

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 37-21329
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STEVEN D HOLZMAN TRUST Phone: (208) 726-4421
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

2. Date of Priority: 12/13/1887

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	6	NE SE	BLAINE	
03N	18E	6	NE SE	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE	01/01	12/31	0.06	3.2
AESTHETIC	01/01	12/31	0.06	3.2

7. Total Quantity Appropriated is:
0.06 C.F.S. and/or 3.2 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	7	SE	NE	WILDLIFE	
			SE	NE	AESTHETIC	

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

The total instantaneous diversion of water from all points of diversion under Transfer No. 71412 for wildlife and aesthetic uses shall not exceed 0.09 cfs, nor a total combined annual volume of 3.2 af.

The annual volume of consumptive wildlife and aesthetics uses under right 37-21329 and 37-21331 is 3.2 af per year.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of discharge.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Right Nos. 37-8838, 37-21329 and 37-21331 are used in combination and are diverted at what is locally known as the R-11 and R-11A diversions from the Big Wood River.

Place of use is located within Lots 9, 10 and 29, Gimlet Subdivision No. 11.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: Decreed

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 37-154D
Date Received: 7/13/1988
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

STEVEN D HOLZMAN TRUST Phone: (213)817-2201
STEVEN D HOLZMAN TRUSTEE
1161 VIRGINIA RD
SAN MARINO CA 91108

2. Date of Priority: 12/13/1887

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	6	NE SE	BLAINE	

5. Description of diverting works:

PUMP AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
WILDLIFE	1/01	12/31	0.22	
AESTHETIC	1/01	12/31	0.22	

7. Total Quantity Appropriated is:

0.22 C.F.S. and/or 159.3 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	7	SE	NE	WILDLIFE	
			SE	NE	AESTHETIC	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

CLAIM WAS SPLIT FROM A37-00154A PURSUANT TO APPROVED TRANSFER 4520 TO CREATE WILDLIFE AND AESTHETIC USAGE.

PURSUANT TO APPROVED TRANSFER 4520: 1. MEASURING DEVICES OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED AT THE POINT OF DIVERSION AND POINT OF EFFLUENT DISCHARGE.

2. USE OF WATER UNDER THIS WATER RIGHT WILL REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.

3. APPROVAL OF THIS TRANSFER IN NO WAY GRANTS ANY RIGHT-OF-WAY OR EASEMENT FOR USE OF A DELIVERY SYSTEM OWNED BY PERSON(S) OTHER THAN THE RIGHT OWNER.

4. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

5. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

6. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

7. THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER NO. 4520 SHALL NOT EXCEED 0.32 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 231.7 AF.

8. RIGHT NOS. 37-00154D, 37-00577BT AND 37-08838 ARE USED IN COMBINATION AND ARE DIVERTED AT WHAT IS LOCALLY KNOWN AS THE R-11 AND R-11A DIVERSIONS FROM BIG WOOD RIVER.

9. TWO POINTS OF DIVERSION ARE LOCATED WITHIN NESE, S06, T03N, R18E.

10. PLACE OF USE IS LOCATED WITHIN LOTS 9, 10, AND 29, GIMLET SUBDIVISION NO. 11.
***** GARY SLETTE ADDED AS
RINKER'S ATTORNEY 10/30/95 TF.

15. Basis of Claim: Decreed

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-30029</u>	<u>37-14260B</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>37-154D</u>	<u>37-154D</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See Instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Rinker Co.
P.O. Box 7250, Newport Beach, CA 92658
4. New Owner/Claimant(s) Steven D. Holzman, Trustee of the Steven D. Holzman Trust
 Name Connector (Check one): [] and, [] or [] and/or
- New Mailing Address 1161 Virginia Rd.
- City, State and Zip Code San Marino, CA 91108
- New Telephone Number (213) 817-2201
5. Date you acquired the property December 5, 2003

RECEIVED

JAN 06 2004

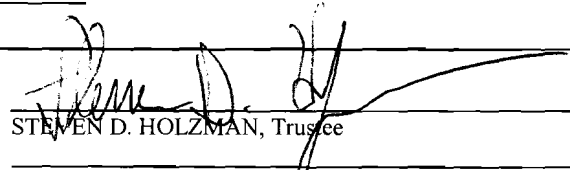
Department of Water Resources
 Southern Region

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New owner(s) or Claimant(s)
(include title if applicable)


STEVEN D. HOLZMAN, Trustee

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED

JAN 06 2004

QUITCLAIM DEED

The Rinker Company ("**Grantor**"), for good and valuable consideration, does hereby release and forever quitclaim unto Steven D. Holzman (and his successors in trust), Trustee of the Steven D. Holzman Trust dated March 27, 2003 ("**Grantee**"), whose address is 1161 Virginia Rd, San Marino, CA 91108, and to Grantee's heirs, successors and assigns, without any warranty or representation whatsoever, any and all right, title and interest Grantor may own or may hereafter acquire in those certain water rights, identified by the following water right numbers:

37-30029 (claimed in the SRBA as 37-14260B) (0.1 cfs and 72.4 acre-feet); and
37-154D (claimed in the SRBA as 37-154D) (.22 cfs).

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand effective the 5th day of December, 2003.

The Rinker Company,
a California corporation

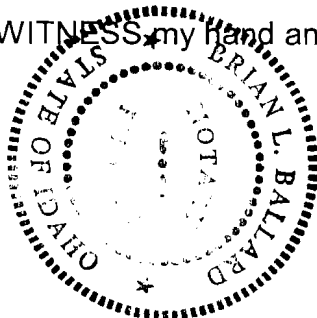
By:

Harry S. Rinker, President

STATE OF IDAHO)
) ss
County of Blaine)

Before me, the undersigned, a Notary Public in and for said State, personally appeared Harry S. Rinker, known or identified to me to be the President of The Rinker Company, a California corporation, the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same, effective December 5, 2003.

WITNESS my hand and official seal.



