

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 37-20624
Date Received: 1/14/2002
Receipt No: C092910
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HARRY S RINKER Phone: (714)879-8300
PO BOX 7250
NEWPORT BEACH CA USA 92658-7250

*Amended
3-17-11*

2. Date of Priority: 07/22/1880

3. Source: SEAMANS CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	19E	6	NW NW	BLAINE	

5. Description of diverting works:

Seamans Creek flows into Cove Canal to supplement irrigation water supply for the property. This situation has existed apparently since the time of construction of the Cove Canal.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/30	6.06	

7. Total Quantity Appropriated is:
6.06 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01N	18E	1	NE NE	IRRIGATION	36
			NW NE	IRRIGATION	3
			SE NE	IRRIGATION	20
			Section Acres		59
01N	19E	6	NW NW	IRRIGATION	37
			SW NW	IRRIGATION	39
			SE NW	IRRIGATION	6
			Section Acres		82

*SCANNED
JUN 15
2011*

Total Acres 141

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:

Diversion rate of 6.06 cfs is taken from analysis of maximum historical on-farm requirements by Allen Merritt, July 30, 1997. Priority date claimed is approximate construction date of Cove Canal and first use of water from Cove Canal. Other rights listed were original from the Cove Canal, transferred to the District Canal in 1997.

CLAIM AMENDED TO CLAIM PRIORITY DATE TO 7-1-1884 (WAS 1883) FOR THIS BENEFICIAL USE CLAIM.

The claim was again amended Mar 17-2011 to change the priority date and season of use.

15. Basis of Claim: Beneficial Use

Pg 2/
Mar 2, 2011

Rinker States Conf

GP-2.

37-919 ^{1940 minority date} 20751, 522D, 523C

Williams. =

AL ? on Rec.

COPY

needs a little work.

independent claims

20624

154B

2152

154^B transfer offered up as mitigation
Williams to ck with Brockway

37-2152 - should be ready to go.
SF-5 ready to go Andria signed

20624 Sammons Cr.

sent info to S.O. subordinate to Shoemaker
earlier date for shoemaker rights?

Nick - Steve looking at info & Amended
claims are needed.

37-1198 - 37-4200 other claims needing Amendment

1202 22582 Diff Amend claims due.

Mar 18 deadline to submit ~~late~~ Amended claim
to dept.

Nick want ADR due Apr 28

obj May 20

Resp June 10.

Apr. 6, Shoemaker vacated / now combined with 20624
on June 22 @ 10 AM.

20624
1198
1200
154B
2152

Pg 1/
Mar 2, 2011

Rinker Status Conf.

(9) Brigitte Bilyew, Nick. Craig, Rob Williams Speck
Al,

Court * (37-539 → FGHIR) June 22 @ 9:30 **COPY**
house cleaning { SF-5 lang

Jim Speck
2507A

685C - Silver Creek Farms chg lang. delite owner
shall not permit" add pond shall → (remove)
set back marker Prop. (owner shall install)
add shaft/gauge shall be installed
take out of "out of naked eye"

gp1. 37-899B, 2507A, et al 2427, 2429, 2431 Doug's/Andr

gp2. 37-919, 20751, 522D, 523C.

GP1 notes Q on 899B re saved water right delivered independent
client accept that right Flood right 1940 right Lt.
with same P/u as other rights.

Remaining 4 rights - issue shapefile. CK ji & Doug
working on. should be resolved. 2507A Gw right
21268 Gw related rts. WM proposed subordinated
language, re Speck's clients southern part
of on Speck Client property. WM to do Quit claim
2507 to Jim's client.

OK
37-21268

Total div rate (surf.) remarks use language
when sprinkler limit to —.

Speck OK, Hobday O.K. Parker O.K.

Nov 22, 2010

37- 20624 Seamans Cr.

Spring fed stream flows into old Cove ditch.
Permit using Same System 37-20464
ck number

Flowrate based upon Allen's flow rate

Make right junior to other Seamans Cr
rights. smaller rate.
Chuck Jr. to provide info.

Obj - by claimant
Resp - Barker/Hobday

overlapping Rights

37- 113K	3.92 cfs	4	unobjected to	.08
- 482D	.49 cfs	5	Partial decree filed	.01
- 705	2.17 cfs	2.2	P/D filed	.03
	6.58 cfs	6.1	limit = 6.38 cfs.	.12

Transfer 74871 approved Apr 16, 2009 Now withdrawn.

6.38 established thru

113K - 4.00 cfs

482D - .49 cfs

705 - 2.20 cfs

tot 6.70 cfs

less .32 cfs

6.38 cfs

Rate limit.

River loss
from 1086
T-5037
Total .32 cfs

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 31-20024

Date Received:

Receipt No:

Received By:

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

Please type or print clearly

1. Name of Claimant (s) HARRY S. RINKER Phone (714) 979-8300
Mailing Address P.O. BOX 7250 NEWPORT BEACH CA ZIP 92658-7250
Street or Box City State
2. Date of Priority (Only one (1) per claim) 7/22/1880
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) SEAMANS CREEK
which is tributary to (b) SINKS

4. a. Location of Point of Diversion is: Township 01N, Range 19E, Section 6,
NW, 1/4 of NW, 1/4 Govt. Lot _____, BM., County of BLAINE

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., 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. Seamans Creek water has apparently been delivered directly to the
land via two ditches historically diverted on the old Campbell Ranch to the north of the claimed place of use.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/31 amount 6.06 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.06 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

9. 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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	1	36	3		20													59
01N	19E	6						37	39	6									82

Parcel (PIN) no(s). _____

Total number of acres irrigated 141

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

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

37-00113K, 37-00482D, 37-00705A

or None ()

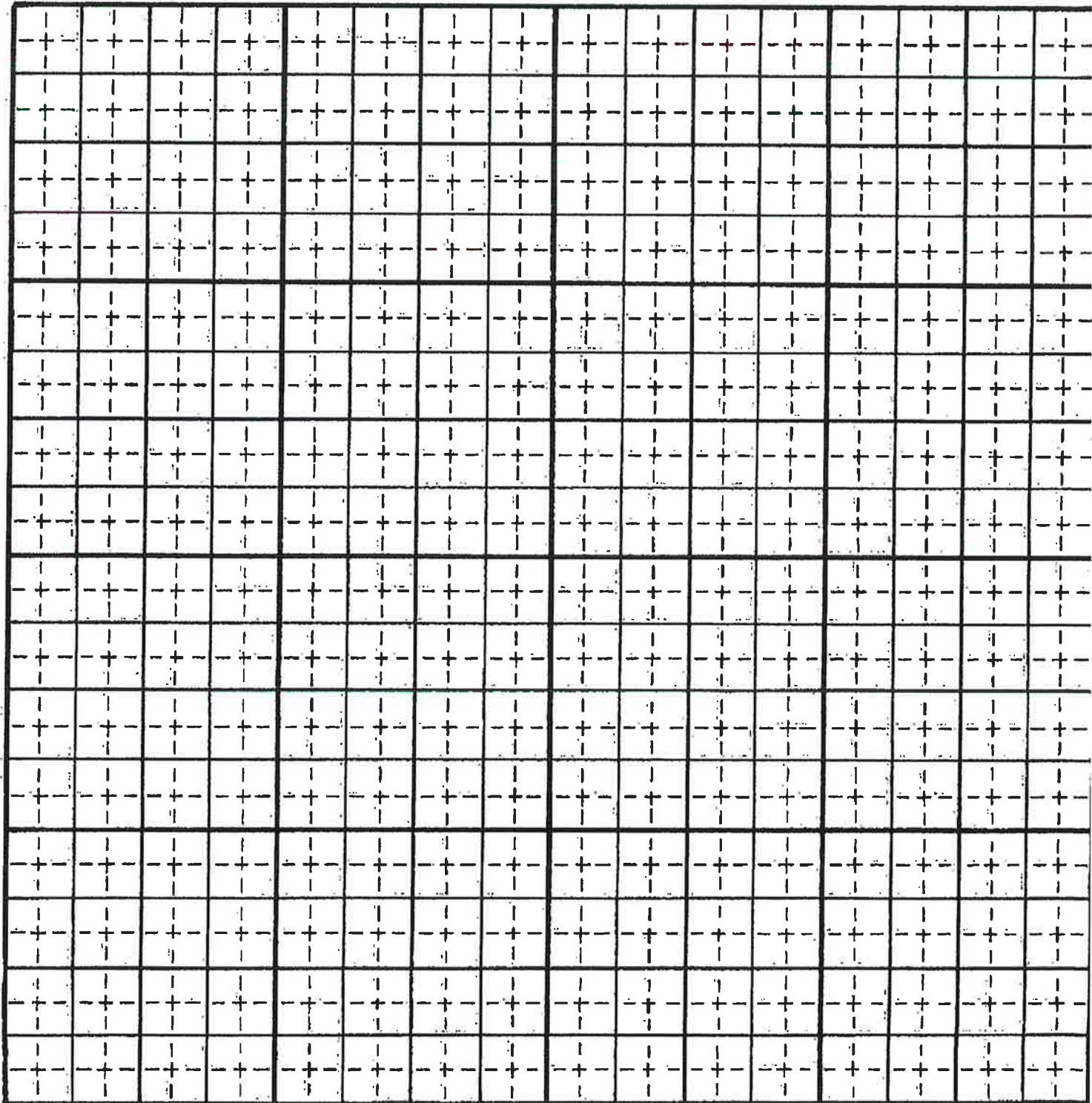
13. Remarks: (See Exhibit A attached hereto)

Last Name RINKER

Identification No. _____

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile



Last Name _____ Identification No. _____

14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 37-20624

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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: 1

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Harry S. Rinker Date: 3/17/2011

by Charles L. Brockway Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am Power of Attorney

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of 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 _____ Date _____

Address _____

Last Name RINKER Identification No. _____

EXHIBIT A

Diversion rate of 6.06 cfs is taken from analysis of maximum historical on-farm requirements by Allen Merritt, July 30, 1997. The priority date claimed is two (2) days after the priority date for the City of Bellevue's right in Seamans Creek, #37-1208, which is July 20, 1880. The priority date claimed is one (1) day after the claims of Alvin Shoemaker and Sally Shoemaker for rights 37-1198 and 37-1200, also in Seamans Creek. Summons in the case of Goble vs. Kimbrough was issued June 18, 1890. The Complaint in that case alleged that water from "Seamonds Creek" had been used for ten (10) years prior to that date. A subsequent agreement of the litigants dated 4/21/92 divided "Seamonds Creek" water among Goble, Galbraith, and Kimbrough, who are predecessors in interest to the current claimants of rights in Seamans Creek. The City of Bellevue was involved as Plaintiff in the separate case of Bellevue vs. Goble, et al, begun in 1884, in which its right in Seamans Creek was given a July 20, 1880 priority date. The Complaint in that case and other historical documents establish that competing uses in Seamans Creek began as early as March, 1880.

