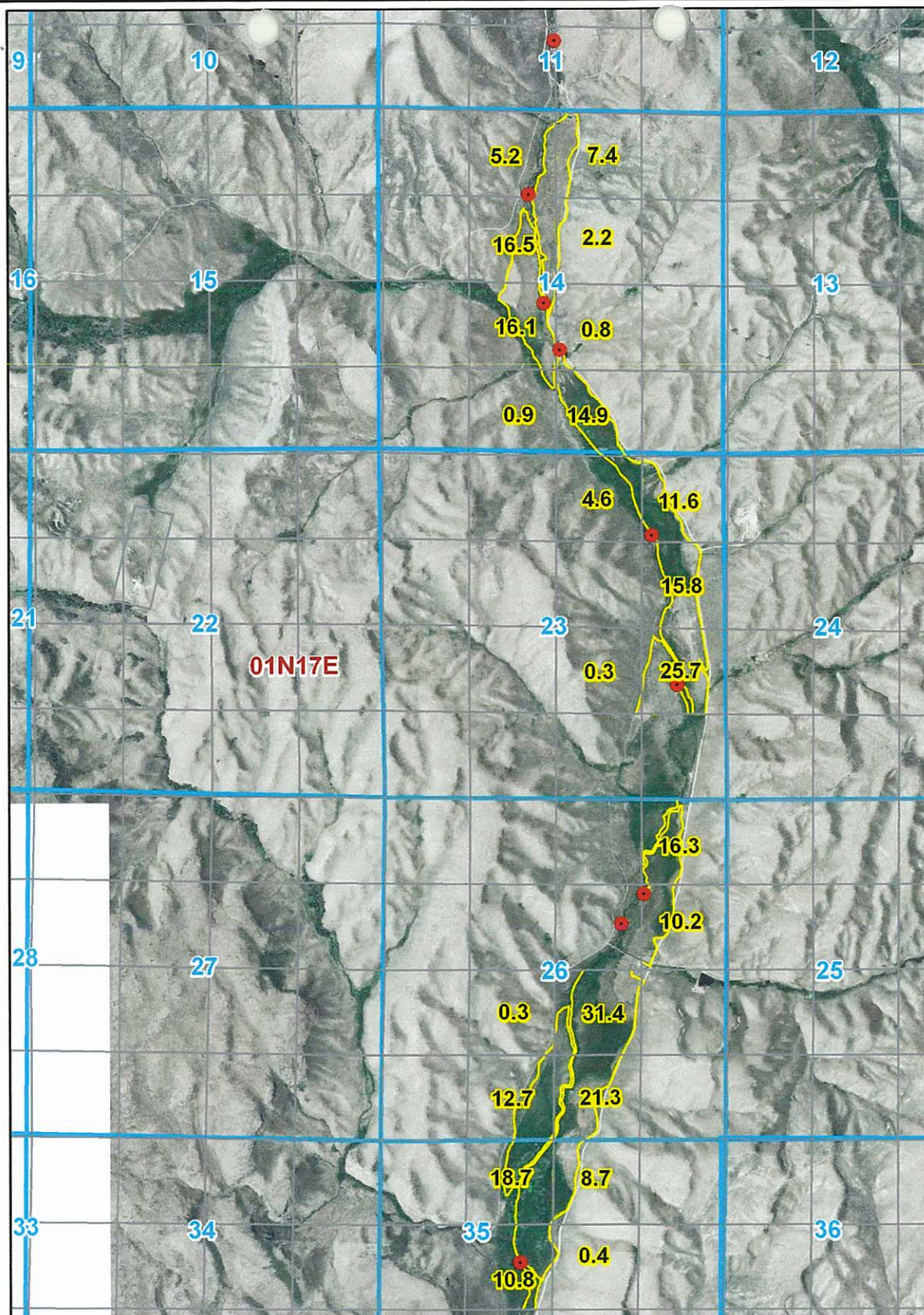
Notice is hereby given that I, _____ will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____



**RINKER - ROCK CREEK
BENEFICIAL USE CLAIM FOR ADDITIONAL DIVERSION RATE - NORTH AREA
NAIP 2006 AERIAL**

BROCKWAY ENGINEERING, PLLC.
ALR - SEPT 29, 2008

Sections_lines
Beneficial use Claim North Area
Points of Diversion