Notary Public for Idaho

Residing at

My commission expires

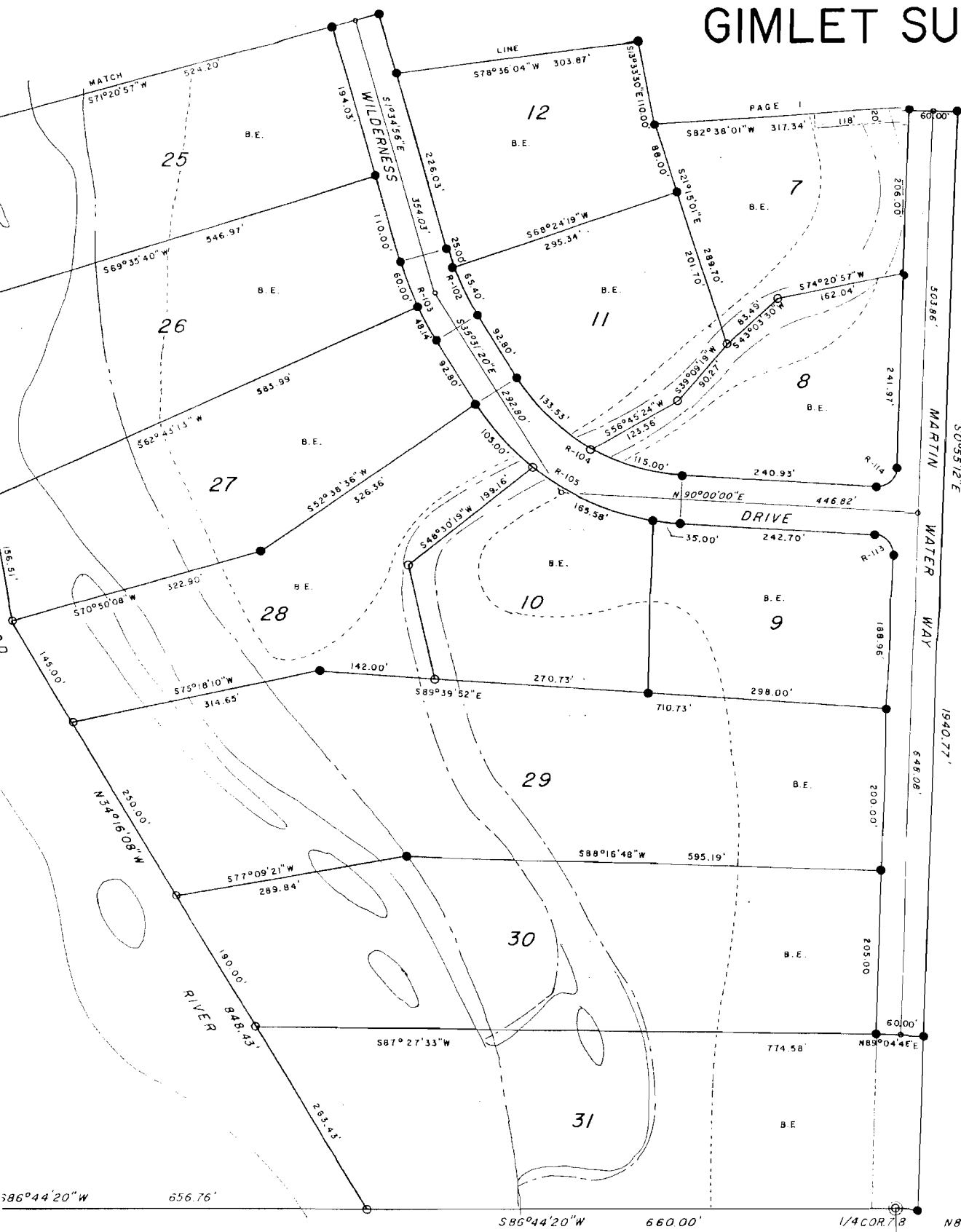
RECEIVED

JAN 06 2004

Department of Water Resources
Southern Region

GIMLET SUBDIVISION NO. II

PAGE 2 OF 2



SCALE: 1" = 100'

LEGEND

- 1/2" x 24" rebar set
- Bress-cap found
- Building Envelope
- Drainage easement
- Floodway limit
- Road easement

CURVE DATA

CURVE	Δ	R	LC	T_c
R-102	16°56'24"	305.76'	90.07'	90.40'
R-103	"	365.76'	107.75'	108.14'
R-104	54°28'40"	261.38'	239.27'	248.53'
R-105	"	321.38'	305.58'	294.19'
R-113	89°04'48"	25.00'	35.07'	38.86'
R-114	90°55'12"	25.00'	35.64'	39.67'

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD
aanestad@cox-internet.com

January 5, 2004

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301

**Re: Notice of Change in Water Right Ownership
for SRBA Claims 37-14260B and 37-154D;
Our file No. 1329-030122**

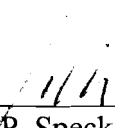
Dear Allen:

Enclosed you will find the original and one copy of the above-referenced Notice of Change in Water Right Ownership from the former owner, Rinker, Co. to my client, Steven D. Holzman, Trustee of the Steven D. Holzman Trust. I am also enclosing the original and one copy of my firm's Notice of Appearance on behalf of the Steven D. Holzman Trust for these two water right claims in the SRBA. Please have your secretary receipt date-stamp the copies of both documents and return them to me in the postage pre-paid self-addressed envelope included for that purpose. Kindly call me right away should you have any questions.

Happy New Year!!

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS/jef

Enclosures

cc: S. Holzman w/encl.
B. Ballard w/encl.

RECEIVED

JAN 06 2004

Department of Water Resources
Southern Region

Claimants Names:

**Steven D. Holzman, Trustee
Steven D. Holzman Trust**

Attorney Name & Address:

**James P. Speck, ISB#2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752**

**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

)
)
)
)
)
)

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

This is a notice of appearance by counsel on behalf of the new claimant and purchaser of the water rights identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, Steven D. Holzman, Trustee of the Steven D. Holzman Trust, dated March 27, 2003, for the following water rights which are not the subject of any subcases: 37-14260B and 37-0154D.

RECEIVED

JAN 06 2004

Department of Water Resources
Southern Region

DATED this 14 day of January, 2004.

SPECK & AANESTAD
A Professional Corporation

By [Signature]
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of January, 2004, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

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

☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

[Signature]
JAMES P. SPECK

RECEIVED

JAN 06 2004

NOTICE OF APPEARANCE - 2

Department of Water Resources
Sandra L. [unclear]

F:\WPDATA\JIM\HOLZMAN\Noticeappear.wpd
1/5/04 10:9 am



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 7, 2004

JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

Re: SRBA Claim(s) 37-154D, 37-14260B

Dear Jim:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to your client. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

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: **A37-00154D**
Date Received: 7/13/1988
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: GLENN B GOULD FAMILY PARTNERSHIP 208-543-6256
Address: RT 4 BOX 117
BUHL ID 83316
AND/OR
Name: RINKER CO 714-979-8300
Address: PO BOX 7250
NEWPORT BEACH CA 92658-7250

2. Date of Priority: DEC 13, 1887

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	18E	6		NE	SE		BLAINE

5. Description of diverting works:
PUMP AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
WILDLIFE	01/01	12/31	0.220		
AESTHETIC	01/01	12/31	0.220		

7. Total Quantity Appropriated is:
0.220 C.F.S. (and/or) 159.30 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
NOV 21 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	7	SE	NE		WILDLF	
			SE	NE		AES	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

37-2632, 37-0153

14. Remarks:

CLAIM WAS SPLIT FROM A37-00154A PURSUANT TO APPROVED TRANSFER 4520 TO CREATE WILDLIFE AND AESTHETIC USAGE.