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 37-20624
Date Received: 1/14/2002
Receipt No:
Received By:

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

1. Name of Claimant(s)

HARRY S RINKER Phone: (714)879-8300

PO BOX 7250
NEWPORT BEACH CA USA 92658-7250

2. Date of Priority: 07/01/1884

3. Source: SEAMANS CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	19E	6	NW NW	BLAINE	

5. Description of diverting works:

Seamans Creek flows into Cove Canal to supplement irrigation water supply for the property. This situation has existed apparently since the time of construction of the Cove Canal.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	6.06	

7. Total Quantity Appropriated is:
6.06 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

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OCT 07 2006

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	18E	1	NE	NE	IRRIGATION	36
			NW	NE	IRRIGATION	3
			SE	NE	IRRIGATION	20
			Section Acres			
01N	19E	6	NW	NW	IRRIGATION	37
			SW	NW	IRRIGATION	39
			SE	NW	IRRIGATION	6
			Section Acres			
Total Acres					141	

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:

Diversion rate of 6.06 cfs is taken from analysis of maximum historical on-farm requirements by Allen Merritt, July 30, 1997. Priority date claimed is approximate construction date of Cove Canal and first use of water from Cove Canal. Other rights listed were original from the Cove Canal, transferred to the District Canal in 1997.

CLAIM AMENDED TO CLAIM PRIORITY DATE TO 7-1-1884 (WAS 1883) FOR THIS BENEFICIAL USE CLAIM.

15. Basis of Claim: Beneficial Use

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OCT 07 2010

AMENDED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWRECEIVED
JUN 08 2005
Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) Harry S. Rinker Phone (714) 979-8300
Mailing Address P.O. Box 7250, Newport Beach, CA Zip 92658-72502. Date of Priority (Only one (1) per claim) 7/1/18843. Source of water supply (a) Seamans Creek
which is tributary to (b) Sinks4. a. Location of existing point of diversion is: Township 01N Range 19E Section 6,
1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: _____

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. Seamans Creek flows into Cove Canal to supplement
irrigation water supply for the property. This situation has existed apparently
since the time of construction of the Cove Canal. Seamans Creek water has
also apparently been delivered directly to the land via two ditches historically
diverted on the old Campbell Ranch to the north.SCANNED
OCT 07 2005

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 4/15 to 10/15 amount 6.06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.06 (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: Give 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 together 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	
01N	18E	1	36	3		20													59
01N	19E	6						37	39	6									82

Total number of acres irrigated 141

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.

37-00113K, 37-00482D, 37-00705A Or None ☐

14. Remarks:

Diversion rate of 6.06 cfs is taken from analysis of maximum historical on-farm requirements by Allen Merritt, July 30, 1997. Priority date claimed is equivalent to earliest decreed water in Cove Canal and first use of water from Cove Canal. Rights listed above were originally from the Cove Canal, transferred to the District Canal in 1997.

Last Name _____

Ident. No. _____

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OCT 07 2010

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 _____

Of _____, that I have signed the foregoing
Organization

Document in the space below as _____ of _____
Title Organization

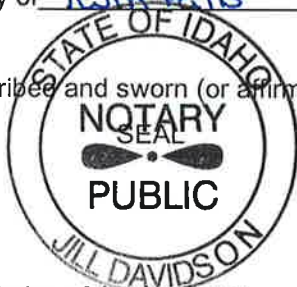
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Chad E. Grayson

Title and Organization Senior Member - Treachway Farm Date 6/7/05
Power of Attorney

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

Subscribed and sworn (or affirmed) before me this 7th day of June, 20 05



Notary Public Jill Davidson

Residing at Twin Falls

My Commission Expires November 18, 2010

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 _____

SCANNED
OCT 07 2010



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

May 26, 2005

Mr. Doug Jones
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED

JUN 08 2005

Department of Water Resources
Southern Region

Re: SRBA Claim 37-20624 / Rinker

Dear Doug:

This is in response to your letter dated April 15, 2005 requesting additional information to justify the priority date of the above-referenced beneficial use claim.

As indicated by historical aerial photos, Seamans Creek appears to have flowed on the surface directly into the Cove Canal at a point in the NW1/4 NW1/4 Section 6, T. 1 N., R. 19 E. This fact is also indicated by the USGS quadrangle. Included with this letter is are prints of the 1957 and 1964 aerial photos showing the intersection of Seamans Creek with the canal. Physically, there is no other place for Seamans Creek water to flow but either into the canal or onto the property.

The Cove Canal has delivered Big Wood River decreed water to the property from the time the canal was constructed until the Big Wood River rights were transferred to the District Canal in 1997 (T#5037). Claim 37-20624 asserts that Seamans Creek water flowing into the Cove Canal has also been utilized on the claimant's property since the priority date of the original decree on this land, 37-113.

Seamans Creek water may also have been used directly on the property. Enclosed is a portion of a 1920s or 30s vintage map entitled "Survey of Water Rights - Big Wood River and Tributaries." This map was prepared by the Idaho Water Company. It shows ditches from Seamans Creek serving the R. F. Buller property, which is now the portion of Mr. Rinker's property located in Section 6. This is the land to which 37-113 was originally decreed. The ditches are labeled "Campbell and Buller."

My research indicates that the earliest water decreed in the Cove Canal at the time of the Frost Decree is 37-113 which has a priority date of 7/1/1884. See the enclosed portion of the Frost Decree. This indicates that the canal was

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

SCANNED
OCT 07 2006

completed as of this date, the Buller land was being irrigated, and was being served by the Cove Canal. The Seamans Creek water would have been flowing into the canal by this time and/or being used on the land directly as described above. Therefore, the claimed priority date for 37-20624 should reflect the 7/1/1884 priority date of the decreed water. An amended claim is being submitted with this priority date.

Cordially,


Charles G. Brockway, P.E.

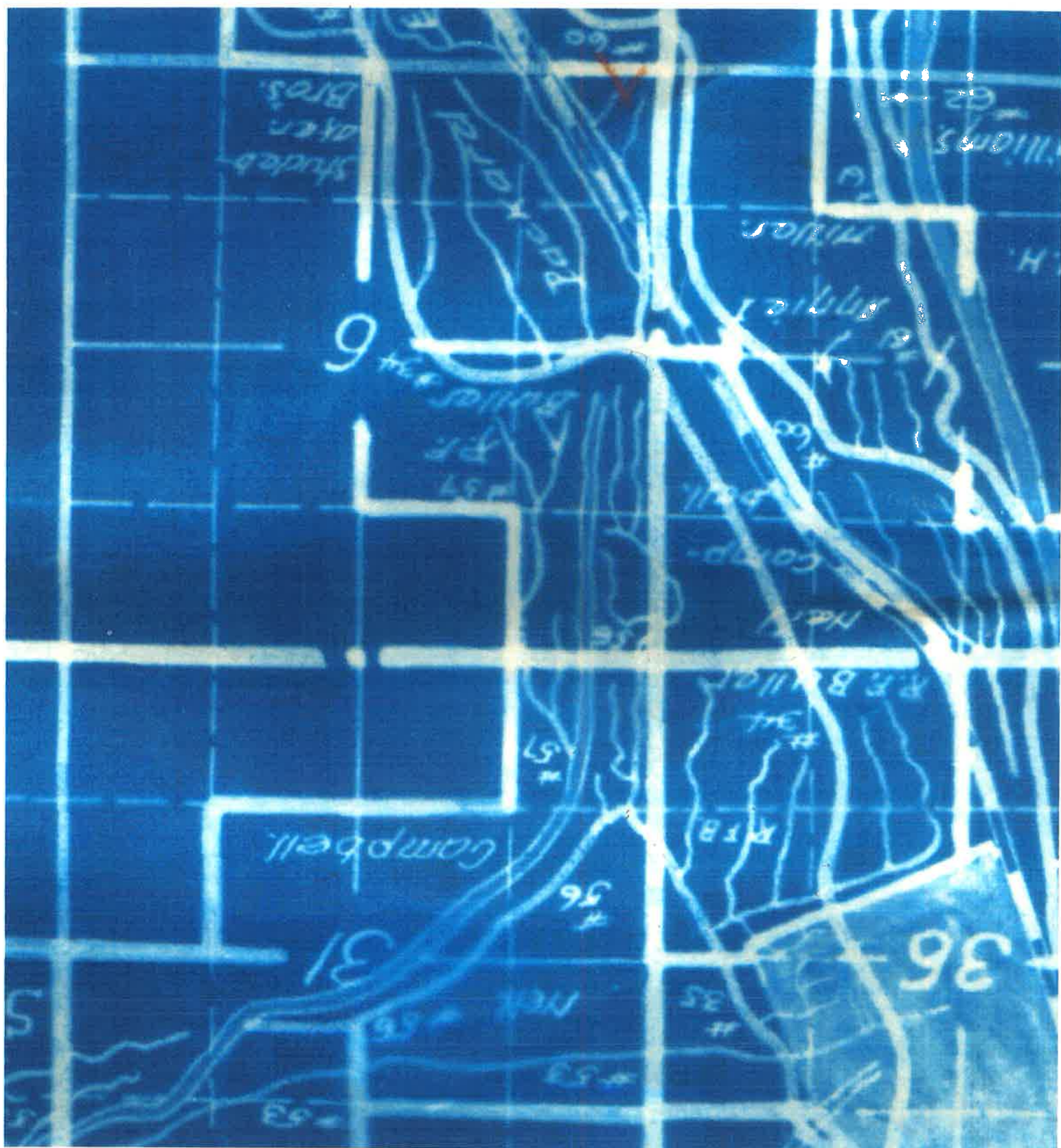
Enc.

cc: Harry Rinker

SCANNED
OCT 07 2010







- William Jordan.
50 Runieman and Herry.
51 Skillern and Grey.
52 Skillern and Grey.
53 M. Daly.
54 M. Daly.
55 M. Daly.
56 Campbell and Buller.
57 Campbell and Buller.
58 Adams.
59 Wrencher.
60 Calhoun.
61 Brown Association.
62 Sharpe and Abbot.
63 Kingsbury and McGowan.
64 Cain and Woods.
65 - Foster.
66 Brown and Black.
67 Ifland

Brown, Rodney R.

R. 19 E., containing 152.8 acres.

Lot 1, Sec. 2, T. 1 S., R. 17 E., SW 1/4 of SE 1/4 and E 1/2 of SW 1/4 of Sec. 35, T. 1 N.,

Bryant, John P.

R. 17 E., containing 149.10 acres.

NE 1/4 of SE 1/4 of Sec. 20, and SE 1/4 of NE 1/4 of Sec. 20, T. 5 S., R. 15 E., -- 80 acres.

Buller, R. F. and
Rosa B., his wife

SE 1/4 of SE 1/4 of Sec. 19, SW 1/4 of SW 1/4 of Sec. 20, W 1/2 of NW 1/4 of Sec. 29, SE 1/4 of NW 1/4 of Sec. 29, NE 1/4 of SW 1/4 of Sec. 29, NE 1/4 of SE 1/4 of Sec. 28, SW 1/4 of NW 1/4 and NW 1/4 of SW 1/4 of Sec. 27, T. 1 S., R. 19 E., containing 360 acres.