PURSUANT TO APPROVED TRANSFER 4520:

1. MEASURING DEVICES OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED AT THE POINT OF DIVERSION AND POINT OF EFFLUENT DISCHARGE.

2. USE OF WATER UNDER THIS WATER RIGHT WILL REGULATED BY THE WATERMASTER OF STATE WATER DISTRICT NO. 37.

3. APPROVAL OF THIS TRANSFER IN NO WAY GRANTS ANY RIGHT-OF-WAY OR EASEMENT FOR USE OF A DELIVERY SYSTEM OWNED BY PERSON(S) OTHER THAN THE RIGHT OWNER.

4. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

5. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

6. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

7. THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANSFER NO. 4520 SHALL NOT EXCEED 0.32 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 231.7 AF.

8. RIGHT NOS. 37-00154D, 37-00577BT AND 37-08838 ARE USED IN COMBINATION AND ARE DIVERTED AT WHAT IS LOCALLY KNOWN AS THE R-11 AND R-11A DIVERSIONS FROM BIG WOOD RIVER.

9. TWO POINTS OF DIVERSION ARE LOCATED WITHIN NESE, S06, T03N, R18E.

10. PLACE OF USE IS LOCATED WITHIN LOTS 9, 10, AND 29, GIMLET SUBDIVISION NO. 11.

15. Basis of Claim: DECREED

Case Number:

Court :

MICROFILMED
NOV 21 1996

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

MICROFILMED
NOV 21 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

February 6, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

GARY SLETTE
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: Amendment of SRBA Claims A37-14260A, A37-14260B, A37-00154C,
A37-00154D - RINKER CO.

Dear Gary:

Pursuant to the approval of Transfer No. 4520, the above referenced Notice(s) of Claim in the Snake River Basin Adjudication have been amended to conform with the transfer. Please find enclosed a printout of the way your client's claim records have been modified. Please check these modified records over carefully to verify they correctly reflect the intended change. If you have questions please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

NOT RECORDED
NOV 21 1996

09/15/2006

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

RIGHT NUMBER: 37-21329

NAME AND ADDRESS: STEVEN D HOLZMAN TRUST
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
Right Nos. 37-8838, 37-21329 and 37-21331 are used in combination and
are diverted at what is locally known as the R-11 and R-11A diversions
from the Big Wood River.

QUANTITY: 0.060 CFS
3.200 AFY
The annual volume of consumptive wildlife and aesthetics uses under right
37-21329 and 37-21331 is 3.2 af per year.
The total instantaneous diversion of water from all points of diversion under
Transfer No. 71412 for wildlife and aesthetic uses shall not exceed 0.09
cfs, nor a total combined annual volume of 3.2 af.

PRIORITY DATE: 12/13/1887

POINT OF DIVERSION:
T03N R18E S6 NESE Within BLAINE County
T03N R18E S6 NESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE	01/01 12/31	0.060 CFS 3.20 AFY
AESTHETIC	01/01 12/31	0.060 CFS 3.20 AFY

PLACE OF USE: WILDLIFE Within BLAINE County
T03N R18E S07 SENE
AESTHETIC Within BLAINE County
T03N R18E S07 SENE

Place of use is located within Lots 9, 10 and 29, Gimlet Subdivision No. 11.

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.

09/15/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of discharge.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.



Idaho Department of Water Resources

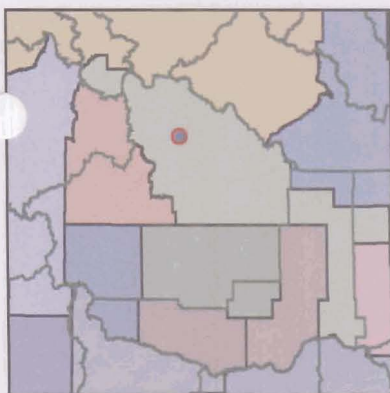
SRBA Recommendation:

37-21329

(Wildlife)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37

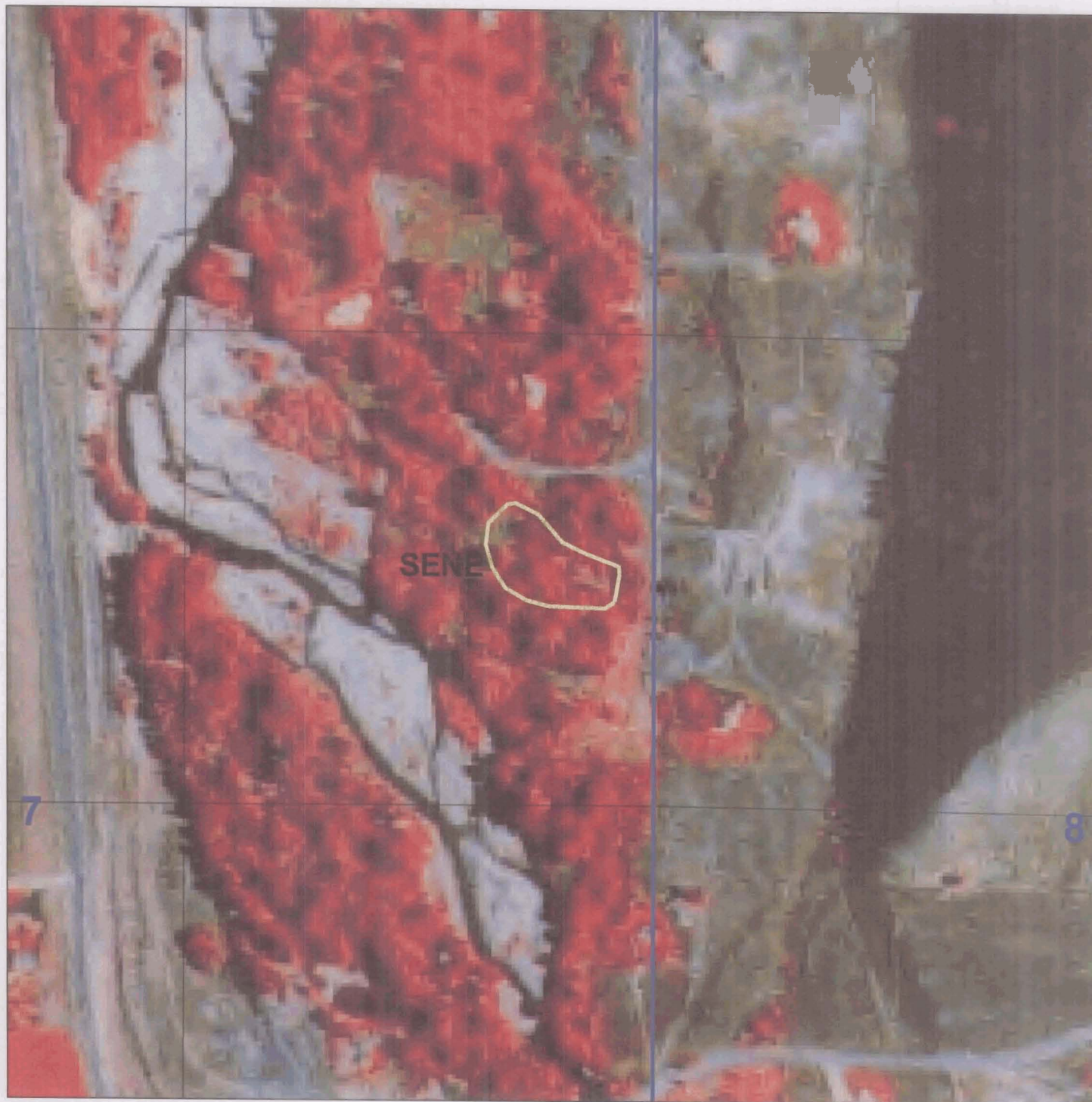
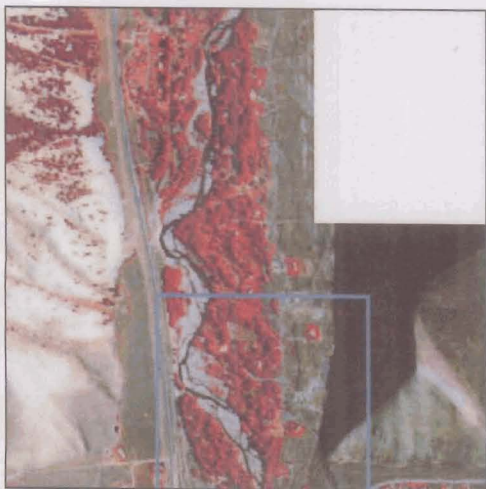