Also about 185

acres situated in Sections 17 and 18, T. 1 S.,

R. 19 E. Land in SE 1/4 and Lots 5 and 6,

Sec. 36, T. 2 N., R. 18 E., containing about

158 acres, known as the Whitton Ranch. Also,

Lots 4 and 5 and SE 1/4 of NW 1/4 of Sec. 6,

T. 1 N., R. 19 E., containing 118.17 acres.

S 1/2 of Sec. 30 and N 1/2 of Sec. 31, T. 1 N.,

R. 19 E. S 1/2 of NE 1/4, NE 1/4 of SE 1/4

and SE 1/4 of SE 1/4 of Sec. 8, T. 1 S., R. 19

E. Also, S 1/2 of NE 1/4 of Sec. 8, T. 1 S.,

R. 19 E.

Burkhill, Frank A.

SE 1/4 of Sec. 18, T. 5 S., R. 15 E., 160 acres.

Eutch, James W.

S 1/2 of SW 1/4 and W 1/2 of SE 1/4 of Sec. 29,

T. 4 N., R. 19 E.

Butler, Alvin L.

E 1/2 of SE 1/4 of Sec. 7, and SW 1/4 of SW 1/4

of Sec. 8, T. 5 S., R. 17 E., -- 120 acres.

Byrne, John and Patrick

S 1/2 of NE 1/4, NW 1/4 of SW 1/4, S 1/2 of NE

1/4 and N 1/2 of SE 1/4 of Sec. 15, T. 3 S.,

R. 13 E., containing 280 acres.

37-0108✓	Brown, Rodney R.	♂ 50 inches.	Sept. 1, 1884.	Guy Hollow.
37-0109	Superceded by Brown v. G. Reardon	10	June 1, 1885.	Rock Creek.
37-0110✓	Bryant, John P.	♂ 80 "	Feb. 23, 1906.	Big Wood River.
37-0111✓	Buller, R. F. and Rosa B.	♂ 3 "	Apr. 17, 1883.	" " "
37-0112✓	Do.	32 "	June 20, 1884.	" " "
37-0113✓	Do.	780 "	July 10, 1884.	" " "
37-0114✓	Do.	750 "	May 1, 1886.	" " "
37-0115✓	Do.	750 "	June 12, 1886.	" " "
37-0116✓	Do.	7 "	June 2, 1890.	" " "
37-0117✓	Do.	300 "	May 1, 1902.	" " "
37-0118✓	Do.	400 "	July 1, 1904.	Swamp on lands.
37-0119✓	Burkill, Frank A.	♂ 160 "	July 17, 1906.	Big Wood River.
37-0120✓	Butch, James W.	♂ 260 "	June 1, 1884.	East Fork of Big Wood River.
37-0121✓	Butler, Alvin L.	♂ 115 "	May 31, 1898.	Big Wood River.
37-0122✓	Byrne, John and Patrick	♂ 252 "	May 1, 1887.	" " "
37-0123✓	Byrne, Michael J. and Thos. J. Jr.	♂ 500 "	May 1, 1887.	" " "
37-0124✓	Byrne, Thomas, Sr.	♂ 40 "	May 1, 1887.	" " "
37-0125✓	Calhoun, J. E. and Charlotte	♂ 10 "	Apr. 1, 1884.	Silver Creek.
✓	Cameron, Ed.			Little Wood River Canal Company shares.
37-0126✓	Canzler, William	♂ 120 "	Aug. 2, 1897.	Big Wood River.
37-0127✓	Caroy, James	♂ 80 "	May 15, 1884.	Little Wood River. (Also shares in Little Wood River Canal Co.)
37-0128✓	Caroy, J. H.	♂ 100 "	June 1, 1882.	Corral Creek.
37-0129✓	Carpenter, Albert	♂ 160 "	Jan. 27, 1908.	Big Wood River.
37-0130✓	Carpenter, Forrest A.	♂ 160 "	Jan. 27, 1908.	" " "
37-0131✓	Carpenter, Henry	♂ 160 "	May 15, 1897.	" " "
37-0132✓	Carpenter, Herbert	♂ 160 "	May 15, 1888.	Soldier Creek.
37-0133✓	Carpenter, Salem	♂ 160 "	May 15, 1899.	Big Wood River.

Trans 27-which right
not known.
Trans 298

#446-779-240

Trans 75

(?)

SCAR
200

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 37-20624
Date Received: 1/14/2002
Receipt No:
Received By:

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

1. Name of Claimant(s)

HARRY S RINKER Phone: (714)979-8300
PO BOX 7250
NEWPORT BEACH CA USA 926587250

2. Date of Priority: 05/31/1883

3. Source: SEAMANS CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	19E	6	NW NW	BLAINE	

5. Description of diverting works:

Seamans Creek flows into Cove Canal to supplement irrigation water supply for the property. This situation has existed apparently since the time of construction of the Cove Canal.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	6.06	

7. Total Quantity Appropriated is:
6.06 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01N	18E	1	NE NE	IRRIGATION	36
			NW NE	IRRIGATION	3
			SE NE	IRRIGATION	20
			Section Acres		59
01N	19E	6	NW NW	IRRIGATION	37
			SW NW	IRRIGATION	39
			SE NW	IRRIGATION	6
			Section Acres		82
Total Acres					141

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:

Diversion rate of 6.06 cfs is taken from analysis of maximum historical on-farm requirements by Allen Merritt, July 30, 1997. Priority date claimed is approximate construction date of Cove Canal and first use of water from Cove Canal. Other rights listed were original from the Cove Canal, transferred to the District Canal in 1997.

15. Basis of Claim: Beneficial Use

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: 39576

Ident. Number 37-20624

Date Received 1-14-2002

Receipt Number 5024533

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

KKC
1-15-01
RECEIVED
AUG 30 2001
Department of Water Resources
Southern Region

Please type or print clearly

- Name of Claimant (s) Harry S. Rinker Phone (714) 979-8300
Mailing Address P.O. Box 7250, Newport Beach, CA Zip 92658-7250
- Date of Priority (Only one (1) per claim) 5/31/1883
- Source of water supply (a) Seamans Creek
which is tributary to (b) Sinks
- a. Location of existing point of diversion is: Township 01N Range 19E Section 6,
1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of Blaine
Additional points of diversion if any: _____
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 of
1/4, Govt. Lot B.M., County of
- 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. Seamans Creek flows into Cove Canal to supplement
irrigation water supply for the property. This situation has existed apparently
since the time of construction of the Cove Canal.

COPY
SCANNED
OCT 7 2010

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 4/15 to 10/15 amount 6.06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.06 (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: Give 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 together 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	
01N	18E	1	36	3		20													59
01N	19E	6						37	39	6									82

Total number of acres irrigated 141

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.

37-00113K, 37-00482D, 37-00705A Or None ☐

14. Remarks:

Diversion rate of 6.06 cfs is taken from analysis of maximum historical on-farm requirements by Allen Merritt, July 30, 1997. Priority date claimed is approximate construction date of Cove Canal and first use of water from Cove Canal. Other rights listed were original from the Cove Canal, transferred to the District Canal in 1997.

Last Name _____

Ident. No. _____

COPY
SCANNED
OCT 07 2014

15. Basis of Claim (check one) Beneficial Use ☒ 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) Chris E. Prueh power of attorney Date 8/29/01
_____ Date _____

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

Of _____, that I have signed the foregoing
Organization _____

Document in the space below as _____ of _____
Title _____ Organization _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho / or Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 29th day of August, 20 01

SEAL



Notary Public Tanya L. Eldredge

Residing at Twin Falls

My Commission Expires 12-18-06

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 _____

COPY

SCANNED
06/07/2010

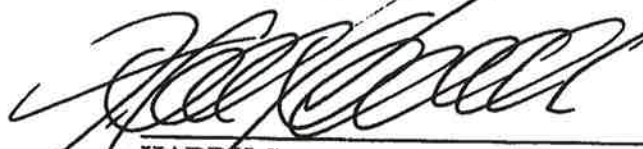
SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

THAT I, **HARRY S. RINKER**, do hereby make, constitute and appoint **CHARLES E. BROCKWAY** and **CHARLES G. BROCKWAY**, of 2016 N. Washington St., Suite 4, Twin Falls, ID 83301, jointly or severally, my true and lawful attorneys for me, in my name, place and stead, and on my behalf, with full power and authority to execute any and all documents on my behalf as fully and effectually to all intents and purposes as I could do in my own proper person, with full power of substitution, hereby ratifying and confirming all that my said attorney in fact shall lawfully do, or cause to be done, by virtue of the authority herein granted and necessary or useful to carry into effect any or all of the following acts, deeds and things:

1. To execute on my behalf notices of claim, motions, or other pleadings to be filed with the Idaho Department of Water Resources, including filings, in Case No. 39576 or any of its subcases, now pending in the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, commonly referred to as the Snake River Basin Adjudication. My attorney shall also have the power to execute on my behalf any Application for appropriation of a water right, transfer of a water right or other similar documents affecting any water right which I now have an ownership interest in, or may hereafter acquire, or which water right is owned, in whole or in part, by a trust, corporation, limited liability company or other business entity of which I am a trustee, officer, member or owner.
2. This instrument is to be construed and interpreted as a special power of attorney, limited to the enumeration of the specific terms, items, acts, rights or powers herein granted. This power of attorney shall remain in effect until it is revoked by me in writing.
3. This power of attorney shall not be affected by my disability.

IN WITNESS WHEREOF, I have hereunto set my hand at Costa Mesa, CALIF, this 6 day of October, 2009.


HARRY S. RINKER

all
SCANNED
JUN 15 2022

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange

On Oct 6, 2009

Date

before me,

Maria F Dimarucut

Here Insert Name and Title of the Officer

personally appeared

Harry S. Rinker

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Special Power of Attorney

Document Date:

10/6/09

Number of Pages: 1

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:

- ☐ Individual
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name:

- ☐ Individual
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20624

WATER RIGHT NUMBER: 37-20624

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300
Attorney	ROBERT E WILLIAMS FREDERICKSEN WILLIAMS MESERVY 153 E MAIN ST PO BOX 168 JEROME, ID 83338 (208)324-2303
Representative	CHARLES G BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301 (208)736 8543

Priority Date: 07/01/1884

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SEAMANS CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	6.060 CFS	
	<u>Total Diversion:</u>	6.060 CFS	

Location of Point(s) of Diversion

SEAMANS CREEK	NW1/4NW1/4	Sec. 6, Twp 01N, Rge 19E, B.M.
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	
01N	18E	1	36.0	3.0		20.0													59.0
01N	19E	6					37.0	39.0	6.0										82.0

Total Acres: 141

Conditions of Approval:

- CLAIM AMENDED TO CLAIM PRIORITY DATE TO 7-1-1884 (WAS 1883) FOR THIS BENEFICIAL USE CLAIM.
- Diversion rate of 6.06 cfs is taken from analysis of maximum historical on-farm requirements by Allen Merritt, July 30, 1997. Priority date claimed is approximate construction date of Cove Canal and first use of water from Cove Canal. Other rights listed were original from the Cove Canal, transferred to the District Canal in 1997.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5037
WATER RIGHT NO(S). 37-00113K/37-00482D/37-00705

This is to certify that:

THE BLECHMANN TRUST &
C/O FREDERICK H BLECHMANN
EMMY BLECHMANN
PO BOX 184
SUN VALLEY ID 83353

UWARDA D DAY
C/O GAROLD E JOHNSON
820 A ST SUITE 550
TACOMA WA 98402

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. 37-00113K : IRRIGATION Priority: 07/10/1884	04/15 to 10/15	* 4.00 CFS	493.5 AF
Right No. 37-00482D : IRRIGATION Priority: 08/01/1884	04/15 to 10/15	* 0.50 CFS	177.9 AF
Right No. 37-00705 : IRRIGATION Priority: 05/31/1883	04/15 to 10/15	* 2.20 CFS	493.5 AF
TOTAL:		** 6.38 CFS	** 493.5 AF

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

Dist 45 canal

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 36, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	18E	1	Lot 1(NENE) 36	Lot 2(NWNE) 3	SENE 20	59
	19E	6	Lot 4(NWNW) 37	Lot 5(SWNW) 39	SENW 6	82
Total number of acres irrigated:						** 141

MICROFILMED

JUN 02 1998

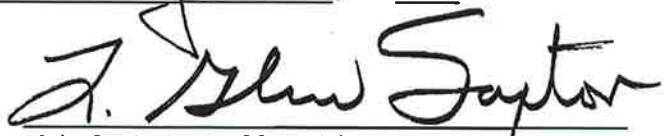
TRANSFER NO. 5037
WATER RIGHT NO(S). 37-00113K/37-00482D/37-00705

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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.
5. Approval of Transfer 5037 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River, and subject to the policies and procedures of Wood River Valley Irrigation District #45.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at both the diversion from the river and the rediversion from the canal that will provide suitable control of the diversions.
- * 8. A portion of each right has been identified as river loss resulting from the change in point of diversion authorized under this transfer: 0.08 cfs of Right 37-00113K, 0.01 cfs of Right 37-00482D and 0.03 cfs of Right 37-00705. In addition, 0.20 cfs of Right 37-00705 has been identified as river loss under a previous transfer.
- ** 9. Rights 37-00113K, 37-00482D and 37-00705 when combined shall not exceed a total diversion rate of 6.38 cfs, a total annual diversion volume of 493.5 af at the field headgate, and the irrigation of 141.0 acres.

Dated this 14th day of

May, 1998.


Chief, Water Allocation Bureau

MICROFILMED

JUN 02 1998

Harry S. Rinker
SF-1 Objection
Water Right No. 37-20624

IDWR states in the preliminary recommendation that no evidence of beneficial use or priority date was submitted by the claimant. This conclusion is wholly incorrect. By letter dated May 26, 2005 from Charles G. Brockway, P.E. to Douglas Jones, P.E., evidence of beneficial use and an argument in support of the claimed priority date was submitted to IDWR. The evidence included 1957 and 1964 aerial photos showing Seamans Creek water flowing into the Cove Canal, a map ca. 1920s or 1930s showing ditches from Seamans Creek serving the property, and evidence from the Frost Decree showing that the Cove Canal was constructed and presumably intercepting Seamans Creek as of 7/1/1884. The Department has made no showing whatever of contrary evidence in support of the recommended disallowal of 37-20624.

RECEIVED

NOV 16 2007

DEPARTMENT OF
WATER RESOURCES

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

)

A. Subcase 37-20624

(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: _____
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: _____
7. ☒ **Purpose(s) of Use**
Should be: As claimed
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.

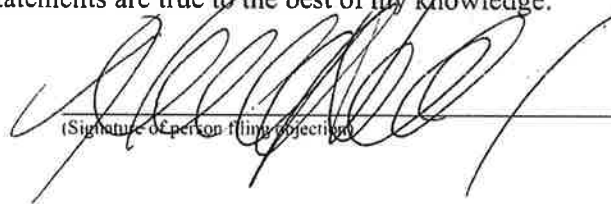
E. REASONS SUPPORTING OBJECTIONS(S): See attached narrative.

F. VERIFICATION (must be completed)

State of CALIF)
)ss.
County of ORANGE)

HARRY S RINKER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

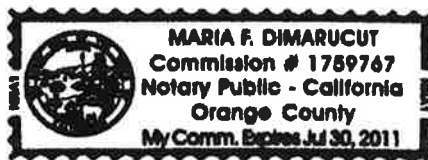
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

Nov 13, 2007
Costa Mesa CA
Notary Public for CALIF
Residing at: Orange County, CA
My Commission Expires: 7/30/2011



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 13, 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:

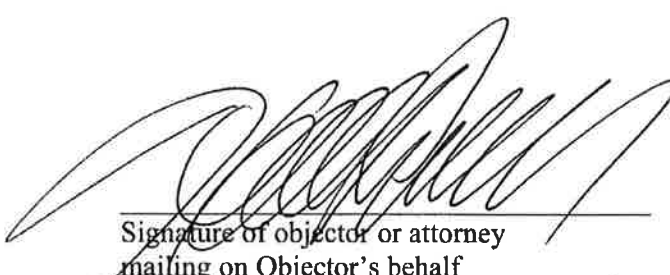
Name: Harry S. Rinker
Address: PO Box 7250
Newport Beach CA 92658

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

D. I am responding to the objection(s) to the following elements:

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
10. ☒ Other

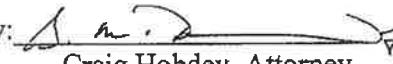
11. Recommendation:

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

Tom O'Gara
John F. Stevenson
Bill Molyneux
Pete Van Der Meulen
Grace Eakin
Gerald Bashaw
Pepin Corso-Harris

Big Wood Canal Company

By: 
Albert P. Barker, Attorney

By: 
Craig Hobdey, Attorney

04/26/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-20624

NAME AND ADDRESS: HARRY S RINKER
PO BOX 7250
NEWPORT BEACH CA 92658-7250

VERIFIED BY KKC
4-28-11

SOURCE: SEAMANS CREEK

TRIBUTARY: SINKS

QUANTITY: 6.060 CFS

This right when combined with all other rights shall provide no more than 3.5
afa per acre at the field headgate for irrigation of the lands above.

Rights 37-00113K, 37-00482D, 37-20624, and 37-00705 when combined
shall not exceed a total diversion rate of 6.38 cfs and a total annual
diversion volume of 493.5 af at the field headgate.

PRIORITY DATE: 5/15/1909

Priority date = 1 day after Daly vs Joslyn
decree

POINT OF
DIVERSION:

T01N R19E S6 NWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	6.060 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01N R18E S01 NENE 36.00	T01N R18E S01 NWNE	3.00
	T01N R18E S01 SENE 20.00	T01N R19E S06 NWNW	37.00
	T01N R19E S06 SWNW 39.00	T01N R19E S06 SENW	6.00

141 ACRES TOTAL

Rights 37-00113K, 37-00482D, 37-20624 and 37-00705 when combined
shall not exceed the irrigation of 141.0 acres.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of water under this water right will be regulated by the watermaster of
State Water District No. 37, Big Wood River, and subject to the policies and
procedures of Wood River Valley Irrigation District #45.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20624

WATER RIGHT NUMBER: 37-20624

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300
Attorney	ROBERT E WILLIAMS FREDERICKSEN WILLIAMS MESERVY 153 E MAIN ST PO BOX 168 JEROME, ID 83338 (208)324-2303
Representative	CHARLES G BROCKWAY

Priority Date: 07/01/1884

Basis: Beneficial Use

Status: Active

Source

SEAMANS CREEK

Tributary

SINKS

Beneficial Use

IRRIGATION

From To
04/15 to 10/15

Diversion Rate

6.060 CFS OK

Annual VolumeTotal Diversion:

6.060 CFS

Location of Point(s) of Diversion

SEAMANS CREEK

NW1/4NW1/4

Sec. 6, Twp 01N, Rge 19E, B.M.

BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01N	18E	1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			36.0	3.0		20.0													59.0
01N	19E	6							37.0	39.0	6.0								82.0

Total Acres: 141

Conditions of Approval:

1. CLAIM AMENDED TO CLAIM PRIORITY DATE TO 7-1-1884 (WAS 1883) FOR THIS BENEFICIAL USE CLAIM.
2. Diversion rate of 6.06 cfs is taken from analysis of maximum historical on-farm requirements by Allen Merritt, July 30, 1997. Priority date claimed is approximate construction date of Cove Canal and first use of water from Cove Canal. Other rights listed were original from the Cove Canal, transferred to the District Canal in 1997.

Remarks:

1200

7-22 1880

To sign }
✓ Daly }5-14-09
12-13-09 Feost decree

04/18/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-20624 RINKER
NAME AND ADDRESS: HARRY S RINKER
PO BOX 7250
NEWPORT BEACH CA 92658-7250

*Drafted for
ADR due 4-28-11*

SOURCE: SEAMANS CREEK TRIBUTARY: SINKS
QUANTITY: 6.060 CFS

This right when combined with all other rights shall provide no more than 3.5
afa per acre at the field headgate for irrigation of the lands above.

Rights 37-00113K, 37-00482D, 37-20624, and 37-00705 when combined
shall not exceed a total diversion rate of 6.38 cfs and a total annual
diversion volume of 493.5 af at the field headgate.

PRIORITY DATE: 07/02/1966

POINT OF
DIVERSION:

T01N R19E S6 NWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	6.060 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01N R18E S01 NENE 36.00	T01N R18E S01 NWNE	3.00
	T01N R18E S01 SENE 20.00	T01N R19E S06 NWNW	37.00
	T01N R19E S06 SWNW 39.00	T01N R19E S06 SENW	6.00

141 ACRES TOTAL

Rights 37-00113K, 37-00482D, 37-20624 and 37-00705 when combined
shall not exceed the irrigation of 141.0 acres.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of water under this water right will be regulated by the watermaster of
State Water District No. 37, Big Wood River, and subject to the policies and
procedures of Wood River Valley Irrigation District #45.

02/20/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-705
NAME AND ADDRESS: HARRY S RINKER
PO BOX 7250
NEWPORT BEACH CA 92658-7250

*O.L. Right
1 of 3
Already decreed*

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 2.200 CFS
493.50 AFY

This right when combined with all other rights shall provide no more than 3.5
afa per acre at the field headgate for irrigation of the lands above.

To mitigate for the depletion of water resulting from the diversion and use of
water under this right and to prevent injury to other water right holders, the
right holder shall cease diverting and using .03 cfs of this right, which shall
remain undiverted in the Big Wood River.

Rights 37-00113K, 37-00482D and 37-00705 when combined shall not
exceed a total diversion rate of 6.38 cfs and a total annual diversion volume
of 493.5 af at the field headgate.

PRIORITY DATE: 05/31/1883
POINT OF
DIVERSION: T02N R18E S36 SWNW Lot 3 Within BLAINE County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	04/15 10/31	0.030 CFS
IRRIGATION	04/15 10/31	2.170 CFS 493.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S01 Lot 1 NENE	36.00	T01N R18E S01 Lot 2 NWNE	3.00
T01N R18E S01 SENE	20.00	T01N R19E S06 Lot 4 NWNW	37.00
T01N R19E S06 Lot 5 SWNW	39.00	T01N R19E S06 SENW	6.00

MITIGATION same as IRRIGATION

141 ACRES TOTAL

Rights 37-00113K, 37-00482D and 37-00705 when combined shall not
exceed the irrigation of 141.0 acres.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

02/20/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-482D
NAME AND ADDRESS: HARRY S RINKER
PO BOX 7250
NEWPORT BEACH CA 92658-7250
SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.500 CFS
177.90 AFY

*O.L. Right
2 of 3
Already decreed*

To mitigate for the depletion of water resulting from the diversion and use of water under this right and to prevent injury to other water right holders, the right holder shall cease diverting and using .01 cfs of this right, which shall remain undiverted in the Big Wood River.