0 0.4 0.8 Miles



Prepared by E. NORQUES
On Tuesday, September 19, 2006
1987/88 Aerial Photography

37-21329





Idaho Department of Water Resources

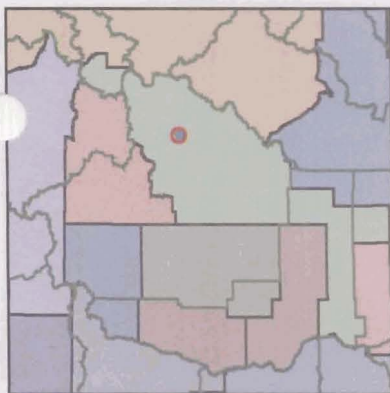
SRBA Recommendation:

37-21329

(Wildlife)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



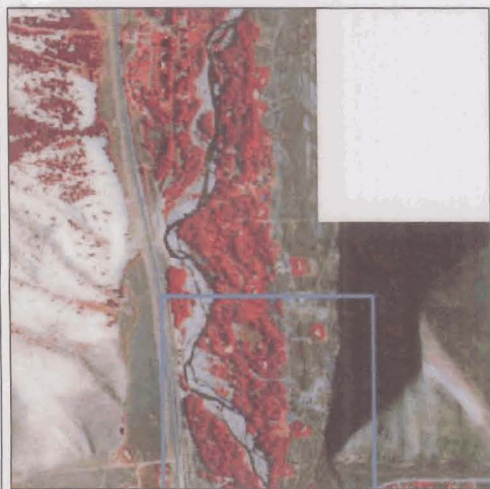
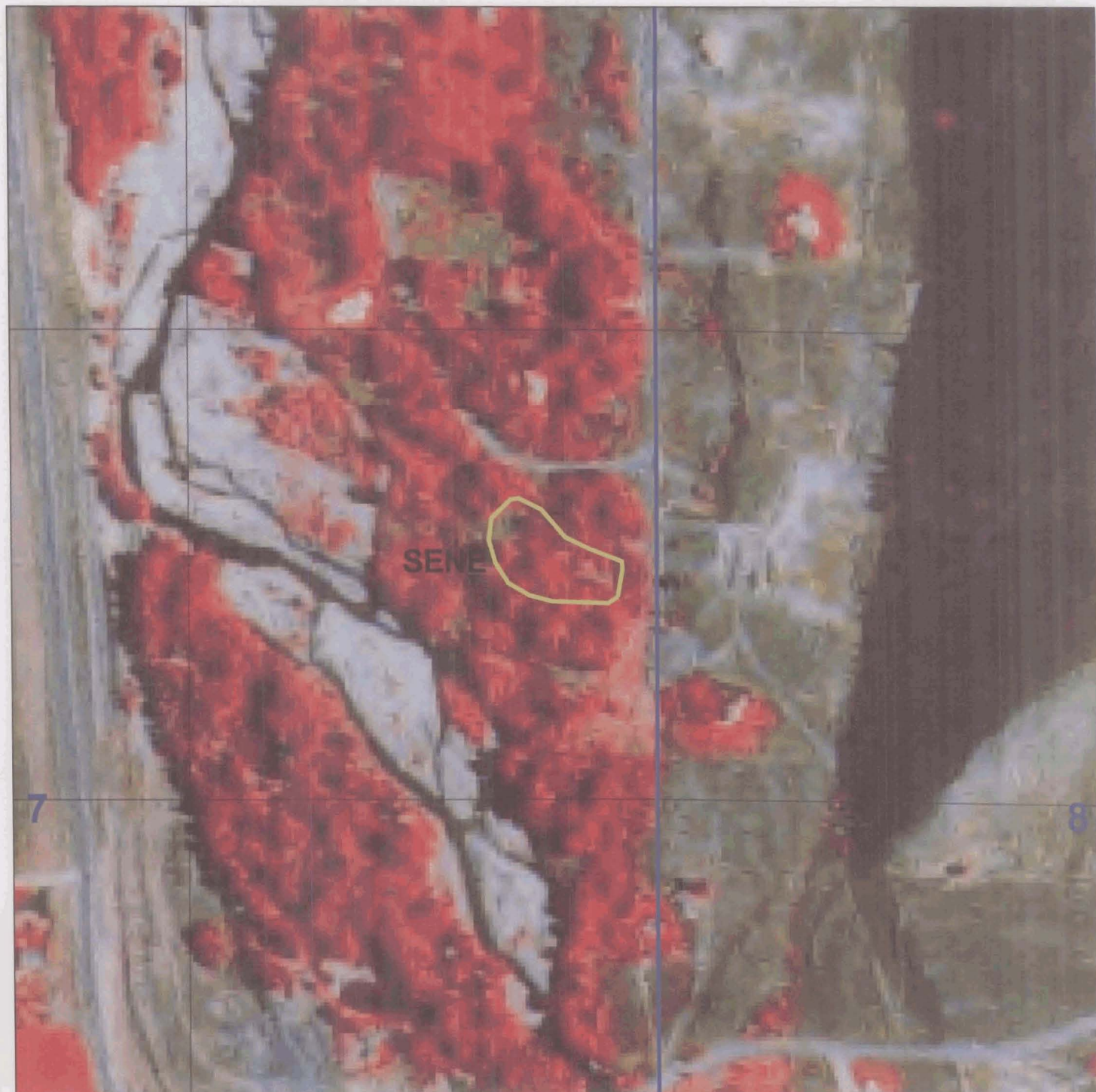
Blaine County
IDWR Basin 37



0 0.4 0.8 Miles

Prepared by E. NORQUES
On Tuesday, September 19, 2006
1987/88 Aerial Photography

37-21329



WR

37.154 (10 cfs)

Transfer 1735

(9.66) A B (0.44 cfs)
Rinker

Transfer 4520

Comstock (9.34) C D (0.22)
Rinker

Transfer 5423

(8.85) C
Rinker

~~0.49~~
C reduced
by 24.4 acres

AJ Claims

Match V.R. - B Rinker 0.44
37.154 B

Match V.R. - C Rinker 8.85
37.154

Matches WR. 21329 } Holzman 0.06
37.154 21330 } 0.16

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71412

This is to certify that: STEVEN D HOLZMAN TRUST
C/O JAMES P SPECK
PO BOX 987
KETCHUM ID 83340
(208) 726-4421

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-154D	AJC/Decreed	12/13/1887	0.22 cfs	19.6 af	N/A	N/A	BIG WOOD RIVER
37-14260B	AJC/Decreed	03/24/1883	0.1 cfs	19.6 af	N/A	N/A	BIG WOOD RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-154D	YES	NO	NO	NO	YES	YES
37-14260B	YES	NO	NO	NO	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-154D	37-21330	0.16 cfs	14.3 af	N/A	4.1	37-21329	0.06 cfs	3.2 af	N/A	N/A
37-14260B	37-21332	0.07 cfs	14.3 af	N/A	4.1	37-21331	0.03 cfs	3.2 af	N/A	N/A
COMBINED										
TOTALS		0.23 cfs	14.3 af	N/A	4.1		0.09 cfs	3.2 af	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 23rd day of November, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-21329
As Modified by Transfer No. 71412

In accordance with the approval of Transfer No. 71412, Water Right No. 37-21329 is now described as follows.

Right Holder: STEVEN D HOLZMAN TRUST
 C/O JAMES P SPECK
 PO BOX 987
 KETCHUM ID 83340

Priority Date: December 13, 1887

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	01/01 to 12/31		0.06 CFS	3.2 AF
AESTHETIC	01/01 to 12/31		0.06 CFS	3.2 AF
			0.06 CFS	3.2 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER NESE Sec. 6 Twp 03N Rge 18E BLAINE County

BIG WOOD RIVER NESE Sec. 6 Twp 03N Rge 18E BLAINE County

PLACE OF USE: WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	7				X													

PLACE OF USE: AESTHETIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	7				X													

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Transfer No. 71412 for wildlife and aesthetic uses shall not exceed 0.09 cfs, nor a total combined annual volume of 3.2 af.
2. The annual volume of consumptive wildlife and aesthetics uses under right 37-21329 and 37-21331 is 3.2 af per year.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

WATER RIGHT NO. 37-21329
As Modified by Transfer No. 71412

CONDITIONS OF APPROVAL

4. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of discharge.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. Right Nos. 37-8838, 37-21329 and 37-21331 are used in combination and are diverted at what is locally known as the R-11 and R-11A diversions from the Big Wood River.
8. Place of use is located within Lots 9, 10 and 29, Gimlet Subdivision No. 11.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 23rd day of November, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-21330
As Modified by Transfer No. 71412

In accordance with the approval of Transfer No. 71412, Water Right No. 37-21330 is now described as follows.

Right Holder: STEVEN D HOLZMAN TRUST
 C/O JAMES P SPECK
 PO BOX 987
 KETCHUM ID 83340

Priority Date: December 13, 1887

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.16 CFS	14.3 AF
			0.16 CFS	14.3 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER NESE Sec. 6 Twp 03N Rge 18E BLAINE County

BIG WOOD RIVER NESE Sec. 6 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 18E 7				4.1													4.1

Total Acres: 4.1

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 37-21330 and 37-21332 shall not exceed 0.23 cfs, nor a total combined annual volume of 14.3 af for the irrigation of 4.1 acres.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

WATER RIGHT NO. 37-21330
As Modified by Transfer No. 71412

CONDITIONS OF APPROVAL

5. This right does not grant any right-of-way or easement across the land of another.
6. Right Nos. 37-21330 and 37-21332 are used in combination and are diverted at what is locally known as the R-11 and R-11A diversions from the Big Wood River.
7. Place of use is located within Lots 9, 10 and 29, Gimlet Subdivision No. 11.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 23rd day of November, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-21331
As Modified by Transfer No. 71412

In accordance with the approval of Transfer No. 71412, Water Right No. 37-21331 is now described as follows.

Right Holder: STEVEN D HOLZMAN TRUST
 C/O JAMES P SPECK
 PO BOX 987
 KETCHUM ID 83340

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
AESTHETIC	01/01 to	12/31	0.03 CFS	3.2 AF
WILDLIFE	01/01 to	12/31	0.03 CFS	3.2 AF
			0.03 CFS	3.2 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER NESE Sec. 6 Twp 03N Rge 18E BLAINE County

BIG WOOD RIVER NESE Sec. 6 Twp 03N Rge 18E BLAINE County

PLACE OF USE: AESTHETIC

Twp Rge Sec	NE				NW				SW				SE				Totals
03N 18E 7	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				X													

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
03N 18E 7	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				X													

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Transfer No. 71412 for wildlife and aesthetic uses shall not exceed 0.09 cfs, nor a total combined annual volume of 3.2 af.
2. The annual volume of consumptive wildlife and aesthetics uses under right 37-21329 and 37-21331 is 3.2 af per year.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

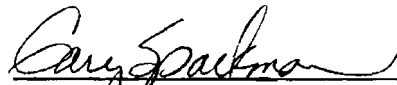
WATER RIGHT NO. 37-21331
As Modified by Transfer No. 71412

CONDITIONS OF APPROVAL

4. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of discharge.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. Right Nos. 37-8838, 37-21329 and 37-21331 are used in combination and are diverted at what is locally known as the R-11 and R-11A diversions from the Big Wood River.
8. Place of use is located within Lots 9, 10 and 29, Gimlet Subdivision No. 11.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 23rd day of November, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-21332
As Modified by Transfer No. 71412

In accordance with the approval of Transfer No. 71412, Water Right No. 37-21332 is now described as follows.