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 37-00113K, 37-00482D and 37-00705 when combined shall not exceed a total diversion rate of 6.38 cfs and a total annual diversion volume of 493.5 af at the field headgate.

PRIORITY DATE: 08/01/1884
POINT OF
DIVERSION: T02N R18E S36 SWNW Lot 3 Within BLAINE County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.490 CFS 177.90 AFY
MITIGATION	04/15 10/31	0.010 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S01	NENE	36.00	T01N R18E S01	NWNE	3.00
T01N R18E S01	SENE	20.00	T01N R19E S06	NWNW	37.00
T01N R19E S06	SWNW	39.00	T01N R19E S06	SENW	6.00

MITIGATION same as IRRIGATION

141 ACRES TOTAL

Rights 37-00113K, 37-00482D and 37-00705 when combined shall not exceed the irrigation of 141.0 acres.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

02/20/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-113K
NAME AND ADDRESS: HARRY S RINKER
PO BOX 7250
NEWPORT BEACH CA 92658-7250

OL Right
3 of 3

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 4.000 CFS

To mitigate for the depletion of water resulting from the diversion and use of water under this right and to prevent injury to other water right holders, the right holder shall cease diverting and using .08 cfs of this right, which shall remain undiverted in the Big Wood River.

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 37-00113K, 37-00482D and 37-00705 when combined shall not exceed a total diversion rate of 6.38 cfs and a total annual diversion volume of 493.5 af at the field headgate.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at both the diversion from the river and the redirection from the canal that will provide suitable control of the diversions.

PRIORITY DATE: 07/10/1884
POINT OF
DIVERSION: T02N R18E S36 SWNW Within BLAINE County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	04/15 10/31	0.080 CFS
IRRIGATION	04/15 10/31	3.920 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R18E S01	NENE	36.00	T01N R18E S01	NWNE	3.00
T01N R18E S01	SENE	20.00	T01N R19E S06	NWNW	37.00
T01N R19E S06	SWNW	39.00	T01N R19E S06	SENW	6.00

MITIGATION same as IRRIGATION

141 ACRES TOTAL

Rights 37-00113K, 37-00482D and 37-00705 when combined shall not exceed the irrigation of 141.0 acres.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 37-20464 IN THE)
NAME OF HARRY S. RINKER)
_____)

INTERLOCUTORY ORDER

Permit
37-20464
not claim
37-20624

This matter having come before the Idaho Department of Water Resources ("Department") in the form of an application for permit, the Department enters the following Findings of Fact, Conclusions of Law and Preliminary Order:

FINDINGS OF FACT

1. On August 15, 2002, the Department issued a PRELIMINARY ORDER DENYING APPLICATION ("preliminary order") in connection with the above captioned matter filed in the name of Harry S. Rinker ("applicant").
2. On August 28, 2002, the applicant filed a PETITION FOR RECONSIDERATION and on August 29, 2002, the Department issued an ORDER GRANTING PETITION FOR RECONSIDERATION.
3. On November 4, 2002, the applicant submitted information to show that he plans to construct a diversion from the channel of Seamans Creek, thus resolving the Department's concern that the applicant was proposing to develop a water right without a diversion from the channel of Seaman's Creek.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in pertinent part as follows:
In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor... .

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 37-20464 IN THE)
NAME OF HARRY S. RINKER)

**ORDER GRANTING PETITION
FOR RECONSIDERATION**

On August 15, 2002, the Department of Water Resources ("Department") issued a Preliminary Order denying the above captioned application for permit filed in the name of Harry S. Rinker ("applicant").

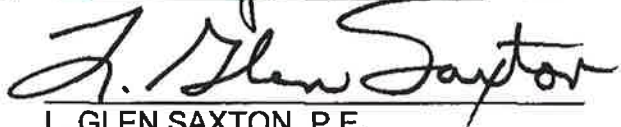
On August 28, 2002, the applicant filed a Petition for Reconsideration ("petition") with the Department asking for additional time in which to articulate the issues for reconsideration and to file a brief in support of its petition.

ORDER

The Department has reviewed the petition and HEREBY ORDERS that the petition is **GRANTED** under the following terms:

1. Granting of the petition does not represent Department agreement with any provision of the petition or subsequently filed brief.
2. The applicant shall provide the additional information to the Department on or before September 16, 2002.
3. The Department retains jurisdiction of the matter in order to review and consider any additional information or brief submitted by the applicant.

Dated this 29th day of August, 2002.



L. GLEN SAXTON, P.E.
Hearing Officer

MICROFILMED

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, January 04, 2011 3:56 PM
To: Charles G. Brockway; Craig Hobdey; Albert Barker; Spencer, Nick; Kelly, Vicki; Robert E. Williams
Subject: 37-20624 Rinker system analysis tentative recommendation
Follow Up Flag: Follow up
Flag Status: Flagged

Attached is an analysis document I drafted regarding this right. Basically I am looking at recognizing this claim for 6.06 cfs on 141 acres with a 7-2-1966 priority date. Additional combined right conditions are also discussed within the analysis. The reality of this right is that actual water availability is dependent upon upstream users that have earlier priority dates and under normal circumstances little or no water would be available during the normal irrigation season of use.



37-20624 Rinker
recommendation...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

REVIEW OF 37-20624

*info e-mailed
to B Rockway
1-4-11*

The claim is for 6.06 cfs for the irrigation of 141 acres or 0.05 cfs/ac. The claimed priority

INFORMATION SEARCH FOR SEAMANS CREEK

Basin	Sequence	Suffix	Version Number	Process	Basis	Priority Date	Diversion Rate	Water Use List
37	20464			Water Permit	.	8/5/2001	3.00	AESTHETIC, RECREATION
37	8739			Water Permit	.	3/4/1991		IRRIGATION FROM STORAGE, IRRIGATION STORAGE
37	7864			Water Right	License	11/5/1980	0.02	STOCKWATER
37	14278		1	Recommendation	Beneficial Use	7/1/1966	3.00	DIVERSION TO STORAGE, RECREATION STORAGE, WILDLIFE STORAGE
37	15367			Water Right	Decreed	6/28/1934	0.02	STOCKWATER
37	15368			Water Right	Decreed	6/28/1934	0.02	STOCKWATER
37	1198		2	Recommendation	Decreed	5/14/1909	0.93	IRRIGATION
37	1201	A	2	Recommendation	Decreed	5/14/1909	0.10	IRRIGATION
37	11850		1	Recommendation	Decreed	5/14/1909	0.06	IRRIGATION, STOCKWATER
37	22582		1	Recommendation	Decreed	5/14/1909	3.40	IRRIGATION
37	1201	B		Claim	Decreed	5/14/1909		AESTHETIC STORAGE, AESTHETIC, WILDLIFE STORAGE, WILDLIFE
37	12375			Water Right	Decreed	12/31/1891	0.02	STOCKWATER
37	21995		1	Recommendation	Beneficial Use	4/1/1887	0.02	STOCKWATER
37	20624			Claim	Beneficial Use	7/1/1884	6.06	IRRIGATION

date is 7-1-1884.

Recommended priority is one day after the priority date for 37-14278 or 7-2-1966. 37-20464 is a Rinker aesthetic right that is permitted for the Cove Canal reach downstream from the junction of Seamans Creek and the Cove Canal.

37-8739 is a onetime fill storage right. 37-7862 is a stockwater right that has been recommended for disallowal and is currently not contested in the SRBA. All other rights have an earlier in time priority date than the date currently being recognized for this claim.

This claim overlaps the following rights for the same POU;

The following 3 rights recommendations are based upon T-5037.

37-113K	3.92 cfs	141 acres	Unobjected to right
37-482D	0.49 cfs	141 acres	SRBA decreed right
37-705	<u>2.17 cfs</u>	<u>141 acres</u>	SRBA decreed right
total	6.58 cfs	141 acres	(the 6.58 cfs includes 0.20 cfs river loss from T-1086)

Combined right condition limits – 6.38 cfs and 493.5 af at field headgate on a PPU of 141 acres. This equates to 6.38 cfs/141 ac ≈ 0.045 cfs/ac.

In reviewing the backfile for permit 37-20464 Brockway affidavit Backfile pg 41-42 there is a discussion that the stream channel was measured, however the affidavit does not state the measured rate. As both 37-20464 and this claim 37-20624 are junior in priority date to the other rights on Seamans Creek availability of water is dependent on their use.

The claimed rate for 37-20624 of 6.06 cfs is less than the rate recognized through the three rights listed in T-5037 (6.38 cfs). I am recognizing this claim at the claimed rate but limited to the same 6.38 cfs when combined with 37-113K, 37-482D, and 37-705. Likewise the acreage limitation for the four rights when combined is 141 acres.

37-20624 Rinker

20464

12386

Seamans Cr Rights by Priority (limited list)

WR
Backfile

37- Pg 11 → 13 order

56-57

Allen's memo

Pg 58 → 60
Pg 2 end of
Paragraph 3.

intent to create a subsection 19 111

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-113K V1

WATER RIGHT NUMBER: 37-113K V1

<u>Owner Type</u>	<u>Name and Address</u>
Representative	CHARLES E BROCKWAY C/O BROCKWAY ENGINEERING 2016 N WASHINGTON ST #4 TWIN FALLS, ID 83301
Original Owner	WESTERN OUTFITTERS INC C/O EARL D MANN 550 AMERICAN SAVINGS CENTER 820 A ST TACOMA, WA 98402 (206)572-4161
Original Owner	FREDERICK H BLECHMANN PO BOX 184 SUN VALLEY, ID 83353 (208)726-3498
Current Owner	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300

Priority Date: 07/10/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MITIGATION	04/15	to 10/31	0.080 CFS	
IRRIGATION	04/15	to 10/31	3.920 CFS	
	<u>Total Diversion:</u>		4.000 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4	Sec. 36, Twp 02N, Rge 18E, B.M.
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	
01N	18E	1	36.0	3.0		20.0													59.0
01N	19E	6					37.0	39.0	6.0										82.0

Total Acres: 141

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-113K

WATER RIGHT NUMBER: 37-113K

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE BLECHMANN TRUST C/O FREDERICK H BLECHMANN PO BOX 184 SUN VALLEY, ID 83353 (208)726-3498
Original Owner	R F BULLER , ID
Current Owner	UWARDA D DAY C/O GAROLD E JOHNSON 820 A ST STE 550 TACOMA, WA 98402
Original Owner	ROSA B BULLER , ID
Current Owner	EMMY BLECHMANN PO BOX 184 SUN VALLEY, ID 83353 (208)726-3498

*unobjected to
Right*

Priority Date: 07/10/1884

Basis: Decreed

Status: Active

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To
4/15 to 10/15Diversion Rate
4.000 CFSAnnual Volume
493.50 AFTotal Diversion:

4.000 CFS

493.50 AF

Location of Point(s) of DiversionBIG WOOD RIVER
BLAINE County

SW1/4NW1/4

Sec. 36, Twp 02N, Rge 18E, B.M.