Right Holder: STEVEN D HOLZMAN TRUST
 C/O JAMES P SPECK
 PO BOX 987
 KETCHUM ID 83340

Priority Date: March 24, 1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.07 CFS	14.3 AF
			0.07 CFS	14.3 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER NESE Sec. 6 Twp 03N Rge 18E BLAINE County

BIG WOOD RIVER NESE Sec. 6 Twp 03N Rge 18E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	7				4.1													4.1

Total Acres: 4.1

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 37-21330 and 37-21332 shall not exceed 0.23 cfs, nor a total combined annual volume of 14.3 af for the irrigation of 4.1 acres.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

WATER RIGHT NO. 37-21332
As Modified by Transfer No. 71412

CONDITIONS OF APPROVAL

5. This right does not grant any right-of-way or easement across the land of another.
6. Right Nos. 37-21330 and 37-21332 are used in combination and are diverted at what is locally known as the R-11 and R-11A diversions from the Big Wood River.
7. Place of use is located within Lots 9, 10 and 29, Gimlet Subdivision No. 11.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 23rd day of November, 2004



Chief, Water Allocation Bureau



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

February 6, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

GLENN B GOULD FAMILY PARTNERSHIP
RT 4 BOX 117
BUHL ID 83316

RE: Amendment of SRBA Claim A37-00154D, A37-00154C

Dear Claimant:

Pursuant to the approval of Transfer No. 4520, the above referenced Notice(s) of Claim in the Snake River Basin Adjudication have been amended to conform with the transfer. Please find enclosed a printout of the way your claim records have been modified. Please check these modified records over carefully to verify they correctly reflect your intended change. If you have questions please feel free to contact this office.

The Post Office in your area has notified us that all addresses are being changed from Route and Box to grid numbers. If your address has recently been changed to the grid system, please complete the enclosed Change in Address of the Notice of Claim in the Snake River Basin Adjudication and return it to us at the above address. Thank you for your assistance.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

MICROFILMED
NOV 21 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4520
WATER RIGHT NO(S). 37-00154D/37-00577BT

RECEIVED

JUN 14 1995

Department of Water Resources
Southern Region

This is to certify that: **RINKER COMPANY**
PO BOX 7250
NEWPORT BEACH CA 92658

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-00154D :			
Priority: 12/13/1887			
WILDLIFE	01/01 to 12/31	0.22 CFS	159.3 AF
AESTHETIC	01/01 to 12/31	0.22 CFS	159.3 AF
SUBTOTAL:		0.22 CFS	159.3 AF
Right No. 37-00577BT:			
Priority: 03/24/1883			
WILDLIFE	01/01 to 12/31	0.10 CFS	72.4 AF
AESTHETIC	01/01 to 12/31	0.10 CFS	72.4 AF
SUBTOTAL:		0.10 CFS	72.4 AF
TOTAL:		0.32 CFS	231.7 AF

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 6, Township 03N, Range 18E
BLAINE County

PLACE OF USE: WILDLIFE

TWN RGE SEC

03N 18E 7

SENE

PLACE OF USE: AESTHETIC, same as WILDLIFE use

CONDITIONS/REMARKS:

- * 1. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.

MICROFILMED
NOV 21 1996

TRANSFER NO. 4520
WATER RIGHT NO(S). 37-00154D/37-00577BT

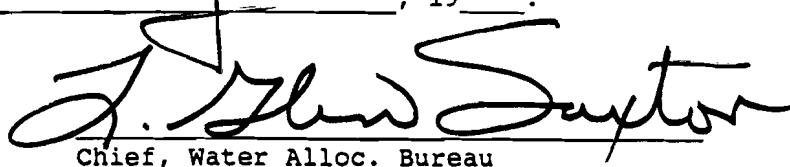
CONDITIONS/REMARKS:

- 2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- 7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4520 shall not exceed 0.32 cfs, nor total combined annual volume of 231.7 af.
- * 8. Right Nos. 37-00154D, 37-00577BT and 37-08838 are used in combination and are diverted at what is locally known as the R-11 and R-11A diversions from Big Wood River.
- 9. Two points of diversion are located within NESE, S06, T03N, R18E.
- 10. Place of use is located within Lots 9, 10 and 29, Gimlet Subdivision No. 11.

Dated this 23rd day of

May

, 19 95



Chief, Water Alloc. Bureau

MICROFILMED

NOV 21 1996

Date Feb 19 1995

FEB 08 1995

FROM: Allen Merritt *AM*

DATE: February 8, 1995

TO: FILES : APPLIC. FOR PERMIT 37-08838 & TRANSFER #4520

SUBJECT: Analysis and Recommendation

Both of the above referenced applications deal with the same project. The project consists of developing ponds for wildlife & aesthetic purposes. The water proposed to be diverted is covered by application for permit 37-08838 for the non-consumptive component and application for transfer #4520 for the consumptive component. The project proposes to re-divert water from an existing man-made channel which conveys water diverted under right 37-07822.

Based on the files it appears that possible injury to existing water rights has been mitigated.

I RECOMMEND THAT BOTH APPLICATIONS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

37-08838

- Add all conditions on license 37-07822 consistant with permit language.
- The ponds must be lined with either a man-made liner or an amended soil liner to minimize seepage loss from ponds.
- Rights identified on Transfer #4520 to be delivered for mitigation in connection to delivery of this right for diversion to storage. (If rights on #4520 are cut off due to priority this right shall cease diversion to storage)
- Under control of watermaster district 37.
- Approval does not grant easement to cross land of another.

Transfer #4520

- Under control of watermaster district 37.
- Water rights to be delivered for mitigation of loss for delivery of 37-07822.
- Subject to SRBA review.

MICROFILMED

NOV 21 1996

INTER-DEPARTMENT MEMO

TO: File

SUBJECT: Rinker Co. Transfer App.

FROM: Jim Stanton

DATE: 12-28-94

I was planning to hold this transfer until next Spring so that a pre-transfer exam could be conducted once the snow goes off the present P/U. However, today attorney Gary Slette called and asked that the transfer be advertised along with the application for permit that also covers the new P/U. Gary stated that his arrangement with his client and with the subdivision people calls for both filings to be advertised together. His argument is that the original P/U has not been irrigated, so has no connection to other rights on the Golden Eagle Ranch (of which the present P/U is a small part). An extension of time to avoid forfeiture was recently approved to protect the primary right on the present P/U. Based on the attorney's request, I agreed to advertise both filings together. Based on is argument, I do not plan to do a field review of this transfer.