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	
01N	18E	1	36.0 L 1	3.0 L 2		20.0													59.0
01N	19E	6						37.0 L 4	39.0 L 5	6.0									82.0

Total Acres: 141

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-113K

Conditions of Approval:

1. T09 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.
2. Approval of Transfer 5037 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River, and subject to the policies and procedures of Wood River Valley Irrigation District #45. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at both the diversion from the river and the rediversion from the canal that will provide suitable control of the diversions.
A portion of each right has been identified as river loss resulting from the change in point of diversion authorized under this transfer: 0.01 cfs of Right 37-00482D, 0.08 cfs of Right 37-00113K and 0.03 cfs of Right 37-00705. In addition, 0.20 cfs of Right 37-00705 has been identified as river loss under a previous transfer.
Rights 37-00113K, 37-00482D and 37-00705 when combined shall not exceed a total diversion rate of 6.38 cfs, a total annual diversion volume of 493.5 af at the field headgate, and the irrigation of 141.0 acres.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks:

Comments:

1. PSKAGGS 5/12/1998 TRANSFER 5037
Comment: Transfer 5037 changes the point of diversion from the Cove Canal to the District #45 Canal and changes the place of use to reflect current use under all of Rights 37-00113B & C (combined in Part K) & 37-00705, and a portion of Right 37-00482A (splitting the right into Parts C & D.)
2. manders 2/7/2007 POD
Comment: Correlated PODID 64476 from SpatialDataID 365161 to SpatialDataID 217554
3. manders 2/7/2007 POD
Comment: Correlated PODID 64476 from SpatialDataID 365161 to SpatialDataID 217554
4. manders 2/7/2007 POD
Comment: Correlated PODID 64476 from SpatialDataID 365161 to SpatialDataID 217554

Water Supply Bank:

Bas	Seque	Suff	Vers	Process	Basis	Priority	Date	Diversio	Water Use List	Current Owner
37	20464			Water Permit		8/5/2001		3.00	AESTHETIC, RECREATION	RINKER, HARRY S
37	8739			Water Permit		3/4/1991			IRRIGATION FROM STORAGE, IRR	SHOEMAKER, ALVIN V
37	7864			Water Right	License	11/5/1980		0.02	STOCKWATER	DAUBY, JERRY W
37	14278		1	Recommendation	Beneficial Use	7/1/1966		3.00	DIVERSION TO STORAGE, RECRE	SHOEMAKER PROPERTIES; SHOEMAKER, ALVIN
37	15367			Water Right	Decreed	6/28/1934		0.02	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH
37	15368			Water Right	Decreed	6/28/1934		0.02	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH
37	1198		2	Recommendation	Decreed	5/14/1909		0.93	IRRIGATION	SHOEMAKER, ALVIN V; SHOEMAKER, SALLY P
37	1201 A		2	Recommendation	Decreed	5/14/1909		0.10	IRRIGATION	BEAUDET, DEAN; BEAUDET, JULIE
37	11850		1	Recommendation	Decreed	5/14/1909		0.06	IRRIGATION, STOCKWATER	SEVERE-MC IVER, CARLITA F
37	22582		1	Recommendation	Decreed	5/14/1909		3.40	IRRIGATION	SHOEMAKER, ALVIN V; SHOEMAKER, SALLY P
37	1201 B			Claim	Decreed	5/14/1909			AESTHETIC STORAGE, AESTHETI	GLORIA CAMILLE MCCRAY 1965 TRUST
37	12375			Water Right	Decreed	12/31/1891		0.02	STOCKWATER	SHOEMAKER, ALVIN V; SHOEMAKER, SALLY P
37	21995		1	Recommendation	Beneficial Use	4/1/1887		0.02	STOCKWATER	ALMA, H WILLEM
37	20624			Claim	Beneficial Use	7/1/1884		6.06	IRRIGATION	RINKER, HARRY S

File - 37-20624 Rinker Seamons Cr right listing

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 37-8739

WATER RIGHT NUMBER: 37-8739

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALVIN V SHOEMAKER DBA SHOEMAKER PROPERTIES C/O BOB MARCROFT PO BOX 1092 HAILEY, ID 83333 (788)788-2921

Priority Date: 03/04/1991

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
SEAMANS CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION FROM STORAGE	4/15 to 10/15		12.00 AF
IRRIGATION STORAGE	1/01 to 12/31		12.00 AF
<u>Total Diversion:</u>			12.00 AF

Location of Point(s) of Diversion

SEAMANS CREEK	NE1/4NE1/4NW1/4	Sec. 33, Twp 02N, Rge 19E, B.M.
SEAMANS CREEK	SE1/4NW1/4NE1/4	Sec. 32, Twp 02N, Rge 19E, B.M.

Place of Use

IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	19E	32	1.0	2.5	8.8	1.5													13.8

Total Acres: 13.8

Conditions of Approval:

1. 052 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
2. 051 Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
3. 053 The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
4. 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. 18A The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
6. This permit does not authorize the development and irrigation of new land not previously irrigated. The point of rediversion is from a recreational pond back into Seamans Creek.
7. 18B The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
8. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

1. MILLER 9/22/1992 BIG WOOD GWMA EXEMPTION
Comment: This permit is within the acceptable parameters of the Big Wood GWMA.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

*Allocations Permit
37-20464 Back File
Pg 11*

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 37-20464 IN THE)
NAME OF HARRY S. RINKER)
_____)

**PRELIMINARY ORDER
DENYING APPLICATION**

This matter having come before the Idaho Department of Water Resources ("Department") in the form of an application for permit, the Department enters the following Findings of Fact, Conclusions of Law and Preliminary Order:

FINDINGS OF FACT

1. On July 11, 2001, Harry S. Rinker ("applicant") filed Application for Permit No. 37-20464 ("application") with the Department proposing to appropriate 3.0 cubic feet per second ("cfs") of water from Seamans Creek tributary to Sinks to be used year-round for recreation and aesthetic purposes in Blaine County, Idaho. The proposed point of diversion is located in Lot 4 (NW1/4NW1/4) Section 6, T1N, R19 E, B.M. and the proposed place of use is located within parts of the NE1/4 Section 1, T1N, R18E, B.M. and the NW1/4 Section 6, T1N, R19E, B.M. The application requested that all the water in Seamans Creek be diverted into aesthetic channels to be used non-consumptively for development of water amenities in a future subdivision of the applicant's land. The application did not provide details of the proposed non-consumptive uses or a mitigation plan to address any consumption of water that might occur.

2. On August 30, 2001, the applicant submitted an amended application, similar to the first application, but showing that the place of use for the recreation and aesthetic uses as being within the Cove Canal throughout the length of the canal in Lots 4 and 5 and the SE1/4NW1/4 Section 6, T1N, R19E, B.M on the applicant's property.

3. The Cove Canal ("canal") diverts water from the Big Wood River at a point located about 4 miles northwest of Bellevue, Idaho, and flows southeasterly through Bellevue to a location about 4.5 miles from the point of diversion on the Big Wood River to a location where the canal intercepts the natural channel of Seamans Creek. The lower approximate mile of the Seamans Creek channel has been obliterated preventing water from reaching the channel of the Big Wood River. Historically, water from Seamans Creek flowed into the canal at the north edge of the applicant's property augmenting the amount of Big Wood River water used for irrigation in the canal. The lower portion of the canal south of Bellevue, however, is no longer used to distribute irrigation water from the Big Wood River, since the Big Wood River water rights have been transferred to the District 45 Canal. Water from Seamans Creek now flows into the lower remnant of the Cove Canal and sinks.

MICROFILMED

4. Seamans Creek currently is administered as a separate stream apart from the water rights on the Big Wood River even though the Frost Decree did not specifically identify Seamans Creek as a "dry stream."

Separate
Stream

5. The lower remnant of the Cove Canal has become the de facto stream channel of Seamans Creek. See IDAPA 37.03.07010.12 (Stream Channel Alteration Rule 10.1).

6. In a court case titled The City of Bellevue vs. Simpson Goble et al dated November 9, 1885, the Second Judicial District of the Territory of Idaho decreed water right 37-1208 to the city of Bellevue for the use of 6.0 cfs of the water of Seamans Creek.

ANALYSIS

The lower approximate mile of the natural channel of Seamans Creek has been obliterated and is not capable of carrying water flows in Seamans Creek to the Big Wood River. Water in Seamans Creek naturally discharges into the Cove Canal that is no longer used to deliver Big Wood River water for irrigation south of Bellevue. Water discharged to the Cove Canal from Seamans Creek remains in the canal until it sinks. Hence from the point that Seamans Creek water enters the Cove Canal, the canal has become the de facto channel of Seamans Creek.

The applicant essentially proposes an instream flow right for recreation and aesthetic purposes without a point of diversion, since Seaman Creek naturally discharges into Cove Canal and has done so for many years. This discharge that happens without any activity to divert the water from Seamans Creek should not be considered a point of diversion under the application.

The application should not be approved, since the applicant is not authorized to establish a water right without a point of diversion.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides in pertinent part as follows:

In all applications whether protested or not protested where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit

therefor...

2. Idaho water law generally requires an actual diversion and beneficial use of water for the existence of a valid water right. See, e.g., Hidden Springs Trout Ranch, Inc. v. Hagerman Water Users, Inc., 101 Idaho 677, 679, 619 P.2d 1130, 1132 (1980); Olson v. Bedke, 97 Idaho at 829-30, 555 P.2d at 160-61; Maher v. Gentry, 67 Idaho 559, 566, 186 P.2d 870, 875 (1947); Nielson v. Parker, 19 Idaho at 731, 115 P. at 489.

3. Only two exceptions to the diversion requirement exist under Idaho water law. No diversion from a natural watercourse or diversion device is needed to establish a valid appropriative water right for stock watering. In addition, state entities acting pursuant to statute may make non-diversionary appropriations for the beneficial use of Idaho citizens. State, Department of Parks v. Idaho Department of Water Administration, 96 Idaho 440, 444, 530 P.2d 924, 928 (1974); Sections 42-1501 to 42-1505, Idaho Code.

4. The Cove Canal has become the de facto channel of Seamans Creek from the point Seamans Creek naturally discharges to the canal. (See IDAPA 37.03.07010.12).

5. There are a number of pending Notices of Claim to a Water Right that have been submitted for the waters of Seamans Creek. The claims have not yet been evaluated and/or partially decreed in the SRBA and the applicant has not shown that water is available for appropriation.

6. Since the applicant does not propose a point of diversion and the applicant has not shown there is water available for appropriation, the Department should deny the application.

ORDER

IT IS THEREFORE HEREBY ORDERED that Application for Permit No. 37-20464 in the name of Harry S. Rinker is **DENIED**.

Dated this 15th day of August, 2002.



L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-113K V1

MITIGATION same as IRRIGATION

Conditions of Approval:

- TRMK 9 * 1. To mitigate for the depletion of water resulting from the diversion and use of water under this right and to prevent injury to other water right holders, the right holder shall cease diverting and using .08 cfs of this right, which shall remain undiverted in the Big Wood River.
- RMK 1 * 2. Rights 37-00113K, 37-00482D and 37-00705 when combined shall not exceed the irrigation of 141.0 acres.
- T. RMK 9 * 3. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- RMK 5 4. Rights 37-00113K, 37-00482D and 37-00705 when combined shall not exceed a total diversion rate of 6.38 cfs and a total annual diversion volume of 493.5 af at the field headgate. $(6.38 \text{ cfs} / 141 \text{ ac} = .045 \text{ cfs/ac})$
5. Approval of Transfer 5037 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. A portion of each right has been identified as river loss resulting from the change in point of diversion authorized under this transfer: 0.01 cfs of Right 37-00482D, 0.08 cfs of Right 37-00113K and 0.03 cfs of Right 37-00705. In addition, 0.20 cfs of Right 37-00705 has been identified as river loss under a previous transfer.
7. This right is a combination of right nos. 37-113K, 37-113L and 37-113M.
8. C18 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.
9. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. T08 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. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River, and subject to the policies and procedures of Wood River Valley Irrigation District #45.
- * 12. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at both the diversion from the river and the rediversion from the canal that will provide suitable control of the diversions.

Remarks:

Comments:

1. skeen 10/27/2006 Annual Diversion Volume

Comment: Transfer 5037 lists an annual diversion volume for this right, but in conditions it states that the volume is really an annual field headgate volume. Because there is likely some conveyance loss in the District 45 Canal, I am removing the volume figure from the annual volume field, but I am leaving it in conditions as an annual field headgate limit.

2. awarntje 1/6/2007 Contact

Comment: This is a portion of WR 37-0113A and C.

| DWR note: during review of WR 37-00113 the data entry error of CFS was found and corrected. (SCC 10-15-90)
11/2/99, Changed ownership: Blechman to Rinker as per form 1409 and deed recd 11/5/98. C.T.

3. skeen 1/6/2007 Amended Claim

Comment: The claim was amended to add 11 acres to the place of use to match the claimed place of use for 37-20624.
kkc

Christensen, Kelly

From: Christensen, Kelly
Sent: Thursday, October 07, 2010 11:23 AM
To: Spencer, Nick
Cc: Kelly, Vicki
Subject: RE: 37-20624 Rinker hearing Oct 6 2010

The decree in its entirety can be found on the 'old decrees' backfile identified as 37-AG. The following clip is from Pg 11 of the backfile.

It is ordered, adjudged and decreed, that the plaintiff, Josly the defendant, Daly, and the intervenor, Campbell, are each entitle one-third of the waters of Seamans Creek in Muldoon Gulch, Blaine C Idaho, less the prior right of the City of Bellevue to one hundred inches thereof, under a four inch pressure, by each party during the third of the time which he is authorized to use it at any place on Seamans Creek so that each party can apply it on any part of his land.

MAY 28 1996

— VII. —

Each party, hereto, is to have the right to use the whole of the water to which they are entitled in rotation for an equal period of instead of one-third thereof, for all the time (save and except the springs aforementioned rising on the Kimbrough Ranch on the Northern of the Seamans Creek, the waters of which plaintiff is entitled to use of continuously), said period of time to be one week for each during the irrigating season.

MAY 28 1996

I suppose that that is a legal issue. As I was reading it, it appeared that all of the water of Seamans Creek was recognized between the three parties after the City water was removed from the system. At that time the decree rotated Seaman's Creek water on a weekly basis. I took it as all of Seamons Creek which would not leave any for others to utilize.

37-20624 RINKER OBJECTION REVIEW

The basis for this claim is beneficial use and they are asserting that it should have a priority date based upon an estimate of when the Cove canal was built and that 37-113 was decreed to the Rinker property and has an 1884 priority date.

I do not feel that because Seamans Creek water is not included in the Frost decree that that is sufficient to establish the use since 1884.

The following clip was from Chris Bromley's brief summary of the decrees in Basin 37.

Joslyn v. Daly (Blaine County, May 14, 1909)

- Seamans Creek, tributary of the Big Wood River
- Water right numbers 37-1198 and 37-1200-1202
- Describes Amount, Purpose, Source, and POU
- Use water in rotation of equal time

"Each party, hereto, is to have the right to use the whole of the water to which they are entitled in rotation for an equal period of time, instead of one third thereof, for all the time (save and except the springs aforementioned rising on the Kimbrough Ranch on the Northerly side of the Seamans Creek, the waters of which plaintiff is entitled to the use of continuously), said period of time to be one week for each during the irrigating season."

As the court recognized "the whole of the water" as being split between the parties after the City of Bellevue receives their water it is unlikely that this claim could be valid as asserted.

The department's position is still that this claim should be disallowed.

If the decree does not recognize all the users at the time of the decree then the issue of priority date, system capacity, etc, comes forward. I am just starting with this issue.
The decree date is 5-14-1909. The Frost decree date is 12-31-1909. If the Frost decree includes the POU and Big Wood water but does not recognize Seamans Creek water does that have any weight?

We probably just need to visit someday down the road. This one is not on any imminent crisis list that I know of, it was on my desktop from yesterday and I wanted to put some notes in the file.

From: Spencer, Nick
Sent: Thursday, October 07, 2010 9:57 AM
To: Christensen, Kelly
Cc: Kelly, Vicki
Subject: RE: 37-20624 Rinker hearing Oct 6 2010

Hi Kelly. I guess the concern I have about your analysis is that the way I read it is that you indicate there is at least one right out of the creek that apparently was not decreed in the *Joslyn v. Daly* decree (the City of Bellevue right). If there is already one right to the source that is outside the decree, then why could there not be other rights from the source that are outside the decree? You quote the operative phrase from the decree, but you don't quote it in its entirety. The phrase is "...the whole of the water *to which they are entitled...* ." To me this leaves room for there to be other rights out of the creek for water to which the *Joslyn v. Daly* parties would not be entitled. What am I missing here? NBS

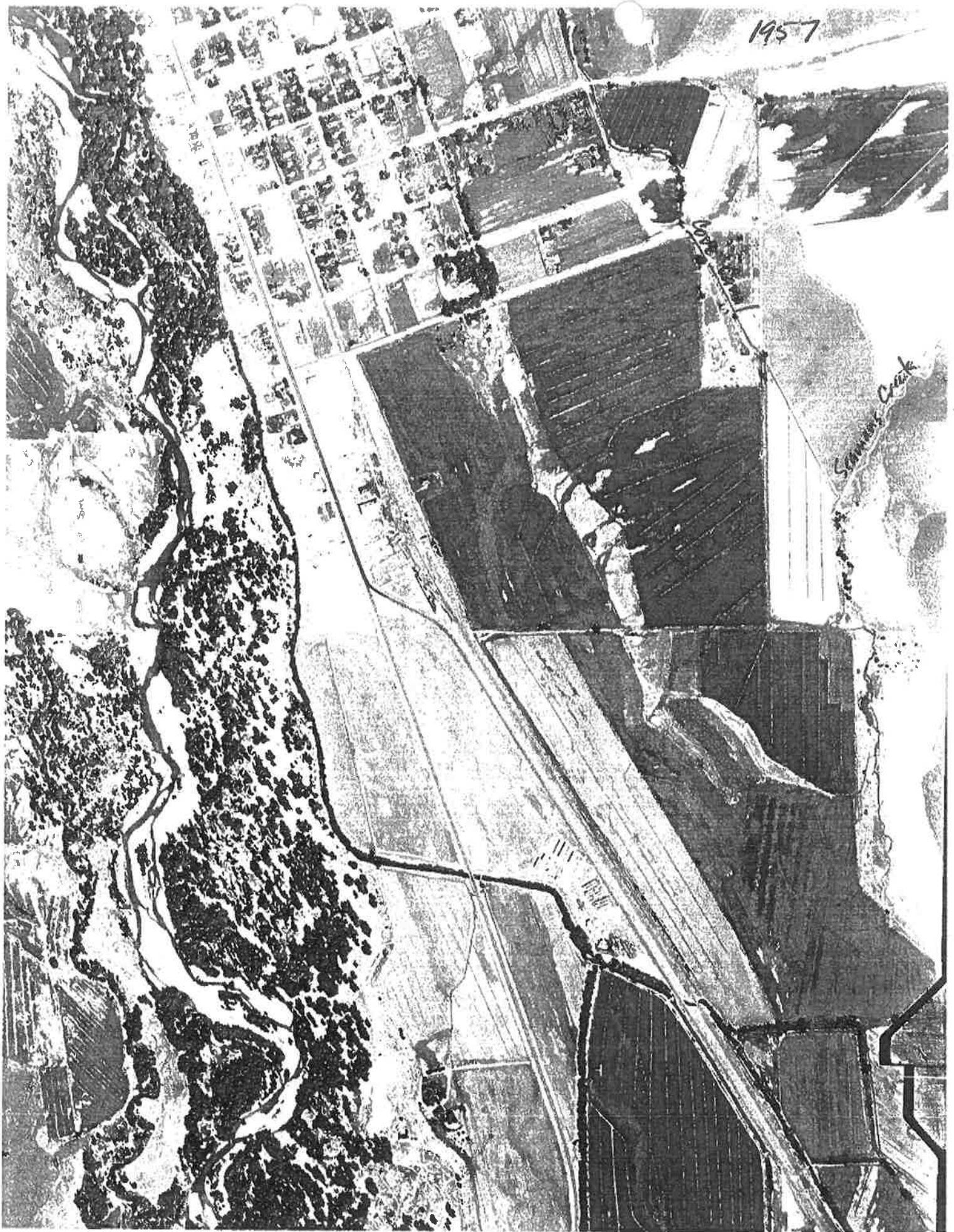
From: Christensen, Kelly
Sent: Thursday, October 07, 2010 9:36 AM
To: Courtney, Andrea; Spencer, Nick; Kelly, Vicki
Subject: 37-20624 Rinker hearing Oct 6 2010

This one was not discussed at the settlement conference.

Attached is my assessment of the right. Would the attachment be sufficient to send to Williams, Barker, Hobdey or should it be massaged a bit?

<< File: 37-20624 RINKER OBJECTION REVIEW.docx >>

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190



01/06/2007

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

RIGHT NUMBER: 37-20624

NAME AND ADDRESS: HARRY S RINKER
PO BOX 7250
NEWPORT BEACH CA 92658-7250

DISALLOWED: No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

SCANNED
OCT 07 2010



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 DEPT INTERNET WEB SITE: www/idwr.state.id.us

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 16, 2002

CHARLES E BROCKWAY
2016 WASHINGTON N
TWIN FALLS, ID 83301

RE: NEW CLAIM 37-20624 AND AMENDMENTS TO 37-113K, 37-705K, AND 37-482D

Dear Chuck

Enclosed are the computer generated claims based upon my data entry of the claim and amendments you submitted for Harry Rinker. Please review the claims to confirm that no data entry errors were made. Also enclosed is the receipt for the filing fee for 37-20624.