(X) For your information

() Response required

CS
signature

T # 452

MICROFILMED
NOV 21 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4520APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant RINKER COMPANY Phone 714-979-8300Post Office address P. O. Box 7250 Newport Beach CA 92658

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes to use water as makeup water for a pond system on
Lateral 10 of Gimlet II Subdv. See App. For Permit 37-08838

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>A37-14260</u> <u>(pt. 37-0577BP)</u>	<u>03-24-1883</u>	<u>0.10 cfs</u>	<u>wildlife/aesthetics</u>	<u>01/01</u> to <u>12/31</u>
<u>37-00154D</u>	<u>12-13-1887</u>	<u>0.22 cfs</u>	<u>"</u>	<u>"</u> to <u>"</u>

2. Total amount of water being transferred 12-28-94 0.32 ~~0.10~~ cfs cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Wood River tributary to Malad River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	6	3N	18E	BLAINE	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	18E	7				X													

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PART 1

6. General Information:

- a. Description of diversion system pump and pipeline will be used for diversion and return flow will return to same channel

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

5.6 ~~6.4~~ acres will be eliminated from irrigation leaving ^{4.4}~~3.6~~ irrigated acres at current
POU

- d. Remarks:

Transferred portion of this right is intended to mitigate consumptive loss under an
application for permit filed by Rod Rinker seeking to appropriate water for non-consump-
tive use _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____ 19____

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NOV 21 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: 1544
 a. Decree No. 37-00577 Decreed to M. A. Comstock
 in case of S. C. Frost Et. AL. vs. Alturas Water Co, Et. AL.
 dated 12-13-1909 in Fourth District county of Lincoln
 b. License No. _____ issued by the Idaho Department of Water Resources.
 c. Claim No. _____ on file with the Idaho Department of Water Resources.
 d. Transfer No. 1735 which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Big Wood River tributary to Malad River
4. Date or priority 12-13-1887
5. Water is used for the following purpose:
 amount 9.56 cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
6. Total amount of water under right 9.56 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	29	4N	18E	Blaine	Hegdgate & Comstock Ditch

8. Lands irrigated or place of use: * Decreed P/U ** Present P/U

Twp.	Rge.	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	
*	3N	18E	7	X	X	X	X							X		X	X	X	
			17					X											
			18	X	X	X	X	X		X									
**	3N	18E	7		9	12								20		11			
			18	22	38	32	18	12							16	15			
																			153

Total acres 246

9. Describe any other water rights used for the same purpose as described above 37-00577 BP

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.22 cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same as 2. A. 7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	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	
3N	18E	7			5.6														5.6

Total acres 5.6

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 9.34 cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same as 2. A. 7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	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	
3N	18E	7		9	6.4					30									87.4
		18	22	38	32	18	12												153

Total acres 240.4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. 37-00577BP Decreed to Wood River Land Company
in case of Albrethsen vs. Wood River Land Company
dated 06-27-1925 in Fourth District county of Blaine
 - b. License No. 37-00577 (BP pt.) issued by the Idaho Department of Water Resources.
 - c. Claim No. A37-14260 on file with the Idaho Department of Water Resources.
 - d. Transfer No. 3487 which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
- ☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Big Wood River tributary to Malad River
4. Date or priority 03-24-1883
5. Water is used for the following purpose:
- amount 0.18 cfs for irrigation purposes from 04/01 to 11/01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
6. Total amount of water under right 0.18 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SE	NE	18	3N	18E	Blaine	Hiawatha Canal

8. Lands irrigated or place of use:

Twp.	Rge.	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	
3N	18E	7			10														10

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Total acres 10

9. Describe any other water rights used for the same purpose as described above 37-00154A

PART 2

Transfer No. 4520

0. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No _____ If yes, describe _____

3. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.10 cfs for Irrig. purposes from 4-1 to 11-1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same as 2.A.7.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	6	3N	18E	BLAINE	

3. Lands irrigated or place of use:

Twp.	Rge.	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	
3N	18E	7			5.6	*													5.6

Total acres 5.6

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.08 cfs for irrigation purposes from 04/01 to 11/01
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

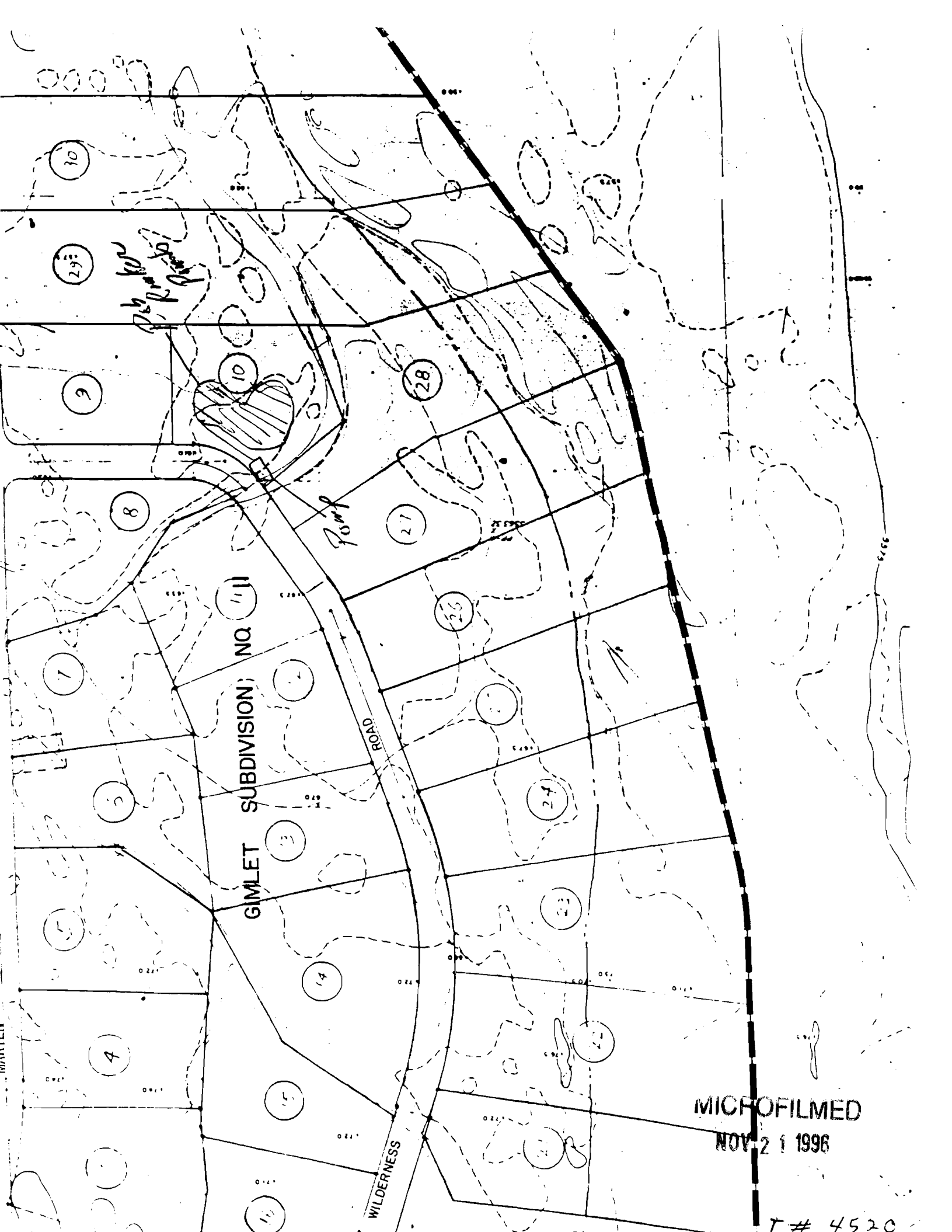
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	18	3N	18E	BLAINE	Hiawatha Canal