If you have any questions please give me a call.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kchrste@idwr.state.id.us
enclosures

SCANNED
OCT 07 2006

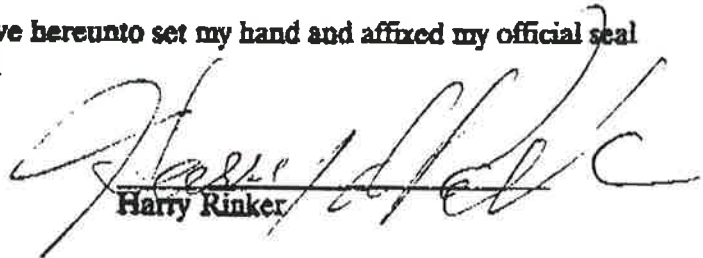
LIMITED POWER OF ATTORNEY

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.

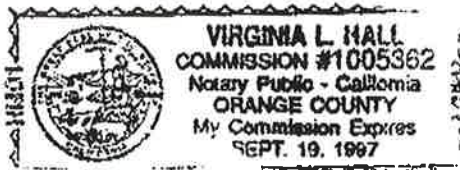
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 1st day of Sept., 1995.


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.



08318501.gds


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

SCANNED

OCT 07 2016

RECEIVED

NOV 05 1998

LIMITED POWER OF ATTORNEY

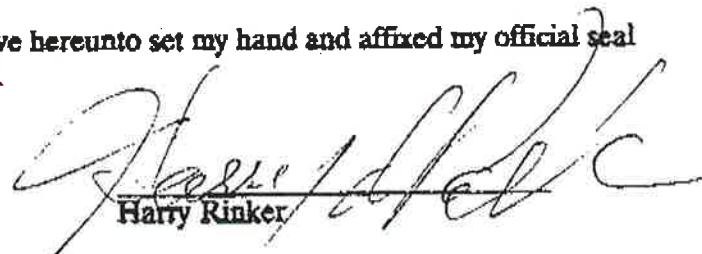
Department of Water Resources
Southern Region

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.

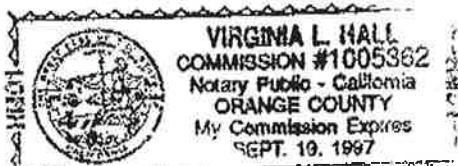
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 1st day of Sept., 1995.


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: 9/10/97

SCANNED

OCT 07 1998

RECEIVED

DEC 14 1998

Department of Water Resources



RINKER COMPANY

December 8, 1998

Shelley W. Keen, Water Rights Supervisor
State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
P. O. Box 83720
Boise, Idaho 83720-0098

Re: Water Right No. 37-08854

Dear Mr. Keen:

Thank you for your letter of December 1 regarding subject water right. I will file your letter and proceed as required.

If it would be possible I would very much appreciate your department circulating a memo requesting that all water matters and correspondence pertaining to properties I own that a carbon copy automatically go to:

Charles E. Brockway Ph.D, P.E.
BROCKWAY ENGINEERING
2160 Washington Street North, #4
Twin Falls, Idaho 83301
208/736-8543

Dr. Brockway has a complete Power of Attorney pertaining to all my water matters and is entitled to sign any papers on my behalf.

Thank you for your cooperation.

Sincerely,


Harry S. Rinker

/lc

cc: Charles E. Brockway, Ph.D, P.E.

SCAN
06

MEMO

FROM: Allen Merritt *AM*

DATE: June 19, 2002

TO: Permit No: 37-20464

In the Name of: Harry Rinker

Back file Pg 56

SUBJECT: **Review and Recommendation**

Recommendation

This application is for flows to be used for recreation and aesthetic purposes in a future subdivision. Historically some water from Seamans Creek has periodically flowed into the Cove Canal. Review of WR records finds that all the waters of Seamans Creek have been decreed to City of Bellevue and three ranches along Seamans Creek which includes the tracts listed on this application. In recent years some portions of the ranches have been subdivided and some portions discontinued irrigation use. Currently numerous SRBA claims have been filed based on these old decrees. (Reference letter to water users dated 5/30/2002 in file)

Historically water from Seamans Creek not diverted by the ranches or the city or return flow from the city has entered the Cove Canal and either sank or augmented water diverted from the Big Wood River into the Cove Canal for irrigation. In the recent past the upper portion of the Cove Canal has been abandoned so Big Wood River water no longer flows at the site where Seamans Creek is intercepted. Below the site where Seamans Creek enters the old Cove Canal the channel of Seamans Creek has been obliterated. In essence the old Cove Canal has become the stream channel as defined in SCA IDAPA 37.03.07.12. If this is the case then this application could be viewed as attempting to create a minimum in-stream flow which should not be allowed. This issue needs to be reviewed by legal and administrative staff.

OID

The application was protested by Blaine County but resolved by agreement. My reading of the agreement prevents water being changed from the way it presently flows in the Cove Canal.

I have drafted conditions as if the permit would be granted but the permit may need to be denied based on legal review.

WATER RIGHT NO. 37 20464

GEN This permit authorizes the continued interception of Seamans Creek by the Cove Canal for recreation and aesthetic purposes of water flowing in the Cove Canal. It does not authorize development of ponds or other amenities.

01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the

MICROFILMED

1993-10-10

amount of water diverted from power records and shall annually report the information to the Department.

- 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
- 027 Use of water under this right shall be non-consumptive.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

BK File Pg 57

MICRO
JAN 23 1997



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

May 30, 2002

RE: Seamans Creek

Pg 58

Dear Water User or Concerned Citizen:

This letter is intended to document the issues discussed at an informal gathering of homeowners and water users along Seamans Creek held May 14th at the Bellevue City Hall. The meeting was prompted by calls from citizens alleging that a reach of Seamans Creek is now dry but historically has been flowing. Not all water users or landowners along Seamans Creek were notified about this impromptu meeting.

Prior to the meeting department staff observed that Seamans Creek was dry in the reach below the E-Da-Ho Ranch but was flowing again approximately ½ mile below the ranch boundary.

Those attending the meeting included:

John Barton, Mayor of Bellevue
Rick Turner, City of Bellevue Maintenance
Lee Peterson, Watermaster of Big Wood River
Terry Blau and Allen Merritt, IDWR
Concerned citizens or water users: Gary Heindel
Dean Beaudet
Derek Mc Iver
Don Schwenk

Issues identified included:

Impacts of drying up creek

Potential causes of creek drying up

Related issues

- ability of water users to fill valid rights
- loss of riparian and aquatic habitat
- change of location where City of Bellevue discharges overflow from city system
- expanded or misuse of water rights
- impact of domestic wells on creek
- drought
- unauthorized stream channel alterations
- illegal use of domestic wells to irrigate more than ½ acre

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During the meeting there appeared to be a consensus that in the short term the City of Bellevue would look at re-evaluating how they were discharging their overflow back to the creek. If easily accomplished, the city agreed to re-direct the overflow to the dry reach and those citizens at the meeting agreed to cooperate &/or facilitate to a reasonable extent in such an effort. There was also a general consensus to try to avoid immediate regulation and control by the watermaster of the Big Wood River.

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Additionally the department agreed to review existing water right records and facilitate a future meeting with all water users on the creek. The purpose of the future meeting would be to inform affected water users of the issues. The future meeting may facilitate an interim management plan. The long term solutions to the issues will involve the completion of the SRBA evaluation of the water rights on Seamans Creek and administration of the rights by a watermaster.

This letter is intended to provide information about the water rights or claims to water rights in the area to be used as a basis for further discussion. A review of the old court cases finds that essentially Seamans Creek and certain springs tributary to Seamans Creek were decreed in two court cases which pre-date the "Frost Decree". The "Frost Decree" covers the Big Wood River. The first decree (copy enclosed) provides for a superior right of 3.0 cfs for the City of Bellevue (37-1208). The second decree (copy enclosed) provides for the remainder of the creek to be rotated between three ranches (all of the remaining flow for 1/3rd of the time on a weekly basis). The second decree also provides for a certain spring to be solely used by one of the ranches. It is noted that both of these old decrees did not specify a priority date for these rights so IDWR entered a priority date as of the date of the decree. The actual day of priority may be much earlier than that of the date of the decree on the electronic database. Currently Seamans Creek is administered as a separate stream apart from the rights on the Big Wood River even though Seamans Creek is not identified in the "Frost Decree" as a dry stream.

Seamans Cr, separate stream

A listing of the water rights and SRBA claims of record for Seamans Creek and springs tributary to Seamans Creek is shown on the attached list.

The list is color coded:

- Dark Blue is for existing water right records (decrees, licenses, statutory claims).
- Light Green is for valid water right permits.
- Light Blue is for pending applications for permit.
- Red is for SRBA claims based on existing water rights or beneficial uses
- Dark Green is for SRBA claims recommended to the court but not yet final

**More details for these rights they may be found at the department's web site at:
<http://www.idwr.state.id.us/apps/ExtSearch/SearchWRAJ.asp>

The attached map shows the gross legal description for the place of use of several of these old decreed rights on the old ranches.

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On inspection of the records, it appears that E-Da-Ho Ranch may have the lion's share of two old ranches covered by old decreed rights 37-1198, 37-1200, and 37-1202. The old ranch at the mouth of Seamans canyon covered by old decreed right 37-1201 appears to have been subdivided. Records indicate some homeowners in this area continue to divert and use the water for irrigation but due to the lack of SRBA claims it is assumed that portions of the old decreed right 37-1201 has been either forfeited or is un-claimed in the SRBA. (NOTE that filing an SRBA claim does not guarantee the existence of a water right.)

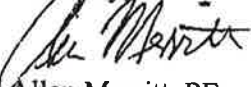
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This letter is being sent to water users of record who claim or own rights on Seamans Creek and landowners along Seamans Creek (If you know of someone not listed on the attached mailing list who may be affected by these issues please share the letter with them.) After adequate time of review the department proposes to work with the City of Bellevue to schedule a future meeting to continue to discuss these issues.

On a related note, Seamans Creek is a jurisdictional stream under the Idaho Stream Channel Protection Act. As such, any work below the ordinary high water mark requires an Idaho Stream Channel Alteration (SCA) permit, unless the alteration is in conjunction with a valid water right diversion. It has come to our attention that in some areas fill and/or culverts have been placed in the channel of Seamans Creek without an approved Idaho Stream Channel Alteration permit and/or ponds have been constructed in the channel that may not be covered by valid water rights. If such a situation exists on property you own or control you are requested to remove unauthorized fill or culverts, fill unauthorized ponds in a manner approved by the regulating agencies or to file applications that may result in the permitting of these activities within 60 days of the date of this letter. If these corrective actions are taken within this time frame no SCA enforcement action by the department will be taken. Any water use not covered by a valid water right must cease or be subject to issuance of a notice of violation with appropriate civil penalties.

If you have specific questions regarding filing a claim in the SRBA or the SRBA process please contact Doug Jones in this office. If you have specific questions about filing for a stream channel alteration permit please contact Terry Blau in this office. If you have other questions please feel free to contact me at this office.

Sincerely,



Allen Merritt, PE
Southern Region Manager

Mailing List Attached.

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