3. Lands irrigated or place of use:

Twp.	Rge.	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	
3N	18E	7			3.6														3.6 4.4
					4.4														

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3.6 4.4



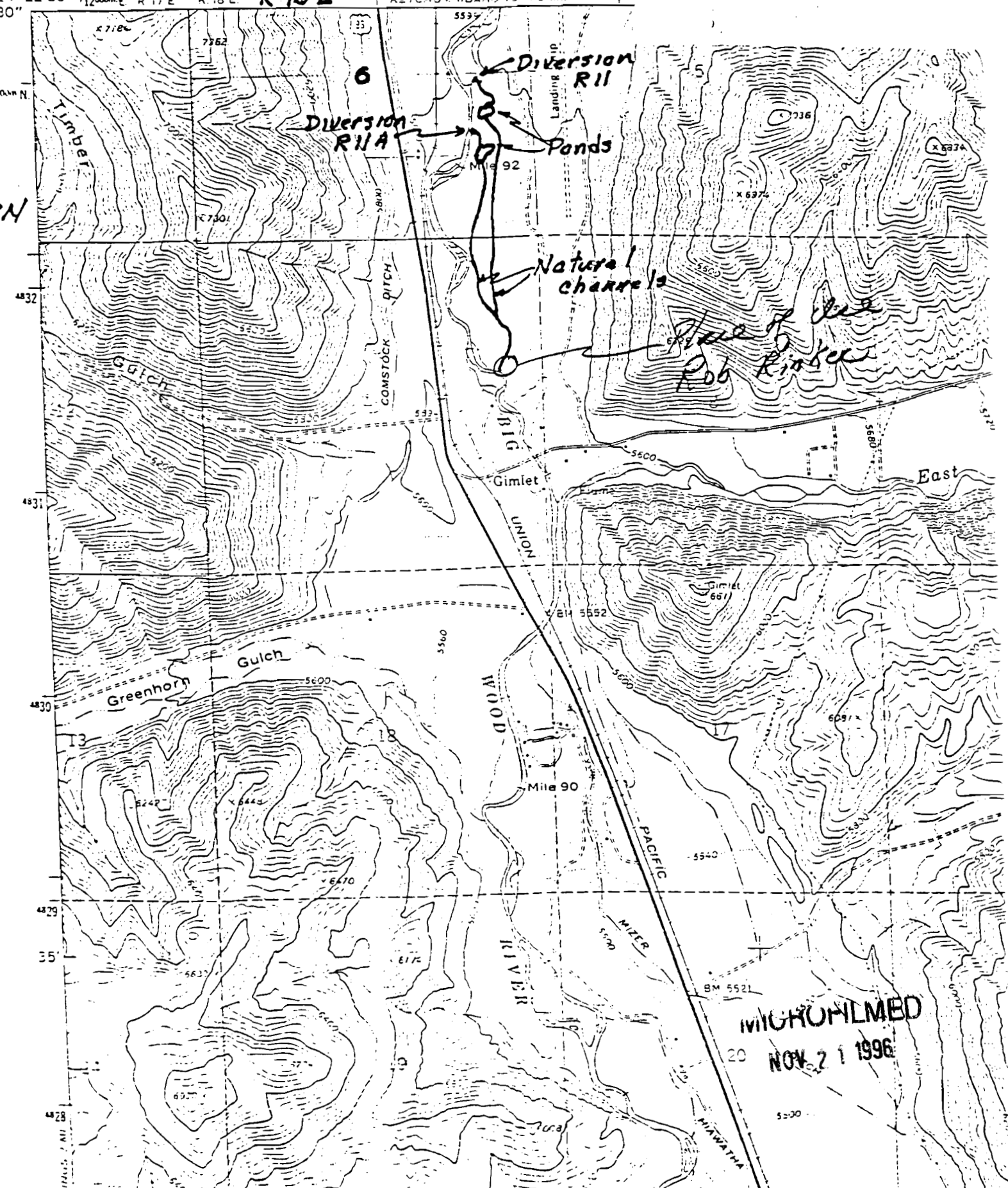
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NOV 21 1996

T # 4520

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

14° 22' 30" 712000m E R 17 E R 18 E **R 18 E** SUN VALLEY 5 MI
KETCHUM IDAHO 75° 42' MI



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CHOFIEME

NOV 2 1996

PART 3

B. CHANGES IN NATURE OF USE

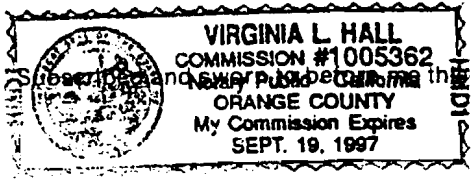
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



[Signature]
(Signature of Applicant)

30th day of November, 19 94

Virginia L. Hall
(Notary Public)

My commission expires 9/19/97

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 3 attachments

Received by MTS Date 12-5-94

Protest filed by None

Prelim. check by JF. Patton Fee \$100

Received by MTS (5017562) Date 12-5-94

Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 1/4 & 1/11/95

Hearing held by _____ Date _____

Watermaster recommendation requested on 12/28/94

Recommended for ☒ approval ☐ denial

_____ rec'd. 1/19/95

by Adm

Copy of transfer sent to lien holder _____

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NOV 5 1996

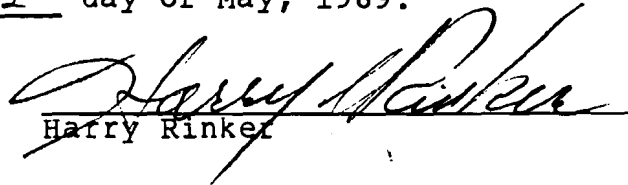
LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

Harry Rinker hereby nominates and appoints Gary D. Slette of Nelson, Rosholt, Robertson, Tolman & Tucker, P. O. Box 1906, Twin Falls, ID 83303, as attorney-in-fact with full authority to act for and on behalf of Harry Rinker to execute any and all documents required or necessary to apply for and obtain water rights for my property located in Blaine County.

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 such documents as above-mentioned. Further, I hereby declare that each and every 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 22nd day of May, 1989.


Harry Rinker

STATE OF California)
County of Orange) ss.

On this 22nd day of May, 1989, 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.



1526m


NOTARY PUBLIC FOR CALIFORNIA
Residing at: Santa Ana, Ca
My commission expires: 5/31/89

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NOV 21 1996

MICROFILMED
MAR 11 1993